# TITLE 1
# GENERAL PROVISIONS

Chapters:

1-1 General Provisions
1-2 Consolidated Fee Schedule and Impact Fee Schedules

# CHAPTER 1-1
# GENERAL PROVISIONS

Sections:

1-1-101. How Code Designated and Cited.
1-1-102. Rules of Construction.
1-1-103. Definitions.
1-1-104. Catchlines of Sections.
1-1-105. Provisions Considered as Continuations of Existing Ordinances.
1-1-106. Effect of Repeal of Ordinances.
1-1-107. Severability of Parts of Code.
1-1-108. Omission of General Law Not Waiver of Same.
1-1-109. General Penalty; Continuing Violations.

## 1-1-101. HOW CODE DESIGNATED AND CITED.

The ordinances embraced in the following chapters and sections shall constitute and be designated "The West Valley City Municipal Code," and may be so cited. Such Code may also be cited as the "West Valley City Code" or "Code."

## 1-1-102. RULES OF CONSTRUCTION.

In the construction of this Code and of all ordinances of the City, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the City Council, or the context clearly requires or indicates otherwise:

(1) Those persons authorized by the City or other entities to inspect businesses and enforce the provisions of all applicable regulations and ordinances include peace officers, ordinance enforcement officers, and employees designated by the department head of the Fire Department, Community and Economic Development Department, Community Preservation Department, City Attorney's Office, and the City Manager.
(2) When time must be computed in this Code, it shall be computed by excluding the first day and including the last, unless the last day is a holiday, and then it is also excluded.
(3) "May" means the power, requirement, condition, or action referred to in the sentence is permissive.
(4) Numbers include the plural, and the plural the singular.
(5) The official time, whenever certain hours are named in this Code, shall mean Mountain Standard Time or Daylight Savings Time, as may be in current use in the City.
(6) "Shall" means the requirement, condition, or action referred to in the sentence is mandatory.
(7) "Signature" or "Subscription of Mark" includes a mark when the signer or subscriber cannot write, such signer's or subscriber's name being written near the mark by a witness who writes his own name near the signer's or subscriber's name; but a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two witnesses so sign their own names thereto.
(8) The present tense includes the past and future tenses, and the future includes the present.

**(Ord. No. 09-22 Amended 07/08/2009)**

## 1-1-103. DEFINITIONS.

Whenever any words or phrases used in this Title are not defined herein, but are defined in related sections of the Utah Code or in the Subdivision Ordinance, such definitions are incorporated herein and shall apply as though set forth herein in full, unless the context clearly indicates a contrary intention.

(1) "City" shall mean West Valley City, Utah, when the word is capitalized.
(2) "City Attorney's Office" means the Law Department of West Valley City.
(3) "City Council" or "Council" means the City Council of West Valley City, Utah.
(4) "Code" means the West Valley City Municipal Code.
(5) "County" means the County of Salt Lake.
(6) "Day" is the period of time between any midnight and the midnight following.
(7) "Officers, Departments, etc." means officers, departments, boards, commissions, and employees of the City.
(8) "Owner," when applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety of the whole or of a part of such building or land.
(9) "Person" includes any individual, firm, association, organization, partnership, business trust, corporation, or company.
(10) "Personal Property" includes every species of property, except real property, as defined in this section.
(11) "Preceding/Following" mean next before and next after, respectively.
(12) "Property" shall include real and personal property.
(13) "Real Property" shall include lands, tenements, and hereditaments.
(14) "State" or "This State" means the State of Utah.
(15) "Tenant" or "Occupant," applied to a building or land, shall include any person holding a written or oral lease of, or who occupies the whole or a part of, such building or land, either alone or with others.
(16) "Week" consists of seven consecutive days.
(17) "Writing" means any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement, or record is required or authorized by this Code, it shall be made in writing in the English language, unless it is expressly provided otherwise.
(18) "Year" shall mean a calendar year, except where otherwise provided.

## 1-1-104. CATCHLINES OF SECTIONS.

The catchlines of the several sections of this Code, immediately preceding each section, are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections; nor as any part of the section; nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

## 1-1-105. PROVISIONS CONSIDERED AS CONTINUATIONS OF EXISTING ORDINANCES.

The provisions appearing in this Code, so far as they are substantially in either words or intent the same as those of ordinances existing at the time of the effective date of this Code, shall be considered as continuations thereof and not as new enactments. Ordinances enacted after the effective

date of this Code, which contain provisions substantially the same in either words or intent as those contained or added to this Code, shall be considered as continuations thereof and not as new enactments.

## 1-1-106. EFFECT OF REPEAL OF ORDINANCES.

The repeal of an ordinance or provision shall not affect rights acquired, fines, penalties and forfeitures, and liabilities incurred and actions therefor, or any offense or act committed or done, or any contract or right established or accruing before the repeal took place; nor shall such repeal affect any ordinance or resolution promising or guaranteeing the payment of money for the City or authorizing the issue of any bonds of the City or any evidence of the City's indebtedness or any contract or obligation assumed by the City; nor shall such repeal affect the resolutions of the City Council not in conflict or inconsistent with the provisions of this Code; nor shall it affect the annual tax levy; nor shall it affect any right or franchise conferred by ordinance or resolution of the City on any person or corporation; nor shall it affect any ordinance relating to the salaries of the City officers or employees; nor shall it affect any ordinance annexing territory to the City; nor shall it affect any ordinance naming, opening, accepting, or vacating streets or alleys in the City; nor shall it affect any ordinances placing a zoning classification on any land, unless the ordinance containing the repealer indicates otherwise.

## 1-1-107. SEVERABILITY OF PARTS OF CODE.

The sections, paragraphs, sentences, clauses, and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph, or section of this Code shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of this Code. However, ordinances amending this Code may provide that the ordinance is not severable.

## 1-1-108. OMISSION OF GENERAL LAW NOT WAIVER OF SAME.

The omission to specify or enumerate in this Code those provisions of the general law applicable to all cities shall not be construed as a waiver of the benefits of any such provisions.

## 1-1-109. GENERAL PENALTY; CONTINUING VIOLATIONS.

(1) Offenses under this Code or any other ordinance of the City shall be classified as either Class B misdemeanors, Class C misdemeanors, or as infractions, with such punishments and other provisions as set forth in Title 21 of this Code.
(2) Whenever in this Code or in any other ordinance of the City any act is prohibited or is made or declared to be unlawful or an offense, or the doing of any act is required, or the failure to do any act is declared to be unlawful or a misdemeanor, where no specific penalty is provided therefore, the violation of any such provision of this Code or any other ordinance of the City shall be punished as a Class B misdemeanor.
(3) Every day any violation of this Code or any other ordinance of the City shall continue shall constitute a separate offense.

# CHAPTER 1-2
# CONSOLIDATED FEE SCHEDULE AND IMPACT FEE SCHEDULES

Sections:

1-2-100P Part 1 – Consolidated Fee Schedule.
1-2-101. Title.
1-2-102. Administration.
1-2-103. Community and Economic Development Department.
1-2-104. Finance Department.
1-2-105. Fire Department.
1-2-106. Law Department.
1-2-107. Parks and Recreation Department.
1-2-108. Police Department.
1-2-109. Emergency Telephone Service Charge.
1-2-110. Public Works Department.
1-2-111. City Manager Authority to Amend Consolidated Fee Schedule.
1-2-112. Other Fees.
1-2-113. Community Preservation Department.
1-2-200P Part 2 – Impact Fee Schedules
1-2-201. Title.
1-2-202. Drainage Impact Fees.
1-2-203. Park Impact Fees.
1-2-204. Road Impact Fees.
1-2-205. Fire Impact Fees.
1-2-206. Police Impact Fees.

## 1-2-100P PART 1—CONSOLIDATED FEE SCHEDULE

## 1-2-101. TITLE.

This Part shall be known as the "Consolidated Fee Schedule." The fees listed in this Part are hereby imposed as set forth herein.

**(Ord. No. 93-21 Enacted 7/1/1993; Ord. No. 98-59 Amended 8/11/1998)**

## 1-2-102. ADMINISTRATION.

(1) City Recorder:
   a. Compiling records in a form other than that maintained by City - Actual cost and expense for employee time or time of any other person hired and supplies and equipment; minimum charge of $15/request.
   b. Fulfilling records requests shall be charged at the actual cost, which cost shall include the actual time expended in retrieving and copying the record charged at the hourly total compensation rate of the employee required to provide the record plus the copy costs listed throughout this Chapter.
   c. Copy of record - $0.10/printed page

d. Certification of record - $2/certification
e. Postage - actual cost to City
f. Other costs allowed by law - actual cost to City
g. Copies of City Code:
    i. Complete Code, hard copy - $75
    ii. Individual titles or chapters of Code - $0.10/page
    iii. Complete Code on compact disc - $20
h. Municipal election candidate filing fee - $25
i. Annexation Petition - Actual Cost of Processing the petition pursuant to State Law.
j. Disconnect Petition - Actual Cost of Processing pursuant to State Law.

(2) Management and Information Services:
    a. Geographic Information Services (GIS) maps:
        i. Hard Copy:
            1. Black / white map 11”x 17” or smaller - $5
            2. Black / white map larger than 11” x 17” - $10
            3. Color map 8.5” x 11” or smaller - $10
            4. Color map larger than 8.5” x 11” - $20
        ii. Digital Data:
            1. Parcel data / section - $10
            2. Street centerline data / whole City - $20
            3. Aerials-tiff / tfw format / quarter section - $90
            4. Contours & Elevations / quarter section - $65
            5. Technical assistance / hourly rate (1 hour minimum) - $60
    b. C.E.R.T. Training for business - $50
    c. Copy of Emergency Operation Plan on disk - $20
    d. Check-out of videos and equipment (if lost or stolen) - Actual replacement cost to City
    e. Ad hoc reports requested of Data Processing - $5

(3) Utah Cultural Celebration Center at the Riverfront (UCCC) Fees for Rental of Facilities & Equipment and Services (Discounts may apply for certain hours, days and organizations):
    a. Great Hall:
        i. Up to 8 hours - $2,000 ($250/hour thereafter)
        ii. If client provides own food - $2,500
    b. Great Hall East or West:
        i. Up to 8 hours - $1,300 ($175/hour thereafter)
        ii. If client provides own food - $1,800
    c. Meeting Rooms 101 or 102:
        i. Up to 8 hours - $100 ($25/hour thereafter)
        ii. If client provides own food - $200
    d. Meeting Rooms 103, 104 or 105:
        i. Up to 8 hours - $120 ($35/hour thereafter)
        ii. If client provides own food - $225
    e. Meeting Room Upper Plaza:
        i. Per Event - $50
    f. Plaza Suites A or B:
        i. Up to 8 hours - $200 ($50/hour thereafter)
        ii. With food, must use UCCC Caterer - $300
    g. Plaza Suite C (Art Studio):
        i. Per hour (2 hour minimum) - $25

h. Plaza Suite D (Dance Studio):
    i. Per hour (no minimum) - $50
i. Olmec Plaza:
    i. Up to 8 hours - $400 ($100/hour thereafter)
j. Kitchen Area:
    i. Serving Only - $150
    ii. Warm/Cook/Prepare - $350
k. Crossroads Hall - $200 (no other events in the Facility)
l. Festival Grounds, Full Day - $2,800
m. Amphitheater, Full Day - $1,500
n. Festitheater, Full Day - $2,000
o. TV / VCR / DVD Combo - $30
p. LCD Projector and Screen - $50
q. Theater Screen - price varies according to size
r. Sound System / Mixers - price varies according to equipment
s. Cordless Microphones - $10 each
t. Overhead Projector - $25
u. Stage 31 4’ x 8’ sections - $75 for 16’ x 12’ $10 per additional section
v. Pipe & Drape 8’ x 10’ - $25
w. Services Upon Request: Photography, Gift Baskets, Chairs, Linens, Tables, Backdrops, Cards, Invitations, Catering / Servers, Flowers, Tuxedos, Staging - price varies according to services requested
x. Soda and Coffee Service for 20 people - $50
y. West Valley City Security and EMT / Fire Personnel - $35/hour per person

**(Ord. No. 93-21 Enacted 07/01/1993; Ord. No. 94-59 Amended 06/22/1994; Ord. No. 98-49 Amended 05/08/1998; Ord. No. 99-40 Amended 07/02/1999; Ord. No. 00-66 Amended 12/19/2000, Effective Date 12/28/2000; Ord. No. 03-85 Amended 12/16/2003; Ord. No. 04-47 Amended 09/21/2004; Ord. No. 04-319 Amended; Ord. No. 08-04 Amended 01/24/2008)**

## 1-2-103. COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT.

(1) Building Inspection Division:
    a. Fees charged for building permits are set forth in this paragraph as derived from the 1997 Uniform Administrative Code; except as modified by paragraphs (b) thru (l) below.
        i. Building permit fees:
            1. $0 - $500 total project value - $26
            2. $501 - $2000 total project value - $25 for the first $500, plus $4 for each additional $100 of value or fraction thereof, up to and including $2,000 (minimum fee, $50).
            3. $2,001 - $25,000 total project value - $76 for the first $2,000, plus $16.00 for each additional $1,000 of value or fraction thereof up to and including 25,000.
            4. $25,001 - $50,000 total project value - $430 for the first $25,000, plus $12.50 for each additional $1,000 of value or fraction thereof, up to and including $50,000.

5. $50,001 - $100,000 total project value - $708 for the first $50,000, plus $ 9.50 for each additional $1,000 of value or fraction thereof, up to and including $100,000.
6. $100,001 - $500,000 total project value - $1,094 for the first $100,000, plus $ 7.50 for each additional $1,000 of value or fraction thereof, up to and including $500,000.
7. $500,001 - $1,000,000 total project value - $3,600 for the first $100,000, plus $6.50 for each additional $1,000 of value or fraction thereof, up to and including $1,000,000.
8. Over $1,000,001 total project value - $6,000 for the first $1,000,000, plus $5.50 for each additional $1,000 of value or fraction thereof.
    a. *The total project value shall be determined by the Building Inspection Division based on the nature and scope of the project.

ii. Other inspections and fees:
1. Inspections outside of normal business hours - $50 per hour in addition to the permit fee, (minimum: two hours).
2. Reinspection fees assessed under the provisions of the Uniform Administrative Code - Section 305.8 - $50
3. Inspections for which no fee is specifically indicated - $50 per hour, (minimum: one half-hour)
4. Additional plan review required by changes, additions, or revisions to plans - $50 per hour, (minimum: one hour).
5. Use of outside consultants for plan checking, inspections, or both - Actual cost to the City.

b. One percent surcharge per building permit (Utah Code):
    i. Eighty percent (80%) submitted to Utah State Government.
    ii. Twenty percent (20%) retained by City for administration of state collection.
c. Refunds for permits issued will be limited to 80 percent of the permit costs, not later than 180 days after the date of fee payment. No refunds for plan review costs will be given if the plan review has been conducted.
d. NOTE 1: Due to the classified and confidential nature of the operations conducted at its facility, Hercules Incorporated may use its own special inspectors, approved by the Building Official, on all new construction or modifications.
e. NOTE 2: Due to the unusual types of construction used at the Hercules facility and because of the nature of the operation, permit fees for buildings or modifications may be charged based on the actual cost of the structure or modification. Hercules Incorporated shall submit adequate documentation to the Building Official as to the actual costs of construction.
f. NOTE 3: Due to the unique design of pole barns, there is not an existing valuation category for assessing permit fees. For these structures that do not have a hard-surfaced floor or enclosed exterior sides, the building valuation shall be assessed at $5 per square foot. The ensuing permit fee will be based on that valuation and calculated in the usual manner.
g. NOTE 4: Buildings of unusual design, excessive magnitude, or potentially hazardous exposures may, when deemed necessary by the Chief Building Official, warrant an independent review by a design professional chosen by the Chief Building Official. The

cost of this review may be assessed in addition to the building permit fee set forth in (a) above.

h. NOTE 5: The permit fee shall not be less than the hourly cost to the City. This cost shall include supervision, overhead, equipment, hourly wages, and fringe benefits of the employees involved, and the average administrative cost associated with permits of that type.

i. Minimum fees charged for issuance of individual permits:
    i. Mechanical - $50
    ii. Electrical - $50
    iii. Plumbing - $50
    iv. Mobile home - $75
    v. Free-standing wood stove installation - $20
        1. ($20 conforms to the minimum shown in the UMC, UPC, and NEC fee schedules)
    vi. Fast track inspections - Double cost of plan review fee
    vii. "PM Express" plan check - Double plan review fee charge
    viii. Sign permits - Fee based on sign valuation,$150 minimum charge
    ix. Complaint inspections (not life safety inspections) - $60
    x. Single-family dwelling roof conversions - $105
    xi. Single-family dwelling basement remodels - $50
    xii. Residential decks, without roofs - $50
    xiii. Residential footing/foundation -$50
    xiv. Move-on homes (requires pre-inspection) - $200, does not include garage/carport or park fee
    xv. Satellite dishes - $20
    xvi. Demolition - $50
    xvii. Swimming pools - $175
    xviii. Cell towers - $300
    xix. Warehouse rack shelving - $200
    xx. Record changes (addresses, lot orientation, etc.) - $50
    xxi. Board of Appeals hearings - $200
    xxii. Electrical service upgrade permits. Upgrade existing electrical service to:
        1. Less than 200 amp service - $50**
        2. 200 amps to 400 amps - $75**
        3. Over 400 amps OR over 600 volts - $90**
            a. **NOTE: Additional equipment and power apparatus will require additional fees per the Uniform Administrative Code, as amended and adopted by the City.

j. Reimbursement for fire hydrant installation in a non-subdivision development - Actual cost of installation divided by the number of units served by the new hydrant. (The calculation and administration shall be determined by the City Manager by Executive Order).

k. The amount of the bond or letter of credit required by Section 7-1-108 shall be as follows:
    i. If the building affected is one single-family residence - An amount equal to the building permit fee, or $500, whichever is less.
    ii. For structures built by a single developer in residential subdivisions - $500/lot

1. For commercial or manufacturing buildings with total cost less than $500,000 - An amount equal to the building permit fee, or $1,000, whichever is less.
2. For commercial or manufacturing buildings with total cost of $500,000 or more - An amount equal to the building permit fee, or $5,000, whichever is less.
3. For structures built by a single developer in commercial or manufacturing subdivisions - $1,000/lot

l. Upon the determination of the City Manager, building permit and inspection fees may be temporarily suspended following a natural disaster.

m. For properties with frontage on 3500 South between the Jordan River and I-215, and for properties with frontage on Redwood Road, when a current sign is being removed and replaced with a low profile (monument) sign, and/or when a current sign on the face of a building is being removed and replaced with a new conforming sign, the building permit fees for the new sign shall be waived until December 31, 2001.

n. Five percent surcharge per building permit for Building Permit & Inspection KIVA Software Applications System.

(2) Planning and Zoning Division:

a. Administrative determination - $125

b. Board of Adjustment:
   i. Variance, non-conforming use, conditional use appeal, appeal of Zoning Administrator decision - $350
   ii. Non-conforming use determination for large animals - $50

c. Conditional use:
   i. Conditional use (new) - $500, Fast Track add $300
   ii. Conditional use (amendment) - $200 + $50/acre
   iii. Conditional use (residential) - $250 + $50/d.u.
   iv. Minor conditional use amendment - $200 + $50/acre

d. Home occupation:
   i. Major home occupation reviewed by Planning Commission - $200
   ii. Minor home occupation not reviewed by Planning Commission - $25
   iii. Change of address (existing home occupation) - no charge

e. Maps and Publications:
   i. Street map - $10
      1. Zoning map, black and white - $10
      2. Zoning map, color - $20
   ii. General plan text - $20
   iii. Subdivision ordinance - $10
   iv. Zoning ordinance - $20

f. General plan/Zoning amendment City Council appeals - $150

g. General plan/Zoning district amendment - $700 + $50 for each acre over 10

h. General plan amendment for text and/or map - $250

i. Permitted use (excluding single family dwellings) - $300, Fast Track add $300

j. Temporary use - $100*
   i. *EXEMPTION: Any person applying for a temporary use who is engaged in carrying on that use solely for religious, charitable, eleemosynary, or the types of strictly non-profit purposes that are tax exempt in such activities under the laws of the United States and the State of Utah shall be exempt from the

payment of this fee. This fee shall not be imposed upon any person engaged in a business specifically exempted from municipal taxation and fees by the laws of the United States or the State of Utah.

k. Planned unit development:
    i. Preliminary - $200 + $50/d.u. or lot
    ii. Final - $250 + $100/d.u. or lot
l. Sign impound fee - $50
m. Streets:
    i. Dedication - $250
    ii. Street name change application - $150
    iii. New street sign - $150
    iv. New sign with post - $200
    v. Street vacation - $150
n. Subdivisions:
    i. Subdivision plat amendment $250 + $100/lot if new lots are created
    ii. Metes and bounds (industrial/commercial/agricultural lots over 2 acres) - $250 + $100/lot
    iii. Lot split (2 lots minimum) - $250 + $100/lot
    iv. Preliminary plat processing fee - $200 + $100/lot
    v. Final plat processing fee - $250 + $150/lot
    vi. Minor subdivision (9 lots or less on a dedicated street) - $250 + $100/lot
    vii. Commercial subdivision - $250 + $250/lot
o. Text change - $250
p. Zoning amendment - $350
q. Zoning Determination Letter - $35
r. Site Plan Review (permitted & conditional uses) - pro-rated by acreage:
    i. 0-5 acres - $1,000 per acre
    ii. 5.1 to 10 acres - $6,000 + $300 per acre
    iii. 10.1 to 50 acres - $8,000 + $50 per acre
    iv. Over 50.1 acres - $10,000 + $50 per acre
    v. Existing Building - $300
s. Sign Review:
    i. Wall Sign - $50
    ii. Pole/Monument - $100
    iii. Billboard - $250
t. Residential Building Permit Review - $20
u. Certificate of Occupancy Review and Inspection - $50 + $50 per re-inspection
v. Bus Bench Location Analysis - $50 per bench / $75 per shelter
w. Business License Review Fee - $20
x. Development Agreement Review - $300
y. Recorded Address Change -$50

**(Ord. No. 93-21 Added 07/01/1993; Ord. No. 93-49 Amended 09/07/1993; Ord. No. 94-59 Amended 06/22/1994; Ord. No. 94-91 Amended 08/15/1994; Ord. No. 94-112 Amended 09/20/1994; Ord. No. 95-02 Amended 02/14/1995; Ord. No. 95-34 Amended 07/11/1995; Ord. No. 95-63 Amended 12/22/1995; Ord. No. 96-58 Amended 11/22/1996; Ord. No. 96-73 Amended 11/27/1996; Ord. No. 97-26 Amended 05/30/1997; Ord. No. 97-30 Amended 07/01/1997; Ord. No. 97-44 Amended**

**07/10/1997; Ord. No. 98-59 Amended 08/11/1998; Ord. No. 00-15 Amended 03/03/2000; Ord. No. 00-21 Added 04/17/2000; Ord. No. 00-32 Amended 05/08/2000; Ord. No. 01-12 Amended 02/20/2001, Effective 02/27/2001; Ord. No. 01-21 Amended 05/17/2001; Ord. No. 02-12 Amended 02/05/2002; Ord. No. 03-24 Amended 03/18/2003; Ord. No. 03-42 Amended 05/20/2003; Ord. No. 03-37 Amended 05/13/2003); Ord. No. 04-22 Amended 05/04/2004; Ord. No. 07-49 Amended 08/21/2007; Ord. No. 08-50 Amended 10/29/2008; Ord. No. 08-57 Amended 12/17/2008; Ord. No. 09-22 Amended 07/08/2009)**

## 1-2-104. FINANCE DEPARTMENT.

(1) Copy of annual budget - $25
(2) Copy of annual audit report - $25
(3) Copy of any document not previously listed - $0.10/page
(4) Interest charged on other receivables or any other unpaid obligations due to West Valley City that are not paid within 30 days of the date of invoice - 18% on unpaid balance.
(5) Traffic School tuition - $50
(6) Business and Economic Services Division:
    a. Business license fees:
        i. Business license transfer fee - $25
        ii. Penalty fees for new businesses - For the first year, 100 percent of the license fees due, plus 125 percent of the current business license fees due for each additional year or portion of a year. The City Manager may reduce or waive the penalty fees to be paid by a business operating without a license once per calendar year, for a period not to exceed one month, for the purpose of encouraging unlicensed businesses to properly license.
        iii. Business license inspections for compliance with building and fire codes:
            1. Up to two building and two fire inspections - $50
            2. Each additional inspection - $30
        iv. Business license fee schedule:
            1. The base fee for all businesses shall be $110
            2. The per employee fee for all businesses shall be $10

| Business Class | Special Regulatory Fee | Disproportionate Service Fees |
|---|---|---|
| Alcoholic Beverage Licensed Businesses (except Restaurants) | $500 per license | $1,000 |
| Alcoholic Beverage Licensed Restaurant | $500 per license | $0 |
| Banks and Credit Unions | $0 | $500 |
| Department Stores | $0 | $1,000 |
| Drive-In Motion Picture Theaters | $0 | $1,000 |
| Home Improvement Center (more than 30,000 square feet) | $0 | $1,000 |
| Hotels and Motels | $0 | $1,500 |
| Mobile Home Parks | $0 | $31/pad |
| Rental Dwelling Units | $0 | $94/unit |
| Members of the Good Landlord Program | $0 | $20/unit |
| Pawnshops | $500 | $1,200 |
| Racetrack | $0 | $1,000 |
| Salvage Yards | $1,000 | $100 |

v. Additional regulatory fees:
    1. Sexually-oriented business - $300
    2. Sexually-oriented business employee (except (c) below) - $300
    3. Employee of a sexually-oriented business who is not a performer or dancer - $50

        NOTE: All employees of a sexually-oriented business must also obtain an I.D. card from the Police Department and pay all applicable fees for a background check.
    4. Police background investigation fee - $100
    5. Noise permit - $100
    6. Public Recreation disproportionate impact fee - $1/ticket
    7. Public Recreation disproportionate impact parking fee - $1/car
    8. New or revised home occupation application review by PZ - $50

(7) Temporary business:
    a. As participant in a sales event - $20/event
    b. Other temporary business - $45

c. Temporary business sponsor - $45
d. Swap meet - $2/day

(8) Solicitor/Peddler/Vendor - $115
(9) Public recreation - $1/ticket
(10) Parking service business, excluding parking on City owned property - $1/car
(11) Electronic Payment Fee - $3.00
(12) Online Payment of Civil Penalty Fee - $2.00/transaction
(13) Industrial Revenue Bond (Private Activity Bond) Applications Fee:

a. Base Fee = nonrefundable $2,000.00, payable at the time of application; plus
b. Closing Fees = $7,500.00 plus .15% of the principal face amount of the bonds for the first $5,000,000.00; .10% for the second $5,000,000.00; .075% for the third $5,000,000.00 and .05% for additional principal face value of the bonds; provided that the minimum fee for any issue shall be $15,000.00; plus
c. Financial Advisor Fee = Payable to the City's Financial Advisor at closing = $1.75 per $1,000 par amount of the bonds, with a minimum of $7,500.00; for financial advisory services associated with the issuance of the proposed bonds. Should the proposed bond issue not close for any reason, the private entity would owe nothing to the City's Financial Advisor; plus
d. Engagement of a third party arbitrage compliance reporting specialist for the term of the bonds. The reporting fee shall be pre-paid.
e. The City shall be reimbursed for all additional expenses related to the potential bond issuance.

**(Ord. No. 93-21 Added 07/01/1993; Ord. No. 97-68 Amended 11/21/1997; Ord. No. 98-02 Amended 01/01/1998; Ord. No. 98-59 Amended 08/11/1998; Ord. No. 99-23 Amended 06/07/1999; Ord. No. 99-75 Amended 01/01/2000; Ord. No. 02-11 Amended 03/05/2002; Ord. No. 03-25 Amended 03/18/2003; Ord. No. 04-61 Amended 12/20/2004; Ord. No. 06-27 Amended 04/11/2006; Ord. No. 06-40 Amended 6/13/2006; Ord. No. 06-52 Amended 08/08/2006; Ord. No. 07-29 Amended 5/15/2007; Ord. No. 10-10 Amended 4/19/2010)**

## 1-2-105. FIRE DEPARTMENT.

(1) Construction Permit, New Installations, alterations, plan reviews with inspections:

a. Automatic fire sprinkler and gas suppression systems, per system IFC 901.2:
    i. Review of the plan(s), one visual inspection, and one test for sprinkler or suppression system, up to 8,000 square feet in area - $150
    ii. Over 8,000 square feet in area - Total square feet x $0.02 + $150
    iii. Each reinspection shall be charged at a rate of 75% of the total cost as calculated above.
b. Automatic fire suppression, per system (hood and duct systems, COB2B, dry chemical, all others) IFC 901.2:
    i. Review of the plan(s), one visual inspection, and one test for a fire suppression system that is Installed - $150
    ii. Reinspections - $100/inspection
c. Standpipe systems: IFC 901.2
    i. Review of the plan(s), one visual inspection, and one test for a standpipe system - $180
    ii. Reinspections - $135/inspection

d. Fire Pumps: IFC 901.2
    i. Review of the plan(s) visual inspection, and acceptance test - $180
e. Fire alarm systems: IFC 901.2
    i. Review of the plan(s), one visual inspection, and one test for sprinkler or suppression system, up to 5,000 square feet in area - $150
    ii. Over 5,000 square feet in area - Total square feet x $0.02+$120
    iii. Each reinspection shall be charged at a rate of 75% of the total cost as calculated above.
f. Site plan review (Fire apparatus access roads, fire water supply, and fire hydrants: IFC 501.2
    i. Review of plan(s) and inspection of completed fire apparatus access roads, and fire hydrants to include fire flows that are required for the project - $160
    ii. Each reinspection shall be charged at a rate of 75% of the total cost as calculated above.
g. Plan review for new structures, remodel, tenant improvements, additions and all other installations not listed in this section: IFC 105.4
    i. Review of the plan(s), one visual inspection up to 5,000 square feet in area - $150
    ii. Over 5,000 square feet in area - Total square feet x $0.02 + $150
    iii. Each reinspection shall be charged at a rate of 75% of the total cost as calculated above.
h. Flammable and combustible liquid vessel - aboveground and underground: IFC 2201.3 & 3404
    i. Review of the plan(s), visual inspection of electrical systems, clearances, liquid spill, galvanic protection for metal, ventilation, explosion control, and testing of tightness - $300/unit
    ii. Reinspections - $228/inspection
i. Flammable and combustible liquid vessel - within a structure: IFC 2201.3
    i. Review of the plan(s), visual inspection of electrical system, clearances, liquid spill, galvanic protection for metal, ventilation explosion control, and testing of brightness - $420/unit
    ii. Reinspections - $315/inspection
j. Flammable and combustible liquid piping - within a structure, aboveground and underground: IFC 2201.3
    i. Review of the plan(s), visual inspection of electrical systems, clearances, liquid spill, galvanic protection for metal, ventilation explosion control and testing of tightness - $120
    ii. Reinspections - $100/inspection
k. Flammable and combustible liquid or gas dispensing (except motor fuels): IFC 3405
    i. Review of the plan(s), visual inspection of electrical systems including grounding, clearances, liquid spill, ventilation and explosion control - $150/dispensing area
    ii. Reinspections (per dispensing area) - $114/inspection
l. Motor fuel dispenser: IFC 2201.3
    i. Review of the plan(s), two visual inspections, and one test for tightness of the tank(s) and piping - $150
    ii. Reinspections - $72/inspection

m. Fire safety during construction and demolition when building is occupied with people other than workforce: IFC Chapter 14
    i. Review of the plan(s) site inspection up to 5,000 square feet in area - $120
    ii. Over 5,000 square feet in area - Total square feet x $0.02 + $120
n. Fireworks displays in permanent structures, temporary fireworks tent stands, temporary fireworks stands: IFC 3301
    i. Inspection of permanent structures and temporary fireworks tent stands - $480
    ii. Inspections of temporary fireworks stands - $240
    iii. Each reinspection shall be charged at a rate of 75% of the total cost above.
o. Inspection fees: IFC 104.6.2
    i. Inspection(s) and reinspection(s) during normal business hours of the city - $72/hr
    ii. Inspection(s) and reinspection(s) after normal business hours of the city - $150/hr

(2) Operational permits (Requires inspections plus Operational Permit and Business License): IFC Chapter 105
a. Manufacture, store or handle Level 2 or 3 aerosol products in excess of 500 pounds - $150
b. Amusement buildings - $150
c. Carnivals and fairs - $150
d. Battery systems (a stationary lead-acid system having a capacity of liquid greater than 50 gallons - $150
e. Cellulose nitrate film (which is stored, handled or used in a Group A occupancy) - $72
f. Combustible
    i. dust - $72
    ii. storage, handling quantities greater than 100 cubic feet) - $72
    iii. miscellaneous storage (IFC 105.6.30 & 105.6.43) up to 2,500 cubic feet - $72
    iv. miscellaneous storage (IFC 105.6.30 & 105.6.43) 2,501 cubic feet and greater - Total cubic feet x $0.02 + $72
g. Compressed gas (storage, handling at normal temperatures and pressure in excess of the amounts listed in International Fire Code (IFC) Table 105.6.9) - $72
h. Covered mall buildings - $100
i. Cryogenic fluids (production, storage, handling, or dispensing in excess of the amounts listed in IFC Table 105.6.11) - $100
j. Cutting and welding (hot work) as listed in IFC 105.6.24 & 308.4
    i. Public exhibitions and demonstrations for time not exceeding 90 days - $72
    ii. Portable hot work inside a structure (except under a construction permit) - $100
    iii. Within a hazardous fire area - $144
    iv. Application of roof coverings - $150
    v. Fixed site and facility hot work as required in IFC Chapter 26 - $160
k. Dry cleaning plants - $100
l. Exhibits and trade shows indoors as regulated in IFC Sections 314 - $72
    i. vehicles, boats or other motorcraft - $72 each
m. Explosives (manufacture, storage, handling, sale, or use of any quantity within the scope of IFC Chapter 33) - $100
n. Floor finishing (finishing or surfacing operations exceeding 350 square feet using Class I or Class II liquids) - $100
o. Fruit and crop ripening (using ethylene gas) - $100

p. Fuming and thermal insecticidal fogging
    i. to maintain a room, vault, or chamber in which a toxic or flammable fumigant is used - $100
    ii. manufacturer, storage, handling, or sale - $240
q. Hazardous Material
    i. Hazardous Material storage minimum amount - $72
    ii. Hazardous Material storage site - $168
    iii. Hazardous Material dispensing and use site - $228
    iv. Hazardous Material production and processing site - $288
    v. Hazardous Material waste production - $72
r. HPM facilities - $100
s. Industrial ovens as regulated in IFC Chapter 21 - $150
t. Lumber yards and woodworking plants
    i. Storage of wood products up to 100,000 board feet - $175
    ii. Storage of wood products greater than 100,000 board feet - Total board feet x $0.02 + $175
    iii. Storage of saw dust, wood chips, and hogged material up to 100 cubic feet - $72
    iv. Storage of saw dust, wood chips, and hogged material over 100 cubic feet - Total cubic feet x $0.02 + $72
u. Magnesium and pyrophoric metals to melt, heat treat, or grind 10 pounds of these metals - $150
v. Open flames & Torches in an assembly occupancy as permitted in IFC 308.3.2, 308.3.5 & 308.3.7 - $72
    i. Pyrotechnic and special effects - $470
    ii. Pyroxylin (cellulose nitrate) plastics
        1. Assembly or manufacture and storage up to 25 pounds - $100
        2. Storage over 25 pounds - Total pounds or fraction of x $1.00 + $100
    iii. Refrigeration equipment as regulated in IFC Section 606 - $72
    iv. Repair garages and motor fuel-dispensing facilities as regulated in IFC Chapter 22 - $300
    v. Rooftop heliports and helistops as regulated in IFC Chapter 11
        1. heliports - $250
        2. helistops - $100
    vi. Spraying or dipping as regulated in IFC Chapter 15 - $360
    vii. Temporary membrane structures, tents, and canopies
        1. greater than 200 square feet to 700 square feet - $120
        2. greater than 700 square feet - Total square feet x $0.02 + $120
    viii. Tire-rebuilding, storage of tires and scrap tire byproducts
        1. tire-rebuilding facilities - $300
        2. storage of tires and scrap tire by-products up to $2,500 cubic feet - $72
        3. storage 2,501 cubic feet and greater of tires and scrap tire by-products - Total cubic feet x $0.02 + $72
        4. Waste handling (junk yards, wrecking yards, and waste material-handling facilities)
            a. an area of 1 acre or less - $190
            b. over 1 acre - each 0.25 acre x $1.25 + $190

(3) Penalties for violations of the International Fire Codes
    a. Maintain safeguards, failure to IFC 107.1 - $500

b. Maintain means of egress, failure to IFC 1027 - $750
c. Permits, failure to obtain IFC 105.1.1 and 901.2 - Fine shall be double the cost of the permit
d. Obstructing operations IFC 104.11.2 - $500
e. Occupancy before approval IFC 105.3.3 and 901.5.1 - Fine shall be doubled the cost of the permit
f. Overcrowding IFC 107.6 - $100 for each person over the occupant load permitted
g. Stop work order, failure to comply IFC 111.4 - Fine shall be doubled the cost of the permit
h. Timing of installation, fire access roads and water supply IFC 501.4 - Fine shall be doubled the cost of the permit
i. Unsafe conditions, Buildings IFC 110.1.1 - $500
j. Infractions of the code other than those listed above. If the infractions cited are multiple, then the civil penalty shall not be greater than $1,000 for an individual, or $5,000 for a corporation, association, partnership, or government
    i. first infraction - $25 each violation
    ii. second time of the same infraction - $50 each violation
    iii. third time of the same infraction shall have a civil penalty rate of $100 each violation.

(4) Copies of Fire Department reports - $15 minimum

**(Ord. No. 99-48 Repealed & Replaced 07/26/1999; Ord. No. 01-45 Amended 06/13/2001; Ord. No. 05-29 Amended 06/21/2005; Ord. No. 08-02 Amended 01/24/2008; Ord. No. 13-14 Amended 4/5/2013)**

## 1-2-106. LAW DEPARTMENT.

(1) Copy of accident report, other police report, animal control report - $10
(2) Purchase of video tapes for discovery - $25
(3) Purchase of audio tapes for discovery - $10
(4) Administrative fees for all actions to collect past due debts:
    a. Civil traffic penalties - $150/action
    b. Penalties imposed pursuant to Administrative Code Enforcement Program, and all other past due debts:
        i. Up to $500 - $98/action
        ii. $501 to $2,000 - $150/action
        iii. Over $2,001 - $400/action
(5) Copies of files and transcripts for appeals of administrative decisions (ALD, Board of Adjustment, and all other administrative bodies) - $10, plus actual costs of preparing hearing transcript. ($50 deposit required before City will arrange for transcript. The deposit will be applied toward the final cost of the transcript.)

**Ord. No. 93-21 Added 07/01/1993; Ord. No. 94-59 Amended 06/22/1994; Ord. No. 99-74 Amended 12/23/1999; Ord. No. 00-30 Amended 04/25/2000; Ord. No. 03-56 Amended 08/19/2003)**

## 1-2-107. PARKS AND RECREATION DEPARTMENT.

(1) Park User Fees:

a. Park Pavilion Rental - $25; Pavilion Cleaning deposit - $25
b. Park Open Space Use Fee (for festivals, circus, car shows) - $250 per day
c. Soccer Field Rental - $50/5-hour block; $15 per hour over 5 hours
d. Soccer Field Fee to Line Field and Goal Area - $100
e. Softball Field Rental - $150/5-hour block; $40 per hour over 5 hours
f. Field Lights (per field) - $25/hr or fraction of an hour
g. Softball/Baseball Field Prep
    i. $30/field each time to drag, mark, or rake
    ii. $20/field for quick rake and re-mark
h. Electrical Power Boxes - $100 set up fee/ box
i. Electrical Power Box Rental - $10/day

(2) Use of Maverik Center, per patron - $1/ticket.*
*Except for community events hosted or co-sponsored by the City

(3) Family Fitness Center:
a. Annual Membership Passes (West Valley City Residents):
    i. Family (up to six) - $346 or $36/month
    ii. Family (up to six) including Fitness Classes - $518 or $52/month
    iii. Couple - $294 or $31/month
    iv. Couple including Fitness Classes - $472 or $46.50/month
    v. Couple – Senior - $196 or $20/month
    vi. Couple – Senior including Fitness Classes - $261 or $24.50/month
    vii. Adult - $196 or $21/month
    viii. Adult including Fitness Classes - $374 or $35.50/month
    ix. Adult - Senior (62+) - $138 or $14/month
    x. Adult – Senior (62+) including Fitness Classes - $261 or $24.50/month
    xi. Student (12-17) - $155 or $16.50/month
    xii. Student (12-17) including Fitness Classes - $334 or $33/month
    xiii. Youth (4-11) - $121 or $13/month
b. Annual Membership Passes (Non-Residents):
    i. Family (up to six) - $420 or $40/month
    ii. Family (up to six) including Fitness Classes - $592 or $56.50/month
    iii. Couple - $362 or $35/month
    iv. Couple including Fitness Classes - $546 or $50.50/month
    v. Couple – Senior - $236 or $22/month
    vi. Couple – Senior including Fitness Classes - $365 or $32.50/month
    vii. Adult - $258 or $25/month
    viii. Adult including Fitness Classes - $442 or $39.50/month
    ix. Adult - Senior (62+) - $168 or $16/month
    x. Adult – Senior (62+) including Fitness Classes - $298 or $26.50/month
    xi. Student (12-17) - $217 or $20.50/month
    xii. Student (12-17) including Fitness Classes - $402 or $37/month
    xiii. Youth (4-11) - $183 or $17/month
c. Family Fitness Center Daily Admission Fees (West Valley City Residents):
    i. Youth (4-11) -$2.50
    ii. Student (12-17) - $3.75
    iii. Adult - $4.50
    iv. Senior (62+) - $3.25
d. Family Fitness Center Daily Admission Fees (Non-Residents):

i. Youth (4-11) -$3.75
ii. Student (12-17) - $4.75
iii. Adult - $5.50
iv. Senior (62+) - $4.00

e. 30-minute Fitness Evaluation with Personal Trainer - $15 for FFC members; $20 for non-members
f. Fitness Center Classes:
    i. Dance Classes - $28/student per month for FFC members and $15/month for each additional student from same family; $30/student for non-members and $20/month for each additional student from same family
    ii. Tae Kwon Do Class - $30/student per month for FFC members; $40/student per month for non-members
    iii. Boot Camp - $95 - $129/month for FFC members depending on class length; $99 - $139 per month for non-members
g. Aquatic Programs:
    i. Child Group Swim Lesson - $19/month for T TH and $28.50 for M W F or PM classes for FFC members; $25/month for T TH and $37.50 for M W F or PM classes for non-members
    ii. Adult Group Swim Lesson - $22.50/month for FFC members; $27.50/month for non-members
    iii. Private Swim Lesson - $15/30 minutes
    iv. Semi-Private Lesson (2-3 people) - $20 / 30 minutes
    v. Pre-Competitive Swim Team - $28.50 for FFC members; $37.50 for non-members
    vi. American Red Cross Lifeguard Training - - $130 for FFC members; $140 for non-members
    vii. American Red Cross Water Safety Instructor Class - $100 for FFC members; $110 for non-members
    viii. American Red Cross Community CPR and First Aid Class - $40 for FFC members; $50 for non-members
    ix. American Red Cross Recertification Fee - $15
    x. Boy Scout Swimming or Lifesaving Class - $12/person or $60/troop
    xi. Swim Team Membership (FFC Members) - $35/month for one swimmer, $65/month for two swimmers, $95/month for three or more swimmers; or $105/quarter for one swimmer, $195/quarter for two swimmers , $285/quarter for three or more swimmers
    xii. Swim Team Membership (Non- Members) - $40/month for one swimmer, $75/month for two swimmers, $105/month for three or more swimmers; or $120/quarter for one swimmer, $225/quarter for two swimmers , $315/quarter for three or more swimmers
    xiii. USA Swim Registration - $60 annually plus swim meet fees of $7 - $35 depending on number of events
h. Family Fitness Center Childcare Fees:
    i. Per Child, Per Hour - $2.00
    ii. Kidz Kamp Program - $97/week per child; $87/week for additional children; or $24/day per child
    iii. Kindergarten Kamp - $45/week per child; or $10/day per child
    iv. Afterschool Kamp - $30/week per child; or $7/ day per child

v. Busy Bee Preschool - $45/month per child for FFC members; $50/month for non-members; additional $10/month per child for Kindergarten Prep
vi. Jr. High Summer Program - $100/child 12-14 years for all summer or $35/month

i. Fitness Center Special Programs:
i. Breakfast Events (Breakfast with the Bunny, Halloween, Santa) - $7/Adult, 12 and up; $5 Youth, 4-11; $3 Child, 1-3
ii. Easter Egg Hunt - $2 FFC member; $3/non-member
iii. Dog Days of Summer, Canine Pool Party - $4 per dog
iv. Nightmare Alley - $4/person or $20/6 people

j. Recreation Special Programs:
i. Recycle Run 5K - $15/Adult, 18 and older; $10/Youth, 17 and under; $45/family, 3-6 family members; $5/each additional family member
ii. Westfest 5K - $10/Adult, 18 and older; $5/Youth, 17 and under; $35/family, 3-6 family members; $5 / each additional family member; Kids Fun Run (8 and under) – FREE/family members of 5k participants, $5 for all others
iii. Triathalon – Standard Division: $30/person, $75/team; Novice Division: $30/person, $75/team; Kids Mini: $15/person
iv. Turkey Trot 5K - $15/Adult, 18 and older; $10 Youth, 17 and under; $45/family, 3-6 family members; $5/each additional family member, plus a can of food for each racer for the Utah Food Bank

k. Youth Sports:
i. Spring and Fall Soccer - $40/player for FFC members; $42 / player for non-members
ii. Spring and Fall T-Ball - $40/player; $42 / player for non-members
iii. Spring and Fall Machine Pitch - $42/player
iv. Fall and Winter Big Kids Ball - $40/player; $42 / player for non-members
v. Fall and Winter Itty Bitty Ball - $40/player; $42 / player for non-members

l. Adult Sports:
i. Fall Men's Softball - $325/team (maximum of 20 players)
ii. Coed Softball - $325/team (maximum of 20 players)
iii. Spring Men's Softball - $500/team (maximum of 20 players)
iv. Spring Coed Softball - $500/team (maximum of 20 players)
v. Dodgeball League - $17/player
vi. Westfest Softball Tournament - $150/WVC FFC Teams; $180/non-WVC FFC Teams

(4) The Ridge Golf Club:

a. 9 holes:
i. Green fees - $16
ii. Power Carts - $7
iii. Pull carts - $3
iv. Club rental - $15

b. 18 holes:
i. Green fees - $32
ii. Carts - $14
iii. Pull carts - $5
iv. Club rental - $25

c. Juniors, 9 holes (Monday-Friday anytime, weekends and holidays after 1:00 p.m.) - $8
d. Juniors, 18 holes (Monday-Friday anytime, weekends and holidays after 1:00 p.m.) - $15

e. Seniors, 9 holes (Monday-Friday anytime, weekends and holidays after 1:00 p.m.) - $10
f. Seniors, 18 holes (Monday-Friday anytime, weekends and holidays after 1:00 p.m.) - $20
g. Early Bird, 9 holes (Monday – Friday before 8 a.m. when Daylight Savings time is in effect) - $23, includes cart
h. Early Bird, 18 holes (Monday – Friday before 8 a.m. when Daylight Savings time is in effect) – $46, includes cart
i. Twilite (after 3:00 p.m. any day when Daylight Savings time is in effect) - $32, includes cart
j. Passes:
    i. Players Pass (Monday – Friday anytime, weekends & holidays after 1:00 p.m.) - $249.95
    ii. Players Pass 9/18 holes (Monday – Friday anytime, weekends & holidays after 1:00 p.m.) - $12
    iii. Players Pass Cart 9/18 holes - $12 (Monday – Friday anytime, weekends & holidays after 1:00 p.m.)
    iv. Players Pass 18 holes (weekend & holidays before 1:00 p.m., includes cart) - $35
    v. Players Pass Guest 18 holes - $35
    vi. Punch Pass 10 rounds of 9 holes - $110
k. Driving range:
    i. Range balls, small bucket - $4
    ii. Range balls, large bucket - $7
    iii. Players Pass Small Bucket - $2.50
    iv. Players Pass Large Budget - $5
    v. 10-Token driving range pass - $35
    vi. Annual driving range pass - $350
l. Tournaments:
    i. Monday – Thursday, includes cart and merchandise - $50
    ii. Friday – Sunday, includes cart and merchandise - $60
m. Temporary fee discounts: The Parks and Recreation Director is authorized to implement temporary fee discounts to stimulate play and increase revenues. The Parks and Recreation Director shall notify the City Manager of any such discounts following the implementation or approval of any said discounts.

(5) Stonebridge Golf Course
a. 9 holes:
    i. Green Fees - $16
    ii. Power Carts - $7
    iii. Pull Carts - $3
    iv. Club Rental - $15
b. 18 holes:
    i. Green Fees - $32
    ii. Power Carts - $14
    iii. Pull Carts - $5
    iv. Club Rental - $25
c. Juniors, 9 holes (Monday – Friday anytime, weekends & holidays after 1:00 p.m.) - $8
d. Juniors, 18 holes (Monday – Friday anytime, weekends & holidays after 1:00 p.m.) - $15
e. Seniors, 9 holes (Monday – Friday anytime, weekends & holidays after 1:00 p.m.) - $10
f. Seniors, 18 holes (Monday – Friday anytime, weekends & holidays after 1:00 p.m.) - $20

g. Early Bird, 9 holes (Monday – Friday before 8 a.m. when Daylight Savings time is in effect) - $23
h. Twilite (after 3:00 p.m. any day when Daylight Savings time is in effect) - $32, does not include cart
i. Passes:
    i. Players Pass (Monday – Friday anytime, weekends & holidays after 1:00 p.m.) - $249.95
    ii. Players Pass 9/18 holes (Monday – Friday anytime, weekends & holidays after 1:00 p.m.) - $12
    iii. Players Pass 18 holes (weekend & holidays before 1:00 p.m., includes cart) - $35
    iv. Players Pass Cart 9/18 holes (Monday – Friday anytime, weekends & holidays after 1:00 p.m.) - $12
    v. Players Pass Guest 18 holes - $35
    vi. Punch Pass 10 rounds of 9 holes - $110 ($85 for Lake Park employees, must show Lake Park employee ID to purchase)
j. Driving Range:
    i. Range Balls, small bucket - $4
    ii. Range Balls, large bucket -- $7
    iii. Players Pass Small Bucket - $2.50
    iv. Players Pass Large Bucket - $5
    v. 10-Token driving range pass - $35 ($25 for Lake Park employees, must show Lake Park employee ID to purchase)
    vi. Annual driving range pass - $350
k. Tournaments:
    i. Monday – Thursday, includes cart and merchandise - $50
    ii. Friday – Sunday, includes cart and merchandise - $60

(6) The City Manager is authorized to implement changes in the Family Fitness Center fees as recommended by the Parks and Recreation Department. The City Manager shall notify the City Council of any such changes at the next scheduled City Council Meeting following the implementation of any changes.

**(Ord. No. 93-21 Enacted 07/01/1993; Ord. No. 93-31 Amended 07/27/1993; Ord. No. 94-59 Amended 06/22/1994; Ord. No. 97-21 Amended 04/07/1997; Ord. No. 98-59 Renumbered 08/11/1998, was 1-2-108(6-7); Ord. No. 99-22 Amended 06/07/1999; Ord. No. 00-07 Amended 01/11/2000; Ord. No. 00-13 Amended 02/24/2000; Ord. No. 01-75 Amended 11/20/2001; Ord. No. 01-58 Amended 11/20/2001; Ord. No. 01-59 Amended 11/21/2001; Ord. No. 03-36 Amended 05/06/2003; Ord. No. 13-11 Amended 3/28/2013; Ord. No. 16-06 Amended 02/12/2016)**

## 1-2-108. POLICE DEPARTMENT.

(1) Copies of accident and police reports - $15
(2) Fingerprinting - $10
(3) Visa criminal check - $10
(4) Work cards - $25
(5) BCI – Criminal History Report - $15
(6) Sex Offender Registry - $25
(7) Audio/Video Recordings $15
(8) DNA Collection Fee $150

(9) Body-worn Camera Recordings - $25
(10)Visa Application Review - $15

**(Ord. No. 93-21 Enacted 07/01/1993; Ord. No. 95-32 Amended 06/15/1995; Ord. No. 97-24 Amended 04/22/1997; Ord. No. 98-59 Renumbered 08/11/1998, was 1-2-107; Ord. No. 00-15 Amended 03/03/2000; Ord. No. 02-20 Amended 03/19/2002; Ord. No. 06-23 Amended 04/04/2006; Ord. No 13-07 Amended 02/25/2013; Ord. No. 13-38 Amended 09/17/2013; Ord. No. 15-33 Amended 10/22/2015)**

## 1-2-109. EMERGENCY TELEPHONE SERVICE CHARGE.

(1) Local exchange service access line charge - $0.65/month
(2) Radio communication access line charge - $0.65/month

**(Ord. No. 00-28 Added 04/25/2000; Ord. No. 04-31 Amended 06/15/2004)**

## 1-2-110. PUBLIC WORKS DEPARTMENT.

(1) Concrete inspection permits:
    a. Curb and gutter - $0.25/sq ft - $50 min. fee
    b. Sidewalk - $0.25/sq ft - $50 min. fee
(2) Excavation permits:
    a. Asphalt/Concrete Cuts/Unimproved surface $0.25/sq ft
        i. Minimum fee for cuts in paved surfaces more than 3 years old - $150
        ii. Minimum fee for cuts in paved surfaces 3 years old or less - $250
    b. Minimum fee for unimproved surface cuts $0..25/sq ft - $100 min. fee
    c. Miscellaneous work (e.g. debris removal, tree trimming) in public rights-of-way that affects vehicular pedestrian traffic (not including full or partial street closure) $50, plus $50 for each additional week
(3) Plan review - $50 (Fees will be assessed for plan reviews in which the developer or engineer has not made appropriate modifications requested in the previous review.)
(4) Property bond processing fee - $2,000
    a. Amendment of original agreement - $200
(5) Bond Fee - $300
(6) Delay Agreement:
    a. Commercial - $300
    b. Residential - $100
(7) Permit Extension - $50
(8) Stop Work Orders:
    a. Stop work order for no permit - 2 x regular permit fee
    b. Other stop work orders - $100
(9) Road closures:
    a. Full road closure, per day:
        i. For right-of-way width 66 feet or greater - $500
        ii. For right-of-way width 50 feet - $250
        iii. For right-of-way width 44 feet - $100
    b. Partial road closure, per day:
        i. For right-of-way width 66 feet or greater - $250

ii. For right-of-way width of 50 feet - $125
iii. For right-of-way width of 44 feet - $50

(10)Directional bores - $50 + $25/bore pit
(11)Monthly residential waste collection fee (including recycling):
a. Single-family dwelling unit - $14.50
b. Duplex-family dwelling unit ($14.50 per separate dwelling area) - $29.00
c. Additional garbage container - $9.00
d. Additional recycling container $3.00
e. Maximum household income allowable to qualify a resident for residential waste collection fee abatement - $12,700
f. Container return charge - $25
(12)Conveyance of water interests to City, per Section 7-2-126:
a. Utah and Salt Lake Canal - $1,600/share
(13)Limited Access Facility Permits:
a. Access Permit - $10
b. Reimbursement for City constructed improvements - $2.50/sq. ft
(14)Development Inspection Fees:
a. Residence - $100 per unit/lot
b. Commercial/Industrial/MF - $2 per linear foot of frontage
(15)Storm Water Utility Fees (Effective January 1, 2011):
a. Rate A: $4.00 per ERU per month
b. Rate B: $2.80 per ERU per month
c. Rate C: $1.80 per ERU per month
(16)Utility Billing Penalty Charges
a. $5 late charge per billing cycle

**(Ord. No. 93-21 Enacted 07/01/1993; Ord. No. 94-59 Amended 06/22/1994; Ord. No. 94-66 Amended 07/01/1994; Ord. No. 94-92 Amended 09/01/1994; Ord. No. 97-21 Amended 04/07/1997; Ord. No. 97-30 Amended 07/01/1997; Ord. No. 97-14 Amended 07/01/1997; Ord. 98-59 Amended 08/11/1998, also renumbered, was 1-2-108; Ord. No. 99-12 Amended 03/23/1999; Ord. No. 99-60 Amended 09/21/1999; Ord. No. 00-15 Amended 03/03/2000; Ord. No. 00-28 Renumbered 04/25/2000; Ord. No. 00-65 Amended 12/19/2000; Ord. No. 01-26 Amended 05/03/2001; Ord. No. 05-21 Amended 05/03/2005; Ord. No. 05-24 Amended 05/17/2005; Ord. No. 05-28 Amended 06/21/2005; Ord. No. 07-65 Amended 10/23/2007; Ord. No. 09-29 Amended 08/31/2009; Ord. No. 10-32 Amended 10/22/2010; Ord. No. 12-27 Amended 06/28/2012; Ord. No. 13-03 Amended 01/21/2013; Ord. No. 14-26 Amended 06/02/2014; Ord. No. 15-25 Amended 08/01/2015)**

## 1-2-111. CITY MANAGER AUTHORITY TO AMEND CONSOLIDATED FEE SCHEDULE.

(1) The City Manager shall have authority to impose new fees as the City Manager deems appropriate or necessary. Said fees shall be implemented by executive order.
(2) Any fee added by the City Manager under this section shall be effective as specified in the executive order implementing the fee. In the regular City Council meeting immediately following any fee added pursuant to this section, the City Manager shall advise the City Council of said fee. The City Council shall then have 60 days from the date of the action taken by the City Manager to amend the Consolidated Fee Schedule to include the new fee.

(3) Should the City Council fail to amend the Consolidated Fee Schedule within the 60-day time period, the fee shall be void, and any fees collected pursuant to the executive order issued by the City Manager shall be refunded.

**(Ord. No. 98-59 Renumbered 08/11/1998, 1-2-114; Ord. No. 00-28 Renumbered 04/25/2000)**

## 1-2-112. OTHER FEES.

It is not intended by this Chapter to repeal, abrogate, annul, or in any way impair or interfere with existing provisions of other resolutions, ordinances, or laws, except to effect modification of the fees reflected above. The fees listed in the Consolidated Fee Schedule supersede present fees for the services specified, but all fees not listed remain in effect. Where this Chapter imposes a higher fee than is imposed or required by existing provisions of resolution, ordinance, or law, the provisions of this Chapter shall control.

**(Ord. No. 98-59 Renumbered 08/11/1998, 1-2-115; Ord. No. 00-28 Renumbered 04/25/2000)**

## 1-2-113. COMMUNITY PRESERVATION DEPARTMENT.

(1) Animal Control Division:
- a. Cat license fees:
  - i. Altered (spayed or neutered) - $5
  - ii. Unaltered - $35
- b. Dog license fees:
  - i. Altered (spayed or neutered) - $8
  - ii. Unaltered - $35
  - iii. Altered/Micro-chipped - $5
- c. Dog or cat license fees:
  - i. Late fee - $25
  - ii. Senior citizen fee - $1
  - iii. License transfer fee - $1
- d. Animal shelter impound fees:
  - i. Dog or cat, licensed:
    1. First impound - $35
       On subsequent impounds within a 12-month period for the same owner or address, the fee will double on each incident.
  - ii. Dog or cat, unlicensed:
    1. First impound - $45
       On subsequent impounds within a 12-month period for the same owner or address, the fee will double on each incident.
  - iii. Small livestock, small exotic, small animal, fowl, reptile:
    1. First impound - $30

    On subsequent impounds within a 12-month period for the same owner or address, the fee will double on each incident.
  - iv. Large livestock, large exotic, large animal:
    1. First impound - $60
       On subsequent impounds within a 12-month period for the same owner or address, the fee will double on each incident.

e. Remove dead animal, large livestock - $200
f. Transport animal to owner - $50/trip
g. Boarding costs (per day) on all impounds
    i. Dog or Cat - $10
    ii. Lifestock - $20
h. Adoption fees:
    i. Dog - $30
    ii. Cat - $15
    iii. Small animal/fowl/reptile - $10
    iv. Small livestock/small exotic animal - $30
i. Sterilization fees for redemption of impounded animals:
    i. Neutering dogs - $50
    ii. Spaying Dogs, 00-26 lbs - $50
        1. 27-50 lbs - $55
        2. 51-75 lbs - $65
        3. 76 + lbs - $75
    iii. Neutering cats - $25
    iv. Spaying cats - $35
    v. Sterilization deposit - $50
        1. The sterilization deposit, minus a $10 processing fee, will be refunded if proof of sterilization is presented during the required time period.
j. Rabies fees:
    i. Dog - $5
    ii. Cat - $5
k. Microchip fee - $20
l. Euthanasia - $25
m. Large animal unconfined; owner fees; property owner negligence - $50/hour/person, with minimum charge of $50
n. Graffiti removal and weed mowing - $50/hour/person, with minimum charge of $50
o. Traps:
    i. Deposit - $50
    ii. Rent - $2/day
p. Pick up dead animal from owner - $30
q. Pick up animal from owner for euthanasia - $50
r. Copy of report - $15
s. Licensed animal brought to shelter for turnover - $20
t. Unlicensed animal brought to shelter for turnover - $40
u. Kennel permits, yearly - $100

(2) Ordinance Enforcement Division:
a. Abatement of injurious and noxious real property, and unsightly or deleterious objects or structures - $50/hour, with a minimum charge of $50/person; equipment fees at current rental rates.
b. Copy of report: - $5
c. Administrative Code Enforcement (A.C.E.) Hearing Program:
    i. Civil abatement charge, per day per violation - $25
    ii. Administrative citation penalty:
        1. First citation, per violation – up to $100
        2. Second citation, per violation – up to $200

3. Third citation, per violation – up to $400

iii. Administrative citation penalties, Notices of Violations and Certificates of Noncompliance for rental dwelling units are found in Section 17-31-104.

iv. Reinspection fee - $50

v. Administrative fee - $95

d. Administrative Code Enforcement (A.C.E.) for Rental Dwelling Units:

i. First citation, per violation - $200 minimum up to $500 maximum

ii. Second citation, per violation, per license year - $500 minimum up to $1,000 maximum

e. Administrative Citation Penalties for Rental Dwelling Unit(s) owned by a corporation, partnership or association:

i. First citation, per violation - $500 minimum up to $1,000.00 maximum

ii. Second citation, per violation, per license year - $750 minimum up to $2,000.00 maximum

f. Penalties for Notices of Violations (NOV) and Certificates of Noncompliance for Rental Dwelling Unit(s) owned by one or more individuals:

i. First Certificate of Noncompliance or Level I NOV, per violation, per day - $200 minimum up to $500 maximum

ii. Second Certificate of Noncompliance or Level II NOV, per violation, per day, per license year - $500 minimum up to $1,000 maximum

g. Penalties for Notices of Violations (NOV) and Certificates of Noncompliance for Rental Dwelling Unit(s) owned by a corporation, partnership or association:

i. First Certificate of Noncompliance or Level I NOV, per violation, per day - $500 minimum up to $1,000.00 maximum

ii. Second Certificate of Noncompliance or Level II NOV, per violation, per day, per license year - $750 minimum up to $5,000.00 maximum

**(Ord. No. 09-22 Enacted 07/08/2009)**

## 1-2-200P PART 2 - IMPACT FEE SCHEDULES

## 1-2-201. TITLE.

This Part establishes the Impact Fee Schedules for West Valley City, as administered by Title 8 of the West Valley City Code.

**(Ord. No. 98-59 Enacted 08/11/1998)**

## 1-2-202. DRAINAGE IMPACT FEES.

Fee per acre by service area payable prior to final subdivision plat approval pursuant to Chapter 8-2, Drainage Impact Fees:

(1) Brighton - $0
(2) Coon Creek - $0
(3) Copper City - $0
(4) Decker Lake - $0
(5) Hercules - $0
(6) Jordan - $0

(7) Lake Park - $1,400
(8) Lee Creek - $0
(9) Oquirrh Shadows - $2,200
(10) Redwood - $0
(11) Riter - $1,182
(12) Taylorsville - $0
(13) Utah Salt Lake - $0
(14) Westridge - $1,182
(15) Vistas - $0

**(Ord. No. 98-59 Renumbered 08/11/1998, 1-2-109; Ord. No. 09-15 Amended 05/31/2009; Ord. No. 14-47 Amended 03/16/2015)**

## 1-2-203. PARK IMPACT FEES.

Fee per dwelling unit by housing type payable prior to final subdivision plat approval pursuant to Chapter 8-3, Park Impact Fees:

(1) Single-family detached, per dwelling unit - $2,285
(2) Duplex, per dwelling unit - $1,943
(3) Multi-family, per dwelling unit - $1,943

**(Ord. No. 98-59 Renumbered 08/11/1998, 1-2-110; Ord. No. 02-33 Amended 07/08/2002; Ord. No. 05-45 Amended 11/1/2005; Ord. No. 08-12 Amended 03/06/2008; Ord. No. 14-47 Amended 03/16/2015)**

## 1-2-204. ROAD IMPACT FEES.

Fee per unit of development by land use type payable prior to issuance of building permit pursuant to Chapter 8-4, Road Impact Fees:

(1) Impact Fee Per Peak Trip - $753.78
(2) Single-family detached, per dwelling - $376.90
(3) Duplex, per dwelling - $233.68
(4) Multi-family, per dwelling - $233.68
(5) Shopping center/General retail, per 1,000 sq. ft. - $1,497.50
(6) Discount superstore, per 1,000 sq. ft. - $788.78
(7) Home improvement superstore, per 1,000 sq. ft. - $458.61
(8) Convenience store, per 1,000 sq. ft. - $4,741.70
(9) Convenience store with gas pumps, per 1,000 sq. ft. - $3,070.68
(10) Discount club, per 1,000 sq. ft. - $1,181.58
(11) Drive-in bank, per 1,000 sq. ft. - $2,472.84
(12) Fast food restaurant with drive-thru, per 1,000 sq. ft. - $3,692.87
(13) Sit-down restaurant, per 1,000 sq. ft. - $1,375.01
(14) Multiplex movie theater, per 1,000 sq. ft. - $1,390.76
(15) New car sales, per 1,000 sq. ft. - $740.61
(16) Hotel/motel, per room - $226.14
(17) General office, per 1,000 sq. ft. - $565.35
(18) Medical office, per 1,000 sq. ft. - $1,349.30
(19) Hospital, per 1,000 sq. ft. - $354.29
(20) Nursing home, per 1,000 sq. ft. - $278.91

(21)Church/Synagogue, per 1,000 sq. ft. - $211.06
(22)Day care center, per 1,000 sq. ft. - $465.09
(23)Elementary school, per 1,000 sq. ft. - $229.91
(24)High school, per 1,000 sq. ft. - $184.68
(25)General light industrial, per 1,000 sq. ft. - $369.36
(26)Warehouse, per 1,000 sq. ft. - $120.61
(27)Mini-warehouse, per 1,000 sq. ft. - $97.99

**(Ord. No. 98-59 Renumbered 08/11/1998, 1-2-111; Ord. No. 06-04 Amended 01/17/2006; Ord. No. 14-47 Amended 03/16/2015)**

## 1-2-205. FIRE IMPACT FEES.

Fee per unit of development by land use type, payable prior to issuance of building permit, pursuant to Title 8, Chapter 5, Fire Impact Fees:

(1) Single-family detached, per dwelling - $80.68
(2) Duplex, per dwelling - $68.61
(3) Multi-family, per dwelling - $68.61
(4) Commercial/industrial, per 1,000 sq. ft. $181.14

**(Ord. No. 98-59 Renumbered 08/11/1998, 1-2-112; Ord. No. 03-17 Amended 03/04/2003; Ord. No. 06-71 Amended 10/24/2006; Ord. No. 14-47 Amended 03/16/2015)**

## 1-2-206. POLICE IMPACT FEES.

Fees per unit of development by land use type, payable prior to issuance of building permit, pursuant to Title 8, Chapter 6, Police Impact Fees:

(1) Single-family detached, per dwelling - $188.44
(2) Duplex, per dwelling - $160.25
(3) Multi-family, per dwelling - $160.25
(4) Commercial/industrial, per 1,000 sq. ft. $282.05

**(Ord. No. 98-59 Renumbered 08/11/1998, 1-2-113; Ord. No. 03-18 Amended 03/04/2003; Ord. 06-70 Amended 10/24/2006; Ord. No. 14-47 Amended 03/16/2015)**

# TITLE 2
# LEGISLATIVE BRANCH CITY COUNCIL

Chapters:

2-1 General Provisions
2-2 Official Seal
2-3 2010 Census Council Districts
2-4 Campaign Financial Disclosure
2-5 Private Property Protection Act

# CHAPTER 2-1
# GENERAL PROVISIONS

Sections:

2-1-101. Government.
2-1-102. Compensation Schedule.
2-1-103. Meetings.
2-1-104. Special Meetings.
2-1-105. Notices.
2-1-106. Presiding Officer.
2-1-107. Addressing Meetings.
2-1-108. Disturbing Meetings.
2-1-109. Order of Business.
2-1-110. Rules of Order.
2-1-111. Enactment of Measures.
2-1-112. Votes Required.

## 2-1-101. GOVERNMENT.

The government of the City is vested in the City Council, consisting of seven members, which shall be deemed the governing body of the City, and a City Manager appointed by the City Council.

## 2-1-102. COMPENSATION SCHEDULE.

(1) The biweekly base compensation of the elected officials, statutory officers, and department heads of the City shall be according to a compensation schedule commencing at the amount shown below. The amounts do not include other compensation, such as retirement and medical benefits, which shall be included in the calculation of total compensation as part of the market study. Increases in compensation shall be given according to the annual market study conducted pursuant to the Personnel Policy and Procedures Manual. Also, annual incremental increases may be given based on merit, as provided in the Personnel Policy and Procedures Manual.

| | |
|---|---|
| Mayor | $600 |
| Council Members | $323 |
| City Manager | $2,345 |
| Assistant City Manager | $2,022 |
| Finance Director | $2,022 |
| Recorder | $2,022 |
| Treasurer | $1,475 |
| Engineer / Public Works Director | $2,022 |
| Attorney | $2,178 |
| Fire Chief | $2,022 |
| Chief of Police | $2,073 |
| Community and Economic Development Director | $2,022 |
| Parks and Recreation Director | $1,925 |

(2) The Mayor shall receive a car allowance of at least $250 per month. The Mayor Pro Tempore or any Council Member elected by the other members to act as Mayor in the absence of the Mayor and Mayor Pro Tempore shall receive the compensation for Mayor, including the car allowance when they are required to act in the capacity of Mayor for a continuous period of time in excess of 30 days. The increase in compensation shall include the 30-day time period and such additional time continuous thereafter as they are required to act in the capacity of Mayor. The compensation shall be at the same rate the Mayor is receiving at the time the Mayor Pro Tempore or other member is acting in such capacity.

(3) The City Manager, in accordance with appropriate statutes, ordinances, resolutions, and the Personnel Policy and Procedures Manual, may grant such additional compensation, salary enhancements, technical adjustments, and bonuses as in the City Manager's best judgment and sole discretion are merited, and as authorized by the City Council in the budget.

(4) The City Manager, in accordance with appropriate statutes, ordinances, resolutions, and policies may grant such salary enhancements, technical adjustments, and bonuses as in the City Manager's best judgment and sole discretion are merited.

(5) City board and commission members shall receive a reasonable reimbursement for expenses, as set forth in the budget each fiscal year.

**(Ord. No. 95-03 Amended 03/07/1995; Ord. No. 00-12 Amended 02/24/2000; Ord No. 06-64 Amended 9/19/2006)**

## 2-1-103. MEETINGS.

(1) The regular meetings of the City Council shall be held on the first four Tuesdays of each month, at 6:30 p.m., in the City Council Chambers, West Valley City Hall, 3600 Constitution Boulevard, West Valley City, Utah, unless otherwise changed by the City Council when the need arises.

(2) The study sessions of the City Council shall be held on the first four Tuesdays of each month, at 4:30 p.m., West Valley City Hall, 3600 Constitution Boulevard, West Valley City, Utah, unless otherwise changed by the Council as the need arises.

**(Ord. No. 98-75 Amended 01/10/1999; Ord. No. 00-17 Amended 05/01/2000; Ord. No. 05-54 Amended 12/06/2005; Ord. No. 06-15 Amended 3/07/2006)**

## 2-1-104. SPECIAL MEETINGS.

Special meetings may be held as circumstances require when notice is given as required by Utah State law.

## 2-1-105. NOTICES.

All notices required by Utah State law to be given to City Council Members, press, and public shall be the responsibility of the City Recorder.

## 2-1-106. PRESIDING OFFICER.

The Mayor shall preside at all regular, study, and special meetings of the City Council. In the absence of the Mayor or in the event of the Mayor's inability or refusal to act, the Mayor Pro Tempore shall preside over the meeting or meetings and shall have all the powers and duties of the Mayor during the Mayor's absence or disability. At the first meeting of the City Council after the election of a Mayor, or after the expiration of the Mayor Pro Tempore's term if he or she is not reelected, the Council shall elect a Mayor Pro Tempore. The City Council may fill a vacancy in the office of Mayor or Mayor Pro Tempore in the manner prescribed by state law.

## 2-1-107. ADDRESSING MEETINGS.

(1) No person shall address or attempt to address any regular, study, or special meeting of the City Council without first having been recognized by the presiding officer.
(2) During each regular City Council meeting (specifically excluding work sessions), there will be a period not to exceed thirty minutes for citizen comment. The purpose of the citizen comment time is to allow citizen speakers to have direct input to the Council.
(3) Before the citizen comment period, the Mayor shall instruct the audience and all potential speakers as follows:
    a. Any person wishing to comment during the Citizen Comment Period shall request recognition by the Mayor;
    b. Upon recognition, the citizen shall approach the microphone and address the Mayor;
    c. All citizen comment shall be directed to the Mayor;
    d. No person speaking during the Citizen Comment Period shall allow his or her comments to exceed 5 minutes;
    e. No person addressing the City Council during the Citizen Comment Period shall be allowed to comment more than once per meeting:
    f. Citizen speakers should not expect any debate with the Mayor, City Council or City Staff; however, the Mayor, City Council or City Staff may respond within the thirty-minute period;
    g. If a citizen or member of the audience violates the provisions of this section, a City officer or member of staff will be asked to remove that person from the meeting and the remainder of the meeting.
(4) In addition to the above listed requirements, if a public hearing is scheduled for that meeting which has not occurred before the citizen comment time, the Mayor may request but not require the citizens to use the public hearing time rather than the citizen comment time to express their views concerning the subject matter of the public hearing.

**(Ord. No. 03-75 Amended 12/02/2003; Ord. No. 12-34 Amended 08/27/2012)**

## 2-1-108. DISTURBING MEETINGS.

The City Council may fine or expel any of its members for disorderly conduct upon a two-thirds vote of the members of the City Council. The City Council may also, upon a two-thirds vote, expel any person who is disorderly during any regular, study, or special meeting of the City Council.

## 2-1-109. ORDER OF BUSINESS.

The following rules shall govern the proceedings of the City Council. The quorum being present, the City Council shall proceed to transact the business before it in the following manner, unless the same is temporarily suspended by unanimous consent.

(1) Call to order.
(2) Opening ceremonies.
(3) Roll call.
(4) Consideration of minutes of preceding meeting or meetings and correction and approval of same, unless by consent dispensed with.
(5) Ceremonies and proclamations.
(6) Reports, correspondence, and communications.
(7) Public Comment Period:
    a. Public Comment;
    b. City Manager Comments;
    c. City Council Comments.
(8) Public hearings and any action items related to the public hearing.
(9) Ordinances.
(10) Resolutions.
(11) Unfinished business.
(12) New business.
(13) Adjournment.

**(Ord. 03-75, Amended 12/02/2003; Ord. No. 06-64 Amended 9/19/2006; Ord. No. 12-34 Amended 08/27/2012)**

## 2-1-110. RULES OF ORDER.

Robert's Rules of Order shall govern the proceedings of the City Council where applicable, when not in conflict with statutes or ordinances, or modified by the City Council.

## 2-1-111. ENACTMENT OF MEASURES.

No ordinance, resolution, or proposition to create an office or position of employment or to incur an expenditure shall be passed without the same having been reduced to writing and submitted to a vote of the City Council in public session.

## 2-1-112. VOTES REQUIRED.

(1) Four affirmative votes shall be required to pass any measure.

(2) When there is a vacancy on the City Council, subsection (1) shall not apply and any vacant position shall not count towards determining the number needed to constitute a quorum.
(3) For purposes of determining the number of members of the City Council needed to constitute a quorum in order to fill any vacancy pursuant to Section 20A-1-510 U.C.A. neither vacant positions nor members who are disqualified from participating in the process by subsection 20A-1-510(3) shall be counted.

**(Ord. No. 02-45 Amended 08/06/2002)**

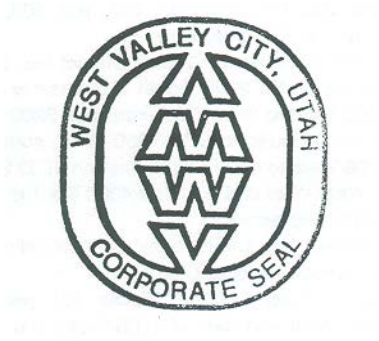
# CHAPTER 2-2
# OFFICIAL SEAL

Sections:

2-2-101. Official Seal of West Valley City.
2-2-102. City Recorder, Custodian of Seal.
2-2-103. Use of Seal.

## 2-2-101. OFFICIAL SEAL OF WEST VALLEY CITY.

The official seal for West Valley City shall be two ovals, one inside the other, with the words "West Valley City, Utah" and "Corporate Seal" written between the ovals, and in the center a vertical mirror image of a "W" above a "V", a facsimile of which is shown below:




## 2-2-102. CITY RECORDER, CUSTODIAN OF SEAL.

The City Recorder shall be the custodian of the official seal.

## 2-2-103. USE OF SEAL.

The City Recorder shall use the official seal in attesting to all ordinances and resolutions, countersigning all contracts, and in any other manner as required by state statute or by City ordinance or resolution.

# CHAPTER 2-3
# 2010 CENSUS COUNCIL DISTRICTS

Sections:

2-3-101. 2010 Census.
2-3-102. Repealed.
2-3-103. Council Districts.
2-3-104. Discrepancies and Official Map.
2-3-105. Effective Date of Boundary Change.

## 2-3-101. 2010 CENSUS.

The City Council adopts as the official data for the districting plan for West Valley City council districts the official census population figures and maps at the Bureau of the Census of the United States Department of Commerce, developed in connection with the taking of the 2010 National Decennial Census.

**(Ord. No. 02-14 Amended 02/05/2002; Ord. No. 12-06 Amended 02/16/2012)**

## 2-3-102. REPEALED.

**(Ord. No. 02-14 Amended 02/05/2002; Ord. No. 12-06 Repealed 02/16/2012)**

## 2-3-103. COUNCIL DISTRICTS.

The City Council consists of seven members, four of which are elected from each council district. The boundaries of the council districts are designated and established as follows:

(1) The boundaries of Council District No. 1 are: beginning at Utah Highway 201 and Bangerter Highway, east on Utah Highway 201 to the Jordan River, south on the Jordan River to 4100 South, west on 4100 South to Interstate Highway 215 ("I-215"), north on I-215 to 3500 South, west on 3500 South to Bangerter Highway, then north on Bangerter Highway to Utah Highway 201.

(2) The boundaries of Council District No. 2 are: beginning at 3500 South and 4400 West, east on 3500 South to I-215, south on I-215 to 4100 South, west on 4100 South to 2700 West, south on 2700 West to 4700 South, west on 4700 South to 4800 West, north on 4800 West to 4100 South, east on 4100 South to 4400 West, then north on 4400 West to 3500 South.

(3) The boundaries of Council District No. 3 are: beginning at 2100 South and 7200 West, east on 2100 South to Bangerter Highway, south on Bangerter Highway to 3500 South, west on 3500 South to 4400 West, south on 4400 West to 4100 South, west on 4100 South to 5200 West, north on 5200 West to 3500 South, west on 3500 South to 7200 West, then north on 7200 West to 2100 South.

(4) The boundaries of Council District No. 4 are: beginning at 3500 South and 7200 West, east on 3500 South to 5200 West, south on 5200 West to 4100 South, east on 4100 South to 4800 West, south on 4800 West to 4700 South, west on 4700 South to 5600 West, south on 5600 West to 5400 South, follows the City boundary on the south and west to the western-most boundary of

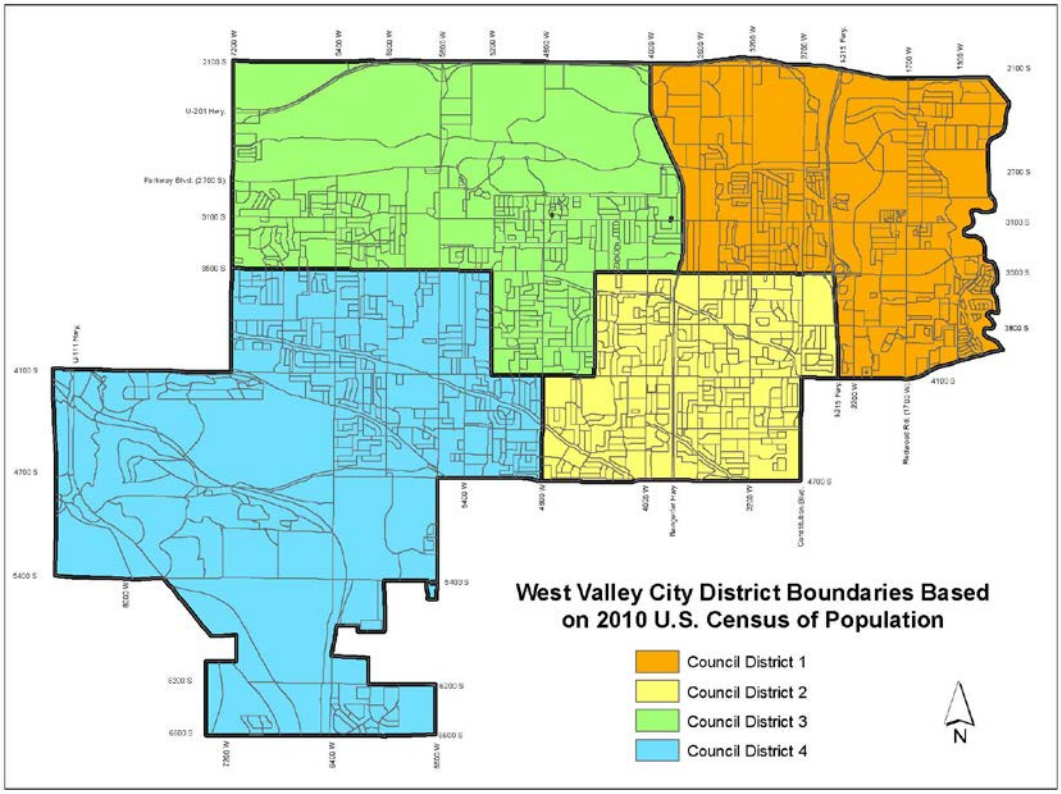
the City, north to 4100 South, east on 4100 South following the boundary of the City to 7200 West, then north on 7200 West to 3500 South.

**(Ord. No. 02-14 Amended 02/05/2002: Ord. No. 12-06 Amended 02/16/2012)**

## 2-3-104. DISCREPANCIES AND OFFICIAL MAP.

(1) If any area of West Valley City is omitted from the boundaries established in Section 2-3-103, inadvertently or by virtue of the complexities of the Census Bureau or information supplied to the Legislature, the City Recorder, upon discovery of the omission, shall include the area in the appropriate district if the area is surrounded by a council district.

(2) The attached map, and entitled "West Valley City District Boundaries Based On 2010 U.S. Census of Population," is the official map of the district boundaries for the City. If there are any discrepancies in the boundaries as described in Section 2-3-103 above, the official map shall be determinative of the boundaries of the council districts.




**(Ord. No. 02-14 Amended 02/05/2002; Ord. No. 12-06 Amended 02/16/2012)**

## 2-3-105. EFFECTIVE DATE OF BOUNDARY CHANGE.

The City Council members representing Districts 1, 2, 3 and 4 shall represent the realigned districts upon the effective date of this Ordinance.

**(Ord. No. 02-14 Amended 02/05/2002; Ord. No. 12-06 Amended 02/16/2012)**

# CHAPTER 2-4
# CAMPAIGN FINANCIAL DISCLOSURE

Sections:

2-4-101. Compliance with State Election Laws.
2-4-102. Repealed.
2-4-103. Repealed.
2-4-104. Repealed.
2-4-105. Repealed.
2-4-106. Repealed.

## 2-4-101. COMPLIANCE WITH STATE ELECTION LAWS.

All candidates and officeholders for an elective office of the City must abide by the requirements of state law concerning campaign financial disclosures.

**(Ord. No. 95-40 Enacted 08/24/1995; Ord. No. 05-30 Amended 07/05/2005; Ord. No. 15-17 Amended 06/01/2015)**

## 2-4-102. REPEALED.

**(Ord. No. 93-07 Enacted 03/10/1993; Ord. No. 95-40 Ren & Amd 08/24/1995, 2-4-101; Ord. No. 15-17-Repealed 06/01/2015)**

## 2-4-103. REPEALED.

**(Ord. No. 95-40 Enacted 08/24/1995; Ord. No. 05-30 Amended 07/05/2005; Ord. No. 15-17 Repealed 06/01/2015)**

## 2-4-104. REPEALED.

**(Ord. No. 95-40 Enacted 08/24/1995; Ord. No. 15-17 Repealed 06/01/2015)**

## 2-4-105. REPEALED.

**(Ord. No. 95-40 Enacted 08/24/1995; Ord. No. 05-30 Amended 07/05/2005; Ord. No. 15-17 Repealed 06/01/2015)**

## 2-4-106. REPEALED.

**(Ord. No. 93-07 Enacted 03/10/1993; Ord. No. 95-40 Renumbered and Amended 08/24/1995, 2-4-102; Ord. No. 05-30 Amended 07/05/2005; Ord. No. 15-17 Repealed 06/01/2015)**

# CHAPTER 2-5
# PRIVATE PROPERTY PROTECTION ACT

Sections:

2-5-101. Policy Considerations.
2-5-102. Definitions.
2-5-103. Guidelines Advisory.
2-5-104. Review of Decision.
2-5-105. Reviewing Guidelines.
2-5-106. Results of Review.

## 2-5-101. POLICY CONSIDERATIONS.

There is an underlying policy in the City strongly favoring the careful consideration of matters involving constitutional taking claims, in fairness to the owner of private property bringing the claim and in view of the uncertainty and expense involved in defending lawsuits alleging such issues. At the same time, the legitimate role of government in lawfully regulating real property must be preserved, and the public's right to require the dedication or exaction of property must be consistent with the Constitution. Consistent with this policy, it is desired that a procedure be established for the review of actions that may involve the issue of a constitutional taking. These provisions are to assist governments in considering decisions that may involve constitutional takings. It is intended that a procedure for such a review be provided, as well as guidelines for such considerations. This ordinance is further intended and shall be construed to objectively and fairly review claims by citizens that a specific government action should require payment of just compensation, yet preserve the ability of the City to lawfully regulate real property and fulfill its other duties and functions.

**(Ord. No. 94-124 Enacted 12/06/1994)**

## 2-5-102. DEFINITIONS.

(1) "Constitutional Taking" means:
   a. Actions by the City involving the physical taking or exaction of private real property that might require compensation to a private real property owner because of:
      i. The Fifth or Fourteenth Amendment to the Constitution of the United States;
      ii. Article I, Section 22, of the Utah Constitution; or
      iii. Any Court ruling governing the physical taking or exaction of private real property by a government entity.
   b. Actions by the City involving the physical taking or exaction of private real property is not a constitutional taking if the physical taking or exaction:
      i. Bears an essential nexus to (a);
      ii. Is a legitimate governmental interest; and
      iii. Is roughly proportionate and reasonably related, on an individualized property basis, both in nature and extent, to the impact of the proposed development on the legitimate government interest.

**(Ord. No. 94-124 Enacted 12/06/1994)**

## 2-5-103. GUIDELINES ADVISORY.

The guidelines adopted and decisions rendered pursuant to the provisions of this Section are advisory and shall not be construed to expand or limit the scope of the City's liability for a constitutional taking. The reviewing body or person shall not be required to make any determination under this ordinance except pursuant to Section 2-5-104.

**(Ord. No. 94-124 Enacted 12/06/1994)**

## 2-5-104. REVIEW OF DECISION.

Any owner of private real property who claims that there has been a constitutional taking of the owner's private real property shall request a review of a final decision of any officer, employee, board, commission, or council. The following are specific procedures established for such a review:

(1) The person requesting a review must have obtained a final and authoritative determination, internally, within the City, relative to the decision from which the person is requesting review.
(2) Within 30 days from the date of the final decision that gave rise to the concern that a constitutional taking has occurred, the person requesting the review shall file, in writing, in the Office of the City Recorder, a request for review of that decision. A copy shall also be filed with the City Attorney.
(3) The City Council, or an individual or body designated by the City Council, shall immediately set a time to review the decision that gave rise to the constitutional takings claim.
(4) In addition to the written request for review, the applicant must submit, prior to the date of the review, the following:
    a. The name of the applicant requesting review;
    b. The name and business address of the current owner of the property; the form of ownership, whether sole proprietorship, for-profit, or not-for-profit corporation, partnership, joint venture, or other; and if owned by a corporation, partnership, or joint venture, the name and address of all principal shareholders or partners;
    c. A detailed description of the grounds for the claim that there has been a constitutional taking;
    d. A detailed description of the property taken;
    e. Evidence and documentation as to the value of the property taken, including the date and cost at the date the property was acquired. This should include any evidence of the value of that same property before and after the alleged constitutional taking, the name of the party from whom purchased, including the relationship, if any, between the person requesting a review and the party from whom the property was acquired;
    f. The nature of the protectable interest claimed to be affected, such as, but not limited to, fee simple ownership and leasehold interest;
    g. The terms (including sale price) of any previous purchase or sale of a full or partial interest in the property in the three years prior to the date of application;
    h. All appraisals of the property prepared for any purpose, including financing, offering for sale, or ad valorem taxation, within three years prior to the date of application;
    i. The assessed value of and ad valorem taxes on the property for the previous three years;
    j. All information concerning current mortgages or other loans secured by the property, including the name of the mortgagee or lender, the current interest rate, the remaining

loan balance and term of the loan, and other significant provisions, including but not limited to, right of purchasers to assume the loan;

k. All listing of the property for sale or rent, price asked, and offers received, if any, within the previous three years;
l. All studies commissioned by the petitioner or agents of the petitioner within the previous three years concerning feasibility of development or utilization of the property;
m. For income producing property, the itemized income and expense statements from the property for the previous three years;
n. Information from a title policy or other source showing all recorded liens or encumbrances affecting the property; and
o. The City Council, or its designee, may request additional information reasonably necessary, in its opinion, to arrive at a conclusion concerning whether there has been a constitutional taking.

(5) An application shall not be deemed to be "complete" or "submitted" until the reviewing body/official certifies to the applicant that all the materials and information required above have been received by the City. The reviewing board/official shall promptly notify the applicant of any incomplete application.
(6) The City Council, or an individual or body designated by it, shall hear all the evidence related to and submitted by the applicant, City, or any other interested party.
(7) A final decision on the review shall be rendered within 14 days from the date the complete application for review has been received by the City Recorder. The decision of the City Council regarding the results of the review shall be given in writing to the applicant and the officer, employee, board, commission, or council that rendered the final decision that gave rise to the constitutional takings claim.
(8) If the City Council fails to hear and decide the review within 14 days, the decision appealed from shall be presumed to be approved.

**(Ord. No. 94-124 Enacted 12/06/1994)**

## 2-5-105. REVIEWING GUIDELINES.

The City Council shall review the facts and information presented by the applicant to determine whether or not the action by the City constitutes a constitutional taking as defined in this Chapter. In doing so, it shall consider:

(1) Whether the physical taking or exaction of the private real property bears an essential nexus to a legitimate governmental interest;
(2) Whether a legitimate governmental interest exists for the action taken by the City; and
(3) If the property and exaction taken is roughly proportionate or reasonably related, on an individual property basis, both in nature and extent, to the impact caused by the activities that are the subject of the decision being reviewed.

**(Ord. No. 94-124 Enacted 12/06/1994)**

# TITLE 3
# EXECUTIVE BRANCH ADMINISTRATIVE CODE

Chapters:

3-1 General Provisions
3-2 City Manager's Office
3-3 Community and Economic Development Department
3-4 Finance Department
3-5 Fire Department
3-6 Law Department
3-7 Parks and Recreation Department
3-8 Police Department
3-9 Public Works Department
3-10 Administrative Advisory Organizations
3-11 Employee Discipline Hearing Officer
3-12 Repealed
3-13 Community Preservation Department
3-14 Repealed.
3-15 Criminal History Rights of Access
3-16 Government Records Access Management Act
3-17 Historic Preservation Commission
3-18 Professional Standards Review Board

# CHAPTER 3-1
# GENERAL PROVISIONS

Sections:

3-1-101. Short Title.
3-1-102. City Organization
3-1-103. Oaths of Office.
3-1-104. Bonds.
3-1-105. Administrative Policy and Procedures.
3-1-106. Interference in Administration.
3-1-107. Penalties.
3-1-108. Emergency Management Succession of Offices.

## 3-1-101. SHORT TITLE.

This Title is known as the "West Valley City Administrative Code." This Title is also known as "Title 3, West Valley City Code." It may be cited and pleaded under either designation.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

## 3-1-102. CITY ORGANIZATION

(1) The City is organized into administrative divisions and offices and seven City departments as set forth herein. In addition, as provided in Section 3-2-102(1)(e), the City Manager may create other offices as are deemed necessary.
(2) The administrative divisions and offices and departments are supervised by the managers and department heads indicated herein. All administrative divisions and offices, departments, and any offices created by the City Manager are supervised by the City Manager.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

## 3-1-103. OATHS OF OFFICE.

(1) Each of the following officers and employees is required to take an oath of office before entering upon the discharge of the officer's or employee's duties, which oath shall be subscribed by the person taking it and filed and preserved in the office of the City Recorder:
    a. The City Manager, Assistant City Manager, City Recorder, department heads, City Treasurer, and members of the Planning Commission, Board of Adjustment, Civil Service Commission, and Business License Hearing Board.
    b. Any other commission members, board members, employees, or persons that the City Manager may deem appropriate or necessary.
    c. Once an oath is administered, it need not be re-administered.
(2) The form of oath shall be as authorized by state law.
(3) Failure to take an oath of office shall not disqualify the officer or employee from performing the duties of the position, nor invalidate any action taken by the officer or employee.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

## 3-1-104. BONDS.

Certain City officials, as determined by the City Manager, shall obtain bonding from a good and sufficient surety before entering upon the duties of their respective offices. The bonds shall be payable to the City, duly approved by the City Attorney, and conditioned upon the faithful performance and discharge of the officials' respective duties. For proper application and payment of all money or property coming into the officials' hands by virtue of their offices, the bonds shall be in the amount of $25,000 each, except for the Finance Director and the City Treasurer, who shall obtain bonding in the amounts prescribed by state law. The City shall pay all premiums for the above-required bonds.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

## 3-1-105. ADMINISTRATIVE POLICY AND PROCEDURES.

(1) Each officer and employee shall perform all duties required by state law, this Code, and City ordinances, and such other duties as may be required by the officer's or employee's department head or supervisor or the City Manager. This obligation to perform such other duties as assigned is supplemental to the list of duties specifically listed in this Title.
(2) The department heads shall:
    a. Be immediately responsible to the City Manager for the effective administration of their respective departments and all activities assigned thereto.
    b. Develop and maintain an up-to-date departmental policy and procedures manual containing policies, procedures, and instructions for carrying out departmental operations in conformity with law and other City policies and in the most efficient and effective manner possible.
    c. Keep informed as to the latest practices in their particular fields and inaugurate, with the approval of the City Manager, such new practices as appear to be of benefit to the City and to the public.
    d. Submit reports of the activities of the department to the City Manager, as directed by the City Manager.
    e. Establish and maintain a system of filing and indexing records and reports in sufficient detail to furnish all information necessary for proper control of departmental activities and to form a basis for the periodic reports to the City Manager.
    f. Exercise authority over all subordinates.
    g. Be responsible for the proper maintenance of all City property and equipment used in the department.
(3) Each department shall cooperate with the other departments and, upon the direction of the City Manager, shall furnish to any other department such service, labor, and materials as may be needed by the department head and as its own facilities permit.
(4) All departments and units thereof shall:
    a. Be open during regular business hours, as defined by the City Manager.
    b. Make a daily deposit with the City Treasurer of any public monies.
    c. Pay out monies belonging to the City only in the manner prescribed by law, ordinance, and City policy.
    d. Deliver all records, documents, and property, of every description belonging to the City, to the successor in office.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

## 3-1-106. INTERFERENCE IN ADMINISTRATION.

No member of the City Council shall direct or request, except in writing, the appointment of any person to, or the removal of any person from office or to interfere in any way with the performance by the officer of their duties. The City Council shall not give orders to any subordinate of the City Manager, either publicly or privately, but may make suggestions and recommendations. Nothing in this Section shall prevent the City Council from appointing committees of its own members or of citizens to conduct investigations into the conduct of any officer, department, or agency of the City, or any matter relating to the welfare of the City, and delegating to these committees such powers of inquiry as the City Council may deem necessary.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

## 3-1-107. PENALTIES.

In addition to the reasons set forth in the Personnel Policy and Procedures Manual, any persons violating the provisions of this Title may be disciplined, reprimanded, suspended, or removed from office by the City Manager as provided by law. The provisions of this Title, however, are directory and are to promote the orderly functioning of the City only, and are not intended to hold the City or its personnel to a higher duty than otherwise required by law or to subject the City or its personnel to criminal sanctions or civil liability.

**(Ord. No. 99-42 Repealed & Replaced, 07/02/1999)**

## 3-1-108. EMERGENCY MANAGEMENT SUCCESSION OF OFFICES.

(1) As used in this Section, the following definitions shall apply:
   a. "Absent" means not physically present or not able to be communicated with for 48 hours, or, during an emergency, a shorter period of time as determined by the City Manager on a case-by-case basis. "Absent" does not include a person who can be communicated with via telephone, radio, or telecommunications.
   b. "Emergency interim successor" means a person designated to exercise the powers and discharge the duties of an office when the person legally exercising the powers and duties of the office is unavailable. For purposes of this Section only, "officer" means the City Manager, City Recorder, department heads, City Treasurer, and Emergency Management Coordinator.
   c. "Unavailable" means absent from the place of governance during a disaster that seriously disrupts normal governmental operations, whether or not that absence or inability would give rise to a vacancy under existing constitutional or statutory provisions.
   d. All other definitions found in 63-5b-102, Utah Code Annotated, 1953 as amended, are incorporated herein as may be applicable.
(2) Each officer, as defined in this Section, shall provide to the City Manager a written list designating three emergency interim successors and their order of succession. Each officer shall submit a new list when the officer or any of the successors changes or when requested by the Emergency Management Coordinator.
(3) After the City Manager approves the emergency interim successors and their order of succession, the lists shall be given to the Emergency Management Coordinator, who shall

compile a master list for the City and submit it to the Division of Comprehensive Emergency Management for the State of Utah.

(4) If the officer is unavailable once a disaster has occurred, the designated emergency interim successor shall exercise the powers and duties of the office according to the order of succession. The emergency interim successor shall exercise the powers and duties of the office only until the vacancy is filled in accordance with the Constitution or statutes, or until the officer or an emergency interim successor earlier in the order of succession becomes available to exercise the powers and duties of the office.

(5) The emergency interim successor shall not be required to take an oath of office, unless specifically provided by law.

(6) All emergency interim successors serve at the pleasure of the City Manager, and may be removed and replaced at any time, with or without cause.

(7) The City Manager, upon a determination that West Valley City Hall is not capable of functioning as the seat of government for the City, may designate another location, outside of the City if necessary, to serve as the seat of government during an emergency.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

# CHAPTER 3-2
# CITY MANAGER'S OFFICE

Sections:

3-2-101. General Administration.
3-2-102. City Manager.
3-2-103. Administration of the Justice Court.
3-2-103.1. Appointment of Temporary Justice Court Judges.
3-2-104. Administrative Law Judge.
3-2-105. Traffic School Program.
3-2-106. Performance Bonds and Delay Agreements.
3-2-107. City Recorder's Office.
3-2-108. Repealed.
3-2-109. Administrative Services Division.
3-2-110. Utah Cultural Celebration Center Division.

## 3-2-101. GENERAL ADMINISTRATION.

In addition to all other duties and responsibilities of the City Manager, the City Manager's Office is responsible for all matters relating to administrative services, support services to the City Council, the City Recorder, public affairs, administration of the Justice Court, all advisory organizations as provided in Chapter 10 of this Title, and such other programs as required by the City Council.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 03-43 Amended 05/20/2003)**

## 3-2-102. CITY MANAGER.

(1) The City Manager is the Chief Executive Officer of the City and has the following powers and duties:
   a. To faithfully execute and enforce all applicable laws, ordinances, rules, and regulations and to see that all franchises, leases, permits, contracts, licenses, and privileges granted by the City are observed.
   b. To carry out the policies and programs established by the City Council.
   c. To organize and direct the management of the executive affairs of the City in a manner consistent with state law and City ordinances.
   d. To appoint a budget officer who shall be the Finance Director, for the purpose of complying with the requirements of the Uniform Municipal Fiscal Procedures Act.
   e. To appoint, with the advice and consent of the City Council, a qualified person to each of the offices of Assistant City Manager, City Recorder, City Treasurer, Administrative Services Director, Communications Director, Community and Economic Development Director, Community Preservation Director, Finance Director, Fire Chief, City Attorney, Parks and Recreation Director, Chief of Police, City Engineer, and Public Works Director; to create any other offices as may be deemed necessary for the good government of the municipality; and to regulate and prescribe the powers and duties of all other officers of the City, except as provided by law or by ordinance.

f. To examine and inspect the books, records, and official papers of any office, department, agency, board, or commission of the City, and to make investigations and require reports from personnel.
g. To appoint, subject to the provisions of law and this Administrative Code and with the advice and consent of the City Council, suspend, and remove, heads of City offices, departments, and agencies and all appointive officers of boards and commissions.
h. To establish standards, qualifications, criteria, and procedures to govern the appointments by heads of offices, departments, and agencies, or by other authorized officers, of divisional officers, assistants, deputies, and employees within their respective organizational units, subject to any applicable provisions of the merit system and this Administrative Code.
i. To submit to the City Council plans and programs relating to the development and needs of the City, and reports concerning the financial, administrative, and operational activities of municipal offices, departments, agencies, boards, and commissions, together with the City Manager's evaluation and recommendations relating to them.
j. To attend all meetings of the City Council and take part in its discussions and deliberations, but without the right to vote.
k. To appoint, with approval by majority vote of the full membership of the City Council, an Acting City Manager to serve in the City Manager's absence or temporary incapacity to perform the powers and duties provided for in this Title.
l. To discharge any other duties specified by statute or imposed by the City Council.

(2) In addition to the above-enumerated powers and duties, the City Manager may:
a. Authorize a department head or officer responsible to the City Manager to appoint and remove subordinates serving under that department head or officer.
b. Personally assume, unless the office legally requires a particular designation or certification, or delegate to some other officer or employee, the duties of any office or position under the City Manager's control which is vacant or which lacks administration due to the absence or disability of the incumbent.
c. Assign any employee of the City to any department or branch thereof requiring services appropriate to the Human Resource Office classification of the employee so assigned.
d. Prescribe such rules and regulations by executive order as the City Manager shall deem necessary or expedient for the conduct of all departments, divisions, and offices; and revoke, suspend, or amend any rule or regulation by whoever prescribed.
e. Personally or by delegation, investigate and examine or inquire into the affairs or operation of any department, division, or office; and, when so authorized by the City Council, the City Manager shall have power to employ consultants and professional counsel to aid in such investigations, examinations, or inquiries.
f. Examine all proposed contracts to which the City may be a party. When a purchase, obligation, or other contract may be properly entered into without specific City Council approval, the City Manager or any official delegated the responsibility may sign the document on behalf of the City. The Mayor's facsimile signature shall also be used and shall be countersigned by the City Recorder.
g. Approve merit pay increases, bonuses, or other compensation for City personnel when appropriate.
h. Set aside any action taken by a department head and supersede the department head in the functions of the department head's office.
i. Direct any department, division, or office to perform the work for any other department, division, or office, except where legally prohibited.

j. Compromise and settle, or authorize the City Attorney to compromise and settle, all claims or legal actions involving the City.
k. Set the dates of all public hearings. The City Manager shall notify the City Council of all such dates at a subsequent meeting of the City Council.
l. Designate such committees and the officers thereof as the City Manager shall find necessary for the proper consideration of administrative problems. Such committees shall meet at the request of the City Manager and shall make such recommendations on matters referred to them as they shall find necessary for the best interests of the City.
m. Declare any property to be surplus to the needs of the City and dispose of the property consistent with law.
n. Accept, reduce, extend, and release performance bonds and delay agreements as provided in Section 3-2-106.
o. In addition to the Personnel Policy and Procedures rules for filling open employment positions, when the City Manager determines that it is in the best interests of the City, the City Manager may authorize alternative employment methods, including the recruitment of specific individuals.

(3) The City Manager's responsibilities in the Good Landlord Program are as follows:
a. Primary responsibility for coordinating the program shall be delegated to the West Valley City Rental Unit Task Force ("Task Force").
b. The West Valley City Manager, or his designee, shall serve as the Task Force Director and shall have full discretion in all matters affecting the Task Force and the program.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 00-12 Amended 02/24/2000; Ord. No. 07-31 Amended 05/15/2007; Ord. No. 09-22 Amended 07/08/2009)**

## 3-2-103. ADMINISTRATION OF THE JUSTICECOURT.

(1) The Justice Court, for personnel, budget and other administrative issues shall report to the City through the Assistant City Manager.
(2) In accordance with §78-5-108(3(b), Utah Code Annotated, the Justice Court shall be open to the public and shall conduct judicial business Monday through Thursday.
(3) In accordance with §78-5-108(3)(c), Utah Code Annotated, the operating hours of the Justice Court shall be from 7:00 a.m. to 6:00 p.m. with the exception of legal holidays.
(4) The Court Administrator, with approval from the City Manager, may promulgate a recommended bail schedule for crimes frequently prosecuted in the West Valley City Justice Court.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 03-43 Amended 05/20/2003; Ord. No. 04-21 Amended 04/20/2004; Ord. No. 09-28 Amended 08/07/2009)**

## 3-2-103.1. APPOINTMENT OF TEMPORARY JUSTICE COURT JUDGES.

The City Manager shall appoint Temporary Justice Court Judges to fill temporary vacancies in the West Valley City Justice Court.

**(Ord. No. 11-10 Enacted 03/07/2011)**

## 3-2-104. ADMINISTRATIVE LAW JUDGE.

(1) The Administrative Law Judge (ALJ) is appointed by the City Manager.
(2) The ALJ position may be a merit or contract position and is subject to all personnel rules, except as provided in Subsection 3-2-104(3).
(3) The ALJ may not be disciplined for any decision made while conducting a hearing, as long as the decision is lawful and made in accordance with City ordinances, City policy and procedure, and policies of the ALD.
(4) The ALJ shall be trained and knowledgeable in misdemeanors, traffic laws, and due process.
(5) The ALJ position is not a supervisory position. The ALJ is supervised by the Assistant City Manager.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 11-29 Amended 12/13/2011)**

## 3-2-105. TRAFFIC SCHOOL PROGRAM.

(1) The Traffic School Program is supervised by the Assistant City Manager, as part of the Administrative Law Division, and shall:
(2) Offer to individuals found in violation of traffic offenses an opportunity to have their penalties reduced through attendance at traffic school.
(3) Provide individuals found in violation of traffic offenses an opportunity to sharpen defensive driving skills, while reinforcing safety skills.
(4) Collect and receipt fees assessed for attendance at traffic school.
(5) Provide for qualified instructors to conduct classes.

**(Ord. No. 99-42, Repealed & Replaced, 07/02/1999)**

## 3-2-106. PERFORMANCE BONDS AND DELAY AGREEMENTS.

(1) Performance bonds and delay agreements, as approved by the City Attorney's Office and required by City ordinances, are hereby approved and adopted by the City Council for each development that receives the proper approvals and permits as required by such ordinances. A copy of the performance bond and delay agreement forms shall be filed with the City Council by the City Manager each time they are amended.
(2) The manual or facsimile signature of the Mayor is hereby authorized on such performance bonds and delay agreements without the necessity of each one being brought to the Council, except that no such performance bond or delay agreement shall be valid until it has been countersigned manually by the City Manager and attested to by the City Recorder.
(3) The time for completion of the improvements under the bonds may be extended by the City Manager, as provided in the applicable provisions governing the bonds.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

## 3-2-107. CITY RECORDER'S OFFICE.

The City Recorder's Office is supervised by the City Recorder and shall:
(1) Serve as Clerk of the City Council, attending its meetings, keeping the record of its proceedings, and performing such other duties of a like nature as may be required by the City Council.

(2) Be responsible for the recording, filing, indexing, making available for public inspection, and safekeeping of all proceedings of the City Council and other records of the City.
(3) Record all ordinances in full, uniformly and permanently, and authenticate the same. The Recorder shall record, in a book used exclusively for that purpose, all ordinances passed by the City Council. The City Recorder shall assign each ordinance a number, if the City Council has not already done so. Immediately following each ordinance or codification of ordinances, the City Recorder shall make or cause to be made a certificate stating the date of passage and of the date of publication or posting, as required. The record and memorandum, or a certified copy thereof, shall be prima facie evidence of the contents, passage, and publication or posting of the ordinance or codification.
(4) Post or publish, as required by law, ordinances and resolutions adopted by the City Council, and all legal notices.
(5) Supervise all municipal elections in accordance with state law and City ordinances, and keep and maintain all election records and have custody of all property used in connection therewith, according to law.
(6) Countersign all contracts made on behalf of the City and maintain a properly indexed record of all contracts, agreements, deeds, rights-of-way, and other legal documents to which the City is a party.
(7) Prepare, attest, and report on the vital statistics of the City.
(8) Notify the appointing authority of the impending expiration of the term of office of a member of any board or commission, such notice to be given at least 30 days before such expiration.
(9) Be the custodian of the official seal of the City.
(10) Act as the City Records Officer to oversee and coordinate records access and management and City archives activities as required by local, state, and federal law.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

## 3-2-108. REPEALED.

**(Ord. No. 99-42, Repealed & Replaced 07/02/1999; Ord. No. 03-43 Amended 05/20/2003; Ord. No. 06-16 Repealed 03/07/2006)**

## 3-2-109. ADMINISTRATIVE SERVICES DIVISION.

(1) The Administrative Services Division is supervised by the Administrative Services Director and shall:
    a. Oversee all human resource activities for the City.
    b. Oversee all information technology services required by the City.
(2) The Administrative Services Division is organized into the following offices, for the purposes described:
    a. Human Resource Office. The purpose of the Human Resource Office is to:
        i. Administer the human resource program of the City as set forth in state law and City ordinances, the Personnel Policy and Procedures Manual, executive orders, and as instructed by the City Manager.
        ii. Make suggestions to the City Manager designed to ensure that employment in City government is based upon merit and is free from personal and political considerations.

iii. Perform all necessary and proper functions as liaison to the West Valley City Employee Discipline Hearing Officer in order to assure compliance with state law and City ordinances.
iv. Prepare and revise annually, in conjunction with department heads, classification plans, job descriptions, and salary surveys to be recommended to the City Manager for approval.
v. Establish and maintain a roster of all employees, setting forth class title of position, salary, any changes in class title, status, and such other data as may be deemed desirable or useful.
vi. Develop, acquire, and administer such recruiting and examining programs as may be necessary to obtain an adequate supply of competent applicants to meet the needs of the City.
vii. Propose, develop, or otherwise acquire and coordinate training and educational programs for City employees.
viii. Search for and inquire about ways and means of improving personnel procedures and make recommendations to the City Manager detailing these findings.

b. Office of Information Technology. The purpose of the Office of Information Technology (IT) is to:
i. Provide central telephone communications.
ii. Design, develop, acquire, implement, and upgrade software and hardware systems as vehicles for enhancing the management and administrative processes of the City.
iii. Advise the City on both the hardware and the software components necessary for the development of an effective and cost efficient computerized information system for the City.
iv. Advise the Administrative Services Director on all aspects of data processing services, including the feasibility, design, development, acquisition, implementation, and maintenance for all data processing hardware, software, and services to enhance the management and administrative processes of the City.
v. Provide appropriate controls for system compatibility, security, and accountability.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 14-32 Amended 07/24/2014)**

## 3-2-110. UTAH CULTURAL CELEBRATION CENTER DIVISION.

The Utah Cultural Celebration Center Division is supervised by the City Manager or the City Manager's Designee.

(1) The Utah Cultural Celebration Center Division shall facilitate the development and implementation of a center to celebrate cultural diversity and the arts and strengthen the sense of community by highlighting the cultural wealth of the City. The Objectives of the Utah Cultural Celebration Center include preserving and perpetuating cultural traditions, creating a setting for cultural exchange and experience, establishing a facility for art, providing a gathering place, encouraging education and experiential learning, providing a cultural icon and landmark of regional significance, enhancing economic development opportunities and building social infrastructure.

(2) The Utah Cultural Celebration Center Division business shall be conducted by the Cultural Center Director and shall:
    a. Develop the Utah Cultural Celebration Center and its related facilities.
    b. Direct and Oversee all activities at the Utah Cultural Celebration Center.
    c. Facilitate the goals of the Utah Cultural Celebration Center.
    d. Facilitate the participation of citizens and the entire community in the planning, development, function and use of the facility.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 03-43 Amended 05/20/2003)**

# CHAPTER 3-3
# COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

Sections:

3-3-101. Duties of Community and Economic Development Director.
3-3-102. Community and Economic Development Department Division.
3-3-103. Planning and Zoning Division.
3-3-104. Building Inspection Division.
3-3-105. Repealed.
3-3-106. Repealed.
3-3-107. Economic Services and Redevelopment Division.
3-3-108. Electric Power System Division.

## 3-3-101. DUTIES OF COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR.

In all cases where the duty is not expressly charged to any other department or office, it is the duty of the Community and Economic Development (CED) Director to plan, promote, and coordinate all activities affecting community development; to speak on behalf of the Department concerning the public issues in the community over which the Department has jurisdiction or advisory responsibility; to establish overall work priorities and allocate work among the staff and divisions within the Department; to review the work of all divisions and make the final decisions for the Department; to coordinate departmental activities with other departments; and to perform all such related duties and such others as may be imposed by statute, the City Council, or the City Manager.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

## 3-3-102. COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT DIVISION.

The Community and Economic Development Department is divided into the Planning and Zoning Division, Building Inspection Division, Ordinance Enforcement/Animal Control Division, Housing and Grants Division, Economic Services and Redevelopment Division, and Electric Power System Division.

**(Ord. No. 99-42 Repealed & Replaced Ord. No. 07/02/1999)**

## 3-3-103. PLANNING AND ZONING DIVISION.

The Planning and Zoning Division is supervised by the Assistant CED Director and the Supervisor of Current Planning, and consists of the offices listed below, which have those responsibilities noted.

(1) The Advanced Planning Office, which is responsible for long-range planning, including land use, housing, economics, policies, and the major street plan and general plan, and assisting in the development of the Capital Improvement Program.

(2) The Current Planning Office, which is responsible for reviewing all new development, handling land use problems and applications on a day-to-day basis, providing technical staff assistance and liaison to Board of Adjustment and Planning Commission, and providing technical assistance for the zoning enforcement office and the development of short-range land use plans.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

## 3-3-104. BUILDING INSPECTION DIVISION.

The Building Inspection Division is supervised by the Chief Building Official and shall:

(1) Inspect or supervise the inspection of all work done under the provisions of the Uniform Codes adopted by the City.
(2) Inspect or supervise the inspection of all premises, including structures and appurtenances thereon, for safety.
(3) Perform such zoning ordinance compliance as directed by the CED Director.
(4) Examine or supervise the examination of all construction plans to assure their compliance with the building codes and other appropriate laws and ordinances.
(5) Issue building permits when plans comply with the building codes and all other appropriate laws and ordinances.
(6) Assist and advise the public with respect to construction and code requirements.
(7) Investigate complaints or information regarding the probability of the presence of hazardous or illegal conditions or uses in premises.
(8) Perform inspections for compliance with Community and Economic Development Department, Public Works Department, and Fire Department requirements of the City Subdivision Ordinance when requested or directed.
(9) Perform business license inspections.
(10) Perform inspections for the Housing and Grants Division.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

## 3-3-105. REPEALED.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 08-55 Repealed 12/04/2008)**

## 3-3-106. REPEALED.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 08-55 Repealed 12/04/2008)**

## 3-3-107. ECONOMIC SERVICES AND REDEVELOPMENT DIVISION.

The Economic Services and Redevelopment Division are supervised by the Economic Services and Redevelopment Division Administrator and shall:

(1) Develop the economic/redevelopment portion of the City General Plan.
(2) Aid in the preparation of the City Capital Improvement Program and Plan.
(3) Provide public financial aid or incentives to make projects economically feasible and competitive, if the City decides to provide such aid and incentives.
(4) Market or promote the locality.

(5) Assist and improve land and services and recommend the provision of public financial aid or incentives to make projects economically feasible and competitive.
(6) Supervise the planning, qualification, and development of redevelopment project areas and the activities of the Redevelopment Agency.
(7) Aid existing and new businesses in finding adequate locations or relocations in the City.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

## 3-3-108. ELECTRIC POWER SYSTEM DIVISION.

The Electric Power System Division is supervised by the CED Director, as provided in Title 20, Chapter 4.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

# CHAPTER 3-4
# FINANCE DEPARTMENT

Sections:

3-4-101. Finance Department.
3-4-102. Duties of Finance Director.
3-4-103. Finance Department Divisions.
3-4-104. Treasury Division.
3-4-105. Accounting Division.
3-4-106. Purchasing Division
3-4-107. Budget Disbursement Division.
3-4-108. Business Licensing Division.
3-4-109. Criteria and Procedures Regarding Application and Consideration of Industrial Revenue Bond (Private Activity Bond) Applications

## 3-4-101. FINANCE DEPARTMENT.

In all cases where the duty is not expressly charged to any other department or office, it is the duty of the Finance Department to act to promote, secure, and preserve the financial and property interests of the City; to supervise all financial activities; to advise the City Manager on fiscal policy; to manage City investments; to handle debt administration; and to make interim and annual financial reports as requested by the City Manager.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

## 3-4-102. DUTIES OF FINANCE DIRECTOR.

The Finance Director is the Budget Officer and shall:

(1) Exercise general supervision over all officers of the City regarding the proper management of the fiscal concerns of their respective offices.
(2) Examine the financial books of each department from time to time, and see that the books are kept in proper form.
(3) See that officers receiving money pay the same to the Treasury Division, when thereto required, and that all necessary financial reports are made by officers, and report all delinquencies in such payments or reports to the City Manager.
(4) Report the default of any officer of the City to the City Manager, who shall direct the City Attorney to take immediate legal measures for the recovery of the amount for which such officer may be in default.
(5) Deposit the proceeds of all sales of bonds with the Treasury Division immediately after receiving the same and, until such deposit, be responsible for the amount thereof.
(6) Pay out to the persons duly entitled thereto, on warrant of the Finance Director, without appropriation by the City Council, any money paid to the Treasury Division pursuant to condemnation proceedings or arising from special assessments for public improvements park fund certificates, condemnation fund certificates, and all special trust funds.
(7) Have the responsibility as Budget Officer for complying with the requirements of the Uniform Municipal Fiscal Procedures Act.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

## 3-4-103. FINANCE DEPARTMENT DIVISIONS.

The Finance Department is divided into the Treasury Division, Accounting Division, Purchasing Division, Budget Disbursement Division, and Business Licensing Division.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

## 3-4-104. TREASURY DIVISION.

The Treasury Division is supervised by the City Treasurer and shall:

(1) Keep in proper books, a full and accurate account of all the monies, bonds, or other securities received and disbursed by the City Treasurer in behalf of the City, specifying the time of receipt and disbursement, from whom received and to whom disbursed, on what account received and disbursed, and how paid.

(2) Cancel all warrants and other evidences of debt against the City whenever paid by the City Treasurer, by writing or stamping across the face thereof the words, "Paid by the City Treasurer," with the date of payment written or stamped thereon. The City Treasurer shall give or cause to be given to every person paying money to the City a receipt or other evidence of payment therefore, specifying, as appropriate, the date of payment and upon which account paid, and shall file the duplicate of the receipt, a summary report, or other evidence of payment with the Chief Accountant.

(3) Receive and have custody of all monies paid to the City and disburse City monies upon the warrant of the Chief Accountant. The City Treasurer, or, in the City Treasurer's absence, the Finance Director, shall sign all checks prepared by the Accounting Division. Prior to affixing the signature, the City Treasurer or the Finance Director shall determine that a sufficient amount is on deposit in the appropriate bank account of the City to honor the check. The Finance Director, with approval of the City Manager, may also designate a person in addition to the City Treasurer to countersign checks.

(4) Pay City employees, upon presentation of the properly certified payroll.

(5) Demand and receive all monies and fees owing to the City whenever any person is indebted to the City in any manner and the means of collection of such debt is not otherwise provided for by law. When any claim is not collectible by other methods, the City Treasurer shall report the same to the City Attorney for possible legal action.

(6) Receive all money payable to the City within three business days after collection, including all taxes, licenses, fines, and intergovernmental revenue, and keep an accurate detailed account thereof in the manner provided by state law, ordinance, or resolution.

(7) Promptly deposit all City funds in the appropriate bank accounts of the City.

(8) Collect all special taxes and assessments, as provided by law and ordinance. All money received by the City Treasurer 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 in Section 10-6-131, Utah Code Annotated 1953, as amended.

(9) In the event the City is without funds on deposit in one of its appropriate bank accounts, the Finance Director shall draw and sign a warrant upon the City Treasurer of the payee named thereon. The City 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 City Treasurer shall note upon the back of each warrant presented the date of presentation and the date of payment.

(10) Provide for the investment of all idle cash.

(11) Make a daily settlement with the Chief Accountant of the amounts received and paid out during the day for which settlement is being made, and, at such settlements, deliver to the Chief Accountant, properly canceled, all warrants and other obligations of the City paid by the City Treasurer since the last settlement and take a receipt therefore in duplicate, one to be turned over to the Finance Director and one to be retained by the City Treasurer, and once each month the City Treasurer shall balance accounts with the Chief Accountant, and, which monthly settlement shall show the balance to the credit of the several funds for which the City Treasurer is responsible.

(12) Make a detailed report to the Finance Director on the first day of each month as to the business of the City Treasurer's office during the month preceding, showing the balance on hand to the credit of the different funds at the time of the City Treasurer's last report, the amount received during the month, and on what account, together with such other items and facts as the Finance Director may require.

(13) Provide visitor information services, including incoming telephone calls to the City, mail services, and greeting and routing citizens visiting City Hall.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

## 3-4-105. ACCOUNTING DIVISION.

The Accounting Division is supervised by the Chief Accountant and shall:

(1) Examine and conduct special audits of the accounts of all officers and departments subject to the approval of the City Manager.

(2) Prescribe the form of accounts and reports to be rendered to the Division.

(3) 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, and the accounts of all receiving and disbursing officers of the City.

(4) Transmit to the Finance Director, at least monthly, statements of cash on hand and of classified unencumbered appropriation balances for the City as a whole, and such other financial statements as the Finance Director may from time to time require.

(5) Keep all departments, boards, agencies, commissions, or institutions currently informed of its classified unencumbered appropriation balances.

(6) Prepare payroll in accordance with state law and City policy.

(7) Prepare and present to the Finance Director appropriate quarterly financial reports and, within 120 days after the close of each fiscal year, an audited annual financial report prepared in conformity with generally accepted accounting principles, as prescribed in the Uniform Accounting Manual for Utah Cities.

(8) Keep general accounting records, maintain or supervise cost accounts, bills, special assessments, other service charges, utilities and others, and perform all other such duties as may be prescribed by law, ordinance, resolution or administrative order.

(9) Determine the cash requirements of the City.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

## 3-4-106. PURCHASING DIVISION

The Purchasing Division is supervised by the Purchasing Manager and shall:

(1) Have such powers and duties as may be prescribed by state law or City ordinance.
(2) Purchase or contract for all supplies and contractual services needed by any City board, commission, or department, or by any using agency which derives its support wholly or in part for the City, in accordance with purchasing procedures as prescribed by law or ordinance and such rules and regulations as the Purchasing Manager, Finance Director, or City Manager shall adopt for the internal management and operation of the Purchasing Division.
(3) Act to procure for the City the highest quality in goods and contractual services at the least expense to the City.
(4) Encourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases and sales.
(5) Keep informed of current developments in the field of purchasing, prices, market conditions, and new products, and secure for the City the benefits of research done in the field of purchasing by other governmental jurisdictions, national technical societies, trade associations having national recognition, and by private businesses and organizations.
(6) Prescribe and maintain such forms as may be reasonably necessary.
(7) Prepare and adopt a standard purchasing nomenclature for using departments and suppliers.
(8) Prepare, adopt, and maintain a vendors' catalog file. The catalog shall be filed according to materials and shall contain descriptions of vendors' commodities, prices, and discounts.
(9) Explore the possibilities of buying "in bulk," so as to take full advantage of discounts.
(10) Act so as to procure for the City all federal and state tax exemptions to which it is entitled.
(11) Have the authority to declare vendors who default on their quotations irresponsible bidders and to disqualify them from receiving any business from the City for a stated period of time.
(12) Establish and amend, when necessary, such rules and regulations as may be necessary and proper for carrying into execution the foregoing powers.
(13) Keep and maintain all City asset records.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

## 3-4-107. BUDGET DISBURSEMENT DIVISION.

The Budget Disbursement Division is supervised by the Budget Disbursement Supervisor and shall:

(1) Prepare estimates of revenue and give such other assistance in the preparation of the budget as may be required by the Finance Director or the City Manager.
(2) Prepare estimates of expenses and give such other assistance in the preparation of the budget as may be required by the Finance Director or the City Manager.
(3) Provide for all other budget needs of the City.
(4) Process claims against the City after a purchase order or check request has been submitted.
(5) Receive invoices from City vendors, obtain required department signatures, denote delivery of product, and obtain authorization for payment of invoice.
(6) Pay all bona fide claims against the City in a timely manner.
(7) Prepare checks for mailing.
(8) File purchase orders, invoices, and copies of checks.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

## 3-4-108. BUSINESS LICENSING DIVISION.

The Business Licensing Division is supervised by the City Treasurer and shall:

(1) Collect all license fees and issue all licenses in the name of the City to all qualified persons.
(2) Promulgate, enforce, and supervise the enforcement of all reasonable rules and regulations necessary to the operation of the Division.
(3) Adopt all forms and prescribe the information to be given therein as to character and other relevant matters.
(4) Require applicants to submit any affidavits necessary and proper in the licensing process.
(5) Organize and maintain the files on applications and licenses.
(6) Coordinate with the Economic Services and Redevelopment Division to aid existing and new businesses to find adequate locations or relocations in the City.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

## 3-4-109. CRITERIA AND PROCEDURES REGARDING APPLICATION AND CONSIDERATION OF INDUSTRIAL REVENUE BOND (PRIVATE ACTIVITY BOND) APPLICATIONS.

(1) Purpose. West Valley City, pursuant to state law, may consider issuing industrial revenue bonds/private activity bonds for the purpose of obtaining a direct economic benefit to the City thorough the advancement of the City's economic development goals, creation of employment opportunities, increases in the tax base or stimulation of private investment or business development.
(2) Equal Consideration. With the exception of limitations placed by State Law, no particular type of business or enterprise will be excluded from consideration of the issuance of industrial revenue bonds/private activity bonds. Each applicant will be reviewed pursuant to this Policy and shall be given an equal opportunity to demonstrate its ability to provide the City with direct economic benefit.
(3) Compliance with State Law. The City and the applicant shall at all times comply with the requirements of Utah State Code Chapter 11-17, 1953 as amended.
(4) Application. An applicant shall comply with the following application requirements.
    a. Application Procedure:
        i. The applicant shall submit the following information to the City Attorney's Office. The City Attorney's Office shall facilitate the coordination and processing of the applicant's application with the appropriate City departments and submit the recommendations, legal documents and information to the City Manager.
        ii. Name of business enterprise.
        iii. Address
        iv. If incorporated (state and date of incorporation)
        v. Business Officers
        vi. Name and Address of the following:
            1. Bond Counsel
            2. Legal Counsel
            3. Auditors
            4. Proposed underwriter or purchaser of bonds
            5. Developer
            6. Architect

7. Engineer
8. Contractor

vii. A copy of the applicant's feasibility study, if any, for the proposed project, including a narrative describing the proposal in detail.

viii. A detailed description of plans for financing the proposed project, including a written statement from the proposed lender indicating a tentative commitment of financial support.

ix. A statement demonstrating the applicant's prior experience, if any, related to the type of project, activity, or business being proposed.

x. A showing of financial stability including:
   1. A review of the past 3 years of audits and financial statements for the applicant.
   2. Current audited financial statements
   3. Corporate structure and subsidiaries
   4. Banking institution of record
   5. A statement regarding outstanding litigation resulting in possible liability, including the court of record.
   6. Pro Forma financial disclosure of net income projections of the project, if the bond issue is approved.

xi. A copy of all plans and specifications for the proposed project for review by the Community and Economic Development Department including:
   1. A legal description of all property included in the project.
   2. A plat showing adjoining properties
   3. A preliminary title report or comparable evidence demonstrating ownership of the project property including owner's names, addresses and percentage of ownership.

xii. A statement of economic impact on the City, including current and pro forma projections of employees, sales tax revenues, etc for the next three (3) years.
   1. The applicant shall address each of the following issues to the satisfaction of the City:
      a. Will the project have a positive economic impact on the City?
      b. What social and physical benefits will be realized by the City?
      c. How many new jobs will be created, at what levels and what percentage of the applicant's total payroll will they comprise?
      d. Does the project contribute to the development of underutilized property in the City?
      e. Does the project serve unmet needs of the City residents and generate synergies for the development of surrounding properties?

xiii. A statement regarding requirements for new or additional municipal services including police, fire, water and sewer.

(5) Evaluation of the Proposal.

a. Upon receipt of all required information, the City Attorney's Office shall review the application, drawing on the support of all appropriate departments of the City. This review shall include a written recommendation by the Finance Department with regards to the financial stability of the applicant, and a written review by the Community and Economic Development Department with regards to the applicants meeting of the land use requirements of the City. The results of this analysis, as well as an analysis by

appropriate staff, bond counsel, financial advisors and others will be forwarded to the City Manager.

b. The City Manager will review the proposal. If the City Manager believes that the proposal has merit, and is in the best interest of the City, the City Manager may submit a recommendation to the City Council for its consideration.

(6) Inducement Resolution and Agreement. Any applicant whose application is approved shall be required to enter into an agreement with the City regarding the issuance of the bonds. The agreement shall contain all requirements to the satisfaction of the City Attorney, Bond Counsel, and City Manager. The Agreement will specifically include a provision whereby all publicly offered revenue bonds issued by the City on behalf of a private entity shall be credit enhanced by either a bond insurance policy issued by a 'AAA' rated municipal bond insurer, satisfactory to the city, or by a direct pay letter of credit from a financial institution with at least an 'AA' rating. Evidence of such shall be provided to the City prior to the adoption of the final bond resolution. In the case where the proposed bonds are to be sold on a private placement basis to a sophisticated investor, the City's credit enhancement may be waived if the City receives written confirmation from the sophisticated investor that it understands the risks and that under no circumstances will non-payment of a default on the bonds constitute or impose upon the City any financial obligation or liability.

**(Ord. No. 06-26 Amended 04/11/2006)**

# CHAPTER 3-5
# FIRE DEPARTMENT

Sections:

3-5-101. Duties of Fire Chief.
3-5-102. Fire Department Divisions.
3-5-103. Fire Administrative Services Division.
3-5-104. Operations Division.
3-5-105. Fire Prevention Division
3-5-106. Support Services Division.
3-5-107. Special Operations Division.
3-5-108. Training Division.
3-5-109. Medical Division.
3-5-110. Community Services Division.
3-5-111. Personnel Services Division.
3-5-112. Emergency Management Division.
3-5-113. Hazardous Chemical Local Emergency Planning Committee.

## 3-5-101. DUTIES OF FIRE CHIEF.

The Fire Chief is charged with the general operation of the Fire Department, including the prevention of fires, the protection of life and property from fires, the provision of emergency medical service, and any other emergency operation deemed necessary to protect the citizens of West Valley City. The Fire Chief shall also:

(1) With the advice and consent of the City Manager, appoint a Deputy Chief and/or Assistant Chief to perform such duties as may be delegated by the Fire Chief. The Deputy Chief or Assistant Chief shall function as the Operations Officer for the department, which duties include daily operational supervision and training, and shall serve as Acting Fire Chief in the absence of the Fire Chief or in the Fire Chief's temporary incapacity to perform the duties of office.

(2) Keep records on all fire losses, arson investigations, medical calls, and all other information deemed necessary.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

## 3-5-102. FIRE DEPARTMENT DIVISIONS.

The Fire Department is divided into the Fire Administrative Services Division, Operations Division, Fire Prevention Division, Support Services Division, Special Operations Division, Training Division, Medical Division, Community Services Division, Personnel Services Division, Emergency Management Division, and the Hazardous Chemical Local Emergency Planning Committee.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

## 3-5-103. FIRE ADMINSTRATIVE SERVICES DIVISION.

The Fire Administrative Services Division is supervised by the Fire Chief and is responsible for:

(1) Personnel;

(2) Records;
(3) Payroll; and
(4) Budget.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

## 3-5-104. OPERATIONS DIVISION.

The Operations Division is supervised by the Deputy Chief or Assistant Chief and is responsible for:

(1) Fire suppression;
(2) Saving of life and property;
(3) Providing fire response emergency medical services;
(4) Providing hazardous materials response;
(5) Providing technical rescue response;
(6) Emergency communications;
(7) Deployment of apparatus and manpower; and
(8) Scheduling of all emergency response personnel.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

## 3-5-105. FIRE PREVENTION DIVISION

The Fire Prevention Division is supervised by a Battalion Chief and is responsible for:

(1) Plans review and new construction inspections;
(2) Maintaining an ongoing safety inspection program for existing businesses;
(3) The abatement of existing fire hazards and hazardous materials; and
(4) Arson investigations.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

## 3-5-106. SUPPORT SERVICES DIVISION.

The Support Services Division is supervised by a Battalion Chief and is responsible for:

(1) The maintenance and care of apparatus and equipment;
(2) The upkeep of buildings and grounds;
(3) The purchase and distribution of protective clothing; and
(4) The purchase and distribution of all supplies for emergency responses and the maintenance of physical assets.

**(Ord. No. 99-42, Repealed & Replaced, 07/02/1999)**

## 3-5-107. SPECIAL OPERATIONS DIVISION.

The Special Operations Division is supervised by a Battalion Chief and is responsible for:

(1) Training and equipping the hazardous materials team for response to chemical accidents and releases;

(2) Training and equipping the technical response team for emergency responses to confined spaces, collapsed trenches, near drownings, structural collapses, vehicular accidents, and high angle falls; and
(3) Training and equipping the Fire Department for terrorism responses to chemical and/or biological attacks.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

## 3-5-108. TRAINING DIVISION.

The Training Division is supervised by a Battalion Chief and is responsible for:
(1) Training recruits;
(2) Training all firefighters based on their rank, emergency response capabilities, and any special skills that they possess;
(3) Maintaining training records and certifications for all firefighters;
(4) Providing a training structure that allows crews to simulate emergency response situations and conditions;
(5) Creating testing processes and establishing hiring lists for all ranks and specializations;
(6) Providing performance testing in all skill areas for individual firefighters and designated crews.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

## 3-5-109. MEDICAL DIVISION.

The Medical Division is supervised by a Battalion Chief and is responsible for:
(1) Providing training and certifications for all departmental Emergency Medical Technicians and paramedic personnel;
(2) Providing liaison with West Valley City's Medical Director and base hospital;
(3) Providing case review and performing testing for all paramedics; and
(4) Managing an exposure control program as required by national standards and federal law.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

## 3-5-110. COMMUNITY SERVICES DIVISION.

The Community Services Division is supervised by a Battalion Chief and is responsible for:
(1) Providing a Public Information Officer (PIO) for emergency response and any community related activity requiring Fire Department participation;
(2) Providing safety education in public schools;
(3) Providing safety education for neighborhood organizations;
(4) Managing the CERT organization and providing training for current CERT members and for residents of West Valley City; and
(5) Managing the Local Emergency Planning Committee.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

## 3-5-111. PERSONNEL SERVICES DIVISION.

The Personnel Services Division is supervised by a Battalion Chief and is responsible for:

(1) Managing the physical exam program for firefighters;
(2) Managing the industrial injury program for firefighters;
(3) Managing the physical fitness program for firefighters; and
(4) Managing the Critical Incident Debriefing process for firefighters.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

## 3-5-112. EMERGENCY MANAGEMENT DIVSION.

The Emergency Management Division is supervised by the Fire Chief and shall act as an extension of the functions of the City Manager to identify, mitigate, prepare for, and respond to, crisis situations. The Emergency Management Division shall administer and develop an emergency operations plan and resources that will provide the City with an integrated multi-hazard approach to dealing with the known hazards within the community.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

## 3-5-113. HAZARDOUS CHEMICAL LOCAL EMERGENCY PLANNING COMMITTEE.

The West Valley City Hazardous Chemical Local Emergency Planning Committee ("LEPC") is established for the purposes of carrying out the requirements of the Emergency Planning and Community Right to Know Act ("EPCRA").

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

# CHAPTER 3-6
# LAW DEPARTMENT

Sections:

3-6-101. Duties of City Attorney.
3-6-102. Law Department Divisions.
3-6-103. Civil Division.
3-6-104. Enforcement Division.
3-6-105. Division of Risk Management.
3-6-106. Renumbered (moved to 3-8-106)
3-6-107. Correction of Technical Errors to City Code.

## 3-6-101. DUTIES OF CITY ATTORNEY.

The City Attorney shall enforce all laws, act as legal advisor to the City, administer the Victim Services Program, oversee risk management for the City, and act to protect the legal interests of the City.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

## 3-6-102. LAW DEPARTMENT DIVISIONS.

The Law Department consists of the City Attorney and such other subordinates as may be authorized from time to time. The Law Department is divided into the Civil Division, the Enforcement Division, and the Division of Risk Management.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

## 3-6-103. CIVIL DIVISION.

The Civil Division is supervised by the City Attorney and shall:

(1) Advise the City Manager or any City officer, when requested, on all legal questions arising in the conduct of City business.
(2) Prepare or revise ordinances when so requested by the City Council, any committee or commission thereof, or the City Manager.
(3) Give opinions, orally or in writing, upon any legal matter or question submitted by any City officer.
(4) Attend Council meetings as assigned by the City Manager for the purpose of giving the City Council and City Manager legal advice.
(5) Prepare for execution all contracts and instruments to which the City is a party and approve as to form all contracts, legal instruments, and bonds.
(6) Defend all City officials and employees in any court when authorized to do so by state law, City ordinance, or City resolution.
(7) Have the power to adjust, settle, compromise, or submit to arbitration or mediation any action, causes of action, accounts, debts, claims, demands, disputes, and matters in favor of or against the City or in which the City is concerned as a party, now existing or which may hereafter arise, when it is not covered by any City insurance policy and upon approval of the City Manager.

(8) Handle personnel matters, including City representation before the Employee Discipline Hearing Officer.
(9) Report the outcome of any litigation in which the City has an interest to the City Manager.
(10) Periodically report to the City Manager all pending litigation and the condition thereof in which the City has an interest.
(11) Have charge of all legal services auxiliary to City Council action in connection with the appropriating of property to public use and in the levying of assessments.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 14-32 Amended 07/24/2014)**

## 3-6-104. ENFORCEMENT DIVISION.

The Enforcement Division is supervised by the Enforcement Division Supervisor, who may also use the title of City Prosecutor, and shall:

(1) Prepare civil and criminal charges and complaints against, and appear in the appropriate Court or administrative proceedings in the prosecution or enforcement of, every person charged with the violation of a City ordinance or a state law which city attorneys have the authority to enforce.
(2) Exercise, as directed and delegated by the City Attorney, all prosecutorial powers conferred upon city attorneys by state law.
(3) Serve as legal advisor to the City departments and divisions delegated the responsibility to enforce violations of the law, including the Police Department, the Fire Department, the Ordinance Enforcement Division, and the Business Licensing Division.
(4) Bring actions to collect fines, penalties imposed, and unpaid debts to the City and the Housing Authority.
(5) Oversee the Victim Services Office, which is supervised by the Victim Services Administrator and which shall:
    a. Inform victims of their rights under the law.
    b. Contact victims of crime to provide resources, information, and support and encouragement throughout the judicial process.
    c. Assist victims in obtaining protective orders.
    d. Attend court with victims or for victims to advocate for them during court hearings.
(6) Oversee the service of legal process, investigations and any other positions deemed necessary by the City Attorney to carry out the powers and responsibilities outlined in this Chapter.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 00-57 Amended 10/17/2000)**

## 3-6-105. DIVISION OF RISK MANAGEMENT.

The Division of Risk Management is supervised by the Deputy City Attorney and shall:

(1) Provide for City liability insurance, workers' compensation insurance, property insurance, and other insurance programs as needed.
(2) Establish and administer risk management programs for the City.
(3) Coordinate any self-insurance program approved by the City Council and City Manager.
(4) Receive and process claims and lawsuits according to procedures established by the City Attorney.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 00-57 Amended 10/17/2000)**

## 3-6-106. RENUMBERED (MOVED TO 3-8-106)

**(Ord. No. 00-57 Renumbered 10/17/2000)**

## 3-6-107. CORRECTION OF TECHNICAL ERRORS TO CITY CODE.

The City Attorney is authorized to correct technical errors and make other minor changes to the West Valley City Code, including:

(1) Adopting a uniform system of punctuation;
(2) Eliminating duplication and the repeal of laws directly or by implication, including renumbering when necessary;
(3) Correcting defective or inconsistent section and paragraph structure arrangement of the subject matter of existing statutes;
(4) Eliminating all obsolete and redundant words;
(5) Correcting obvious errors and inconsistencies, including those involving punctuation, capitalization, cross-references, numbering, and wording;
(6) Changing the boldface to more accurately reflect the substance of each section, part, chapter, or title; and
(7) Merging or determining priority of any amendments, enactments, or repealers to the same code provisions that are passed by the City Council.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

# CHAPTER 3-7
# PARKS AND RECREATION DEPARTMENT

Sections:

3-7-101. Duties of Parks and Recreation Director.
3-7-102. Parks and Recreation Department Divisions.
3-7-103. Park Operation and Maintenance Division.
3-7-104. Harman Home Senior Center.
3-7-105. The Ridge Golf Course.
3-7-106. Events, Promotions, and Marketing Division.
3-7-107. Fitness Center and Recreation Division.
3-7-108. E-center Parking Division.
3-7-109. Stonebridge Golf Course.

## 3-7-101. DUTIES OF PARKS AND RECREATION DIRECTOR.

The Parks and Recreation Department is supervised by the Parks and Recreation Director. The Parks and Recreation Director is responsible for matters relating to the planning, developing, constructing, operating, maintaining, and use of public parks, senior centers, golf courses, recreation centers, recreational activities, special events, and other leisure activities. The Director shall also be a member of, or assign a person to, the Parks and Recreation Advisory Committee and the West Valley Arts Council.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

## 3-7-102. PARKS AND RECREATION DEPARTMENT DIVISIONS.

The Parks and Recreation Department is divided into the Park Operation and Maintenance Division; the Harman Home Senior Center; The Ridge Golf Club; Stonebridge Golf Course; the Events, Promotions, and Marketing Division; the Fitness Center and Recreation Division; and the Maverik Center Parking Division.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

## 3-7-103. PARK OPERATION AND MAINTENANCE DIVISION.

The responsibilities of the Park Operation and Maintenance Division include:

(1) Maintaining all City parks and other landscaped properties owned by the City.
(2) Maintaining all undeveloped City park properties.
(3) Maintaining the landscaping at the Hale Centre Theatre.
(4) Handling park reservations.
(5) Supporting and carrying out special and recreational events.
(6) Beautifying City properties.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

## 3-7-104. HARMAN HOME SENIOR CENTER.

The responsibilities of the Harman Home Senior Center include:

(1) Serving as a place for senior citizens to gather and participate in special programs and activities.
(2) Providing and offering programs to senior citizens.
(3) Striving to provide an outlet for the "Older American Act Benefits" to senior citizens.

**(Ord. No. 99-42, Repealed & Replaced, 07/02/1999)**

## 3-7-105. THE RIDGE GOLF CLUB.

The responsibilities of The Ridge Golf Club include:

(1) Providing public golf on an 18-hole championship golf course.
(2) Beautifying and managing the golf course.
(3) Providing the highest quality golf experience at the lowest price.
(4) Maintaining golf equipment and carts in the best manner possible.
(5) Providing customer service, with a full service pro shop and golf course.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

## 3-7-106. EVENTS, PROMOTIONS, AND MARKETING DIVISION.

The responsibilities of the Events, Promotions, and Marketing Division include:

(1) Promoting and marketing the Family Fitness Center and activities.
(2) Promoting and marketing events, games, sports, festivals, and other events as needed.
(3) Assisting other Parks and Recreation divisions with events and promotions.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

## 3-7-107. FITNESS CENTER AND RECREATION DIVISION

The responsibilities of the Fitness Center and Recreation Division include:

(1) Providing valuable family-oriented fitness and recreational facilities and programs.
(2) Enhancing the quality of life for all West Valley City residents, regardless of age or ability, by maximizing learning opportunities through leisure experiences.
(3) Providing a safe environment in which all residents will feel welcome and secure.
(4) Establishing strong programming, including fitness, recreational/cooperative, competitive, and instructional-based formats.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

## 3-7-108. MAVERIK CENTER PARKING DIVISION.

The Maverik Center Parking Division is responsible for maintaining and operating the Maverik Center parking facilities.

**(Ord. No. 99-42, Repealed & Replaced, 07/02/1999)**

## 3-7-109. STONEBRIDGE GOLF COURSE.

The responsibilities of the Stonebridge Golf Course include:

(1) Providing public golf on a 27 hole championship golf course.
(2) Beautifying and managing the golf course.
(3) Providing the highest quality golf experience at the lowest price.
(4) Maintaining golf equipment and carts in the best manner possible.
(5) Providing customer service, with a full service pro shop and golf course.

**(Ord. No. 03-43 Add 05/20/2003)**

# CHAPTER 3-8
# POLICE DEPARTMENT

Sections:

3-8-101. Duties of the Chief of Police.
3-8-102. Police Department Structure.
3-8-103. Office of the Chief of Police.
3-8-104. Uniform Services Bureau.
3-8-105. Support Services Bureau.
3-8-106. Service of Legal Papers.

## 3-8-101. DUTIES OF THE CHIEF OF POLICE.

The Chief of Police directs the police work of the City, is responsible for the enforcement and maintenance of law, and shall:

(1) With the advice and consent of the City Manager, appoint Deputy Chief(s) of Police, or other command level officers to perform such duties as may be delegated to them by the Chief of Police. The Deputy Chief(s) of Police shall serve as Acting Chief of Police in the absence, or temporary incapacity of the Chief of Police to perform the duties of the office.
(2) Assign officers and civilian personnel to units in the Department, and make reassignments as necessary.
(3) Ensure that each necessary function of police service required by law or directed by the City Council and City Manager is carried out as prescribed.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 00-12 Repealed & Replaced 02/24/2000)**

## 3-8-102. POLICE DEPARTMENT STRUCTURE.

For the purpose of organizational efficiency and control, the Police Department is divided into various units. These units may be reorganized from time to time to respond to the necessities of the Department in order to carry out its mission. The primary operating units of the Department are the Office of the Chief of Police, the Uniform Services Bureau, and the Support Services Bureau. The Office of the Chief of Police heads all units.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 00-12 Repealed & Replaced 02/24/2000 ;)**

## 3-8-103. OFFICE OF THE CHIEF OF POLICE.

The Office of the Chief of Police is supervised by the Chief of Police and shall have direct charge of:

(1) Police Department budgets and related financial matters;
(2) Liaison activities;
(3) Technology development;
(4) Public relations;
(5) Preparation of monthly and annual reports;
(6) Internal affairs matters; and

(7) Legal support.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 00-12 Repealed & Replaced 02/24/2000)**

## 3-8-104. UNIFORM SERVICES BUREAU.

The Uniform Services Bureau shall have charge of:

(1) Patrol, traffic, and community oriented policing, handling the initial investigations and calls for service;
(2) Dispatch and communications support;
(3) Child safety programs;
(4) Community relations programs;
(5) Central complaint desk;
(6) Chaplain program;
(7) Training; and
(8) Reserve officer program.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 00-12 Repealed & Replaced 02/24/2000)**

## 3-8-105. SUPPORT SERVICES BUREAU.

The Support Services Bureau shall have responsibility for:

(1) School resource programs;
(2) Maintenance of police records;
(3) Investigation of crimes;
(4) Liquor control, vice, and narcotics investigations;
(5) Evidence collection;
(6) Custody of property and evidence;
(7) Forensic analysis;
(8) The preparation of evidence for the prosecution of criminal cases; and
(9) Personnel Resources.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 00-12 Repealed & Replaced 02/24/2000)**

## 3-8-106. SERVICE OF LEGAL PAPERS.

The Police Department is responsible for providing the Law Department with a fully equipped police vehicle (i.e. Laptop computer, police radio, etc.), gas and maintenance for the vehicle, a gun, and a handheld police radio to be used by their process server and investigator.

**(Ord. No. 00-12 Add 02/24/2000; Ord. No. 00-57 Amended 10/17/2000)**

# CHAPTER 3-9
# PUBLIC WORKS DEPARTMENT

Sections:

3-9-101. Duties of Public Works Director.
3-9-102. Public Works Department Divisions.
3-9-103. Engineering Division.
3-9-104. Operations Division.
3-9-105. Fleet Management Division.
3-9-106. Public Facilities Division.
3-9-107. Sanitation Division.
3-9-108. Transportation Division.

## 3-9-101. DUTIES OF PUBLIC WORKS DIRECTOR.

The Public Works Director is responsible for all matters relating to engineering review, construction, management, maintenance, and operation of the physical properties of the City.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

## 3-9-102. PUBLIC WORKS DEPARTMENT DIVISIONS.

The Public Works Department is divided into the Engineering Division, the Operations Division, the Fleet Management Division, the Public Facilities Division, and the Sanitation Division, and the Transportation Division.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 06-37 Amended 6/6/06; Ord. No. 07-33 Amended 5/15/2007; Ord. No. 07-57 Amended 9/18/2007)**

## 3-9-103. ENGINEERING DIVISION.

The Engineering Division is supervised by the City Engineer and shall:

(1) Perform and/or supervise the performance of all engineering services for the Public Works Department and for such other departments of the City as may from time to time require such services.
(2) Inspect or supervise the inspection of work involving the construction of streets, sidewalks, curbs, gutters, rights-of-way, drainage facilities, traffic control devices, and all other public improvements.
(3) Serve as the office of records for all maps, plans, plats, profiles, drawings, final estimates, specifications, and copies of contracts which in any way relate to the public improvements and engineering affairs of the City and be custodian of all drawings and documents above-mentioned.
(4) Provide for planning and engineering of flood control facilities, including channels, ditches, open drains, and storm drains which are included in the flood control system or designated by the Public Works Director or City Manager as having a public interest.

**(Ord. No. 99-42, Repealed & Replaced, 07/02/1999)**

## 3-9-104. OPERATIONS DIVISION.

The Division is supervised by the Operations Manager and shall:

(1) Maintain all City streets, and rights-of-way in a safe and attractive condition and provide for their repair and maintenance.
(2) Provide for the removal of snow and other hazards from City streets.
(3) Provide for an ongoing maintenance program and direct the cleaning and maintenance of natural channels, ditches, open drains, and storm drains which are included in the storm drainage and flood control system.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 07-33 Amended 5/15/2007; Ord. No. 07-57 Amended 9/18/2007)**

## 3-9-105. FLEET MANAGEMENT DIVISION.

The Fleet Management Division is supervised by the Fleet Manager and shall:

(1) Develop and implement a Fleet Management Policy, as approved by the City Manager.
(2) Be responsible for the management of all City vehicles and equipment, including maintenance, replacement, disposal, licensing, and issuing fuel cards.
(3) In cooperation with each City department, determine the most appropriate vehicle for each approved use. Prepare and maintain a list of approved vehicles for each use.
(4) Oversee the operation of the Fleet Maintenance Facility.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 06-37 Amended 6/6/06))**

## 3-9-106. PUBLIC FACILITIES DIVISION.

The Public Facilities Division is supervised by the Public Facilities Manager and shall be responsible for the management, maintenance, and operation of all municipal buildings and other public facility properties.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

## 3-9-107. SANITATION DIVISION.

The Sanitation Division is supervised by the Operations Manager and shall be responsible for the collection and disposal of garbage and rubbish placed on the curb by residents on assigned days.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 07-33 Amended 5/15/2007)**

## 3-9-108. TRANSPORTATION DIVISION.

The Transportation Division is supervised by the Transportation Engineer and shall be responsible for the transportation planning, traffic engineering, traffic signal maintenance and operation, pavement markings and street lighting.

**(Ord. No. 07-57 Enacted 9/18/2007)**

# CHAPTER 3-10
# ADMINISTRATIVE ADVISORY ORGANIZATIONS

Sections:


3-10-100P Part 1—Administrative Advisory Organizations.
3-10-101. Creation.
3-10-102. Membership.
3-10-103. Duties.
3-10-200P Part 2—Volunteer Advisory Committee.
3-10-201. Definitions.
3-10-202. Volunteer Advisory Committee.
3-10-203. Duties.
3-10-204. Status.
3-10-205. Status of Community Service Workers.
3-10-206. Expenses.
3-10-207 Credit.
3-10-208. Conflict of Interest.
3-10-300P Part 3 Parks and Recreation Advisory Committee.
3-10-301. Members.
3-10-302. Duties.
3-10-303. Length of Terms.
3-10-304. Officers.
3-10-305. Policies and Procedures.
3-10-306. Funds.
3-10-400P Part 4 – Youth City Council.
3-10-401. Youth City Council.
3-10-402. Purpose.
3-10-403. Length of Terms.
3-10-404. Officers.
3-10-405. Bylaws.
3-10-406. Operations.
3-10-500P Part 5 – West Valley City Clean and Beautiful Committee.
3-10-501. West Valley City Clean and Beautiful Committee.
3-10-502. Purpose.
3-10-503. Length of Terms.
3-10-504. Officers.
3-10-505. Bylaws.
3-10-506. Operations.
3-10-600P Part 6 – Repealed.
3-10-601. Repealed.
3-10-602. Repealed.
3-10-603. Repealed.
3-10-604. Repealed.
3-10-605. Repealed.
3-10-606. Repealed.
3-10-700P Part 7 – West Valley City Cultural Arts Board.
3-10-701. West Valley City Cultural Arts Board Creation.

3-10-702. Purpose.
3-10-703. Membership.
3-10-704. Governance.
3-10-705. Operations.
3-10-800P Part 8—West Valley City Arts Council.
3-10-801. West Valley City Arts Council.
3-10-802. Purpose.
3-10-803. Governance.
3-10-804. Operations.
3-10-900P Part 9 – Historical Society.
3-10-901. Historical Society.
3-10-902. Purpose.
3-10-903. Governance.
3-10-904. Operations.
310-1000P Part 10 – West Valley City Sister City Committee
3-10-1001. West Valley City Sister City Committee.
3-10-1002. Purpose.
3-10-1003. Governance.
3-10-1004. Operations.
3-11-1100P Part 11 – West Valley City Utah Cultural Celebration Center Advisory Board.
3-10-1101. West Valley City Cultural Celebration Center Advisory Board.
3-10-1102. Purpose.
3-10-1103. Governance.
3-10-1104. Operations.
3-10-1200P Part 12 – Advisory Board Governance.
3-10-1201. Application.
3-10-1202. Purpose.
3-10-1203. Meetings.
3-10-1204. Elections.
3-10-1205. Duties of Officers.
3-10-1206. Removal of Resignation.
3-10-1207. Voting.
3-10-1208. Property of the City.
3-10-1300P Part 13 – Audit Review Committee.
3-10-1301. Members.
3-10-1302. Duties.
3-10-1303. Length of Terms.
3-10-1304. Officers.
3-10-1305. Funds.
3-10-1400P. Part 14 – Utah Cultural Celebration Center Foundation Committee.

## 3-10-100P PART 1—ADMINISTRATIVE ADVISORY ORGANIZATIONS

## 3-10-101. CREATION.

Administrative Advisory Committees may be created by the City Manager as may be needed from time to time.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

## 3-10-102. MEMBERSHIP.

Each Committee created herein shall be composed of appropriate numbers of members, unless state statute or City ordinance requires a specific number. Committee members shall be appointed and subject to removal and/or sunset by the City Manager.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

## 3-10-103. DUTIES.

Each Committee created herein shall act as an advisory group to the City Manager regarding the matters within its field and any specific problems referred to it by ordinance, resolution, or by the City Manager.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

# 3-10-200P PART 2—VOLUNTEER ADVISORY COMMITTEE

## 3-10-201. DEFINITIONS.

(1) "Volunteer" means any person who donates approved services without pay or other compensation except expenses actually and reasonably incurred as approved by the City. "Volunteer" does not include community service workers.

(2) "Community Service Worker" means any person who has been convicted of a criminal offense, any youth who has been adjudged delinquent, or any person or youth who has been diverted from the criminal or juvenile justice system and who performs a public service for an agency as a condition of the person's or youth's sentence, diversion, probation, or parole.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

## 3-10-202. VOLUNTEER ADVISORY COMMITTEE.

The City Manager shall establish a Volunteer Advisory Committee pursuant to Chapter 3-2 of the West Valley City Code.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

## 3-10-203. DUTIES.

The Volunteer Advisory Committee shall:

(1) Encourage volunteerism and be responsible for the promotion of optimum use of volunteers within City government;
(2) Develop a unified policy for the operation of volunteer programs;
(3) Coordinate with the Administrative Services Director those documents and information that should be contained in the volunteer's personnel file.

(4) Identify special projects where the use of volunteer services is particularly appropriate and/or essential, and recommend implementation of such projects;
(5) Monitor compliance with established standards, including appropriate recognition;
(6) Request and receive statistical and program reports from volunteer programs annually or more frequently, if necessary;
(7) Evaluate City volunteer programs and recommend future direction of such programs;
(8) Assist departments in identifying volunteer resources for special projects;
(9) If requested by the City Manager, establish a program for the use of community service workers.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

## 3-10-204. STATUS.

A volunteer, authorized by the City Manager, is considered an employee of the City only for the purposes of:

(1) Receiving workers' compensation medical benefits, which shall be the exclusive remedy for all injuries and occupational diseases as provided under Chapters 1 and 2, Title 35, Utah Code Annotated;
(2) The operation of motor vehicles or equipment, if the volunteer is properly licensed to do so; and
(3) Liability protection and indemnification normally afforded paid City employees.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

## 3-10-205. STATUS OF COMMUNITY SERVICE WORKERS.

A community service worker is considered a government employee for purposes of receiving workers' compensation benefits, which shall be the exclusive remedy for all injuries and occupational diseases as provided under Chapters 1 and 2, Title 35, Utah Code Annotated.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

## 3-10-206. EXPENSES.

Approved expenses for which volunteers may receive reimbursement include transportation, meals, travel expenses, lodging, uniforms, and/or supplies. Such reimbursement in entirely dependent upon the decision and resources of the individual City departments, with the appropriate financial approvals pursuant to City ordinances and policies.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

## 3-10-207. CREDIT.

When prescribed by department management and certified as having participated in an approved Volunteer Services Program, such volunteer service credit shall be recognized for determining satisfaction of minimum qualification requirements for career service positions, as determined by the Administrative Services Director.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

## 3-10-208. CONFLICT OF INTEREST

Members of the Volunteer Advisory Committee, volunteers, and community service workers are subject to conflict of interest provisions, as detailed in applicable sections of the Utah Code Annotated and West Valley City ordinances.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999)**

## 3-10-300P PART 3—PARKS AND RECREATION ADVISORY COMMITTEE

## 3-10-301. MEMBERS.

The City Manager is hereby authorized to create a Parks and Recreation Advisory Committee, composed of nine members. The members shall be appointed by the City Manager, with the advice and consent of the City Council.

The Parks and Recreation Advisory Committee shall be composed of one member from the West Valley City Council; two "at-large" members chosen from the citizenry of West Valley City; and six additional members selected from the citizenry of West Valley City at large or from such other groups or organizations, as deemed appropriate by the City Manager. Such groups or organizations may include the following: the West Valley City Arts Council, Valley West Chamber of Commerce and local sports organizations, including, but not limited to, Granger Little League Baseball, Hunter Bonnet Ball, Granger Little League Football, and Youth Soccer.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 04-60 Repealed & Replaced 12/20/2004)**

## 3-10-302. DUTIES.

Duties of the Parks and Recreation Advisory Committee shall include the following:

(1) Recommend park development plans to the City Manager; and
(2) Recommend recreation program plans to the City Manager.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 04-60 Repealed & Replaced 12/20/2004)**

## 3-10-303. LENGTH OF TERMS.

The initial term of each member of the Parks and Recreation Advisory Committee shall be determined by the City Manager, upon the advice and consent of the City Council, subject to the following:

(1) Three members of the Committee shall serve an initial term of one year.
(2) Three members of the Committee shall serve an initial term of two years.
(3) Three members of the Committee shall serve an initial term of three years.

Thereafter, each appointment to the Committee shall be for a term of three years.

The City Manager, with the advice and consent of the City Council, may reappoint members for additional terms. Should a vacancy in the Committee occur, nominees for membership may be solicited and recommended to the City Manager after notification of the vacancy.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 04-60 Repealed & Replaced 12/20/2004)**

## 3-10-304. OFFICERS

The City Manager, with the advice and consent of the City Council, shall annually appoint one member of the Parks and Recreation Advisory Committee to serve as chairperson.

Election of additional officers, as the Committee may deem necessary, shall be held as provided in the Parks and Recreation Advisory Committee policies and procedures.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 04-60 Repealed & Replaced 12/20/2004)**

## 3-10-305. POLICIES AND PROCEDURES.

(1) The Parks and Recreation Advisory Committee shall establish and adopt policies and procedures governing its operation and the conduct of its meetings. Upon adoption, said policies and procedures shall be submitted to the City Manager for review and approval. The policies and procedures become effective upon approval by the City Council.
(2) The Parks and Recreation Advisory Committee, upon its own initiative, may amend the policies and procedures. Amendments to the policies and procedures shall be submitted to the City Manager for approval, with the advice and consent of the City Council.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 04-60 Repealed & Replaced 12/20/2004)**

## 3-10-306. FUNDS.

It is not the intent of the City Council that the Parks and Recreation Advisory Committee collect or disburse funds, or in any manner operate a budget. However, should it become necessary to collect or disburse funds or establish a budget, as determined by the City Manager, such funds shall be collected and disbursed and such budget shall be operated under the direction of the City Manager, within established accounting and budget procedures as provided by state law and City ordinance.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 04-60 Repealed & Replaced 12/20/2004)**

## 3-10-400P PART 4—YOUTH CITY COUNCIL

## 3-10-401. YOUTH CITY COUNCIL.

(1) There is hereby created the West Valley City Youth City Council.
(2) The Youth City Council shall consist of a Youth Mayor, six Youth City Council members, a Youth City Manager and a Youth City Recorder, who shall be appointed by the City Manager with the advice and consent of the City Council.
(3) The Youth City Council shall have additional unlimited numbers of members serving as Youth Department Heads, Committee Chairpersons and Committee Members, appointed by the City Manager.
(4) The Youth City Council may create subcommittees and use volunteers who are not on the Youth City Council to accomplish its purposes.
(5) Youths who reside or attend a senior high school in West Valley City shall be eligible to apply for participation in the West Valley City Youth Council program.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 04-60 Repealed & Replaced 12/20/2004)**

## 3-10-402. PURPOSE.

The Youth City Council is created as an advisory body to the City to promote and provide an opportunity for the youths of West Valley City to acquire a greater knowledge of and appreciation for the political system of local government through active participation; and to obtain information and assistance from the youths regarding planning and implementation of social, educational, cultural and recreational activities for youths.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 04-60 Repealed & Replaced 12/20/2004)**

## 3-10-403. LENGTH OF TERMS.

(1) The term of appointment for a member is one year.
(2) Should a vacancy occur in the positions of Mayor, Council member, City Manager or City Recorder, nominees may be solicited and recommended to the City Manager as soon as possible after notification of the vacancy.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 04-60 Repealed & Replaced 12/20/2004)**

## 3-10-404. OFFICERS.

(1) The Youth Mayor shall be the Chair of the Youth City Council, and shall be appointed annually by the City Manager with the advice and consent of the City Council.
(2) The Youth City Recorder shall be the Secretary of the Youth City Council, shall be appointed annually by the City Manager, and shall record all proceedings of the Youth City Council meetings.
(3) The City Manager shall appoint a representative to the Youth City Council to be known as the Youth City Council Advisor. The Youth City Council Advisor shall attend all meetings of the Youth City Council and provide leadership and support to the program.
(4) Election and/or appointment of other officers may be held as provided in the bylaws.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 04-60 Repealed & Replaced 12/20/2004)**

## 3-10-405. BYLAWS.

(1) The Youth City Council shall prepare bylaws and submit them to the City Council for approval. The bylaws shall include times of and procedures for meetings, quorum and voting requirements, purposes of the program, requirements for membership in the program, methods for conducting business and meeting notice requirements.
(2) The Youth City Council, upon its own initiative, may propose amendments to the bylaws. Such amendments shall be submitted to the City Manager for approval and submission to the City Council for final approval.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 04-60 Repealed & Replaced 12/20/2004)**

## 3-10-406. OPERATIONS.

(1) As allowed by this Chapter, the bylaws and other applicable law, and with the prior approval of the City Manager, the Youth City Council may:
    a. Assist the City Council and West Valley City departments in solving problems and accomplishing goals in the community;
    b. Take opportunities to acquire a greater knowledge of and appreciation for the political system of local government through active participation in local government;
    c. Inform City government officials regarding planning and implementing of social, educational, cultural and recreational activities for youths;
    d. Promote community pride by the development of activities, events and programs;
    e. With prior City Manager approval, perform any other function that would further the purposes described in Section 3-10-602.
(2) Any collection and expenditure of funds by the Youth City Council shall be under the direction of the City Manager and City Council pursuant to budgeting and accounting procedures currently established by City ordinance and related policies, state law and other applicable regulations.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 04-60 Repealed & Replaced 12/20/2004)**

# 3-10-500P PART 5 - WEST VALLEY CITY CLEAN AND BEAUTIFUL COMMITTEE

## 3-10-501. WEST VALLEY CITY CLEAN AND BEAUTIFUL COMMITTEE.

(1) There is hereby created the West Valley City Clean and Beautiful Committee.
(2) The West Valley City Clean and Beautiful Committee shall consist of up to thirteen (13) resident members and two (2) staff members, who shall be appointed by the City Manager with the advice and consent of the City Council.
(3) The West Valley City Clean and Beautiful Committee shall exist as of the date of the enactment of this Chapter and shall continue as the Clean and Beautiful Committee under this Chapter.
(4) The Clean and Beautiful Committee may create subcommittees and use volunteers who are not on the Clean and Beautiful Committee to accomplish its purposes.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 04-60 Renumbered from 3-10-701 12/20/2004; Ord. No. 09-07 Amended 3/16/2009)**

## 3-10-502. PURPOSE.

The purpose of the Clean and Beautiful Committee shall be to promote public interest in the general improvement of the appearance of West Valley City; to initiate, plan, direct, and coordinate programs for the promotion of community pride and general beautification and improvement of the physical quality of life in West Valley City.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 04-60 Renumbered from 3-10-702 12/20/2004; Ord. No. 09-07 Amended 3/16/2009)**

## 3-10-503. LENGTH OF TERMS.

(1) The term of appointment for a member is four years.

(2) Should a vacancy occur, nominees may be solicited and recommended to the City Manager as soon as possible after notification of the vacancy.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 04-60 Renumbered from 3-10-703 12/20/2004)**

## 3-10-504. OFFICERS.

(1) The Chair of the Clean and Beautiful Committee shall be appointed annually by the City Manager, with the advice and consent of the City Council.
(2) Election and appointment of other officers may be held as provided in the bylaws.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 04-60 Renumbered from 3-10-704 12/20/2004)**

## 3-10-505. BYLAWS.

Bylaws shall be proposed and submitted to the City Council by the City Manager for approval. The bylaws shall include times of and procedures for meetings, quorum and voting requirements, duties, methods for conducting business, meeting notice requirements, elections, and purposes of the program.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 04-60 Renumbered from 3-10-705 12/20/2004)**

## 3-10-506. OPERATIONS.

(1) As allowed by this Chapter, the bylaws and other applicable law, and with the prior approval of the City Manager, the West Valley City Clean and Beautiful Committee may:
    a. Plan, initiate, direct, and coordinate community-wide efforts to achieve its goals.
    b. Promote community pride through the development of activities, events, and programs.
    c. Make recommendations to the City Manager regarding measures which it deems necessary to accomplish its objectives.
    d. With prior City Council approval, solicit and accept donations and appropriations of money, services, products, property, and facilities for expenditure and use by the Committee for the accomplishment of its objectives.
    e. With prior City Council approval, perform any other function that would further the purposes described in Section 3-10-702.
(2) The collection and expenditure of funds by the Committee shall be under the direction of the City Manager and City Council pursuant to budgeting and accounting procedures currently established by City ordinance and related policies, state law and other applicable regulations.

**(Ord. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 04-60 Renumbered from 3-10-706 12/20/2004)**

## 3-10-600P PART 6—REPEALED

## 3-10-601. REPEALED.

**(Ord. No. 02-73 Add 11/19/2002; Ord. No. 04-60 Renumbered from 3-10-901 12/20/2004; Ord. No. 13-43 Repealed 11/18/2013)**

## 3-10-602. REPEALED.

**(Ord. No. 02-73 Add 11/19/2002; Ord. No. 04-60 Renumbered from 3-10-902 12/20/2004; Ord. No. 13-43 Repealed 11/18/2013)**

## 3-10-603. REPEALED.

**(Ord. No. 02-73 Add 11/19/2002; Ord. No. 04-60 Renumbered from 3-10-903 12/20/2004; Ord. No. 13-43 Repealed 11/18/2013)**

## 3-10-604. REPEALED.

**(Ord. No. 02-73 Add 11/19/2002; Ord. No. 04-60 Renumbered from 3-10-904 12/20/2004; Ord. No. 13-43 Repealed 11/18/2013)**

## 3-10-605. REPEALED.

**(Ord. No. 02-73 Add 11/19/2002; Ord. No. 04-60 Renumbered from 3-10-905 12/20/2004; Ord. No. 13-43 Repealed 11/18/2013)**

## 3-10-606. REPEALED.

**(Ord. No. 02-73 Add 11/19/2002; Ord. No. 04-60 Renumbered from 3-10-906 12/20/2004; Ord. No. 13-43 Repealed 11/18/2013)**

## 3-10-700P PART 7 – WEST VALLEY CITY CULTURAL ARTS BOARD

## 3-10-701. WEST VALLEY CITY CULTURAL ARTS BOARD CREATION.

There is hereby created the West Valley City Cultural Arts Board to be known as CAB.

**(Ord. No. 04-60 Repealed & Replaced 12/20/2004)**

## 3-10-702. PURPOSE.

CAB is created as an advisory board to the City to promote the Utah Cultural Celebration Center, culture, the arts, history and sister city relationships for the betterment of the City and its residents and to enhance the quality of life in the City through cooperative planning, budgeting and program recommendations. Specifically, CAB shall conduct its duties to promote, perpetuate and preserve the presentation of art and cultural arts programs within West Valley City; shall act as the representative

arm of its member organizations and shall make recommendations to the City Manager on behalf of its member organizations.

CAB shall support the missions and programs of the individual member organizations by:

(1) Advancing the research, study and understanding of the various cultural assets of the City such as historical sites, archives, artifacts, and musical and artistic traditions;
(2) Assisting musical groups and organizations with preservation, teaching and practice of the music of various cultures of the City in order to promote inter-culture respect, understanding and cooperation;
(3) Guiding and facilitating the teaching and understanding of arts of all cultures in order to promote human understanding and cultural respect;
(4) Encouraging sharing of knowledge and experiences relating to cultural diversity;
(5) Developing long term relationships with other agencies for the purpose of exchanging programs and activities;
(6) Informing government agencies, community groups, media, and other applicable organizations of the work, programs events and projects of CAB;
(7) Acting as a clearinghouse for the promotion of city-sponsored arts and cultural arts projects and events;
(8) Acting as the recommending body to the City manager regarding all cultural and artistic matters;
(9) Sponsoring fund-raising activities to perpetuate the arts and cultural arts and to promote various presentation and performance programs as well as arts and cultural arts events within the City;
(10) Assisting the UCCC Foundation in the growth of endowment funds for the perpetuation of arts and cultural arts programs and support of the Utah Cultural Celebration Center.

**(Ord. No. 04-60 Repealed & Replaced 12/20/2004; Ord. No. 05-40 Amended 09/20/2005)**

## 3-10-703. MEMBERSHIP.

(1) CAB shall consist of at least eleven members. The following voting members shall be appointed by the City Manager with the advice and consent of the City Council and shall include the Assistant City Manager, one Council person, one member of the West Valley City Arts Council, one member of the Utah Cultural Celebration Center Advisory Board, one member of the West Valley City Historical Society, one member of the West Valley City Sister City Committee, one member of the UCCC Foundation, one member of the West Valley Symphony, two members of the community at large, and an Executive Director.
(2) The term of appointment for each of the members shall be two (2) years.
(3) The City Manager shall appoint an Executive Director of CAB with the advice and consent of the City Council. The Executive Director shall serve at the pleasure of the City Manager and the City Council.
(4) The City Manager shall fill any vacancy as soon as possible after notification of the vacancy.
(5) Four voting members shall constitute a quorum, but all four must vote unanimously to approve an action.
(6) Nonvoting members of CAB shall be designated “Friends of CAB”. Friends of CAB shall receive all the notifications and information that voting members of CAB receive. Friends of CAB shall participate in all CAB supported missions and programs.

**(Ord. No. 04-60 Repealed & Replaced 12/20/2004; Ord. No. 07-12 Amended 01/23/2007; Ord. No. 10-13 Amended 05/07/2010)**

## 3-10-704. GOVERNANCE.

CAB shall be governed and shall operate pursuant to the regulations set forth in this Chapter.

**(Ord. 04-60 Repealed & Replaced 12/20/2004)**

## 3-10-705. OPERATIONS.

(1) CAB may, with prior approval of the City Manager or designee, conduct any activities that further the purpose set forth in this Part. In addition, CAB shall establish a mission statement and additional by-laws for the operation of itself and each of its member organizations. The mission statement and by-laws shall be approved by the City Manager and City Council prior to implementation.
(2) CAB as directed by the City Manager or designee shall act on behalf of all of its members as a whole and shall act solely for the benefit of the City as a whole.
(3) CAB may also act to create and maintain a City controlled public non-profit entity for the sole purpose of soliciting and accepting funds for CAB and other member advisory board purposes. Such public non-profit entity shall be subject to the control of the City Council.
(4) CAB at the direction of the City Manager through the Executive Director shall monitor each of the member advisory boards and provide a substantive annual report of the activities of CAB and of each member advisory board.
(5) CAB shall, at the direction of the City Manager, review and make recommendations to the City Manager regarding the conduct and budgeting of all proposed functions of all member boards.

**(Ord. No. 04-60 Repealed & Replaced 12/20/2004; Ord. No. 05-40 amended 09/20/2005; Ord. No. 10-13 Amended 05/07/2010)**

## 3-10-800P PART 8 - WEST VALLEY CITY ARTS COUNCIL

## 3-10-801. WEST VALLEY CITY ARTS COUNCIL.

(1) There is hereby created the West Valley City Arts Council
(2) The Arts Council shall consist of up to 13 members, which shall be appointed by the City Manager with the advice and consent of the City Council. Members shall serve a two (2) year term.

**(Ord. No. 04-60 Repealed & Replaced 12/20/2004; Ord. No. 10-13 Amended 05/07/2010)**

## 3-10-802. PURPOSE.

The Arts Council is created as an advisory body to the City to promote the arts for the betterment of the City and its residents and enhance the quality of life in the City. The Arts Council shall participate in the West Valley City Cultural Arts Board to facilitate this purpose as directed by the City Manager or designee.

**(Ord. No. 04-60 Repealed & Replaced 12/20/2004)**

## 3-10-803. GOVERNANCE.

The Arts Council shall be governed and shall operate pursuant to the regulations set forth in this Chapter.

**(Ord. No. 04-60 Repealed & Replaced 12/20/2004)**

## 3-10-804. OPERATIONS.

(1) As allowed by this ordinance, other applicable law, and with the prior approval of the City Manager, the Arts Council may:
    a. Organize performances of plays, music and other theatrical events;
    b. Organize arts displays and exhibits;
    c. With prior approval from CAB, solicit funding or conduct fund-raising events to advance the arts within West Valley City and to accomplish the other purposes for which the Arts Council was created;
    d. With prior approval from CAB, conduct other activities necessary to further the goals of the City.
    e. With prior City Council approval, perform any other function that would further the purposes described in Section 3-10-802.
(2) The collection and expenditure of funds by the Arts Council shall be under the direction of CAB and pursuant to budgeting and accounting procedures currently established by City ordinance and related policies, State law and other applicable regulations.

**(Ord. No. 04-60 Repealed & Replaced 12/20/2004; Ord. No. 10-13 Amended 05/07/2010)**

# 3-10-900P PART 9 - HISTORICAL SOCIETY

## 3-10-901. HISTORICAL SOCIETY.

There is hereby created a Historical Society, composed of up to thirteen (13) members, which shall be appointed by the City Manager with the advice and consent of the City Council. Members shall serve two (2) year terms.

**(Ord. No. 04-60 Repealed & Replaced 12/20/2004; Ord. No. 10-13 Amended 05/07/2010)**

## 3-10-902. PURPOSE

The Historical Society is created as an advisory body to the City Manager and City Council to further the preservation of the City's history. The Historical Society shall participate in the West Valley City Cultural Arts Board as directed by the City Manager or designee to further this purpose.

**(Ord. No. 04-60 Repealed & Replaced 12/20/2004)**

## 3-10-903. GOVERNANCE.

The Historical Society shall be governed and shall operate pursuant to the regulations set forth in this Chapter.

**(Ord. No. 04-60 Repealed & Replaced 12/20/2004)**

## 3-10-904. OPERATIONS.

(1) As allowed by this ordinance, and other applicable law, and with the prior approval of the City Manager, the Historical Society may:
   a. Organize historically related performances and other events;
   b. Organize historical displays and exhibits;
   c. With prior City Manager and City Council approval, solicit funding or conduct fund-raising events to advance historical preservation within West Valley City and to accomplish the other purposes for which the Historical Society was created;
   d. With prior City Manager and City Council approval, conduct other activities necessary to further the goals of the City.
   e. With prior City Council approval, perform any other function that would further the purposes of CAB.
(2) The collection and expenditure of funds by the Historical Society shall be under the direction of CAB and pursuant to budgeting and accounting procedures currently established by City ordinance and related policies, State law and other applicable regulations.

**(Ord. No. 04-60 Repealed & Replaced 12/20/2004; Ord. No. 10-13 Amended 05/07/2010)**

# 3-10-1000P PART 10 - WEST VALLEY CITY SISTER CITY COMMITTEE

## 3-10-1001. WEST VALLEY CITY SISTER CITY COMMITTEE.

(1) There is hereby created the West Valley City Sister City Committee.
(2) The Sister City Committee shall consist of up to 13 members, which shall be appointed by the City Manager with the advice and consent of the City Council. Members shall serve two (2) year terms.
(3) The Sister City Committee may create subcommittees and use volunteers who are not on the Committee to accomplish its purposes.

**(Ord. No. 04-60 Enacted 12/20/2004; Ord. No. 10-13 Amended 05/07/2010)**

## 3-10-1002. PURPOSE.

The Sister City Committee is created as an advisory body to the City to establish and maintain Sister City relationships that provide economic, cultural and educational benefits to West Valley City. The Committee shall serve as the liaison between the City and the Sister City. The Committee shall seek and evaluate the potential of any new Sister City relationships and when appropriate provide evidence of the benefit of such a relationship to the City Manager so that appropriate steps may be taken by the City Manager and City Council to make any proposed relationship official. The Sister City Committee shall participate in the West Valley City Cultural Arts Board at the direction of the City Manager or designee to accomplish this purpose.

**(Ord. No. 04-60 Enacted 12/20/2004)**

## 3-10-1003. GOVERNANCE.

The Sister City Committee shall be governed and shall operate pursuant to the regulations set forth in this Chapter.

**(Ord. No. 04-60 Enacted 12/20/2004)**

## 3-10-1004. OPERATIONS.

(1) As allowed by this Ordinance, the Bylaws, and other applicable law, and with the prior approval of the City Manager, the Sister City Committee may:
    a. Seek out methods of maintaining appropriate Sister City relationships; and
    b. Serve as the liaison between the City and the Sister City; and
    c. Maintain the City's membership in Sister Cities International; and
    d. Conduct other activities necessary to establish and operate a program to ensure relationships with the Sister City; and
    e. Perform any other function that would further the goals of the City.
(2) The collection and expenditure of funds by the Sister City Committee shall be under the direction of CAB and pursuant to budgeting and accounting procedures currently established by City ordinance and related policies, state law and other applicable regulations.

**(Ord. No. 04-60 Enacted 12/20/2004; Ord. No. 10-13 Amended 05/07/2010)**

# 3-10-1100P PART 1100 - WEST VALLEY CITY UTAH CULTURAL CELEBRATION CENTER ADVISORY BOARD

## 3-10-1101. WEST VALLEY CITY UTAH CULTURAL CELEBRATION CENTER ADVISORY BOARD.

(1) There is hereby created the Utah Cultural Celebration Center Advisory Board (UCCC Advisory Board).
(2) The UCCC Advisory Board shall consist of up to 13 members, which shall be appointed by the City Manager with the advice and consent of the City Council. Members shall serve two (2) year terms.

**(Ord. No. 04-60 Enacted 12/20/2004; Ord. No. 10-13 Amended 05/07/2010)**

## 3-10-1102. PURPOSE.

The UCCC Advisory Board is created as an advisory body to the City to suggest the establishment and maintenance of programs at the UCCC to provide economic, cultural and educational benefits to West Valley City. The UCCC Advisory Board shall participate in the West Valley City Cultural Arts Board at the direction of the City Manager or designee to accomplish this purpose.

**(Ord. No. 04-60 Enacted 12/20/2004)**

## 3-10-1103. GOVERNANCE.

The UCCC Advisory Board shall be governed and shall operate pursuant to the regulations set forth in this Chapter.

**(Ord. No. 04-60 Enacted 12/20/2004)**

## 3-10-1104. OPERATIONS.

(1) As allowed by this Ordinance, the Bylaws and other applicable law, and with the prior approval of the City Manager, the UCCC Advisory Board may:
    a. Seek out methods of encouraging cultural and ethnic understanding and
    b. Conduct other activities necessary to establish and operate a beneficial program or program(s) at the UCCC; and
    c. Perform any other function that would further the purposes described in this Section.
(2) The collection and expenditure of funds by the UCCC Advisory Committee shall be under the direction of CAB and pursuant to budgeting and accounting procedures currently established by City ordinance and related policies, state law and other applicable regulations.

**(Ord. No. 04-60 Enacted 12/20/2004; Ord. No. 10-13 Amended 05/07/2010)**

# 3-10-1200P PART 1200 ADVISORY BOARD GOVERNANCE.

## 3-10-1201. APPLICATION.

All advisory boards created by this Chapter shall be governed by this Section. If the provisions of this Section and any advisory board bylaws conflict, the provisions of this Section shall govern.

**(Ord. No. 04-60 Enacted 12/20/2004; Ord. No. 10-13 Amended 05/07/2010)**

## 3-10-1202. PURPOSE.

The purpose of these rules is to provide for a standard set of bylaws which govern all advisory boards created by the City to ensure the proper governance of such boards.

**(Ord. No. 04-60 Enacted 12/20/2004)**

## 3-10-1203. MEETINGS.

(1) All advisory boards shall hold a minimum of four (4) regularly scheduled meetings per year. A meeting schedule shall be set during the first meeting of the board and shall be provided to the City Manager and to the City Recorder.
(2) In the event that an advisory board determines that additional meetings are necessary, the meeting schedule shall be provided to the City Manager and City Recorder.
(3) The meeting schedule provided to the City Manager shall act as official notice to all advisory board members.
(4) All meetings shall be conducted by the Chair of the advisory board.

(5) Written minutes of all meetings shall be kept. Such minutes shall include the date, time and place of the meeting, the names of the members present, and absent, the substance of all matters discussed or decided, a record of all votes taken and any other information a member requests be entered into the minutes.
(6) All meetings shall conform to state law requirements.

**(Ord. No. 04-60 Enacted 12/20/2004)**

## 3-10-1204. ELECTIONS.

(1) A chairperson shall be appointed by the City Manager with the advice and consent of the City Council annually.
(2) Election of additional officers shall be held at the first annual meeting of the Board. Elections shall be by yea or nay and a majority of the board shall be required to cast their vote for a valid election.
(3) Additional officers shall include a vice chair and a secretary. Other officers may be elected as determined by the advisory board.

**(Ord. No. 04-60 Enacted 12/20/2004; Ord. No. 10-13 Amended 05/07/2010)**

## 3-10-1205. DUTIES OF OFFICERS.

(1) The Chairperson shall preside at all meetings of the board and shall perform any such duties as may be required by the City Manager or designee.
(2) The Vice Chairperson shall perform all duties of the Chairperson in event of an absence and shall attend to any other duties as may be required by the City Manager or designee.
(3) The Secretary shall keep minutes and attend to any other duties as may be required by the City Manager or designee.

**(Ord. No. 04-60 Enacted 12/20/2004)**

## 3-10-1206. REMOVAL OR RESIGNATION.

(1) Any member of any board, or any officer of any board may be removed by the City Manager at any time.
(2) Resignation of any member shall be in writing delivered to the City Manager.

**(Ord. No. 04-60 Enacted 12/20/2004)**

## 3-10-1207. VOTING.

(1) Each voting member of a board shall have one vote in equal weight. All voting shall be by voice vote provided however that the chairperson may call for a roll call vote.
(2) A quorum shall consist of a majority of the members, except CAB, for which a quorum shall consist of (4) voting members.

**(Ord. No. 04-60 Enacted 12/20/2004; Ord. No. 10-13 Amended 05/07/2010)**

## 3-10-1208. PROPERTY OF THE CITY

All work product of each advisory board is property of the City regardless of the medium.

**(Ord. No. 10-13 Enacted 05/07/2010)**

## 3-10-1300P PART 13 - AUDIT REVIEW COMMITTEE

## 3-10-1301. MEMBERS.

The City Manager is hereby authorized to create an Audit Review Committee composed of five members. The members shall be appointed by the City Manager, with the advice and consent of the City Council. The Audit Review Committee shall be composed of two member of the City Council, a City staff member, a finance director from another municipality or public organization, and a member of the community with related experience and expertise. Preference will be given to persons with accounting or auditing experience, background or expertise.

## 3-10-1302. DUTIES.

Duties of the Audit Review Committee shall include the following:

(1) Recommend to the Council an independent firm of certified public accountants to perform the annual audit of the City
(2) Analyze and report to the Council significant findings in the annual audit report and make recommendations regarding such findings
(3) Make recommendations, if any, to the Council regarding the following financial documents:
    a. Annual financial statements,
    b. Management letter submitted by the independent auditor, and
    c. Response to management letter submitted by city staff
(4) Perform such other related duties and the City Manager may direct.

## 3-10-1303. LENGTH OF TERMS.

The terms of the Audit Review Committee members shall be three years and all members terms shall run concurrently. The City Manager, with the advice and consent of the City Council, may reappoint members for additional terms. The City Manager, with the advice and consent of the City Council, may fill any vacancies on the Committee for the remainder of the existing term.

## 3-10-1304. OFFICERS.

The City Manager shall annually appoint one member of the Audit Review Committee to serve as chairperson.

## 3-10-1305. FUNDS.

It is not the intent of the City Council that the Audit Review Committee collect or disburse funds, or in any manner operate a budget. However, should it become necessary to collect or disburse funds or establish a budget, as determined by the City Manager, such funds shall be collected and disbursed and

such budget shall be operated under the direction of the City Manager, within established accounting and budget procedures as provided by state law and City ordinance.

**(Ord. No. 09-06 Enacted 03/02/2009)**

## 3-10-1400P. Part 14 – Utah Cultural Celebration Center Foundation Committee.

## 3-10-1401. UTAH CULTURAL CELEBRATION CENTER FOUNDATION COMMITTEE.

(1) There is hereby created the Utah Cultural Celebration Center Foundation Committee.
(2) The Utah Cultural Celebration Center Foundation Committee shall consist of up to thirteen members, who shall be appointed by the City Manager with the advice and consent of the City Council. Members shall serve two year terms.
(3) Members may be removed by the City Manager at any time, with or without cause. Members may resign by delivering notification in writing to the City Manager.

**(Ord. No. 14-31 Enacted 06/19/2014)**

## 3-10-1402. PURPOSE.

The Utah Cultural Celebration Center Foundation Committee shall constitute the Board of Directors of the Utah Cultural Celebration Center Foundation. The Committee shall work to further the interests of the Foundation and the Cultural Celebration Center by assisting in program development, fundraising, and promoting the cause of cultural diversity in West Valley City.

**Ord. No. 14-31 Enacted 06/19/2014)**

## 3-10-1403. GOVERNANCE.

When acting as the Board of Directors of the Utah Cultural Celebration Center Foundation, the Committee shall operate in accordance with the articles of incorporation and bylaws of the Foundation. The Committee is not required to meet or elect officers. However, any meetings that may occur are to be held in accordance with state law.

**Ord. No. 14-31 Enacted 06/19/2014)**

# CHAPTER 3-11
# EMPLOYEE DISCIPLINE HEARING OFFICER

Sections:

3-11-101. Employee Discipline Hearing Officer.
3-11-102. Who May Appeal to the Employee Discipline Officer.
3-11-103. Manner of Appeal.
3-11-104. Disposition of the Appeal.
3-11-105. Hearing – General Procedures.
3-11-106. Evidence to be Considered by the Employee Discipline Hearing Officer.
3-11-107. Decisions and Burden of Proof.
3-11-108. Public Access.
3-11-109. No Additional Rights Created.

## 3-11-101. EMPLOYEE DISCIPLINE HEARING OFFICER.

The City Manager shall appoint a Hearing Officer pursuant to the following requirements:

(1) The Hearing Officer shall be selected by a public hiring process;
(2) The Hearing Officer shall be an independent contractor with a term of at least one year;
(3) A selection committee existing of a sitting West Valley City Council Member, a West Valley City citizen, and a representative of the West Valley City Human Resources Division shall submit two names to the City Manager; and
(4) The City Council shall ratify the City Manager's appointment of the Hearing Officer.

**(Ord. No. 99-42 Repealed & Replaced 07/02/1999; Ord. No. 14-32 Amended 07/24/2014)**

## 3-11-102. WHO MAY APPEAL TO THE EMPLOYEE DISCIPLINE HEARING OFFICER.

(1) Subject to Subsection (2) below, an appeal may only be taken from a termination, suspension for more than two days without pay, involuntary transfer from one position to another with less remuneration for any disciplinary reason, or a final decision of the City on a grievance relating to a promotion. All other disciplinary actions, including but not limited to oral or written reprimands, and employees discharged or involuntarily transferred to a position with less remuneration as a result of layoff or reorganization, are outside the jurisdiction of the Employee Discipline Hearing Officer and may not be the subject of an appeal.
(2) All employees may appeal to the Employee Discipline Hearing Officer, with the following exceptions:
    a. An employee appointed pursuant to Utah Code Annotated 10-3-1105(2), as amended;
    b. A police chief;
    c. A deputy or assistant police chief;
    d. A fire chief;
    e. A deputy or assistant fire chief;
    f. A head of a municipal department or division;
    g. A deputy of a head of a municipal department or division;
    h. A probationary employee;
    i. A part-time employee, including paid call fire fighters;

j. A seasonal or temporary employee of the municipality;
k. A person who works in the office of an elected official;
l. A secretarial or administrative assistant support position that is specifically designated as a position to assist and elected official or the head or deputy head of a municipal department;
m. Any individuals appointed to a position under Utah Code Annotated 10-3-901, et. seq., including
    i. The city engineer;
    ii. The city recorder
    iii. The city treasurer; or
    iv. The city attorney; or
n. An employee who has:
    i. Acknowledged in writing that the employee's employment status is appointed or at will;
    ii. Voluntarily waived the procedures required by Utah Code Annotated 10-3-1106, as amended.

**(Ord. No. 14-32 Enacted 07/24/2014)**

## 3-11-103. MANNER OF APPEAL.

(1) All appeals must be initiated by filing a notice of appeal with the City Recorder within ten (10) calendar days from the date of the order from which the appeal is taken.
(2) The notice of appeal must include the following:
    a. The specific reasons for the appeal, including but not limited to the reasons why the appellant believes the City's decision was in error;
    b. The written pre-discipline notice received by the appellant;
    c. The written decision or order which is being appealed by the appellant;
    d. The mailing address to be used for further communication with the appellant; and
    e. The appellant's signature.
(3) An appellant's failure to timely submit a notice of appeal in full and complete compliance with this section shall result in a forfeiture of all appeal rights of the appellant.
(4) No later than five (5) calendar days following the filing of the notice of appeal, the Hearing Officer shall:
    a. Schedule a hearing at the Hearing Officer's sole discretion, no sooner than 30 days and no later than 45 calendar days after the filing of the notice of appeal.
(5) Provide the date, time and place of the hearing to:
    a. The appellant;
    b. The appellant's counsel, if any;
    c. The City's counsel;
    d. The Human Resource Division;
    e. The Department Head.

**(Ord. No. 14-32 Enacted 07/24/2014)**

## 3-11-104. DISPOSITION OF THE APPEAL.

(1) Upon receipt of a notice of appeal, the City Recorder must mail or personally deliver a copy of the appeal to the department head, City Manager, Human Resource Office, and City Attorney's office.

**(Ord. No. 14-32 Enacted 07/24/2014)**

## 3-11-105. HEARING – GENERAL PROCEDURES.

(1) The Hearing Officer shall conduct the hearing in accordance with Utah Code Annotated 10-3-1106(4)(a), as amended. At the hearing, the appellant may:
   a. Appear in person and be represented by counsel;
   b. Have a hearing open to the public, if appellant so desires;
   c. Confront the witnesses whose testimony is to be considered; and
   d. Examine the evidence to be considered by the Hearing Officer.

(2) The Hearing Officer has no subpoena power.

(3) The Hearing Officer has no contempt power.

**(Ord. No. 14-32 Enacted 07/24/2014)**

## 3-11-106. EVIDENCE TO BE CONSIDERED BY THE EMPLOYEE DISCIPLINE HEARING OFFICER

(1) No later than twenty (20) calendar days before the date of the appeal hearing set by the Hearing Officer, the City shall provide to the appellant and the Hearing Officer a complete copy of the record relied upon by the City for the disciplinary action, as well as a complete witness list. This record shall include all documents the City relied on in its discipline decision, including similarly situated employees within the department with similar discipline under the current department head or chief.

(2) No later than ten (10) days before the date of the appeal hearing, the appellant must submit all evidence (other than the record submitted by the City) which the appellant wishes to rely upon, as well as a complete witness list.

(3) The Hearing Officer shall not consider any evidence not timely submitted as provided in this Section, other than witness testimony. The Hearing Officer shall not hear the testimony of witnesses not included on a timely submitted witness list as provided in this Section, with the exception of rebuttal witnesses.

**(Ord. No. 14-32 Enacted 07/24/2014)**

## 3-11-107. DECISIONS AND BURDEN OF PROOF.

(1) The Hearing Officer shall review a decision using a "substantial evidence" standard of review. "Substantial evidence" is that quantum and quality of relevant evidence that is adequate to convince a reasonable person to support a conclusion. If the Hearing Officer finds that there is "substantial evidence" to support the City's action, the Hearing Officer shall uphold the action. If the Hearing Officer finds that there is not "substantial evidence" to support the City's action, the Hearing Officer shall overturn the decision. If the Hearing Officer overturns the City's action,

the Hearing Officer's decision shall provide that the City shall compensate the appellant as required by state law.

(2) The Hearing Officer's decision shall be in writing, shall adopt findings of fact and conclusions of law in support of the Hearing Officer's decision, and shall be certified to the City Recorder within fifteen (15) days of the date of the hearing.
    a. The Hearing Officer may extend the 15-day period to a maximum of sixty (60) calendar days if the Hearing Officer has good cause and the consent of both the City and the employee.
(3) The Hearing Officer shall keep a record of the proceedings.
(4) The ruling by the Hearing Officer shall be the final administrative decision of the City.

**(Ord. No. 14-32 Enacted 07/24/2014)**

## 3-11-108. PUBLIC ACCESS.

(1) The Appellant may decide whether or not the public is allowed at the hearing.
(2) The Hearing Officer may expel any person who is disorderly during the hearing.

**(Ord. No. 14-32 Enacted 07/24/2014)**

## 3-11-109. NO ADDITIONAL RIGHTS CREATED.

The process set forth in this Chapter is not intended and shall not be interpreted to create or establish any interest or right in employment or employment benefits. The City hereby undertakes no additional obligations beyond those set forth by state and federal law.

**(Ord. No. 14-32 Enacted 07/24/2014)**

# CHAPTER 3-12
# REPEALED

# CHAPTER 3-13
# COMMUNITY PRESERVATION DEPARTMENT

Sections:

3-13-101. Duties of Community Preservation Department Director.
3-13-102. Community Preservation Department.
3-13-103. Ordinance Enforcement Division.
3-13-104. Animal Control Division.
3-13-105. Housing and Grants Division.

## 3-13-101. DUTIES OF COMMUNITY PRESERVATION DIRECTOR.

In all cases where the duty is not expressly charged to any other department or office, it is the duty of the Community Preservation Department (CPD) Director to plan, promote, and coordinate all activities affecting community preservation; to speak on behalf of the Department concerning the public issues in the community over which the Department has jurisdiction or advisory responsibility; to establish overall work priorities and allocate work among the staff and divisions within the Department; to review the work of all divisions and make the final decisions for the Department; to coordinate departmental activities with other departments; and to perform all such related duties and such others as may be imposed by statute, the City Council, or the City Manager.

**(Ord. No. 08-55 Enacted 12/04/2008)**

## 3-13-102. COMMUNITY PRESERVATION DEPARTMENT.

The Community Preservation Department is divided into the Ordinance Enforcement Division, Animal Control Division, and Housing and Grants Division.

**(Ord. No. 08-55 Enacted 12/04/2008; Ord. No. 09-22 Amended 07/08/2009)**

## 3-13-103. ORDINANCE ENFORCEMENT DIVISION.

The Ordinance Enforcement Division is supervised by the Enforcement Administrator. It consists of:

(1) The Ordinance Enforcement Office, which is responsible for:
   a. Enforcing or assisting in the enforcement of the City code including: zoning, business licensing, health ordinances, and non-moving violations. The Enforcement Administrator shall coordinate all ordinance enforcement within the City.
   b. Abating nuisances and other unsightly or noxious objects or sounds.

**(Ord. No. 08-55 Enacted 12/04/2008; Ord. No. 09-22 Amended 07/08/2009)**

## 3-13-104. ANIMAL CONTROL DIVISION.

The Animal Control Division is supervised by the Animal Control Administrator.

(1) The Animal Control Division is responsible for:

a. Enforcing animal ordinances and providing animal pickup service
b. Administering the animal licensing program for the City
c. Promulgating rules and regulations in conformity with state law and City ordinances dealing with animal licensing and regulation, tags, and collars; running at large and impounding; notice to owners and redemption; disposition of unclaimed or infected animals; confinement of certain animals and muzzling; rabies control and notices vaccinations, and enforcing the same; and other pertinent matters
d. Managing the City Animal Shelter to include the impound, care, redemption, sale, and euthanasia of animals
e. Conducting publicity programs to acquaint the public with the laws and regulations dealing with animal ownership and control.

**(Ord. No. 08-55 Enacted 12/04/2008; Ord. No. 09-22 Amended 07/08/2009)**

## 3-13-105. HOUSING AND GRANTS DIVISION.

The Housing and Grants Division is supervised by the Housing and Grants Administrator, who shall be responsible for:

(1) Administering all housing assistance programs for the City.
(2) Providing decent, safe, sanitary, and affordable housing for residents of the City.
(3) Providing low-interest loans to low and moderate income residents.
(4) Providing counseling and guidance of low-income applicants.
(5) Monitoring emergency home repair and emergency housing programs.
(6) Coordinating with HUD regional offices on housing procedures, rules, and regulations.
(7) Supervising the day-to-day activities of the Housing Authority.
(8) Administering the City's Community Development Block Grant (CDBG) program in compliance with state and federal law.
(9) Making all necessary applications to the Department of Housing and Urban Development and other governmental units for funding for the program.
(10) Meeting with citizen groups to conceptualize, prioritize, and recommend projects to the City Manager and the Department of Housing and Urban Development for funding.
(11) Preparing the program budget, maintaining the budget, and managing all related fiscal affairs.
(12) Planning and research, monitoring projects, community coordination, and other related functions.
(13) Researching, monitoring, and assisting in obtaining grants, gifts, etc., for the benefit of the City.

**(Ord. No. 08-55 Enacted 12/04/2008)**

# CHAPTER 3-14
# REPEALED

# CHAPTER 3-15
# CRIMINAL HISTORY RIGHTS OF ACCESS

Sections:

3-15-101. Purpose.
3-15-102. Access to Criminal Histories for City Purposes.
3-15-103. Public Access to Criminal Histories.
3-15-104. Right of Access Purpose Codes.
3-15-105. Misuse of Right of Access.

## 3-15-101. PURPOSE.

The purpose of this Chapter is to authorize the City to access criminal histories through the Utah Bureau of Criminal Identification system ("BCI"), or its successor, for purposes related City services, licensing or employment and to provide an access point for the public to obtain criminal histories.

**(Ord. No. 06-22 Enacted 4/4/2006)**

## 3-15-102. ACCESS TO CRIMINAL HISTORIES FOR CITY PURPOSES.

(1) Any person requesting services, licensing or employment from or by West Valley City that requires, by ordinance, law or adopted rule, the City to first ascertain that person's criminal history, must complete an application, which provides date of birth, social security number, full legal name, place of residency and requestor's signature. The person must also sign a release form, which indicates that person's consent for that person's criminal history to be released to West Valley City.
(2) A photo copy of the person's valid identification, the application, and receipt of payment will be attached together and filed in the dissemination log file created for each year.
(3) Every page of the criminal history shall be stamped and dated. The criminal history shall only be valid for the date it was printed and the person shall be advised accordingly. Further, if the criminal history includes any missing data or incorrect data, the person shall be advised to contact BCI immediately to make the appropriate changes or additions to their criminal history.
(4) The fee, if any, required for criminal histories for citizens requesting City services, licensing or employment shall be set forth in the Consolidated Fee Schedule
(5) West Valley City law enforcement shall have the right to access criminal histories without an application or release form in order to properly conduct departmental duties.

**(Ord. No. 06-22 Enacted 4/4/2006)**

## 3-15-103. PUBLIC ACCESS TO CRIMINAL HISTORIES.

(1) The City, may at its discretion, provide any person who makes a request pursuant to the terms of this ordinance with a copy of their criminal history provided that the person must complete an application, which provides date of birth, social security number, full legal name, place of residency and requestor's signature. Criminal histories may also be provided to any person who

presents a competed application and a valid release form, which indicates the subject of the criminal histories consent for their criminal history to be released to the requestor.

(2) A photo copy of the person and/or requestor's valid identification, the application, release if applicable and receipt of payment will be attached together and filed in the dissemination log file created for each year.

(3) Every page of the criminal history shall be stamped and dated. The criminal history shall only be valid for the date it was printed and the requestor shall be advised accordingly. Further, if the criminal history includes any missing data or incorrect data, the person shall be advised to contact BCI immediately to make the appropriate changes or additions to their criminal history.

(4) The fee required for criminal histories accessed pursuant to this section shall be set forth in the Consolidated Fee Schedule.

**(Ord. No. 06-22 Enacted 4/4/2006)**

## 3-15-104. RIGHT OF ACCESS PURPOSE CODES.

(1) For citizens requesting services from West Valley City, "S" will be used for the purpose code when running any Right of Access Request.

(2) For law enforcement, "C" will be used for the purpose code when running any Right of Access Request.

(3) These codes may be changed as required to conform to current BCI policies.

**(Ord. No. 06-22 Enacted 4/4/2006)**

## 3-15-105. MISUSE OF RIGHT OF ACCESS.

(1) West Valley City shall conduct an investigation into any complaint or allegation filed involving the misuse of the Right of Access. BCI will also be notified of any complaint or allegation received.

(2) Any City employee found in violation of any policy relating to the Right of Access will be reprimanded according to West Valley City's personnel policies and procedures.

(3) The following City departments are authorized to access criminal histories under the terms of this chapter:

a. Law Enforcement
b. Housing Authority
c. Human Resources
d. Legal

**(Ord. No. 06-22 Enacted 4/4/2006)**

# CHAPTER 3-16
# GOVERNMENT RECORDS ACCESS MANAGEMENT ACT

Sections:

3-16a-100P Part 1—West Valley City Records.
3-16a-101. Short Title.
3-16a-102. Purpose and Intent.
3-16a-103. City Records Officer: Designation and Duties.
3-16a-104. Records Maintenance Procedures.
3-16a-105. Storage Medium.
3-16a-200P Part 2—Access and Disclosure of Records.
3-16a-201. Access to Public Records; Right to Inspect and Receive Copies.
3-16a-300P. Part 3—Procedure for Access.
3-16a-301. Request for Record.
3-16a-302. Fees.
3-16-400P Part 4—Appeals.
3-16a-401. Appeal to Chief Administrative Officer.
3-16a-402. Appealing a Decision of a Chief Administrative Officer.
3-16a-500P Part 5—Penalties.
3-16a-501. Disciplinary Action.

## 3-16a-100P PART 1—WEST VALLEY CITY RECORDS

## 3-16a-101. SHORT TITLE.

This Chapter shall be known as the West Valley City Government Records Access and Management Act.

**(Ord. No. 15-43 Repealed & Reenacted 01/08/16)**

## 3-16a-102. PURPOSE AND INTENT.

It is the further purpose and intent of the West Valley City Council to provide, in accordance with the Government Records Access and Management Act, Chapter 2 of Title 63G of the Utah Code Annotated, 1953 as amended, an ordinance acknowledging and complying with said Act and providing for its application in the City. City departments shall comply with the provisions of this Chapter and shall also comply with other federal and state statutory and regulatory record-keeping requirements.

**(Ord. No. 15-43 Repealed & Reenacted 01/08/16)**

## 3-16a-103. CITY RECORDS OFFICER: DESIGNATION AND DUTIES.

(1) The City Recorder is hereby appointed as the Records Officer to oversee and coordinate records access and management and City archives activities.
(2) The Records Officer shall:

a. Comply with UCA §63G-2-108, "Certification of Records Officer."
b. Make annual reports of records services activities to the City Council, as requested;
c. Provide training relative to records management, maintenance and access, to the various City departments, as necessary;
d. Establish and maintain an active, continuing program for the economical and efficient management of the City's records as provided by this Chapter;
e. Make and maintain adequate and proper documentation of the organization, functions, policies, decisions, procedures and essential transactions of the City designed to furnish information to protect the legal and financial rights of persons directly affected by the City's activities;
f. Submit to the state archivist proposed schedules of records;
g. Cooperate with the state archivist in conducting surveys made by the state archivist;
h. Evaluate all record series that the City uses or creates and report to the state archives the classification of each record series that is classified;
i. Establish and report, to the state archives, retention schedules for objects that the City determines are not records, but that have historical or evidentiary value; and
j. Designate those record series as required by this Chapter and report the designations of its record series to the state archives.

(3) The Records Officer may classify a particular record, record series or information within a record at any time, but is not required to classify a particular record, record series or information until access to the record is requested.
(4) The Records Officer may redesignate a record series or reclassify a record, record series or information within a record at any time.
(5) The Records Officer shall file with the state archives a copy of any amendment to this Ordinance, no later than 30 days after its effective date.

**(Ord. No. 15-43 Repealed & Reenacted 01/08/16)**

## 3-16a-104. RECORDS MAINTENANCE PROCEDURES.

Records maintenance procedures shall be developed by the Records Officer 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 creation, duplication and disposal of City Records, and shall monitor compliance with the required standards of quality, permanence and admissibility pertaining to the creation, use and maintenance of records.

**(Ord. No. 15-43 Repealed & Reenacted 01/08/16)**

## 3-16a-105. STORAGE MEDIUM.

The City retains and reserves to itself the right to use any type of non-verbal or non-written format for the storage, retention and retrieval of government records, including, but not limited to, audio tapes, video tapes, microforms, 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 records storage, retrieval, security and maintenance, to store and maintain City records. All computerized and non-written format records and data which are

designated and classified in accordance with this Chapter shall be made available to a requester in accordance with this Chapter.

**(Ord. No. 15-43 Repealed & Reenacted 01/08/16)**

## 3-16a-200P PART 2—ACCESS AND DISCLOSURE OF RECORDS

## 3-16a-201. ACCESS TO PUBLIC RECORDS; RIGHT TO INSPECT AND RECEIVE COPIES.

Every person has a right to inspect a public record, free of charge, and has the right to take a copy of a public record during normal City business hours, subject to the payment in accordance with the Consolidated Fee Schedule.

**(Ord. No. 15-43 Repealed & Reenacted 01/08/16)**

## 3-16-300P PART 3—PROCEDURE FOR ACCESS

## 3-16a-301. REQUEST FOR RECORD.

All record requests shall be directed to the City department where the record is kept in writing on forms provided by West Valley City.

**(Ord. No. 15-43 Repealed & Reenacted 01/08/16)**

## 3-16a-302. FEES.

Fees to be charged under this section shall be set forth in the West Valley City Consolidated Fee Schedule, in accordance with U.C.A. §63G-2-203, as amended.

**(Ord. No. 15-43 Repealed & Reenacted 01/08/16)**

## 3-16a-400P PART 4—APPEALS

## 3-16a-401. APPEAL TO CHIEF ADMINISTRATIVE OFFICER.

(1) For purposes of this Part, West Valley City's City Manager or designee shall be West Valley City's Chief Administrative Officer.
(2) Appeals of an access denial shall be conducted pursuant to U.C.A. §63G-2-401, as amended.

**(Ord. No. 15-43 Repealed & Reenacted 01/08/16)**

## 3-16a-402. APPEALING A DECISION OF A CHIEF ADMINISTRATIVE OFFICER.

(1) A decision by the Chief Administrative Officer affirming the denial of a record may be appealed pursuant to U.C.A. 63G-2-402, as amended.
(2) The City has not formed an Appeals Committee pursuant to U.C.A. 63G-2-701(5)(b), as amended.

**(Ord. No. 15-43 Repealed & Reenacted 01/08/16)**

## 3-16a-403. JUDICIAL REVIEW.

Any party to a proceeding may appeal pursuant to U.C.A. §63G-2-402, as amended.

**(Ord. No. 15-43 Repealed & Reenacted 01/08/16)**

## 3-16a-500P PART 5 – PENALTIES

## 3-16a-501. DISCIPLINARY ACTION.

The City may take disciplinary action, which may include suspension or discharge, against any employee who violates any provision of this Chapter.

**(Ord. No. 15-43 Repealed & Reenacted 01/08/16)**

# CHAPTER 3-17
# HISTORIC PRESERVATION COMMISSION

Sections:

3-17-101. Historic Preservation Commission Established.
3-17-102. Commission Duties.
3-17-103. West Valley City Historic Sites List.
3-17-104. West Valley City Historic Landmark Register.
3-17-105. Standards for Rehabilitation and Design Guidelines.

## 3-17-101. HISTORIC PRESERVATION COMMISSION ESTABLISHED.

(1) The Commission shall consist of a minimum of five members with a demonstrated interest, competence, or knowledge in historic preservation, appointed by the City Council for terms of not less than two years.
(2) To the extent available in the community, two Commission members shall be professionals, as defined by National Park Service regulations, from the disciplines of history, archaeology, planning, architecture or architectural history.
(3) The Commission shall meet at least twice each year and conduct business in accordance with the Open Public Meeting laws of Utah. This includes public notification of meeting place, time and agenda items.
(4) Written minutes of each Commission meeting shall be prepared and made available for public inspection.

**(Ord. No. 08-44 Enacted 09/17/2008)**

## 3-17-102. COMMISSION DUTIES.

Commission Duties. The Historic Preservation Commission shall have the following duties:

(1) Survey and Inventory Community Historic Resources. The Historic Preservation Commission shall conduct or cause to be conducted a survey of the historic, architectural, and archaeological resources within the community. The survey shall be compatible with the Utah Inventory of Historic and Archaeological Sites. Survey and inventory documents shall be maintained and shall be open to the public. The survey shall be updated at least every ten 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 properties within the boundaries of West Valley 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 shall seek expertise in that area before rendering its decision.
(3) Provide advice and information.
    a. The Historic Preservation Commission shall act in an advisory role to the City Council regarding the identification and protection of local historic and archaeological resources.
    b. The Historic Preservation Commission shall work toward the continuing education of citizens regarding historic preservation and community history.

(4) Assist in the maintenance and rehabilitation of city-owned historic buildings and sites.
(5) Recommend to the City Manager that the City apply for and administer grants and other financial aid for historic preservation projects in the City.

**(Ord. No. 08-44 Enacted 09/17/2008)**

## 3-17-103. WEST VALLEY CITY HISTORIC SITES LIST.

The Historic Preservation Commission may recommend that the City Council designate historic properties to the Historic Sites List as a means of providing recognition to and encouraging the preservation of historic properties in the community.

(1) Criteria for Designating Properties to the West Valley City Historic Sites List. Any district, building, structure, object or site may be designated to the Historic Sites List if it meets all the criteria outlined below:
    a. It is located within the official boundaries of the city.
    b. It is at least 50 years old.
    c. It retains its historic integrity, in that there are no major alterations or additions that have obscured or destroyed the significant historic features. Major alterations that would destroy the historic integrity include, but are not limited to, 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, additions which significantly detract from or obscure the original form and appearance of the house when viewed from the public way.
    d. If the property does not meet the integrity requirements outlined in 3.a., it may still qualify for designation if it meets one of the following requirements for exceptional significance:
        i. It is directly associated with events of historic significance in the community.
        ii. It is closely associated with the lives of persons who were of historic importance to the community.
        iii. It exhibits significant methods of construction or materials that were used within the historic period.
    e. It has been documented according to the Utah State Historic Preservation Office standards for intensive level surveys (June 1993 version or subsequent revisions) and copies of that documentation have been placed in the local and state historic preservation files.
(2) Designation Procedures. Any person, group, or government agency may nominate a property for listing in the West Valley City Historic Sites List. The nomination and listing procedures are as follows:
    a. Completed Intensive Level Survey documentation for each nominated property must be submitted to the Historic Preservation Commission.
    b. The commission will review and consider properly submitted nominations at its next scheduled meeting. The commission will notify the nominating party, either orally or in writing, one week prior to the meeting that the nomination will be considered and will place that item on the agenda posted for the meeting. The one-week notification may be waived at the nominating party's option in order to accommodate "last-minute" submittals.

c. The Historic Preservation Commission will review the documentation for completeness, accuracy and compliance with the "Criteria for Designating Historic Properties to the West Valley City Historic Sites List" and will make its decision accordingly.

(3) Results of Designation to the Historic Sites List.
   a. Owners of officially designated historic sites may obtain a historic site certificate from the Historic Preservation Commission. The certificate contains the historic name of the property, the date of designation, and signatures of the mayor and the Historic Preservation Commission chairperson.
   b. If a historic site is to be demolished or extensively altered, efforts will be made to document its physical appearance before that action takes place.
      i. The City will delay issuing a demolition permit for a maximum of thirty (30) days and will notify a member of the Historic Preservation Commission, which will take responsibility for the documentation.
      ii. Documentation will include, at minimum, exterior photographs (both black-and-white and color slides) of all elevations of the historic building. When possible, both exterior and interior measurements of the building will be made in order to provide an accurate floor-plan drawing of the building.
      iii. The demolition permit will be issued after thirty (30) days of the initial application whether or not the Commission has documented the building. The permit may be issued earlier if the Commission completes its documentation before the thirty-day deadline.

(4) Removal of Properties from the Historic Sites List. Properties which, in the opinion of the Historic Preservation Commission, no longer meet the criteria for eligibility may be removed from the Historic Sites List after review and consideration by the commission and recommendation to the City Council.

**(Ord. No. 08-44 Enacted 09/17/2008)**

## 3-17-104. WEST VALLEY CITY HISTORIC LANDMARK REGISTER.

Significant historic properties may be designated to the Historic Landmark Register for the purposes of recognizing their significance and providing incentives and guidelines for their preservation.

(1) Criteria for Designating Properties to the West Valley City Historic Landmark Register. Any district, building, structure, object or site may be designated to the Historic Landmark Register if it meets the criteria outlined below:
   a. It is located within the official boundaries of the City.
   b. It is currently listed in the National Register of Historic Places and a copy of the approved National Register form has been placed in the local historic preservation files.
   c. A property not yet listed in the National Register must:
      i. Retain its historic integrity as defined in Section 4.A.3.a., and
      ii. Meet at least one of the following National Register criteria:
      iii. associated with events that have made a significant contribution to the broad patterns of our history; or
      iv. associated with the lives of persons significant in our past; or
      v. embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

vi. have yielded, or may be likely to yield, information important in prehistory or history (archeological sites, for example).

d. It has been documented according to the Utah State Historic Preservation Office standards for Intensive Level Surveys (June 1993 version or subsequent revisions) or National Register standards and a copy of that documentation has been placed in the local historic preservation files.

e. Owner Approval

i. Individual properties. The owner of the property must approve the action to designate his/her property to the Historic Landmark Register by submitting to the Commission a written statement to that effect.

ii. Historic districts. A majority (over 50 percent) of the property owners in a proposed historic district must be in favor of the designation or at least not opposed to it. Written objections from over 50 percent of the property owners will constitute lack of approval and will halt the designation process.

(2) Designation Procedures.

a. Submittal to the Commission of complete Intensive Level Survey or National Register of Historic Places documentation shall initiate the review process.

b. The Commission shall place properly submitted nominations on the agenda for its next scheduled meeting and shall notify the nominating party and the property owner, either orally or in writing, fourteen (14) days prior to the meeting that the nomination will be considered. The fourteen-day notification period may be waived at the property owner's option. In the case of historic districts, notification of proposed nominations may be made by public notice placed in the local newspaper or posted in a public building.

c. The Commission shall review the documentation for completeness, accuracy, and compliance with the "Criteria for Designating Properties to the West Valley City Historic Landmark Register" and may, by passage of an appropriate resolution, recommend that the City Council designate properties to the Historic Landmark Register.

(3) Notification and Recording of Designation. Following designation, a notice of such shall be mailed to the owners of record together with a copy of this ordinance. In the case of historic district designation, notice of such may be placed in the local newspaper or in a public building rather than mailed to each owner of property in the district. The Commission shall record the Historic Landmark Register status designation with the County Recorder's Office.

(4) Results of Designation to the Historic Landmark Register.

a. Properties designated to the Historic Landmark Register may receive special consideration in the granting of zoning variances or conditional use permits in order to encourage their preservation.

b. In the event of rehabilitation of the property, local building officials will consider waiving certain code requirements in accordance with Chapter 34 of the Uniform Building Code (1994 Edition), which deals with historic buildings, and the Uniform Code for Building Conservation, a special code for existing buildings.

c. Owners of Historic Landmarks may seek assistance from the Historic Preservation Commission in applying for grants or tax credits for rehabilitating their properties.

d. Proposed exterior work on Historic Landmarks is subject to the review and approval of the Historic Preservation Commission. The purpose of this review is to ensure the preservation of historic properties to the greatest degree possible. This review applies to individually designated Landmark properties or any property, contributing or non-

contributing, located in a Landmark-designated historic district. This review applies only to exterior work which requires a building permit, sign permit, or demolition permit.

i. Applications for building, demolition, or sign permits pertaining to, shall be forwarded by the Building Inspection Department to the Historic Preservation Commission prior to their issuance.

ii. A permit applicant, in order to obtain a permit from the Building Inspections Division, shall file a request for a Certificate of Appropriateness with the Commission on a form furnished by the Commission.

iii. At its next scheduled meeting, the Commission shall review the application and proposed work for compliance with the "Standards for Rehabilitation," hereafter referred to as the "Standards," and any design guidelines adopted by the Commission and City Council.

1. Applicants whose proposed projects comply with the provisions of this Title shall be issued a "Certificate of Historic Appropriateness" within ten (10) days, which authorizes the issuance of the appropriate permit.
2. Applicants whose proposed projects are found to be in non-compliance with this Title shall be offered a negotiating period of sixty (60) days, during which time the Commission and applicant shall explore all options for an acceptable solution. These may include the feasibility of modifying the plans, using the historic landmark for alternative purposes, and reselling the property to another party. The Commission may extend the negotiating period an additional sixty (60) days for the purposes described above if deemed necessary to accommodate a potential solution.
3. If no solution has been agreed upon at the conclusion of either the initial sixty-day (60) period or the full one hundred twenty-day (120) period the Certificate of Historic Appropriateness will be denied; consequently, the Building Official shall not issue any permits.

iv. Claims of Economic Hardship. The Commission may approve a Certificate of Appropriateness for Rehabilitation or Demolition of a landmark property if the owner has presented substantial evidence demonstrating that unreasonable economic hardship will result from denial of the certificate of appropriateness.

1. Economic Hardship Criteria. In order to sustain a claim of unreasonable economic hardship, the Commission may require the owner to provide information to whether the property is capable of producing a reasonable return for the owner.
2. Demonstration of economic hardship by the owner shall not be based on conditions resulting from willful or negligent acts by the owner, purchasing the property for substantially more than market value at the time of purchase, failure to perform normal maintenance and repairs, failure to diligently solicit and retain tenants, or failure to provide normal tenant improvements.

v. An applicant who has been denied any permit by the Building Official, based on the Commission’s refusal to issue a Certificate of Historic Appropriateness, may appeal that decision to the City Council. The appeal must be made on or before thirty (30) days after the Commission’s decision.

(5) Removal of Properties from the Historic Landmark Register. Properties which, in the opinion of the Historic Preservation Commission, no longer meet the criteria for eligibility may be removed from the Historic Landmark Register after review and consideration by the Commission.
(6) Enforcement. The provisions of this section are subject to the enforcement provisions established in the Uniform Building Code, Uniform Code for Building Conservation, or in the Uniform Housing Code as adopted by West Valley City.

**(Ord. No. 08-44 Enacted 09/17/2008)**

## 3-17-105. STANDARDS FOR REHABILITATION AND DESIGN GUIDELINES.

The following standards and guidelines shall be used by the Historic Preservation Commission in determining the historic appropriateness of any application pertaining to Historic Landmark properties. This includes individually designated Landmark properties and both contributing and noncontributing properties in Landmark-designated historic districts. In approving an application for a Certificate of Appropriateness, the Historic Preservation Commission shall find that the project substantially complies with all of the following standards and guidelines that pertain to the application and that the decision is in the best interest of the City.

(1) Standards for Rehabilitation. These standards are based on the "Secretary of the Interior's Standards for Rehabilitation," which serve as a national and state model for appropriate preservation treatment. The standards are as follows:
    a. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
    b. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
    c. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
    d. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
    e. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
    f. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
    g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
    h. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
    i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated

from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(2) General Design Guidelines.

a. Landmark Buildings and Contributing Buildings in Landmark-designated Historic Districts.

i. Avoid demolition of landmark and contributing buildings. They are a finite resource and cannot be replaced.

ii. Vacant buildings should be weather- and vandal-proofed in order to minimize further deterioration and the threat to public safety.

iii. Rehabilitation work, especially on the exterior and the principal facade, should preserve existing historic features or replace them if absolutely necessary with features and materials known to have existed on the building. Avoid "dressing up" buildings by adding features based on speculation.

iv. Avoid moving buildings whenever possible, especially to create artificial groupings of historic buildings. If buildings must be moved, the new site should be similar to the original site, and the original setback and orientation of the building on the lot should be replicated.

b. Additions to Landmark and Contributing Buildings and Construction of New Buildings within an Historic District.

i. New additions to landmark and contributing buildings should be subordinate to the original building, that is, lower in height, attached to the rear or set back along the side, and subordinate in scale and architectural detailing.

ii. Height, width, setback, roof shape, and the overall scale and massing of new buildings should be compatible with surrounding historic buildings and the overall streetscape.

iii. Materials on at least the primary facade(s) should be similar to original materials on facades of surrounding historic buildings (usually brick, stucco, stone, or wood siding, depending on the specific characteristics of the district.

iv. Architectural details (including wood or metal trim, porches, cornices, arches, window and door features, etc.) should not replicate historic features on surrounding historic buildings.

v. Window and door openings should be similar in size and orientation (vertical or horizontal) to openings on historic buildings and should take up about the same percentage of the overall facade as those on surrounding historic buildings.

vi. Proportion of Principal Facades. The relationship of the width to the height of the principal elevations shall be in scale with surrounding structures and streetscape. Wider new buildings can be divided into segments that more closely resemble the facade widths of historic buildings.

vii. Roof Shape. The roof shape of a building shall be visually compatible with the surrounding structures and streetscape. Unusual roof shapes, pitches, and colors are discouraged.

**(Ord. No. 08-44 Enacted 09/17/2008)**

# CHAPTER 3-18
# PROFESSIONAL STANDARDS REVIEW BOARD

Sections:

3-18-101 Establishment of the Board.
3-18-102 Purpose.
3-18-103 Membership of the Board.
3-18-104 Scope and Jurisdiction of the Board.
3-18-105 Meetings of the Board.
3-18-106 Findings and Recommendations of the Board.
3-18-107 Training of Board Members.
3-18-108 Quarterly and Annual Board Reports.
3-18-109 Other Regulations Governing the Operations of the Board.

## 3-18-101. ESTABLISHMENT OF THE BOARD.

This Chapter hereby establishes the procedures governing the Professional Standards Review Board. In the event of any conflict between previous ordinances, resolutions, regulations, or directives and this Chapter, this Chapter shall govern.

**(Ord. No. 13-22 Enacted 06/03/2013)**

## 3-18-102. PURPOSE.

The Professional Standards Review Board is designed to create independent citizen oversight of the West Valley City Police Department. The provisions of this Chapter are meant to ensure that the powers, jurisdiction, and responsibilities of the Board are consistent with this mission.

**(Ord. No. 13-22 Enacted 06/03/2013)**

## 3-18-103. MEMBERSHIP OF THE BOARD.

(1) The Professional Standards Review Board shall be composed of seven citizens of West Valley City. Employees of the City, including but not limited to employees of the Police Department, shall not be permitted to serve as voting members on the Board, effective immediately.
(2) Members of the Board shall be appointed by the City Manager with the advice and consent of the West Valley City Council. The Police Department may not observe or participate in the nomination process, including interviews of current or prospective board members.
(3) Terms shall be two years in length. Members may be reappointed to the Board. Members currently serving on the Board may remain on the Board to finish their terms, with the exception of the representative of the Police Department.
(4) A member of the Board may be removed with or without cause by the City Manager with the advice and consent of the City Council.
(5) A chairperson of the Board shall be designated by the City Manager. A West Valley City police officer shall be designated by the City Manager to serve on the Board. The officer shall not vote

on matters before the Board, but shall be available to the Board for the purpose of answering questions regarding policing issues. The officer shall serve on the Board on an at-will basis and may be removed from the Board by the City Manager with or without cause at any time.

**(Ord. No. 13-22 Enacted 06/03/2013)**

## 3-18-104. SCOPE AND JURISDICTION OF THE BOARD.

(1) The Board shall review the following matters:
    a. All uses of force by the West Valley City Police Department;
    b. All vehicular pursuits; and
    c. All internal affairs investigations of police officers.
(2) For the purpose of this Chapter, "use of force" shall be defined as the application of physical techniques or tactics, chemical agents, or weapons to another person. The display of a firearm or a taser shall be considered a use of force for the purpose of this Chapter. When a person submits to being searched, escorted, or restrained, such search, escort, or restraint shall not be considered a use of force for the purpose of this Chapter.
(3) For the purpose of this Chapter, "vehicular pursuit" shall be defined as an active attempt by an officer in an authorized emergency vehicle to apprehend fleeing suspects who are attempting to avoid apprehension through evasive and unlawful tactics.
(4) The Board shall review no other matters beyond those listed in this Section.

**(Ord. No. 13-22 Enacted 06/03/2013)**

## 3-18-105. MEETINGS OF THE BOARD.

(1) The Board shall meet monthly at a time and place to be determined by the City Manager. Board meetings shall be publicly noticed.
(2) The Board shall be authorized to hold special meetings, provided public notice is given of the time and place of such meetings.
(3) At the opening of each meeting of the Board, the Board shall hear public comments. This portion of the meeting shall be open to the public and shall not exceed thirty minutes. The purpose of this comment period is to allow citizens to voice any opinions or concerns regarding policing issues in West Valley City.
(4) Before the comment period, the chairperson of the Board shall instruct the audience as follows:
    a. The comment period is an informal opportunity to voice concerns regarding policing issues in West Valley City. All comments shall relate to policing issues and not to other matters of general concern;
    b. Any person wishing to comment shall request recognition by the chairperson;
    c. Upon recognition, the citizen shall approach the microphone and address the chairperson;
    d. All citizen comments shall be directed to the chairperson and the Board, not other members of the audience or other staff members;
    e. No person speaking during the comment period shall allow his comments to exceed five minutes;
    f. Citizens should not expect debate or dialogue, although the chairperson or Board members may respond if they so choose; and

g. If a citizen violates these requirements or behaves in a disruptive or disorderly manner, he or she shall be removed from the meeting.

(5) Following the conclusion of the public comment period, the chairperson shall close the meeting to the public to discuss specific matters before the Board.

**(Ord. No. 13-22 Enacted 06/03/2013)**

## 3-18-106. FINDINGS AND RECOMMENDATIONS OF THE BOARD.

(1) In addition to Internal Affairs investigations, the Internal Affairs division of the Police Department shall investigate all uses of force and vehicular pursuits, providing the results of the investigation to the Board. The Board shall ask any questions or request any information that the Board deems appropriate.

(2) Upon reviewing the evidence presented by the Internal Affairs division, the Board may take one of three actions:

a. Request additional information from the Internal Affairs division concerning the issue, with a final recommendation to occur at a future meeting;

b. Recommend that the Chief of Police find that no wrongful conduct or violation of policy occurred; or

c. Recommend that the Chief of Police find that wrongful conduct or violation of policy occurred. If this option is exercised, the Board shall set forth with specificity the wrongful conduct or policy violations that occurred and any disciplinary action that the Board may find to be appropriate.

(3) All Board recommendations to the Chief of Police shall be in writing and shall be signed by the chairperson.

**(Ord. No. 13-22 Enacted 06/03/2013)**

## 3-18-107. TRAINING OF BOARD MEMBERS.

(1) All members of the Board shall receive training administered by the West Valley City Attorney's office. This training shall cover all topics suggested by the National Association for Civilian Oversight of Law Enforcement, as well as any other topics deemed appropriate by the City Attorney's office or by the City Manager.

(2) All members of the Board shall receive this training annually.

(3) Board members are encouraged to participate in ride-alongs with other law enforcement agencies in the state of Utah. However, such participation is not required of Board members.

**(Ord. No. 13-22 Enacted 06/03/2013)**

## 3-18-108. QUARTERLY AND ANNUAL BOARD REPORTS.

(1) The Professional Standards Review Board shall provide quarterly and annual reports concerning the operations of the Board. These reports shall be presented to the City Council and shall be made public.

(2) Quarterly reports shall include the following information:

a. Total number of uses of force by the West Valley City Police Department during the quarter;

b. Total number of unjustified or improper uses of force by the West Valley City Police Department during the quarter;
c. Total number of vehicular pursuits by the West Valley City Police Department during the quarter;
d. Total number of improper vehicular pursuits by the West Valley City Police Department during the quarter;
e. Total number of Internal Affairs investigations referred to the Board during the quarter; and
f. Total number of Internal Affairs investigations referred to the Board during the quarter in which improper conduct was found.

(3) Annual reports shall include the following information:

a. Total number of uses of force by the West Valley City Police Department during the year;
b. Total number of unjustified or improper uses of force by the West Valley City Police Department during the year;
c. Total number of vehicular pursuits by the West Valley City Police Department during the year;
d. Total number of improper vehicular pursuits by the West Valley City Police Department during the year;
e. Total number of Internal Affairs investigations referred to the Board during the year; and
f. Total number of Internal Affairs investigations referred to the Board during the year in which improper conduct was found.
g. Recommendations concerning City policing practices; and
h. Any specific areas where the Police Department requires improvement, additional training, or policy changes.

**(Ord. No. 13-22 Enacted 06/03/2013)**

## 3-18-109. OTHER REGULATIONS GOVERNING THE OPERATION OF THE BOARD.

The City Manager is authorized to implement additional regulations governing the Board. However, all regulations shall be consistent with this Chapter.

**(Ord. No. 13-22 Enacted 06/03/2013**

# TITLE 4
# MUNICIPAL PROPERTY

Chapters:

4-1 Parks and Playgrounds
4-2 Lost, Abandoned or Unclaimed Property
4-3 Use of City-Owned Property
4-4 E-Center Olympic Assembly Permit
4-5 Disposal of Significant Parcel of Real Property

# CHAPTER 4-1
# PARKS AND PLAYGROUNDS

Sections:

4-1-101. Compliance with Chapter.
4-1-102. Leading, etc., Cattle, Horses, Swine, etc., in Parks Prohibited.
4-1-103. Dogs to be on Leash.
4-1-104. Discharge of Firearms, Fireworks, etc., Prohibited.
4-1-105. Injuring, Defacing, etc., Buildings, Monuments, Plants, etc.
4-1-106. Removal, Injury to, etc., Grass, Soil, etc., Prohibited.
4-1-107. Distribution of Circulars, Posting of Notices, etc., Prohibited.
4-1-108. Swimming, Wading, etc., Prohibited.
4-1-109. Camping Prohibited.
4-1-110. Fires Prohibited.
4-1-111. Driving of Vehicles or Animals Restricted to Roads or Drives.
4-1-112. Fighting, Indecent Conduct, Profane Language, etc., Prohibited.
4-1-113. Sales of Merchandise, etc.
4-1-114. Fastening of Horses and Other Animals.
4-1-115. Obedience to Speed Limits.
4-1-116. Riding or Driving Horses or Other Animals.
4-1-117. Gambling, etc., Prohibited.
4-1-118. Conducting Businesses within Parks.
4-1-119. Playing of Games.
4-1-120. Driving Commercial, etc., Vehicles within Parks.
4-1-121. Depositing Garbage, Trash, etc., Prohibited.
4-1-122. Parades, Speeches, etc.
4-1-123. Using Toilet Facilities of Opposite Sex Prohibited.
4-1-124. Hunting and Fishing Prohibited.
4-1-125. Annoying, Injuring, etc., Animals and Fowl.
4-1-126. Closing Hours.
4-1-127. Possession or Consumption of Alcoholic Beverages.
4-1-128. Smoking in Parks and Recreational Areas.

## 4-1-101. COMPLIANCE WITH CHAPTER.

It shall be unlawful for any person to do or suffer or permit to be done any of the acts specified in this Chapter in any public park or playground in the City, or in any place now set aside or which may hereafter be set aside or used as public park or playground. Any violations of this Chapter shall be a class "B" misdemeanor for each day of noncompliance.

## 4-1-102. LEADING, ETC., CATTLE, HORSES, SWINE, ETC., IN PARKS PROHIBITED.

It shall be unlawful for any person to lead or let loose any cattle, horse, mule, goat, sheep, swine or fowl of any kind in any park or playground.

## 4-1-103. DOGS TO BE ON LEASH.

(1) Except as provided in subsection (2), it shall be unlawful for any person to permit any dog to enter or remain in a public park or playground unless it is led by a leash of suitable strength, not more than six feet in length.
(2) The City Manager shall have authority to prohibit dogs in a public park or playground as provided below.
    a. The prohibition may be imposed due to a potential for nuisance, injury or fear of injury caused by a planned, large gathering of people in the park.
    b. When in the opinion of the City Manager it becomes necessary to exercise authority under this subsection, the City Manager shall direct the Public Works Director to place signage, indicating that dogs are prohibited in the park, at conspicuous locations in the park. The prohibition shall not be enforced until such time as the signs required under this subsection are erected and maintained, or if the signs have not been erected yet, until after a person is notified by peace officers or ordinance enforcement officers of the prohibition.
    c. A person shall be in violation of this subsection when he knowingly enters or remains within the boundaries of a public park while exercising ownership or control of a dog when notice against entering is given by:
        i. Personal communication by a peace officer or ordinance enforcement officer of the prohibition; or
        ii. Posting of signs reasonably likely to come to the attention of the violator.
(3) This Section is not applicable to peace officers using police dogs.

**(Ord. No. 92-28 Amended 09/03/1992 Effective 09/17/1992)**

## 4-1-104. DISCHARGE OF FIREARMS, FIREWORKS, ETC., PROHIBITED.

It shall be unlawful for any person to carry or discharge any firearms, firecrackers, rockets, torpedoes, powder or any other fireworks or explosives in any park or playground. This section is not applicable to a fireworks display specifically authorized by the City.

## 4-1-105. INJURING, DEFACING, ETC., BUILDINGS, MONUMENTS, PLANTS, ETC.

It shall be unlawful for any person to cut, break, injure, deface or disturb any tree, shrub, plant, rock, building, cage, pen, monument, fence, bench, or other structure, apparatus or property; or pluck, pull up, cut, take or remove any shrub, bush, plant or flower; or mark or write upon any building, monument, fence, bench, or other structure in any park or playground.

## 4-1-106. REMOVAL, INJURY TO, ETC., GRASS, SOIL, ETC., PROHIBITED.

It shall be unlawful for any person to cut, remove, injure or destroy any wood, turf, grass, soil, rock, sand or gravel in any park or playground.

## 4-1-107. DISTRIBUTION OF CIRCULARS, POSTING OF NOTICES, ETC. PROHIBITED.

It shall be unlawful for any person to distribute any handbills or circulars or post, place or erect any bills, notice, paper or advertising device or matter of any kind in any park or playground.

## 4-1-108. SWIMMING, WADING, ETC., PROHIBITED.

It shall be unlawful for any person to swim, bathe or wade in the waters of any fountain, pond, lake or stream not set aside for the purpose of swimming, bathing or wading, or pollute the waters of any fountain, pond, lake or stream n any park or playground.

## 4-1-109. CAMPING PROHIBITED.

It shall be unlawful for any person to camp or lodge in any park or playground.

## 4-1-110. FIRES PROHIBITED.

It shall be unlawful for any person to make or kindle a fire for any purpose in any park or playground.

## 4-1-111. DRIVING OF VEHICLES OR ANIMALS RESTRICTED TO ROADS OR DRIVES.

It shall be unlawful for any person to ride or drive any horse or other animal or propel any vehicle, cycle or automobile elsewhere than on the roads or drives provided for such purposes, nor on the footpaths in any park or playground.

## 4-1-112. FIGHTING, INDECENT CONDUCT, PROFANE LANGUAGE, ETC., PROHIBITED.

It shall be unlawful for any person to engage in fighting or indulge in riotous, boisterous, threatening, or indecent conduct or use abusive, threatening, profane or indecent language in any park or playground.

## 4-1-113. SALES OF MERCHANDISE, ETC.

It shall be unlawful for any person to sell or offer for sale any merchandise, article or thing whatsoever within any park or playground or within a distance of 60 feet from the boundaries or boundary line of any public park or playground, unless the person is licensed to do so as provided in the Business License Ordinance.

## 4-1-114. FASTENING OF HORSES AND OTHER ANIMALS.

It shall be unlawful for any person to hitch or fasten any horse or other animal to any tree or other place or structure in any park or playground not especially designated and provided for such purpose.

## 4-1-115. OBEDIENCE TO SPEED LIMITS.

It shall be unlawful for any person to ride or drive any animal or vehicle at a rate of speed exceeding that indicated on traffic signs erected on any parkway within any public park.

## 4-1-116. RIDING OR DRIVING HORSES OR OTHER ANIMALS.

It shall be unlawful for any person to ride or drive any horse or other animal in any park or playground; provided, that such prohibition shall not apply during parades, fairs or other special events specifically authorized by the City.

## 4-1-117. GAMBLING, ETC., PROHIBITED.

It shall be unlawful for any person to play or bet at or against any game which is played, conducted, dealt or carried on with cards, dice, slot machines, wheels or other devices, for money, chips, credit, cigars, candy, merchandise or any other thing representative of value, or maintain or exhibit any cards, dice, tables, wheels, machines or other instruments or devices for betting, gambling or gaming in any park or playground.

## 4-1-118. CONDUCTING BUSINESSES WITHIN PARKS.

It shall be unlawful for any person to practice, carry on, conduct or solicit for any trade, occupation, business or profession within any park or playground without being licensed to do so as provided in the Business License Ordinance.

## 4-1-119. PLAYING OF GAMES.

It shall be unlawful for any person to play or engage in any game in any park or playground, except at such place as shall be specially set apart for that purpose.

## 4-1-120. DRIVING COMMERCIAL, ETC., VEHICLES WITHIN PARKS.

It shall be unlawful for any person to drive or have any dray, truck, wagon, cart, perambulator, motor vehicle or other traffic vehicle, carrying or regularly used or employed in carrying goods, merchandise, lumber, machinery, oil, manure, dirt, sand, soil or any article of trade or commerce or any offensive article or material whatsoever, upon any road or drive in any park or playground, except such as may be specially provided or designated for such use.

## 4-1-121. DEPOSITING GARBAGE, TRASH, ETC., PROHIBITED.

It shall be unlawful for any person to throw or deposit any bottle, tin, tin can, broken glass, nail, tack, crockery, wire, paper, cloth, scrap or sheet iron, box, board, lumber or stone or any rubbish or garbage in any park or playground.

## 4-1-122. PARADES, SPEECHES, ETC.

It shall be unlawful for any person to conduct or carry on any celebration, parade, service, speech making or exercise in any park or playground without first obtaining permission from the City,

nor shall any person take part in any celebration, parade, speech making or exercise held or conducted contrary to the provisions of this Section.

## 4-1-123. USING TOILET FACILITIES OF OPPOSITE SEX PROHIBITED.

It shall be unlawful for any person over eight years of age to enter or use any bathroom facility designated for the opposite sex in a public park or playground.

## 4-1-124. HUNTING AND FISHING PROHIBITED.

It shall be unlawful for any person to hunt or fish at any park or public grounds.

## 4-1-125. ANNOYING, INJURING, ETC., ANIMALS AND FOWL.

It shall be unlawful for any person to annoy, injure, release from confinement or in any manner interfere with any swan, duck, goose, bird or animal which is the property of the City or other governmental entity.

## 4-1-126. CLOSING HOURS.

All public parks within the corporate limits of the City shall be closed to any public use between the hours of 11:00 P.M. and 6:00 A.M., unless prior approval is properly obtained from an authority of the City.

## 4-1-127. POSSESSION OR CONSUMPTION OF ALCOHOLIC BEVERAGES.

It shall be unlawful for any person to consume beer or any alcoholic beverage or to have in his or her possession any beer or alcoholic beverage within any public park located within the corporate limits of the City.

## 4-1-128. SMOKING IN PARKS AND RECREATIONAL AREAS.

It shall be unlawful for any person to commit an act of smoking, as that term is defined in the Utah Criminal Code, in any park or recreational area open to the public, except in the designated parking facilities for those areas. For the purposes of this part, 'recreational area' shall be defined as ball diamonds, soccer fields, bleachers and trails.

Any person or party who violates the provisions of this Chapter shall be guilty of an infraction, which shall carry a fine of $25.00.

**(Ord. No. 07-64 Adopted 10/23/2007)**

# CHAPTER 4-2
# LOST, ABANDONED OR UNCLAIMED PROPERTY

Sections:

4-2-101. Definitions.
4-2-102. Notification of Owner.
4-2-103. Notification and Disposition when Unclaimed Generally.
4-2-104. Notification of City Departments.
4-2-105. Request for use of Property by City Departments.
4-2-106. City Manager to Review Request; Destruction of Valueless Property.
4-2-107. Sale of Firearms.
4-2-108. Destruction or Donation of Property Remaining after Sale or Distribution.
4-2-109. Report to Finance Department by Police Department.
4-2-110. Fund for Monies Received.
4-2-111. Reclamation by Owner.
4-2-112. Failure by Owner to Claim Proceeds of Sale.
4-2-113. Power of Chief of Police to Receive and Dispose of Property.
4-2-114. Cash Released to City by Judge Subsequent to Trial.
4-2-115. Abandoned or Impounded Vehicle: Definitions.
4-2-116. Reporting.
4-2-117. Sale of Impounded Land Abandoned Vehicles.
4-2-118. Disposition of Funds from Sale.
4-2-119. Distribution of Funds from Sale.

## 4-2-101. DEFINITIONS.

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

(1) Abandoned Property means property found under circumstances reasonably indicating that the owner does not intend to control or possess it.
(2) Lost Property means property, the location of which is unknown to the owner.
(3) Unclaimed Property means personal property held by the Police Department for a period of three months or more and unclaimed within that period by the owner; or personal property held by the police in connection with a court proceeding, the disposition of which is not otherwise determined by law or court order, and unclaimed by the owner within a period of 90 days following the end of all court proceedings.

## 4-2-102. NOTIFICATION OF OWNER.

Whenever the owner of lost, abandoned or unclaimed property is identified and located, the Police Department shall mail to the owner by certified mail written notice describing the property, giving its present location, stating the circumstances under which it came into possession thereof, and giving notice to the owner that he must claim his property within the time provided by this notice, or the property will be disposed of as hereinafter provided.

## 4-2-103. NOTIFICATION AND DISPOSITION WHEN UNCLAIMED GENERALLY.

If the owner of lost, abandoned or unclaimed property fails to claim such property within 90 days after the receipt of notice, or said owner is not identified and/or located within the period of three months, the Police Department shall compile a list of such property for distribution to other City departments, as stated in the following section. If, after five days of notifying other City departments of available property, there is still property for sale, the Chief of Police may advertise the sale of such property for at least two days in a newspaper of general circulation in the City, and may, on the date specified in such advertisement, offer the property to the public at public auction. The time of the public sale shall be scheduled for a date not less than five days after published notice of the sale has been completed.

**(Ord. No. 00-12 Amended 02/24/2000)**

## 4-2-104. NOTIFICATION OF CITY DEPARTMENTS.

The Police Department shall also give notice of the above-described list of all lost, abandoned or unclaimed property which is available for public sale to the Finance Department. The Purchasing Department will then notify the other City departments of the property offered for public sale.

## 4-2-105. REQUEST FOR USE OF PROPERTY BY CITY DEPARTMENTS.

If a City department wishes to utilize any of the lost, abandoned or unclaimed property offered for sale, then a written request stating which property is needed should be forwarded to the Finance Department not later than five days before the public sale.

## 4-2-106. CITY MANAGER TO REVIEW REQUEST; DESTRUCTION OF VALUEPROPERTY.

The City Manager shall then review departmental requests for the use of property and shall determine which department, if any, shall be assigned the property. The remaining advertised property will then be offered for public sale on the published date; provided, however, the City Manager may authorize the Police Department to destroy or otherwise dispose of any property subject to this article where such property is determined to be valueless or of such little value that the costs of conducting a sale and advertising would probably exceed the amount realized therefrom.

## 4-2-107. SALE OF FIREARMS.

All sales of firearms, handguns or other property subject to the 1968 Gun Control Act, 18 U.S.C.A., Sec. 921, et. seq., and the Utah Code Annotated, 1956 as amended, shall be made in compliance therewith.

## 4-2-108. DESTRUCTION OR DONATION OF PROPERTY REMAINING AFTER SALE OR DISTRIBUTION.

All advertised lost, abandoned or unclaimed property remaining unsold or unassigned for departmental use under the preceding sections of this Chapter may then be either destroyed or donated to City use or to public or private charities, as directed by the City Manager.

## 4-2-109. REPORT TO FINANCE DEPARTMENT BY POLICE DEPARTMENT.

The Police Department shall make a report to the Finance Department, at the time of sale or disposition, containing a listing of any property sold or distributed under the provisions of this Chapter, the amount of money received from public sales, and the fair market value of any property distributed for use by a City department.

## 4-2-110. FUND FOR MONIES RECEIVED.

All money from the public sale of lost, abandoned or unclaimed property shall be deposited in the City general fund.

## 4-2-111. RECLAMATION BY OWNER.

If the owner, his legal representatives, or successors, of any lost, abandoned, or unclaimed property sold at auction or utilized by a City department, demands his property within six months from the date the property was received by the Police Department, the City Treasurer shall pay to him, after deducting the fees and expenses of the City in relation to the matter, the proceeds of the public sale; or, if the property was assigned to a City department, the property shall be relinquished to the legally identified owner of the property, after deducting administrative fees and expenses in relation to the matter.

## 4-2-112. FAILURE BY OWNER TO CLAIM PROCEEDS OF SALE.

If the owner, his legal representatives or successors, of any lost, abandoned or unclaimed property sold at auction does not claim the proceeds from the sale of his property within the six-month period, the proceeds from the public sale shall revert to the City general fund.

## 4-2-113. POWER OF CHIEF OF POLICE TO RECEIVE AND DISPOSE OF PROPERTY.

The Police Department shall have the power to receive lost, abandoned or unclaimed tangible or intangible property from a private citizen. He shall then make reasonable efforts to locate the owner of such property; but, if after three months, the owner has not been located or his property claimed, the property shall be returned to the citizen upon the citizen's payment to the City of a processing and administrative fee. If the citizen disclaims the property, then the property shall be distributed according to the provisions of this Chapter.

**(Ord. No. 00-12 Amended 02/24/2000)**

## 4-2-114. CASH RELEASED TO CITY BY JUDGE SUBSEQUENT TO TRIAL.

Any cash released to the City by a judge of any court of competent jurisdiction of the State of Utah, subsequent to the use of such cash as evidence in a criminal trial, shall be used and/or disposed of pursuant to established West Valley City procedures.

## 4-2-115. ABANDONED OR IMPOUNDED VEHICLE: DEFINITIONS.

Unless a different meaning appears from the context, the words abandoned or impounded shall be defined:

(1) As intended and defined in Section 4-2-101 of this Title;
(2) And/or any motor vehicle not impounded by the City that has been stored in a public garage for ten days and the owner is unknown to the proprietor;
(3) And/or all motor vehicles seized by the City that were used in the commission of a crime.

## 4-2-116. REPORTING.

Whenever any motor vehicle has been stored in a public garage within the City for ten days and the owner is unknown to the proprietor, the latter shall immediately report the presence of such motor vehicle in the garage to the West Valley City Police Department so that the owner may be located.

## 4-2-117. SALE OF IMPOUNDED AND ABANDONED VEHICLES.

If, at the expiration of 30 days after mailing the notice provided in Section 4-2-103, such vehicle is not redeemed by the owner or his proper representative or lien holder of record, the Police Department shall proceed to sell the same at public auction after first giving at least seven days' notice of said sale by publishing said notice at least once in a newspaper published or widely distributed in the City, stating the time and place of such sale. Such notice shall also describe the vehicle to be sold with reasonable certainty. Further:

(1) The Police Department reserves all options as to the disposition of the vehicle;
(2) Should the worth of the vehicle not exceed the expenses, the vehicle may be sold to the impounder as payment in full;
(3) No item shall be sold for less than accumulated fees unless the creditor-impounder agrees to accept the proceeds as payment in full; and
(4) The Police Department or his authorized agent may accept or reject all bids for such vehicle, but upon acceptance, the vehicle must be sold to the highest bidder.

## 4-2-118. DISPOSITION OF FUNDS FROM SALE.

The money received from the sale of any such vehicle shall be applied first to the actual cost of towing and storage of such impounded vehicle, then to pay the cost of advertising the notice of sale for each vehicle so impounded and the balance, if any, shall then be paid into the City Treasury of City to be used as hereinafter provided.

## 4-2-119. DISTRIBUTION OF FUNDS FROM SALE.

At any time within one year from and after such sale, the former owner of the vehicle sold or recorded lien holder, upon application to the City Manager and upon presentation of satisfactory proof that he was the owner or lien holder of record of the vehicle sold, shall be paid the proceeds of such sale less the necessary expenses thereof and less the towing, impounding and storage charges provided for. The check shall be made payable jointly to the owner and any recorded lien holder.

# CHAPTER 4-3
# USE OF CITY-OWNED PROPERTY

Sections:

4-3-101. Policy and Purpose.
4-3-102. City to Manage and Regulate City-Owned Property.
4-3-103. User Fees.
4-3-104. Posting of Signs Prohibited on City Property.

## 4-3-101. POLICY AND PURPOSE.

It is the policy of West Valley City that City-owned property be used for the specific purpose for which it was acquired or designated. City-owned property should be maintained, operated, managed, and regulated so as to enhance the health, safety, welfare, economy, aesthetics, and development of the City, its residents, and visitors.

**(Ord. No. 99-22 Added 06/07/1999)**

## 4-3-102. CITY TO MANAGE AND REGULATE CITY-OWNED PROPERTY.

(1) The City may regulate the use and management of all City-owned property, and may adopt rules and regulations governing the use of City property.
    a. all regulations adopted by the City shall be consistent with state and federal law, the City's ordinances, and the purposes for which the property was acquired or maintained.
(2) The City Manager may designate the purposes of any City-owned property, and may alter the designation for all or any part of a parcel, if doing so is determined to be in the best interests of the City.
(3) The City may contract with any individual, partnership, corporation, or government entity to manage, maintain, direct, or operate any City-owned property, or any portion thereof, or to conduct any program, activity, or function thereon.
(4) The City may establish a reservation system to govern access and use of City-owned property, and may allow individuals or groups to have exclusive use of a City-owned property, or a portion thereof, for limited periods of time. This section includes reservation and use of public streets for limited periods of time, if the City Manager determines that such exclusive use is in the best interests of the City. The City may also restrict use of or access to any City-owned property in order to conduct business, use the property for its intended use, maintain or develop the property, or to conduct activities or events thereon.

**(Ord. No. 99-22 Added 06/07/1999)**

## 4-3-103. USER FEES.

The City may charge fees for the use of City-owned property, including advance reservation fees, per user charges, cleaning deposits, etc.

**(Ord. No. 99-22 Added 06/07/1999)**

## 4-3-104. POSTING OF SIGNS PROHIBITED ON CITY PROPERTY.

(1) Except as explicitly authorized by City ordinance, no sign, placard, advertisement, or handbill shall be erected or posted on City-owned property or in City rights-of-way. Any such sign, placard, advertisement, or handbill may be removed immediately by the City.
(2) Any person who violates the provisions of this Chapter is guilty of a class "B" misdemeanor.
(3) The provisions of this Section may be enforced as set forth in Chapter 11-3 of the City Code.

**(Ord. No. 14-33 Enacted 08/03/2014**

# CHAPTER 4-4
# E-CENTER OLYMPIC ASSEMBLY PERMIT

Sections:

4-4-101. Purpose.
4-4-102. Definitions.
4-4-103. Assembly Activity within the Olympic Venue Zone.
4-4-104. Assembly permit required.
4-4-105. Access to the Olympic Venue Zone.
4-4-106. Assembly Permit Requirements.
4-4-107. Assembly Permit Policy.
4-4-108. Violation.

## 4-4-101. PURPOSE.

The purpose of this Chapter is to provide an opportunity to any individual or group wishing to peacefully assemble and speak during Olympic events held at the E-Center while balancing that right with the objective of preventing traffic congestion, and promoting public safety and welfare.

**(Ord. No. 01-74 Added 12/17/2001; Ord. No. 01-74 Amended 03/06/2002)**

## 4-4-102. DEFINITIONS.

(1) "Assembly Activity" means a protest, demonstration or other exercise of an individual's or group's First Amendment rights which take place within the Olympic Venue Zone.
(2) "Assembly Coordinator" means the West Valley City Chief of Police or the Chief's designee.
(3) "Assembly Permit or Permit" means a permit issued by the City granting permission to use the Olympic Assembly Area for Assembly Activity.
(4) "Olympic Assembly Area" means that area located within the Olympic Venue Zone used for Assembly Activity as specifically designated by fencing and signage during the Olympics.
(5) "Olympic Venue Zone" means the E-Center and the public property beginning at the southeast corner of Mockorange Drive (2580 West) and 3100 South; thence south across 3100 South to the south right-of-way line of said street; thence east to the east right-of-way line of I-215; thence south to the northwest corner of lot 6 in the West Valley Commerce Center Subdivision; thence easterly along the north property line of lots 6, 4, and 1 of the West Valley Commerce Center Subdivision ending at the northeast corner of lot 1; thence northeast across Decker Lake Drive to the north side of the south entrance of the Hollywood Connection site; thence northerly along Decker Lake Drive to 3100 South; thence east along 3100 South to the west boundary of the main access into the West Pointe Apartments; thence north across 3100 South to the north right-of-way of 3100 South; thence west along 3100 South to Decker Lake Drive; thence north along Decker Lake Drive to the south entrance of the E-Center Parking Lot; thence west to the west right-of-way line of Decker Lake Drive; thence south along Decker Lake Drive to 3100 South; thence west to the point of beginning. The Olympic Venue Zone is designated by the map titled "E-Center Olympic Venue Zone Designations" incorporated into this ordinance by this reference. The Olympic Venue Zone shall only exist between February 1, 2002 and March 1, 2002.

(6) "Olympics" means the 2002 Winter Olympics hosted by the Salt Lake Organizing Committee beginning February 1, 2002 and ending March 1, 2002.

**(Ord. No. 01-74 Added 12/17/2001; Ord. No. 01-74 Amended 03/06/2002)**

## 4-4-103. ASSEMBLY ACTIVITY WITHIN THE OLYMPIC VENUE ZONE.

(1) No Assembly Activity shall be permitted in the Olympic Venue Zone except within the Olympic Assembly Area provided herein.
(2) This Ordinance is not applicable to activity protected by the First Amendment which occurs outside of the Olympic Venue Zone.

**(Ord. No. 01-74 Added 12/17/2001; Ord. No. 01-74 Amended 03/06/2002)**

## 4-4-104. ASSEMBLY PERMIT REQUIRED.

Any individual or group who desires to gain access to the Olympic Assembly Area shall apply for and obtain an Assembly Permit for such access.

**(Ord. No. 01-74 Added 12/17/2001; Ord. No. 01-74 Amended 03/06/2002)**

## 4-4-105. ACCESS TO THE OLYMPIC VENUE ZONE.

(1) Any group or person wishing to obtain access to the Olympic Venue Zone is required to present either:
    a. a ticket for an Olympic event being held at the E-center on the day access is requested,
    b. proper credentials issued by the Salt Lake Olympic Committee, or
    c. an Assembly Permit obtained pursuant to this Title.
(2) All persons entering the Olympic Venue Zone shall be subject to the Olympic Safety Command security checks, rules and regulations.

**(Ord. No. 01-74, Added 12/17/2001; Ord. No. 01-74 Amended 03/06/2002)**

## 4-4-106. ASSEMBLY PERMIT REQUIREMENTS.

(1) A permit application shall be submitted on the form developed by the Assembly Coordinator and shall contain the following information:
    a. Name of applicant.
    b. Address, telephone number and e-mail address of designated contact person.
    c. Name of group (If applicable).
    d. Purpose of the protest or demonstration.
    e. Number of people expected to assemble.
    f. Time and date preference (See Section 4-4-107).
(2) At the time of application the applicant shall include payment of a $25.00 Assembly Permit Fee charged to partially offset the cost of reviewing and issuing the permit. If an applicant can demonstrate indigence, the fee shall be waived.

**(Ord. No. 01-74 Added 12/17/2001; Ord. No. 01-74 Amended 03/06/2002)**

## 4-4-107. ASSEMBLY PERMIT POLICY.

(1) Upon a request for an application, the Assembly Coordinator shall provide to the applicant all application materials and a schedule of Olympic events and remaining available assembly times. A complete Assembly Permit application must be submitted 48 hours prior to requested access.
(2) The applicant shall complete the application, attach the required fee and shall designate their preferred assembly time and acceptable alternative assembly times.
(3) One assembly time shall be assigned for each group or individual on a first in time basis. If the applicant's preferred assembly time is not available the alternative assembly times will be reviewed and a time assigned as available.
(4) An applicant may only take one designated time unless no other group or individual has applied for a particular time 48 hours before the scheduled time. In that event, a group or individual may apply for and receive multiple time slots.
(5) Assembly times shall be in two hour increments. One two hour block shall begin one hour before the start of an event and one two hour block shall begin one hour before the end of an event. Following the termination of the time period the permit shall expire unless the applicant has obtained additional assembly times as provided in 4-4-107(4).
(6) The Assembly Coordinator shall review the application and shall issue the appropriate permit within 48 hours of receiving the application if the application complies with this Chapter. The permit shall designate the name of the permit holder, the date and beginning and expiration time of the permit and the approximate number of participants.
(7) Following the issuance of the permit the Assembly Coordinator shall deliver to the appropriate Olympic Venue representative a list of the permitted applicants showing the date, time and approximate number of participants.
(8) The number of participants permitted under one permit may not exceed the total number of participants allowed in the Olympic Assembly Area as determined by the Fie Code.

**(Ord. No. 01-74 Added 12/17/2001; Ord. No. Unknown Amended 03/06/2002)**

## 4-4-108. VIOLATION.

Any violation of this Chapter by an individual or group is punishable as a class C misdemeanor.

**(Ord. No. 01-74 Added 12/17/2001; Ord. No. Unknown Amended 03/06/2002)**

# CHAPTER 4-5
# DISPOSAL OF SIGNIFICANT PARCEL OF REAL PROPERTY

Sections:

4-5-101. Definitions.
4-4-102. Disposal of Significant Parcel of Real Property.

## 4-5-101. DEFINITIONS.

(1) "Significant Parcel of Real Property" means a single parcel of real property, owned by the City, that exceeds one (1) acre.
(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. No. 05-53 Enacted 12/6/2005)**

## 4-5-102. DISPOSAL OF SIGNIFICANT PARCEL OF REAL PROPERTY.

If at any time, the City desires to surplus and dispose of a Significant Parcel of 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. No. 05-53 Enacted 12/6/2005)**

# TITLE 5
# PROCUREMENT CODE

Chapters:

5-1 Purpose, Application and Definitions
5-2 General Provisions
5-3 Methods and Procedures for Procurement
5-4 Appeals and Remedies

# CHAPTER 5-1
# PURPOSE, APPLICATION AND DEFINITIONS

Sections:

5-1-101. Purpose.
5-1-102. Application.
5-1-103. Definitions.

## 5-1-101. PURPOSE.

The purpose of this Title is to set forth a procedure governing purchasing that benefits the City and its citizens, provides for the economical and efficient purchase of goods and services, and maximizes the purchasing power of public funds.

**(Ord. No. 03-07 Amended 01/21/2003)**

## 5-1-102. APPLICATION.

This Title applies to the procurement of supplies, services, and construction. It shall apply to every expenditure of public funds by the City for public purchasing irrespective of the source of the funds. When the procurement involves the expenditure of federal assistance or grant funds, the procurement shall be conducted in accordance with any mandatory applicable federal law and regulation and this Title. Nothing in this Ordinance shall prevent the City from complying with the terms and conditions of any grant, gift, or bequest that is otherwise consistent with law.

**(Ord. No. 03-07 Amended 01/21/2003)**

## 5-1-103. DEFINITIONS.

(1) Business. Any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture, or any other private legal entity.
(2) Business Day. Any day when the City administration offices are open for public business.
(3) Construction. The process of building, altering, repairing, improving, or demolishing any public structure or building, or other public improvements of any kind to any public real property. It does not include the routine repair or routine maintenance of existing structures, buildings, or real property.
(4) Contractor. Any person having an agreement with the City.
(5) Department. Any City department, commission, board, or agency requiring the procurement of supplies, services, or construction pursuant to this Ordinance.
(6) Employee. An individual drawing a salary or wages from the City, whether elected or not; any non-compensated individual performing personal services for the City or any Department, agency, commission, council board, or any other entity established by the executive or legislative branch of the City; and any individual serving as an elected official of the City.
(7) Invitation for Bids. All documents, whether attached or incorporated by reference, utilized for soliciting sealed bids.
(8) Person. Any business, individual, union, committee, club, other organization, or group of individuals.

(9) Procurement. The buying, purchasing, renting, leasing, or otherwise acquiring of any supplies, services, or construction, including description of requirements, selection, and solicitation of sources, preparation and award of agreement, and all phases of agreement administration.
(10) Professional Services. Those services that are provided by a Person skilled in the practice of a learned or technical discipline. Providers of professional services often require prolonged and specialized intellectual training, and profess attainments in special knowledge as distinguished from mere skills. Disciplines may include, but are not limited to, accounting, auditing, court reporting, experts in a specialized field, finance, law, materials testing, medicine, and others.
(11) Public Agency. A public entity subject to or created by the City.
(12) Purchasing Agent. The Person or Persons designated in this Ordinance to procure supplies, services, or construction on behalf of the City.
(13) Request for Proposals or RFP. All documents, whether attached or incorporated by reference, utilized for soliciting proposals.
(14) Responsible Bidder or Offeror. A Person who has the capability in all respects to perform fully the Agreement requirements, and the experience, integrity, reliability, capacity, facilities, equipment, and credit which will assure good faith performance.
(15) Responsive Bidder. A person who has submitted a bid which conforms in all material respects to the requirements set forth in the Invitation for Bids.
(16) Services. The furnishing of labor, time, or effort by any Person, including Professional Services, but excluding the work of a construction manager, employment by the City or employment by any vendor.
(17) Supplies. All property, including but not limited to equipment, materials, printing, insurance, and leases of real property, excluding land or a permanent interest in land.

**(Ord. No. 03-07 Amended 01/21/2003)**

# CHAPTER 5-2
# GENERAL PROVISIONS

Sections:

5-2-101. Purchasing Agents.
5-2-102. Authority to Use Pre-approved Forms / Authority of City Manager to Sign Some Items.
5-2-103. Bid Evaluation.
5-2-104. Responsibility of Bidders and Offerors.
5-2-105. Right to Inspect Facility and Audit Records.
5-2-106. Reporting of Anticompetitive Practices.
5-2-107. Pre-qualification.
5-2-108. City Provider Preference.
5-2-109. Provider Preferences.

## 5-2-101. PURCHASING AGENTS.

(1) The City's Purchasing Agent shall be the supervisor of the Purchasing Division, as established by Title 3 of the City Code. The Finance Director or the City Manager or their designee may also act as the Purchasing Agent at any time. With the approval of the City Manager, the Purchasing Agent may delegate authority to purchase certain supplies, services, or construction items to other City officials, if such delegation is deemed necessary for the effective procurement of those items.
(2) Except as otherwise provided herein, the Purchasing Agent shall be responsible for the procurement of all supplies and services in accordance with this Ordinance.
(3) Duties. In accordance with this Ordinance, and subject to the supervision of the Finance Director and the City Manager, the Purchasing Agent shall:
    a. procure or supervise the procurement of all supplies, and services needed by the City;
    b. sell, trade, or otherwise dispose of surplus supplies belonging to the City; and
    c. in cooperation with the City Department using the supplies and services, establish and maintain programs for bid specifications, specification development, inspection, review and acceptance.

**(Ord. No. 03-07 Added 01/21/2003)**

## 5-2-102. AUTHORITY TO USE PRE-APPROVED FORMS / AUTHORITY OF CITY MANAGER TO SIGN SOME ITEMS.

(1) The City Council may authorize the City Manager to sign any agreement, purchase order, obligation, form, or other document that has been approved as to form by the City Council. In addition, the City Manager or their designee has the authority to sign all documents necessary to allow the City to make Minimal (Section 5-3-103) and Small Purchases (Section 5-3-104). Any document signed by the City Manager pursuant to this Section must also be countersigned by a facsimile signature of the Mayor and attested by the City Recorder.

(2) Based upon a determination by the Purchasing Agent, the City may utilize an electronic bid process, so long as such process provides for substantially the same purchasing protection provided herein.

**(Ord. No. 03-07 Added 01/21/2003; Ord. No. 09-14 Amended 05/31/2009)**

## 5-2-103. BID EVALUATION.

(1) Generally. Bids, proposals, and related matters shall be evaluated using the criteria in this Chapter.
(2) City's Evaluation Process. When evaluating matters, the City shall consider the following:
    a. Solicitation Criteria. The City shall consider the evaluation criteria stated in a bid or proposal package or other solicitation document.
    b. Chapter Criteria. As further described in this Chapter, the City shall consider whether a bid, proposal or other offer or submission is responsive to the City's request, whether the bidder or offeror is responsible, and whether any element conflicts with the other criteria of this Chapter.
        i. Due Diligence. The City may take steps as it deems appropriate to verify and determine any matter. The City shall determine in its sole discretion what steps may be appropriate in light of the matters being considered and the resources of the City. The failure to discover any matter shall not preclude any subsequent evaluation or action.
        ii. Records . In the manner it shall determine, the Purchasing Agent shall retain in procurement file records relevant to a solicitation or award.
        iii. Evaluating Responsiveness. To be responsive, a bid, proposal or other offer or submission must conform in all material respects to the terms of the City's solicitation documents. Such terms may include, but are not limited to, using bid forms, mandatory submittals, required securities, and appropriate substantive responses. Ministerial errors and other matters in a bid, proposal or other offer or submission will not necessarily render it non-responsive, and the Purchasing Agent shall review such matters and determine whether the submission is responsive. The Purchasing Agent may evaluate responsiveness based on any additional reasonable criteria.
        iv. Evaluating Responsibility. To be responsible, a bidder or offeror must have the capability in all respects to fully perform the Agreement requirements, and the integrity, capacity and reliability which will assure good faith performance.
        v. Factors . The City may consider any relevant factors when evaluating responsibility, including the following:
            1. The bidder's capacity to perform the contractual requirements, including whether the bidder has available appropriate financial, material, equipment, facility and personnel resources and expertise, or the ability to obtain them. Without limitation, capacity may also include legal capacity to enter Agreements, the ability to perform within required times, or the ability to perform any necessary future service and maintenance.
            2. The bidder's ability, skill and quality of performance.
            3. The bidder's character, integrity, reputation, judgment, experience and efficiency.

4. The bidder's ability to work cooperatively with the City, including, without limitation, whether the bidder has previously failed to comply with City Agreements or other requirements, nonpayment of sums due to the City, poor working relationships with or adversarial actions against the City, suspension, or other proceedings by the City against the bidder, or failure to assist the City in determining responsibility.

vi. Making a Determination. The submission of any bid, proposal or other offer or submission constitutes an agreement by the bidder or offeror to reasonably assist the City with its determination of responsibility.

vii. Effect of Determination. The City's determination of responsibility relates solely to a bidder's overall ability to perform for a specific procurement, and is not a general assessment of a bidder's capabilities.

viii. Evaluating Specific Matters. For any bid, proposal, other offer, or submission:

1. Tie Bids. Tie bids occur when identical prices are submitted from responsive and responsible bidders and that price is the low bid. The Purchasing Agent shall make an award in a manner that is beneficial to the City, and may make an award in manner that will discourage tie bids. Such may include:
    a. Award to the Person closest to the point of delivery.
    b. Award to the Person who previously held the Agreement.
    c. Award to the Person with the earliest delivery date.
2. Only One Received. If the City receives only one responsive bid, proposal or other offer or submission, the City may make an award to that bidder or offeror if the Purchasing Agent determines the bid, proposal or other offer or submission is fair and reasonable and conforms to all applicable requirements, and that other prospective bidders or offerors had reasonable opportunity to respond or that there is not adequate time for a resolicitation. The written determination and basis for decision shall be placed in the procurement file. The City may also reject the sole bid, proposal or other offer or submission.

ix. Inspections and Tests. The City may perform inspections, tests and other evaluations in any manner conducive to the City's interest, including, without limitation, the use of third parties. All prospective and actual recipients of a bid or agreement shall provide all reasonable assistance and information required by the City to perform an inspection, test or other evaluation.

x. Modifying Submissions. After the time for submission, a bid, proposal or other offer or submission may be modified as follows:

1. Confirmation of Bid, Proposal or Other Matter. When it appears a mistake has been made, or when the City desires an assurance of any matter, the City may request a bidder or offeror to confirm the bid, proposal or other offer or submission in writing.
2. Notification of Error. A bidder or offeror shall notify the Purchasing Agent of any error contained in a bid, proposal or other offer or submission within two business days after bid opening or the time for submitting proposals unless the Purchasing Agent waives this requirement. The Purchasing Agent shall have sole discretion to determine whether to permit any modification or withdrawal.

3. Modifications by Agreement. The Purchasing Agent may agree with a bidder or offeror to any modifications so long as they do not prejudice fair competition or the City's interests. Modifications may include such matters as:
    a. Time for Accepting. The Purchasing Agent and bidder or offeror may agree that a bid, proposal or other offer or submission will remain effective for a longer period of time than that stated in the bid, proposal or other offer or submission.
    b. Subcontractor or Supplier Changes. Any proposed change in subcontractors or suppliers must be submitted to the Purchasing Agent, and the Purchasing Agent may reject any such proposed change. The bidder or offeror will receive no additional compensation as a result of a change to any subcontractors or suppliers, and must continue to meet the requirements of any federally-mandated program and other contractual and legal requirements.
    c. Change in Specifications. The Purchasing Agent and bidder or offeror may agree to a change in specifications when such change is in the City's interest, is reasonably related to the work originally solicited, and would not be prejudicial to fair competition.
    d. City's Correction of Ministerial Mistakes. The Purchasing Agent may at any time correct mistakes in a bid or proposal that are of a ministerial or minor nature as follows:
        i. Ministerial Mistakes. Ministerial or minor informalities are clerical errors and matters of form rather than substance that are evident from the document, or insignificant mistakes or informalities that can be waived or corrected without prejudice to other bidders or offerors. They generally do not have a substantial effect on price. Examples include a failure to:
            1. Sign the bid, proposal, or other submissions requiring signature, but only where they are accompanied by other materials indicating an intent to be bound.
            2. Acknowledge receipt of an addendum, but only if the materials demonstrate the bidder or offeror received the addendum and intended to be bound by it, or the addendum has a negligible effect on the bid, proposal or other offer or submission.
            3. Mistakes Where Intent is Evident. If the intent of the bid, proposal or other offer or submission is clearly evident on the face of the document, the Purchasing Agent shall correct it as intended and it may not be withdrawn. Examples include:
                a. Typographical errors.
                b. Errors in extending unit prices.

c. Transposition errors.
d. Arithmetical errors.
e. Differences in written and numerical prices (written shall control).

4. Mistakes Where Intent Not Evident. If the bidder or offeror's intent is not clearly evident on the face of the document, the bid, proposal or other offer or submission may not be withdrawn except as agreed by the Purchasing Agent.
5. Correcting Errors in Judgment. Errors in judgment may not be corrected, and the bid, proposal or other offer or submission may not be withdrawn, except as agreed by the Purchasing Agent. The Purchasing Agent may allow correction of an error in judgment if it can be done without prejudice to other bidders or offerors. The Purchasing Agent may allow withdrawal if it is in the City's interest.

**(Ord. No. 03-07 Add 01/21/2003)**

## 5-2-104. RESPONSIBILITY OF BIDDERS AND OFFERORS.

Bid and Performance Bonds on Supply or Service Contracts. Bid and performance bonds or other security may be requested for supply agreements or service agreements as the Purchasing Agent deems advisable to protect the City's interests. Any such bonding requirements shall be set forth in the solicitation. Bid or performance bonds shall not be used as a substitute for a determination of a bidder or offeror's responsibility.

**(Ord. No. 03-07 Add 01/21/2003)**

## 5-2-105. RIGHT TO INSPECT FACILITY AND AUDIT RECORDS.

(1) The City may, at reasonable times, inspect the part of the plant, place of business, or worksite of a contractor or subcontractor at any tier which is pertinent to the performance of any Agreement awarded or to be awarded by the City.
(2) The City may, at reasonable times, audit the books, accounting and any applicable records of any contractor or subcontractor if applicable.

**(Ord. No. 03-07 Add 01/21/2003)**

## 5-2-106. REPORTING OF ANTICOMPETITIVE PRACTICES.

When for any reason collusion or other anticompetitive practices are suspected among any bidders or offerors, a notice of the relevant facts shall be transmitted to the City Attorney's Office.

**(Ord. No. 03-07 Add 01/21/2003)**

## 5-2-107. PRE-QUALIFICATION.

Where deemed appropriate by the City, bidders, proponents and/or suppliers may be pre-qualified for particular types of supplies, services and construction to determine the responsibility of such bidder, proponent or suppliers.

(1) Invitation To Pre-Qualify. Each pre-qualification proceeding shall be commenced by the Purchasing Agent or designee issuing an invitation to pre-qualify, which shall include the factors stated in subsection (3) and any other factors related to the particular types of supplies, services and construction deemed necessary by the City to determine responsibility. All factors shall be drafted so as to promote overall economy for the purposes intended and to encourage competition in satisfying the City's needs, and shall not be unduly restrictive.

(2) Public Notice. All noticing shall be processed through the City Recorder or designee. Adequate public notice of the invitation to pre-qualify shall be given for a reasonable time, and not less than five (5) working days prior to the date set forth therein for the pre-qualification opening. Such notice may include publication in a newspaper of general circulation a reasonable time prior to prequalification opening. The public notice shall state the place, date, and time of pre-qualification opening. This notice shall serve as the official and required notice for the entire bid process. Once this notice is appropriately given, no further public notice shall be required for the invitation to bid or the final award.

(3) Standard of Responsibility. Factors to be considered in determining whether the standard of responsibility has been met by a bidder, supplier or proponent include:
   a. Availability of the appropriate financial, material, equipment, facility and personnel resources and expertise, or the ability to obtain them, necessary to indicate the capability of the bidder, proponent or supplier to meet all contractual requirements;
   b. A satisfactory record of experience related to the particular types of supplies, services and construction;
   c. A satisfactory record of performance;
   d. A satisfactory record of integrity;
   e. Legal qualifications to contract with West Valley City; and
   f. Whether all necessary information has been supplied in connection with the inquiry concerning responsibility.

(4) Information Pertaining to Responsibility. The bidder, proponent or supplier shall supply information requested by the City concerning the responsibility of such bidder, proponent or supplier. If such information is not supplied, City shall base the determination of responsibility upon any available information or may find the bidder, proponent or supplier non-responsible if such failure, as determined by City, is unreasonable.

(5) Invitation to Bid. Only those bidders, proponents, or suppliers that are pre-qualified, as determined by the City, shall be invited to bid the particular types of supplies, services, or construction. The particular types of supplies, services and construction shall be awarded and obtained by competitive sealed bidding as provided in Section 5-3-101, except for the Public Notice requirement, which is set forth in subsection (2) herein.

**(Ord. No. 03-07 Added 01/21/2003; Ord. No. 11-14 Amended 06/27/2011)**

## 5-2-108. CITY PROVIDER PREFERENCE.

The City may include in any bid that it will give a preference to any provider physically located within City limits. The amount of such preference shall be determined by the City and included in all bid

documents. Additionally, a purchase may be made without a bid, from any provider physically located within City limits that is able to provide a product or service at an amount that is within 1% of the State Bid amount for that product or service.

**(Ord. No. 09-14 Amended 05/31/2009)**

## 5-2-109. PROVIDER PREFERENCES.

The City may include in any bid a preference for any provider who is a Veteran as defined by Title 71 of the Utah Code. The City may also include in any bid a preference for providers with one, several, or all of the following employment programs: Veteran hiring and recruitment, safety, drug testing, job training, health insurance, and non-discrimination. The amount of such preference shall be determined by the City and included in the bid documents.

**(Ord. No. 12-46 Enacted 12/27/2012)**

# CHAPTER 5-3
# METHODS AND PROCEDURES FOR PROCUREMENT

Sections:

5-3-101. Competitive Sealed Bidding.
5-3-102. Competitive Sealed Proposals.
5-3-103. Minimal Purchases.
5-3-104. Small Purchases.
5-3-105. State Contract Purchasing.
5-3-106. Government Agency Purchasing.
5-3-107. Contracting for Designated Professional Services.
5-3-108. Contracts with other Governmental Entities.
5-3-109. Sole Source Procurement.
5-3-110. Procurement to Meet Existing Needs.
5-3-111. Very Specialized or Confidential Services.
5-3-112. Emergencies, Public Threats and Unforseen Conditions.
5-3-113. Class "C" Road Improvement Projects.
5-3-114. Design Build Transportation Project Contracts.
5-3-115. Building Improvements and Public Works Projects.
5-3-116. Municipal Building Authority Projects.

## 5-3-101. COMPETITIVE SEALED BIDDING.

(1) Conditions for Use. All City Purchases shall be awarded and obtained by competitive sealed bidding except as otherwise provided in this Title.
(2) Invitation for Bids. Each competitive sealed bid proceeding shall be commenced by the Purchasing Agent or designee issuing an invitation for bids, which shall include specifications, and all contractual terms and conditions applicable to the procurement and in compliance with this Title. All specifications shall be drafted so as to promote overall economy for the purposes intended and to encourage competition in satisfying the City's needs, and shall not be unduly restrictive. The policy enunciated in this Section applies to all specifications including, but not limited to, those prepared for the City by architects, engineers, designers, and draftsmen.
(3) Public Notice. All noticing shall be processed through the City Recorder or designee. Adequate public notice of the invitation for bids shall be given for a reasonable time, and not less than five (5) working days prior to the date set forth therein for the opening of bids. Such notice may include publication in a newspaper of general circulation a reasonable time prior to bid opening. The public notice shall state the place, date, and time of bid opening.
(4) Bid Opening. All bids shall be accepted and opened by the City Recorder or designee. Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation for bids. The amount of each bid, the name of each bidder, and such other relevant information as the Purchasing Agent deems appropriate, shall be recorded; the record and each bid shall be open to public inspection.
(5) Bid Acceptance and Bid Evaluation. Bids shall be unconditionally accepted without alteration or correction, except as authorized in this Ordinance. Bids shall be evaluated based on the requirements set forth in the invitation for bids, which may include, but are not limited to,

criteria to determine acceptability such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose. Those criteria that will affect the bid price and be considered in evaluation for award shall be objectively measurable, such as discounts, transportation costs, and total or life cycle costs. The invitation for bids shall set forth the evaluation criteria to be used. No criteria may be used in bid evaluation that are not set forth in the invitation for bids.

(6) Correction or Withdrawal of Bids; Cancellation of Awards. Correction or withdrawal of inadvertently erroneous bids before or after bid opening, or cancellation of awards or Agreements based on such bid mistakes may be permitted by the Purchasing Agent where appropriate. Mistakes discovered before bid opening may be modified or withdrawn by written, telegraphic or facsimile notice received in the office designated in the invitation for bids prior to the time set for bid opening. After bid opening, corrections in bids shall be permitted only to the extent that the bidder can show by clear and convincing evidence that a mistake of a nonjudgmental character was made, the nature of the mistake, and the bid price actually intended. After the bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the City or fair competition shall be permitted. In lieu of bid correction, a low bidder alleging a material mistake of fact may be permitted to withdraw its bid if:
    a. the mistake is clearly evident on the face of the bid document but the intended correct bid is not similarly evident; or
    b. the bidder submits evidence which clearly and convincingly demonstrates that a mistake was made. All decisions to permit the correction or withdrawal of bids, or to cancel awards or Agreements based on bid mistakes, shall be supported by a written determination made by the Purchasing Agent.

(7) Award. The Purchase shall be awarded with reasonable promptness by written notice to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids, unless otherwise provided for in this ordinance.

(8) Multi-Step Sealed Bidding. When it is considered impractical to prepare an initial purchase description to support an award based on price, an invitation for bids may be issued requesting the submission of unpriced offers to be followed by an invitation for bids limited to those bidders whose offers have been determined to be technically acceptable under the criteria set forth in the first solicitation.

(9) Cancellation of Invitation for Bids. An invitation for bids, or other solicitation may be canceled, or any or all bids or proposals may be rejected in whole or in part as may be specified in the solicitation, when it is in the best interests of the City. Each solicitation issued by the City shall state that the solicitation may be canceled and that any bid or proposal may be rejected in whole or in part when in the best interests of the City. Notice of cancellation shall be sent to all businesses responding. The notice shall identify the solicitation, explain the reason for cancellation and, where appropriate, explain that an opportunity will be given to compete on any resolicitation or any future procurement of similar items. Reasons for rejection shall be provided upon request by unsuccessful bidders or offerors.

**(Ord. No. 03-07 Added 01/21/2003)**

## 5-3-102. COMPETITIVE SEALED PROPOSALS.

(1) Conditions for Use. When the Purchasing Agent determines in writing that the use of competitive sealed bidding is either not practicable or not advantageous to the City, a Purchase may be made by use of the competitive sealed proposals method.

(2) Request for Proposals. Competitive sealed proposals shall be solicited through a Request For Proposals ("RFP").
(3) Public Notice. Adequate public notice of the RFP shall be given in the same manner as provided in Section 5-3-101(3).
(4) Receipt of Proposals. No proposal's contents, except for the names of the offerors, shall be disclosed to competing offerors during the process of negotiation. A register of proposals shall be prepared containing the name of each offeror, the number of modifications received, if any, and a description sufficient to identify the item offered. The register of proposals shall be open for public inspection only after award.
(5) Evaluation Factors. The RFP shall state the relative importance of price and other evaluation factors, including the quantitative basis for evaluation. No criteria may be used in an RFP response evaluation that are not set forth in the RFP.
(6) Discussion with Responsible Offerors and Revisions to Proposals. As provided in the RFP, discussions may be conducted with responsible offerors who submit proposals determined to have a reasonable chance of being selected in order to clarify and assure full understanding of, and conformance to, the solicitation requirements. Offerors shall be accorded fair and equal treatment to discuss and revise proposals in writing and such written revisions may be permitted by the selection committee after submissions and prior to award to obtain best and final offers. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors, except for the names of the offerors.
(7) Award. Award shall be made to the responsible offeror whose proposal is determined in writing to be the most advantageous to the City, taking into consideration price and the evaluation factors set forth in the RFP. No other factors or criteria shall be used in the evaluation. The file shall contain the basis on which the award is made.
(8) Cancellation of an RFP. An RFP, or other solicitation may be canceled, or any or all bids or proposals may be rejected in whole or in part as may be specified in the solicitation, when it is for good cause and in the best interests of the City. Each solicitation issued by the City shall state that the solicitation may be canceled and that any bid or proposal may be rejected in whole or in part for good cause when in the best interests of the City. Notice of cancellation shall be sent to all businesses responding. The notice shall identify the solicitation, explain the reason for cancellation and, where appropriate, explain that an opportunity will be given to compete on any resolicitation or any future procurement of similar items. Reasons for rejection shall be provided upon request by unsuccessful bidders or offerors.

**(Ord. No. 03-07 Added 01/21/2003)**

## 5-3-103. MINIMAL PURCHASES.

(1) General. This Section defines minimal purchases and the rules governing them. These purchases may only be made by Employees who have been authorized as stated in this Chapter.
(2) Applicability. This Section applies to the purchase of goods, supplies, materials, equipment or services, having a total value of not more than $5,000.00. So long as funds used for such purchases are part of the approved annual budget for the department, City Council approval of Minimal Purchases is not required.
(3) Who May Make Purchases. Only the Purchasing Agent, Department Heads and Employees designated by Department Heads shall make small purchases as defined in this Section.
(4) How Minimal Purchases Are Made. Minimal purchases may be made by any reasonable means. Documentation shall be retained by the purchaser to demonstrate reasonableness.

(5) Manipulation Prohibited. Purchases shall not be manipulated to fall within this Section. Without limitation, purchases shall not be artificially divided, such as by awarding numerous purchases to a single Person for substantially similar performances, or by dividing the work required for a single project solely for purposes of making use of this Section.

**(Ord. No. 03-07 Added 01/21/2003; Ord. No. 09-14 Amended 05/31/2009)**

## 5-3-104. SMALL PURCHASES.

(1) General. This Section defines small purchases and the rules governing them. These purchases can only be made by Employees who have been authorized as stated in this Chapter.
(2) Applicability. This Section applies to the purchase of goods, supplies, materials, equipment or services, having a total value of not more than $30,000.00, when such purchase is approved in writing in advance by the Department Head and the City Manager. So long as funds being used are available under the approved budget, City Council approval of Small Purchases is not required.
(3) Who May Make Purchases. Only the Purchasing Agent, Department Heads and Employees designated by Department Heads shall make small purchases as defined in this Section. In making small purchases, the following procedures shall be used in lieu of a bid or proposal process:
    a. Solicitation and Award. Purchases shall be made by soliciting bids from no fewer than three businesses. This solicitation may be completed in any reasonable manner including but not limited to telephone inquiry, internet or other price comparison. Award shall be made to the business offering the lowest acceptable quotation.
    b. Records. Any Department making a small purchase shall retain a record of the names of the businesses contacted, those offering quotations, and the date and amount of each quotation, and shall document, either on the City's electronic purchasing system or by paper copy provided to the Purchasing Agent, all quotes received.
    c. Manipulation Prohibited. Purchases shall not be manipulated to fall within this Section. Without limitation, purchases shall not be artificially divided, such as by awarding numerous purchases to a single Person for substantially similar performances, or by dividing the work required for a single project solely for purposes of making use of this Section.
(4) Small Purchase Modifications and Renewals. Any Agreement solicited under this Chapter shall only be modified or renewed as follows:
    a. Modifications. Contracts shall not be modified in excess of the maximum dollar amounts stated in this Chapter.
    b. Renewals. Contracts shall not be renewed on a successive basis with the same party unless approved in writing by the Purchasing Agent.

**(Ord. No. 03-07 Added 01/21/2003; Ord. No. 09-14 Amended 05/31/2009)**

## 5-3-105. STATE CONTRACT PURCHASING.

Because an appropriate bid procedure has already been completed, any item that is a State contract item may be purchased without following the bid requirements set forth in this Section. However, purchases over $30,000.00 will require formal City Council action and approval.

**(Ord. No. 03-07 Added 01/21/2003; Ord. No. 09-14 Amended 05/31/2009)**

## 5-3-106. GOVERNMENT AGENCY PURCHASING.

When purchasing supplies, material or equipment from a vendor who has been awarded a bid from another governmental entity within the preceding 90 days, the quoted price shall be deemed to be the lowest price available for such items and the City need not follow any other bidding requirements.

**(Ord. No. 03-07 Added 01/21/2003)**

## 5-3-107. CONTRACTING FOR DESIGNATED PROFESSIONAL SERVICES.

(1) Authority. The City may procure the services of financial and legal advisors, architects, engineers, accountants, physicians, dentists, veterinarians, and construction managers as defined by the laws of the State of Utah, and similar professional services, in accordance with the selection procedures specified in this Section.
(2) Selection Procedure. Professional services may be procured as negotiated based on demonstrated competence and qualification and at fair and reasonable prices.

**(Ord. No. 03-07 Added 01/21/2003)**

## 5-3-108. CONTRACTS WITH OTHER GOVERNMENTAL ENTITIES.

(1) Generally. This Section applies to purchasing from government, including when agreements must be executed in compliance with the Interlocal Cooperation Act.
(2) Solicitation Requirements when Contracting with Government. Whenever the City agrees to make purchases together with another governmental entity, and the agreement is entered in compliance with the solicitation procedures of that other entity, the City shall be deemed to have complied with City solicitation requirements.
(3) Interlocal Cooperation Act. All agreements must be executed in compliance with the Interlocal Cooperation Act, Utah Code Title 11, Chapter 13, and the agreement must be approved by a Resolution of the City Council, except for those agreements not required to take this form.

**(Ord. No. 03-07 Added 01/21/2003)**

## 5-3-109. SOLE SOURCE PROCUREMENT.

(1) Definition. Without limitation, sole source procurement may arise when:
    a. The City needs a supply or service of a unique or specialized nature, and only one known supplier is reasonably available to meet the need.
    b. Specific parts, accessories, equipment, materials, services, proprietary items or other items are necessary to meet the City's needs, and there are no comparable items reasonably available.
    c. Items are procured for resale.
(2) Process. To use sole source procurement, the Purchasing Agent shall place a written determination in the procurement file after conducting a good faith review of available sources, stating why no other sources are reasonably available, or why competition would not be likely to produce other acceptable offers. Sole source procurement shall not be used only to

accommodate a desire for a particular proprietary item unless the City has a need for such item, which can be justified in writing pursuant to the provisions of Subsection (1) of this Section, The Purchasing Agent shall negotiate and use appropriate means to obtain the best price available for the item being procured.

**(Ord. No. 03-07 Added 01/21/2003)**

## 5-3-110. PROCUREMENT TO MEET EXISTING NEEDS.

(1) Definition. Procurement to meet existing needs may arise when there is a need to procure matching or compatible supplies and services when other similar supplies and services would not be reasonably beneficial to meet the City's needs in connection with existing equipment or facilities.
(2) Process. To use existing needs procurement, the Purchasing Agent shall place a written determination in the procurement file specifying the existing items, and explaining the need to match or service them. The Purchasing Agent, Department Head, or employee designated by Department Head, shall negotiate and use appropriate means to obtain the best price available for the item being procured.

**(Ord. No. 03-07 Added 01/21/2003)**

## 5-3-111. VERY SPECIALIZED OR CONFIDENTIAL SERVICES.

(1) Definition. Without limitation, the need to procure very specialized services, or services as a part of confidential matters, may arise when:
    a. The City's needs are of a specific and highly specialized nature, and a general solicitation would not be beneficial to produce a Person who can meet those needs because of the scarcity of service providers, nature of the expertise needed, conflicts of interest, or other reason.
    b. The services relate to confidential matters, and a solicitation process might disclose or result in adverse consequences with respect to information that is private or confidential. These matters can arise in connection with legal issues, security issues, undercover police activities, and similar matters.
    c. The product or service is only available on a very limited or one-time only basis.
(2) Process. To procure on this basis, the Purchasing Agent shall place a written determination in the procurement file stating the required service, and explaining why a solicitation process would not be beneficial or would damage confidential interests. The Purchasing Agent, Department Head, or Employee designated by Department Head, shall negotiate and use all appropriate means to obtain the best price available.

**(Ord. No. 03-07 Added 01/21/2003; Ord. No. 09-14 Amended 05/31/2009)**

## 5-3-112. EMERGENCIES, PUBLIC THREATS AND UNFORSEEN CONDITIONS.

(1) Generally. Notwithstanding any other provisions of this Ordinance, the Purchasing Agent may make, or authorize others to make, emergency procurement of supplies, services, or construction items when there exists a threat to public health, welfare, or safety; provided that procurement in response to such Emergencies, Public Threats or Unforeseen Conditions shall be

made with such competition as is practicable under the circumstances. Procurement made on this basis shall be issued as set forth in this Section.

(2) Definitions. The conditions specified in this Section are defined as follows:
   a. Emergency Conditions. An emergency condition creates an immediate and serious need for supplies or services that cannot adequately be addressed using normal procurement methods. Such a need may arise by reason of a natural disaster, epidemic, riot, equipment failure or other reason.
   b. Public Threats. Public threats are circumstances that appear likely to adversely impact the public's health, welfare, convenience or safety. They may arise when circumstances appear to create a risk of environmental contamination, traffic congestion or hazards, disruption of utility or other public services provided by the City, or other matters.
   c. Unforeseen Condition. An unforeseen condition creates a need to procure supplies or services within time frames that could not reasonably be anticipated or accommodated under normal procurement methods.

(3) Process. The Purchasing Agent shall examine the circumstances and determine whether they constitute a condition set forth above. If so, the Purchasing Agent may take any action required by such condition. The Purchasing Agent shall place in the procurement file a written determination and explanation of the condition. Procurement should be as competitive as possible under the circumstances, but priority shall be given to meeting the needs of the emergency or combating the public threat. Only those supplies and services impacted by the condition in question may be acquired under this Section.

**(Ord. No. 03-07 Added 01/21/2003)**

## 5-3-113. CLASS "C" ROAD IMPROVEMENT PROJECTS.

All Class "C" road improvements, construction, repair and maintenance shall be procured as required by the Utah Code Annotated, 1953 as amended, which are hereby adopted by reference.

**(Ord. No. 03-07 Added 01/21/2003; Ord. No. 09-14 Amended 05/31/2009)**

## 5-3-114. DESIGN BUILD TRANSPORTATION PROJECT CONTRACTS.

A design-build transportation project that has an estimated cost of at least $50,000,000 shall be procured as required by the Utah Code Annotated, 1953 as amended which is hereby adopted by reference.

**(Ord. No. 03-07 Added 01/21/2003; Ord. No. 09-14 Amended 05/31/2009)**

## 5-3-115. BUILDING IMPROVEMENTS AND PUBLIC WORKS PROJECTS.

Any Building Improvements or Public Works Project shall be procured pursuant to Section 11-39-101 et seq of the Utah code Annotated, 1953 as amended.

**(Ord. No. 03-07 Added 01/21/2003; Ord. No. 09-14 Amended 05/31/2009)**

## 5-3-116. MUNICIPAL BUILDING AUTHORITY PROJECTS.

Purchases for construction projects by the City's Municipal Building Authority are governed by Title 17A, Chapter 3, Part 9 of the Utah Code Annotated 1953, as amended, which is hereby adopted by reference.

**(Ord. No. 03-07 Added 01/21/2003)**

# CHAPTER 5-4
# APPEALS AND REMEDIES

Sections:

5-4-101. Procurement Protests.
5-4-102. Remedies for Solicitations or Awards in Violation of Law.

## 5-4-101. PROCUREMENT PROTESTS.

(1) Any actual or prospective bidder or offeror who is aggrieved in connection with the solicitation or award of a contract for procurement may protest the procurement by filing a written protest with the Purchasing Agent. The protest shall contain the following information:
   a. The protesting party's name, mailing address and daytime telephone number, the signature of the protesting party or the attorney for the protesting party, and the date the protest is signed; and
   b. The relief sought, a statement of facts and a recitation of the reasons and legal authority in support of the protest sufficient to permit review.
   c. Protests shall be submitted prior to the closing date for receiving bids or proposals unless the protestor did not know and could nor reasonably have known of the facts giving rise to the protest prior to such time, but in any event, all protests shall be submitted within five business days after the closing date for receiving bids or proposals.
   d. The City may proceed with the procurement except that the Purchasing Agent may suspend the procurement process for so long as he or she determines is appropriate.
   e. The Purchasing Agent may designate another individual to assist in reviewing the matter, which assistance may include finding facts, analyzing the protest, and making recommendations to the Purchasing Agent.
   f. The Purchasing Agent or the Purchasing Agent's designated representative may request additional information from the protesting party or from other persons to make a determination. The protesting party shall provide all information requested by the Purchasing Agent reasonably needed to decide the protest except information which is protected from disclosure by law, or which could reasonably be expected to result in unfair competitive injury to the protestor in spite of the protections for the protestor provided by law.
   g. The Purchasing Agent shall review and decide protests, and shall issue a written determination to the protesting party within fifteen business days of receipt of the protest.
   h. The protesting party may appeal the written decision of the Purchasing Agent by filing a written appeal with the City Manager within five business days of the Purchasing Agent's written determination. The notice of appeal shall contain the following information:
      i. The appellant's name, mailing address and daytime telephone number, the signature of the appellant or of the attorney for the appellant, and date; and
      ii. The relief sought, a statement of facts and a recitation of the reasons and legal authority in support of the protest sufficient to permit review.

i. The City Manager shall review and hear the appeal. No later than five business days after receiving a notice of appeal, the City Manager shall schedule a hearing on the appeal. Unless otherwise agreed to by the City and the appellant, the hearing shall be held no sooner than five business days and not later than thirty business days from the date of the filing of the appeal.
j. At the hearing before the City Manager, the appellant and the City's representative shall be allowed to testify, present evidence, and comment on the issues. The City Manager may allow other interested persons to testify, comment or provide evidence on the issues.
k. No later than fifteen business days after the hearing, the City Manager shall issue a signed order either granting the appeal in whole or in part, or upholding the determination of the Purchasing Agent in whole or in part. The order of the City Manager shall include:
    i. The decision, and any reasons for the decision the City Manager may wish to provide; and
    ii. A statement that any party to the appeal may appeal the decision to the State District Court.
l. If the City Manager fails to issue a decision within fifteen business days after the hearing, said failure shall be considered the equivalent of an order denying the appeal.
m. The City Manager may appoint a Person other than the Purchasing Agent to fulfill his or her respective responsibilities described in this Section.

**(Ord. No. 03-07 Added 01/21/2003)**

## 5-4-102. REMEDIES FOR SOLICITATIONS OR AWARDS IN VIOLATION OF LAW.

(1) Prior to Bid Opening or Closing Date for Receipt of Proposals. If prior to the bid opening or the closing date for receipt of proposals, the Purchasing Agent, after consultation with the City Attorney, determines that a solicitation is in violation of federal, State, or local law, then the solicitation or proposed award shall be canceled or revised to comply with applicable law.
(2) Prior to Award. If after a bid opening or the closing date for receipt of proposals, the Purchasing Agent, after consultation with the City Attorney, determines that a solicitation or a proposed award of an agreement is in violation of federal, State, or local law, then the solicitation or proposed award shall be canceled.
(3) After Award. If after an award, the Purchasing Agent, after consultation with the City Attorney, determines that a solicitation or award of an agreement was in violation of applicable law, then:
    a. If the person awarded the agreement has not acted fraudulently or in bad faith:
        i. the agreement may be ratified and affirmed, provided it is determined that doing so is in the best interests of the City; or
        ii. the agreement may be terminated and the person awarded the agreement shall be compensated for the actual costs reasonably incurred under the agreement, plus a reasonable profit, prior to the termination; or
    b. If the person awarded the agreement has acted fraudulently or in bad faith the agreement may be declared null and void or voidable, if such action is in the best interests of the City.

(4) Acting in Violation of this Ordinance. Any violation of this Ordinance shall be grounds for disciplinary action, and civil and criminal prosecution at the discretion of the City.

**(Ord. No. 03-07 Added 01/21/2003)**

# TITLE 6
# TAXATION

Chapters:

6-1 Uniform Local Sales and Use Tax
6-2 Local Charge on Public Service Providers
6-3 Municipal Energy Sales and Use Tax
6-4 Transient Room Tax

# CHAPTER 6-1
# UNIFORM LOCAL SALES AND USE TAX

Sections:

6-1-101. Short Title.
6-1-102. Purpose and Intent.
6-1-103. Sales and Use Tax Levied.
6-1-104. Incorporation of Part 1, Chapter 12, Title 59, Utah Code, Including Amendments.
6-1-105. Contract with State Tax Commission.
6-1-106. Exemption From Tax.
6-1-107. Tax Paid Not Part of Purchase Price.
6-1-108. Mayor Authorized.
6-1-109. Report of Tax Collections - Point of Sale - Public Utilities.
6-1-110. Effective Date of Tax and Continuation of Previous Ordinances.

## 6-1-101. SHORT TITLE.

This Chapter shall be known as the "West Valley City Local Sales and Use Tax." This Chapter shall also be known as Chapter 1 of Title 6, West Valley City Code. It may be cited and pleaded under either designation.

## 6-1-102. PURPOSE AND INTENT.

The revenue generated by the tax imposed by this Chapter shall be used, to the greatest extent possible, as determined solely by the City Council, to finance capital out by requirements and to service bonded indebtedness.

## 6-1-103. SALES AND USE TAX LEVIED.

(1) There is levied and there shall be collected and paid a tax on every retail sale of items listed in Section 59-12-103, Utah Code Annotated 1953, as amended, made within the City at the rate of one percent (1%), commencing retroactive to 12:01 o'clock a.m., January 1, 1990.
(2) There is levied and there shall be collected and paid an excise tax on the storage, use, or other consumption within West Valley City, of tangible personal property or any items listed in Section 59-12-103, Utah Code Annotated 1953, as amended, at the rate of one percent (1%), commencing retroactive to 12:01 o'clock a.m., January 1, 1990.

## 6-1-104. INCORPORATION OF PART 1, CHAPTER 12, TITLE 59, UTAH CODE, INCLUDING AMENDMENTS.

(1) Except as herein provided, and except insofar as they are inconsistent with the provisions of the Local Sales and Use Tax Act, all of the provisions of Part 1, 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, and excepting for the amount of the sales tax levied therein, are hereby adopted and made a part of this Ordinance as though fully set forth herein.

(2) Wherever, and to the extent that in Part 1, Chapter 12, Title 59, Utah Code Annotated 1953, as amended, the State of Utah is named or referred to as the "taxing agency," the name of this City shall be substituted therefor. Nothing in this subparagraph (2) shall be deemed to require substitution of the name of the 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 the 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 the 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.

(3) Any amendments made by the Utah Legislature to Part 1, Chapter 12, Title 59, Utah Code Annotated 1953, as amended, which would be applicable to the City are hereby incorporated herein by reference and shall be effective upon the date they are effective as a Utah statute.

## 6-1-105. CONTRACT WITH STATE TAX COMMISSION.

Heretofore, this City has entered into an agreement with the State Tax Commission to perform all functions incident to the administration or operation of the Sales and Use Tax Ordinance of the City. That contract is hereby confirmed and the Mayor is hereby authorized to enter into such supplementary agreement with the State Tax Commission as may be necessary to the continued administration and operation of the Sales and Use Tax Ordinance of the City as enacted by this Chapter.

## 6-1-106. EXEMPTION FROM TAX.

The sale, storage, use, or other consumption of tangible personal property, the gross receipts from the sale of or the cost of which has been subject to sales or use tax under a sales and use tax ordinance enacted in accordance with Part 2, Chapter 12, Title 59, Utah Code Annotated 1953, as amended, by a county other than Salt Lake County or by any other Utah city or town shall be exempt from the tax.

## 6-1-107. TAX PAID NOT PART OF PURCHASE PRICE.

The amount of any tax paid under Part 1, Chapter 12, Title 59, shall not be included as a part of the purchase price paid or charged for a taxable item hereunder.

## 6-1-108. MAYOR AUTHORIZED.

The Mayor is authorized to execute whatever documents are necessary to distribute sales and use tax revenues on the combination of point of sale and population factors set forth in Section 59-12-205, Utah Code Annotated 1953, as amended.

## 6-1-109. REPORT OF TAX COLLECTIONS – POINT OF SALE – PUBLIC UTILITIES.

All sales and use taxes collected under this Chapter shall be reported to the Commission on forms which accurately identify the location where the sale or use transaction was consummated. If a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated for the purposes of this Chapter shall be determined under rules of the Commission. Public utilities as defined by Title 54, Utah Code Annotated

1953, as amended, are not obligated to determine the place or places within the county where public utility services are rendered, and the State Tax Commission shall apportion the revenues arising from such services, on an equitable basis pursuant to an appropriate formula and under rules to be prescribed and adopted by it.

## 6-1-110. EFFECTIVE DATE OF TAX AND CONTINUATION OF PREVIOUS ORDINANCES.

The sales and use tax imposed under this section shall be retroactive to 12:01 o'clock a.m., January 1, 1990. The provisions of the predecessor Sales and Use Tax Ordinance of the City which is repealed hereby shall be deemed to have continued effective until 12:00 o'clock midnight, December 30, 1989. The provisions of this Ordinance which are not in conflict with the former Ordinance shall be deemed to be a continuation thereof and any rights, duties and obligations arising thereunder shall not in any way be deemed abrogated or terminated.

# CHAPTER 6-2
# LOCAL CHARGE ON PUBLIC SERVICE PROVIDERS

Sections:

6-2-101. Local Charge Levied on Public Service Providers.
6-2-102. Definitions.
6-2-103. Report and Payment of Local Charge.
6-2-104. Limit on local charge which is passed on to any entity by the public service provider and which is imposed on any public service provider.

## 6-2-101. LOCAL CHARGE LEVIED ON PUBLIC SERVICE PROVIDERS

There is hereby levied upon public service providers, a local charge equal to six percent of the gross revenue derived from sales, use, or both sales and use of the service within the corporate limits of West Valley City.

**(Ord. No. 94-79 Amended 08/15/94; Ord. No. 00-27 Amended 04/25/2000)**

## 6-2-102. DEFINITIONS.

(1) "Gross Revenue" means the revenue derived from sales, use, or both sales and use of the service of public service providers within the City.
    a. The determination of gross revenues under this Section may not include:
        i. the sale of gas or electricity as special fuel for motor vehicles;
        ii. the sale of telephone service provided by a public utility regulated by the Utah Public Service Commission other than:
            1. exchange access services;
            2. extended area service;
            3. customer access line charges; and
            4. any services for which a tax or other charge was being paid pursuant to Sections 11-26-1 et seq. Utah Code Annotated, 1953 as amended as of January 1, 1992; or
        iii. a local charge.
(2) "Exchange access services" means telephone exchange lines or channels, and services provided in connection with them, which are necessary to provide access from the premises of a subscriber to the local switched public telecommunications network of the public utility to effect communication or the transfer of information.
    a. "Exchange access services" does not include:
        i. private line services;
        ii. long distance toll services;
        iii. carrier access services;
        iv. telephonic services that are not regulated by the Utah Public Service Commission; and
        v. services that emulate functions available in customer premises equipment.
(3) "Local charge" means the charge levied in Section 6-2-101.
(4) "Public Service Provider" means:

a. a public utility; or
b. a person or entity engaged in the business of supplying:
    i. telephone service; or
    ii. taxable energy as defined in Section 10-1-303 Utah Code Annotated, 1953 as amended.

**(Ord. No. 97-31 Amended 06/30/1997; Ord. No. 00-27 Amended & Renumbered 04/25/2000)**

## 6-2-103. REPORT AND PAYMENT OF LOCAL CHARGE.

Within 45 days after the close of each month in a calendar year, any public service provider charged hereunder shall file with the City Treasurer of the City a report of its gross revenue derived from sales, use, or both sales and use of the service during the month in the City as defined herein, together with a computation of the local charge. Coincidental with the filing of such report, the public service provider shall pay to the City Treasurer the amount of the local charge.

**(Ord. No. 00-27 Amended & Renumbered 04/25/2000)**

## 6-2-104. LIMIT ON LOCAL CHARGE WHICH IS PASSED ON TO ANY ENTITY BY THE PUBLIC SERVICE PROVIDER AND WHICH IS IMPOSED ON ANY PUBLIC SERVICE PROVIDER.

(1) The maximum amount of the aforementioned local charge that may be passed on to any individual entity or user of any service described in Sections 6-2-101 shall be $1,900 within any fiscal year for each separate account billed to the individual entity or user account.
(2) Once an individual entity or user of any service described in Sections 6-2-101 has had passed on to it a local charge totaling the maximum amount set forth in Subsection 6-2-104(1) above attributable to any single account for services by a public service provider in any fiscal year, the public service provider shall have no further local charge liability to the City with respect to the gross revenues collected from the individual entity or user attributable to the single account.

**(Ord. No. 00-27 Amended & Renumbered 04/25/2000)**

# CHAPTER 6-3
# MUNICIPAL ENERGY SALES AND USE TAX

Sections:

6-3-101. Purpose.
6-3-102. Definitions.
6-3-103. Municipal Energy Sales and Use Tax.
6-3-104. Exemptions from the Municipal Energy Sales and Use Tax.
6-3-105. No Effect Upon Existing Franchises -- Credit for Franchise Fees.
6-3-106. Tax Collection Contract with State Tax Commission.
6-3-107. Incorporation of Part 1, Chapter 12, Title 59, Utah Code, Including Amendments.
6-3-108. No additional license to collect the municipal energy sales and use tax required -- no additional license or reporting requirements.
6-3-109. Effective Date.

## 6-3-101. PURPOSE.

It is the intent of West Valley City to repeal its utility franchise tax levied on gas and electricity and adopt the municipal energy sales and use tax pursuant to, and in conformance with, Section 10-1-301, et seq., Utah Code Annotated 1953, as amended, "The Municipal Energy Sales and Use Tax Act."

**(Ord. No. 97-31 Enacted 06/30/1997)**

## 6-3-102. 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. A fee similar to Subsection (2)(a); or
        i. Any combination of Subsections (2)(a) or (2)(b).
        ii. "Delivered Value" means the fair market value of the taxable energy delivered for sale or use in the municipality and includes:
(3) The value of the energy itself; and
    a. Any transportation, freight, customer demand charges, services 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.
(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;
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 the City for any purpose except sale in the regular course of business.

(10) "Use" means the exercise of any right or power over taxable energy incident to the ownership or the leasing of the taxable energy.
a. "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. No. 97-31 Enacted 06/30/1997)**

## 6-3-103. 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 West Valley 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 West Valley City authorized by Title 59, Chapter 12, Part 2 of the Utah Code, The Local Sales and Use Tax Act.

**(Ord. No. 97-31 Enacted 06/30/1997)**

## 6-3-104. 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 Section 10-1-305(2)(b) of the Utah Code; notwithstanding an exemption granted by Section 59-12-104 of the Utah Code.
(2) The following are exempt from the Municipal Energy Sales and Use Tax, pursuant to Section 10-1-305(2)(b) of the Utah Code:
a. Sales and use of aviation fuel, motor fuel, and special fuels subject to taxation under Title 59, Chapter 13 of the Utah Code;
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;
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 the 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; and
b. The 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. No. 97-31, Enacted, 06/30/1997)**

## 6-3-105. NO EFFECT UPON EXISTING FRANCHISES -- CREDIT FOR FRANCHISE FEES.

(1) This chapter shall not alter any existing franchise agreements between the City and energy suppliers.
(2) There is a credit against the tax due from any consumer in the amount of a contractual franchise fee paid if:
a. The energy supplier pays the contractual franchise fee to the City pursuant to a franchise agreement in effect on July 1, 1997;
b. The contractual franchise fee is passed through by the energy supplier to a consumer as a separately itemized charge; and
(3) The energy supplier has accepted the franchise.

**(Ord. No. 97-31 Enacted 06/30/1997)**

## 6-3-106. TAX COLLECTION CONTRACT WITH STATE TAX COMMISSION.

(1) On or before the effective date of this chapter, the 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. This contract may be a supplement to the existing contract with the Commission to administer and collect the Local Sales and Use Tax, as provided in Section 6-1-105 of the City Code. The Mayor, with the approval of the City Manager and City Attorney, is hereby authorized to enter 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 the City monthly if:
a. The City is the energy supplier; or

b. 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
    i. 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 the 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 Section 10-1-307(4) of the Utah Code.

**(Ord. No. 97-31 Enacted 06/30/1997)**

## 6-3-107. INCORPORATION OF PART 1, CHAPTER 12, TITLE 59, UTAH CODE, INCLUDING AMENDMENTS.

(1) 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, 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.

(2) Wherever, and to the extent that in Part 1, Chapter 12, Title 59, of the Utah Code, the State of Utah is named or referred to as the "taxing agency," the name of the City shall be substituted, insofar as is necessary for the purposes of that part, as well as Part 3, Chapter 1, Title 10 of the Utah Code. Nothing in this subparagraph (b) shall be deemed to require substitution of the name of the 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 the 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 the 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.

(3) Any amendments made to Part 1, Chapter 12, Title 59 of the Utah Code, which would be applicable to the 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. No. 97-31 Enacted 06/30/1997)**

## 6-3-108. 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 of the Utah Code.

**(Ord. No. 97-31 Enacted 06/30/1997)**

## 6-3-109. 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. No. 97-31 Enacted 06/30/1997)**

# CHAPTER 6-4
# TRANSIENT ROOM TAX

Sections:

6-4-101. Definitions.
6-4-102. Transient Room Tax.
6-4-103. Transient Room Tax Due Quarterly.
6-4-104. Penalties and Interest.
6-4-105. Report to State Tax Commission.

## 6-4-101. DEFINITIONS.

For the purposes of this Chapter:

(1) "Additional Tax Ending Date" means the sooner of:
   a. The day on which the following have been paid in full:
      i. The debt service on the Municipal Building Authority of West Valley City, Utah, Taxable Lease Revenue Bonds (West Valley Event Center Project Series 1996A), including lease payments by the City to the Building Authority; and
      ii. Refunding obligations that the City incurred as a result of the debt service described in Subsection 6-4-101(1)(a)(i); or
   b. January 1, 2023.

(2) "Public Accommodation" means any place providing temporary sleeping accommodations to the public, including motels, hotels, motor courts, inns, bed and breakfast establishments, condominiums, and resort homes.

(3) "Rent" means the charge for the use or occupancy of the public accommodation, including timeshare fees or dues. "Rent" does not include the following charges:
   a. The amount of any sales or use tax imposed by the State of Utah or by any other governmental agency upon the public accommodation.
   b. The amount of any transient room tax levied under authority of Title 17, Chapter 31, Utah Code Annotated 1953, as amended, or its successor;
   c. Receipts from the sale of, or service charge for, any food, beverage, or room service charges in conjunction with the use or occupancy of the public accommodation that is not included in the rent charged; and
   d. Charges for supplying telephone service, gas, or electrical energy service not included in the rent charged.

(4) "Transient" means a person who occupies a public accommodation for 30 consecutive days or less.

**(Ord. No. 97-32 Enacted 07/01/1997)**

## 6-4-102. TRANSIENT ROOM TAX.

(1) There is levied upon the business of every person, company, corporation, or other like and similar persons, groups, or organizations providing public accommodations, a tax equal to one and one-half percent (1 1/2%) of the rent charged for each transient occupying a public accommodation.

(2) Effective on the Additional Tax Ending Date, the tax levied by Subsection 6-4-102(1) shall be equal to one percent (1%).

**(Ord. No. 97-32 Enacted 07/01/1997)**

## 6-4-103. TRANSIENT ROOM TAX DUE QUARTERLY.

The transient room tax for each calendar quarter shall become due and payable to the City Treasurer on the first day of the following calendar quarter. Failure to remit payment of the tax within 30 days after the first day of the calendar quarter shall subject the taxpayer to the penalties and interest provided in Section 6-4-104.

**(Ord. No. 97-32 Enacted 07/01/1997)**

## 6-4-104. PENALTIES AND INTEREST.

The penalty for failure to pay the transient room tax in a timely manner shall be same imposed by Section 59-1-401, Utah Code Annotated 1953, as amended. The City may charge interest for unpaid or underpaid taxes at the rate established by Section 59-1-402, Utah Code Annotated 1953, as amended. The City Council, by resolution, may waive the penalty and interest charged, provided the taxpayer makes timely payment.

**(Ord. No. 97-32 Enacted 07/01/1997)**

## 6-4-105. REPORT TO STATE TAX COMMISSION.

The City Treasurer shall report all revenues collected under this Chapter to the State Tax Commission, as provided in Section 59-12-207, Utah Code Annotated 1953, as amended.

**(Ord. No. 97-32 Enacted 07/01/1997)**

# TITLE 7
# LAND USE DEVELOPMENT AND MANAGEMENT ACT

Chapters:

7-1 General Provisions
7-2 Supplementary and Qualifying Regulations
7-3 Planning Commission
7-4 General Plan
7-5 Zoning
7-6 Zones and Districts
7-7 Conditional Uses
7-8 Home Occupation
7-9 Off-street Parking Requirements
7-10 Overpressure Zone
7-11 Mobile Home Parks
7-12 Conveyance of Easements along Jordan River
7-13 Standards for Landscaping along High-image Arterial Streets
7-14 Design and Development Plan Review
7-15 Sexually-oriented Businesses
7-16 Residential Facilities for Elderly Persons
7-17 Residential Facilities for Persons with a Disability
7-18 Board of Adjustment
7-19 Subdivision
7-20 Enforcement
7-21 Airport Overlay Zone
7-22 Overlay Zones
7-23 Wireless Communication Facilities
7-24 Reserved
7-25 Agriculture Protection Areas
7-26 Repealed
7-27 Street Naming and Addressing
7-28 Water Efficient Landscape
7-29 Vehicle Recycling Facilities, Towing and Impound Yards, Outside Storage Facilities
7-30 General Restrictions for Food Vending Units
7-31 Alternative Energy Systems Ordinance
7-32 Retail Tobacco Specialty Business
7-33 Tobacco Oriented Businesses

# CHAPTER 7-1
# GENERAL PROVISIONS

Sections:

7-1-101. Short Title.
7-1-102. Purpose.
7-1-103. Definitions.
7-1-104. Stricter Requirements.
7-1-105. State and Federal Property.
7-1-106. Property Owned by other Governmental Units.
7-1-107. Effect on Previous Ordinances and Maps.
7-1-108. Building Permit Required Bond Required for Building Permit.
7-1-109. Completion of Required Improvements.
7-1-110. Licensing.
7-1-111. Fees.
7-1-112. Time Computation.

## 7-1-101. SHORT TITLE.

This Title shall be known as the "West Valley City Land Use Development and Management Act." This Title shall also be known as "Title 7, West Valley City Code." It may be cited and pleaded under either designation.

## 7-1-102. PURPOSE.

This Title is designed and enacted in order to provide for the health, safety, and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of the city and its present and future inhabitants and businesses, to protect the tax base, secure economy in governmental expenditures, foster the state's agricultural and other industries, protect both urban and non-urban development, and to protect property values.

## 7-1-103. DEFINITIONS.

Whenever any words or phrases used in this Title are not defined herein, but are defined in related sections of the Utah Code or in the Subdivision Ordinance, such definitions are incorporated herein and shall apply as though set forth herein in full, unless the context clearly indicates a contrary intention. Words not defined in any Code shall have their ordinarily accepted meanings within the context in which they are used.

Unless a contrary intention clearly appears, words used in the present tense include the future, the singular includes the plural, the term "shall" is always mandatory, and the term "may" is permissive. The following terms as used in this Title shall have the respective meanings hereinafter set forth.

(1) "Accessory Building" means a detached building clearly incidental to and located upon the same lot occupied by a primary building and subordinate in height and area to the primary building, but can be at least 14 feet in height. Also, a building clearly incidental to an agriculture or animal care land use located on a lot in an agricultural zone, which lot meets the minimum lot size for such zone.

(2) "Accessory Use" means a use customarily incidental and subordinate to the primary use or building and located on the same lot therewith. A use which dominates in area, extent or purpose, the primary use or building shall not be considered an accessory use.
(3) "Agriculture" means land used for the production of food through the tilling of the soil, the raising of crops, horticulture and gardening, but not including the keeping or raising of domestic animals or fowl, except household pets, and not including any agricultural industry or business.
(4) "Agricultural Industry or Business" means the processing of raw food products by packaging, treating and/or intensive feeding. Agricultural industry includes, but is not limited to, animal feed yards, the raising of fur-bearing animals, food packaging and/or processing plants, commercial poultry or egg production, commercial greenhouses, and similar uses as determined by the Planning Commission. For purposes of the Manufacturing M-Zone, agricultural industry does not include a non-animal food processing plant located in a Redevelopment Project Area.
(5) "Airport" means any landing area, runway or other facility designed, used or intended to be used either publicly or by any person or persons for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings and open spaces.
(6) "Alcohol Establishment" means all licensed businesses involved in the sale, manufacture or distribution of alcoholic beverages for retail or wholesale purposes, excluding off-premises beer retailers.
(7) "Alcoholic Products" means all products that contain at least 63/100 of 1% alcohol by volume or at least 1/2 of 1% alcohol by weight and are obtained by fermentation, infusion, decoction, brewing distillation or any other process that uses any liquid or combination of liquids, whether drinkable or not, to create alcohol in an amount greater than the amount prescribed in this definition. Alcoholic Products do not include common extracts, vinegars, ciders, essences, tinctures, food preparations, or over-the-counter drugs and medicines that otherwise come within the definition.
(8) "Alley" means a public way which generally affords a secondary means of vehicular access to abutting properties and not intended for general traffic circulation.
(9) "Alteration" means a physical change or addition to a site, building, or structure.
(10) “Alternative Financial Service Provider” means Car Title Loan Businesses, Check Cashing Businesses, Pawnbrokers, Unchartered Financial Service Providers, and any businesses or entities offering similar services.
(11) "Amenity" means an aesthetic, recreation, or service component integrated into a development in order to increase its desirability within a community or its marketability to the public.
(12) "Animal" means any of a kingdom of living being typically differing from plants in capacity for spontaneous movement and rapid motor response to stimulation.
(13) "Animal Training" means the training of two or more animals for remuneration. Animals may be boarded on the premises or transported to the premises for each scheduled training period.
(14) "Applicant" means a person, firm, association, partnership, private corporation, public corporation, or any combination thereof, requesting a modification or approval as required by this Title. An applicant shall be listed as the owner of the property for which the modification or approval is being requested or may be the legally designated agent of the owner.
(15) "Arterial Street, Major" means a street for which the principal function is movement of large volumes of traffic from collector streets. Providing access to abutting land is a secondary function.
(16) "Arterial Street, Minor" means a street for which the principal function is movement of traffic. Providing access to abutting land is a secondary function.

(17)"Attached" means a physical connection between buildings, or parts of buildings, and may consist of either a common wall or an overhead roof structure or canopy which may be either enclosed or unenclosed.
(18)"Automobile Sales and Service" means the sales, repair and maintenance of automobiles and trucks. Such uses may include, but are not limited to, sales lots, body shops, transmission shops, lube centers, tire stores, car washes as a primary use, and auto glass shops, among other things. This definition does not include retail sales of auto parts and supplies where no service or repair is performed on the premises.
(19)"Basement" means a story partly underground. A basement shall be counted as a story for purposes of height measurement if over one-half of its total height is above grade.
(20)"Billboard" means a freestanding, outdoor sign located on industrial, commercial, or residential property if the sign is designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located. "Billboard" includes, where applicable, any sign structure, including any necessary devices, supports, appurtenances, and lighting that is part of or supports an outdoor sign.
(21)"Brew Restaurant" means a business licensed to sell beer for on-premises consumption in connection with a bonafide restaurant where the revenue from the sale of beer is less than 30 percent of the gross dollar volume. A Brew Restaurant is also licensed to brew beer in batch sizes that provide enough beer for the sale and consumption on site in connection with the restaurant, or for retail carry-out sale in containers holding less than 2 liters.
(22)"Brew Restaurant and Liquor Retailer" means a Brew Restaurant that also has a liquor license subject to the applicable provisions of the Alcoholic Beverage Control Act.
(23)"Buildable Area" means that portion of a lot that may be developed after required setbacks are deducted.
(24)"Building" means any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals or chattels.
(25)"Building Coverage" means the percentage of a lot that is, or may be, covered by buildings.
(26)"Building Height" means the vertical distance from the grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to a point midway between the lowest part of the eaves or cornice and ridge of a hip roof.
(27)"Building, Primary" means the principal building or one of the principal buildings upon a lot, or the building or one of the principal buildings housing a principal use upon a lot.
(28)"Canopy" means a roofed structure not completely enclosed by walls supported by structural supports extending to the ground directly underneath and providing a protective shield for pedestrian walkways and/or automobiles. This definition does not include carports.
(29)“Car Title Loan” means taking possession of or an interest in an automobile title in exchange for consideration or extending a loan. This definition includes businesses facilitating car title loans or matching customers with Car Title Loan businesses located elsewhere. This definition does not include a federal or state chartered bank, industrial bank, savings and loan, or credit union.
(30)“Cargo Container” A prefabricated metal structure designed for use as an individual shipping container in accordance with international standards for overseas shipping, or designed to be mounted on a rail car as freight, or designed and built for use as an enclosed truck trailer in accordance with US Department of Transportation standards.
(31)"Carport" means a private garage not completely enclosed by walls or doors supported by structural supports extending to the ground directly underneath the carport.
(32)“Check Cashing” means cashing a check for consideration or extending a Deferred Deposit Loan and shall include any other similar types of businesses, including but not limited to businesses licensed by the State pursuant to the Check Cashing Registration Act. The term Check Cashing

shall include neither federal or state chartered banks, industrial banks, savings and loan, and credit unions nor fully automated stand-alone services located inside of an existing building, so long as the automated service incorporates no signage in the windows or outside of the building.

(33)"Church" means a building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which buildings, together with its accessory buildings and uses, is maintained and controlled by a non-profit religious body organized to sustain public worship.

(34)"City" means West Valley City.

(35)"City Attorney's Office" means the Law Department of West Valley City.

(36)"City Council" means the City Council of West Valley City.

(37)"City/County Health Department" means the Salt Lake City/County Health Department which is authorized to act as the Health Department for West Valley City.

(38)"City Manager" means the chief executive officer of West Valley City.

(39)"City Recorder" means the West Valley City Recorder.

(40)“Club” License shall mean a license issued pursuant to Chapter 5, Title 32A, UCA as amended and subject to the applicable provisions of the Alcoholic Beverage Control Act. A Club License means and includes a “Dining Club License,” “Equity Club License,” “Fraternal Club License,” and “Social Club License” as defined herein.

a. Dining Club License shall entitle the licensee to sell and allow the consumption of alcoholic beverages on premises determined by the commission to meet the requirements in Chapter 5, 32A, Section 101(3)(a)(ii)(C) and maintains at least 50% of its total club business from the sale of food, not including: mix for alcoholic beverages or service charges.

b. Equity Club License shall entitle the licensee to sell and allow the consumption of alcoholic beverages on premises that is organized and operated solely for social, recreational, patriotic, or fraternal purposes and:

   i. has members and limits access to a member or a guest of the member
   ii. owns, maintains, or operates a substantial recreational facility in conjunction with a club house such as a golf course or tennis facility; and
   iii. has at least 50% of the total membership having full voting rights and an equal share of the equity of the club or one class of membership with the same.

c. Fraternal Club License shall entitle the licensee to sell and allow the consumption of alcoholic beverages on premises that is organized and operated solely for social, recreational, patriotic, or fraternal purposes and;

   i. has members and limits access to a member or a guest of a member; and
   ii. has no capital stock and exists solely for the benefit of its members and their beneficiaries for a lawful social, intellectual, educational, charitable, benevolent, moral, fraternal, patriotic, or religious purpose carried on through voluntary activity of its members in their local lodges; and
   iii. has a representative form of government and lodge system in which there is a supreme governing body. Local lodges subordinate to the supreme governing body, however designated, may admit members in accordance with the laws of the fraternal. Local lodges are required by the laws of the fraternal to hold regular meetings at least monthly and regularly engage in programs involving member participation to implement the purposes in (c)(ii) of this Section. Local lodges shall own or lease building space for lodge activities.

d. Social Club License means a license that does not meet the requirements of a Dining Club, Equity Club or Fraternal Club License or seeks to qualify as a Social Club and is approved by the commission as such.

(41)"Collector Street" means a street which carries traffic from minor streets to the arterial street system, including the principal entrance streets of residential developments and the primary circulating streets within such developments.

(42)"Commercial" means any use involving the exchange, buying, or selling of goods or services for gain or economic profit.

(43)"Commercial Complex" means two or more commercial uses, whether on one lot under one ownership or on several adjacent lots under separate ownership, which are dependent on one another to meet minimum standards for parking, vehicular circulation, or landscaping; or which are approved as elements in an overall site plan under a conditional use or subdivision application.

(44)"Community and Economic Development Department" means the Community and Economic Development Department of West Valley City.

(45)"Community Use" means uses which have the primary purpose of serving the educational, recreational, religious, or governmental needs of the community in general. Such uses may include churches, public and private educational institutions, private non-profit recreation grounds, public parks, public buildings, public facilities, cemeteries, and other similar uses. This definition shall not include detention facilities, half-way houses, alcohol rehabilitation centers, and other similar uses, or buildings that provide lodging or serve as a residence in addition to the community use.

(46)“Concert” means an assembly of 125 or more patrons at any given time at a reception center, concert venue, concert hall, dance hall, club licensee or any other location, one-time or recurring, where the predominant purpose is to provide musical performances or any other form of indoor or outdoor public recreation (see definitions) or community event (see definition) for which tickets are sold or entry fees are charged.

(47)“Concert Hall” means any establishment which is not a concert venue but holds events which meet the classification of a concert, possesses the appropriate license and is in compliance with all laws, rules and regulations.

(48)“Concert Venue” means the Maverik Center, USANA Amphitheater, Utah Cultural Celebration Center, Rocky Mountain Raceway, and Hale Center Theater.

(49)"Conditional Use" means a land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

(50)"Conditional Use Permit" means a permit issued by the City outlining the requirements of approval for a conditional use and including written conditions, as well as final, approved development plans, if applicable.

(51)"Condominium" means the ownership of a single unit in a multi-unit project, together with an undivided interest in common in the common areas and facilities of the property. "Condominium" also means "planned unit development" as defined in this Section, except where the context clearly indicates otherwise.

(52)"Consolidated Fee Schedule" means the schedule of fees adopted as Chapter 1-2 of the City Code.

(53)"Convalescent Center" means any commercial establishment where three or more persons suffering from, afflicted with, or convalescing from any infirmity, disease, or ailment are

customarily kept, boarded, or housed for remuneration. The term "Convalescent Center" shall include "nursing home," but shall not include hospitals.

(54)"Convenience Store" means any building which contains less than 5,000 square feet of net floor area and which is generally used for the retail sale of prepackaged food, produce and/or other non-food commodities.

(55)"Cul-de-sac" means a minor street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic.

(56)"Dairy" means a commercial establishment for the manufacture or processing of dairy products.

(57)“Dance Hall” means a place of assembly, open to the public, where dances, parties, receptions, concerts and other gatherings are held. Dance halls may operate as for-profit or not-for-profit organizations. Dance halls may provide live entertainment, serve alcoholic beverages according to the ABCA and may serve catered meals, provided the owner or operator holds the appropriate licenses and permits.

(58)"Day Care/Preschool Center" means any facility, at a nonresidential location, operated by a person qualified by the State of Utah, which provides children with day care and/or preschool instruction as a commercial business.

(59)"Dedication of Land" refers to land set aside by the subdivider to be used by the public, such land being conveyed to the City.

(60)“Deferred Deposit Loan” means a transaction where:

a. a person presents to a check cashing business a check written on that person’s account; and
b. the check cashing business:
    i. provides the maker an amount of money that is equal to the face value of the check less any fee or interest charged for the transaction; and
    ii. agrees not to cash the check until a specific date.

(61)"Density" means the number of dwelling units per gross acre of land.

(62)“Detention Facility/Jail” means any facility operated to house offenders in a secure setting for the duration of their confinement; or any facility providing assessment, stabilization and/or treatment services for parole violating offenders and/or non-compliant probationers.

(63)"Development" means any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations.

(64)"Development Agreement" means an agreement negotiated and entered into by the City and a property owner or developer, pursuant to a proposed development within the City, that shall run with the land and be binding on all successors and assigns of the property owner or developer.

(65)"Development Plan" means all plans, studies, plats, statements, reports and information required by applicable provisions of this Title.

(66)"Director of Health" means the legally designated Director of the Salt Lake City/County Health Department or any representative authorized by such official to act in his or her behalf.

(67)"Dwelling" means any building, or portion thereof, which is designed for residential occupancy, except hotels or motels.

(68)"Dwelling, Single-family" means a building arranged or designed to have one dwelling unit for occupancy by one family on one lot.

(69)"Dwelling, Two-family" means a building arranged or designed to be occupied by two families, the structure having only two dwelling units under one ownership, i.e., duplex, on one lot.

(70)"Dwelling, Three-family" means a building arranged or designed to be occupied by three families, the structure having only three dwelling units under one ownership, i.e., triplex, on one lot.
(71)"Dwelling, Four-family" means a building arranged or designed to be occupied by four families, the structure having only four dwelling units under one ownership, i.e., four-plex, on one lot.
(72)"Dwelling, Multiple-family" means a building arranged or designed to be occupied by more than four families on one or more lots.
(73)"Dwelling Group" means a group of two or more dwellings located on a parcel of land in one ownership and having any yard or court in common.
(74)"Dwelling Unit" means one or more rooms connected together in a structure in which doors and hallways provide shared access to common living facilities, which include provisions for sleeping, eating, cooking and sanitation, for not more than one family.
(75)"Easement" means a non-profitable interest in property owned by another that entitles its holder to a specific use on, under, or above said property.
(76)"Elderly Person" means a person who is 60 years of age or older, who desires or needs to live with other, elderly persons in a group setting, but who is capable of living independently.
(77)"Entrance" means the location of ingress to a room, building or lot.
(78)"Exit" means the location of egress from a room, building or lot.
(79)"Extended Stay Hotel" means a hotel in which provisions for cooking are made in individual rooms or suites, and in which guests stay for more than 30, but less than 180, days.
(80)"Family" means:
    a. Any number of persons living together in a dwelling unit, sharing common living facilities, who are related by blood, marriage, or adoption and including up to three additional unrelated adults for which each unrelated person owning or operating a motor vehicle shall have an off-street parking space, meeting all requirements of this Title, in addition to required parking for the dwelling; or
    b. One to four unrelated adults living together in a dwelling unit, sharing common living facilities, and sharing possession, use, and responsibility of the entire unit and property associated with that unit, whose relationship is of a continuing nontransient domestic character, living as a single, self-governing housekeeping unit, without extensive supervision or control by a non-resident landlord, innkeeper, or property owner, for which each person owning or operating a motor vehicle shall have an off-street parking space meeting all requirements of this Title.
(81)"Fast Food Establishment" means any establishment whose principal business is the sale of foods, frozen desserts or beverages to the customer in a ready-to-consume state and whose principal method of operation includes the following characteristics:
    a. Foods, frozen desserts or beverages are usually served in edible containers or in paper, plastic or other disposable containers;
    b. The consumption of foods, frozen desserts or beverages is not restricted to tables and counters inside the establishment or on a dining patio immediately adjacent thereto; and
    c. The establishment provides drive-in, drive-through and/or walk-up service.
(82)"Fence" means solid or open (50 percent or more open) walls, hedges (dense row of shrubs or low trees), trees, beams, wood, metal, vinyl or plastic structures, constructed for the purpose of obscuring the view into the yard, to prevent trespass, or for ornamental or decorative purposes.
(83)"Final Plat" means a map of a subdivision, required of all minor subdivisions and major subdivisions prepared for final approval and recordation, which has been accurately surveyed, so that streets, alleys, blocks, lots and other divisions thereof can be identified; such plat being

in conformity with the ordinances of the City and Title 57, Utah Code Annotated, 1953, as amended.

(84)"Fire Department" means the West Valley City Fire Department.

(85)"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; and/or

b. The unusual and rapid accumulation or runoff of surface waters from any source.

(86)"Flood Control and Storm Drainage Ordinance" means the West Valley City Flood Control and Storm Drainage Ordinance as presently adopted and amended in the future.

(87)"Flood, One Hundred Year" means a flood having a one percent chance of being equaled or exceeded in any given year.

(88)"Flood, Ten Year" means a flood having a 10 percent chance of being equaled or exceeded in any given year.

(89)"Floodplain, One Hundred Year" means that area adjacent to a drainage channel which may be inundated by a 100 year flood.

(90)“Food vending unit” means a unit that is manually pushed (cart) or pulled behind a vehicle (trailer) and is not motorized as to move on its own power, which remains stationary in one location, is temporary in nature and not placed in a permanent way on the property, which is used for the sale of food items for immediate consumption, including non-alcoholic beverages.

(91)"Freeway" means a street with fully controlled access designed to link major destination points. A freeway is designed for high speed traffic with a minimum of four travel lanes.

(92)"Frontage" means all property fronting on one side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end streets, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

(93)"Garage, Private" means a structure, enclosed by walls and a roof, accessory to a residential dwelling which is intended primarily for the storage of private vehicles belonging to the residents of that dwelling. A private garage may either be attached to or detached from the dwelling. A garage is considered to be attached if the garage and dwelling have a roof or wall in common.

(94)"Garage, Public" means a building or portion thereof, other than a private garage designed or used for servicing, repairing, equipping, hiring, selling or storing motor-driven vehicles.

(95)“Garden Center” means a place of business where retail and wholesale products and produce are sole to the consumer. These centers, which may include a nursery and/or greenhouses, import most of the items sold, and may include plants, nursery products and stock, potting soil, hardware, power equipment and machinery, hoses, rakes, shovels and other garden variety tools and utensils.

(96)"General Plan" means a document that the City has adopted, which sets forth general guidelines for proposed future development of the land within the City, as set forth in State law and City ordinances. The General Plan includes what is also commonly referred to as a "master plan."

(97)"Grade" means the natural grade, as established by the elevation of the existing surface of the land prior to commencement of construction of any improvements proposed or any previous site disturbance. Natural grade, when not readily established due to prior modifications in terrain, shall be fixed by reference elevations and slopes at points where the prior disturbance appears to meet the undisturbed portions of the subject property or the adjacent property's natural grade. The estimated natural grade shall tie into the elevation and slopes of adjoining properties without creating a need for retaining walls, or abrupt differences in the visual slope and elevation of the land and not change the direction or flow of runoff water. For the purpose

of measuring the height of any building from natural grade, the measurement shall be the vertical distance from natural grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to a point midway between the lowest part of the eaves or cornice and ridge of a hip roof. This measurement shall occur at any point within the building plane where height occurs. For buildings having no wall adjoining the street, the grade shall be the average level of the ground (finished surface) adjacent to the exterior walls of the building. All walls approximately parallel to and not more than five feet from a street line are to be considered as adjoining a street.

(98) "Grading/Site Development Ordinance" means the West Valley City Grading/Site Development Ordinance as presently adopted and as amended in the future.

(99) "Home Child Care" means care for children who are non-family members in an occupied dwelling by the resident of that dwelling at least twice a week for more than three children, but fewer than seven children. The total number of children being cared for shall include children under the age of six years residing in the dwelling, who are under the supervision of the provider during the period of time the child care is provided. This definition shall not apply to care being provided strictly to family members. When a caregiver cares for only one child under age two, the group size, at any given time, shall not exceed six, except that one additional school age child may be cared for before and after school hours and on school holidays and during vacation periods; or when a caregiver cares for children who are all two years of age or older, the group's size shall not exceed six, except that two additional children of six years of age or older may be cared for before and after school hours and on school holidays and during vacations.

(100) "Home Occupation" means any lawful use conducted within a dwelling and carried on by persons residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling and does not change the residential character. The home occupation typically allows the home to be used for receiving mail and maintaining a business telephone.

(101) "Home Preschool" means a preschool program for non-family members in an occupied dwelling, by residents of that dwelling, in which lessons are provided for not more than ten children for each session of instruction. Sessions shall last for not more than four hours and shall not overlap. Individual children may attend only one preschool session in any 24-hour period.

(102) "Hospital" means an establishment that offers medical care more intensive than out-patient medical services and offers facilities and beds for use beyond a 24-hour period for individuals requiring diagnosis, treatment or cure for illness, injury, deformity, infirmity, abnormality, disease, or pregnancy and which regularly makes available, among other things, clinical laboratory services, diagnostic X-ray services, and treatment facilities for surgery or obstetrical or other definitive medical treatment of similar extent.

(103) "Hotel" means a building designed for or occupied by five or more guests who are for compensation lodged, with or without meals and in which no provision is made for cooking in any individual room or suite.

(104) "Household Pet" has the meaning set forth in Section 7-2-132 and Section 23-3-107.

(105) “Indoor Public Recreation” means a concert, fair, festival, bazaar, athletic contest, or other event held, shown or presented within an indoor structure, which 500 or more patrons may attend, or any event subject to UCA 63C-11-101 et seq. regardless of size.

(106) "Instructional Facilities" means facilities used for private commercial instruction in arts, crafts, physical fitness or other skills. Such skills may include, but are not limited to aerobics, ceramics/pottery, dance, gymnastics, martial arts, music or painting.

(107) "Intensity" means the concentration of activity, such as a combination of the number of people, cars, visitors, customers, hours of operation, outdoor advertising, etc. Also, the size of buildings or structures, the most intense being higher, longer and/or wider.
(108) "Intensive Retail Service" means a use engaged in providing retail sale, rental, service, processing, or repair of items primarily intended for consumer or household use, such as but not limited to the following: groceries, drugs, cards and stationery, notions, books, cosmetics and specialty items, plants, hobby materials, toys, handcrafted items, apparel, photography services, household electronic equipment, sporting equipment, small appliances, art supplies, paint and wallpaper, office supplies, hardware, and garden supplies, and automotive parts and accessories, excluding service and installation.
(109) "Junk" means any salvaged, discarded, or scrapped copper, brass, iron, steel, metal, rope, rags, batteries, paper, trash, plastic, rubber, tires, waste, or other articles or materials commonly designated as junk; or dismantled, wrecked or inoperable motor vehicles or parts thereof.
(110) "Junk Yard" means the use of any lot, portion of a lot, or tract of land for the sale, storage, keeping, or disassembly of junk or discarded or salvaged material, provided that this definition shall be deemed not to include such uses which are clearly accessory and incidental to any agricultural use permitted in the zone.
(111) "Kennel" means any place where 3 or more animals over six months of age are kept for the primary purpose of sale or for the boarding, care, or breeding of which a fee is charged or paid.
(112) "Kennel, Sportsman's" means a kennel for the keeping of three to five dogs for noncommercial use which is located on a lot of at least one acre.
(113) "Landscaping" means the improvement of property through the addition of plants and the eradication of weeds and other deleterious material. Landscaping includes trees and may also include a combination of shrubbery, lawn, and vegetative or non-vegetative permeable groundcover. These may be further complemented with earth berms, walls and fences, all harmoniously combined to produce an aesthetic effect appropriate for the intended use. Landscaping may be designed to enhance and preserve natural features of a site, to make land more attractive for residential or other uses, to screen unattractive uses, or to act as buffers to visually separate different types of uses.
(114) "Less Intensive Retail Service" means, as used with respect to parking requirements, a retail sales use having more than 75 percent of the gross floor area used for display, sales, and related storage of bulky commodities, including furniture and large appliances, lumber and building materials, carpeting and floor covering, air conditioning and heating equipment, and similar goods, which uses have demonstrated low parking demand generation per square foot of gross floor area.
(115) "Lot" means an individually described plot of land occupied, or capable of being occupied, by one building or group of buildings, together with such yards, open spaces and yard areas as are required by this Title and the Subdivision Ordinance, and having full frontage on and unrestricted access to a dedicated street.
(116) "Lot, Corner" means a lot abutting on two intersecting or intercepting streets, where the interior angle of intersection or interception does not exceed 135 degrees.
(117) "Lot, Interior" means a lot other than a corner lot.
(118) "Lot Line Adjustment" in a subdivision means the relocation of the property boundary line between two adjoining lots with the consent of the owners of record, as long as no new dwelling lot or housing unit results from the relocation.

(119) "Lot Split" shall refer to the division of a property which may be divided into no more than two legal size lots.
(120) "Lot Width" means the distance between the side lot lines measured along a straight line at the minimum required front setback. The width of a corner lot is the lesser of the two distances from the abutting streets to the interior lot lines opposite those streets.
(121) "Major Street Plan" means the plan which defines the future alignments of streets and their rights-of-way, including maps or reports or both, which has been approved by the Planning Commission and City Council as provided in Title 10, Chapter 9, Sections 23 and 25, Utah Code Annotated 1953, as amended.
(122) "Manufacturer of Alcoholic Products" means to distill, brew, rectify, mix, compound, process, ferment or otherwise make an Alcoholic Product for personal use or for sale or distribution to others, except Brew Restaurants, Brew Restaurant and Liquor Retailers, and Small Brewers.
(123) "Minor Street" means a street for which the principal function is access to abutting land. Traffic movement is a secondary function.
(124) “Mobile food vending vehicle” means a fully enclosed motorized vehicle mounted food service establishment operated by a vendor standing within the frame of the vehicle which is used for the sale of food items for immediate consumption, including non-alcoholic beverages. This vehicle must move on its own power and is not manually pushed, pulled or towed by another vehicle.
(125) "Mobile Home" means a structure that is transportable in one or more sections, built on a permanent chassis and designed to be used without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.
(126) "Mobile Home Park" means any plot of ground upon which two or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation.
(127) "Mobile Home Space" means a plot of ground within a mobile home park which is designed for the accommodation of one mobile home.
(128) "Mobile Home Stand" means that part of a mobile home space which has been reserved for the placement of one mobile home with appurtenant structures or additions.
(129) "Mobile Home Subdivision" means a residential subdivision designed for the express purpose of offering lots under separate ownership for the placement of mobile homes.
(130) "Motorized outdoor recreation equipment" means motorized equipment, or equipment commonly using a motor, used in off road/recreational activities. This includes but is not limited to: boat, snowmobile, race car, dune buggy, ATV, water craft, off road motorcycle, etc.
(131) "Natural Drainage Course" means any natural watercourse which is open continuously for flow of water in a definite direction or course.
(132) "Natural Waterways" means those areas varying in width along streams, creeks, gullies, springs or washes which are natural drainage channels and in which areas no buildings shall be constructed.
(133) “Neighborhood Grocery” means a retail establishment with 5,000 square feet or less which offers the consumer food and other household products. Neighborhood markets may include in-store bakeries, fresh meat counters, and fresh produce, among other things. Neighborhood markets shall not include motor fuel sales.
(134) "Neighborhood Service Establishment" means low impact retail and service uses which supply necessities that usually require frequent purchasing with a minimum of consumer travel. Such uses may include, but are not limited to, bakery, bookstore, dry cleaning, hair styling shops, ice cream shop, coin laundry, medical/dental clinics, pet shop, pharmacy, photography supply, shoe repair, tailor and the like.

(135) "Nonconforming Structure" means a structure that:
   a. Legally existed before its current zoning designation; and
   b. Because of subsequent zoning changes, does not conform to the zoning regulation's setback, height restrictions, or other regulations that govern the structure.

(136) "Nonconforming Use" means a use of land that:
   a. Legally existed before its current zoning designation;
   b. Has been maintained continuously since the time the zoning regulation governing the land changed; and
   c. Because of subsequent zoning changes, does not conform to the zoning regulations that now govern the land.

(137) "Official Map" means the public street map adopted by the City Council as provided in Title 10, Chapter 9, Sections 23 through 25, Utah Code Annotated 1953, as amended.

(138) "Off-Premises Beer Retailer" means a licensed place of business wherein beer is sold in original containers to be consumed off the premises in accordance with the Alcoholic Beverage Control Act and the West Valley City Code.

(139) "Open Storage" means storage of materials, debris, salvage, equipment, or vehicles in a space open to the sky.

(140) “Outdoor Public Recreation” means:
   a. A concert, fair, festival, bazaar, athletic contest, or other similar event held out of doors, which 1,500 or more patrons may attend, or
   b. Any racing event involving motorized vehicles, regardless of the number of patrons, or
   c. Any event subject to UCA 63C-11-101 et seq. regardless of size.

(141) "Outdoor Recreation" means recreation uses which customarily occur in an outdoor, unenclosed area, and which may be commercial or noncommercial in nature. Such uses may include golf courses, equestrian trails and facilities, campgrounds, automobile or motorcycle racetracks, rodeo grounds, and other similar uses.

(142) "Overpressure" means a sudden increase in air pressure resulting from an above-ground explosion, traveling at the speed of sound, which may cause damage to buildings or structures in its path. Effects of overpressure would generally be reduced as distance from the source increases.

(143) "Owner" means the owner in fee simple of real property as shown in the records of the Salt Lake County Recorder's Office and includes the plural as well as the singular, and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or any combination thereof.

(144) "Package Agency" means a retail liquor location operated under a contractual agreement with the Utah State Department of Alcoholic Beverage Control by a person other than the State who is authorized to sell package liquor for consumption off the premises of the Agency. Package agencies are generally operated as an accessory use to a restaurant, dining, or social club.

(145) "Parcel of Land" means a contiguous quantity of land, in the possession of, or owned by, or recorded as the property of, the same owner.

(146) "Parking Lot" means an open area, other than a street, used for parking of five or more automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.

(147) "Parking Space" means a space within a building, lot or parking lot for the parking or storage of one automobile, recreation vehicle or motorized outdoor recreation equipment unit.

(148) "Pawnbroker" means any person who loans money on deposit of personal property or deals in the purchase, exchange or possession of personal property on condition of selling the same

back again to the pledgor or depositor, or who loans or advances money on personal property by taking chattel mortgage security thereon and takes or receives such personal property into his possession, and who sells the unredeemed pledges, together with such new merchandise as will facilitate the sale of same.

(149) "Permanent Cosmetics" means a mark or design made on or under the skin by a process of pricking or ingraining an indelible pigment, dye, or ink in the skin for masking discolorations or cosmetically enhancing facial features which shall follow the natural line of the feature and shall be limited to eyeliner, eyebrows or lip coloring procedures only.

(150) "Permanent Cosmetic Establishment" means an establishment engaging in permanent cosmetics as a secondary use to an establishment employing Cosmetologist/Barber(s), Esthetician(s), Electrologist(s), or Nail Technician(s) licensed by the State under 58-11a-101, et seq., Utah Code Annotated 1953 as amended, excluding tattoo establishments and home occupations.

(151) "Permitted Use" means a specific use authorized in a particular zone which does not require Planning Commission review and approval.

(152) "Person" means any individual, firm, trust, partnership, public or private association or corporation.

(153) "Planned Unit Development" means an integrated design for development of residential, commercial or industrial uses, or combination of such uses, in which one or more of the regulations, other than use regulations, of the District in which the development is to be situated, is waived or varied to allow flexibility and initiative in site and building design and location in accordance with an approved plan and imposed general requirements as specified in this Title. A planned unit development may be:

a. The development of compatible land uses arranged in such a way as to provide desirable living environments that may include private and common open spaces for recreation, circulation and/or aesthetic uses;
b. The conservation or development of desirable amenities not otherwise possible by typical development standards; and
c. The creation of areas for multiple use that are of benefit to the neighborhood.

(154) "Planning Commission" means the West Valley City Planning Commission.

(155) "Preliminary Plat" means the initial map of a proposed land division or subdivision required only for major subdivisions.

(156) "Primary Use" means the principal use for which a property may be utilized as allowed by this Title. A building which houses a primary use is considered to be the primary building.

(157) "Private Nonprofit Recreational Grounds and Facilities" means nonprofit recreational grounds and facilities operated by an association incorporated under the provisions of the Utah Nonprofit Corporation and Cooperation Act or a corporation sole.

(158) "Protection Strip" means a strip of land bordering a subdivision, or a street within a subdivision, which serves to bar access of adjacent property owners to required public improvements installed within the subdivision until such time as the adjacent owners share in the cost of such improvements.

(159) "Public Park" means a park, playground, swimming pool, golf course or athletic field within the City, which is under the control, operation or management of the State, a State agency, the County or West Valley City.

(160) "Public Utility" means every common carrier, gas corporation, electrical corporation, wholesale electrical cooperative, telephone corporation, telegraph corporation, water cooperation, sewerage corporation, heat corporation, or independent energy producer where a service is performed for, or a commodity delivered to the public generally.

(161) "Public Way" means any road, street, alley, lane, court, place, viaduct, tunnel, culvert or bridge laid out or erected as such by the public, or dedicated or abandoned to the public, or made such in any action by the subdivision of real property, and includes the entire area within the right-of-way.

(162) "Public Works Department" means the Public Works Department of West Valley City.

(163) "Reasonable Notice" means notice that meets the following requirements:

a. Posted notice of the hearing or meeting in at least three public places within the City and published notice of the hearing or meeting in a newspaper of general circulation in the City; or

b. Actual notice of the hearing or meeting.

(164) “Reception Center” means building, together with its accessory buildings and uses, which is a place of assembly with the predominant purpose of hosting single events or a series of events, either of which is not to exceed a seventy-two (72) hour period, occurring alone or as part of another activity or business, to which the public is invited or, upon payment of an admission charge, is permitted to watch, listen, or participate, or which is conducted for the purpose of holding the attention of, gaining the attention of, diverting the attention of, or amusing guests or patrons, including:

a. presentations by single or multiple performers, such as a hypnotist, pantomime, comedian, musical song or dance act, play, concert, any type of contest, sporting event, exhibition, carnival, rodeo or circus act, athletic competition, demonstration of talent, show, review, or any other similar activity which may be attended by members of the public;

b. dancing to live or recorded music;

c. the presentation of recorded music played on equipment by a person commonly known as a “DJ” or “disk jockey;” or

d. any other event promoted by a bona fide incorporated association, non-profit organization, corporation, church, or political organization, recognized subordinate lodge, chapter, or public fairs, stock and other animal shows, celebrations, fiestas, occasional athletic contests and similar events. Public, private and charter schools are exempt from this section.

(165) "Recreation, Commercial" means recreational facilities operated as a business and open to the general public for a fee, such as golf driving ranges and baseball batting ranges.

(166) "Recreation Vehicle" means any vehicle which is designed to be transported on its own wheels and is intended to be used as temporary living quarters for travel, recreation or vacation purposes. Recreation vehicles may or may not include one or all of the accommodations and facilities provided in a mobile home. This term shall include the terms "vacation vehicle," "truck-camper," "tent-trailer," "motor home," or "travel trailer."

(167) "Recreational Facility Beer Retailer" means a business licensed to sell beer and permit consumption thereof at recreation facilities, excluding public parks. Under this license, no beer is sold in the original containers, but must first be emptied into suitable temporary containers. All sales and deliveries are made directly to the ultimate consumer. Beer is not permitted, or consumed, except that which is purchased on the licensed premises.

(168) “Regional Shopping Mall” means a shopping center with three or more department stores, a combined building size over 500,000 square feet and a minimum site area of 50 acres.

(169) "Religious Institution" means a building which is used primarily for religious worship and related religious activities.

(170) "Reservation of Land" refers to land set aside for public use within a subdivision, such land to be developed and maintained by the subdivider or by the residents of the subdivision.

(171) "Residence" means a permanent domicile or dwelling place, abode, or habitation that is intended as a primary home or dwelling, as opposed to a place of temporary, limited, or transient visit.

(172) "Residential Facility for Elderly Persons" means a single family or multiple family dwelling unit that is owned by one of the residents, an immediate family member of one of the residents, or is a facility for which the title has been placed in trust for a resident, which complies with all existing land use ordinances and is occupied on a 24 hour per day basis by eight or fewer elderly persons in a family-type arrangement.

(173) "Restaurant" means any place of business where the predominant purpose is the preparation of food and drinks which are served and offered for sale or sold for human consumption on or off the premises at a facility which may be equipped to offer supplemental entertainment.

(174) "Restaurant Liquor Retailer" means a restaurant that maintains a liquor license subject to the applicable provisions of the Alcoholic Beverage Control Act.

(175) "Restaurant On-Premises Beer Retailer" means a licensed place of business in connection with a bona fide restaurant wherein beer is sold for consumption on the premises provided that the sale of beer is less than 30 percent of the gross dollar volume in accordance with the Alcoholic Beverage Control Act and the West Valley City Code.

(176) "Right-of-way" means a public or private strip of land used or intended to be used for a street, sidewalk, sanitary or storm sewer, drainage, or other use.

(177) "Sanitary Landfill" means a land disposal site where solid waste is disposed of using sanitary landfilling techniques including, but not limited to, an engineered method of disposing of solid waste on land in a manner that does not create a nuisance or health hazard and that protects the environment by spreading the waste in thin layers, compacting it to the smallest practical volume, confining it to the smallest practical area and covering it with soil by the end of each working day, or as often as may be directed by the Board of Health.

(178) "Schematic Plan" means a sketch prior to the preliminary plat for major subdivisions or prior to final plat in the case of minor subdivisions to enable the subdivider to save time and expense in reaching general agreement with the Planning and Zoning Division as to the form of the plat and the objectives of these regulations.

(179) "School" means:

a. An institution recognized as satisfying the requirements of public education and having an academic curriculum similar to that ordinarily given in public schools. This definition does not apply to home occupations represented as schools, i.e., dance, music, crafts, child nurseries, etc.

b. For purposes of sexually-oriented businesses, "school" means an institution of learning or instruction primarily catering to minors, whether public or private, who is licensed as such a facility by either the City or the State. This definition shall include, but not be limited to, preschools, kindergartens, elementary schools, junior high schools, middle high schools, senior high schools, or any special institution of learning under the jurisdiction of the State Department of Education, but not including trade schools, charm schools, dancing schools, music schools or similar limited schools, nor public or private universities or colleges.

(180) "Secondhand Store" means any location of a store, office or place of business which is engaged in the purchase, barter, exchange or sale of any secondhand merchandise of value or in the business of dealing in secondhand goods. Secondhand store shall not be meant to include a place of business dealing in the purchase, barter, exchange or sale of used motor

vehicles and trailers, but shall include any business which buys or sells five or more firearms per year.

(181) "Shopping Center" means a group of architecturally unified commercial establishments built on a site which is planned, developed, owned and managed as an operating unit.

(182) "Sidewalk" means a passageway for pedestrians, excluding motor vehicles.

(183) "Site Plan" means a plan of existing or proposed development which graphically shows existing and proposed topography, buildings, structures, landscaping, streets, property lines, essential dimensions, and any other information deemed necessary by the City.

(184) "Small Brewer" means a Brew Restaurant with or without a liquor license which in addition to retail sale and on-site consumption in connection with a restaurant, markets beer wholesale in an amount not to exceed (60,000) barrels per year where revenue from the sale of beer is less than 30 percent of the gross dollar volume of the business, including what is commonly known as a microbrewery.

(185) "Sound Wall" means a concrete or masonry wall constructed adjacent to a major arterial street or freeway for the purpose of creating a noise and access barrier. A sound wall may exceed the six-foot height limitations found in Section 7-2-118.

(186) "Special District" means all entities established under the authority of Title 17A and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or unit of the State.

(187) "Stable, Private" means a detached accessory building for the keeping of horses owned by the occupants of the premises and not kept for remuneration, hire or sale.

(188) "Stable, Public" means a stable other than a private stable.

(189) "State Store" means an outlet for the sale of package liquor located on premises owned or leased by the State of Utah and operated by State Employees. This term does not apply to restaurants, club licensees, or package agencies.

(190) "Story" means the space within a building having clear headroom of seven feet or over; on a second floor, all finished or unfinished space having clear headroom of seven feet or over for a minimum horizontal distance of eight feet.

(191) "Story, Half" means a story with at least two of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds of the floor immediately below it.

(192) "Street" means public rights-of-way, including highways, avenues, boulevards, parkways, roads, lanes, walks, alleys, viaducts, subways, tunnels, bridges, public easements, and other ways.

(193) "Structure" means anything constructed or erected on or below the ground, including signs and billboards, but not including fences or walls used as fences which are six feet or less in height.

(194) "Structural Alterations" means any change in supporting members of a building or structure, such as bearing walls, columns, beams or girders.

(195) "Studios" means a facility used for the instruction of specialized talents and skills.

(196) "Subdivider" means the owner of the real property proposed to be subdivided, including any successors or assigns.

(197) "Subdivision" means:

a. any land that is divided, re-subdivided or proposed to be divided into two or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions.

b. "Subdivision" includes:

i. The division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat or other recorded instrument; and
ii. Except as otherwise provided in this subsection, divisions of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

c. "Subdivision" does not include:
i. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable zoning ordinance;
ii. A recorded agreement between owners of adjoining properties adjusting their mutual boundaries if:
1. No new lot is created; and
2. The adjustment does not result in a violation of applicable zoning ordinances; or
a. A recorded document, executed by the owner of record, revising the legal description of more than one contiguous parcel of property into one legal description encompassing all such parcels of property.

d. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a "subdivision" under this subsection as to the unsubdivided parcel of property or subject the unsubdivided parcel to the provisions of Chapter 7-19, "Subdivision."

(198) "Subdivision, Major" means all subdivisions including but not limited to subdivisions of 10 or more lots, or any size subdivision requiring any new street or extension of the local governmental facilities.

(199) "Subdivision, Minor" means any subdivision of land that results in nine or fewer lots, provided that each lot thereby created has frontage on an improved public street or streets, and providing further that there is not created by the subdivision any new street or streets.

(200) "Substantial Improvement" means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure, either:
a. Before the improvement or repair is started; or
b. If the structure has been damaged and is being restored, before the damage occurred.

For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term, however, does not include either:
c. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
d. Any alteration of a structure listed on the National Register or Historic Places or a State Inventory of Historic Places.

(201) "Supermarket" means a retail establishment with net floor area over 5000 square feet which offers the consumer a full range of food, and other household products. Supermarkets may include in-store bakeries, fresh meat counters, pharmacies, and fresh produce, among other things.

(202) “Supplemental Entertainment” means entertainment which is present at restaurants, for which no tickets are sold or entry fees are charged, and is funded, if at all, solely by the restaurant operators and unsolicited patron gratuity.
(203) "Survey Monument" means a mark affixed to a permanent object along a line of survey to furnish a survey control.
(204) "Tattoo" means a mark or design made on or under the skin by a process of pricking or ingraining an indelible pigment, dye, or ink in the skin, excluding permanent cosmetics.
(205) "Tattoo Establishment" means any location, place, area, structure, or business used for the practice of tattooing or the instruction of tattooing, excluding permanent cosmetics establishments.
(206) “Tavern" means a licensed place of business wherein the primary or main business is that of selling beer for consumption on the premises in accordance with the Alcoholic Beverage Control Act and the West Valley City Code, specifically 17-2-118 and includes a beer bar, parlor, lounge, cabaret, and night club where the revenue from the sale of beer exceeds 30 percent of the revenue from the sale of food although food need not be sold.
(207) “Temporary Non-Residential Building" means a building incidental to construction work, such as a construction trailer, or a temporary sales office for the sale or lease of dwelling units.
(208) “Temporary Residential Storage Container” means a fully enclosed structure uniquely designed for short term storage of household or remodeling goods and for portable use via transport vehicle. These structures can be represented by a variety of sizes but do not have permanent foundations.
(209) "Temporary Use" means a use which is not permanent, but is transient or seasonal in nature.
(210) "Towing and Impound Yard" means the temporary storage of vehicles that have been towed, carried, hauled, or pushed from public or private property for impoundment in a public or private impound yard. This use does not include "automotive sales and service" or "vehicle recycling facility."
(211) "Transportation and Public Ways Ordinance" means the West Valley City Transportation and Public Ways Ordinance as presently adopted and as amended in the future.
(212) "Truck Transfer Company" means a facility serving as a transfer or storage point for a truck freight line and may include office, parking, dispatch, handling, maintenance, and storage facilities.
(213) “Turf Farm Equipment Manufacturing” means a commercial business engaged in assembling, testing, storing, selling and/or repairing equipment, parts and machinery used exclusively for sod harvesting.
(214) "Twin Home" means a building arranged or designed to be occupied by two families which have a common wall along a common lot line where the two families have separate ownership.
(215) “Unchartered Financial Service Provider” shall mean any business extending loans, cash advances, short term credit, or similar financial services. This definition shall exclude federal and state chartered banks, industrial banks, savings and loan, and credit unions.
(216) "Use" means any legal purpose for which a building, structure, or tract of land may be designed, arranged, intended, maintained, or occupied; or any activity, occupation, business, or operation legally carried on in a building, structure, or on a tract of land.
(217) "Variance" means a device which grants a property owner relief from certain provisions of the Zoning Ordinance when the property owner has met the burden of showing that all requirements of this Title and state law have been met.

(218) "Vehicle Recycling Facility" means the outside storage of, or use of property as a storage yard for, operative or inoperative automobiles or trucks; or junk yard, salvage yard, tow truck service, or wrecker service, which may include but is not limited to:
   a. outside storage of two or more used vehicles, or used vehicle parts regardless of completeness, operational ability, condition, time frame, or reason, or
   b. the storage of any number of used vehicles or used vehicle parts for the purpose of dismantling, stripping, salvaging or selling all or part of the vehicle, except that the storage of any number of vehicles or equipment within the confines of an enclosed building shall not constitute a vehicle recycling facility and shall not be required to comply with the design guidelines and site requirements of this Ordinance. All other site requirements of the underlying zone in which the facility is located will apply. Notwithstanding any provisions of this Ordinance to the contrary, "vehicle recycling facility" does not include "automotive sales and service" as otherwise defined in the West Valley City Municipal Code.

(219) "Water and Sewer Improvement Districts" means the Granger/Hunter Improvement District, the Magna Improvement District, the Taylorsville-Bennion Improvement District, and any other water or sewer improvement district existing or hereinafter organized, whichever has jurisdiction over the land proposed to be subdivided.

(220) "Yard" means a space on a lot, unoccupied and unobstructed from the ground upward, by buildings, except as otherwise provided herein.

(221) "Yard, Front" means a space on the same lot with a building between the front of the building and the front lot line, and extending across the full width of the lot. The "depth" or setback is the minimum distance between the front lot line and the closest point of the front of the building. On corner lots, the front yard is the yard which the primary entrance to the building faces.

(222) "Yard, Rear" means a space on the same lot with a building, opposite the front yard, between the rear of the building and the rear lot line and extending the full width of the lot. The "depth" of the rear yard for determining the rear setback is the minimum distance between the rear lot line and the rear line of the building.

(223) "Yard, Side" means a space on the same lot with a building between the side line of the building and the side lot line and extending from the front yard to the rear yard. The "width" of the side yard shall be the minimum distance between the side lot line and the side line of the building.

(224) "Zoning" means the basic means of land use control employed by the City. Zoning divides the community into districts (zones), establishes land use standards in each district, specifies allowed uses, intensity and density of such uses, and the bulk of buildings on the land.

(225) "Zoning Ordinance" means the West Valley City Zoning Ordinance as presently adopted and as amended in the future.

**(Ord. No. 94-46 Amended 05/24/1994); Ord. No. 94-109 Amended 12/20/1994; Ord. No. 96-37 Amended 06/21/1996; Ord. No. 97-65 Amended 12/09/1997; Ord. No. 98-71 Amended 11/20/1998; Ord. No. 99-61 Amended 10/14/1999; Ord. No. 01-30 Amended 06/07/2001; Ord. No. 02-08 Amended 02/05/2002; Ord. No. 02-07 Amended 02/05/2002; Ord. No. 02-06 Amended 03/05/2002; Ord. No. 02-10 Amended 03/05/2002; Ord. No. 02-54 Amended 09/03/2002; Ord. No. 02-58 Amended 09/17/2002; Ord. No. 02-60 Amended 09/17/2002; Ord. No. 03-81 Amended 12/16/2003; Ord. No. 05-19 Amended 04/19/2005; Ord. No. 06-69 Amended 10/24/2006; Ord. No. 06-81 Amended 12/05/2006; Ord. No. 07-48 Amended 08/21/2007; Ord. No. 07-54 Amended 08/28/2007; Ord. No. 07-63 Amended 10/23/2007; Ord. No. 07-69 Amended 11/20/2007; Ord. No. 08-20 Amended 04/14/2008**

**Ord. No. 08-40 Amended 09/17/2008; Ord. No. 09-08 Amended 06/01/2009; Ord. No. 09-26 Amended 08/07/2009; Ord. No. 10-07 Amended 03/29/2010; Ord. No. 10-23 Amended 08/16/2010; Ord. No. 11-11 Amended 3/17/2011; Ord. No. 13-17 Amended 04/26/2013; Ord. No. 13-18 Amended 4/26/2013; Ord. No. 13-44 Amended 11/25/2013; Ord. No. 14-19 Amended 04/26/2014; Ord. No. 14-41 Amended 12/01/2014; Ord. No. 15-16 Amended 06/01/2015)**

## 7-1-104. STRICTER REQUIREMENTS.

In their interpretation and application, the provisions of this Title shall be considered as minimum requirements. Where the provisions of this Title impose greater restrictions than any statute, other regulation, ordinance or covenant, the provisions of this Title shall prevail. Where the provisions of any statute, other regulation, ordinance or covenant impose greater restrictions than the provisions of these regulations, the provision of such statute, other regulation, ordinance or covenant shall prevail.

## 7-1-105. STATE AND FEDERAL PROPERTY.

Unless otherwise provided by law, and only to the extent required by Section 10-9-105, UCA, nothing contained herein adopted pursuant to Part 4, Title 10, Chapter 9, UCA, shall be construed as giving the Planning Commission or the City Council jurisdiction over properties owned by the State of Utah or the United States government.

## 7-1-106. PROPERTY OWNED BY OTHER GOVERNMENTAL UNITS.

(1) a. Each county, municipality, school district, special district, and political subdivision of Utah shall conform to the land use and development ordinances of any municipality when installing, constructing, operating, or otherwise using any area, land, or building situated within that municipality only in a manner or for a purpose that conforms to that municipality's ordinances.

b. In addition to any other remedies provided by law, when a municipality's land use and development ordinances are being violated or about to be violated by another political subdivision, that municipality may institute an injunction, mandamus, abatement, or other appropriate action or proceeding to prevent, enjoin, abate, or remove the improper installation, improvement, or use.

(2) A school district is subject to a municipality's land use regulations under this chapter, except that a municipality may not:

a. Impose requirements for landscaping, fencing, aesthetic considerations, construction methods or materials, building codes, building use for educational purposes, or the placement or use of temporary classroom facilities on school property;

b. Require a school district to participate in the cost of any roadway or sidewalk not reasonably necessary for the safety of school children and not located on or contiguous to school property, unless the roadway or sidewalk is required to connect an otherwise isolated school site to an existing roadway;

c. Require a school district to pay fees not authorized by this section;

d. Provide for inspection of school construction or assess a fee or other charges for inspection, unless neither the school district nor the state superintendent has provided for inspection by an inspector, other than the project architect or contractor, who is qualified under criteria established by the state superintendent with the approval of the state building board and state fire marshal;

(3) Require a school district to pay any impact fee for an improvement project that is not reasonably related to the impact of the project upon the need that the improvement is to address; or
(4) Impose regulations upon the location of a project except as necessary to avoid unreasonable risks to health or safety.

## 7-1-107. EFFECT ON PREVIOUS ORDINANCES AND MAPS.

The existing ordinances of the City covering the zoning of areas and districts in West Valley City, 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 maps on file with the Planning Commission and by this reference made a part hereof, 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, including, but not limited to questions of construction, relating to tenure of officers and boards established by previous ordinances and to questions of conforming or nonconforming uses, buildings or structures, and to questions as to the dates upon which such uses, buildings or structures become conforming or nonconforming.

## 7-1-108. BUILDING PERMIT REQUIRED— BOND REQUIRED FOR BUILDING PERMIT.

(1) a. Construction, alteration, repair, or removal of any building or structure or any part thereof, as provided or as restricted in this Title, shall not be commenced, or proceeded with, except after the issuance of a written permit for the same by the Building Inspection Division.
b. The structure or land shall not be used for any use not identified within the respective zone where such property exists. Permits shall be issued and all construction shall comply with all requirements of the Land Use Development and Management Act and the Uniform Building Code.
c. The use of the land shall not be commenced or proceeded with except upon the issuance of a written permit for the same by the Community and Economic Development Department. Except as specifically provided otherwise in this Title, no use permit shall be required for land used for agricultural purposes, as defined in this Title, for the keeping or raising of animals or fowl.
(2) a. Prior to issuing any required building permit to a contractor, the Building Inspector shall require from the applicant a bond or letter of credit in the amount specified in the Consolidated Fee Schedule. The bond or letter of credit shall be in addition to all other fees required for the issuance of a building permit. The Building Inspector shall not issue the building permit until a bond has been deposited with the City, or until the applicant files a letter of credit, naming the City as beneficiary.
b. If the building affected is one single-family residence, and the general contractor is also the owner/builder of the building, no bond will be required; however, the owner/builder will not receive a release of permanent electrical power until a drywall and electrical inspection has been passed. This electrical inspection will require that all electrical panels, receptacles, and switches be wired for testing and inspection for proper installation.
(3) a. The bond or proof of the letter of credit shall be deposited or retained by the City Treasurer. All money deposited shall be held in a separate trust account.

b. With the approval of the City Manager, the City Treasurer may establish record-keeping procedures which would allow developers of subdivisions to use bonds or letters of credit that have been released or partially released pursuant to this Section, to fulfill the bonding requirements of new permit applications, provided the following conditions are met:

i. The bonds or letters of credit have been released, or the amounts have been partially leased, prior to application for the new building permits;
ii. The amount deposited or held by the City Treasurer is always equal to or greater than the amount required to fulfill the bonding requirements for the number of active permits granted to the developer;
iii. The original bonds or letters of credit contain a specific provision granting the developer the right to reapply the bonds or letters of credit, or the amounts of the bonds or letters of credit, towards fulfillment of the bonding requirements for new building permit applications;
iv. The bonds or letters of credit will not expire prior to release of the building permit being applied for; and
v. The developer currently meets or has met all obligations of the agreement creating the bonds or letters of credit.

c. If the City Treasurer chooses to allow subdivision developers to use released bonds or letters of credit to fulfill the bonding requirements for new building permit applications as provided in subsection (b) above, each developer is fully responsible for maintaining current records regarding the amount and status of each bond or letter of credit.

(4) The City Building Inspector shall grant power-to-panel clearance only when the Inspector determines that all of the following conditions are met:

a. All four-way rough inspections have been satisfactorily passed;
b. The structure is secured against entry; and the subcontractors for the project, if any, have been verified.

(5) a. The City Treasurer shall release the bond or letter of credit when the City Building Inspector certifies in writing that the building has been completed or that construction has been abandoned, that all required inspections of the construction have been made, and that the building permit has been closed in the Inspector' s office.

b. If the City Building Inspector reinspects the structure or project pursuant to Section 305(g) of the Uniform Building Code, and the fees for such reinspections have not been paid, the Inspector may direct the City Treasurer to retain the amount of said fees from the bond or letter of credit, and pay the same to the General Fund, Building Inspection Account.

c. If construction on the structure or project is abandoned, the City Building Inspector shall not certify release of the bond or letter of credit if the structure or project has not been secured against unwarranted entry, and if the Inspector determines that the structure or project would pose a threat to the public safety.

d. The amount of the bond or letter of credit required by a unit within a subdivision may be released from the total amount bonded for that subdivision, provided the City Building Inspector certifies in writing that the conditions for release have been met for that unit. Release of a partial amount of the bond or letter of credit for work completed on an individual project or structure shall not be granted.

(6) At the time of final inspection pursuant to Section 305(e)(5) of the Uniform Building Code, the City Building Inspector shall post the following notice at the construction site: "All deficiencies found at the time of final inspection on (date) must be corrected and approved by the City Building Inspector by (60 days after final inspection). If corrections are not made and approved,

the bond shall be forfeited to West Valley City. Forfeiture of the bond shall not excuse noncompliance with the building code."

(7) If the applicant does not comply with the notice provided in subsection (6) above, the City Building Inspector shall certify the noncompliance in writing to the City Treasurer. Upon receipt of the certification, the City Treasurer shall declare the bond or letter of credit forfeited and deposit the full amount to the General Fund, Building Inspection Account.

(8) Violations of any part of this ordinance shall be a class "B" misdemeanor. Criminal prosecution pursuant to this Section shall in no way limit the City from pursuing other remedies available at law, including eviction of any occupants of the structure. Criminal prosecution shall also not limit the owner, occupier, or purchaser of the structure from pursuing remedies available at law.

(9) Temporary occupancy of a structure may be approved by the City Building Inspector on a case by case basis, provided all violations that are threat to life or safety are resolved prior to occupancy. Temporary occupancy is not allowed without prior approval from the City Building Inspector.

(10) All decisions of the City Building Inspector pursuant to this Section may be appealed to the Appeals Board created in Chapter 8 of Title 16. Appeals must be filed within ten days after a final decision is announced.

**(Ord. No. 97-18 Amended 04/07/1997; Ord. No. 98-45, Amended, 06/09/1998)**

## 7-1-109. COMPLETION OF REQUIRED IMPROVEMENTS.

(1) At the time of final inspection of a single-family or two-family dwelling in an approved subdivision, the builder shall submit documentation, on a form approved by the City, that the homeowner has been notified of the requirements of Section 7-14-105(3) of this Title, and that the homeowner agrees to abide by these requirements. The Building Inspection Division shall not grant final approval of the dwelling until this documentation is submitted. Front yard landscaping, as required by this Title, shall be completed within one year of occupancy, after which time, at the discretion of the City, a letter may be mailed as a reminder to the property owner that the landscaping needs to be installed.

(2) Any improvements required under this Title for commercial uses, manufacturing uses, or conditional uses, including, but not limited to, curb, gutter and sidewalk, fences, landscaping, streets, parking and flood control requirements shall be satisfactorily installed prior to the final inspection approval of the premises by the Building Inspection Division, or if no electrical inspection is required, prior to the issuance of any Occupancy Permit or issuance of Business License for the land being developed. In lieu of actual completion of such improvements prior to the final electrical inspection approval or Occupancy Permit, a developer may file with the City Council a cash, surety, letter of credit or escrow bond agreement in an amount specified by the City Council to ensure completion of such improvements within one year. In lieu of the bond requirements of this Section, at the City's option, the builder may be permitted to execute an agreement in a form acceptable to the City Attorney's Office, delaying any of the required improvements. The bond may be extended by the City Council upon request. Upon completion of the improvements for which a bond or escrow agreement has been filed, the developer shall call for inspections of the improvements by the Community and Economic Development Department.

(3) Inspection shall be made within a reasonable time upon request. If the inspection shows the City standards and specifications have been met in the completion of such improvements, the bond or agreement shall be released within a reasonable time from the time of inspection. If

the bond agreement is not released, refusal to release and the reasons therefore shall be given to the developer in writing within a reasonable time from the time of the inspection. The bond may be partially released based on the percentage of completion of the required improvements.

(4) If the City Council determines that the issuance of a final electrical inspection approval or Occupancy Permit prior to completion of any required improvements may be injurious to the health, safety or welfare of the City or its inhabitants, it may refuse to accept a bond or delay agreement in lieu of actual completion of required improvement or may limit the bond or agreement to a period of less than one year.

## 7-1-110. LICENSING.

All departments, officials and public employees of the City which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this Title and shall issue no permits or license for use, building or purpose where the same would be in conflict with the provisions of this Title, and any such permit or license, if issued in conflict with the provisions of this Title, shall be null and void.

## 7-1-111. FEES.

Fees, as established by the City's consolidated fee schedule, may be assessed as a condition precedent to the consideration of any application before the Planning Commission or City Council.

## 7-1-112. TIME COMPUTATION.

In computing any period of time prescribed or allowed by this Title, the day after the event or decision occurs shall be the beginning of the designated period of time. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day, which is neither a Saturday, Sunday or a holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation. The date of a decision or recommendation of the Planning Commission or Community Development Director shall be the date of the hearing at which such decision or recommendation is made. If no hearing is held on the matter, the date of the decision or recommendation shall be the date written notice of such decision or recommendation is mailed to the applicant.

# CHAPTER 7-2
# SUPPLEMENTARY AND QUALIFYING REGULATIONS

Sections:

7-2-101. Effect of Chapter.
7-2-102. Lots in Separate Ownership.
7-2-103. Yard Space for One Building Only.
7-2-104. Every Dwelling to be on a "Lot."
7-2-105. Combined Lots.
7-2-106. Lot Consolidation
7-2-107. Sale or Lease of Required Space.
7-2-108. Sale of Lots Below Minimum Space Requirements.
7-2-109. Yards to be Unobstructed - Exceptions.
7-2-110. Additional Height Allowed.
7-2-111. Exceptions to Height Limitations.
7-2-112. Clear View of Intersecting Streets.
7-2-113. Water and Sewage Requirements.
7-2-114. Measurement of Setback.
7-2-115. Administrative Determination for Uses Not Listed.
7-2-116. Temporary Land Uses.
7-2-117. Occupancy Permit.
7-2-118. Fences.
7-2-119. Greenhouse and/or Garden Center Requirements.
7-2-120. Storage of Vehicles - Residential Zones.
7-2-121. Grade Changes.
7-2-122. Improvement of Right-of-way.
7-2-123. Refuse Siting Standards.
7-2-124. Dedication and Reservation of Parks.
7-2-125. Swimming Pools.
7-2-126. Division of Two-family Dwelling.
7-2-127. Conveyance of Water Rights to City.
7-2-128. Outside Storage.
7-2-129. Development Agreements.
7-2-130. Cargo Containers and Temporary Residential Storage Containers.
7-2-131. Alternative Financial Service Provider Regulations.
7-2-132. Household Pets.
7-2-133. Maximum Number of Tenants Permitted In A Retail Anchor Building.

## 7-2-101. 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.

## 7-2-102. LOTS IN SEPARATE OWNERSHIP.

The requirements of this Title as to minimum lot area or lot width shall not be construed to prevent the use for a single family dwelling on any legally approved lot or parcel of land. Combination of several lots under common ownership can be considered a buildable lot, but separation of lots originally under common ownership would not constitute a buildable lot. Such lot or parcel of land must be located in a zone which permits single family dwellings, has access to a dedicated street, and shall be a legally divided lot held in separate ownership at the time such requirements became effective for such lot or parcel of land, as determined pursuant to Section 7-1-107. The Community and Economic Development Department shall make a determination as to the legality of such lots based on documentation submitted by the lot owner. Appeal of such determinations, or requests to vary the required yards for such lots, shall be made to the Board of Adjustment.

**(Ord. No. 98-45 Amended 06/09/1998)**

## 7-2-103. YARD SPACE FOR ONE BUILDING ONLY.

No required yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this Title shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected or established. This Section shall be so construed to mean only one main building may be permitted on one lot, unless otherwise hereinafter provided.

## 7-2-104. EVERY DWELLING TO BE ON A "LOT."

Every dwelling shall be located and maintained on a "lot," as defined in this Title.

## 7-2-105. COMBINED LOTS.

Upon approval of the City, contiguous lots may be combined to form one development site. Such lots will be considered consolidated, and all requirements concerning lot consolidation must be met. Once two or more contiguous parcels have been consolidated, they may not be divided in any way without meeting all applicable zoning and subdivision requirements set forth in State law or the City code. If the lots to be consolidated have different zoning designations, the consolidated parcel will be regulated by the most restrictive zone.

**(Ord. No. 99-09 Amended 03/23/99)**

## 7-2-106. LOT CONSOLIDATION

(1) Effective June 1, 1999, no building permit or other approval from the City shall be issued to any new or modified development that is contained within more than one contiguous legal parcel or subdivision lot unless the parcels are consolidated into one lot with one tax identification number.
(2) Lot consolidation will be accomplished in a manner allowed by City Ordinance, and may not create a remnant parcel that violates the applicable zoning designation for the property.
(3) Agricultural operations are exempt from this requirement.

**(Ord. No. 99-09 Added 03/23/1999)**

## 7-2-107. SALE OR LEASE OF REQUIRED SPACE.

Space needed to meet the width, yard, area, coverage, parking or other requirements of this Title for lot or building shall not be sold or leased away from such lot or building.

**(Ord. No. 99-09 Renumbered 03/23/1999)**

## 7-2-108. SALE OF LOTS BELOW MINIMUM SPACE REQUIREMENTS.

A parcel of land which has less than the minimum width and area requirements for the zone in which it is located shall not be cut off from a larger parcel of land for the purpose, whether immediate or future, of building or development as a lot, except by approval of the Board of Adjustment.

**(Ord. No. 99-09 Renumbered 03/23/1999)**

## 7-2-109. YARDS TO BE UNOBSTRUCTED - EXCEPTIONS.

The area for required front, side and rear yards setbacks shall be open to the sky and unobstructed, except for the following:

(1) Accessory structures located in the rear yards may encroach into side and rear yard setbacks as outlined in individual zones in Chapter 7-6;
(2) The ordinary projections of skylights, sills, belt courses, cornices, chimneys, flues and other ornamental features may encroach no more than three feet into front, side and rear yard setbacks. Such projections shall maintain at least a six foot side yard setback;
(3) Bay windows not more than 10 feet long and not more than two feet deep may encroach into front, side and rear yard setbacks. Bay windows shall maintain at least a six foot side yard setback;
(4) Exterior stairways and fire escapes may encroach no more than four feet into side and rear setbacks. Such projections shall maintain at least a six foot side yard setback;
(5) Uncovered steps or an open porch leading to the main entrance may encroach into the front yard setback provided they maintain at least a 20 foot front yard setback. Covered porches that are enclosed for interior living space shall not encroach into the front yard setback;
(6) Window wells or basement access ways may encroach into rear yard setbacks not more than four feet. Window well or basement access ways may encroach into side yard setbacks provided they maintain at least a two foot side yard setback;
(7) Satellite dishes may encroach into front and rear yard setbacks, provided they maintain at least a 20 foot front yard setback.

**(Ord. No. 98-45 Amended 06/09/98; Ord. No. 99-09 Renumbered 03/23/1999; Ord. No. 12-29 Amended 07/02/2012)**

## 7-2-110. ADDITIONAL HEIGHT ALLOWED.

Community uses, when authorized in a zone, may be constructed to a height exceeding the maximum height normally allowed in the zone if the building is set back from each otherwise

established building line at least one foot for each additional foot of building height above the normal height limit required for the zone in which the building is erected.

**(Ord. No. 99-09 Renumbered 03/23/1999)**

## 7-2-111. EXCEPTIONS TO HEIGHT LIMITATIONS.

Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smoke stacks, water tanks, wireless or television masts, silos, or similar structures may be erected above the height limits herein prescribed, but no space above the height limits shall be allowed for the purpose of providing additional floor space, and no heights are permitted above the maximum allowed under applicable Airport Height Provisions. Height shall be measured from the average finish grade of the front yard.

**(Ord. No. 99-09 Renumbered 03/23/1999; Ord. No. 10-30 Amended 10/11/2010)**

## 7-2-112. CLEAR VIEW OF INTERSECTING STREETS.

(1) In addition to the other provisions contained in this Chapter, a clear view at the intersection of two streets shall be maintained within a triangular area formed by a diagonal line connecting lines at the top back of the curbs 40 feet from the projected intersection of such curb lines. To maintain this clear view, the following standards shall apply:
    a. No solid-type fence or other visual obstructions between three and seven feet in height from the street elevation (measured from the elevation of the adjoining sidewalk) shall be allowed;
    b. Open-type fences or other obstructions which are at least 50 percent transparent are allowed to a height of four feet though they must be maintained to permit clear and unobstructed view; and
    c. Pruning is required for trees with an overhang less than seven feet above the street elevation (measured for the elevation of the adjoining sidewalk) in the clear view area.

(2) A clear-view area shall also be maintained at the intersection of a street and a private drive within a triangular area formed by a diagonal line connecting the line of the curb of the street and the line of the edge of the private drive at points 20 feet from the projected intersection of such lines. In order to maintain this clear view, the standards outlined in (a), (b) and (c) above shall apply.

**(Ord. No. 99-09 Renumbered 03/23/1999; Ord. No. 10-23 Amended 08/16/2010)**

## 7-2-113. WATER AND SEWAGE REQUIREMENTS.

In all cases where a proposed building or proposed use will involve the use of sewage facilities, and a sewer is not available, and all cases where a proposed supply of piped water under pressure is not available, the sewage disposal and the domestic water supply shall comply with requirements of the Health Department and the application for a building permit shall be accompanied by written approval from the applicable water and sewer improvement district.

**(Ord. No. 99-09 Renumbered 03/23/1999)**

## 7-2-114. MEASUREMENT OF SETBACK.

Wherever a front yard is required for a lot facing on a street for which an official map has been recorded in the office of the county recorder, the depth of such front yard shall be measured from the mapped street line provided by the official map. Where an official map has not been recorded, measurements shall be made from the existing right-of-way line or from the proposed right-of-way line, as indicated on the major street plan.

**(Ord. No. 99-09 Renumbered 03/23/1999)**

## 7-2-115. ADMINISTRATIVE DETERMINATION FOR USES NOT LISTED.

Determination as to the classification of uses not specifically listed in Chapter 6 of this Title, inclusive, shall be made by the Zoning Administrator and shall be subject to appeal to the Board of Adjustment. Such appeal shall be filed in writing within 10 days after written notification to applicant of the Zoning Administrator's determination. The procedure shall be as follows:

(1) A written request for such a determination shall be filed with the Zoning Administrator. The request shall include a detailed description of the proposed use and such other information as may be required.
(2) The Zoning Administrator shall thereupon make such investigations as are deemed necessary to compare the nature and characteristics of the proposed use with those of uses specifically listed in this Title, and shall make a determination of its classification based on his investigations.
(3) The determination of the Zoning Administrator shall be rendered in writing within a reasonable time. The determination shall state the zone classification in which the proposed use will be conditional or permitted, as well as the findings which established that such use is of the same or similar character as uses permitted in that zone classification. Upon making this decision, the Zoning Administrator shall notify the applicant in writing of the decision.
(4) The determination and all information pertaining thereto shall be assigned a file number classifying it as an administrative determination and shall become a permanent public record in the office of the Community and Economic Development Department. Such use shall become a permitted or conditional use in the class of district specified in the determination, and shall have the same status as a permitted or conditional use specifically named in the regulations for the zone classification.

**(Ord. No. 99-09 Renumbered 03/23/1999)**

## 7-2-116. TEMPORARY LAND USES.

(1) Subject to the provisions of this Section, the Zoning Administrator may issue a Temporary Use Permit provided that the use does not conflict with the uses in the neighborhood of the subject property and that the uses are located in commercial, manufacturing, MXD, RB or B/RP zones, or will be accessory to a community use in a residential or agricultural zone. Request for permit shall be submitted in writing on the appropriate form within the appropriate time frame indicated on the application. A separate permit is required for each use and is allowed for the duration of time as indicated below. The number of permits allowed annually is based off of the entire commercial complex, site, parcel or subject property.
(2) Temporary uses may be allowed only after review and evaluation of the following information:

a. A site plan must be submitted indicating location of any existing structures on the lot; existing improvements, including but not limited to, parking areas, curb, gutter, sidewalk and curb cuts, and the location of any outside storage. Parking areas for the proposed use shall be surfaced with asphalt, concrete, gravel or other surface acceptable to the Zoning Administrator;
b. The temporary use must conform to all area and setback requirements for the zone in which it is located. Storage containers may not be used in conjunction with a temporary use, except for fireworks sales. Storage containers used for fireworks sales must be made of a non-flammable material approved by the Fire Department. Storage containers for fireworks sales are permitted from three weeks prior to the actual fireworks sale, to three weeks after the sale has passed. Fireworks sales shall only occur during Utah State mandated durations.
c. Written approval from the property owner to place temporary buildings on the lot and/or allow the use on the lot;
d. Hours of operation of the proposed use; and
e. The minimum required parking shall be two (2) spaces except that a reasonable number of additional parking spaces may be required depending on the type of temporary use. Such parking, including those space occupied by the use itself, shall be in addition to the minimum number of spaces required for any other use on the site.
f. The Zoning Administrator, or designee, may apply other conditions necessary to ensure that the temporary use does not have a detrimental impact upon the subject or neighboring properties.
g. Other items shall be included on the site plan, if requested by the Zoning Administrator.

(3) Temporary uses are limited to the following:
a. Seasonal Uses, which include: flower sales, Christmas tree sales, shaved ice, fireworks sales, and produce sales. A seasonal use permit shall be required. Seasonal use permits shall be limited to one (1) permit annually with a term of six (6) consecutive months. Hours of operation for seasonal uses shall be 8:00 a.m. to 9:00 p.m.
b. Event Uses, which include:
i. Circus, Community Fairs, Carnivals, Festivals, or other amusement enterprises.
1. A four (4) day permit shall be required for each of these types of events. These events shall be limited to 4 permits annually.
ii. Sale of Motor Vehicles.
1. A four (4) day permit shall be required for each of these types of events. These events shall be limited to 4 permits annually.
2. Sale of motorized vehicles are subject to the following requirements:
a. The temporary sale must be located in a commercial zone.
b. The temporary sale must be located on a property that has at least 2,000 existing parking stalls meeting the standards of Chapter 7-9 of this Title.
c. The location of the sale must have adequate parking stalls to accommodate both the temporary sale and the regular use of the property. Parking for the temporary use shall require one on-site parking stall for each motorized vehicle being offered for sale. Stalls needed to meet the minimum parking requirements of the regular use of the property shall not be counted toward the number of stalls necessary to accommodate the temporary sale.

d. The location of the sale must have hard surfacing for both the sales and parking areas.

iii. Outdoor Dances, Concerts and Promotional Activities
1. A twenty four (24) hour permit shall be required for each of these types of events. These events shall be limited to 2 permits annually.

iv. Haunted Houses
1. A thirty (30) day permit shall be required for each of these types of events. These events shall be limited to 1 permit annually.

v. Case Lot, Parking Lot or Tent Sales in conjunction with an existing business
1. A four (4) day permit shall be required for each of these types of events. These events shall be limited to 4 permits annually.
2. Independent sales from outside vendors are not allowed.

vi. Special Events, Community Events, Parades, Fund-Raising Events, Marathons, Bicycle Events, or Tournaments.
1. A twenty four (24) hour permit shall be required for each of these types of events. These events shall be limited to 4 permits annually.

vii. Food vending vehicles
1. A 24 hour Temporary Use Permit shall be required for food vending vehicle events. These events shall be limited to two permits per site per year.

c. Temporary Structures, which include:
i. Mobile Medical Units.
1. A thirty (30) day permit shall be required for each unit. This use shall be limited to two (2) permits annually.

ii. Modular or Mobile Structures that are not permanently affixed and used in conjunction with a construction or excavation site.
1. A permit shall be required for each modular or mobile structure, which shall be active for a term of up to one (1) year. The permit shall be renewable annually upon approval of the Zoning Administrator.

iii. Trailers or temporary buildings to serve as a construction, sales, employment, leasing office or construction storage while a permanent building is under construction.
1. A permit shall be required for each trailer or temporary building, which shall be active for a term of up to one (1) year. The permit shall be renewable annually upon approval of the Zoning Administrator.

(4) The site must be restored to its original condition upon expiration of the temporary use permit. The site may not be used for storage of any temporary use structures.

(5) Any decision of the Zoning Administrator made pursuant to this section may be appealed to the Board of Adjustment by filing a written appeal with the Board of Adjustment within 10 days of the decision, setting forth the reasons why the Zoning Administrator's decision should be overturned or modified. Decisions of the Board of Adjustment may be appealed as outlined in Section 7-18-105 of this Title.

**(Ord. No. 94-90 Amended 10/12/1994; Ord. No. 99-09 Renumbered 03/23/1999; Ord. No. 00-05 Amended 01/11/2000; Ord. No. 00-06 Amended 01/11/2000; Ord. No. 01-31 Amended 06/07/2001; Ord. No. 05-12 Amended 04/05/2005; Ord. No. 06-81 Amended 12/5/2006; Ord. No. 07-36 Amended 06/05/2007; Ord. No. 07-63 Amended 10/23/2007; Ord. No. 08-40 Amended 09/17/2007; Ord. No. 10-**

**31 Amended 10/11/2010; Ord. No. 15-08 Amended 03/05/2015; Ord. No. 16-28 Amended 06/10/2016)**

## 7-2-117. OCCUPANCY PERMIT.

Land, buildings and premises in any zone shall be used only for the purpose listed herein as permitted in that zone and in accordance with the regulations herein established in that zone. The Occupancy Permit shall be issued by the Building Inspection Division to the effect that the use and/or building or premises conform to the provisions of this and related ordinances prior to the occupancy of any building erected, enlarged or structurally altered; or where any vacant land is proposed to be occupied or used except for permitted agricultural uses; or whenever the character or use of any building or land is proposed to be changed from one use to another use. An Occupancy Permit for a residential building shall not be issued until permanent utility connections have been approved and provided by the utility companies.

**(Ord. No. 99-09 Renumbered 03/23/1999)**

## 7-2-118. FENCES.

(1) A six-foot fence may be constructed on or within property lines, as shown on the official plats maintained in the Office of the Salt Lake County Recorder, in side and rear yards. This shall include side yards of corner lots, provided clear view of intersections can be maintained as outlined in Section 7-2-112. Residential fencing materials include vinyl, masonry, wrought iron style (metal), wood, hedges and chain-link. Fencing shall be of materials originally intended for fencing and shall not include materials intended for other purposes. Residential fencing materials which are excluded are metal panels, barbed or razor wire, and livestock fences. Livestock fencing is permitted in an agricultural zone or with residential non-conforming use of animals, when associated with the containment of animals.

(2) In front yards, a 20-foot setback from the front property line shall be maintained for fences over four feet in height. Fences four feet or less in height, which are at least 50 percent transparent, may be allowed up to the front property line or, if sidewalk exists, up to the sidewalk. No solid fence over three feet in height shall be allowed closer than 20 feet to the front property line.

(3) Residential properties along arterial streets (80-foot right-of-way width or greater) shall adhere to either of the following regulations:
   a. Hedges shall be permitted up to the property line that is adjacent to an arterial street or if a sidewalk exists, up to the edge of the sidewalk. Hedges shall exclude poisonous, noxious, thorn-bearing, and fruit-bearing plant materials. Hedges shall be limited to six feet in height. Hedges shall be trimmed and maintained and shall not be permitted to grow into the public right-of-way, or
   b. Fences or walls shall be no taller than six feet in height and shall be setback a minimum of ten feet from the front property line. The ten foot front setback area between the public right-of-way and the fence or wall shall be maintained with landscaping that contains a minimum of 50 percent live plant material and shall be kept weed free.

(4) Fence Height. Where there is a difference in the grade of the properties on either side of a fence or wall, the height of the fence or wall shall be measured from the average grade of the higher property. Average grade shall be established based on elevations of finish grade within 5 feet of the proposed fence line. When a retaining wall exists at the property line, fence height

may be measured from the higher side of the wall. A sound wall may exceed the height standards when constructed next to a major arterial street or freeway.

(5) Fire Hydrants. When a fire hydrant is located on or near a property line, it shall be given a clear buffer area around the hydrant of at least three feet in order to promote easy access to the plug for fire protection. A fire hydrant shall not be enclosed by fencing.

(6) When requested, the Zoning Administrator may grant a waiver or modification of any height requirements of this section upon finding that the waiver or modification will not circumvent the intent of the requirements. Any person may appeal the Zoning Administrator's decision pursuant to Section 7-18-103. If the Zoning Administrator so desires, he may submit the request for a waiver or modification directly to the Board of Adjustment for their determination.

(7) All fences shall be maintained in good condition, at all times, by the owner or occupant of the property. Fence maintenance shall meet the following standards:

a. The fence must be free of damage, breaks or missing components or parts.
b. Areas of the fence that are leaning more than 20 degrees from vertical, buckling, sagging or deteriorating must be repaired or replaced with materials and color similar to its original construction.
c. The area at the base must be kept free of debris and neatly trimmed.
d. Where fencing has been previously painted and there are areas of chipping, peeling, scaling or missing paint equal to or greater than 20% of the fence surface, then the surface must be repainted or stripped of all paint.
e. Wrought iron style (metal) fences shall be treated in a manner to prevent rust.

**(Ord. No. 99-09 Renumbered 03/23/1999; Ord. No. 01-33 Amended 06/07/2001; Ord. No. 05-08 Amended 02/15/2005; Ord. No. 10-23 Amended 08/16/2010)**

## 7-2-119. GREENHOUSE AND/OR GARDEN CENTER REQUIREMENTS.

Greenhouse and/or Garden Center shall be subject to the following conditions:

(1) Shall be compatible with existing and proposed land uses in the vicinity.

(2) Provide required parking spaces on the site with adequate visual screening between the use and adjoining properties.

(3) New construction shall be compatible in design and scale of building with existing development in the area.

(4) Site shall have frontage on a street with an existing or proposed right-of-way of 66 feet or greater, as defined in the West Valley City Major Street Plan.

**(Ord. No. 93-09 Renumbered 03/10/1993, was 7-2-121; Ord. No. 99-09 Renumbered 03/23/1999, was 7-2-118)**

## 7-2-120. STORAGE OF VEHICLES - RESIDENTIAL ZONES.

No trucks, truck tractors, motor vehicles or commercial trailers which exceed 12,000 pounds gross weight shall be stored or parked for longer than three minutes on any lot or parcel within any residential zone, except while actually loading or unloading merchandise, nor shall any contracting and/or earth-moving equipment be stored or parked on any lot or parcel in a residential zone, except during actual construction.

**(Ord. No. 93-09, Renumbered 03/10/1993 was 7-2-122; Ord. No. 99-09 Renumbered 03/23/1999, was 7-2-119)**

## 7-2-121. GRADE CHANGES.

(1) The finished grade of any lot in any subdivision in the City or any parcel to be used for the construction of any building in the City shall be graded or contoured in such a manner that the grade differential within three feet of a property line between lot boundaries (for lots within a recorded subdivision) or between adjoining properties (for the perimeter boundaries of a development site) does not exceed 18 inches of vertical height or a 2 to 1 slope.
(2) Where the grade differential within three feet of a property line is greater than 18 inches of vertical height, or is in excess of a 2 to 1 slope, the developer shall install either a permanent concrete or masonry wall, a rock retaining wall, or other retaining type walls approved by the Building Inspection Division to provide sufficient lateral support and to control runoff waters from the elevated property. In no case shall fill be brought onto a site or that a site be excavated or graded in such a manner so as to violate the 18 inch grade differential without the installation of a permanent retaining wall or structure.
(3) In cases where the developer or property owner selects to grade the site with a 2 to 1 slope, a mechanism to divert water from adjacent properties shall be used. This mechanism shall be reviewed and approved by the Public Works Department and Building Inspection Division.
(4) Permanent yard grading for each residential structure shall provide a minimum (2%) positive slope 10 feet away from the dwelling.
(5) Permanent yard grading and coordination of yard grading between properties shall be the responsibility of the property owner.
(6) Any retaining wall within a residential or commercial development which has a grade difference of greater than four feet shall require a building permit from the City Building Inspection Division. Plans for the retaining wall shall be approved by the City Engineer and Building Official, who may impose additional requirements to insure that water will adequately and safely drain from above and around the subject property.

**(Ord. No. 99-09 Renumbered 03/23/1999, was 7-2-123; Ord. No. 93-09 Renumbered 03/10/1993, was 7-2-120; Ord. No. 99-29 Amended 07/09/1999)**

## 7-2-122. IMPROVEMENT OF RIGHT-OF-WAY.

Where no curb, gutter or sidewalk exists along the frontage of vacant properties proposed for development, such improvements shall be installed at the time of any new construction. Street improvements shall be required when estimated construction costs exceed $50,000 for substantial modifications to an existing site or structure. If, due to special circumstances existing on the street, the City Engineer certifies that the installation of some or all these improvements is impractical or not desirable at the time of the initial construction, he may either waive some or all of these improvements or recommend that the City Council approve a Delay Agreement for such improvements.

**(Ord. No. 93-09 Renumbered 03/10/1993, was 7-2-124; Ord. No. 99-09 Renumbered 03/23/1999, was 7-2-121)**

## 7-2-123. REFUSE SITING STANDARDS.

Every multiple family (triplex homes and greater), commercial, industrial establishment or other like uses shall provide the following:

(1) Suitable and adequate refuse storage containers which shall be closed by permanent hinged cover. The cover shall be maintained in good working order and shall be kept closed except when containers are being filled or emptied.
(2) The owner/lessee shall provide a sufficient number of containers such that refuse will be securely stored.
(3) All containers shall be kept at a location easily accessible by collection vehicles and refuse producers, with vehicle access from a paved surface. While collecting refuse, vehicles shall not obstruct any portion of the public right-of-way.
(4) All outdoor refuse collection containers shall be enclosed by a solid masonry fence with attached solid barrier access gates. A maximum of a three foot opening may be provided on the side or rear of an enclosure for pedestrian access to the refuse collection container.
(5) No refuse collection areas shall be permitted between a street property line and the minimum building setback line or within twenty feet of an adjacent residential zone boundary.

**(Ord. No. 93-09 Renumbered 03/10/1993, was 7-2-125; Ord. No. 99-09 Renumbered 03/23/1999, was 7-2-122; Ord. No. 10-20 Amended 7/12/2010)**

## 7-2-124. DEDICATION AND RESERVATION OF PARKS.

(1) Pursuant to Title 8 of the West Valley City Municipal Code, new development is required to pay a park impact fee and other impact fees that are related to the impact a new development places on the City and its resources. The City pursuant to this Section and consistent with Title 8 may accept dedication of property in an amount equal to the park impact fee or some portion of the fee in order to offset the fee.
(2) All land to be dedicated for park or recreational purposes shall be found to be suitable by the Planning Commission, the Community and Economic Development Department, and the Parks and Recreation Department as to location, parcel size and topography for the park and recreation purposes for which it is indicated in the General Plan or any planned community plan. Such purposes may include active recreation facilities such as playgrounds, playfields, pedestrian or bicycle paths, areas of particular natural beauty and wooded areas to be developed or left in their natural state.
(3) When park or recreational facilities approved for dedication are completed and accepted, a deed shall be conveyed to the City, after which the supervision and maintenance shall be the responsibility of the City. When park or recreational facilities are reserved, the developer shall establish conditions as to ownership, maintenance and use of such areas as deemed necessary by the Planning Commission to assure preservation of the intended use.
(4) The provisions of this Section shall not normally apply to commercial or industrial developments; however, the Planning Commission may recommend as a condition of approval, that a commercial or industrial developer dedicate to the City that portion of a stream bed or drainage channel falling within an industrial development when such portion forms part of an open space network designated in the General Plan or a planned community plan.
(5) In addition to subdivisions, the provisions of this Section requiring the payment of a fee, or dedication in lieu of a fee, shall apply to all residential developments which require conditional use approval. Such developments shall include, but not be limited to, condominiums, planned

unit developments, dwelling groups, and mobile home parks. The percentage of credit shall be determined by the Planning Commission prior to final approval of a development plan. The fee shall be paid prior to issuance of a building permit for the first dwelling unit in the development.

(6) If the subdivider or developer feels that the impact of the proposed subdivision or other residential development is substantially different than that presumed by this Section, the subdivider or developer may apply for a hearing before the Planning Commission to request a modification of the fee in lieu of the dedication requirement of this Section. The request for the hearing shall be made prior to final approval by the Planning Commission of the subdivision or conditional use approval of the residential development. The Planning Commission may recommend the modification only if the subdivider or developer proves that what is required under this Section bears no reasonable relationship to the need for parks and recreation facilities created by the subdivision or development. If the Planning Commission recommends such a modification, the request shall be submitted to the City Council for final determination. If the Planning Commission finds that no modification is warranted, that finding may be appealed as provided herein.

**(Ord. No. 93-09 Renumbered 03/10/1993, was 7-2-126; Ord. No. 99-09 Renumbered 03/23/1999, was 7-2-123; Ord. No. 02-29 Amended 05/30/2002)**

## 7-2-125. SWIMMING POOLS.

(1) Private swimming pools shall be allowed provided they can meet the following standards:
   a. Pools shall be located not closer than 5 feet to any side or rear yard property line.
   b. Pool areas shall be secured by a six-foot fence with a self-closing and self-latching gate.

(2) Tennis courts and other similar uses shall be allowed in rear yards, placed at least 30 feet from any dwelling on an adjoining lot and maintain at least a 10-foot setback from any property line.

**(Ord. No. 93-09 Renumbered 03/10/1993, was 7-2-126; Ord. No. 99-09 Renumbered 03/23/1999, was 7-2-124; Ord. No. 11-18 Amended 08/29/2011; Ord. No. 12-29 Amended 07/02/12)**

## 7-2-126. DIVISION OF TWO-FAMILY DWELLING.

(1) Upon certification by the Zoning Administrator, a legally existing two-family dwelling may be divided into attached single-family dwellings by dividing the lot. Each dwelling shall conform to all building, fire, health, parking and all other applicable requirements. If the two-family dwelling has not been altered from when it was first constructed, the current setback, parking, lot width, and lot area requirements may be waived. An application for lot division certification shall be accompanied by a survey, prepared by a registered surveyor, showing lot dimensions, buildings, parking and any other information deemed necessary by the Zoning Administrator. The Zoning Administrator may attach conditions to certification consistent with the purpose of this Title. Any sale, prior to the certification provided for above, dividing a lot occupied by a two-family dwelling, shall be a misdemeanor.

(2) In addition to the requirements listed above in paragraph 1 of this Section, the requirements listed below shall also apply to an application to divide a two-family dwelling. The required improvements and any needed maintenance shall be completed prior to the property being divided.

a. The property shall be inspected by the City to verify compliance with the maintenance standards found in Sections 24-7-103 through 24-7-106 and in Section 7-2-118 (6) of the City Code prior to the property being divided.
b. An automatic irrigation system shall be provided for all landscaped areas.
c. At least 25 points worth of improvements from the following list shall be made to the property. If the property has already been improved with all of the improvements listed below, no other improvements shall be required.
    i. Installing rain gutters (5 points)
    ii. Upgrading to double or triple pane vinyl windows (10 points)
    iii. Replacing evaporative coolers with central air (10 points)
    iv. Installing landscaping that exceeds the standards in Section 24-7-103 (10 points)
    v. Upgrading the siding from wood or aluminum to fiber cement siding (hardie plank/board), stucco, rock or brick. (20 points)
    vi. Adding shutters to windows on at least the front façade (5 points)
    vii. Adding a brick or stone wainscot on at least the front elevation (10 points)
    viii. Installing a covered porch or covered entrance over each front door (10 points)
    ix. Installing screen doors on each front door (5 points)
    x. Adding a carport or garage for each unit that meets the appropriate setbacks and is not placed in the front yard (20 points)
    xi. Adding articulation to a simple gable roof by adding hips, gables on the front, or other means acceptable to City staff (20 points)
    xii. Replacing carports or garages in the front yard with carports or garages in the side or rear yard that meet the appropriate setbacks (20 points)

**(Ord. No. 99-09 Renumbered 03/23/1999; Ord. No. 08-60 Amended 01/26/2009)**

## 7-2-127. CONVEYANCE OF WATER RIGHTS TO CITY.

(1) The owner or developer of any real property to be developed within the City, prior to the issuance of a building permit or approval of a final plat or development plan, shall identify all interests in water on the property. If the owner or developer of such property is also the owner of such interests in water, such interests shall be conveyed to the City prior to the issuance of a building permit or approval of a final plat or development plan. At the discretion of the City, either the City shall pay to the owner of such interests the fair market value of such interests, or the conveyance shall be made in lieu of the payment of flood control fees or park acquisition and development fees, to an amount equal to the fair market value of the interests in water at the time of the conveyance. Where the fair market value of the interests exceeds the total cost of flood control fees or park acquisition and development fees for which the owner or developer is responsible, the City shall pay to the owner or developer the difference between the total flood control fee or park acquisition and development fee and the fair market value of the interests in water, as such value is determined by the City at the date of conveyance of the interests in the water to the City.
(2) For purposes of this Chapter, "interests in water on the property" or "interest in water on the property" shall mean any interest in water, whether such interest be in the form of stock in a water or irrigation company, an interest existing by deed, an interest acquired through prior appropriation, or an interest acquired through other means, which interest in water has traditionally been used on the property, conveyed with the property from prior owners, or in any way related to the property to be developed.

(3) The fair market value of any interest in water to be conveyed to the City under this Chapter shall be determined as follows:

a. The fair market value to be paid for any interest in water to be conveyed under this Chapter shall be determined by the City Council and set forth in the Consolidated Fee Schedule.

b. Should the owner of any interest in water disagree with the fair market value of the specific interest as determined by the Public Works Department based on the Consolidated Fee Schedule, the owner may appeal the determination to the City Council. The City Council shall hold a hearing in which the owner of the interest may present evidence regarding the owner's opinion as to the value of the interest. The appeal by the owner shall be filed with the City Council within 30 days following the City staff's written determination of the fair market value of the interest in the owner's water to be conveyed to the City. The determination of the City Council with respect to the fair market value of the interest in water shall be final. Any final determination of the City Council may be appealed to district court for review. The notice of appeal must be filed within 30 days of the issuance of the final determination of the City Council. The review by the district court shall be on the record of the City Council.

c. Pending the appeal to the City Council, the application to develop real property may proceed concurrent with the appeal process if the owner or developer making application for development conveys the interest in water to the City, either for payment of the fair market value of the interest, or for the in lieu of credit, as such value is determined by the Public Works Department based on the Consolidated Fee Schedule. If the City Council finds that the fair market value of the specific interest as determined by the Public Works Department should be increased, the City shall, in its discretion, either pay to the owner of the interest the difference between the value determined by the Public Works Department and the value determined by the City Council, or further credit the flood control fee or park acquisition and development fee obligation of the owner or developer relative to the property to be developed. In no case shall the City Council find that the fair market value of the interest in water be less than that determined by the Public Works Department.

**(Ord. No. 94-80 Renumbered & Amended 09/08/1994, 18-4-603; Ord. No. 99-09 Renumbered 03/23/1999)**

## 7-2-128. OUTSIDE STORAGE.

In residential and agriculture zones, there shall be no outside storage of materials, equipment, household items, garbage, junk, refuse, rubbish, residential solid waste, construction or demolition waste; other spent, useless, worthless, or discarded materials, or materials stored or accumulated for the purpose of discarding, or materials not being used for their original intended purpose. All such materials must be stored in a completely enclosed structure such as a garage or shed. Agriculture equipment used on the property is excluded.

**(Ord. No. 01-32 Enacted 06/07/2001)**

## 7-2-129. DEVELOPMENT AGREEMENTS.

A development agreement may be negotiated and executed between a developer and the City to set forth the specific requirements, elements and any other aspects of a development. All development agreements, upon proper execution, shall be recorded with the Salt Lake County Recorder's Office, shall run with the land, and shall be binding on any subsequent owners, successors or assigns of the person entering into the agreement.

**(Ord. No. 02-08 Add 02/05/2002)**

## 7-2-130. CARGO CONTAINERS AND TEMPORARY RESIDENTIAL STORAGE CONTAINERS

(1) Cargo containers are not allowed in residential zones.
(2) Cargo containers may be used in agricultural zones provided the following conditions are met:
    a. The cargo container shall be located in the rear yard and meet the minimum required setbacks;
    b. The cargo container shall be painted a solid neutral color such that all insignia, writing, or numbers on the cargo container are masked;
    c. The cargo container is used for storage purposes only;
    d. A minimum of one acre is required for each cargo container, with a maximum of two cargo containers allowed per lot.
    e. Cargo containers shall comply with all applicable building codes.
(3) The use of temporary storage containers in agriculture and residential zones is prohibited except for when they are used for moving purposes or construction and remodeling purposes as described in 7-2-116(1). When a temporary residential storage container is used, it shall be:
    a. Located out of the public right-of-way,
    b. Located on the subject property private driveway, unless used for new home construction or remodeling where the storage container may be located anywhere on the subject property provided it is not located on existing landscape.
    c. Used for a maximum of 2 weeks (14 days) for moving purposes.
(4) Temporary residential storage containers may be used for remodeling and construction purposes for a maximum of six (6) months in conjunction with a valid West Valley City building permit on the subject property.

**(Ord. No. 07-63 Added 10/23/2007; Ord. No. 13-17 Amended 4/26/2013)**

## 7-2-131. ALTERNATIVE FINANCIAL SERVICE PROVIDER REGULATIONS

Regardless of the zoning district in which it is located, an Alternative Financial Service Provider shall be subject to the following restrictions:

(1) No Alternative Financial Service Provider shall be located within 500 feet of any residential zone or use.
(2) No Alternative Financial Service Provider shall be located within 1,000 feet of any other Alternative Financial Service Provider.
(3) No Alternative Financial Service Provider shall be located within 500 feet of any regional shopping mall.

(4) One Alternative Financial Service Provider shall be allowed in the City for every 10,000 citizens of the City.
(5) Car Title Loan Businesses, Check Cashing Businesses, Pawnbrokers, and Unchartered Financial Service Providers are distinct land uses and cannot be substituted for one another if said uses are nonconforming.

**(Ord. No. 14-10 Enacted 1/21/2014; Ord. No. 14-41 Amended 12/01/2014)**

## 7-2-132. HOUSEHOLD PETS

(1) The following terms, when used in this Section, shall have the following meaning:
    a. "Amphibian" means any cold blooded vertebrate of the class Amphibia, such as frogs, toads, newts, or salamanders.
    b. "Animal" means any of a kingdom of living being typically differing from plants in capacity for spontaneous movement and rapid motor response to stimulation.
    c. "Arachnid" means any wingless, carnivorous arthropod of the class Arachnida, including spiders and scorpions.
    d. "Bird" means any warm blooded vertebrate of the class Aves, such as a cockatiel, parakeet, or canary.
    e. "Cat" means a domesticated cat of the species Felis catus.
    f. "Chicken" means a domestic fowl of the species Gallus domesticus.
    g. "Dog" means a domesticated dog of the species Canis familiaris.
    h. "Duck" means a domesticated web-footed swimming bird of the family Anatidae, characterized by a broad, flat bill, short legs, and depressed body.
    i. "Ferret" means a domesticated variety of the European Polecat.
    j. "Fish" means any cold-blooded, aquatic vertebrate having gills and a body covered with scales.
    k. "Hedgehog" means a domesticated hedgehog of the species Atelerix albiventris, including the African pygmy hedgehog.
    l. "Insect" means any animal of the class Insecta, such as a cricket or grasshopper.
    m. "Pot-Bellied Pig" means a Vietnamese or Chinese pot-bellied pig, spayed or neutered, and kept as a household pet, not for livestock or food purposes. Pot-bellied pigs must be less than 150 pounds, and any tusks must either be removed or kept trimmed.
    n. "Rabbit" means a rodent-like burrowing mammal of the family Leporidae.
    o. "Reptile" means any cold blooded vertebrate of the class Reptilia, such as a turtle or lizard.
    p. "Rodent" means an animal of the order Rodentia, such as a hamster or mouse.
(2) Subject to the restrictions of this Section, the following animals may be kept as Household Pets:
    a. Amphibians;
    b. Arachnids;
    c. Birds;
    d. Cats;
    e. Female chickens;
    f. Dogs;
    g. Ducks;
    h. Ferrets;
    i. Fish;
    j. Hedgehogs;

k. Insects;
l. Pot-Bellied pigs;
m. Rabbits;
n. Reptiles; and
o. Rodents.

(3) Only animals listed in subsection (2) above may be kept as Household Pets. Notwithstanding subsection (2) above, no animal prohibited by federal, state, or local law may be kept as a Household Pet. Notwithstanding subsection (2) above, no poisonous or venomous animal may be kept as a Household Pet.
(4) Notwithstanding subsection (2) above, roosters and crowing hens may not be kept as Household Pets.
(5) Household Pets shall be limited to no more than four animals per address, including no more than two cats, no more than two dogs, and no more than two pot-bellied pigs. Kittens and puppies as defined in Section 23-1-102 do not count toward these limits.
(6) All Household Pets shall be maintained, controlled, and cared for as required by federal, state, and local law, including but not limited to the provisions of the West Valley City Municipal Code regarding animal nuisances as set forth in Section 23-5-101.
(7) The provisions of this Section may be enforced as set forth in Title 10, including but not limited to the exercise of the authority set forth in Section 10-1-302. Civil penalties for violation of this Section are set forth in Section 1-2-113.

**(Ord. No. 14-19 Enacted 4/26/2014)**

## 7-2-133. MAXIMUM NUMBER OF TENANTS PERMITTED IN A RETAIL ANCHOR BUILDING

Any existing retail building that is over 25,000 square feet in area and located within the CC, C-1, C-2, C-3 or M Zone shall be limited to the number of licensed tenants existing within such building as of the effective date of this ordinance plus two additional tenants. Vacant tenant spaces within existing buildings shall be counted toward the number of tenants allowed. Temporary licenses shall not be counted toward the number of tenants allowed. The provisions of this section shall apply to all buildings or portions of buildings meeting the zone and size requirements set forth herein as of the effective date. This section shall apply even if a future subdivision of the property creates a lot or parcel containing a portion of a building smaller than 25,000 square feet.

**(Ord. No. 16-14 Enacted 4/22/2016)**

# CHAPTER 7-3
# PLANNING COMMISSION

Sections:

7-3-101. Planning Commission Established.
7-3-102. Length of Terms.
7-3-103. Chairman and Vice-Chairman.
7-3-104. Rules of Policy and Procedure.
7-3-105. Votes Required.
7-3-106. Filling Vacancies and Removal from Office.
7-3-107. Powers and Duties.

## 7-3-101. PLANNING COMMISSION ESTABLISHED.

There is hereby created a Planning Commission composed of seven members and one alternate member appointed by the City Manager with the advice and consent of the City Council. Any member may be reappointed for an additional term. There is no limit to the number of terms a member may serve.

**(Ord. No. 06-50 Amended 08/08/2006)**

## 7-3-102. LENGTH OF TERMS.

The terms of the members shall be four years. The terms of the initial members shall be staggered with two serving one year, two serving two years, and two serving three years. The seventh member added to the Commission pursuant to this Chapter shall serve from his appointment through July 1, 1986. Thereafter, all terms shall be four years. All terms shall expire on July 1.

## 7-3-103 CHAIRMAN AND VICE-CHAIRMAN.

The Planning Commission shall elect annually, during the first regularly scheduled meeting in July, a Chairperson and Vice-Chairperson who may be elected to succeed themselves. They will be elected from among the members of the Planning Commission by a majority of the total membership. Their duties and responsibilities shall be those outlined in the Planning Commission's Rules of Policy and Procedures.

## 7-3-104. RULES OF POLIC Y AND PROCEDURE.

The Planning Commission shall establish, adopt, and amend Rules of Policy and Procedure governing the conduct of meetings and operation of the Planning Commission. Upon adoption of these rules and regulations, they shall be submitted to the City Council for final approval and adoption by resolution. The Planning Commission, upon its own initiative, may amend the Rules of Policy and Procedures, and thereafter, such amendments shall be submitted to the City Council for final approval and adoption by resolution.

## 7-3-105. VOTES REQUIRED.

Four affirmative votes shall be required to pass any measure.

## 7-3-106. FILLING VACANCIES AND REMOVAL FROM OFFICE.

Any vacancy occurring on the Commission for whatever reason, shall be filled by appointment as provided in this Chapter for the unexpired term of such member whose office becomes vacant. Any member may be removed with or without cause by the City Manager with the advice and consent of the City Council. All members of the Commission shall be residents of the City.

## 7-3-107. POWERS AND DUTIES.

The Planning Commission shall:

(1) Prepare and recommend a general plan and amendments to the general plan to the City Council as provided in this Title.
(2) Recommend zoning ordinances and maps, and amendments to zoning ordinances and maps, to the City Council as provided in this Title.
(3) Administer provisions of the zoning ordinance, where specifically provided for in the zoning ordinance adopted by the City Council.
(4) Recommend subdivision regulations and amendments to those regulations to the City Council as provided in this Title.
(5) Recommend approval or denial of subdivision applications as provided in this Title.
(6) Advise the City Council on matters as directed by the City Council.
(7) Hear or decide any matters that the City Council designates, including the approval or denial of conditional use permits.
(8) Exercise any other powers:
    a. That are necessary to enable the Commission to perform its functions; or
    b. Delegated to it by the City Council.

# CHAPTER 7-4
# GENERAL PLAN

Sections:

7-4-101. General Plan.
7-4-102. Adoption and Amendment of the General Plan.
7-4-103. Effect of the General Plan on Public Uses.

## 7-4-101. GENERAL PLAN.

The document originally entitled "West Valley City General Plan," as adopted in 1993 and subsequently amended, is hereby adopted as the General Plan for the City.

## 7-4-102. ADOPTION AND AMENDMENT OF THE GENERAL PLAN.

The process for adoption or amendment to the General Plan shall be as follows:

(1) Upon completion of a General Plan for the City, or any amendment thereto, the Planning Commission shall hold a public hearing on the proposed plan or amendment. The Planning Commission shall provide reasonable notice of the public hearing at least 14 days before the date of the hearing. After the public hearing, the Planning Commission may make changes to the proposed General Plan. The Planning Commission shall then forward the proposed General Plan to the City Council.

(2) The City Council shall hold a public hearing on the proposed general plan or amendment recommended to it by the Planning Commission. The City Council shall provide reasonable notice of the public hearing at least 14 days before the date of the hearing. After the public hearing, the City Council may:
    a. Adopt the proposed general plan or amendment as recommended by the Planning Commission.
    b. Amend the proposed General Plan or amendment.
    c. Reject the proposed plan or amendment.

(3) The General Plan shall be an advisory guide for land use decisions.

## 7-4-103. EFFECT OF THE GENERAL PLAN ON PUBLIC USES.

(1) Any street, park or other public way, ground, place, or space,, publicly owned building or structure, public utility, whether publicly or privately owned, shall:
    a. Conform to the General Plan; and
    b. Be considered by the Planning Commission and after receiving the advice of the Planning Commission, be approved by the City Council as an amendment to the General Plan.

(2) Before accepting widening, removing, extending, relocating, narrowing, vacating, abandoning, changing the use, acquiring land for, or selling or leasing any street or other public way, ground, place, property, or structure, the City Council shall submit the proposal to the Planning Commission for its review and recommendations. If the City Council approves any of the items in this subsection, it shall also amend the General Plan to reflect the change.
    a. The City Council shall provide reasonable notice of the hearing at least 14 days before the date of the hearing.

b. The City Council, after public hearing and review of the recommendation of the Planning Commission, may:
    i. Adopt the zoning ordinance as proposed; or
    ii. Amend the zoning ordinance and adopt or reject the zoning ordinance as recommended by the Planning Commission; or
    iii. Reject the ordinance.

(3) Any zoning amendment disapproved by the Planning Commission may be considered by the City Council upon a filing, in writing, by the applicant, of a Notice of Application with the City Recorder within 10 days after the final decision denying the zoning amendment is made by the Planning Commission. Such notice shall set forth in detail the action and grounds upon which the applicant is aggrieved by the decision of the Planning Commission. After receiving the notice, a date for a public hearing shall be set and notice given pursuant to the provisions of this Section.

(4) Disapproval of a zoning amendment application shall preclude the filing of another application to rezone the same parcel of property, or any portion thereof to the same zone classification within one year of the date of the final disapproval of the application, unless the Planning Commission finds that there has been a substantial change in the circumstances or sufficient new evidence since the disapproval of the application to merit consideration of a second application within the one-year time period. If the applicant feels there has been a substantial change in circumstances, or sufficient new evidence, a letter requesting reconsideration of the application must be submitted to the Planning Commission setting forth the basis for the request. No appeal may be taken from a Planning Commission decision rendered pursuant to this subsection.

# CHAPTER 7-5
# ZONING

Sections:

7-5-101. Zoning Amendments.
7-5-102. Temporary Regulations.
7-5-103. Annexation.

## 7-5-101. ZONING AMENDMENTS.

(1) The City Council may, from time to time, on its own motion or pursuant to an application, amend the number, shape, boundaries or area of any zoning district, or any regulation of or within any zoning district or any other provisions of the zoning ordinances. Any such proposed amendment shall first be submitted to the Planning Commission for recommendation. Zoning amendments approved, or receiving a recommendation other than disapproval by the Planning Commission, will be considered by the City Council as provided in this Section. Applications disapproved by the Planning Commission shall not be considered by the City Council except upon written request by the applicant to the City Council, as provided in this Section.

(2) Before finally adopting any amendment recommended or approved by the Planning Commission, the City Council shall hold a public hearing.

(3) Except as provided in subsections (4) and (5) below, property within City limits may only be amended or rezoned to the following zones: A-2, A-1, A, RE, C-1, C-2, C-3, BRP, MXD, CC and M.

(4) Property within City limits may only be amended or rezoned to the RM zone if all of the following conditions are met:

a. For properties without existing structures which are proposed to be developed, the property must be a minimum of two acres and the density must not exceed twelve units per acre. For properties with existing structures proposed to be redeveloped, there is no minimum acreage requirement, but the density must not exceed twenty units per acre;

b. The property shall either i) have access and frontage on a street with a planned right-of-way width of at least 80’ (for properties under two acres) or 100’ (for properties two acres or larger) as indicated on the Major Street Plan; or ii) be adjacent to existing multifamily residential development on two sides; and

c. A development agreement must be proposed with the zone change application that addresses dwelling unit sizes, exterior materials, architecture, landscaping, and project amenities.

(5) Property within City limits may be amended or rezoned to the R-1-7, R-1-8, R-1-10, or R-1-12 zones if the property is less than two acres in area as of the effective date of this ordinance. Properties under two acres created or subdivided after the effective date of this ordinance shall not be eligible to apply for the R-1-7, R-1-8, R-1-10, or R-1-12 zones.

**(Ord. No. 15-27 Amended 8/13/2015; Ord. No. 15-34 Amended 11/17/2015)**

## 7-5-102. TEMPORARY REGULATIONS.

(1) a. The City Council may, without a public hearing, enact ordinances establishing temporary zoning regulations for any part or all of the areas within the City if:

i. The City Council makes a finding of compelling, countervailing public interest; or
ii. The area is unzoned.

b. A temporary zoning regulation under Subsection 1(a) may prohibit or regulate the erection, construction, reconstruction, or alteration of any building or structure or subdivision approval.

c. A temporary zoning regulation under Subsection 1(a) may not impose an impact fee or other financial requirement on building or development.

(2) The City Council shall establish a period of limited effect for each ordinance not to exceed six months.

(3) a. The City Council may, without a public hearing, enact an ordinance establishing a temporary zoning regulation prohibiting construction, subdivision approval, and other development activities within an area that is the subject of an Environmental Impact Statement or a Major Investment Study examining the area as a proposed highway or transportation corridor.

b. A zoning regulation under Subsection 3(a):

i. May not exceed six months in duration;
ii. May be renewed, if requested by the Utah Transportation Commission created under Section 63-49-10, Utah Code Annotated 1953, as amended, for up to two additional six-month periods by ordinance enacted before the expiration of the previous zoning regulation; and
iii. Notwithstanding Subsections 3(b)(i) and (ii), is effective only as long as the Environmental Impact Statement or Major Investment Study is in progress.

**(Ord. No. 97-65 Amended 12/09/1997)**

## 7-5-103. ANNEXATION.

(1) The City Council may assign a zoning designation to territory annexed to the City at the time the territory is annexed.

(2) If the City Council does not assign a zone to territory at the time it is annexed, the territory annexed to the City shall be zoned according to the zone of the City with which it has the longest common boundary.

# CHAPTER 7-6
# ZONES AND DISTRICTS

Sections:


7-6-101. Establishment of Zones.
7-6-102. Maps.
7-6-103. Filing of Ordinance and Maps.
7-6-104. Rules for Locating Boundaries.
7-6-200P Part 2 – Agricultural Zones
7-6-201. Purpose.
7-6-202. Permitted Uses.
7-6-203. Conditional Uses.
7-6-204. Area Regulations.
7-6-205. Width Regulations.
7-6-206. Side Yard Regulations.
7-6-207. Front Yard Regulations.
7-6-208. Rear Yard Regulations.
7-6-209. Setback Standards.
7-6-210. Height Regulations.
7-6-211. Livestock Limitations.
7-6-212. Agricultural Area Modification.
7-6-213. Repealed.
7-6-214. Site Development.
7-6-215. Additional Turf Farm Equipment Manufacturing Standards.
7-6-216. A-2 Zone.
7-6-217. Reserved.
7-6-218. Reserved.
7-6-219. Reserved
7-6-220. Parking Restrictions.
7-6-221. Subdivision Standards.
7-6-300P Part 3 – Single Family Residential Zones
7-6-301. Purpose.
7-6-302. Zone Designations.
7-6-303. Permitted Uses.
7-6-304. Conditional Uses.
7-6-305. Minimum Lot and Setback Requirements.
7-6-306. Height Restrictions.
7-6-307. Parking Restrictions.
7-6-308. Site Development.
7-6-400P Part 4 – Residential Zone R-2-6.5
7-6-401. Purpose.
7-6-402. Permitted Uses.
7-6-403. Conditional Uses.
7-6-404. Area Regulations.
7-6-405. Width Regulations.
7-6-406. Side and Rear Yard Regulations.
7-6-407. Front Yard Regulations.

7-6-408. Repealed.
7-6-409. Height Regulations.
7-6-500P Part 5 – Residential Zone R-2-8
7-6-501. Purpose.
7-6-502. Permitted Uses.
7-6-503. Conditional Uses.
7-6-504. Area Regulations.
7-6-505. Width Regulations.
7-6-506. Side Yard Regulations.
7-6-507. Front Yard Regulations.
7-6-508. Rear Yard Regulations.
7-6-509. Height Requirements.
7-6-600P Residential Estate Zone (“RE Zone”).
7-6-601. Purpose.
7-6-602. Permitted Uses.
7-6-603. Conditional Uses.
7-6-604. Minimum Lot Size, Frontage and Setback Requirements.
7-6-605. Landscaping Standards.
7-6-606. Landscaping Bonds Required.
7-6-607. Parking Restrictions.
7-6-608. Subdivision Standards.
7-6-609. Planned Unit Development “PUD” Standards.
7-6-700P Part 7 – Residential Zone R-4-8.5
7-6-701. Purpose.
7-6-702. Permitted Uses.
7-6-703. Conditional Uses.
7-6-704. Area Regulations.
7-6-705. Width Regulations.
7-6-706. Side Yard Regulations.
7-6-707. Front Yard Regulations.
7-6-708. Rear Yard Regulations.
7-6-709. Height Regulations.
7-6-800P Part 8 – Residential Zone RM
7-6-801. Purpose.
7-6-802. Permitted Uses.
7-6-803. Conditional Uses.
7-6-804. Area Regulations.
7-6-805. Width Regulations.
7-6-806. Side Yard Regulations.
7-6-807. Front Yard Regulations.
7-6-808. Rear Yard Regulations.
7-6-809. Height Regulations.
7-6-810. Coverage Regulations.
7-6-900P Part 9 – Residential Mobile Home (RMH) Zone
7-6-901. Purpose.
7-6-902. Permitted Uses.
7-6-903. Conditional Uses.
7-6-904. Standards for Mobile Home Subdivision.

7-6-905. Area Regulations.
7-6-906. Width Regulations.
7-6-907. Side Yard Regulations.
7-6-908. Front Yard Regulations.
7-6-909. Rear Yard Regulations.
7-6-910. Coverage Regulations.
7-6-911. Exception to Yards.
7-6-912. Height Regulations.
7-6-913. Special Regulations.
7-6-914. Subdivision Review Procedure.
7-6-1000P Part 10 – Commercial Zones
7-6-1001. Purpose.
7-6-1002. Schedule of Uses.
7-6-1003. Setback Standards.
7-6-1004. Height Standards.
7-6-1005. Area and Location Standards.
7-6-1006. Vehicular Circulation and Parking.
7-6-1007. Screening.
7-6-1008. Landscaping.
7-6-1009. General Provisions.
7-6-1010. Penalty.
7-6-1011. Spacing Requirements for Alcohol Establishments.
7-6-1012. Additional Regulations of Restaurants, Dance Halls, Concert Halls, Reception Centers and Club Licensees.
7-6-1100P Part 11 – Manufacturing Zone
7-6-1101. Purpose.
7-6-1102. Permitted Uses.
7-6-1103. Conditional Uses.
7-6-1104. Setback Standards.
7-6-1105. Height Standards.
7-6-1106. Site Development Standards.
7-6-1107. Vehicular Circulation and Parking.
7-6-1108. Additional Regulations of Restaurants, Dance Halls, Concert Halls, Reception Centers and Club Licensees.
7-6-1109. Additional Regulation of Detention Facility/Jails
7-6-1200P Part 12 – Business/Research Park Zone
7-6-1201. Purpose.
7-6-1202. Concept Plan and Site Plan Review.
7-6-1203. Overall Conceptual Plan Requirements.
7-6-1204. Permitted Uses.
7-6-1205. Design Standards.
7-6-1206. Yard Requirements.
7-6-1207. Height Regulations.
7-6-1208. Area Regulations.
7-6-1300P Part 13 – Residential/Business (RB) Zone
7-6-1301. Purpose.
7-6-1302. Permitted Uses.
7-6-1303. Conditional Uses.

7-6-1304. Signs.
7-6-1305. Frontage Standards.
7-6-1306. Setback Standards.
7-6-1307. Coverage Standards.
7-6-1308. Landscaping Standards.
7-6-1309. Screening.
7-6-1310. Height Standards.
7-6-1311. Design Review.
7-6-1312. Parking Standards.
7-6-1313. Area Regulations.
7-6-1400P Repealed.
7-6-1401. Repealed.
7-6-1402. Repealed.
7-6-1403. Repealed.
7-6-1404. Repealed.
7-6-1405. Repealed.
7-6-1406. Repealed.
7-6-1407. Repealed.
7-6-1408. Repealed.
7-6-1409. Repealed.
7-6-1410. Repealed.
7-6-1411. Repealed.
7-6-1500P Part 15 – Mixed Use Zone (MXD)
7-6-1501. Purpose.
7-6-1502. Project Evaluation.
7-6-1503. Site Characteristics.
7-6-1504. Development Plan.
7-6-1505. Development Characteristics.
7-6-1506. Development Procedures.
7-6-1600P Part 16 – City Center Zone (CC)
7-6-1601. Purpose.
7-6-1602. Definitions.
7-6-1603. Applicability.
7-6-1604. Development Review.
7-6-1605. Standards for all Properties.
7-6-1606. Standards for Lehman Avenue.
7-6-1607. Standards for Market Street.
7-6-1608. Standards for Constitution Blvd. (2700 West) and 3500 South.
7-6-1609. Repealed.
7-6-1610. Standards for 3650 South.
7-6-1601.1 Standards for Weigh Station Road and Three Mill Lane.
7-6-1611. Non-conforming Use of Structures and Land.
7-6-1612. Food Vending Vehicles on Lehman Avenue.

## 7-6-101. ESTABLISHMENT OF ZONES.

For the purpose of this Title, the City is divided into 24 classes of zones as follows:

Agricultural Zone:
- A
- A-1
- A-2

Residential Zones:
- RE
- R-1-4
- R-1-6
- R-1-7
- R-1-8
- R-1-10
- R-1-12
- R-1-15
- R-1-20
- R-2-6.5
- R-2-8
- RM
- RMH

Commercial Zones:
- C-1
- C-2
- C-3

Manufacturing Zone:
- M

Business Research Park Zone:
- B/RP

Residential Business Zone:
- RB

Mixed Use Zone:
- MXD

City Center Zone:
- CC

**(Ord. No. 94-109 Amended 12/20/1994; Ord. No. 06-69 Amended 10/24/2006; Ord. No. 15-27 Amended 08/13/2015)**

## 7-6-102. MAPS.

Each section of the City, which is hereby amended or zoned, is shown on the maps on file with the West Valley City Planning Commission, and such maps are made by this reference, as such, a part of this Title as if fully described and detailed herein.

## 7-6-103. FILING OF ORDINANCE AND MAPS.

This Title and the maps shall be filed in the custody of the City Recorder of the City, and may be examined by the public subject to any reasonable regulations established by the City Recorder.

## 7-6-104. RULES FOR LOCATING BOUNDARIES.

Where uncertainty exists as to the boundary of any zone, the following rules shall apply:

(1) Wherever the zone boundary is indicated as being approximately upon the center line of a street, alley or block, or along a property line, then, unless otherwise definitely indicated on the map, the center line of such street, alley or block, or such property line, shall be construed to be the boundary of such zone.

(2) Whenever such boundary line of such zone is indicated as being approximately at the line of any river, irrigation canal or other waterway or railroad right-of-way, or public park, or other public land or any section line, then, in such case, the center of such stream, canal or waterway, or of such railroad right-of-way, or the boundary line of such public land or such section line shall be deemed to be the boundary of such zone.

## 7-6-200P PART 2 - AGRICULTURAL ZONES

## 7-6-201. PURPOSE.

The purpose of these zones is to provide areas in the City for agricultural uses, together with rural or very low-density residential development.

**(Ord. No. 94-109 Amended 12/20/1994)**

## 7-6-202. PERMITTED USES.

The following are permitted uses in the A or A-1 zones; no other permitted uses are allowed, except as provided in Section 7-2-115:

(1) Agriculture
(2) Community uses
(3) Fruit and vegetable stands - seasonal
(4) Home occupations - minor
(5) Noncommercial raising, training and grazing of animals (see Section 7-6-211)
(6) Signs (see Title 11 - Sign Ordinance)
(7) Single-family dwellings
(8) Uses customarily accessory to listed permitted uses
(9) Household pets
(10) Temporary non-residential buildings

**(Ord. No. 94-62 Amended 07/27/1994; Ord. No. 94-109 Amended 12/20/1994; Ord. No. 97-22 Amended 04/22/1997; Ord. No. 97-65 Amended 12/09/1997; Ord. No. 06-69 Amended 10/24/2006; Ord. No. 06-81 Amended 12/05/2006)**

## 7-6-203. CONDITIONAL USES.

The following are conditional uses in the A, A-1, and A-2 Zones; no other conditional uses are allowed, except as provided in Section 7-2-115:

(1) Day care/preschool centers in conjunction with a church
(2) Home occupations - major
(3) Residential facilities for elderly persons

(4) Public utility installations (except lines and rights-of-way)
(5) Radio and television transmission antennas, transmitting stations and related facilities
(6) Commercial raising, rental, stabling, training and grazing of animals
(7) Equestrian schools; horse riding schools; outdoor arenas
(8) Boarding kennels; sportsman's kennels; veterinary hospitals
(9) Turf Farm Equipment Manufacturing

**(Ord. No. 97-22 Amended 04/22/1997; Ord. No. 97-65 Amended 12/09/1997; Ord. No. 01-41 Amended 06/21/2001; Ord. No. 06-69 Amended 10/24/2006; Ord. No. 06-81 Amended 12/05/2006; Ord. No. 13-18 Amended 4/26/2013; Ord. No. 15-27 Amended 08/13/2015)**

## 7-6-204. AREA REGULATIONS.

(1) For the A zone, the minimum lot area shall be one-half acre, with the following exceptions:
    a. For veterinary hospitals, kennels, and animal training, one acre shall be required.
    b. For agricultural industry, radio and television facilities, and condominiums/planned unit developments, five acres shall be required.
    c. For turf farm equipment manufacturing, 5 acres shall be required.
(2) For the A-1 zone, the minimum lot area shall be one acre.

**(Ord. No. 94-62 Amended 07/27/1994; Ord. No. 94-109 Amended 12/20/1994; Ord. No. 13-18 Amended 4/26/2013)**

## 7-6-205. WIDTH REGULATIONS.

The minimum width of any lot shall be 100 feet.

## 7-6-206. SIDE YARD REGULATIONS.

(1) Dwellings and accessory buildings: The minimum side yard shall be 10 feet. On corner lots, the side yard which faces a public or private street shall be 20 feet. Minimum side yard provisions of this section shall apply to all structures.
(2) Radio and television transmission antennas: The minimum side yard shall be equal to the height of the antenna, plus 30 feet.

**(Ord. No. 06-69 Amended 10/24/2006)**

## 7-6-207. FRONT YARD REGULATIONS.

The minimum front yard for all buildings shall be 30 feet. The minimum front yard for transmission antennas shall be the same as the side yard listed above.

**(Ord. No. 06-69 Amended 10/24/2006)**

## 7-6-208. REAR YARD REGULATIONS.

(1) The minimum rear yard for main buildings shall be 30 feet, and for accessory buildings, 10 feet. The minimum rear yard for transmission antennas shall be the same as the side yard.

(2) All structures or enclosures for the keeping of animals shall be located a minimum of 40 feet from any dwelling. If no dwelling exists, such structures or enclosures shall be located a minimum of 100 feet from any public street. Structures or enclosures shall include stables, barns, pens, coops, corrals or kennels.

**(Ord. No. 06-69 Amended 10/24/2006)**

## 7-6-209. SETBACK STANDARDS.

Existing agriculture lots which have an area less than one-half acre may apply the single family setback standards for accessory buildings. If the single family setback standards are applied, the accessory building shall comply with the area requirements and shall be subordinate in height and area to the single family dwelling. This exception does not apply to structures used for the keeping of animals.

**(Ord. No. 01-41 Amended 06/21/2001; Ord. No. 06-69 Amended 10/24/2006; Ord. No. 10-39 Amended 01/06/2011)**

## 7-6-210. HEIGHT REGULATIONS.

(1) Residential main buildings and accessory buildings: Not more than two and one-half stories or 35 feet, or less than one story.
(2) Transmission antennas: No restriction on height provided that the antennas shall be set back from all property lines a distance equal to the height of the antenna plus 30 feet.
(3) Agricultural and other main or accessory buildings: Not more than two and one-half stories or 35 feet.

**(Ord. No. 01-41 Amended 06/21/2001; Ord. No. 06-69 Amended 10/24/2006)**

## 7-6-211. LIVESTOCK LIMITATIONS.

The maintenance and keeping of livestock on a lot or parcel of land in an agricultural A or A-1 zone as a permitted use shall be limited to a total of 200 animal points per acre, as determined from the chart below. For land not totaling even acre amounts, points will be allotted by multiplying the fractional amount of land times 200. (Example: A 3/4 acre parcel would be figured as follows: .75 x 200, equaling 150 allotted points.)

| TYPE OF ANIMAL | NUMBER OF POINTS PER ANIMAL |
|---|---|
| Large Sized Adult Over 1 Year of Age:<br>(Over 40 inches in height at top of shoulders)<br>Horse<br>Cattle<br>Llama<br>Ostrich<br>Camel<br>Bison<br>Etc. | 40 |
| Medium Sized Adult Over 1 Year of Age:<br>(20 to 40 inches in height at top of shoulders) | 20 |

| | |
|---|---|
| Miniature Cattle<br>Pig<br>Miniature Horse<br>Sheep<br>Goat<br>Emu<br>Rhea<br>Etc. | |
| Small Sized Adult Over 4 Months of Age:<br>(Less than 20 inches in height at top of shoulders)<br>Chicken<br>Goose<br>Swan<br>Parrot<br>Pigeon<br>Rabbit<br>Chinchilla<br>Peafowl<br>Etc. | 1 |

Additional review by the Planning Commission may be allowed to permit greater numbers of animals or fowl, depending on available facilities such as shelter, exercise, or sanitation.

All livestock shall be fenced appropriately.

**(Ord. No. 94-109 Enacted 12/20/1994; Ord. No. 95-39 Amended 08/24/1995; Ord. No. 01-41 Amended 06/21/2001)**

## 7-6-212. AGRICULTURAL AREA NOTIFICATION.

All new subdivisions shall include the following notification on the plat:
"This area is subject to the normal, everyday sounds, odors, and all other aspects associated with an agricultural life style."

**(Ord. No. 95-39 Enacted 08/24/1995; Ord. No. 01-41 Renumbered 06/21/2001)**

## 7-6-213. REPEALED.

**(Ord. No. 94-109 Enacted 12/20/1994; Ord. No. 95-39 Renumbered 08/24/95, 7-6-211; Ord. 01-41 Amended, 06/21/2001; Ord. 02-43, Amended 07/16/2002; Ord. No. 06-69 Repealed 10/24/2006)**

## 7-6-214. SITE DEVELOPMENT.

Site development on agricultural lots with single-family dwellings shall conform to Section 7-14-105 of this Title.

**(Ord. No. 06-69 Added 10/24/2006)**

## 7-6-215. ADDITIONAL TURF FARM EQUIPMENT MANUFACTURING STANDARDS.

(1) All assembly, repair, storage and maintenance must be conducted within an enclosed structure.
(2) The total area dedicated to this use within a structure or structures shall not exceed 25,000 square feet.
(3) Must provide a hard surface access to the facility and hard surface parking for employees and customers.

(4) All structures used for this purpose must be setback at least 75' from any residential zone boundary.

**(Ord. No. 13-18 Enacted 04/26/2013)**

## 7-6-216. A-2 ZONE.

The A-2 zone shall be identical to the A and A-1 zones in all respects and requirements, except for the minimum lot size. The minimum lot size for the A-2 Zone is 2 acres.

**(Ord. No. 15-27 Enacted 08/13/2015)**

## 7-6-217. RESERVED.

## 7-6-218. RESERVED.

## 7-6-219. RESERVED.

## 7-6-220. PARKING RESTRICTIONS

Parking required by this Title shall not be allowed within the minimum required front or side yard setback adjacent to a public or private street.

**(Ord. No. 15-27 Enacted 08/13/2015)**

## 7-6-221. SUBDIVISION STANDARDS

(1) Only single family dwellings are permitted.
(2) A Home Owners Association ("HOA") shall be established when one or more 6' masonry walls are required to be constructed. The HOA shall be responsible for the landscaping maintenance of the property between the 6' masonry wall and the sidewalk.
(3) When a new street is constructed, at least one entry feature shall be required. The entry feature shall incorporate the name and/or logo of the development, use brick or stone in the design, and include at least fifty square feet of landscaping.
(4) Traffic calming features must be incorporated in the design of the streets.
(5) The front yard setbacks for adjacent homes shall vary by at least 2', but in no event shall any front yard setback be less than 30'.

(6) Landscaping on all park strips, common areas, and property between the masonry walls and sidewalks shall be completed on or before the time at which 50% of the Certificates of Occupancy have been issued for the development.

**(Ord. No. 15-27 Enacted 08/13/2015)**

## 7-6-300P PART 3 - SINGLE FAMILY RESIDENTIAL ZONES

## 7-6-301. PURPOSE.

The purpose of this zone is to provide areas in the City for large lot to low density single-family residential development.

**(Ord. No. 06-69 Amended 10/24/2006)**

## 7-6-302. ZONE DESIGNATIONS.

The designations R-1-4, R-1-6, R-1-7, R-1-8, R-1-10, R-1-12, R-1-15 and R-1-20 shall represent specific identifying characteristics of each zone. "R" indicates the zone is designated for residential use. The number "1" to the right of the "R" shall indicate that the zone is designated for single-family dwellings and the numbers "4," "6," "7," "8", "10", “12”, “15” and “20” shall indicate the requirement that each single-family dwelling be located on a lot measuring 4,000, 6,000, 7,000, 8,000 or 10,000 square feet, respectively.

**(Ord. No. 06-69 Amended 10/24/2006)**

## 7-6-303. PERMITTED USES.

The following are permitted uses in all single-family residential zones; no other permitted uses are allowed, except as provided in Section 7-2-115:

(7) Agriculture
(8) Community Uses
(9) Home occupations - Minor
(10) Household pets
(11) Signs (see Title 11 - Sign Ordinance)
(12) Single-family dwellings
(13) Temporary non-residential buildings
(14) Uses customarily accessory to listed permitted uses

**(Ord. No. 06-69 Amended 10/24/2006; Ord. No. 06-81 Amended 12/05/2006)**

## 7-6-304. CONDITIONAL USES.

The following are conditional uses in all single-family residential zones; no other conditional uses are allowed, except as provided in Section 7-2-115:

(1) Condominiums; planned unit developments
(2) Public utility installations (except lines and rights-of-way)
(3) Residential facilities for elderly persons

(4) Day-care/preschool centers in conjunction with a church
(5) Home occupations – Major
(6) Crisis Nursery and Counseling Center

**(Ord. No. 97-65 Amended 12/09/1997; Ord. No. 06-69 Amended 10/24/2006; Ord. No. 06-81 Amended 12/05/2006; Ord. No. 07-48 Amended 08/21/2007)**

## 7-6-305. MINIMUM LOT AND SETBACK REQUIREMENTS.

(1) The following shall be the minimum lot areas, widths and setbacks in single-family residential zones:

| Zone | Lot Area | Lot Width | F | S | Garage Side | R |
|---|---|---|---|---|---|---|
| R-1-4 | 4,000 S.F. | 50' | 25' | 0' | 10' | 20' |
| R-1-6 | 6,000 S.F. | 65' | 25' | 6' | 10' | 20' |
| R-1-7 | 7,000 S.F. | 70' | 25' | 8' | 10' | 20' |
| R-1-8 | 8,000 S.F. | 80' | 25' | 8' | 10' | 20' |
| R-1-10 | 10,000 S.F. | 90' | 30' | 8' | 10' | 20' |
| R-1-12 | 12,000 S.F. | 90’ | 30’ | 10’ | 10’ | 30’ |
| R-1-15 | 15,000 S.F. | 95’ | 30’ | 10’ | 10’ | 30’ |
| R-1-20 | 20,000 S.F. | 100’ | 35’ | 10’ | 10’ | 30’ |

F = Front
R = Rear
S = Side

(2) For homes existing as of the effective date of this ordinance, April 18, 1990, the side yard setback may be reduced to a minimum of four feet adjacent to a garage, and five feet adjacent to a carport. The garage or carport shall be no more than one-story, must be attached to the home, shall continuously function as a storage area for vehicles and cannot be converted to living space for a dwelling.
(3) For homes constructed prior to July 8, 1986, the rear yard setback may be reduced to a minimum of 15 feet provided the home has an attached or detached double car garage.
(4) The width of lots on cul-de-sacs shall be measured at the front setback line. Such widths may be reduced a maximum of five feet from widths listed above.
(5) The width of corner lots shall be increased by 10 feet from the minimum width listed above. The minimum side yard abutting a public or private street shall be 20 feet.
(6) Accessory buildings placed in the rear yard shall meet the standards in 6(a). Accessory buildings placed in the side yard shall meet the standards in 6(b).
    a. Accessory buildings may be located in the rear yard to within one foot of the side and rear property lines if the accessory buildings comply with the following standards:

i. Accessory buildings shall be separated at least three feet from the rear of the dwelling.
ii. Accessory buildings shall not encroach upon any recorded easement.
iii. Accessory buildings shall occupy no more than 25% of the rear yard.
iv. On double frontage or corner lots, accessory buildings shall not be permitted within 20 feet of any dedicated street unless a sound wall separates the street from the accessory buildings. If a sound wall does separate the street from the accessory buildings, accessory buildings shall be at least one foot from side and rear property lines.

b. Accessory buildings placed in the side yard shall meet the setback standards in paragraph 1 of this Section. One accessory building per property is permitted to encroach in to the side yard setback, but only if it meets all of the following standards:
i. The accessory building is less than 120 square feet in area; and
ii. The accessory building is at least 1' from the side property line and 1' from the dwelling or primary building on the same lot; and
iii. The accessory building is not located in a side yard that is adjacent to a street; and
iv. The accessory building's exterior materials are constructed and maintained in accordance with West Valley City Code Section 24-7-105. No metal is allowed as an exterior material; and
v. The accessory building is no taller than 8' in height.

(7) Patio covers attached to the home may be built in accordance with the following requirements:
a. Patio covers shall meet all required side yard setbacks.
b. Attached patio covers that do not cover a deck more than 30" above finished grade may encroach into the rear yard setback.
c. Patio covers shall be no closer than five feet to the rear property line.
d. Patio covers shall not encroach on any recorded easement.
e. On double frontage or corner lots, patio covers shall not be permitted within 20 feet of any dedicated street unless a sound wall separates the street from the patio cover.
f. The patio cover and any accessory building shall occupy no more than a total of 25% of the rear yard.
g. The patio cover shall not function as a storage area for vehicles or other property.
h. No more than three feet above the finished floor elevation under the patio cover may be enclosed.
i. The patio cover shall not be converted to living space for a dwelling.
j. The patio cover shall be subordinate in height and area to the primary dwelling.

**(Ord. No. 93-65 Amended 12/02/1993; Ord. No. 94-54 Amended 06/22/1994; Ord. No. 98-45 Amended 06/09/1998; Ord. No. 99-61B Amended 10/14/1999; Ord. No. 01-42 Amended 06/21/2001; Ord. No. 06-69 Amended 10/24/2006; Ord. No. 09-33 Amended 10/29/2009; Ord. No. 10-34 Amended 11/08/2010; Ord. No. 12-28 Amended 06/28/2012; Ord. No. 16-13 04/22/2016)**

## 7-6-306. HEIGHT RESTRICTIONS.

No building or structure shall be erected to a height greater than two and one-half stories or 30 feet. No dwelling shall be constructed to a height less than one story. Height of accessory buildings shall not exceed one story or 20 feet. For each foot of height over 14 feet, accessory buildings shall be set back from property lines an additional foot to allow a maximum height of 20 feet.

## 7-6-307. PARKING RESTRICTIONS.

Parking required by this Title shall not be allowed within the minimum required front or side yard setback adjacent to a public or private street in any single-family residential zone.

## 7-6-308. SITE DEVELOPMENT.

Site development on single-family residential lots shall conform to Section 7-14-105 of this Title.

## 7-6-400P PART 4 - RESIDENTIAL ZONE R-2-6.5

## 7-6-401. PURPOSE.

The purpose of this Zone is to provide areas in the City for moderate density residential development.

## 7-6-402. PERMITTED USES.

The following are permitted uses in the R-2-6.5 Zone; no other permitted uses are allowed except as provided in Section 7-2-115:

(1) Agriculture
(2) Household pets
(3) Signs
(4) Home occupations - Minor
(5) Single-family dwellings
(6) Community uses
(7) Residential facilities for elderly persons
(8) Temporary non-residential buildings
(9) Uses customarily accessory to listed permitted uses

**(Ord. No. 06-69 Amended 10/24/2006; Ord. No. 06-81 Amended 12/05/2006)**

## 7-6-403. CONDITIONAL USES.

The following are conditional uses in the R-2-6.5 Zone; no other conditional uses are allowed except as provided in Section 7-2-115:

(1) Daycare/preschool centers in conjunction with a church
(2) Home occupations - Major
(3) Condominiums, planned unit developments
(4) Public utility installations (except lines and rights-of-way)
(5) Two-family dwellings

**(Ord. No. 97-65 Amended 12/09/1997; Ord. No. 06-69 Amended 10/24/2006; Ord. No. 06-81 Amended 12/05/2006)**

## 7-6-404. AREA REGULATIONS.

The minimum lot area shall be not less than 8,000 square feet for each one family dwelling, or 6,500 square feet for each two-family dwelling, and not less than 8,000 square feet for main buildings other than dwellings.

## 7-6-405. WIDTH REGULATIONS.

The minimum width of any lot shall be 60 feet, at a distance 25 feet back from the front lot line.

## 7-6-406. SIDE AND REAR YARD REGULATIONS.

The minimum side yard for any dwelling shall be eight feet and the total width of the two required side yards shall be not less than 18 feet. The minimum rear yard for any dwelling shall be 20 feet. Accessory buildings may be located in the rear yard to within one foot of the side and rear property lines, provided the building has at least three feet of separation from the rear of the dwelling, does not encroach on any recorded easements, and occupies no more than 25 percent of the rear yard, and is located no closer than 10 feet to a dwelling on an adjacent lot. On double frontage lots or corner lots, accessory buildings shall not be allowed within 20 feet of any dedicated street, unless a sound wall exists separating the street from the accessory building. Where a sound wall exists, the accessory building shall be at least 1 foot from the side and rear property lines.

**(Ord. No. 06-69 Amended 10/24/2006; Ord. No. 10-34 Amended 11/08/2010)**

## 7-6-407. FRONT YARD REGULATIONS.

The minimum depth of the front yard shall be 25 feet.

**(Ord. No. 06-69 Amended 10/24/2006)**

## 7-6-408. REPEALED.

**(Ord. No. 98-45 Amended 06/09/1998; Ord. No. 06-69 Repealed 10/24/2006)**

## 7-6-409. HEIGHT REGULATIONS.

No building or structure shall be erected to a height greater than two and one-half stories or 35 feet, and no dwelling structure shall be erected to a height less than one story.

## 7-6-500P PART 5 - RESIDENTIAL ZONE R-2-8

## 7-6-501. PURPOSE.

The purpose of this Zone is to provide areas in the City for medium density residential development.

**(Ord. No. 06-69 Amended 10/24/2006)**

## 7-6-502. PERMITTED USES.

The following are permitted uses in the R-2-8 Zone; no other permitted uses are allowed except as provided in Section 7-2-115:

(1) Agriculture
(2) Household pets
(3) Signs
(4) Home occupations - Minor
(5) Single-family dwellings
(6) Community uses
(7) Residential facilities for elderly persons
(8) Temporary non-residential buildings
(9) Uses customarily accessory to listed permitted uses

**(Ord. No. 06-69 Amended 10/24/2006; Ord. No. 06-81 Amended 12/05/2006)**

## 7-6-503. CONDITIONAL USES.

The following are conditional uses in the R-2-8 Zone; no other conditional uses are allowed except as provided in Section 7-2-115:

(1) Daycare/preschool centers in conjunction with a church.
(2) Home occupations - Major.
(3) Public utility installations (except lines and rights-of-way).
(4) Two-family dwellings.
(5) Condominiums, planned unit developments
(6) Twin homes

**(Ord. No. 97-65 Amended 12/09/1997; Ord. No. 01-54 Amended 11/20/2001; Ord. No. 04-63 Amended 12/21/2004; Ord. No. 06-69 Amended 10/24/2006)**

## 7-6-504. AREA REGULATIONS.

The minimum lot area shall be not less than 8,000 square feet, except for twin homes where the minimum lot size shall be not less than 4,000 square feet.

**(Ord. No. 01-54 Amended 11/20/2001; Ord. No. 04-63 Amended 12/21/2004)**

## 7-6-505. WIDTH REGULATIONS.

The minimum width of any lot except twin home lots shall be 80 feet, at a distance 30 feet back from the front lot line. For twin homes, the minimum width of any lot shall be 40 feet, at a distance 30 feet back from the front lot line.

**(Ord. No. 01-54 Amended 11/20/2001; Ord. No. 04-63 Amended 12/21/2004)**

## 7-6-506. SIDE YARD REGULATIONS.

The minimum side yard for any dwelling except a twin home shall be eight feet and the total width of the two required side yards shall be not less than 18 feet. For twin homes, the minimum side yard shall be ten feet. Other main buildings shall have a minimum side yard of 20 feet and the total width of the two yards shall be not less than 40 feet. The minimum side yard for a private garage shall be eight feet, except that private garages and other accessory buildings located in the rear and at least six feet away from the main building shall have a minimum side yard of not less than one foot, provided that no private garage or other accessory building shall be located closer than 10 feet to a dwelling on an adjacent lot. On corner lots, the side yard which faces on a street for both main and accessory buildings shall be not less than 20 feet.

**(Ord. No. 01-54 Amended 11/20/2001; Ord. No. 04-63 Amended 12/21/2004)**

## 7-6-507. FRONT YARD REGULATIONS.

The minimum depth of the front yard shall be 25 feet.

**(Ord. No. 01-54 Amended 11/20/2001; Ord. No. 06-69 Amended 10/24/2006)**

## 7-6-508. REAR YARD REGULATIONS.

The minimum depth of the rear yard for any main building shall be 20 feet, and for accessory buildings one foot. On double frontage or corner lots, accessory buildings shall not be allowed within 20 feet of any dedicated street unless a sound wall exists separating the street from the accessory building. Accessory buildings may be located in the rear yard to within one foot of the side and rear property lines, provided the building has at least three feet of separation from the rear of the dwelling, does not encroach on any recorded easements, and occupies no more than 25 percent of the rear yard, and is located no closer than 10 feet to a dwelling on an adjacent lot. On double frontage lots or corner lots, accessory buildings shall not be allowed within 20 feet of any dedicated street, unless a sound wall exists separating the street from the accessory building. Where a sound wall exists, the accessory building shall be at least 1 foot from the side and rear property lines.

**(Ord. No. 98-45 Amended 06/09/1998; Ord. No. 01-54 Amended 11/20/2001; Ord. No. 06-69 Amended 10/24/2006; Ord. No. 10-34 Amended 11/08/2010)**

## 7-6-509. HEIGHT REQUIREMENTS.

No building or structure shall be erected to a height greater than 2-1/2 stories or 35 feet, and no dwelling structure shall be erected to a height less than 1 story.

## 7-6-600P PART 6 – RESIDENTIAL ESTATE ZONE ("RE ZONE")

## 7-6-601. PURPOSE.

The purpose of this zone is to provide areas in the City for large, estate lots for single family residential development.

**(Ord. No. 98-45 (Residential Zone R-2-10H) Repealed 06/09/1998; Ord. No. 15-27 (RE Zone) Enacted 08/13/2015)**

## 7-6-602. PERMITTED USES

The following are permitted uses in the RE Zone; no other permitted uses are allowed:

(1) Agriculture
(2) Community Uses
(3) Home occupations – Minor, as defined in Title 7, Chapter 8.
(4) Household pets
(5) Signs (see Title 11 - Sign Ordinance)
(6) Single-family dwellings
(7) Temporary non-residential buildings
(8) Uses customarily accessory to listed permitted uses

**(Ord. No. 98-45 (Residential Zone R-2-10H) Repealed 06/09/1998; Ord. No. 15-27 (RE Zone) Enacted 08/13/2015)**

## 7-6-603. CONDITIONAL USES.

The following are conditional uses in the RE Zone; no other conditional uses are allowed:

(1) Public utility installations (except lines and rights-of-way)
(2) Home occupations – Major, as defined in Title 7, Chapter 8.
(3) Planned unit developments that meet the requirements of 7-6-609.

**(Ord. No. 98-45 (Residential Zone R-2-10H) Repealed 06/09/1998; Ord. No. 15-27 (RE Zone) Enacted 08/13/2015)**

## 7-6-604. MINIMUM LOT SIZE, FRONTAGE AND SETBACK REQUIREMENTS.

(1) The minimum lot size in the RE Zone is 12,000 square feet, except as provided in Section 7-6-609 of this Title. For single lot subdivisions, the single lot shall not be less than 15,000 square feet.
(2) The average lot size in the RE Zone shall be equal to or greater than 15,000 square feet, except as provided in Section 7-6-609 of this Title. For the purposes of this Section, average shall be calculated as follows: total subdivision lot square footage number divided by the total number of subdivision lots.
(3) The minimum frontage in the RE Zone is 100’ wide.
(4) The minimum front yard setback in the RE Zone is 30’. The minimum side yard setbacks in the RE Zone are 10’. Minimum side yard setbacks for corner lots are 20’.
(5) The minimum rear yard setback in the RE Zone is 30’.
(6) Accessory Buildings shall meet the setback requirements set forth in this Section 7-6-604, except for the rear yard setback, which is a minimum of 10’ for Accessory Buildings.

**(Ord. No. 98-45 (Residential Zone R-2-10H) Repealed 06/09/1998); Ord. No. 15-27 (RE Zone) Enacted 08/13/2015)**

## 7-6-605. LANDSCAPING STANDARDS.

All front yards shall be landscaped and include adequate irrigation to maintain live landscaping. All park strips and property between the 6' masonry walls and sidewalks shall be landscaped. Landscaping shall include 3 trees per frontage per lot. All landscaping required in this Section 7-6-605 shall be installed and completed within 6 months of the issuance of the Certificate of Occupancy.

**(Ord. No. 98-45 (Residential Zone R-2-10H) Repealed 06/09/1998; Ord. No. 15-27 (RE Zone) Enacted 08/13/2015)**

## 7-6-606. LANDSCAPING BONDS REQUIRED.

Landscaping bonds must be deposited with the City in accordance with 7-6-608 and 7-6-609.

**(Ord. No. 98-45 (Residential Zone R-2-10H) Repealed 06/09/1998; Ord. No. 15-27 (RE Zone) Enacted 08/13/2015)**

## 7-6-607. PARKING RESTRICTIONS.

Parking required by this Title shall not be allowed within the minimum required front or side yard setback adjacent to a public or private street.

**(Ord. No. 98-45 (Residential Zone R-2-10H) Repealed 06/09/1998; Ord. No. 15-27 (RE Zone) Enacted 08/13/2015)**

## 7-6-608. SUBDIVISION STANDARDS.

(1) Only single family dwellings are permitted.
(2) A Home Owners Association ("HOA") shall be established when one or more 6' masonry walls are required to be constructed. The HOA shall be responsible for the landscaping maintenance of the property between the 6' masonry wall and the sidewalk.
(3) When a new street is constructed, at least one entry feature shall be required. The entry feature shall incorporate the name and/or logo of the development, use brick or stone in the design, and include at least fifty square feet of landscaping.
(4) Traffic calming features must be incorporated in the design of the streets.
(5) The front yard setbacks for adjacent homes shall vary by at least 2', but in no event shall any front yard setback be less than 30'.
(6) Landscaping on all park strips, common areas, and property between the masonry walls and sidewalks shall be completed on or before the time at which 50% of the Certificates of Occupancy have been issued for the development.
(7) A landscaping bond in the amount of $5,000 per lot must be deposited with the City, naming the City as the beneficiary. The landscaping bond shall be deposited in a form acceptable to the City Attorney's Office.

**(Ord. No. 98-45 (Residential Zone R-2-10H) Repealed 06/09/1998; Ord. No. 15-27 (RE Zone) Enacted 08/13/2015)**

## 7-6-609. PLANNED UNIT DEVELOPMENT ("PUD") STANDARDS.

The minimum lot size in an RE Zone may be reduced to 10,000 square feet for PUDs provided the following standards are met:

(1) The average lot size for PUDs shall be equal to or greater than 12,000 square feet. For the purposes of this Section, average shall be calculated as follows: total PUD lot square footage number divided by the total number of PUD lots.
(2) Only single family dwellings are permitted.
(3) A Home Owners Association ("HOA") shall be established to maintain landscaping, parking areas, and other general maintenance of common areas.
(4) When a new street is constructed, at least one entry feature shall be required. The entry feature shall incorporate the name and/or logo of the development, use brick or stone in the design, and include at least fifty square feet of landscaping.
(5) Traffic calming features must be incorporated in the design of the streets.
(6) The front yard setbacks for adjacent homes shall vary by at least 2', but in no event shall any front yard setback be less than 30'.
(7) A trail system shall be required. The trail system shall provide access to, through, and between common open space areas and extend to adjoining community amenities, such as public parks and schools.
(8) A minimum of 20% of the total PUD development is required for common open space.
(9) Unique streetscapes are required comprising of, but not limited to: specialty lighting; minimum 8' wide park strips; and narrow street widths.
(10) Landscaping on all park strips, common areas, and property between the masonry walls and sidewalks shall be completed on or before the time at which 50% of the Certificates of Occupancy have been issued for the development.
(11) A landscaping bond in the amount of $5,000 per lot must be deposited with the City, naming the City as the beneficiary. The landscaping bond shall be deposited in a form acceptable to the City Attorney's Office.
(12) Amenities must be included in the PUD, with the number depending on the size of the PUD. Potential amenities include, but are not limited to: clubhouse; community garden; swimming pool; sport court; playground; pocket park; water feature; and picnic shelter and barbeque area with seating.

**(Ord. No. 98-45 (Residential Zone R-2-10H) Repealed 06/09/1998; Ord. No. 15-27 (RE Zone) Enacted 08/13/2015)**

## 7-6-700P PART 7 - RESIDENTIAL ZONE R-4-8.5

## 7-6-701. PURPOSE.

The purpose of this Zone is to provide areas in the City for medium to high density residential development.

**(Ord. No. 06-69 Amended 10/24/2006)**

## 7-6-702. PERMITTED USES.

The following are permitted uses in the R-4 Zone; no other permitted uses are allowed except as provided in Section 7-2-115:

(1) Agriculture
(2) Household pets
(3) Signs
(4) Single-family dwellings
(5) Home occupations - Minor
(6) Residential facilities for elderly persons
(7) Community uses.
(8) Temporary non-residential buildings
(9) Uses customarily accessory to listed permitted uses

**(Ord. No. 01-43 Amended 06/27/2001; Ord. No. 06-69 Amended 10/24/2006)**

## 7-6-703. CONDITIONAL USES.

The following are conditional uses in the R-4 Zone; no other conditional uses are allowed except as provided in Section 7-2-115:

(1) Daycare/preschool centers in conjunction with a church.
(2) Two-family dwellings
(3) Three-family dwellings
(4) Four-family dwellings
(5) Home occupations - Major
(6) Public utility installations (except lines and rights-of-way)
(7) Nursing homes, convalescent centers
(8) Condominiums, planned unit developments
(9) Twin homes
(10) Apartments

**(Ord. No. 97-65 Amended 12/09/1997; Ord. No. 01-43 Amended 06/27/2001; Ord. No. 06-69 Amended 10/24/2006)**

## 7-6-704. AREA REGULATIONS.

The minimum lot area shall be not less than 8,000 square feet for each one-family dwelling, a minimum lot area of 9,000 square feet for each two to four family dwelling.

**(Ord. No. 01-43 Amended 06/27/2001)**

## 7-6-705. WIDTH REGULATIONS.

The minimum width of any lot shall be 80 feet, at a distance 25 feet back from the front lot line.

**(Ord. No. 01-43 Amended 06/27/2001)**

## 7-6-706. SIDE YARD REGULATIONS.

The minimum side yard for any building shall be ten feet. On corner lots, the side yard which faces on a street for main buildings shall be not less than 20 feet unless a sound wall exists separating the street from the accessory building. Private garages and other accessory buildings located in the rear and at least six feet away from the main building shall have a minimum side yard of not less than one foot, unless a sound wall exists separating the street from the accessory building.

**(Ord. No. 01-43 Amended 06/27/2001)**

## 7-6-707. FRONT YARD REGULATIONS.

The minimum depth of the front yard for main buildings and for private garages shall be 25 feet.

**(Ord. No. 01-43 Amended 06/27/2001)**

## 7-6-708. REAR YARD REGULATIONS.

The minimum depth of the rear yard for any main building shall be 30 feet. On lots with multiple street frontages, the rear yard for main buildings shall be 30 feet. Accessory buildings shall maintain a one foot separation from property line if a sound wall exists separating the street from the accessory building.

**(Ord. No. 01-43 Amended 06/27/2001)**

## 7-6-709. HEIGHT REGULATIONS.

No building or structure shall be erected to a height greater than two and one-half stories or 35 feet, and no dwelling structure shall be erected to a height less than one story.

## 7-6-800P PART 8 - RESIDENTIAL ZONE RM

## 7-6-801. PURPOSE.

The purpose of this Zone is to provide areas in the City for medium, high and very high density residential development.

**(Ord. No. 05-44 Amended 10/04/2005)**

## 7-6-802. PERMITTED USES.

The following are permitted uses in the RM Zone; no other permitted uses are allowed except as provided in Section 7-2-115:

(1) Agriculture
(2) Community uses
(3) Household pets
(4) Signs
(5) Single-family dwellings

(6) Home occupations - Minor
(7) Residential facilities for elderly persons
(8) Temporary non-residential buildings
(9) Uses customarily accessory to listed permitted uses

**(Ord. No. 05-44 Amended 10/04/2005; Ord. No. 06-69 Amended 10/24/2006; Ord. No. 06-81 Amended 12/05/2006)**

## 7-6-803. CONDITIONAL USES.

The following are conditional uses in the RM Zone; no other conditional uses are allowed except as provided in Section 7-2-115:

(1) Apartments
(2) Day care/Preschool centers
(3) Public utility installations (except lines and rights-of-way)
(4) Home Occupations - Major
(5) Hospitals
(6) Nursing homes, convalescent center
(7) Offices - business and/or professional
(8) Parking lots
(9) Condominiums, Planned unit developments
(10) Twin homes

**(Ord. No. 97-65 Amended 12/09/97; Ord. No. 05-44 Amended 10/04/2005; Ord. No. 06-69 Amended 10/24/2006; Ord. No. 06-81 Amended 12/05/2006)**

## 7-6-804. AREA AND DENSITY REGULATIONS.

The minimum lot area shall be 8,000 square feet for each single family and twin home. The minimum lot area shall be 4,000 square feet per dwelling unit for twin homes. For all other uses, the minimum lot area shall be 20,000 square feet. The maximum density for residential uses shall be determined by the General Plan land use designation.

**(Ord. No. 05-44 Amended 10/04/2005)**

## 7-6-805. WIDTH REGULATIONS.

(1) The minimum width of any single family dwelling lot shall be the same used for the R-1-8 Zone.
(2) The minimum width of any twin home shall be the same used for the R-2-8 Zone.
(3) For all other uses, the minimum lot width shall be 100 feet.

**(Ord. No. 05-44 Amended 10/04/2005)**

## 7-6-806. SIDE YARD REGULATIONS.

(1) The minimum side yard setbacks for a single family home dwelling shall be the same as those used for the R-1-8 Zone.

(2) The minimum side yard setbacks for a twin home shall be the same as those used for the R-2-8 Zone.
(3) For all other uses, the minimum side yard setbacks shall be 10 feet, except that accessory buildings located at least six feet away from the main building(s), shall have a minimum side yard setback of no less than one foot. Garages used in apartment or condominium developments may be placed adjacent to the side property line to function as a screen wall as determined by the Planning Commission provided that no portion of the garages, including footings, encroach on neighboring properties without proper authorization. On corner lots, the side yard which faces on a street, shall be no less than 20 feet.

**(Ord. No. 05-44 Amended 10/04/2005)**

## 7-6-807. FRONT YARD REGULATIONS.

(1) For all residential uses, the minimum front yard setback shall be 25 feet except as provided below. The Planning Commission may, as part of a conditional use review, reduce the setback to no less than 15'. The Planning Commission shall use the following criteria to determine whether or not a reduced setback is appropriate:
    a. the configuration and width of the adjacent street right-of-way,
    b. the setbacks of neighboring uses,
    c. whether or not on-street parking is allowed on the adjacent street,
    d. whether or not parking will be allowed within the front yard,
    e. the quality of the landscaping proposed for the front yard, and
    f. the quality of the architecture.
(2) For all non-residential uses, the minimum front yard setback shall be 20 feet.

**(Ord. No. 05-44 Amended 10/04/2005)**

## 7-6-808. REAR YARD REGULATIONS.

(1) The minimum rear yard setback for a single family home dwelling shall be the same used for the R-1-8 Zone.
(2) The minimum rear yard setback for a twin home shall be the same used for the R-2-8 Zone.
(3) For all other uses, the minimum rear yard setback shall be 20 feet, except that accessory buildings located in the rear yard and at least three feet away from the main building(s), shall have a minimum side yard setback of no less than one foot. Garages used in apartment or condominium developments may be placed adjacent to the rear property line to function as a screen wall as determined by the Planning Commission provided that no portion of the garages, including footings, encroach on neighboring properties without proper authorization. On double-frontage lots, accessory buildings shall not be allowed within 25 feet of any dedicated street, unless a sound wall exists separating the street from the accessory buildings. Where a sound wall exists, the accessory buildings shall be at least 1 foot from the side and rear property lines.

**(Ord. No. 05-44 Amended 10/04/200; Ord. No. 06-69 Amended 10/24/2006; Ord. No. 10-34 Amended 11/08/2010)**

## 7-6-809. HEIGHT REGULATIONS.

No building or structure shall be erected to a height greater than six stories or 75 feet, and no dwelling structure shall be erected to a height less than one story. For properties that are adjacent to residential uses with buildings with two stories or less, the maximum height at the minimum side and rear setback shall be 25 feet. For each foot of height over 25 feet, buildings shall be setback from the side and rear property lines an additional foot to allow a maximum height of 75 feet.

**(Ord. No. 05-44 Amended 10/04/2005)**

## 7-6-810. COVERAGE REGULATIONS.

No building or group of buildings, with their accessory buildings, shall cover more than 60 percent of the area of the lot.

## 7-6-900P PART 9 - RESIDENTIAL MOBILE HOME (RMH) ZONE

## 7-6-901. PURPOSE.

The purpose of the Residential Mobile Home Zone is to provide appropriate areas for development of mobile home parks and mobile home subdivisions that are compatible with neighborhoods in the City.

## 7-6-902. PERMITTED USES.

The following are permitted uses in the RMH Zone; no other permitted uses are allowed except as provided in Section 7-2-115:

(1) Agriculture
(2) Household pets
(3) Community uses
(4) Home occupations - Minor
(5) Single-family dwellings
(6) Signs
(7) Residential facilities for elderly persons
(8) Temporary non-residential buildings
(9) Uses customarily accessory to listed permitted uses

**(Ord. No. 06-69 Amended 10/24/2006; Ord. No. 06-81 Amended 12/05/2006)**

## 7-6-903. CONDITIONAL USES.

The following are conditional uses in the RMH Zone; no other conditional uses are allowed except as provided in Section 7-2-115:

(1) Beauty salons and coin laundry located within an existing clubhouse building
(2) Daycare/preschool centers in conjunction with a church
(3) Home occupations - Major
(4) Mobile homes (in a mobile home park or in a mobile home subdivision only)
(5) Mobile home subdivisions

(6) Mobile home parks that comply with the Mobile Home Chapter
(7) Planned unit developments
(8) Public utility installations (except lines and rights-of-way)

**(Ord. No. 06-69 Amended 10/24/2006; Ord. No. 06-81 Amended 12/05/2006; Ord. No. 09-34 Amended 11/7/2009)**

## 7-6-904. STANDARDS FOR MOBILE HOME SUBDIVISION.

A mobile home park subdivision is a subdivision of residential lots intended for the placement of mobile homes under separate ownership.

## 7-6-905. AREA REGULATIONS.

Minimum area for the mobile home subdivision shall be five acres. No minimum area per lot provided the required yards for each mobile home can be created and maintained. The minimum lot area shall be 8,000 square feet for single-family subdivision development.

## 7-6-906. WIDTH REGULATIONS.

No minimum lot width.

## 7-6-907. SIDE YARD REGULATIONS.

Each mobile home shall maintain a minimum of two 7'6" side yards. Awnings, patio covers, etc., shall not be closer than three feet from any side property line. One accessory storage building not exceeding 120 cubic feet is allowed in one side yard and may be three feet from the property line. On corner lots, there shall be a minimum 7'6" unobstructed yard space on the street side of the lot. (No parking, awnings, patios, storage, sheds or fences.)

## 7-6-908. FRONT YARD REGULATIONS.

Each mobile home shall set back a minimum of 25 feet from the front property line.

## 7-6-909. REAR YARD REGULATIONS.

The minimum depth of the rear yard shall be 10 feet.

## 7-6-910. COVERAGE REGULATIONS.

The front yard or any space within three feet of the side and rear property lines shall not be occupied and be open and unobstructed to the sky. Lot coverage shall not exceed 75 percent of the lot. "Occupied" shall mean covered by a mobile home, garage, carport, cabana, awning, storage building or structure of any kind.

## 7-6-911. EXCEPTION TO YARDS.

Any yard adjoining a public street must be 25 feet.

## 7-6-912. HEIGHT REGULATIONS.

No mobile home shall be erected to a height greater than one story which shall not exceed 12 feet. Accessory buildings (storage, garage, etc.) shall not exceed one story or 12 feet. Other main buildings (club houses, recreation buildings, etc.) shall not be erected to a height greater than 25 feet.

## 7-6-913. SPECIAL REGULATIONS.

Maintenance of all areas and improvements owned in common by the lot owners, such as club houses, common landscaped areas, recreation facilities, playgrounds, roads, sewer and water utilities, and electrical systems, shall be the responsibility of an Owner's Association created with Articles of Association and Bylaws approved by the City Attorney.

## 7-6-914. SUBDIVISION REVIEW PROCEDURE.

A mobile home subdivision shall follow the review and approval process as outlined in the Subdivision regulations.

# 7-6-1000P PART 10 - COMMERCIAL ZONES

## 7-6-1001. PURPOSE.

The Commercial Zones have been divided into three classifications designed to reflect the degree to which commercial development impacts other adjacent uses. The three zone areas are as follows:

(1) Neighborhood Commercial C-1:
   a. The Neighborhood Commercial Zone is established to provide locations for convenience shopping facilities which serve a neighborhood-oriented market. Such shopping facilities would supply necessities which usually require frequent purchasing with a minimum of consumer travel.
   b. Neighborhood Commercial Zones shall be located so that their distribution pattern throughout the City reflects their neighborhood orientation. Such zones shall not be so large or broad in scope of services as to attract substantial trade from outside the neighborhood. These zones shall not be located in close proximity to any other commercial zone.
   c. Neighborhood commercial uses shall be encouraged to develop in compact centers reflecting unified designs that are architecturally compatible in terms of scale with the neighborhood in which they are located. They should be designed as an integral, homogeneous component of the neighborhood, oriented to pedestrian traffic, as well as vehicular traffic. Site selection development and uses for Neighborhood Commercial Zones shall take into account potential impacts on surrounding residential uses and measures shall be taken to minimize these impacts.

(2) General Commercial C-2:
   a. The General Commercial Zone is established to provide locations for a full range of office, retail commercial, and service uses which are oriented to serve the City as a whole, as well as a regional market in Salt Lake Valley. A variety of activities are encouraged, especially those which promote both day-time and night-time consumer activity.

b. The General Commercial Zone includes uses usually associated with a central business district and shopping facilities which are not ordinarily compatible with single-family residential uses.
c. In order to stabilize, improve and protect the City's commercial areas, standards are established to ensure a quality urban environment with landscaping, light and air at street level, well-defined urban spaces, and compatibility of building materials, colors and textures.

(3) Transitional Commercial C-3:
a. The Transitional Commercial Zone is established to provide suitable locations for retail, wholesale, light manufacturing, service and outdoor recreation uses. These areas should serve as transition zones between General Commercial and Manufacturing Zones and should be located on arterial streets.
b. The C-3 Zone serves as the location for the heaviest type of commercial activities allowed in the City. For this reason, these zones should be located so as not to occur next to residential areas and so that the appearance from the highway frontage does not present a poor image of the City.

## 7-6-1002. SCHEDULE OF USES.

The following schedule indicates by the symbol "P" the uses that shall be permitted in each Commercial Zone, and by the symbol "C," the uses which require a conditional use permit in accordance with the provisions of Chapter 7 of this Title. No other permitted or conditional uses are allowed, except as provided in Section 7-2-115. The symbol "X" means that the use is not allowed.

| | **Use** | **C-1** | **C-2** | **C-3** |
|---|---|---|---|---|
| 1. | Automobile sales and service | X | C | C |
| 2. | Bank | P | P | P |
| 3. | Business record storage within an enclosed building | X | C | C |
| 4. | Car Title Loan Business | X | C | C |
| 5. | Caretaker dwelling incidental to and above or behind a principal commercial use | C | C | C |
| 6. | Check Cashing / Deferred Deposit Loan | X | C | C |
| 7. | Commercial indoor recreation | C | P | P |
| 8. | Commercial outdoor recreation | X | C | P |
| 9. | Community use | P | P | P |
| 10. | Commercial condominium | C | C | C |
| 11. | Concert Venue, Concert Hall, Dance Hall | X | C | C |
| 12. | Convenience store | C | C | P |
| 13. | Day care; preschool | P | P | P |
| 14. | Fast food establishment | X | C | P |
| 15. | Fast food establishment which is located under the roof of a shopping center containing at least six other retail uses | C | P | P |
| 16. | Greenhouse; garden supply | C | P | P |
| 17. | Hardware store; home improvement center | X | C | P |
| 18. | Hospital | X | C | P |
| 19. | Hotel; motel; extended stay hotel | X | C | C |
| 20. | Light manufacturing conducted within an enclosed building | X | X | C |
| 21. | Medical clinic; doctor's offices | P | P | P |

| | Use | C-1 | C-2 | C-3 |
|---|---|---|---|---|
| 22. | Neighborhood grocery | C | P | P |
| 23. | Neighborhood service establishment | P | P | P |
| 24. | Nursing home; convalescent center | C | P | P |
| 25. | Off-premises beer retailer licensed outlet | P | P | P |
| 26. | Office/warehouse -less than 50% interior storage; no outside storage or display permitted | X | C | P |
| 27. | Office/warehouse -more than 50% interior storage; outside storage only as approved by Planning Commission | X | X | C |
| 28. | Parking lots | P | P | P |
| 29. | Parking structure | X | C | P |
| 30. | Pawnshop | X | C | C |
| 31. | Permanent Cosmetic Establishment | C | P | P |
| 32. | Equity Club, Fraternal Club, Social Club | X | C | C |
| 33. | Professional office | P | P | P |
| 34. | Public utility installation (except lines and rights-of-way) | C | C | C |
| 35. | Reception center | X | C | C |
| 36. | Reception Center as an accessory use to a garden center | C | C | C |
| 37. | Recreational facility beer retailer | X | C | P |
| 38. | Residential uses in conjunction with a Regional Shopping Mall | X | C | C |
| 39. | a. Restaurant Liquor Retailer, Dining club<br><br>b. Brew Restaurant, Brew Restaurant and Liquor Retailer, Small Brewer<br><br>c. Manufacturer of Alcoholic Products | X<br><br>X<br><br>X | C<br><br>C<br><br>X | C<br><br>C<br><br>X |
| 40. | Restaurant, Restaurant on-premises beer retailer | C | P | P |
| 41. | Retail department or specialty store with no outside storage or display | C | P | P |
| 42. | Sale and/or storage of gasoline, diesel, and other fuels | C | C | C |
| 43. | Sale and/or lease of mobile homes, travel trailers, campers, motorcycles, and other recreation vehicles | X | C | P |
| 44. | Seasonal fruit/produce vendor stand as temporary use only | P | P | P |
| 45. | "Self-Storage" facility with a maximum of 100' of frontage along any road | X | C | C |
| 46. | Shopping center | C | C | C |
| 47. | Signs (see Title 11, Sign Ordinance) | P | P | P |
| 48. | State store or package agency | X | C | C |
| 49. | Supermarket | C | C | P |
| 50. | Tattoo establishment | X | X | C |
| 51. | Temporary uses as allowed by Section 7-2-115 | P | P | P |
| 52. | Indoor or Outdoor Public Recreation | X | C | C |
| 53. | Unchartered Financial Service Provider | X | C | C |
| 54. | Uses customarily accessory to a listed permitted use | P | P | P |
| 55. | Uses customarily accessory to a listed conditional use | P | P | P |
| 56. | Veterinary hospital/indoor kennel | C | C | P |

**(Ord. No. 1994-61 Amended 07/27/1994; Ord. No. 1994-76 Amended 08/15/1994; Ord. No. 1996-31 Amended 05/17/1996; Ord. No. 1997-65 Amended 12/09/1997; Ord. No. 02-07 Amended 02/05/2002; Ord. No. 02-06 Amended 03/05/2002; Ord. No. 02-10 Amended 03/05/2002; Ord. No. 02-58 Amended 09/17/2002; Ord. No. 02-60 Amended 09/17/2002; Ord. No. 02-60 Amended 09/17/2002; Ord. No. 03-26 Amended 04/01/2003; Ord. No. 03-28 Amended 04/15/2003; Ord. No. 06-81 Amended 12/05/2006; Ord. No. 07-54 Amended 08/28/2007; Ord. No. 09-08 Amended 06/01/2009; Ord. No. 09-26 Amended 08/07/2009; Ord. No. 11-11 Amended 03/17/2011; Ord. No. 14-41 Amended 12/01/2014)**

## 7-6-1003. SETBACK STANDARDS.

(1) The front yard setback in all commercial zones shall be as follows:
    a. The minimum building setback from any street shall be 20 feet. Parking shall not be allowed within this minimum setback area. Such areas shall be permanently landscaped, except for approved access drives.
    b. Any commercial building located adjacent to, or across a street from, a residential zone shall have the same front yard setback as that required in residential zone.
(2) The side yard setback in all commercial zones shall be as follows:
    a. No setback shall be required except as specified in (b) and (c) below.
    b. The minimum building setback from a side street shall be 20 feet. Such area shall be permanently landscaped, except for approved access drives. In C-2 and C-3 zones, parking may encroach into the landscaped setback a maximum of 10 feet, providing the following conditions are met:
        i. Berming shall be provided in the remaining 10 feet to a minimum elevations of two feet above the adjacent sidewalk;
        ii. A mixture of evergreen and deciduous trees shall be planted at the ratio of one tree for each 300 square feet of the net landscape area;
        iii. The parking encroachment shall not reduce the total landscaping on the site to less than 15 percent;
        iv. This encroachment shall not be allowed when existing or proposed residential uses are located directly across a street from a commercial use; and
        v. This encroachment shall not be allowed along those arterial streets listed in Chapter 13 of this Title.
    c. Any commercial building with a yard adjacent to the side yard of an existing or proposed residential use shall maintain a 10-foot setback. Such setback shall be permanently landscaped.
(3) The rear yard setback in all commercial zones shall be as follows:
    a. No setback shall be required, except as specified in (b) and (c) below.
    b. Any commercial building with a yard adjacent to the rear yard of an existing or proposed residential use shall maintain a 10-foot setback. Such setback shall be permanently landscaped.
    c. Commercial lots with a rear yard adjacent to a street shall comply with the setback standards specified in Section 7-6-1003(2)(b) above.
(4) Setbacks may be reduced or increased as negotiated in a development agreement through the Planning Commission and City Council.

**(Ord. No. 06-81 Amended 12/05/2006)**

## 7-6-1004. HEIGHT STANDARDS.

(1) In a C-1 Zone, no building or structure shall be erected to a height greater than two and one-half stories, or 35 feet, whichever is less.
(2) In a C-2 Zone, no building or structure shall be erected to a height greater than 75 feet. At the minimum required setback adjacent to a residential use, no building or structure shall exceed 20 feet. For each foot of height over 20 feet, buildings or structures shall be set back an additional foot.
(3) In a C-3 Zone, there shall be no limitation on building or structure height, provided that all buildings or structures shall conform to all requirements of the Uniform Building Code.

## 7-6-1005. AREA AND LOCATION STANDARDS.

(1) District and lot size shall conform to the following:

| Zone | District Size | | Lot Size | | Building Coverage |
|---|---|---|---|---|---|
| | Min. | Max. | Min. | Max. | |
| C-1 | 2 acres | 7 acres | 20,000 SF | 7 acres | 30% |
| C-2 | 5 acres | none | 20,000 SF | none | 50% |
| C-3 | 5 acres | none | 1 acre | none | 75% |

Two or more contiguous lots may be combined to meet the minimum district size requirement.
(2) When located at an intersection, the total acreage of C-1 zoning on one or more corners shall not exceed the maximum district size specified above, except for larger Commercial C-1 Districts existing on the effective date of this Chapter. The maximum district size of a Neighborhood Commercial Zone may be increased if the Planning Commission determines that a specific development meets the intent and purpose of the C-1 zone, as outlined in Section 7-6-1001(1).
(3) There is no minimum area required for a single-family dwelling on a commercial site, except that such dwelling shall be provided with a minimum of 100 square feet of usable, private, open space adjoining the unit. Such open space shall have a minimum dimension of not less than five feet.
(4) No C-3 Zone shall be approved which shares a common property line with an existing or proposed residential use.

## 7-6-1006. VEHICULAR CIRCULATION AND PARKING.

(1) Parking for each use shall conform to Chapter 9 of this Title.
(2) On a corner lot, no curb cut shall be located closer than 40 feet to the curb line intersection of streets.
(3) Curb cuts shall be not located closer than 20 feet to a side or rear lot line, and the distance between separate curb cuts serving adjacent land uses shall not be less than 40 feet unless one or more of the following circumstances apply:
    a. A common curb cut serves adjacent land uses;
    b. Curb cuts cannot meet separation standards due to narrow lot frontage;
    c. Curb cuts cannot meet separation standards due to location of existing cuts on adjacent lots; or

d. A professional traffic engineer, after preparing a traffic study, recommends that curb cuts be located closer to interior lot lines in order to maintain a safe distance from street intersections.

(4) A commercial lot or commercial complex with less than 300 feet of frontage shall have no more than two curb cuts on any single right-of-way. One additional curb cut may be allowed for each additional 300 feet of frontage on a single right-of-way. Curb cuts shall have a minimum distance of 40 feet between them.

## 7-6-1007. SCREENING.

(1) Where any commercial lot shares a common boundary with a residential zone boundary, a six-foot concrete or masonry wall and approved landscape buffer shall be provided along such boundaries as specified in Section 7-6-1003. The wall shall be constructed concurrently with the foundation of the first proposed building. The six foot height of the wall shall be measured from the parking lot asphalt grade to the top of the screen wall. When future commercial use of neighboring properties is recommended in the General Plan or when the subject property borders an educational facility or other use with special security needs as determined by the Police Department, a waiver or substitute for the wall requirement may be approved. The waiver or substitution may be approved by the Planning Commission for conditional uses or by the Community and Economic Development Director or designee for permitted uses. Where a substitution will allow visibility into a neighboring residential property, the owner of the neighboring residential property must voluntarily concede a deed restriction in favor of the City. Such deed restriction shall prohibit the owner of the residential property from installing a solid fence next to the semi-transparent substitution. If the neighboring residential property owner does not voluntarily concede to a deed restriction, the substitution shall not be approved. Substitutions that allow visibility into a neighboring residential property must be six-foot powder coated, ornamental aluminum alloy or similar non-rusting product.

(2) Wherever off-street parking areas are situated adjacent to the street, a berm or retaining wall in conjunction with a berm three feet in height shall be constructed within the required front or sideyard setback to adequately screen the parking from the street.

**(Ord. No. 94-75 Amended 08/15/1994; Ord. No. 01-47 Amended 11/19/2001; Ord. No. 03-23 Amended 03/08/2003; Ord. No. 10-20 Amended 07/12/2010)**

## 7-6-1008. LANDSCAPING.

(1) Landscaping shall be required on 20 percent of the gross area of a C-1 site and 15 percent of the gross area of a C-2 or C-3 site as provided in Section 7-14-106(3)(c). Gross area is interpreted as the total site area remaining after any required right-of-way dedication.

(2) All landscaped areas shall be provided with an irrigation system capable of complete coverage of the areas and designed to minimize run-off and other wasting of water. Such system shall be maintained in a fully-operational condition.

(3) All landscaped areas shall be landscaped with a mixture of a ground cover, shrubs and trees, and may include sculptures, patios or fountains. Some of the following requirements will only address the quantity of trees to be provided, however, when trees are required, a complementary quantity of ground cover and three shrubs per tree shall also be provided.

(4) Not less than one tree shall be provided for each 300 square feet of required yard area adjacent to a residential zone boundary. For listed conditional uses, this requirement may be increased

if, in the opinion of the Planning Commission, additional screening or buffering is necessary on a specific site.

(5) All landscaping shall be maintained in a healthy, neat and orderly condition, free of weeds and litter. All paved areas, walls or fences shall be in good repair without broken parts, holes, potholes or litter.

## 7-6-1009. GENERAL PROVISIONS.

(1) Standards listed above shall supplement the design and development standards contained in Chapter 39 of this Title.
(2) No outside storage shall be allowed for any conditional use except when expressly permitted by the Planning Commission.
(3) The Planning Commission may limit hours of operation for conditional uses which are determined to have a potential detrimental impact on residential properties in the immediate area. The Planning Commission may, from time to time, review any previously granted conditional use permit for the purpose of evaluating detrimental impact on surrounding residential properties. Based upon such evaluation, the Planning Commission may impose limitations on hours of operation where such limitations were not previously imposed.

## 7-6-1010. PENALTY.

Failure to maintain required improvements in a condition substantially similar to their original approved condition shall subject the owner or lessee to a fine of up to $100 for each day of noncompliance and/or revocation of business license, if, within 10 days after the mailing of a violation notice, the violation is not brought into compliance. If, due to cold weather or other environmental conditions, the violation cannot be brought into compliance within 10 days, a bond shall be submitted to guarantee compliance within a reasonable period of time.

## 7-6-1011. SPACING REQUIREMENTS FOR ALCOHOL ESTABLISHMENTS.

(1) No Alcohol Establishment shall be located within 600 feet of any public or private school, church, public library, public playground or park, as measured from the nearest entrance of the outlet following the shortest route of either ordinary pedestrian traffic, or where applicable, vehicular travel along public thoroughfares, whichever is closer, to the boundary of the public or private school, church, public library, public playground, school playground or park.
(2) No Alcohol Establishment shall be located within 200 feet of any public or private school, church, public library, public playground or park as measured in a straight line from the nearest entrance of the proposed outlet to the nearest property boundary of the public or private school, church, public library, public playground or park.

**(Ord. No. 02-06 Add 03/05/2002)**

## 7-6-1012. ADDITIONAL REGULATION OF RESTAURANTS, DANCE HALLS, CONCERT HALLS, RECEPTION CENTERS AND CLUB LICENSEES.

(1) It is unlawful for the keeper, manager or person in charge of any restaurant, dance hall, concert hall reception center or club licensee to permit any singing, dancing, Indoor or Outdoor Public

Recreation, playing of musical instruments or any other form of amusement or entertainment to be carried on the premises when the closest point of the building is within 500 feet of any residential property line after ten o'clock P.M. (10:00) P.M. and before six o'clock (6:00) A.M. This restriction should be extended to two o'clock (2:00) a.m. on January 1 of year for New Year's Day.

(2) Parking lots must be closed and vacated within thirty (30) minutes of closing by security personnel.

**(Ord. No. 07-54 Added 08/28/2007; Ord. No. 09-08 Amended 06/01/2009; Ord. No. 09-26 Amended 08/07/2009)**

## 7-6-1100P PART 11 - MANUFACTURING ZONE

## 7-6-1101. PURPOSE.

The purpose of this zone is to provide areas in the City for manufacturing uses.

## 7-6-1102. PERMITTED USES.

The following are permitted uses in the Manufacturing Zone. No other permitted uses are allowed, except as provided in Section 7-2-115:

(1) All permitted and conditional uses listed in commercial zones and the Agricultural Zone, except residential uses, and those uses listed below as conditional uses.
(2) Manufacturing uses which include production, processing, cleaning, testing and distribution of material goods and services, except uses listed below as conditional uses.
(3) A caretaker's residence which is incidental and integrated into a primary building in which the primary use of the site is housed.
(4) Sexually-oriented businesses, as defined in Title 17, are permitted uses in the Heavy Manufacturing areas designated in the General Plan and subject to the restrictions in Chapter 15 of this Title.
(5) Uses customarily accessory and incidental to a principal use listed above.

**(Ord. No. 02-58 Amended 09/17/2002; Ord. No. 10-07 Amended 03/29/2010)**

## 7-6-1103. CONDITIONAL USES.

The following are conditional uses in the Manufacturing Zone; no other conditional uses are allowed except as provided in Section 7-2-115:

(1) Automobile sales and service, vehicle recycling facilities, towing and impound yards, outside storage facilities
(2) Tavern
(3) Detention facilities; jails
(4) Hotels; motels
(5) Industrial condominiums/PUDs
(6) Kennels
(7) Chemicals, explosives and fuels manufacturing and/or storage, such as firewood, coal, etc.
(8) Residential uses accessory to a conference facility or community use and on the same lot with the primary use
(9) Truck transfer companies

(10)Sand and gravel excavation, processing or storage as a primary use or accessory to brick, concrete or asphalt products
(11)Uses which have open storage of over 50 percent of a lot or one acre, whichever is greater, that is used for the sale, open storage or open stockpiling of material, material intended for recycling, raw materials awaiting processing, or equipment storage
(12)State stores
(13)Private nonprofit clubs
(14)Sanitary landfills
(15)Agricultural industry
(16)Manufacturer of Alcoholic Products
(17)Check Cashing, Deferred Deposit Loan
(18)Car Title Loan Business
(19)Shopping Center
(20)Any development that is 10 acres or greater in size
(21)Any development that shares a common boundary with existing or proposed residential uses
(22)Reception Center, Dance Hall, Concert Venue, Concert Hall, Indoor or Outdoor Public Recreation.
(23)Reception Center as an accessory use to a garden center.

**(Ord. No. 02-10 Amended 03/05/2002; Ord. No. 02-60 Amended 09/17/2002; Ord. No. 03-26 Amended 04/01/2003; Ord. No. 03-81 Amended 12/16/2003; Ord. No. 06-10 Amended 04/11/2006; Ord. No. 06-81 Amended 12/05/2006; Ord. No. 07-54 Amended 08/28/2007; Ord. No. 09-08 Amended 6/1/2009; Ord. No. 11-11 Amended 03/17/2011)**

## 7-6-1104. SETBACK STANDARDS.

(1) Minimum building setback from all public or private streets shall be 25 feet. On public streets, setback shall be measured from the right-of-way line. On private streets functioning as main thoroughfares, not parking access aisles, setback shall be measured from top back of curb, or if sidewalk is existing or proposed, from edge of sidewalk.
(2) The minimum building setback may be reduced by five feet if the setback area incorporates landscape berming over two feet in height.
(3) Parking shall not be allowed within the minimum (25 feet or less) setback area, except as provided in (4) below, and such areas shall be permanently landscaped.
(4) Where a site is located adjacent to a public or private street which contains a privately maintained and landscaped median at least 10 feet in width, parking may be allowed within 10 feet of such street. The 10-foot separation between the parking and curb, gutter or sidewalk shall be completely landscaped, exclusive of access drives, with a minimum of lawn and one tree for each 300 square feet.
(5) Manufacturing development sharing a common boundary with existing or proposed residential uses shall maintain a minimum 20-foot setback from such residential areas for all structures and storage areas. Such setback areas shall contain a minimum six-foot high masonry wall located on the property line, and one five-foot high coniferous tree per 300 square feet as a minimum standard. When future commercial use of neighboring properties is recommended in the General Plan or when the subject property borders an educational facility or other use with special security needs as determined by the Police Department, a waiver or substitute for the wall requirement may be approved. The waiver or substitution may be approved by the Planning Commission for conditional uses or by the Community and Economic Development

Director or designee for permitted uses. Where a waiver or substitution will allow visibility into a neighboring residential property, the owner of the neighboring residential property must voluntarily concede to a deed restriction in favor of the City. Such deed restriction shall prohibit the owner of the residential property from installing a solid fence next to the semi-transparent substitution. If the neighboring residential property owner does not voluntarily concede to a deed restriction, the substitution shall not be approved. Substitutions that allow visibility into a neighboring residential property must be six-foot powder coated, ornamental aluminum alloy or similar non-rusting product.

**(Ord. No. 94-75 Amended 08/15/1994; Ord. No. 03-23 Amended 03/08/2003; Ord. No. 06-10 Amended 04/11/2006)**

## 7-6-1105. HEIGHT STANDARDS.

(1) For buildings and structures adjacent to public or private streets, the maximum height at the minimum building setback line shall be 20 feet. Buildings and structures exceeding 20 feet in height shall be setback one additional foot for each foot of height over 20 feet. If a building or structure (excluding cell towers) meets the Commercial Design Guidelines, found in 7-14-200, and is not located next to a residential zone, that building shall maintain the minimum front setback of twenty five (25) feet and shall not have a limitation on building or structure height.
(2) For buildings and structures sharing a common boundary with existing or proposed residential areas, the minimum building setback from such areas shall be increased two feet for each foot of height over 20 feet. Only the initial 20 feet is required to be landscaped as per Section 7-6-1104(5).

**(Ord. No. 07-35 Amended 06/06/2007)**

## 7-6-1106. SITE DEVELOPMENT STANDARDS.

(1) Site development shall conform in all respects to Chapter 14 of this Title.
(2) Landscaping:
    a. The required five percent minimum landscaping shall be located in full or in part within the required minimum setbacks from streets and residential areas.
    b. Landscaping shall also be used, in conjunction with walls and fences, to screen trash containers and other outside storage areas from public view.
    c. All landscaping required by this Title shall include a sprinkler irrigation system and shall be perpetually maintained by the owner or lessee. Failure to maintain required landscaping in a condition substantially similar to its original approved condition shall subject the owner or lessee to a fine of up to $100 per day, and/or revocation of business license, if, within 10 days after the mailing of such notice, the violation is not brought into compliance.
(3) Manufacturing development sharing a common boundary with existing or proposed residential uses:
    a. The required minimum six-foot high concrete or masonry wall shall be constructed concurrently with the foundation of the proposed building.
    b. No proposed manufacturing use shall be constructed which will allow a direct view into the rear yard of a residential use.

c. Loading docks shall be located a minimum of 100 feet from an existing or proposed residential use. Such loading docks shall incorporate screening whether in the form of landscaping or wing walls.

**(Ord. No. 06-10 Amended 04/11/2006)**

## 7-6-1107. VEHICULAR CIRCULATION AND PARKING.

(1) Parking for each use shall conform to Chapter 9 of this Title.
(2) On a corner lot, no curb cut shall be located closer than 40 feet to the curb line intersection of streets.
(3) Curb cuts shall not be located closer than 20 feet to a side or rear lot line, and the distance between separate curb cuts serving adjacent land uses shall not be less than 40 feet, unless one or more of the following circumstances apply:
    a. A common curb cut serves adjacent land uses;
    b. Curb cuts cannot meet separation standards due to narrow lot frontage;
    c. Curb cuts cannot meet separation standards due to location of existing cuts on adjacent lots; or
    d. A professional traffic engineer, after preparing a traffic study, recommends that curb cuts be located closer to interior lot lines in order to maintain a safe distance from street intersections.
(4) An industrial lot or industrial complex with less than 300 feet of frontage shall have no more than two curb cuts on any single right-of-way. One additional curb cut may be allowed for each additional 300 feet of frontage on a single right-of-way. Curb cuts shall have a minimum distance of 40 feet between them.

**(Ord. No. 98-45 Enacted 06/09/1998)**

## 7-6-1108. ADDITIONAL REGULATION OF RESTAURANTS, DANCE HALLS, CONCERT HALLS, RECEPTION CENTERS AND CLUB LICENSEES.

(1) It is unlawful for the keeper, manager or person in charge of any restaurant, dance hall, concert hall reception center or club licensee to permit any singing, dancing, playing of musical instruments or any other form of amusement or entertainment to be carried on the premises when the closest point of the building is within 500 of feet of any residential property line after ten o'clock P.M. (10:00) P.M. and before six o'clock (6:00) A.M. This restriction should be extended to two o'clock (2:00) a.m. on January 1 of year for New Year's Day.
(2) Parking lots must be closed and vacated within thirty (30) minutes of closing by security personnel.

**(Ord. No. 07-54 Amended 08/28/2007; Ord. No. 09-26 Amended 08/07/2009)**

## 7-6-1109. ADDITIONAL REGULATION OF DETENTION FACILITY/JAILS

(1) No Detention Facility/Jail shall be located within one quarter mile of any public or private school, church, public library, Safe Routes to School, public playground or park, or residential zone boundary.

(2) The site should have a buffer of at least 200 feet between the fenced compound and site property line. This buffer area may include xeriscape or turf landscaping.
(3) Shall not be within 5 miles of any other Detention Facility/Jail
(4) The primary façade of the facility must meet Sections 7-14-210 through 7-14-215 of the West Valley City Commercial Design Standards.
(5) The landscaped setback along any public or private right-of-way must be at least 60 feet. The area must include a 2-3' berm with one tree planted every 600 square feet. No more than 50% turf is allowed in this area and there must be a combination of 4 shrubs per tree with a mixture of living and non-living groundcover.
(6) The applicant shall send a notice by mail to all property owners or persons operating a business within 300 feet of the property line of a proposed Detention Facility/Jail indicating the exact location of the property and its intended use.

**(Ord. No. 08-20 Added 04/14/2008)**

## 7-6-1200P PART 12 – BUSINESS / RESEARCH PARK ZONE

## 7-6-1201. PURPOSE.

The purpose of this Zone is to provide for specific uses in a business park setting which will be compatible with nearby residential areas and will promote a quiet, clean environment. The Business/Research Park Zone will emphasize a high level of architectural and landscape excellence in a park-like setting. The intent is to create an attractive business park that will complement the surrounding land uses. No obnoxious odor, noise, lighting or signage will be permitted.

## 7-6-1202. CONCEPT PLAN AND SITE PLAN REVIEW.

An overall conceptual site plan encompassing the entire Business/Research Park Zone is required. The intent of this requirement is to commit the developer to a general overall plan within which individual businesses can be placed. The Overall Conceptual Plan shall be reviewed and approved by the Planning Commission utilizing the conditional use process, prior to the issuance of a building permit.

## 7-6-1203. OVERALL CONCEPTUAL PLAN REQUIREMENTS.

The Overall Conceptual Plan for business/research park development shall include the following information:

(1) Existing and proposed street layout for the entire zone.
(2) General location of the buildable areas and the height of all proposed building and structures.
(3) General location and size of existing and proposed parking areas.
(4) A conceptual landscape plan showing the general location, density and size of trees, shrubs and ground cover.
(5) Identification of proposed phasing of the entire project (if any).
(6) Indication of architectural style, colors and signs.
(7) Relationship to surrounding uses.

The conceptual plan identified above shall constitute a general commitment by the developer to complete the project according to the approved plan. Any major change in the project conceptual plan shall require the approval of the Planning Commission. A major change, for the purpose of this Section,

shall be any change which substantially alters the original plan and/or has the potential of causing a significant impact beyond the site.

## 7-6-1204. PERMITTED USES.

Where an overall conceptual plan has been approved, as provided in this Chapter, the following permitted uses shall be allowed in the B/RP Zone; no other permitted uses are allowed, except as provided in Section 7-2-115:

(1) The following are permitted uses:
   a. Apparel fabrication and other finished products made from fabrics, leathers, etc.
   b. Bakeries, confectionery and related products
   c. Commercial testing laboratories and services
   d. Community uses
   e. Data processing services
   f. Day care/preschool centers
   g. Educational services
   h. Financial institutions
   i. Hotel, motel extended stay hotel
   j. Medical/optical offices, clinics, and laboratory services
   k. Offices - business and/or professional
   l. Printing, publishing and allied industries
   m. Professional, scientific and controlling instruments
   n. Protective functions
   o. Research services
   p. Restaurants, excluding fast-food with drive-through
   q. Signs - low profile, park identification and flat signs as provided in Section 11-6-105 of the West Valley City Code
   r. Spas/Health clubs
   s. Storage/warehousing as necessary to maintain a principle use
   t. Temporary buildings, incidental to construction, which are to be used only for storage of construction equipment and materials or as temporary, self-contained, rest room facilities
   u. Other uses considered similar and compatible to the above

(2) The following accessory uses may be allowed in conjunction with a principle use in the Zone:
   a. A caretaker's residence, which is provided incidental to a permitted use and is designed as an integral part of the building or structure in which the primary use is located.
   b. Cafeterias and snack bars which are incidental to a permitted use and are provided essentially for the use of persons employed upon the premises and their quests.
   c. Outside transmission and communication equipment which is necessary for the operation of the business.
   d. Production and/or fabrication in conjunction with a permitted use.

All permitted uses shall be required to meet all of the requirements of this Title, including but not limited to the site plan requirements of Section 7-14-106.

**(Ord. No. 06-81 Amended 12/05/2006)**

## 7-6-1205. DESIGN STANDARDS.

(1) All areas of a developed lot or parcel not occupied by a building or required parking shall be appropriately landscaped with lawn, trees, shrubs and other landscaping materials in accordance with a landscaping plan to be submitted with the building permit. The entire front yard area of lots in the zone, except necessary driveways, sidewalks, etc., shall be landscaped.
(2) Parking lots shall be provided with landscaping around the periphery and in islands and bays within the internal areas of said parking lots.
(3) All uses located in the zone shall be conducted entirely within a fully enclosed building. There shall be no outside storage of materials or equipment other than motor vehicles licensed for street use.
(4) Trash storage and containers shall be located in an area convenient for pick up and shall be screened from view by a six-foot masonry wall.
(5) A uniform masonry wall at least six feet in height shall be erected along the B/RP zoning boundaries which are adjacent to any residential use existing or proposed at the time the Business/Research Park is developed. The required wall shall be constructed prior to or concurrently with the construction of the business park at the location where the park shares a common boundary with existing or proposed residential uses. A landscaped berm, hedge or masonry wall at least three feet in height is required between a parking lot or parking area and a street to screen the vehicles from view.
(6) Solar access shall be promoted by requiring a determination of the shadow created by the structure. The shadow shall not restrict the abutting structure's future or existing solar access.
(7) All utility lines, connections and installations must be underground. Meters shall be screened from public view preferably with live plants. Transformers, meters and similar apparatus shall be at ground level or below, with approved screening.
(8) All uses shall be free from objectionable or excessive odor, dust, smoke, noise, radiation or vibration.

## 7-6-1206. YARD REQUIREMENTS.

Each building in the zone shall have a setback from property line or right-of-way of not less than 30 feet. If the side or rear yard is to be used for a parking area, no less than 10 feet of landscaped side and rear yard shall be maintained. There shall be no vehicular parking within the required front or side yard adjacent to a right-of-way of any lot in the zone. In addition, any building having a height greater than 20 feet shall require an additional 1 foot of front yard for every 1 foot of height above 20 feet up to a setback of 75 feet.

## 7-6-1207. HEIGHT REGULATIONS.

No main building or structure shall be erected to a height in excess of 20 feet or one story within 100 feet from a property line that is shared with an existing or proposed residential use. Between 100 feet to 200 feet, the structure may be erected to a height of 35 feet or two and one-half stories. After 200 feet from any existing or proposed residential use, there is no height restriction.

## 7-6-1208. AREA REGULATIONS.

A Business/Research Park Zone shall contain at least 10 acres though smaller parcels of land may be considered by request to the Planning Commission. This requirement may be waived by the Commission if it is found to be in the general public good to do so.

## 7-6-1300P PART 13 – RESIDENTIAL / BUSINESS (RB) ZONE

## 7-6-1301. PURPOSE.

The purpose of this Zone is to provide for various office uses, single family dwellings, and institutional uses which do not deal in merchandising, retailing, warehousing or manufacturing and should project business hours which are in harmony with contiguous zones. Uses should serve as a transition between residential zones and other more intensive zones.

**(Ord. No. 87-101 Added 11/15/1987, Originally codified as 7-30-101; Ord. No. 08-17 Amended 06/17/2008.)**

## 7-6-1302. PERMITTED USES.

The following are permitted uses in the RB zone; no other permitted uses are allowed except as provided in Section 7-2-115:

(1) Agriculture
(2) Community Uses
(3) Financial Institutions
(4) Nursing Homes
(5) Professional offices, including but not limited to, the following:
    a. Architect
    b. Artist
    c. Certified Public Accountant
    d. Chiropractor
    e. Dentist
    f. Doctor
    g. Insurance (not claims adjustment)
    h. Lawyer
    i. Nurse
    j. Professional Registered Engineer
    k. Public Reporter (including court reporter)
    l. Realtor
    m. Psychologist
    n. Psychiatrist
    o. Physical Therapist
(6) Single-family dwellings
(7) Signs
(8) Uses customarily accessory to listed permitted uses
(9) Residential facilities for elderly persons
(10) Temporary Uses
(11) Household pets

**(Ord. No. 87-101 Added 11/05/1987, Originally codified as 7-30-102.; Ord. No. 89-101 Amended 01/19/1989, Added (8); Ord. No. 05-12 Amended 04/05/2005; Ord. No. 06-69 Amended 10/24/2006; Ord. No. 06-81 Amended 12/05/2006)**

## 7-6-1303. CONDITIONAL USES.

The following are conditional uses in the RB Zone; no other conditional uses are allowed except as provided in Section 7-2-115:

(1) Day care/pre-school centers
(2) Hospitals; medical clinics
(3) Public utility installations (except lines and rights-of-way)
(4) Reception centers and/or wedding chapels

**(Ord. No. 87-101 Added 11/05/1987, Originally codified as 7-30-103; Ord. No. 06-69 Amended 10/24/2006; Ord. No. 06-81 Amended 12/05/2006; Ord. No. 08-17 Amended 06/17/2008)**

## 7-6-1304. SIGNS.

Signage in the RB Zone shall comply with the provisions of Title 11, the Sign Ordinance, in the West Valley City Code. Allowable signs are specified in Section 11-6-102.

**(Ord. No. 87-101 Added 11/05/1987, Originally codified as 7-30-104)**

## 7-6-1305. FRONTAGE STANDARDS.

The minimum frontage for any lot shall be 70 feet.

**(Ord. No. 87-101 Added 11/05/1987, Originally codified as 7-30-105)**

## 7-6-1306. SETBACK STANDARDS.

(1) Front setback - the minimum depth of the front yard shall be 25 feet.
(2) Side setback - the minimum side yard for any structure shall be 10 feet. On corner lots, the minimum side yard for any structure which faces on a street shall be not less than 20 feet.
(3) Rear setback - the minimum depth of the rear yard for any structure shall be 20 feet.
(4) Accessory buildings may be located in the rear yard to within one foot of the side and rear property lines, provided the building has at least six feet of separation from the rear of the main building, does not encroach on any recorded easements, and occupies no more than 25 percent of the rear yard, and is located no closer than 10 feet to a main building on an adjacent lot. On double frontage lots or corner lots, accessory buildings shall not be allowed within 20 feet of any dedicated street, unless a sound wall exists separating the street from the accessory building. Where a sound wall exists, the accessory building shall be at least 1 foot from the side and rear property lines.

**(Ord. No. 87-101 Added 11/05/1987, Originally codified as 7-30-106; Ord. No. 06-69 Amended 10/24/2006)**

## 7-6-1307. COVERAGE STANDARDS.

Buildings and structures may cover no more than 35 percent of the lot area.

**(Ord. No. 87-101 Added 11/05/1987, Originally codified as 7-30-107)**

## 7-6-1308. LANDSCAPING STANDARDS.

A minimum of 20 percent of the gross area of a site shall be permanently landscaped and maintained. Landscaping shall conform to the same standards established for commercial zones in Section 7-6-1008.

**(Ord. No. 87-101 Added 11/05/1987, Originally codified as 7-30-108)**

## 7-6-1309. SCREENING.

(1) Where a lot in a Residential Business Zone shares a common boundary with a residential lot, a six-foot concrete or masonry wall and approved landscaped buffer may be required by the City along such boundaries. The six foot height of the wall shall be measured from the parking lot asphalt grade to the top of the screen wall. The wall shall be constructed concurrently with the foundation of any proposed building.
(2) Wherever off-street parking areas are situated adjacent to the street, a berm three feet in height shall be constructed within the required front and side setback to adequately screen the parking from the street.

**(Ord. No. 87-101 Added 11/05/1987, Originally codified as 7-30-109.; Ord. No. 01-44 Amended 06/21/2001)**

## 7-6-1310. HEIGHT STANDARDS.

(1) On lots which share any common boundary with an existing or proposed residential zone or C-1 zone, no structure may be erected to a height greater than two and one-half stories or 35 feet.
(2) For lots which share common boundaries only with existing or proposed C-2, C-3 or manufacturing zones, structures may be erected to a height of not more than 75 feet.

**(Ord. No. 87-101 Added 11/05/1987, Originally codified as 7-30-110)**

## 7-6-1311. DESIGN REVIEW.

(1) All new development shall conform to requirements of Chapter 14 of this Title, Design and Development Plan Review.
(2) New construction shall be compatible in terms of scale and building proportion with other existing buildings in the immediate vicinity. This requirement shall not be so construed as to limit creative architectural design or to limit use of generally accepted residential construction materials.

**(Ord. No. 87-101 Added 11/05/1987, Originally codified as 7-30-111)**

## 7-6-1312. PARKING STANDARDS.

All parking facilities in the RB Zone shall comply with the standards outlined in Chapter 14 of this Title. Parking shall not be allowed within the required front or rear yard setbacks.

**(Ord. No. 87-101 Added 11/05/1987, Originally codified as 7-30-112)**

## 7-6-1313. AREA REGULATIONS.

The minimum lot area shall be not less than 8,000 square feet.

**(Ord. No. 06-69 Added 10/24/2006)**

## 7-6-1400P REPEALED.

## 7-6-1401. REPEALED.

**(Ord. No. 06-69 Repealed 10/24/2006)**

## 7-6-1402. REPEALED.

**(Ord. No. 94-109 Enacted 12/20/1994; Ord. No. 06-69 Repealed 10/24/2006)**

## 7-6-1403. REPEALED.

**(Ord. No. 94-109 Enacted 12/20/1994; Ord. No. 06-69 Repealed 10/24/2006)**

## 7-6-1404. REPEALED.

**(Ord. No. 97-65 Amended 12/09/1997; Ord. No. 94-109 Enacted 12/20/1994; Ord. No. 06-69 Repealed 10/24/2006)**

## 7-6-1405. REPEALED.

**(Ord. No. 94-109 Enacted 12/20/1994; Ord. No. 02-43 Amended 07/16/2002; Ord. No. 06-69 Repealed 10/24/2006)**

## 7-6-1406. REPEALED.

**(Ord. No. 94-109 Enacted 12/20/1994; Ord. No. 06-69 Repealed 10/24/2006**

## 7-6-1407. REPEALED.

**(Ord. No. 94-109 Enacted 12/20/1994; Ord. No. 06-69 Repealed 10/24/2006)**

## 7-6-1408. REPEALED.

**(Ord. No. 94-109 Enacted 12/20/1994; Ord. No. 06-69 Repealed 10/24/2006)**

## 7-6-1409. REPEALED.

**(Ord. No. 94-109 Enacted 12/20/1994; Ord. No. 06-69 Repealed 10/24/2006)**

## 7-6-1410. REPEALED.

**(Ord. No. 94-109 Enacted 12/20/1994; Ord. No. 06-69 Repealed 10/24/2006)**

## 7-6-1411. REPEALED.

**(Ord. No. 94-109 Enacted 12/20/1994; Ord. No. 06-69 Repealed 10/24/2006)**

## 7-6-1500P PART 15 - MIXED USE ZONE (MXD)

## 7-6-1501. PURPOSE.

The purpose of the Mixed-Use (MXD) zoning classification is to facilitate the integration of diverse but compatible uses into a single development, with the goal of creating a community that offers "live, work, and play" opportunities within convenient walking distance of each other.

**(Ord. No. 00-40 Enacted 07/19/2000)**

## 7-6-1502. PROJECT EVALUATION

All development proposals for the MXD zone shall be evaluated based on their compatibility with:

(1) The West Valley City General Plan
(2) The purpose and characteristics of the MXD Zone
(3) Sound planning practices
(4) Surrounding land-uses
(5) All other City-approved studies

**(Ord. No. 00-40 Enacted 07/19/2000)**

## 7-6-1503. SITE CHARACTERISTICS

The typical site zoned MXD shall encompass at least five acres; however, smaller projects that demonstrate outstanding characteristics may also be considered. Sites zoned MXD should be adjacent to major automobile and public transit corridors, and should have direct access to both.

**(Ord. No. 00-40 Enacted 07/19/2000)**

## 7-6-1504. DEVELOPMENT PLAN

(1) A Development Plan shall be submitted as part of the application to rezone a property to the MXD zone, and must be approved simultaneously with the zone change to the MXD zone. Each MXD zone will have its own Development Plan, which guides all development within that particular zone. The Development Plan shall include a site plan, a pedestrian connection/trails

plan, conceptual building elevations and design schemes, streetscape and building setback illustrations, a county recorder's property plat and aerial photograph (Sidwell map), and any other information typically required for a change in zoning.

(2) At least 25 percent of all mixed use developments shall be residential. In addition to the required residential component, the Development Plan must show uses from at least one of the following categories:
   a. Office
   b. Commercial
   c. Light-Industrial
   d. Institutional/Public
   e. Hotel/Entertainment

   No one category of uses (including residential) may occupy more than 75 percent of the total floor area.

(3) The general categories and uses to be established within a mixed-use project shall be specified and enumerated in the Development Plan, which must be approved concurrently with the reclassification of an area to the MXD zone. The approved Development Plan shall be considered an integral part of the zoning regulations for the area represented. Substantial variation between the Development Plan and the Final Site Plan would require review and recommendation from the Planning Commission and approval from the City Council. A substantial variation is any addition, modification, or alteration to a building or site plan that exceeds 20 percent of the gross floor area, site acreage, or exterior building surface or any change in use. All reductions in landscaping that total more than 600 square feet shall require approval from the Planning Commission.

**(Ord. No. 00-40 Enacted 07/19/2000)**

## 7-6-1505. DEVELOPMENT CHARACTERISTICS

(1) The following are uses that could be considered for developments within the MXD zone. Some of these uses are not appropriate in some areas, and/or are not compatible with other uses. Also, some of these uses may not be compatible in certain configurations or in certain locations, while they may be compatible in a different layout. It is the responsibility of the developer to show that the mix of uses, the overall project design, and the location are appropriate and desirable. Underlined uses may not be located on individual pad sites or parcels. They must be part of a larger building or physically connected and integrated into the complex. Public utility installations shall be reviewed as a conditional use. Pawn shops, car title loans, check cashing, rent-to-own, sexually-oriented businesses, tattoo parlors, and body piercing are not allowed within the MXD zone.

   Residential
   - All types with covered parking - minimum five units/acre gross density

   Office
   - Professional Offices
   - Banks and Credit Unions
   - Medical Clinics
   - Artist Studios

Commercial
- Convenience Stores - with or without fuel sales
- Grocery Stores - maximum 40,000 square feet per tenant
- Grocery Retail - maximum 40,000 square feet per tenant
- Nursing home, convalescent center

Light Manufacturing
- Radio and Television Broadcasting Studios - No outside storage
- Research and Development - No outside storage
- Veterinary Clinic /Indoor Kennel - No outside storage or activities
- Laboratories - No outside storage or activities

Institutional/Public
- Medical Clinics
- Colleges and Universities
- Day Care Facilities
- Museums
- Community Uses as defined in Section 7-1-103.

Hotel/Entertainment
- Hotels - Rooms off interior corridors
- Recreation - Indoor/Outdoor
- Restaurants and Club Licensees - without drive up windows
- Restaurants - with drive up windows
- Movie Theaters - Indoor
- Performing Art Theater - Indoor/Outdoor
- Health Clubs

(2) Uses may be mixed within a building or within an overall development, or both. However, the City encourages mixing uses within a building whenever possible.
(3) Developments within an MXD zone shall exhibit urban characteristics such as:
    a. Minimal building setbacks
    b. Large parkstrips and sidewalks
    c. Community gathering spaces
    d. Shared parking
    e. Integrated public transit
    f. Diverse and distinctive design features
(4) All developments shall provide at least 20 percent of the gross site area as open space. Open space shall typically include the following elements: cultivated landscaping, plazas, parks, urban trails/sidewalks, wetlands/indigenous landscaping, and community recreation space. A maximum of 50 percent of all open space may be hard surfaced. Streets, parking lots, driveways, and private yards are not considered open space.
(5) All lighting and signs shall be pedestrian scale, with a maximum sign height of 20 feet. Lights or signs on building faces may be higher than the 20 feet maximum. The City may approve larger scale lighting and/or signs of it can be shown that they are necessary for public safety or security purposes.
(6) Parking requirements shall be determined per existing City standards for each use. However, parking requirements may be reduced if it can be shown that shared parking is a viable

alternative. The City prefers shared parking and reserves the right to limit the amount of parking within a project to promote the mixing of uses that would allow for shared parking.

(7) Site plans shall clearly indicate the mixture of land uses within the project area and the percentage of the overall site that each use occupies. Furthermore, site plans shall indicate the amount of parking prorated to each use and shall illustrate how public transit is to be integrated into the site.

(8) An additional site plan shall illustrate pedestrian movement throughout the project area, with trail hierarchies established based on levels of pedestrian use. The purpose of this plan is to demonstrate how effectively uses are mixed, and to determine the efficiency of the site layout. The plan shall provide convenient and attractive pedestrian connections through the mixing of land uses and quality design practices.

**(Ord. No. 00-40 Enacted 07/19/2000; Ord. No. 06-81 Amended 12/5/2006; Ord. No. 09-26 Amended 08/07/2009)**

## 7-6-1506. DEVELOPMENT PROCEDURES

Upon approval of the Development Plan and zone change to MXD, uses in the development shall be processed as permitted uses (Section 7-14, as applicable).

**(Ord. No. 00-40 Enacted 07/19/2000)**

# 7-6-1600P PART 16 – CITY CENTER ZONE (CC)

**(Ord. No. 06-29 Enacted 04/18/2006)**

## 7-6-1601. PURPOSE.

The purpose of the City Center Zone is to:

(1) Implement the goals set forth in the Fairbourne Station Vision within the General Plan.
(2) Create a recognizable center or downtown for West Valley City.
(3) Encourage and direct development that supports transit.
(4) Encourage infill and redevelopment near the transit station by City Hall.
(5) Create new opportunities for economic growth and redevelopment.
(6) Reinforce the use of public transportation by locating higher-intensity development, including employment-oriented businesses and higher density residential uses, adjacent to transit stops.
(7) Encourage mixed-use development to reduce automobile dependency and roadway congestion by combining trips and locating destinations within walking and biking distances – all interconnected with transit.
(8) Enhance neighborhood identity by creating more choices such as walking, biking and shopping to residents that promote safety, friendliness and livability.
(9) Provide a mix of housing types, costs and densities.
(10) Promote architectural and site design treatments that enhance the visual appearance of development within the Zone.

**(Ord. No. 06-29 Enacted 04/18/2006; Ord. No. 13-06 Amended 02/25/2013)**

## 7-6-1602. DEFINITIONS.

Words used in the City Center Zone, but not defined by the City Center Zone, which are defined in Sections 7-1-103 or 7-14-203, shall have the meanings set forth therein.

(1) "Alley" means the public right-of-way for vehicles and pedestrians within a block that provides access to the side and rear of lots.
(2) "Blade sign" means a small, pedestrian scale sign placed at or near the top of the ground floor of a building that is perpendicular to the building façade.
(3) "Block" means a unit of land bounded by streets. For the purpose of measuring the length of a block, blocks shall be measured at the property frontage lot lines.
(4) "Civic green" means a public open space designed for less intensive foot traffic than a square. Civic greens shall have a minimum 50% unpaved pervious surface (turf, groundcover or mulch).
(5) "Courtyard" means an uncovered open space bounded on three or more sides by buildings.
(6) "Fenestration" means openings in a building wall that allow light and views between the building's interior and exterior.
(7) "Knee brace" means a diagonal support placed across the angle between a building overhang or roof and the building wall.
(8) "Mural" means any mosaic, painting or graphic art or combination thereof which is professionally applied to a building that does not contain any brand name, product name, letters of the alphabet spelling or abbreviating the name of any product, company, profession, or business, or any logo, trademark, trade name, or other commercial message.
(9) "Primary Façade" means the side of a building that faces a public street. On a corner lot, the street facing side with the main customer or resident entrance shall be considered the primary façade.
(10) "Quoins" means dressing for building corners differentiated from the adjoining walls by material, texture, color, size or projection.
(11) "Regulating Plan" means the map, which is part of the CC Zone, that illustrates where the standards found in Sections 7-6-1606 through 7-6-1610 apply within the overall CC Zone.
(12) "Retail anchor" means the major store or stores within a shopping center. Typical retail anchors include supermarkets, department stores, sporting good stores, etc.
(13) "Secondary Façade" means a side of a building that is not a primary façade and either is visible from a public right-of-way or has a customer or resident entrance. A building may have more than one secondary façade.
(14) "Square" means a public, active pedestrian center designed appropriate to their high pedestrian traffic level with a high percentage of paved surface area. Squares shall have a minimum of 20% unpaved pervious surface (turf, groundcover or mulch).
(15) "Story" means that space within a building, and above grade, that is situated between one floor level and the floor level next above, or if there is no floor above, the ceiling or roof above. Minimum building height shall be measured as the vertical distance between the lowest point of the roof and the average elevation of the corners of the building at finished grade.

**(Ord. No. 06-29 Enacted 04/18/2006; Ord. No. 13-06 Amended 02/25/2013)**

## 7-6-1603. APPLICABILITY.

The CC zone includes standards specific to properties that front certain streets in addition to general requirements for all properties within the zone. Section 7-6-1605 outlines the standards that apply to all properties within the CC zone. Sections 7-6-1606 through 7-6-1610 list the specific standards for each

street that are in addition to the standards in Section 7-6-1605. The Regulating Plan graphically depicts where street specific standards apply. Unless otherwise stated in the CC Zone, all other Sections of the Zoning Ordinance apply.

**(Ord. No. 06-29 Enacted 04/18/2006)**

## 7-6-1604. DEVELOPMENT REVIEW.

(1) The West Valley City Planning Commission shall review any development where the combined building areas are over 100,000 square feet in the CC Zone as a conditional use. The Planning Commission shall consider the standards set forth in Section 7-7-105, the Fairbourne Station Vision and the standards set forth in the CC Zone and may attach reasonable conditions to assure compatibility within the CC Zone and with neighboring zones.
(2) All development except development where the combined building areas are over 100,000 square feet shall be reviewed as a permitted use.
(3) The requirements within the CC Zone may be superseded by a development agreement which is reviewed by the Planning Commission and reviewed and approved by the City Council. The development agreement shall address all Sections of the CC Zone.

**(Ord. No. 06-29 Enacted 04/18/2006; Ord. No. 13-06 Amended 02/25/2013)**

## 7-6-1605. STANDARDS FOR ALL PROPERTIES.

The following requirements apply to all properties with the CC zone.

(1) Parking
    a. Unless otherwise stated, all parking areas shall meet the requirements found in Chapter 7-9.
    b. Parking structures shall meet the following standards:
        i. Parking structures shall include pedestrian walkways and connections to the sidewalk system. These shall be clearly marked and continuous in design.
        ii. Parking structures shall contain ground-level retail, office or display windows along all street fronting façades of the parking structure.
        iii. Parking structures shall be designed with an architectural theme similar to the adjoining structures.
    c. The minimum parking requirements set forth in Section 7-9-104 may be reduced by 10%. Further reductions in parking requirements may be considered as allowed in Sections 7-9-104 and 7-9-106.
(2) Use Limitations
    a. The following uses are prohibited in the CC Zone:
        i. Automobile sales and leasing
        ii. Automobile service
        iii. Automobile parts/supply store
        iv. Bail bonds
        v. Billboards
        vi. Blood plasma center
        vii. Car title loan business
        viii. Check cashing/deferred deposit loan

ix. Chemical, explosive and fuel manufacturing and/or storage, such as firewood, coal, etc.
x. Commercial indoor recreation
xi. Commercial outdoor recreation
xii. Convenience store
xiii. Dance hall
xiv. Dance studio
xv. Detention facility/jail
xvi. Fast food restaurant with a drive-up window
xvii. Fitness center/health club
xviii. Funeral home
xix. Furniture store
xx. Hardware store/home improvement center
xxi. Indoor/outdoor gun range or gun store
xxii. Indoor/outdoor swap meet
xxiii. Laundromat
xxiv. Lingerie store
xxv. Light or heavy manufacturing
xxvi. Office/warehouse – more than 50% interior storage
xxvii. Outside storage or display
xxviii. Manufacturing uses which include production, processing, cleaning, testing and distribution of material goods and services
xxix. Martial arts/karate studio
xxx. Massage parlor
xxxi. Motor fuel sales
xxxii. Movie theater
xxxiii. Moving truck rental
xxxiv. Neighborhood grocery
xxxv. Non-stealth wireless communication facilities
xxxvi. Non-stealth radio towers
xxxvii. Outdoor kennel
xxxviii. Outcall services and service-oriented escort bureaus
xxxix. Pawnshop
xl. Private club
xli. Reception Center
xlii. Retail tobacco specialty store
xliii. Sale and/or lease of mobile homes, travel trailers, campers, motorcycles and other recreational vehicles
xliv. Sanitary landfill
xlv. Secondhand precious metal dealer/processor and/or precious gem dealer
xlvi. Secondhand store
xlvii. Self-storage facility
xlviii. Supermarket
xlix. Sexually-oriented business
l. Tattoo establishment
li. Taxicab business
lii. Towing and impound yards
liii. Tavern

liv. Vehicle recycling facilities
lv. Warehousing, distribution facilities or truck transfer company

b. All other uses shall be reviewed pursuant to Section 7-6-1604.

(3) Building Exterior Colors

a. The color of all buildings within the CC zone is subject to City approval. The dominant overall color scheme of buildings shall generally be subtle, subdued, low reflectance, neutral or earth tones. Brighter primary colors may be used as accent elements, such as door and window frames and architectural details. Fluorescent or metallic colors are only allowed as signage.

(4) Residential Building Design. Residential buildings shall meet the following standards:

a. Garages doors or vehicle entries shall not be placed on street facing façades. Parking structure entrances are exempt from this requirement. When possible, alleys should be used to access garages.

b. Buildings shall be oriented to the street and have at least one primary entrance facing the street.

c. Where pitched roofs are used, the following standards shall apply.

i. The minimum roof pitch shall be 5:12.
ii. The eaves or roof edges must be setback at least 5’ from any public sidewalk.
iii. Vertical or horizontal roof articulation is required on all primary façades with pitched roofs. No more than two dwelling units shall be covered by a single, unarticulated roof. Roof articulation shall be achieved by changes in plane and/or the use of traditional roof forms such as gables, hips, and dormers.
iv. Roof mounted air conditioning units are prohibited.
v. Gable ends must have a minimum 6 inch overhang at the eaves.
vi. Where asphalt shingles are proposed as roofing materials on pitched roofs, laminated architectural shingles shall be used.

d. In order to prevent blank or plain walls with little or no relief, and to ensure excellence in architecture and design, primary façades shall include at least two of the following relief treatments. One of the relief treatments shall be utilized at least once per dwelling unit. Secondary façades shall include at least one of the following relief treatments utilized at least once per two dwelling units.

i. Bay windows
ii. Windows recessed a minimum of 2 inches
iii. Box windows
iv. Building offsets or projections with a minimum depth of 1’ and a minimum width of 4’
v. Balconies or covered porches
vi. Expression of a vertical architectural treatment with a minimum width of 24 inches and a minimum depth of 2 inches
vii. Any other treatment that meets the intent of Subsection 4d

e. In order to prevent blank or plain walls, and to ensure excellence in architecture and design, primary façades shall include at least two of the following window treatments with at least one window treatment per window. All other façades shall utilize at least one of the following window treatments per window.

i. Varying the size and/or style of windows
ii. Windows sills
iii. Window grids
iv. Window trim

v. Window headers
vi. Window railing
vii. Shutters
viii. Any other treatment that meets the intent of Subsection 4e

f. In order to prevent building facades with blank or plain walls with little or no variation or interest, primary façades shall include at least two of the following building design treatments. Secondary façades shall include at least one of the following building design treatments.
   i. Ornamental details such as quoins, knee braces and exposed joists
   ii. A change of material applied to at least 20% of the façade
   iii. A change of color applied to at least 20% of the façade
   iv. Decorative parapet
   v. Architectural banding
   vi. Cornice other than that at the top of the building
   vii. Rounded design at street corners
   viii. A change of pattern applied to at least 20% of the façade (Example: changing brick work from face brick to a soldier course or basket weave pattern.)
   ix. A distinguished upper floor for buildings with at least four floors
   x. Any other treatment that meets the intent of Subsection 4f
g. A building relief treatment, window treatment or building design treatment listed in d, e and f above shall only be counted once when assessing compliance with the minimum number of treatments required. For example, if a building uses brick and stucco as exterior materials, the change of materials can count only as a change of materials under 7-6-1605(4)(f)(ii) and not a change of color under 7-6-1605(4)(f)(iii).
h. In residential developments with more than 4 buildings, the architectural features listed in d, e and/or f above shall be varied between buildings.
i. All residential building exteriors shall be brick, stucco or stone. No more than 60% of a building exterior shall be stucco. No more than 60% of a residential building exterior shall be hardie plank siding. Where stucco and hardie plank are used, at least 20% of the building's exterior shall be brick or stone. Metal and wood may be used as trim, soffits and accents only. All awnings shall be metal, glass, canvas cloth or equivalent.
j. All multi-family residential developments with 50 to 75 dwelling units shall include at least three amenities from the following list. At least two of the three amenities shall be from the major amenities list. All multi-family residential developments with 76 to 99 dwelling units shall include at least five amenities from the following list. At least three of the five amenities shall be from the major amenities list. All multi-family residential developments with 100 or more dwelling units shall include seven amenities from the following list. At least four of the seven shall be from the major amenities list.

| **Major** | **Minor** |
|---|---|
| Swimming pool | Tot lot |
| Courtyard | Volleyball court |
| Clubhouse (without fitness room) | Hot tub or sauna |
| Garages | Walking/exercise trail |
| On-site manager | Basketball court |
| Fitness room | Tennis court |
| Private patio or balcony of at least 60 square feet | |

| | |
|---|---|
| for each unit | Transit Pass |
| Community library | Community car |
| Keyless access system | Storage lockers for each unit |
| Community room with full kitchen | Bike storage |
| Community game room | |
| Community cinema with theater-style seating | |

k. When exterior stairways are used, they shall be stylistically consistent with and architecturally integrated into the buildings they serve. Exterior stairs, which are not architecturally consistent with the building design, are prohibited.
l. All façades of a building shall be built with consistent architectural style, detail and trim features of the primary façade. Accessory buildings such as clubhouses and garages shall be built with similar colors, materials and architectural features as the multi-family residential buildings within the same development.
m. All multi-family residential developments shall include either washer and dryer hook-ups for each dwelling unit or an on-site laundry.

(5) Mixed-use buildings with residential use shall meet the following standards:
a. The residential portion of the building shall follow the standards in Subsection 4 above.
b. The commercial portion of the building shall follow the standards in Subsection 6 below.
c. Commercial loading areas, trash facilities and mechanical equipment shall be screened from sight through landscaping, walls and/or fences from all pedestrian ways, residential building entries, open space and windows.
d. Commercial hours of operation shall be reviewed and, if needed, limited by City staff to prevent adverse impacts on the residential uses within the building.

(6) Commercial Building Design. Commercial buildings shall meet the following standards:
a. Buildings shall be oriented to the street and have at least one primary entrance facing the street.
b. Ground floor street facing façades shall be distinguished from other floors through the use of at least one of the following techniques: architectural banding, cornice treatment, color change, material change, or recessed upper floors.
c. In order to prevent blank or plain walls with little or no relief, and to ensure excellence in architecture and design, primary façades shall incorporate two of the following building relief treatments. Secondary façades shall incorporate one of the following building relief treatments.
i. Expression of a vertical architectural treatment with a minimum width of 24 inches and a minimum depth of 2 inches placed an average of 40’ apart for façades with a width of 200’ or more, or 30’ apart for façades with a width less than 200’.
ii. Building setbacks, offsets or projections with a minimum of 10’ in width and 2’ in depth placed an average of 100’ apart for façades with a width of 200’ or more or 50’ apart for façades with a width less than 200’.
iii. A primary customer entrance. Primary customer entrances must feature no less than 3 of the following elements: canopies or porticos, overhangs, recesses/projections, arcades, raised cornice parapets over the door, peaked roof forms, arches, outdoor patios and architectural details such as tile work and moldings which are integrated into the building structure.

iv. Arcades or colonnades a minimum of 6’ feet deep with a minimum column width or diameter of 12 inches, or other roof treatments that provide shade and/or a break in the vertical plane along at least 50% of the width of a façade.
v. Awnings, associated with windows and/or doors along at least 50% of the width of a façade. Awnings must be in detached increments as opposed to one continuous awning.
vi. Any other treatment that meets the intent of Subsection 6c.

d. In order to prevent blank or plain walls with little or no variation or interest, and to ensure excellence in architecture and design, primary façades shall incorporate 3 of the following building articulation treatments. Secondary façades shall incorporate 2 of the following building articulation treatments.
i. Ornamental and structural details that are integrated into the building structure.
ii. A texture and/or material change applied to at least 20% of the façade.
iii. A color change applied to at least 20% of the façade.
iv. Decorative parapet.
v. Architectural banding.
vi. Cornice other than that at the top of the building.
vii. Rounded design at street corners.
viii. A change of pattern applied to at least 20% of the area of a façade dedicated to a single material.
ix. Arches or arched forms.
x. Murals.
xi. Any other treatment that meets the intent of Subsection 6d.

e. A building relief or building articulation treatment listed in c and d above shall only be counted once when assessing compliance with the minimum number of treatments required. For example, if a building has an arcade, the arcade can count only as a building relief treatment under 7-6-1605(6)(c)(iv) and not a building articulation treatment 7-6-1605(6)(d)(ix).

f. All façades of a building shall be designed with consistent architectural style, detail, and trim features of the primary façade.

g. All building exteriors shall be brick, stucco, stone or architectural concrete that is textured or patterned. No more than 60% of a building exterior shall be stucco. No more than 60% of a building exterior shall be glass. Metal and wood may be used as trim or accents only. All awnings shall be metal, glass, canvas cloth or equivalent.

h. All buildings with a drive-through window must: 1) incorporate a permanent, covered porte-cochere structure over the drive-through window that is the width of the drive, a minimum of 20’ in length, and integrated structurally and architecturally into the design of the building or 2) incorporate the drive-through area as part of a multi-level building where the drive-through is covered by one or more floors of the building and comprises no more than 50% of the area of the floor on which it is located.

i. Where pitched roofs are used, the eaves or roof edges must be setback at least 5’ from any public sidewalk.

(7) Building Height. All buildings shall meet the following height requirements:
In order to create the downtown area intended for City Center, the building height requirements shall be applicable for all buildings such that a single building may be subject to more than one height requirement. In such cases, each portion of the single building shall comply with the height requirement where it is located.

a. Buildings located in between 3650 South and 3500 South shall be a minimum of 5 stories or 60', except for buildings, or portions thereof, located within the first 100' north of 3650 South. Buildings, or portions thereof, located within the first 100' north of 3650 South shall be a minimum of 2 stories or 24' and a maximum of 3 stories. All buildings, or portions thereof, located outside the 100' feet north of 3650 South shall meet the 5 story or 60' minimum.
b. Buildings located north of 3500 South shall be a minimum of 3 stories or 36' and a maximum of 5 stories, except for buildings, or portions thereof, located within 100' of a residential zone. Buildings, or portions thereof, located within 100' of a residential zone shall be 2 stories and not exceed 24'. Such buildings shall maintain a 10' setback from the property line of adjoining property within an existing single family residential zone. All buildings, or portions thereof, located outside the 100' of a residential zone shall meet the minimum 3 story or 36' minimum, maximum 5 story requirements.
c. For all locations in the City Center zone, the minimum building height for accessory buildings shall be 1 story.

(8) Pedestrian Circulation

No block shall have a length greater than 500 feet unless it incorporates an alley, common drive, access easement, or pedestrian pathway providing through pedestrian access to another street. The pedestrian access and circulation requirements in Section 7-14-207 shall apply to all commercial development. The pedestrian access and circulation requirements in Section 7-14-304 shall apply to all residential development.

(9) Open Space and Landscaping

a. For nonresidential and mixed-use developments, a minimum of 10% of the net lot area shall be provided on the site for public open space. Required yards and sidewalk widths, which are constructed on private property, may be counted towards this requirement. Such public open space shall include planted areas, fountains, plazas, hardscaped elements related to walks and plazas, and similar features which are located on private property but which are generally accessible to the public during the normal business hours.
b. Residential uses shall provide common open space in the amount of 20% of the lot area. This common open space may take the form of ground level plazas, courtyards, interior atriums, landscape areas, roof gardens and decks on top of the buildings or other such forms of open space available for the common use by residents of the property.
c. Connecting open space between two or more adjacent properties is encouraged. Where open space on two or more adjacent properties is connected and designed as an integrated, useable open space, the required open space percentages may be reduced to 9% for nonresidential or mixed-use developments and 18% for residential developments.
d. Developments including a residential component may receive offsets to park impact fees for dedication of land as a square or civic green.
e. All landscaping shall be maintained in a live, healthy, neat and orderly condition, free of weeds, disease, pests and litter. All paved areas, walls and fences shall be in good repair without broken parts, holes, potholes or litter.

(10) Fences

No fences or walls over two feet in height shall be allowed within the minimum required front setback. Fence materials shall be masonry or wrought iron style metal.

(11) Curb Cuts

Curb cuts for alleys or private driveways shall be limited to no more than one per 200 feet of street frontage on all streets. Where UDOT curb cut standards along 3500 South are more restrictive, UDOT standards shall be followed.

(12)Public Utilities, Underground

a. Except as specified in Section 7-6-1605(12)(b), (c) and (d) below, all electrical, communications, cable television service, and other similar distribution wires and/or cables serving all new developments shall be placed underground at the owner or developer's expense. The owner or developer shall be responsible for complying with this requirement and shall make necessary arrangements with each of the servicing utilities for installation of such facilities.

b. Aboveground components, including transformers, terminal boxes, meter cabinets, pedestals, concealed ducts, and other facilities necessarily appurtenant to underground facilities may be placed above ground and shall be screened through the use of landscaping and fencing.

c. If an applicant applies for a conditional use permit, the Planning Commission may waive the requirements of Section 7-6-1605(12)(a) in a particular case where it is shown, and the Planning Commission finds, that soil, water table or other conditions make underground installation unreasonable or impractical.

d. The requirements in Section 7-6-1605(12)(a) shall not apply to low power radio service antennas, transmission lines on 2700 West, or overhead communication long distance trunk and feeder lines.

(13)Location of Service Areas

All loading docks, refuse disposal areas and other service activities shall be located on block interiors away from view of any public street. Exceptions to this requirement may be approved through the site plan review process when a permit applicant demonstrates that it is not feasible to accommodate these activities on the block interior. If such activities are permitted adjacent to a public street, a visual screening design approved by the Zoning Administrator shall be required.

(14)Bicycle Parking

With the exception of properties that front on Market Street and Lehman Avenue, all commercial developments shall meet the bicycle parking standards found in Section 7-14-207(5) and all residential developments shall meet the bicycle parking standards found in Section 7-14-304(5).

(15)Events

Events such as farmers markets, festivals, fairs, holidays and community events shall be reviewed as a temporary use by City staff. Non-business oriented banners whose sole intent is to promote these events are excluded from the provisions of this ordinance.

**(Ord. No. 06-29 Enacted 04/18/2006; Ord. No. 08-09 Amended 02/20/2008; Ord. No. 13-06 Amended 2/25/2013; Ord. No. 15-03 Amended 01/29/2015; Ord. No. 15-14 Amended 04/30/2015)**

## 7-6-1606. STANDARDS FOR LEHMAN AVENUE.

The following standards apply to properties that front on Lehman Avenue (See Regulating Plan for exact locations).

(1) Streetscape

a. Street improvements shall be installed and dedicated according to Figure 1. These improvements include two 13' travel lanes, 8' parallel on-street parking on both sides of

the street, curb and gutter, 6’ park strips, 6’ sidewalks, street trees and street lights. At the time of development, the developer is only responsible for the installation and dedication of street improvements on the side(s) of the street being developed.

Figure 1

b. Miyabei Maple (Acer Miyabei “State Street”) of a minimum size 2” caliper shall be planted in the park strip an average of thirty five feet apart.
c. Street lights shall be installed at an average interval of 70’and shall conform to engineering standards and specifications for City-approved lighting fixtures.

(2) Building Standards
a. There is no minimum front yard setback. The maximum front yard setback shall be 10’. A building shall not project into the public right-of-way except as provided in item c below.
b. For each lot, the building(s) shall be built within 0’ to 10’ of the front property line for at least 50% of the lot’s street frontage. For corner lots, the length of the building street frontage along one street can be less than the minimum required as long as the total building street frontage required is not reduced.
c. Balconies, awnings, horizontal overhead trellises, roof overhangs, covered entrances and bay windows may project into the public right-of-way a maximum of 5’. Such features, excluding supporting columns or posts, must maintain a minimum clear height of 8’ from the sidewalk.

(3) Yard Space and Parking
a. All areas between the front of the building and the sidewalk shall be landscaped.
b. No parking shall be allowed between the front of the building and the sidewalk. When parking is placed to the side of a building and will be visible from the street, a 2’ tall hedge and/or masonry screen wall and 10’ of landscaping shall be installed directly adjacent to the sidewalk.

(4) Signs

a. Signs shall comply with the standards in Section 11-6-101. Wall signs are allowed for office uses. The area limitation for wall signs on building or structure façades shall be 10% of the first story façade and 5% of any other façade.

(5) Land Use

Uses are limited to residential, community, office and home occupations.

**(Ord. No. 06-29 Enacted 04/18/2006; Ord. No. 13-06 Amended 02/25/2013)**

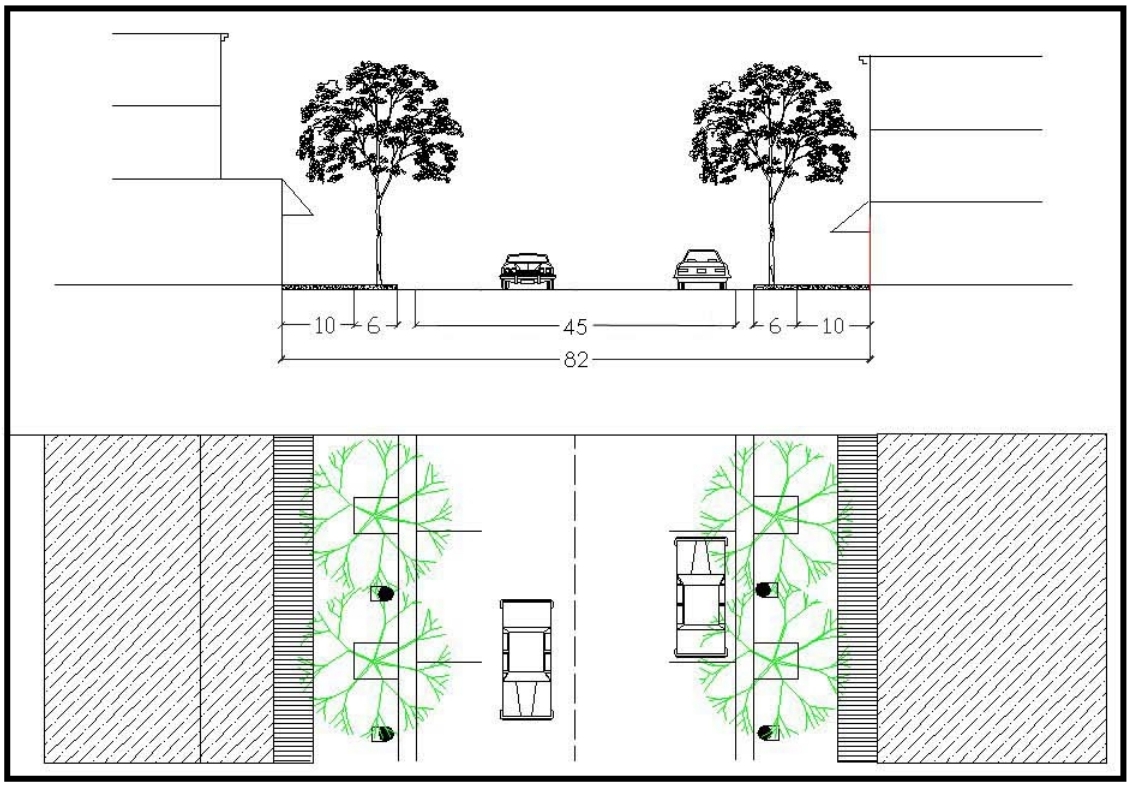
## 7-6-1607. STANDARDS FOR MARKET STREET.

The following standards apply to properties that front on Market Street and Lehman Avenue (See Regulating Plan for exact locations).

(1) Streetscape

a. Street improvements shall be installed and dedicated according to Figure 2. These improvements include 45’ of pavement, curb and gutter, 6’ wide by 5’ long tree wells, 10’ sidewalks, street trees, street lights, trash cans, bike racks and benches. At the time of development, the developer is only responsible for the installation and dedication of street improvements on the side(s) of the street being developed. Outdoor seating and temporary sales may be located on the public sidewalk within 8’ of the building leaving at least 4’ of the public sidewalk clear.

Figure 2




b. The tree wells shall be installed 20’ apart on center. Acer Rubrum “October Glory” (October Glory Maple) trees of a minimum size 2” caliper shall be planted in each tree well.

c. Street lights shall be installed at an average interval of 75’ and shall conform to engineering standards and specifications for City-approved lighting fixtures.

(2) Building Standards

a. There is no minimum building setback. The maximum front yard setback shall be 10’. A building shall not project into the public right-of-way except as provided in item d below.

b. For each lot, the building(s) shall be built to the back of the sidewalk for at least 70% of the lot’s street frontage. The remaining 30% of the street frontage may be utilized for pedestrian areas such as outdoor seating and plazas or for access to the space behind the building. The front building façade may include jogs of not more than two feet in depth to allow for architectural relief. For corner lots, the length of the building street frontage along one street can be less than the minimum required as long as the total building street frontage required is not reduced.

c. Ground floor street facing façades shall include awnings, trellises, roof overhangs and/or covered entrances.

d. Balconies, awnings, horizontal overhead trellises, roof overhangs, covered entrances and bay windows may project into the public right-of-way a maximum of 5’. Such features, excluding supporting columns or posts, must maintain a minimum clear height of 8’ from the sidewalk.

e. Roofs and roof mounted equipment shall be screened through the use of a parapet wall. Pitched roofs are prohibited unless the ridgeline of the roof is perpendicular to the front façade or the edge of the eaves is setback at least 5’ from the ground floor front façade.

f. Street facing façades should vary in design from neighboring buildings. Also, design variation is encouraged on street facing façades of larger buildings with wide street frontage.

g. Transparent fenestration on ground floor street facing façades shall comprise at least 60% of the façade (measured as a percentage of the façade that is between 3 and 9 feet above the fronting sidewalk).

(3) Yard Space and Parking

a. No parking shall be allowed between the front of the building and the sidewalk. All parking shall be located within a building or to the side or rear of a building.

b. Where drive-through windows are needed, they shall be placed to the rear of the building without drive-through lanes placed in front of buildings.

(4) Signs

a. Only the following types of signs are allowed:

i. One A-frame type sign is allowed per business within 10’ of the front of a building on the public sidewalk. There must be at least 6’ of unobstructed space on the public sidewalk. The maximum height of A-frame signs shall be 4’ and the maximum width shall be 2’.

ii. Wall signs. The area limitation for wall signs on building or structure façades shall be 10% of the first story façade and 5% of any other façade.

iii. One blade sign is allowed per business. Blade signs shall be installed perpendicular to the building façade no more than 18 inches vertical by 3’ horizontal and a minimum 9’ clear height above the sidewalk.

iv. Miscellaneous signs as defined in Section 11-5-101.

(5) Land Use

Buildings that include residential use must also include at least the ground floor as office or retail use.

**(Ord. No. 06-29 Enacted 04/18/2006; Ord. No. 13-06 Amended 02/25/2013)**

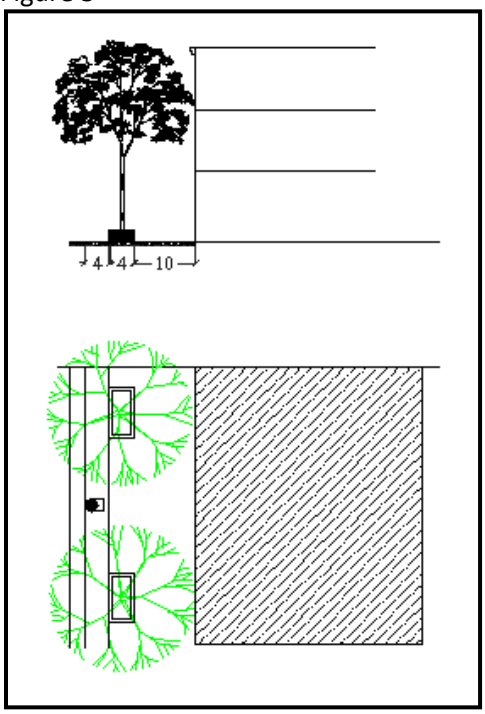
## 7-6-1608. STANDARDS FOR CONSTITUTION BLVD (2700 WEST) AND 3500 SOUTH.

The following standards apply to properties that front on the west side of Constitution Blvd (2700 West) and both sides of 3500 South (See Regulating Plan for exact locations).

(1) Streetscape

a. The following streetscape improvements shall be installed and dedicated behind the curb according to Figure 3. These improvements include 4' tree wells, 10' sidewalks, street trees and street lights. At the time of development, the developer is only responsible for the installation and dedication of street improvements on the side(s) of the street being developed.

Figure 3




b. The tree wells shall be spaced 22' apart on center. One Centurion Crabapple (Malus Hybrid Centzam) tree shall be planted in each tree well on 2700 West except where a tree well is adjacent to a vehicular entrance or alley where one Tschnonoski Crabapple (Malus Tschonoski) tree shall be planted in each tree well on 2700 West. One Musashimo Zelcova (Zelcova Serrata Musashino) tree of a minimum size 2" caliper shall be planted in each tree well on 3500 South.

c. On 2700 West, street lights shall be installed at an average interval of 110' and shall conform to engineering standards and specifications for City-approved lighting fixtures.

(2) Building Standards

a. There is no minimum building setback. The maximum building setback shall be 15'. A building shall not project into the public right-of-way except as provided in item d below.

b. For each lot, the building(s) shall be built within 0' to 15' of the front property line for at least 50% of the lot's street frontage. The remaining 50% of the street frontage may be utilized for pedestrian areas such as outdoor seating and plazas, parking as described in 3a below, or for access to the space behind the building. The front building façade may include jogs of not more than two feet in depth to allow for architectural relief. For corner lots, the length of the building street frontage along one street can be less than the minimum required as long as the total building street frontage required is not reduced.
c. Ground floor street facing façades may include awnings, trellises, roof overhangs and/or covered entrances.
d. Balconies, awnings, horizontal overhead trellises, roof overhangs, covered entrances and bay windows may project into the public right-of-way a maximum of 5'. Such features, excluding supporting columns or posts, must maintain a minimum clear height of 8' from the sidewalk.
e. Roofs and roof mounted equipment shall be screened through the use of a parapet wall. Pitched roofs are prohibited unless the ridgeline of the roof is perpendicular to the front façade or the edge of the eaves is setback at least 5' from the ground floor front façade.
f. Street facing façades should vary in design from neighboring buildings. Also, design variation is encouraged on street facing façades of larger buildings with wide street frontage.
g. Transparent fenestration on ground floor street facing façades shall comprise at least 60% of the façade (measured as a percentage of the façade that is between 3 and 9 feet above the fronting sidewalk).

(3) Yard Space and Parking
a. No parking shall be allowed between the front of the building and the sidewalk except for retail anchors. Retail anchors may utilize parking between the front of the building and the sidewalk if pad sites are developed along at least 50% of the street frontage. When parking is placed to the side of a building and will be visible from the street, a 2' tall hedge and/or masonry screen wall shall be installed within a 10' landscaped area between the parking area and the sidewalk.
b. Where possible, parking areas between and access to properties shall be connected to allow shared parking and shared access.
c. Where drive-through windows are needed, they shall be placed to the rear of the building without drive-through lanes placed in front of buildings.

(4) Signs
Only the following types of signs are allowed:
a. Monument signs as defined in Section 11-5-103.
b. Wall signs. The area limitation for wall signs on building or structure façades shall be 15% of the first story façade and 5% of any other façade.
c. One blade sign is allowed per business. Blade signs shall be installed perpendicular to the building façade no more than 18 inches vertical by 3' horizontal and a minimum 9' clear height above the sidewalk.
d. Miscellaneous signs as defined in Section 11-5-101.

(5) Land Use
Buildings that include residential use must also include at least the ground floor as office or retail use.

**(Ord. No. 06-29 Enacted 04/18/2006; Ord. No 13-06 Amended 02/25/2013)**

## 7-6-1609. REPEALED.

**(Ord. No. 06-29 Enacted 04/18/2006; Ord. No. 08-09 Amended 02/20/2008; Ord. No. 13-06 Repealed 02/25/2013)**

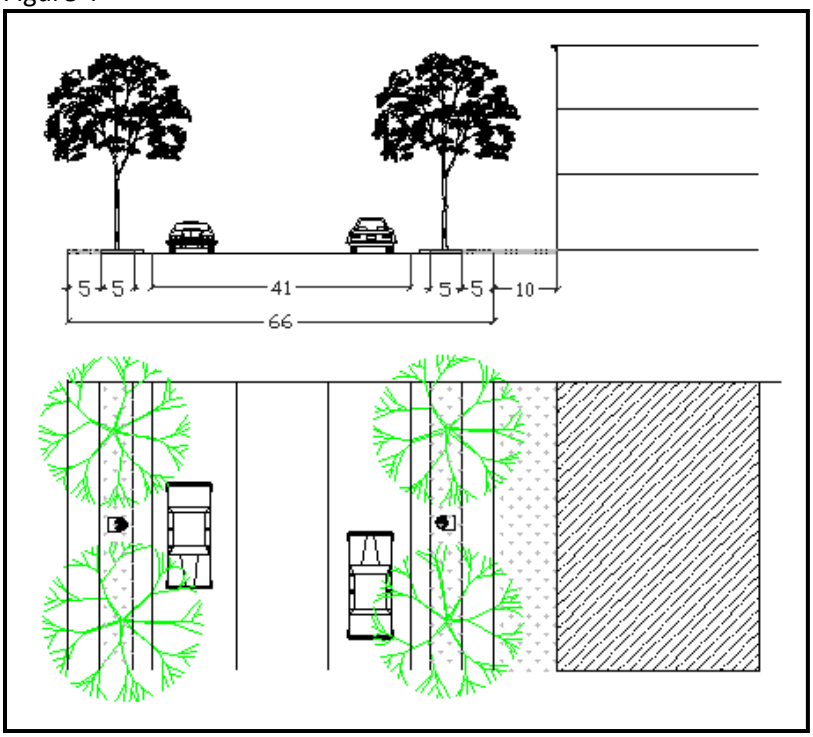
## 7-6-1610. STANDARDS FOR 3650 SOUTH.

The following standards apply to properties that front on 3650 South (See Regulating Plan for exact locations).

(1) Streetscape

a. Street improvements shall be installed and dedicated according to Figure 4. These improvements include two 12' travel lanes, one 14' left turn median lane, curb and gutter, 5' park strips, 5' sidewalks, street trees and street lights. At the time of development, the developer is only responsible for the installation and dedication of street improvements on the side(s) of the street being developed.

Figure 4




b. Crimean Linden (Tilia Euchloro) trees of a minimum size 2" caliper shall be planted in the park strip an average of thirty feet apart.

c. Street lights shall be installed at an average interval of 180' with a minimum separation of 170' and a maximum separation of 190'250' and shall conform to engineering standards and specifications for City-approved lighting fixtures.

(2) Building Standards

a. The minimum front yard setback shall be 10'. The maximum front yard setback shall be 20'.

b. For each lot, the building(s) shall be built within 10' to 20' of the front property line for at least 50% of the lot's street frontage. For corner lots, the length of the building street

frontage along one street can be less than the minimum required as long as the total building street frontage required is not reduced.

c. Transparent fenestration on ground floor street facing façades with office uses shall comprise at least 60% of the façade (measured as a percentage of the façade that is between 3 and 9 feet above the fronting sidewalk).

d. Street facing façades should vary in design from neighboring buildings. Also, design variation is encouraged on street facing façades of larger buildings with wide street frontage.

(3) Yard Space and Parking

a. All areas between the front of the building and the sidewalk shall be landscaped.

b. No parking shall be allowed between the front of the building and the sidewalk. When parking is placed to the side of a building and will be visible from the street, a 2' tall hedge and/or masonry screen wall and 10' of landscaping shall be installed directly adjacent to the sidewalk.

(4) Signs

Only the following types of signs are allowed:

a. Monument signs as defined in Section 11-5-103 for all uses.

b. Wall signs for community, office and health services uses only. The area limitation for wall signs on building or structure façades shall be 10% of the first story façade and 5% of any other façade.

c. Miscellaneous signs as defined in Section 11-5-101.

(5) Land Use

Only residential, community, office and health services uses and home occupations are allowed.

**(Ord. No. 06-29 Enacted 04/18/2006; Ord. No. 13-06 Amended 02/25/2013)**

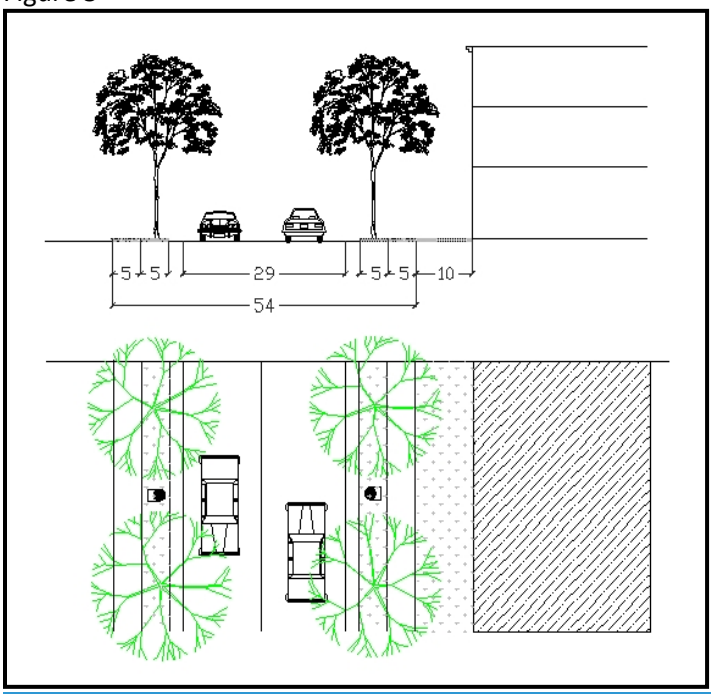
## 7-6-1610.1 STANDARDS FOR WEIGH STATION ROAD AND THREE MILL LANE.

The following standards apply to properties that front on Weigh Station Road and Three Mill Lane (See Regulating Plan for exact locations).

(1) Streetscape

a. Street improvements shall be installed and dedicated according to Figure 5. These improvements include 29' of pavement, curb and gutter, 5' park strips, 5' sidewalks, street trees and street lights. At the time of development, the developer is only responsible for the installation and dedication of street improvements on the side(s) of the street being developed.

Figure 5




b. On Weigh Station Road, Zelcova Serrata "Green Vase" (Green Vase Zelcova) trees of a minimum size of 2" caliper shall be planted in the park strip an average of twenty five feet apart. On Three Mill Lane, Pyrus Calleryana "Glen's Form" (Calley Pear) trees of a minimum size of 2" caliper shall be planted in the park strip an average of twenty five feet apart.
c. Street lights shall be installed at an average interval of 100' and shall conform to engineering standards and specifications for City-approved lighting fixtures.

(2) Building Standards

a. There is no minimum building setback. The maximum front yard setback shall be 10'. A building shall not project into the public right-of-way except as provided in item d below.
b. For each lot, the building(s) shall be built within 0' to 10' of the front property line for at least 50% of the lot's street frontage. For corner lots, the length of the building street frontage along one street can be less than the minimum required as long as the total building street frontage required is not reduced.
c. Street facing facades should vary in design from neighboring buildings. Also, design variation is encouraged on street facing facades of larger buildings with wide street frontage.
d. Balconies, awnings, horizontal overhead trellises, roof overhangs, covered entrances and bay windows may project into the public right-of-way a maximum of 5'. Such features, excluding supporting columns or posts, must maintain a minimum clear height of 8' from the sidewalk.

(3) Yard Space and Parking

a. All areas between the front of the building and the sidewalk shall be landscaped.
b. No parking shall be allowed between the front of the building and the sidewalk. When parking is placed to the side or rear of a building and will be visible from the street, a 2'

tall hedge and/or masonry screen wall and a minimum of 5' of landscaping shall be installed directly adjacent to the sidewalk.

(4) Signs
Only the following types of signs are allowed:
   a. Monument signs as defined in Section 11-5-103 for all uses.
   b. Wall signs for community, office and health services uses only. The area limitation for wall signs on building or structure facades shall be 10% of the first story façade and 5% of any other façade.
   c. Miscellaneous signs as defined in Section 11-5-101.

(5) Land Use
Uses are limited to residential, community, office, health services and home occupations.

**(Ord. No. 13-06 Enacted 02/25/2013)**

## 7-6-1611. NONCONFORMING USE OF STRUCTURES AND LAND.

The following standards apply to all nonconforming uses and nonconforming structures within the CC Zone:

(1) No nonconforming use shall be expanded or increased. No nonconforming structure shall be expanded or increased unless the expansion brings the structure into compliance with the building standards of the CC Zone.
(2) A nonconforming use shall not be changed to a different use unless the proposed new use is a conforming use.
(3) Exterior façade changes to nonconforming structures shall only be allowed if they help to bring the structure into compliance, or at least partial compliance, with the architectural standards in Section 7-6-1605.

**(Ord. No. 06-29 Enacted 04/18/2006)**

## 7-6-1612. FOOD VENDING VEHICLES ON LEHMAN AVENUE.

(1) This section shall govern the operation of food vending vehicles on Lehman Avenue as set forth more particularly herein. Unless explicitly incorporated, the requirements of Chapter 17-22A do not apply to food vending vehicles operating pursuant to this Section.
(2) Food vending vehicles may park and operate on the south side of Lehman Avenue between Market Street and 3000 West, subject to the following limitations:
   a. Food vending vehicles are permitted to operate one day per week. That day shall be designated by the Zoning Administrator.
   b. Food vending vehicles may only operate between 11 AM and 9 PM on the day established by the Zoning Administrator.
   c. All food vending vehicles must be in compliance with the provisions of Title 17 pertaining to business licensing.
   d. Food vending vehicles may not obstruct vehicular or pedestrian traffic.
   e. Food vending vehicles must comply with all applicable Salt Lake County Health Department requirements.

**(Ord. No. 15-08 Enacted 03/05/2015)**

# CHAPTER 7-7
# CONDITIONAL USES

Sections:

7-7-101. Purpose.
7-7-102. Application.
7-7-103. Application Review.
7-7-104. Notice or Public Hearing.
7-7-105. Repealed.
7-7-106. Amendment of a Conditional Use.
7-7-107. Planning Commission Action.
7-7-108. Repealed.
7-7-109. Time Limit.
7-7-110. Revocation.
7-7-111. Appeal Procedure.
7-7-112. Conditions to be Fulfilled – Enforcement.

## 7-7-101. PURPOSE.

(1) The purpose of this Chapter is to establish standards for certain land uses listed in each zone as conditional uses.
(2) Conditional uses may be allowed, allowed with conditions, or denied based on compliance with the standards and criteria set forth herein.

## 7-7-102. APPLICATION.

Application for a conditional use permit shall be made upon forms provided by the City. The application shall be signed by the property owner or his authorized agent. The completed application shall be filed with the Community and Economic Development Department and shall be accompanied by the following:

(1) A sufficient number of copies, as determined by the Community and Economic Development Department, of the development plans required by Section 7-14-107.
(2) A fee as specified in the current consolidated fee schedule.
(3) The applicant shall provide to the Community and Economic Development Department the names and addresses of all property owners, as contained in the current records of the Salt Lake County Recorder, within a 300-foot radius of the subject property measured from the boundary of the proposed conditional use as shown on the development plan.

After all the information listed in this section is received by the Community and Economic Development Department, the matter shall be placed on a Planning Commission agenda.

## 7-7-103. APPLICATION REVIEW.

(1) All documents required to be submitted with the application shall be delivered by the applicant to those departments and entities designated by the Community and Economic Development Department, which may include, but not be limited to the following:
    a. City Public Works Department;
    b. City Fire Department;
    c. All special districts in which the subject property is located;

d. Mountain Fuel Company;
e. Utah Power and Light;
f. Granger Hunter Improvement District;
g. Utah Department of Transportation;
h. Any other agency which will provide public or private facilities and services to the site; and
i. Any other department designated by the Community and Economic Development Department.

All information and comments from these various departments and entities should be returned to the Community and Economic Development Department.

(2) The Community and Economic Development Department shall review each application for conformance to the standards outline in this chapter; for conformance with the General Plan and all applicable City ordinances; for conformance with good planning practices; for environmental impacts which may be associated with the design; and shall present its recommendations to the Planning Commission.

(3) The Public Works Department shall review and make comments concerning flood control requirements; engineering requirements for street widths, grades and alignments; whether the proposed public improvements conform to good engineering practice; to the requirements of all applicable ordinances; and shall be responsible for the approval and inspection of all public improvements.

## 7-7-104. NOTICE OR PUBLIC HEARING.

(1) The Planning Commission shall hold a public hearing on all conditional use applications. Notice of public hearing shall be given as required by the open and public meetings provisions of Chapter 4, Title 52, U.C.A.

(2) In order to make residents of the City more aware of conditional use hearings, particularly those residences or businesses which surround the land upon which the conditional use is proposed to be located, additional notice shall be given as follows:
   a. The Community and Economic Development Department shall, prior to the hearing, mail notices of the public hearing to the owners of real property as shown on the last assessment rolls, within a 300 foot radius of the subject property.
   b. The Community and Economic Development Department shall post a notice of the public hearing on the subject property.

(3) The notice provisions of this section are not intended to subject the City to a greater notice requirement than required by Federal or State Law. Failure of any person to receive notice shall not invalidate any Planning Commission decision and shall not be a basis for appeal of any Planning Commission decision.

## 7-7-105. REPEALED.

**(Ord. No. 08-38 Repealed 08/27/2008)**

## 7-7-106. AMENDMENT OF A CONDITIONAL USE.

Once granted, a conditional use shall not be enlarged, changed, extended, increased in intensity, or relocated unless a new conditional use application is made and approved by the Planning Commission, except as provided below:

(1) The Zoning Administrator may administratively consider, approve or disapprove modifications or changes which are consistent with the purpose and intent of this chapter. In addition, such administrative determinations may be made only where the following conditions exist:
    a. All additions, modifications or changes to the building shall constitute less than 25 percent of the floor area originally approved.
    b. The additions, modifications or changes are determined not to have significant impact beyond the site.
    c. Any decision of the Zoning Administrator may be appealed to the Board of Adjustment as designated in this chapter.
(2) The Planning Commission may consider, approve with modifications, or disapprove amendments to a conditional use permit where the Zoning Administrator determines not to make an administrative determination as provided in (1) above and where the following requirements are met:
    a. The proposed modification or amendment complies with the intent and purpose of this chapter.
    b. All of the requirements of Section 7-7-102 are met.
    c. All of the standards listed in Section 7-7-105.
    d. Reasonable conditions may be attached, where and to the extent that the Planning Commission finds, that the imposition of the conditions will directly mitigate or eliminate some aspect of the proposed amendment that violate the intent and requirements of this chapter. Impacts must be of the magnitude that without the mitigation or elimination thereof, the amendment to the conditional use could not be granted.
    e. All decisions of the Planning Commission regarding approval, denial, the imposition of special conditions may be appealed to the Board of Adjustment as provided in this chapter.

## 7-7-107. PLANNING COMMISSION ACTION.

(1) A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.
(2) A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.

**(Ord. No. 08-38 Amended 08/27/2008)**

## 7-7-108. REPEALED.

**(Ord. No. 08-38 Repealed 08/27/2008)**

## 7-7-109. TIME LIMIT.

(1) Within 12 months from the date the Planning Commission hears and approves a conditional use application, the applicant shall substantially comply with all the conditions of the conditional use approval. Substantial compliance shall be demonstrated by obtaining a current building permit and commencing construction. For the purpose of this ordinance, "commencement of

construction" shall mean completion of the foundation for at least one principal building. If construction is not proposed as an element of the conditional use, a business license shall be obtained to satisfy this requirement. Prior to the issuance of any building permit or business license, the applicant shall sign a conditional use permit document. The conditional use permit document shall include a list of all conditions imposed by the Planning Commission and a signature of the applicant. A site plan may also be required. 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.

(2) If the conditional use permit is to expire, pursuant to (1) of this section, a request for an extension may be filed with the Community and Economic Development Department not less than 30 days prior to the expiration date. The original conditional use approval shall remain valid until the request for extension is acted upon by the Planning commission. Failure to request the extension in a timely manner shall cause a conditional use permit to expire without further notice. A new conditional use application shall be requested prior to any reinstatement of the use.

(3) The Planning Commission may, after evaluating the applicant's progress in the previous year and after considering the Community and Economic Development Department's recommendation, grant an extension of up to one year on the conditional use permit. Only one extension may be granted.

(4) If the approved use or activity should cease for any reason for a continuous period of one year or more, the conditional use permit shall automatically terminate without notice. Approval of a new conditional use application shall be required prior to any subsequent reinstatement of the use.

## 7-7-110. REVOCATION.

(1) A conditional use permit shall be revocable by the Planning Commission at any time due to failure of the owner or operator of the use to observe all conditions specified in issuing the permit or failure to observe other requirements of this Title in regards to the maintenance of improvements or conduct of the use or business as approved. Furthermore, the City shall have a right of action to compel offending structures or uses removed at the cost of the violator or owner.

(2) No conditional use permit shall be revoked until a hearing is held by the Planning Commission. The permittee shall be notified in writing of such hearing. The notification shall state the grounds for complaint, or reasons for revocation, and the time and location at which the hearing is to be held. At the hearing, the permittee shall be given an opportunity to be heard and he may call witnesses and present evidence on his behalf. Upon conclusion of the hearing, the Planning Commission shall determine whether or not the permit should be revoked.

## 7-7-111. APPEAL PROCEDURE.

Appeal may be made to the Board of Adjustment by the City or any person aggrieved by a final decision, determination, or requirement of the Zoning Administrator or Planning Commission, regarding a conditional use approval or revocation shall be made to the Board of Adjustment as provided herein.

**(Ord. No. 99-51 Amended 08/20/1999)**

## 7-7-112. CONDITIONS TO BE FULFILLED - ENFORCEMENT

(1) Failure to successfully fulfill all conditional approved in a conditional use permit within a reasonable time after approval constitutes a violation of this Title.
(2) What constitutes a reasonable time to fulfill the conditions shall be determined by the Zoning Administrator, after considering relevant factors such as construction needs, weather, seasons, etc. Cost or inability to fulfill the condition shall not be a factor.
(3) The Planning Commission may establish a time in which any or all conditions must be fulfilled. Unless modified by the Planning Commission, the conditions must be fulfilled by that time.
(4) No final occupancy permits, business licenses, or other approvals or permits may be granted unless all conditions are satisfactorily met, unless the Zoning Administrator, Community and Economic Development Director, or Planning Commission specifically approves.
(5) The City may enforce conditional use permits by revoking the permit, through the Administrative Code Enforcement Hearing Program established in Title10 of the City Code, or by filing civil or criminal actions as provided by law. The City has sole discretion to decide which action to take. The possibility of an administrative remedy pursuant to Title 10 shall in no way interfere with the City's right to prosecute a violation, or to seek a civil remedy to enjoin, abate, or prevent the violation. The City may use any remedy available under the law in both civil litigation or criminal prosecution.

**(Ord. No. 99-51 Added 08/20/1999)**

# CHAPTER 7-8
# HOME OCCUPATION

Sections:

7-8-101. Purpose.
7-8-102. Home Occupation Standards – Minor Home Occupation Defined.
7-8-103. Major Home Occupation Standards.
7-8-104. Home Occupation—Prohibited Uses.

## 7-8-101. PURPOSE.

To encourage the majority of business activities to be conducted in appropriate commercial zones. Business activities may be conducted within a residence on a limited basis if such activities comply with standards of this section. All home occupations shall be secondary and incidental to the residential use. The use should be conducted so that neighbors, under normal conditions, would not be aware of its existence. Home occupations are a temporary privilege which can be revoked if disruption of the residential neighborhood occurs.

## 7-8-102. HOME OCCUPATION STANDARDS MINOR HOME OCCUPATION DEFINED.

(1) A home occupation, major or minor, shall not be allowed unless it meets the following standards:
   a. A home occupation shall not be permitted that changes the outside appearance of the dwelling. No exterior architectural modifications shall be made expressly to accommodate the commercial use in the home.
   b. The home occupation may include the sale of commodities, however, the direct sales from display shelves are not allowed at the dwelling and products should be delivered to customers. Retail sales of products and services are allowed at the home with a maximum of two customers per hour.
   c. The area of the home devoted to the home occupation and/or storage of stock in trade shall not occupy more than 25 percent of the area of any one floor.
   d. The home occupation shall not involve the use of any yard space or activity outside of the residence, except where the use or activity is of the type that is customarily found in the residential neighborhood and where said use or activity does not adversely impact the residential nature of the neighborhood. Open storage in and storage or use of a garage is not allowed except for appropriate vehicle storage.
   e. Advertising signs shall conform to the Sign Ordinance and shall be attached to the dwelling, except for minimum mailbox identification. Window displays or exterior evidence, except a two-square foot sign advertising the home occupation, is not allowed, except that which is customarily found in a residential area.
   f. Only one vehicle may be used in association with the home occupation and shall be garaged or stored entirely on private property and not within the front yard of the dwelling. Off-street parking for the residents must be preserved in addition to the commercial vehicle. The vehicle used for the home occupation shall be limited to a maximum size of one-ton gross vehicle weight. A maximum of four square feet of signage will be allowed on the vehicle.

g. One trailer may be used in association with the home occupation. Trailers allowed in conjunction with a minor home occupation are as follows:
    i. An enclosed trailer with a body length of 20 feet or less. Materials shall not be stored on the outside of the trailer; or
    ii. An open trailer with a body length of 16 feet or less. The trailer shall be garaged or stored entirely on private property and not within the front yard of the dwelling. If the home is located on a corner lot, the trailer shall not be stored on the street side of the house unless it is out of the required 20-foot setback. The trailer may have a sign that covers up to 30% of the area, or 24 square feet, whichever is less, of each side. The trailer must be well maintained and must not present negative impacts for adjacent neighbors including, but not limited to, odors, dust, sounds, or parking location.

h. The home occupation shall not allow employees coming to the home other than those living in the dwelling.

i. Explosive or combustible materials shall not be stored for a home occupation. The home occupation shall not unreasonably disturb the peace and quiet of the neighborhood including, but not limited to, interference of radio, television or other electronic reception by reason of design, materials, construction, lighting, odor, dust, sounds, noise, vibrations, vehicles, parking and general operation of the business.

j. Promotional meetings for the purpose of selling merchandise or taking orders shall not be held more than once per month.

k. Garage, basement, yard or other similar sales shall not be allowed more than four times each year, and each sale shall not last more than 72 hours.

l. All home occupation shall be conducted only between the hours of 6 a.m. and 10:00 p.m.

m. There shall be complete conformity with all City and State codes, including business license regulations. Periodic inspections, as required by these codes, will be made as required by the type of home occupation.

n. Home occupation licenses may be reviewed and revoked upon valid unresolved complaint. Inspections by City may occur as necessary to assure conformance with these regulations.

o. Handicap persons can obtain a waiver through the Zoning Administrator to allow such persons to become self-sufficient.

(2) Home occupations which meet the above standards shall be defined as minor home occupations. Permitted minor home occupations include, but are not necessarily limited to, the following:

a. Artist, authors, architectural services
b. Barber shops and beauty shops
c. Consulting services, craft sales
d. Dance studio, aerobic exercise, music lessons, tutoring and general educational instruction, provided the number of students is limited to two at a time
e. Direct sales distribution
f. Data processing, computer programming
g. Home crafts
h. Garden produce
i. Janitorial
j. Insurance sales or broker, interior design
k. Mail order (not including retail sales from site)

l. Real estate sales or broker
m. Sales representative

**(Ord. No. 03-21 Amended 03/18/2003)**

## 7-8-103. MAJOR HOME OCCUPATION STANDARDS.

Major home occupations are defined as home occupations which meet the standards listed in Section 7-8-102 above, except as specifically modified by the Planning Commission as provided herein. The Planning Commission may allow as a conditional use increases in intensity of a home occupation, as follows:

(1) The number of customers or patrons coming to the home may range up to six per hour, except that a Home Preschool may have up to ten children per session as set forth in Section 7-1-103, provided sufficient off-street parking is provided and the use does not adversely affect the neighborhood.
(2) A larger commercial vehicle may be used, provided it is parked on private property and adequately screened. Parking of the commercial vehicle shall occur on the side or in the rear of the home.
(3) Storage within the garage or accessory building may be allowed as long as two parking spaces for residential use are provided, and the garage still functions for parking.
(4) Instructional-type businesses may be located within an accessory building under the following conditions:
    a. Must be conducted within an existing structure on the premises, other than a garage, which is not constructed primarily for the business.
    b. Must be located within a legal/conforming enclosed structure and does not include a carport, garage, patio, breezeway, or any part of the yard space.
    c. Maximum of six students per session. No more than one session at a time and no more than three sessions per day.
    d. Hard surface access and off-street parking must be provided.
    e. The use cannot displace the minimum required parking for the residence.
    f. The business may only operate while classes are in session and students are present.
    g. Only instructional-type uses are allowed
    h. The use being taught must be a permitted use in that zone. Home occupations which may be considered may include the following uses or uses which are similar in character, origin or impact as determined by the Planning Commission:
        i. Uses which are oriented towards the arts, crafts or performing-type uses, such as a dance studio, exercise classes, floral design, music lessons, painting, pottery or woodworking.
        ii. No manufacturing or auto-related uses are permitted.
    i. The Planning Commission may attach additional requirements and restrictions, such as hours of operation, number of classes per day or students per session.

**(Ord. No. 01-48 Amended 11/19/2001; Ord. No. 03-21 Amended 03/18/2003; Ord. No. 03-47 Amended 06/17/2003; Ord. No. 15-16 Amended 06/01/2015)**

## 7-8-104. HOME OCCUPATION—PROHIBITED USES.

Prohibited home occupations include, but are not necessarily limited to the following:

(1) All prohibited and conditional uses listed in the C-1 Neighborhood Commercial Zone (7-6-1002), and all Residential Zones (7-6-803).

**(Ord. No. 03-21, Add, 03/18/2003)**

# CHAPTER 7-9
# OFF-STREET PARKING REQUIREMENTS

Sections:

7-9-101. Purpose.
7-9-102. General Provisions for Off-street Parking and Loading.
7-9-103. Site Plan and Lighting Plan Required.
7-9-104. Computation of Off-street Parking Spaces.
7-9-105. Maximum Number of Parking Spaces.
7-9-106. Shared Parking.
7-9-107. Design Standards for Off-street Parking and Loading Spaces.
7-9-108. Parking Access.
7-9-109. Stacking.
7-9-110. Parking Lot Layout.
7-9-111. Compact Car Design.
7-9-112. Handicapped Parking.
7-9-113. Landscaping and Screening.
7-9-114. Lighting.
7-9-115. Surfacing.
7-9-116. Grading.
7-9-117. Storage.
7-9-118. Off-street Loading Space Design Standards.

## 7-9-101. PURPOSE.

The purpose of these off-street parking requirements is to reduce congestion and traffic hazards in the City by incorporating adequate, attractively-designed off-street parking and loading facilities for various land uses. Parking areas shall be designed in such a manner that they will result in maximum efficiency, protection of public safety, provide for the special needs of the handicapped, and where appropriate, insulate surrounding land uses from adverse impacts created by such parking.

**(Ord. No. 02-59 Amended 09/17/2002)**

## 7-9-102. GENERAL PROVISIONS FOR OFF- STREET PARKING AND LOADING.

At the time any building, structure or use is changed such that there is an increase in the capacity or intensity of the use, off-street parking shall be required in compliance with this Chapter. All off-street parking and loading facilities within the City shall comply with all of the standards prescribed in this Chapter, and shall be permanently maintained in good condition for the duration of the use or uses served by the facility. All paved areas shall be maintained in good repair without broken parts, potholes or litter.

Failure to maintain required parking and landscaping in a condition substantially similar to its original approved condition shall be a class "B" misdemeanor and shall be cause for suspension of a business license if, within 10 days after the mailing of a violation notice, the violation is not brought into compliance. If, due to cold weather or other environmental condition, the violation cannot be brought into compliance within 10 days, the Community and Economic Development Department shall consider such conditions and impose a reasonable extension of time for compliance.

**(Ord. No. 02-59 Amended 09/17/2002)**

## 7-9-103. SITE PLAN AND LIGHTING PLAN REQUIRED.

All applications for a building permit shall be accompanied by a detailed site plan and lighting plan as required in Chapter 7 of this Title, Design and Development Plan Review, showing the required off-street parking spaces. Parking lots with less than five spaces are not required to submit a lighting plan.

**(Ord. No. 02-59 Amended 09/17/2002)**

## 7-9-104. COMPUTATION OF OFF-STREET PARKING SPACES.

The matrix on the following pages contains the minimum parking requirements for specific uses. The maximum percentage allowed for compact spaces is also given. Special requirements for each use are provided under the "Notes" column where appropriate.

If, in the application of the requirements of this Title, a fractional number is obtained, any fraction will be disregarded.

The number of parking spaces required by these schedules may be reduced or increased as a condition of the development review by the Planning Commission for conditional use applications or as approved by the Zoning Administrator or designee for permitted uses if it can be demonstrated through a parking study that the proposed use(s) would have a parking demand less than or in excess of the requirements stated in this Chapter. This parking study must be validated through empirical evidence, which is acceptable to the Zoning Administrator or designee, from similar uses. Parking studies which include the use of alternative modes of transportation to reduce the number of parking spaces required must be prepared by an engineer. Appeals of the decision of the Zoning Administrator are made to the Board of Adjustment as designated in Section 7-18-105.

| USE | MINIMUM OFF-STREET PARKING REQUIREMENT | MAX. % COMPACT USES ALLOWED | NOTES |
|---|---|---|---|
| RESIDENTIAL | | | |
| Handicapped or Group Home Housing | A minimum of 2 parking spaces plus 1 parking space for every 4 handicapped persons. | None | The Planning Commission may vary off-street parking needs in relation to the number of staff/employees required and the special needs of the residents. |
| Mobile Home Dwelling within a Mobile Home Park | 2 spaces per unit. | None | Parking one behind the other is permitted provided sufficient visitor parking is located within the park. |
| Single Family Dwelling<br>Two Family Dwelling<br>Multiple Family Dwelling | 2 spaces per unit. | None | Parking one behind the other arrangements for all required parking is prohibited, except for visitor parking for multiple family dwellings. Minimum off-street parking shall not be located within the minimum required front yard setback. |
| Multiple Family Units:<br>Studio Units<br>One Bedroom Units<br>Two Bedroom Units<br>Three Bedroom Units | <br>1.3 spaces per unit<br>1.5 spaces per unit<br>1.75 spaces per unit<br>2 spaces per unit | 25% | If the Planning Commission finds that reducing the 2 parking spaces per unit ratio is not detrimental to the surrounding area and will enhance the proposed development, it may reduce the parking ratio to these minimums for multi-family units in developments with at least 40 units. |
| HEALTH SERVICES | | | |
| Assisted Living | 0.6 spaces per dwelling unit | | The Planning Commission may vary off-street parking needs in relation to the number of staff/employees required and the special needs of the residents. |
| Churches, auditoriums, Assembly Halls, Mortuaries and other places of public assembly | 1 space for each 6.5 feet of linear pew or 3.5 seats in an auditorium provided, however, that where a church building is designed or intended to be used by 2 congregations at the same time, an additional 50% of the minimum spaces required shall be provided. | | |
| Day care, Preschool and Nursery Schools | 1 space per 300 square feet of gross floor area. | 25% | If drop-off facilities are contemplated, they shall be designed to provide a continuous flow of vehicles to safely load and unload children without stacking on public streets. When drop-off facilities are provided, a reduction to the number of spaces required may be reduced as per Section 7-9-104. |
| Hospitals | 2 spaces per bed in the total facility. | 25% | A traffic study may be required. Accessory units and clinics will be calculated as outlined in this Chapter. |
| Medical, Dental Offices and Clinics | 1 space per 250 square feet of gross floor area. | 25% | |

| USE | MINIMUM OFF-STREET PARKING REQUIREMENT | MAX. % COMPACT USES ALLOWED | NOTES |
|---|---|---|---|
| Nursing Homes | 1 space per 2.5 beds for nursing and convalescent homes. | None | |
| Veterinarians and Veterinary Hospitals | 1 space per 200 square feet of gross floor area excluding kennel boarding area. | 25% | |
| ENTERTAINMENT AND RECREATION | | | |
| Amusement Center | 1 space per 100 square feet of floor space. | 25% | |
| Bowling Alleys and Billiard Halls | 5 parking spaces per alley and 2 spaces per billiard table. | 25% | Ancillary uses such as restaurants shall comply with the specific requirements outlined in this Chapter. |
| Commercial Riding Stables | 1 space per 5 horses boarded on site. | None | |
| Golf Courses<br>Miniature Golf Courses<br>Driving Ranges | 6 spaces per hole<br>3 spaces per hole<br>1 space per hole | 25% | Ancillary uses such as commercial pro shops and restaurants shall provide sufficient parking as required in this Chapter. |
| Health Spas and Sports Complexes | 1 space per 200 square feet of gross floor area. | 25% | Ancillary uses such as restaurants to provide parking as required by this Chapter. |
| Movie Theaters | 1 space per 4 seats. | 25% | |
| Tennis, Handball and Racquetball facilities | 3 spaces per court. | 25% | Ancillary uses to provide sufficient additional parking as required by this Chapter. |
| COMMERCIAL | | | |
| Auto Repair, Service and Auto Parts Sales | 3 spaces for each service bay plus 1 space for every 300 square feet of retail sales area. | 25% | If towing service is provided, sufficient area shall be located on-site for temporary storage of vehicles and the tow truck. |
| Auto Sales | 1 customer parking space per 400 square feet of gross floor area in the automobile sales area or 5 parking spaces, whichever requirement is greater. | 25% | |
| Hotels and Motels | 1 space per room. | 25% | Ancillary uses such as restaurants or retail shops shall provide additional parking as identified for the specific use as required by this Chapter. |
| Lumber Yards and Plant Nurseries | 1 space per 500 square feet of indoor floor sales area. | 25% | |
| Professional Offices and Banks | 1 space per 250 square feet of gross floor area for the first 20,000 square feet plus 1 space per 300 square feet of gross floor area in excess of 20,000 square feet. | 25% | Drive up windows shall provide sufficient stacking room and sufficient area for 4 spaces from teller window. The Planning Commission may consider a reduction in parking stall width to 8'-6" for retrofits of existing warehouse buildings upon application as a conditional use. |

| USE | MINIMUM OFF-STREET PARKING REQUIREMENT | MAX. % COMPACT USES ALLOWED | NOTES |
|---|---|---|---|
| Restaurants and Fast Food Establishments | 1 space per 100 square feet of gross floor area or 1 space for each 4 seats whichever is greater plus .5 space for each employee on the highest employment shift with a minimum of 5 spaces for employee parking. | 25% | Drive up windows shall provide sufficient stacking room and sufficient area for 4 spaces from place of order and 4 spaces from pick up window. |
| Retail - Intensive General Merchandising including shopping centers and Adult Businesses | 1 space per 250 square feet of gross floor area for the first 20,000 square feet plus 1 space per 300 square feet of gross floor area in excess of 20,000 square feet. | 25% | |
| Retail - Less Intensive: Furniture, Carpet | 1 space per 600 feet of gross floor area. | 25% | |
| Sports Stadiums, Concert Venues, and Auditoriums (including school auditoriums) | 1 space/4 seats. | 25% | |
| Dance Halls, Concert Halls, Club Licensees, Reception Centers, Semi-Nude Entertainment Businesses and other places of public assembly | 1 space for each 50 square feet of gross floor area. | 25% | |
| Swimming Pools (Commercial and Public) | 1 space per each 10 persons based on capacity load. | 25% | |
| INDUSTRIAL | | | |
| Detention Facility/Jail | 2 spaces per 3 employees, 1 space per 20 inmates and 1 space per each service vehicle stored on site. | | Parking spaces must be adequately sized for the vehicles being stored or parked on site. |
| Manufacturing | 1 space per 800 square feet of gross floor area devoted to manufacturing plus required parking for business vehicles | 30% | Ancillary uses such as offices are to provide parking as required by this Chapter. |
| Open Storage Uses in an approved industrial area | 1 space per 5,000 square feet of open area being utilized for storage exclusive of access, landscaping, etc. | | |
| Research and Development | 1 space per 350 square feet of gross floor area plus the required parking for business vehicles. | 30% | |
| Truck Transfer Companies | 1 space for each 2 employees plus parking for each truck associated with the business. | | |

| USE | MINIMUM OFF-STREET PARKING REQUIREMENT | MAX. % COMPACT USES ALLOWED | NOTES |
|---|---|---|---|
| Warehousing | 1 space per 2,000 square feet of gross floor area. | | No conversions of any portion of a warehouse use to any other use shall be permitted unless the parking requirements for such other uses are met. |
| OTHER | | | |
| Parking Spaces for uses not specified | | | The number of parking spaces for uses not specified herein shall be determined by the Zoning Administrator being guided, where appropriate, by the requirements set forth herein for uses which are similar to the use not specified. Appeals to the decision of the Zoning Administrator are made to the Board of Adjustment as designated in Section 7-18-105. |

**(Ord. No. 99-59 Amended 09/22/1999; Ord. No. 02-59 Amended 09/17/2002; Ord. No. 07-54 Amended 9/5/2007; Ord. No. 08-20 Amended 04/14/2008; Ord. No. 10-07 Amended 03/29/2010; Ord. No. 14-24 Amended 05/05/2014)**

## 7-9-105. MAXIMUM NUMBER OF PARKING SPACES.

In order to minimize the number of unused parking spaces, the number of parking spaces specified in this Chapter shall not be exceeded by an amount of more than twenty-five percent of the minimum except when approved as outlined in Section 7-9-104.

**(Ord. No. 02-59 Amended 09/17/2002)**

## 7-9-106. SHARED PARKING.

(1) When any land or building is under the same ownership or under a joint use agreement and is used for two or more purposes, the number of parking spaces is computed by multiplying the minimum amount of parking normally required for each land use by the appropriate percentage as shown in the following parking credit schedule for each of the five time periods shown. The number of parking spaces required is determined by totaling the resulting numbers in each column; the column total that generates the highest number of parking spaces then becomes the parking requirement.

| | Weekday | | Weekend | | Nighttime |
|---|---|---|---|---|---|
| Use | Daytime (6 AM – 6 PM) | Evening (6 PM - Midnight) | Daytime (6 AM – 6 PM) | Evening (6 PM - Midnight) | (Midnight - 6 AM) |
| Office/Industrial | 100% | 10% | 10% | 5% | 5% |
| General Retail | 80% | 90% | 100% | 70% | 5% |
| Hotel, Motel, Inn | 75% | 100% | 75% | 100% | 100% |
| Restaurant | 65% | 100% | 80% | 100% | 50% |
| Theater / Entertainment | 40% | 100% | 80% | 100% | 10% |
| Meeting Center | 50% | 100% | 100% | 100% | 10% |
| Multi-Family Residential | 50% | 90% | 90% | 90% | 100% |
| All Other Uses | 100% | 100% | 100% | 100% | 100% |

(2) Neighboring property owners may share parking spaces if:
   a. a permanent cross-access easement or other recorded agreement is established;
   b. pedestrian access between the properties can be gained without utilizing a public or private street that is listed on the West Valley City Major Street Plan;
   c. all of the parking must be located within a 400' radius of the main entrance of the use requesting the additional parking.
   d. the combined parking required for all properties can be met as outlined in 7-9-105 or in 7-9-106(1) when involving two or more uses.

**(Ord. No. 02-59 Amended 09/17/2002; Ord. No. 13-23 Amended 06/03/2013)**

## 7-9-107. DESIGN STANDARDS FOR OFF-STREET PARKING AND LOADING SPACES.

All parking spaces shall be accessible from a street, provided that no parking space shall be designed to require vehicles to back onto a street except for parking spaces that serve a one or two-family dwelling.

**(Ord. No. 02-59 Amended 09/17/2002)**

## 7-9-108. PARKING LOT ACCESS.

Entrances and exits for parking facilities shall be designed to reduce traffic congestion on public streets and minimize conflicts with neighboring uses. Adequate ingress and egress to the parking facilities shall be provided as follows:

(1) Access drives for single family or two-family dwellings with single and double-car garages shall be a minimum of 14 feet wide and a maximum of 20 feet at the property line. Access drives for triple-car and larger garages shall be a minimum of 10 feet wide and may not exceed a maximum of 30 feet at the property line. On corner lots, the access to a single family or two-family dwelling shall be set back a minimum of 40 feet from the point of intersecting curb lines.

(2) Access drives for single or two-family dwellings with detached garages, carports or other parking areas located in the rear yard of the dwelling, which provide the minimum required parking spaces, shall be at minimum of 8' wide and improved per section 7-9-115 of the West Valley City Code.

(3) Standards for the width, radius, location and number of curb cuts for all uses except single family or two-family dwellings are outlined in the table below:

| Future Right-of-Way Width | Max Curb Cut Width | Minimum Access Radius | Separation from Corners* | Separation from Side/Rear Property Lines | Number of Curb Cuts Allowed |
|---|---|---|---|---|---|
| <66' | 30' | 30' | 80' | 75' | 1 per 150' of frontage |
| 66'– 79' | 40' | 40' | 100' | 100' | 1 per 200' of frontage |
| 80' and up | 40' | 30' | 140' | 175' | 1 per 350' of frontage |
| *Measurement made from the point of intersecting curb lines to near edge of driveway. | | | | | |
| These standards do not apply to State roads. | | | | | |

(4) The City Engineer or designee may modify the standards in the table in Section 7-9-108(2) above if sufficient proof is provided through a traffic study that the modification will be necessary for traffic movement. The maximum driveway width shall be 50 feet.

**(Ord. No. 02-59 Amended 09/17/2002; Ord. No. 08-59 Amended 12/29/2008; Ord. No. 10-34 Amended 11/08/2010)**

## 7-9-109. STACKING.

Adequate stacking or waiting lanes for those uses requiring such stacking areas shall be designed so that no obstruction shall occur at the public right-of-way. A 72-foot minimum stacking area from the service point shall be provided for waiting areas which do not conflict with access to other required facilities.

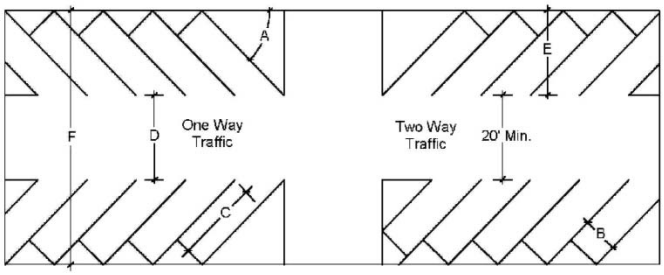
**(Ord. No. 02-59 Amended 09/17/2002)**

## 7-9-110. PARKING LOT LAYOUT.

Parking lots shall be designed to provide for internal circulation so that each parking space is accessible to all other parking spaces without using a public street. All properties shall provide attractive, direct and safe pedestrian access to parking. The layout of the parking areas shall relate to building entrances. The following tables shall be used to provide the minimum design standards for parking lot layout:

PARKING LOT REQUIREMENTS

A = PARKING ANGLE
B = STALL WIDTH
C = STALL LENGTH
D = AISLE WIDTH
E = STALL TO CURB
F = CURB TO CURB




Standard Vehicle
Width-9' Depth-18'

| A | B | C | D | E | F |
|---|---|---|---|---|---|
| 0° | 10' | 22' | 12'* | 10' | 32' |
| 30° | 9' | 18' | 15'* | 18' | 51' |
| 45° | 9' | 18' | 15'* | 21' | 57' |
| 60° | 9' | 18' | 20'* | 22' | 64' |
| 90° | 9' | 18' | 24' | 18' | 60' |

* One way traffic only

Compact Vehicle
Width-9' Depth-16'

| A | B | C | D | E | F |
|---|---|---|---|---|---|
| 0° | 10' | 20' | 12'* | 10' | 32' |
| 30° | 9' | 16' | 15'* | 15' | 45' |
| 45° | 9' | 16' | 15'* | 17' | 49' |
| 60° | 9' | 16' | 20'* | 18' | 56' |
| 90° | 9' | 16' | 24' | 16' | 56' |

* One way traffic only

**(Ord. No. 01-76 Amended 03/06/2002; Ord. No. 02-59 Amended 09/17/2002; Ord. No. 01-76 Amended 12/18/2002, Effective date 12/20/2002)**

## 7-9-111. COMPACT CAR DESIGN.

Each compact space approved herein shall be designated as a compact space with either signage placed at both ends of a row of compact spaces with one additional sign for each five spaces over the initial five spaces or painted letters on pavement of at least 12 inches high and seven inches wide stating

"Compact" for each space. All compact parking spaces shall be approved by the City and shall be located throughout the required parking lot areas in groups as to allow appropriate design transition.

**(Ord. No. 01-49 Amended 11/20/2001; Ord. No. 02-59 Amended 09/17/2002)**

## 7-9-112. HANDICAPPED PARKING.

Handicapped parking spaces shall be provided in off-street parking lots and shall count towards fulfilling the minimum automobile required parking. The number, location, and identification of handicapped parking spaces required shall be determined by the most current building code adopted by the City.

**(Ord. No. 02-59 Amended 09/17/2002)**

## 7-9-113. LANDSCAPING AND SCREENING.

(1) Parking lots with five or more spaces must have a minimum of a 10-foot wide landscape strip in side yards adjacent to any street and a minimum of a 20-foot wide landscape strip in front yards. A 10-foot wide landscape strip shall incorporate a 2-foot high masonry screen wall with the landscaping sloping upward to the top of the wall. 20-foot wide landscape strips shall incorporate a berm with a minimum elevation of three feet above the adjacent sidewalk. Exterior perimeters of the parking lot, which are not adjacent to a street, shall have a minimum of a five-foot wide landscaping strip.

(2) The Planning Commission may consider alternatives to the berming requirement as a conditional use on properties of at least ten (10) acres. This provision would apply only to properties in the Manufacturing (M) zone and only on interior streets within the development, not on any high-image arterial streets. Screening for adjacent parking lots would be required using a combination of hedges, shrubs, trees, landscape boulders, screen walls and similar devices.

(3) At least 15 square feet of landscaping for each parking space shall be provided within the interior of all off-street parking areas. Such landscaping shall be dispersed throughout the interior of the parking area. For parking areas with 20 or more total parking spaces in a double-loaded aisle, landscaping shall include at least a 5' x 36' landscape area with two trees at each end of the aisle. For parking areas with 28 or more total parking spaces in a double-loaded aisle, landscaping shall include at least a 5' x 36' landscape area with two trees at each end of the aisle and incorporate one of the four options below (Figure 7.1):
    a. 5' x 5' tree diamonds placed no more than 7 parking spaces apart;
    b. 5' x 36' landscape areas with two trees placed 10 parking spaces apart;
    c. a 5' landscaped median with trees planted 40' apart; or
    d. other similar designs that disperse landscaping throughout the parking area and are acceptable to City staff.

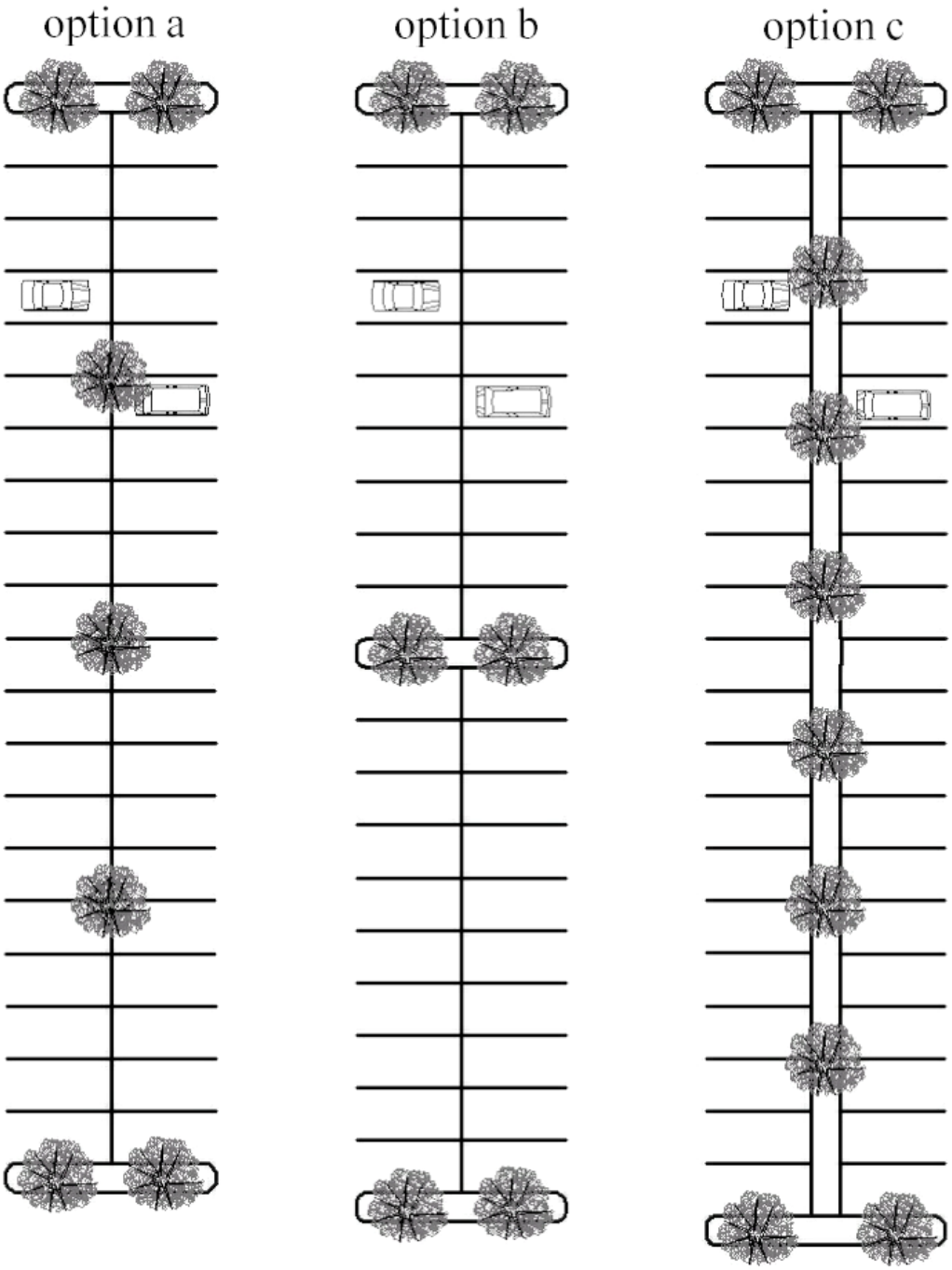
(4) All landscaped areas shall consist of at least 50% live plant materials and be serviced by a permanent underground water system. The remaining 50% may include mineral or nonliving organic permeable material. Landscape areas that are less than 8 feet wide shall utilize drip or bubbler irrigation and shall not include sod. Trees shall be planted in the landscape areas at a minimum ratio of one tree per 300 square feet of gross landscape area.

(5) Parking lots of five or more spaces shall provide a masonry wall six feet in height when parking lots are adjacent to a residential use. The six-foot height of the wall shall be measured from the

parking lot asphalt grade to the top of the screen wall. This solid barrier shall be maintained in good condition without any advertising thereon. When future commercial use of neighboring properties is recommended in the General Plan or when the subject property borders an educational facility, a waiver or substitute for the wall requirement may be approved. The waiver or substitution may be approved by the Planning Commission for conditional uses or by the Community and Economic Development Director or designee for permitted uses.

**(Ord. No. 08-41 Amended 09/17/2008)**

Figure 7.1



**(Ord. No. 01-49 Amended 11/20/2001; Ord. No. 02-59 Amended 09/17/2002)**

## 7-9-114. LIGHTING.

(1) Lighting used to illuminate any off-street parking spaces, vehicle maneuvering areas, or loading/unloading areas must conform to the following standards:
   a. Illumination of driveway access to streets shall at least match any local public lighting.
   b. Light poles shall be set on pillars or placed in landscaped areas to minimize direct contact with vehicles.
   c. To reduce light pollution, lighting systems must obscure the lamp image to direct light where needed.
   d. Luminaire mounting height must reasonably match the scale of the surrounding buildings.
   e. Noise created by electromagnetic ballasts shall be kept to a minimum and must not be noticeable above ambient background levels.
   f. Illuminance levels shall conform to the standards outlined in the table below:

| Land Use | Minimum Horizontal Footcandles | Minimum Vertical Footcandles |
|---|---|---|
| Commercial | 0.5 | 0.25 |
| Residential, Institutional and Industrial | 0.2 | 0.1 |

   g. Lighting shall be arranged or directed as to reflect the light away from adjacent properties and to prevent glare for street traffic. The intensity of light at adjoining residential properties shall not exceed 0.1 footcandles.

(2) Lighting plans submitted for review must include:
   a. The location and height of all light poles;
   b. Predicted illumination levels, which are based on maintained illumination levels just prior to lamp replacement and luminaire cleaning, within, at and beyond property lines.

(3) Designers of lighting plans must consider:
   a. Shadow effects of trees, signs, buildings, screen walls or other fixed objects.
   b. Illumination of the entire off-street parking area sufficiently to allow pedestrians and motorists to see potential danger in their peripheral vision, to promote pedestrian and vehicle safety and to prevent assault, theft and vandalism.

**(Ord. No. 02-59 Amended 09/17/2002)**

## 7-9-115. SURFACING.

(1) All minimum number of off-street parking spaces and maneuvering areas shall be paved and permanently maintained with asphalt or concrete except:
   a. Dirt driveways in existence as of April 1, 2010, that have never been hard surfaced or graveled may be surfaced with gravel.

(2) Agricultural and heavy equipment uses will be evaluated as to their impact on City streets, neighboring properties and the subject property with appropriate dustless surfacing to be determined by the Zoning Administrator. Access to detached garages which provide parking areas in excess of minimum parking stall numbers, shall provide an appropriate dustless surface

provided the minimum front yard driveway is paved with asphalt or cement. A dustless surface can be gravel provided the gravel is a minimum of four inches deep, contained with durable borders and weed and grass free.

(3) All off-street parking areas for single family dwelling or duplex lots shall meet the following standards:
   a. All parking and maneuvering areas, in addition to the minimum required, shall be paved and permanently maintained with a hard-surface, or gravel.
   b. Whenever gravel is used for parking and maneuvering in a residential zone, the gravel must be a minimum of four inches deep, compacted, free of grass and weeds, and contained with durable borders.
   c. For the purposes of this Section, a hard-surface shall only include concrete, asphalt, brick pavers and stone pavers.
   d. Hard surfaced parking strips with a minimum width of two feet (2') each may be used for parking and maneuvering areas instead of a solid driveway. Landscaping, as defined in Section 7-1-103, must be installed and maintained in a healthy condition between the parking strips. For the purposes of the determining the hard surface percentage in the front yard for item e below, the landscaped space between the parking strips shall be included in the hard surface percentage.
   e. In order to allow double driveways, and to allow hard-surface access to the rear yard, up to, but not more than, 40 percent of a front yard may be covered with a hard-surface. Lots with duplexes, twin home lots, cul-de-sac lots, or lots on major streets needing circular driveways may increase the hard-surface percent to 50 percent.

(4) All off-street vehicle parking must occur in an area that meets the requirements of Subsections 1, 2 and 3 of Section 7-9-115. No parking shall be allowed in landscaped areas.

**(Ord. No. 02-59 Amended 09/17/2002; Ord. No. 05-19 Amended 04/19/2005; Ord. No. 09-25 Amended 08/28/2009; Ord. No. 10-12 Amended 04/22/2010)**

## 7-9-116. GRADING.

Parking lots shall be properly graded to allow for drainage of surface water in an approved manner as to keep the parking area free of water and ice. Drainage plans are to be approved by the Public Works Department prior to issuance of a building permit.

**(Ord. No. 02-59 Amended 09/17/2002)**

## 7-9-117. STORAGE.

All areas designated for off-street parking, maneuvering, loading or site landscaping shall not be used for outdoor storage of materials.

**(Ord. No. 02-59 Added 09/17/2002)**

## 7-9-118. OFF-STREET LOADING SPACE DESIGN STANDARDS.

Where necessary, there shall be provided and maintained adequate space for loading and unloading services:

(1) All loading areas or docks shall be located so that no vehicle shall be parked, or require maneuvering room within a public street.
(2) Each loading facility shall not be less than 45 feet in length and 12 feet in width and shall have an overhead clearance of not less than 14 feet.
(3) Sufficient room for turning and maneuvering vehicles shall be provided on the site.
(4) Off-street loading facilities for one use shall not be considered as providing required off-street loading or parking facilities for any other use.
(5) All truck loading spaces shall be separated from adjoining residential districts by a masonry wall not less than 6 feet in height.

**(Ord. No. 02-59 Added 09/17/2002)**

# CHAPTER 7-10
# OVERPRESSURE ZONE

Sections:

7-10-101. Purpose.
7-10-102. Overpressure Zones and Land Uses.
7-10-103. Commercial/Industrial Uses.
7-10-104. Existing Zoning Ordinances.
7-10-105. Notification Requirements.
7-10-106. Glass Requirements - Windows, Doors and Skylights.
7-10-107. Penalty and Enforcement.

## 7-10-101. PURPOSE.

(1) The overpressure zones are overlay zones intended to minimize the adverse impacts associated with potential accidental exposures. The property within the overpressure zones may be subject to significant overpressure waves and fragments generated from the manufacture, handling or storage of energetic material. In order to preserve the health, safety and welfare of residents in the area, this ordinance establishes certain requirements for the type and installation of windows in new construction and sets forth certain notification requirements.
(2) Though it cannot be legally mandated, it is the intent of this ordinance to also recommend and encourage owners of existing structures to replace glass with the glazing specified in Section 7-10-106.
(3) Since the purpose for this ordinance is based on Hercules' operation, if Hercules or any other person can show the Planning Commission that Hercules has changed operation such as to eliminate or reduce the danger, then this ordinance shall be reviewed by the City Council after receipt of recommendations, if any, from the Planning Commission.

## 7-10-102. OVERPRESSURE ZONES AND LAND USES.

(1) There are three graduations of overpressure exposure as follows:
    a. Zone A. In areas exposed to overpressures greater than or equal to 0.5 pounds per square inch (psi) no significant structural development shall be allowed outside the boundaries of the Hercules, Inc., Bacchus East Plant except as provided in Section 7-10-103.
    b. Zone B. In areas between 0.5 and 0.35 psi, residential uses of various densities are allowed. In other zones, residential uses shall only be allowed if the uses are accessory to a primary commercial, industrial, or educational use. All other uses such as commercial/industrial land uses shall only be allowed as provided in Section 7-10-103 below.
    c. Zone C. In areas between 0.35 and 0.2 psi, residential uses of various densities are allowed. All other uses such as commercial/industrial land uses shall only be allowed as provided in Section 7-10-103 below.
(2) These three overpressure zones are defined by circles on the official West Valley City zoning map in the southwest quadrant of the City.
(3) Where a question exists in defining the location of an overpressure line on the ground, the provisions of the most restrictive zone shall apply to the entire structure divided by the line.

**(Ord. No. 90-25 Amended 07/12/1990; Ord. No. 03-71 Amended 12/03/2003)**

## 7-10-103. COMMERCIAL/INDUSTRIAL USES.

Where a use other than a residential use is contemplated, calculations shall be submitted by a licensed engineer who specializes in structural engineering certifying that any proposed structures are designed to withstand up to 0.5 psi on all exterior horizontal and vertical surfaces.

## 7-10-104. EXISTING ZONING ORDINANCES.

(1) The requirements contained in this Chapter do not change the regulations of the existing zoning ordinances other than limiting the land to certain uses as provided in this Chapter and 7-10-103 above and adding certain notification requirements and glass requirements for windows.
(2) The provisions of Section 7-10-102 do not automatically authorize the residential uses listed. The proper zoning shall still be required and an application for a zoning change or conditional use shall still be approved or denied based on the criteria used for any other zoning change request or conditional use application.

## 7-10-105. NOTIFICATION REQUIREMENTS.

## 7-10-106. GLASS REQUIREMENTS - WINDOWS, DOORS AND SKYLIGHTS.

(1) In all new construction or any building addition requiring a building permit located in an overpressure zone, the following types and maximum sizes of glass or glass substitutes for windows, doors and skylights shall be required:
    a. In Zone B (0.35 psi to 0.50 psi), either the glass types in subsection (i) or the glass substitute in subsection (ii) as set forth below may be allowed:
        i. If glass is used, the following glass and glass types shall be required:

| Maximum Area | Glass Type |
|---|---|
| 6.0 SF | 1/4” laminated |
| 12.0 SF | 3/8” laminated |
| 17.5 SF | 5/32” fully-tempered |
| 26.5 SF | 3/16” fully-tempered |
| 40.0 SF | 1/4” fully-tempered |

Single regular (annealed) glass, heat-strengthened (partially tempered) glass, and wired glass shall not be permitted.

        ii. If a glass substitute is used, all inboard windows or all outboard windows, but not both, shall be non-lockable and shall be constructed of material conforming to federal specification FSL-P-507 and to the following minimum thicknesses:

| Maximum Size | Minimum Size |
|---|---|
| 3’ Wide | 1/4” thickness |
| 3’ to 4’ Wide | 3/8” thickness |

No glass substitute wider than four feet shall be permitted.

    b. In Zone C (0.2 psi to 0.35 psi), either the glass types in subsection (i) or the glass substitute in subsection (ii) as set forth below may be allowed:

i. If glass is used, the following glass and glass types shall be required:

| Minimum Area | Glass Type |
|---|---|
| 8.0 SF | 1/4” laminated |
| 17.0 SF | 3/8” laminated |
| 25.5 SF | 5/32” fully-tempered |
| 37.5 SF | 3/16” fully-tempered |
| 60.0 SF | 1/4” fully-tempered |

Single regular (annealed) glass, heat-strengthened (partially tempered) glass, and wired glass shall not be permitted.

ii. If a glass substitute is used, all inboard windows or all outboard windows, but not both, shall be non-lockable and shall be constructed of material conforming to federal specification F8L-P-507 and to the following minimum thickness:

| Maximum Size | Minimum Thickness |
|---|---|
| 3’ Wide | 3/16” thickness |
| 3’ to 4’ Wide | 1/4 “ thickness |

No window wider than four feet shall be permitted.

(2) All glass (inboard and outboard), whether factory-fabricated insulated glass, combinations of prime and storm windows, or combinations of prime and storm doors, shall comply with the requirements of paragraph (A). An exception is the outboard pane of any double glazed window whose top edge is 24" or less above grade. This glass may be regular (annealed) glass complying with all other applicable Uniform Building Code requirements.

(3) The laminated and fully-tempered glass shall be certified by the Safety Glazing Certification Council and be so designated on a permanent monogram.

(4) Factory fabricated insulating glass shall be certified by the Insulating Glass Certification Council and be so marked.

(5) The requirements of this section shall be met when any windows, doors or skylights are replaced or added in any structures which originally had to comply with this section.

## 7-10-107. PENALTY AND ENFORCEMENT.

(1) It shall constitute an infraction to violate any provision of this Chapter.

(2) In addition to criminal prosecution for violation of this Chapter, the City may utilize any other remedy provided by law including, but not limited to: injunctions and other civil remedies, revocation of any building permits and/or conditional use permits, and administrative fines and fees imposed pursuant to Title 10 of the City Code.

**(Ord. No. 99-52 Amended 08/20/1999)**

# CHAPTER 7-11
# MOBILE HOME PARKS

Sections:

7-11-101. License and Permits.
7-11-102. Permit Fees.
7-11-103. Application for a Permit.
7-11-104. Transmittal of Plans.
7-11-105. Planning Commission Action.
7-11-106. Report to the Applicant.
7-11-107. Expiration of Approval.
7-11-108. Location and Fencing.
7-11-109. Street Dedication.
7-11-110. Access Street.
7-11-111. Minimum Area.
7-11-112. Park Plan.
7-11-113. Inspection of Mobile Home Parks.
7-11-114. Enforcement.
7-11-115. Revocation of License.
7-11-116. Appeal.
7-11-117. Notices, Hearings and Orders.
7-11-118. Requirement and Conditions.
7-11-119. Park Street System.
7-11-120. Water Supply.
7-11-121. Sewage and Refuse Disposal.
7-11-122. Sanitation Facilities.
7-11-123. Service Buildings.
7-11-124. Refuse Handling.
7-11-125. Service and Other Buildings.
7-11-126. Insect and Rodent Control.
7-11-127. Fuel Supply and Storage.
7-11-128. Fire Protection.
7-11-129. Park Management.
7-11-130. Responsibilities of Park Occupants.

## 7-11-101. LICENSE AND PERMITS.

It shall be unlawful for any person to construct, maintain or operate a mobile home park within the City unless such person shall first obtain a license and permit therefore, except that:

(1) Mobile home parks legally existing at the time of the effective date of this Ordinance may continue to operate on the same basis as under a non-conforming use as set forth in the current City Zoning Ordinance, subject to the exceptions set forth hereafter.

(2) Existing mobile home parks may be enlarged provided the addition conform to all provisions of the City Code, which specific requirements may be waived by the City Council upon the recommendation of the Planning Commission and the City/County Board of Health if they find special circumstances or conditions that would make it unreasonable to require such compliance.

(3) Application for original licenses shall be in writing signed by the applicant, accompanied by an affidavit of the applicant as to the truth of the application and by the deposit of a fee of $25. Said application shall contain the name and address of the applicant, the location and legal description of the mobile home park, and a site plan of the mobile home park showing all mobile home lots, structures, roads, walkways, and other service facilities.
(4) Applications for renewals of licenses shall be made in writing by the holders of the licenses, shall be accompanied by the deposit of a fee of $25 and shall contain any change in the information submitted since the original license was issued or the latest renewal granted.
(5) Every person holding a license shall give notice in writing to the Director of Health within 24 hours after having sold or transferred said mobile home park. Such notice shall include the name and address of the person succeeding to the ownership. It is understood and agreed that the licenses hereinafter specified are personal in nature and do not carry over from one person to another upon sale and cannot be transferred as a part of the sale of the property; a new license being necessary from the date the new owner commences business.

## 7-11-102. PERMIT FEES.

The Building Permit Fee for each mobile home park shall be as follows:
(1) For mobile home parks of 30 mobile home spaces or less, $30.
(2) For mobile home parks of more than 30 mobile home spaces, $30 plus $1 per mobile home space over 30 with the maximum charge being $300, regardless of size.
(3) In addition to the above fees, if any buildings or structures are built, a permit fee under the Uniform Building Code must be paid as well as the fee for mechanical installations, the electrical and the plumbing work, in accordance with the current Ordinances in effect at the time.
(4) An applicable annual license fee for mobile home parks shall be specified under the licensing provisions of the Code after the park has been constructed and is in operation.

## 7-11-103. APPLICATION FOR A PERMIT.

(1) Before a Conditional Use Permit for a mobile home park can be issued, plans and specifications shall be submitted to the Planning Commission. Seven copies of the plans of the proposed park shall be filed with the application on paper not smaller than 17" x 22" and shall include the following:
    a. The name, address and telephone number of the applicant.
    b. The location and legal description of the mobile home park.
    c. Northpoint, scale and date of drawing.
    d. The acreage of the proposed park.
    e. Accurate finished contours of land at intervals of not more than two feet, and the approximate location of all that are subject to flood water, overflow or inundation and the location width, and direction of flow of all watercourses.
    f. The location names and number of all existing public streets within 200 feet of the proposed park.
    g. The number, size, location and type of all mobile home spaces, whether to be used for an independent mobile home which has its own sanitary facilities or dependent mobile homes which do not have such facilities.
    h. The location, size and specifications for construction of roadways.
    i. Plans and specifications of all buildings, improvements and facilities to be constructed, including electrical layout.

j. The location and size of all public utility lines.
k. The location and method of enclosing rubbish and garbage disposal areas.
l. One typical mobile home space showing the proposed location of the car slab, cabana and other planned or required items.
m. The drainage plan of the park showing the method to be utilized in carrying off surface drainage to an adequate point of disposition with the attached approval of the county flood control director or his authorized representative.
n. Details of water supply and waste disposal system.
o. Such further information as is required by this Ordinance or as may be additionally required by the Planning Commission in order to enable it to determine if the proposed park will comply with the legal requirements.

(2) The Planning and Zoning Division shall transmit a copy of the proposed mobile home park plan to the following agencies for their review and comment:
a. The City/County Board of Health.
b. The Public Works Department.
c. The Fire Department.
d. Any other public agency or officers determined by the Planning Commission to have an interest in the proposed park.

## 7-11-104. TRANSMITTAL OF PLANS.

Departments and agencies receiving plans for review shall transmit written comments or recommendations to the Planning Commission within 15 working days after receiving the plans. Failure to so report without a reasonable explanation thereof shall be determined to constitute approval for the proposed design.

## 7-11-105. PLANNING COMMISSION ACTION.

The Planning Commission shall review the application, maps and plans of the proposed mobile home park, considering the reports of other departments and agencies together with the provisions of this Code and shall conditionally approve, amend and approve, or may disapprove the application as submitted.

## 7-11-106. REPORT TO THE APPLICANT.

After the consideration and action of the Planning Commission, the Zoning Administrator shall give the applicant written notification of the decision. Copies of such notification shall be forwarded to the Board of Health and the Building Inspection Department and in the event of disapproval, shall set forth the reasons therefore.

## 7-11-107. EXPIRATION OF APPROVAL.

The approval of the Planning Commission shall expire and become void one year after the date of approval if building permits have not been issued and if the construction of the park has not been commenced and pursued diligently. The Planning Commission may grant a maximum extension of six months under exceptional circumstances, provided that written application for such extension shall be made not less than 30 days prior to the expiration of the original approval.

## 7-11-108. LOCATION AND FENCING.

Location of mobile home parks shall be regulated by the Zoning Ordinance of the City. Where any boundary of a park directly abuts property which is improved with a permanent residential building or directly abuts unimproved property which may, under existing laws and regulations, be used for permanent residential construction or abuts any street, a six-foot high solid visual barrier fence or wall properly related to surrounding topography and the character of the surrounding development shall be provided along such boundary; except that, at the point where a public street intersects with an access road, the height of the fence or wall shall be determined by the Zoning Ordinances of the City.

Where any mobile home park boundary is adjacent to a public street, the fence or wall shall be setback from the street right-of-way a minimum of 10 feet. This ground between the fence or wall and the street right-of-way line shall be landscaped and permanently maintained.

## 7-11-109. STREET DEDICATION.

The developer of the mobile home park shall be required to dedicate to the City and shall improve to City standards all streets within the proposed park determined by the Planning Commission to be necessary for adequate neighborhood circulation.

## 7-11-110. ACCESS STREET.

The location and width of the access street shall be determined by the Planning Commission.

## 7-11-111. MINIMUM AREA.

The minimum permissible area for the construction of any mobile home park shall be five acres.

## 7-11-112. PARK PLAN.

Mobile home parks shall conform to the plan as submitted and approved by the respective governing agencies and to the following requirements:

(1) The park shall be located on a well-drained site, properly graded to insure rapid drainage and free from stagnant pools of water.

(2) Each park shall provide mobile home spaces, clearly defined or delineated, which shall have a minimum average area of 3,000 square feet, exclusive of streets and sidewalks, and a width of not less than 40 feet.

(3) Mobile homes shall be so located on each space as to permit a 15-foot clearance between the mobile homes.

   a. Carport covers and patio covers may extend to within three feet of side lot lines of the individual mobile home spaces, or where lot lines are not defined, to within six feet of another structure.

   b. No mobile home shall be located closer than 15 feet to any building within the park or to any property line of the park which does not abut upon a public street or highway. This set back may be reduced if the property line of the park abuts a power corridor or other permanent open space not occupied by structures.

   c. No mobile home shall be located closer to any property line of the park abutting upon a public street or highway than 25 feet or such other distance as may be established by

Ordinance or regulation as a front yard setback requirement with respect to conventional buildings in the Zoning District in which the mobile home park is located.

(4) The street system shall provide convenient circulation by means of streets properly located with respect to the access streets. Closed ends of dead end streets shall be provided with adequate paved vehicular turning or backing space. A turning circle shall be at least 80 feet in diameter.
(5) Walkways shall be provided from mobile home spaces to service buildings and shall be constructed of concrete not less than two feet wide.
(6) All streets and walkways shall be hard-surfaced and adequately lighted, subject to approval of the Planning Commission.
(7) Each park shall provide service buildings to house such toilet, bathing and other sanitation facilities as are required by this Ordinance.
(8) Electrical service shall comply with the provisions of the currently adopted West Valley City Electrical Code.
(9) The operator of said mobile home park is hereby charged with the responsibility of making all connections from said mobile home to sewer, water, gas, electric or any other utility services governed by these regulations, and shall do so in full conformity with the Building Codes, the Plumbing Code, the Electrical Code and Health Codes. The operator shall, upon request, deliver to any Inspector, Health Office or other official such pertinent information required to prove compliance with the Ordinances at any reasonable time.
(10) Two parking spaces shall be provided on each mobile home space and each mobile home park shall provide an automobile parking area for the use of guests. One such space shall be provided for every five lots or fraction of five lots within the park. Each space shall be 10 feet by 20 feet in size and shall contain such additional area as is necessary to afford adequate ingress and egress.
(11) Mobile home stands shall be no smaller than 10 by 50 feet in size.
(12) Not less than five percent of the gross site area shall be devoted to recreational facilities. Individual recreational areas shall not be less than 2500 square feet in size.
(13) The occupied area of each mobile home space shall not exceed 75 percent of the total area of the lot. Area shall be deemed occupied when covered or occupied by a trailer coach, cabana, vehicle, awning, closet, cupboard or other structure of any kind. Unoccupied area shall be adequately landscaped and maintained.
(14) All utilities in the park shall be placed underground.
(15) Each mobile home space shall provide the tenant storage area convenient to its entrance which shall contain 120 cubic feet of area.
(16) Each mobile home shall be provided with a patio area containing a minimum of 100 square feet of space; such patio shall be constructed in accordance with the Uniform Building Code which is currently effective and in use by West Valley City.
(17) Bulk storage area equivalent to 80 square feet per mobile home space shall be provided and the area so designated shall be asphalted and fenced in such a manner as to screen the compound from surrounding mobile home spaces.
(18) All mobile homes within the park shall be skirted and each home shall be firmly anchored to prevent sway and/or give or play, and shall be adequately supported.

**(Ord. No. 98-45 Amended 06/09/1998; Ord. No. 00-36 Amended 05/22/2000)**

## 7-11-113. INSPECTION OF MOBILE HOME PARKS.

(1) The Director of Health and/or the Building Inspection Division or their representatives are hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with the ordinance and the regulations issued hereunder.
(2) The Director of Health and Building Official, or their representative, shall have the power and authority to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this Ordinance.
(3) It shall be the duty of the owners or occupants of the mobile home parks, and mobile homes contained therein, or of the person in charge thereof, to give the Director of Health or Building Official free access to such premises at reasonable times for the purpose of inspection.
(4) It shall be the duty of every occupant of a mobile home park to give the owner thereof, or his agent or employee, access to any part of the mobile home park or its premises at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this Ordinance and regulations issued hereunder or with any lawful order issued pursuant to the provisions of this Ordinance.

## 7-11-114. ENFORCEMENT.

The Building Official and the Director of Health are hereby designated and authorized as the officers charged with the enforcement of the provisions of this Title.

## 7-11-115. REVOCATION OF LICENSE.

The Building Official or the Director of Health or any other officer charged with the enforcement of this Title may revoke any license to maintain and operate a mobile home park when the licensee is found to have violated any provision of this Code. After such violation, the license may, in the discretion of the revoking official, be reissued if the violation has been remedied and the park is in condition to be maintained and operated in full compliance with the law.

## 7-11-116. APPEAL.

If for any reason, application for a license has been denied or the officials have revoked a permit granted hereunder, the person to whom the revocation or license has been effectively withdrawn may, upon application, be granted a hearing before the Building Official and/or the Director of Health as provided herein.

Any person whose license has been suspended or revoked, or who has received from the Director of Health or the Building Official notice that his license will be suspended unless certain conditions or practices at the mobile home park are corrected, may request and shall be granted a hearing on the matter before the proper official under the procedure provided by Section 7-11-117; provided that, when no petition for such hearing shall have been filed within 10 days following the day on which notice of suspension was served, such license shall be deemed to have been automatically revoked at the expiration of such 10-day period.

## 7-11-117. NOTICES, HEARINGS AND ORDERS.

(1) Whenever the Director of Health or the Building Official determines that there are reasonable grounds to believe that there has been a violation of any provision of this Ordinance or

regulations issued hereunder, he shall give notices of such alleged violation to the person to whom the permit or license was issued, as hereinafter provided. Such notice shall:

a. Be in writing;
b. Include a statement of the reasons for its issuance;
c. Allow a reasonable time for the performance of any act it requires;
d. Be served upon the owner or his agent as the case may require, provided that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been sent by registered mail to his last known address or when he has been served with such notice of any method authorized or required by the laws of this State; and
e. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Ordinance and regulations issued hereunder.

(2) If, at the end of the period set forth in the notice, the Building Official and/or the Director of Health shall reinspect such mobile home park and, if such conditions or practices have not been corrected, he shall suspend the license and give notice in writing of such suspension to the person to whom the license is issued. Upon receipt of notice of such suspension, such person shall cease operation of such mobile home park except as provided in this Ordinance.

(3) Any person whose license has been suspended or is otherwise affected by any notice which has been issued in connection with the enforcement of any provision of this Ordinance or any regulation issued hereunder, may request and shall be granted a hearing on the matter before the proper official charged with the enforcement of the provisions of the Ordinance which the operator is accused of violating by filing a written petition requesting a hearing and setting forth a brief statement of the grounds therefore within 10 days after the day the notice was served. The filing of the request for a hearing shall operate as a stay of the notice and of the suspension, except in the case of an order issued under paragraph (6) of this section. Upon receipt of such petition, the Director of Health and/or the Building Official shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing, the petitioner shall be given an opportunity to be heard and to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than 10 days after the date on which the petition was filed; provided, that upon application of the petitioner, the Director of Health and/or the Building Official may postpone the date of the hearing for a reasonable time beyond such 10-day period when, in his judgment, the petitioner has submitted good and sufficient reasons for such postponement.

(4) After such hearing the Director of Health and/or the Building Official shall make findings as to compliance with the provisions of this Ordinance and regulations issued hereunder and shall issue an order in writing, sustaining, modifying or withdrawing the notice which shall be served as provided in paragraph (1) of this Section. Upon failure to comply with any other sustaining or modifying notice, the license for the mobile home park affected by the order shall be revoked.

(5) The proceedings at such a hearing, including the findings and decision of the Director of Health and/or the Building Official, together with a copy of every notice and order related thereto, shall be entered as a matter of public record in the office of the Director of Health and/or the Building Official, but the transcript of the proceedings need not be transcribed unless judicial review of the decision is sought as provided by this Section. Any person aggrieved by the decision of the Director of Health and/or the Building Official may seek relief therefrom in any court of competent jurisdiction as provided by the laws of this State.

(6) Whenever the Director of Health and/or the Building Official finds that an emergency exists which requires immediate action to protect the public health, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such

action be taken as he may deem necessary to meet the emergency, including the suspension of the permit or license. Notwithstanding any other provisions of this Ordinance, such order shall be effective immediately, but upon petition to the Director of Health and/or the Building Official, shall be afforded a hearing as soon as possible. The provisions of paragraphs (3) and (4) shall be applicable to such hearing and the order issued thereafter.

## 7-11-118. REQUIREMENT AND CONDITIONS.

(1) Condition of soil, ground water level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors or other adverse influences and no portion subject to unpredictable and/or sudden flooding, subsidence or erosion shall be used for any purpose which would expose persons or property to hazards.
(2) Soil and ground cover requirements. Exposed ground surfaces in all parts of every mobile home park shall be paved or covered with stone screenings or other solid material or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.
(3) Site drainage requirements. The ground surface in all parts of every mobile home shall be graded and equipped to drain all surface water in a safe, efficient manner, subject to approval of the Flood Control Director.

## 7-11-119. PARK STREET SYSTEM.

(1) General Requirements. All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot. Alignment and gradient shall be properly adapted to topography, subject to the approval of the City Flood Control Department and City Surveyor.
(2) Access. Access to mobile home parks shall be designed to minimize congestion and hazards at the entrance or exits and allow free movement of traffic on adjacent streets.
(3) Internal streets. Surfaced roadways shall be of adequate width to accommodate anticipated traffic.
(4) Street construction and design standards. All streets shall be provided with a smooth, hard and dense surface which shall be durable and well-drained under normal use and weather conditions. Pavement edges shall be protected to prevent raveling of the wearing surface and shifting of the pavement base. Street surfaces shall be maintained free of cracks, holes and other hazards.
(5) Grades. Grades of all streets shall be sufficient to insure adequate surface drainage.

## 7-11-120. WATER SUPPLY.

(1) An adequate supply of hot water for bathing, washing and cleaning facilities shall be provided in the service buildings at all times. An adequate supply of such water shall be considered to be at least 20 pounds of water pressure per square inch on a one-half inch line.
(2) General requirements. An accessible, adequate, safe, portable supply of water shall be provided in each mobile home park. Where a public supply of water of satisfactory quantity, quality and pressure is available, connection shall be made thereto and its supply used exclusively. When a satisfactory public water supply is not available, a private water supply system may be developed and used as approved by the Director of Health.

## 7-11-121. SEWAGE AND REFUSE DISPOSAL.

(1) An adequate and safe sewage system shall be provided in all mobile home parks for conveying and disposing of all sewage. Such system shall be designed, constructed and maintained in accordance with State and local laws.
(2) All sewer lines shall be located in trenches of sufficient depth to be free of breakage from traffic or other movements and shall be separated from the park water supply system at a safe distance. Sewers shall be at a grade which will insure a velocity of two feet per second when flowing full. All sewer lines shall be constructed of materials approved by the Director of Health, shall be adequately vented and shall have water-tight joints.
(3) Waste from showers, bathtubs, flush toilets, urinals, lavatories and slop sinks in service and other buildings shall be discharged into a public sewer system or into a private sewer and disposal plan or septic tank system, provided that the method of disposal meets the approval of the City/County Board of Health.
(4) Each mobile home space shall be equipped with a sewer connection having a minimum size of three inches, protected by a concrete collar at least three inches deep and extending 12 inches from the connection in all directions. The sewer connection shall be provided with suitable fittings to permit a water-tight junction to be made with the mobile home outlet. All sewer lines shall conform to the Plumbing Code.
(5) Manholes shall be provided at every change in direction, at every major junction of two or more branch sewers and at intervals of not more than 400 feet. Cleanouts extending to grade may be used instead of manholes on four and six-inch lines and shall be provided wherever a manhole would otherwise be necessary and at intervals of not more than 100 feet. All cleanouts shall be capped with cleanout plugs.

## 7-11-122. SANITATION FACILITIES.

Sanitation shall be provided as follows:
(1) Mobile home parks constructed and operated exclusively for dependent mobile homes shall require one toilet, one shower and one lavatory for males and one toilet, one shower and one lavatory for females for each eight dependent mobile home lots.
(2) In mobile home parks constructed and operated exclusively for independent mobile homes, the licensee, owner or lessee shall be required to install toilets, showers and lavatories for both sexes in sufficient number with each building, service center, recreation area or amusement facility to adequately care for the needs and requirements of those people whom it is contemplated will make use of said facility.
(3) No toilet facility for a dependent mobile home shall be further than 200 feet from the dependent mobile home lot.
(4) Toilets shall be for the exclusive use of the occupants of the mobile home park.
(5) No toilet compartment in any building shall be less than 30 inches wide.
(6) Toilets and other sanitation facilities for males and females shall be in separate buildings or separated, if in the same building, by a soundproof wall. Facilities for males and females shall be distinctly marked to denote the sex for which it is intended.

## 7-11-123. SERVICE BUILDINGS.

Service buildings housing sanitation facilities shall be permanent structures complying with all applicable Ordinances and statutes regulating building, electrical installations and plumbing and

sanitation systems, and shall be located not more than 200 feet from any dependent mobile home. The building shall be well-lighted at all times, ventilated with screened openings and constructed of moisture-proof material. Such moisture-proof material may consist of painted woodwork which will permit repeated cleaning and washing. The buildings shall be maintained at a temperature of at least 68 degrees Fahrenheit during the period from October 1 to May 1. Floors of service buildings shall be constructed of material impervious to water. All service buildings and grounds of the park shall be maintained in a clean, sightly condition and kept free from any condition menacing to the health of occupants or the public or constituting a nuisance.

## 7-11-124. REFUSE HANDLING.

(1) The storage, collection and disposal of refuse in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution.
(2) All refuse shall be stored in fly-tight, water-tight, rodent-proof containers, which shall be located not more than 150 feet from any mobile home lot. Containers shall be provided in sufficient number and capacity to properly store all refuse.
(3) Refuse collection stands shall be provided for all refuse containers. Such container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them.
(4) All refuse shall be collected at least twice weekly. Where suitable collection service is not available by private agencies, the mobile home park operator shall provide the service. All refuse shall be collected and transported in covered vehicles or covered containers.
(5) Where municipal or private disposal service is not available, the mobile home park operator shall dispose of the refuse in a manner pursuant to approval in accordance with state and local laws.

## 7-11-125. SERVICE AND OTHER BUILDINGS.

(1) General. The requirements of this Section shall apply to service buildings, recreation buildings and other community service facilities such as:
    a. Management offices, repair shops and storage areas
    b. Sanitary facilities
    c. Laundry facilities
    d. Indoor recreation areas
    e. Commercial uses supplying essential goods or services for the exclusive use of park occupants
(2) Structural requirements for buildings:
    a. All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites and other destructive elements. Exterior portions shall be of materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.
    b. All rooms containing sanitary or laundry facilities shall:
        i. Have sound resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions around showers, bathtubs, lavatories and other plumbing fixtures shall be constructed of dense, nonabsorbent, waterproof material or covered with moisture-resistant material.

ii. Have a least one window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be no less than 10 percent of the floor area served by them.
iii. Have at least one window which can be easily opened or a mechanical device which will adequately ventilate the room.

c. Toilets shall be located in separate compartments equipped with self-closing doors. Shower stalls shall be of the individual type. The rooms shall be screened to prevent direct view of the interior when the exterior doors are open.
d. Illumination levels shall be maintained as follows:
e. General seeing tasks -- 10-foot candles;
f. Laundry room work area -- 40-foot candles;
g. Toilet room, in front of mirrors -- 40-foot candles.
h. Hot and cold water shall be furnished to every lavatory, sink, bathtub, shower and laundry fixture, and cold water shall be furnished to every water closet and urinal.

(3) Cooking shelters, barbecue pits, fireplaces and stoves shall be so located, constructed, maintained and used as to minimize fire hazards and smoke nuisance, both of the property on which it is used and on neighboring property. No open fire shall be permitted except in facilities provided. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors.

## 7-11-126. INSECT AND RODENT CONTROL.

(1) Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the Director of Health.
(2) Parks shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.
(3) Storage areas shall be so maintained so to prevent rodent harborage; lumber, pipe and other building material shall be stored at least one foot above the ground.
(4) Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.
(5) The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers and other noxious insects. Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

## 7-11-127. FUEL SUPPLY AND STORAGE.

(1) Natural gas system:
    a. Natural gas piping systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems.
    b. Each mobile home lot provided with piped gas shall have an approved manual shutoff valve installed upstream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.
(2) Liquefied petroleum gas systems:
    a. Liquefied petroleum gas systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems.

b. Systems shall be provided with safety devices to relieve excessive pressures and shall be arranged so that the discharge terminates at a safe location.
c. Systems shall have at least one accessible means for shutting off gas. Such means shall be located outside the mobile home and shall be maintained in effective operating condition.
d. All LPG piping outside of the mobile home shall be well-supported and protected against mechanical injury. Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment and systems in mobile homes.
e. Liquefied petroleum gas containers installed on a mobile home lot shall be securely but not permanently fastened to prevent accidental overturning.
f. No liquefied petroleum gas vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home or any other structure unless such installations are approved by the Director of Health.

(3) Fuel oil supply systems:
a. All fuel oil supply systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems.
b. All piping from outside fuel storage tanks or cylinders to mobile homes shall be permanently installed and securely fastened in place.
c. All fuel oil storage tanks or cylinders shall be securely fastened in place and shall not be located inside or beneath any mobile home or less than 5 feet from any mobile home exit.
d. Storage tanks located in areas subject to traffic shall be protected against physical damage.

## 7-11-128. FIRE PROTECTION.

(1) The mobile home area shall be subject to the rules and regulations as set up by the Fire Prevention Council and of the West Valley City Fire Chief.
(2) Mobile home parks shall be kept free of litter, rubbish and other flammable materials.
(3) Portable fire extinguishers of a type approved by the Fire Chief or his authorized representative shall be kept in service buildings and at all other locations designated by the Fire Chief and shall be maintained in good operating condition.
(4) Fires shall be made only in stoves and other equipment intended for such purposes.
(5) Fire hydrants shall be installed in accordance with the plans and in accordance with the requirements of the West Valley City Fire Chief.
(6) Fire hydrants shall be located within 500 feet of any mobile home, service building or other structure in the park.

## 7-11-129. PARK MANAGEMENT.

Park management shall have the responsibilities set forth as follows:
(1) The person to whom a license for a mobile home park is issued shall operate the park in compliance with this Ordinance and regulations issued hereunder and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.
(2) The park management shall notify park occupants of all applicable provisions of this Ordinance and inform them of their duties and responsibilities under this Ordinance and regulations issued hereunder.

(3) The park management shall supervise the placement of each mobile home on its mobile home space which includes securing its stability and installing all utility connections.
(4) The park management shall maintain a register containing the names of all park occupants. Such register shall be available to any authorized person inspecting the park.
(5) The park management shall notify the Director of Health immediately of any suspected communicable or contagious disease within the park.

## 7-11-130. RESPONSIBILITIES OF PARK OCCUPANTS.

(1) The park occupant shall comply with all applicable requirements of this Ordinance and regulations issues hereunder and shall maintain his mobile home lot, its facilities and equipment in good repair and in a clean and sanitary condition.
(2) The park occupant shall be responsible for proper placement of his mobile home on its mobile home space and proper installation of all utility connections in accordance with the instructions of the park management.
(3) No owner or person in charge of a dog, cat or other pet animal shall permit it to run at large or to commit any nuisance within the limits of any mobile home lot.

# CHAPTER 7-12
# CONVEYANCE OF EASEMENTS ALONG JORDAN RIVER

Sections:

7-12-101. Purpose.
7-12-102. Development Approval.
7-12-103. Extent of Easement.
7-12-104. Easement Limitations.

## 7-12-101. PURPOSE.

In enacting this Chapter, it is the purpose of the City to foster the protection and preservation of a limited natural resource, and to foster water conservation, flood control, reclamation, and wildlife resources on and along the Jordan River by limiting development immediately adjoining the banks of said river.

## 7-12-102. DEVELOPMENT APPROVAL.

In addition to all other requirements and conditions contained in this Title, it is a further condition, upon the approval and recording of any development, including but not limited to, subdivisions and all other commercial, industrial and residential developments of any kind that the developer or owner of any property containing within its boundaries a bank of the Jordan River, convey to the City, an easement within a strip or strips extending 75 feet from the bank or banks of the river. In no event shall the above-described easement exceed 10 percent of the total area of the development without just compensation being paid therefore.

## 7-12-103. EXTENT OF EASEMENT.

Without prior approval from the Planning Commission, the owner of property affected by the easement described in Section 102 above is prohibited from:

(1) Diverting, filling in, lining, or culverting the natural water-course of the Jordan River;
(2) Erecting any structures or improvements, including but not limited to buildings, fences, bridges and parking lots, within 75 feet of the banks of the Jordan River;
(3) Dumping or permitting the dumping of any garbage or other refuse within 75 feet of the banks of the Jordan River; or
(4) Cutting, grubbing or removing any trees or other natural vegetation, removing any stones or earth, or otherwise disturbing the natural environment of the area within 75 feet of the banks of the Jordan River.

## 7-12-104. EASEMENT LIMITATIONS.

(1) Rights acquired by West Valley City subject to this Chapter shall be held and exercised only for the advancement of the purposes contemplated herein.
(2) Ownership in fee simple absolute of the easement strip shall remain unaffected by the provisions of this Chapter, and shall remain in the owner of the servient realty. The interest

hereby created is an appurtenant easement and shall remain unaffected by the sale or other alienation of the realty upon which it lies.

# CHAPTER 7-13
# STANDARDS FOR LANDSCAPING ALONG HIGH-IMAGE ARTERIAL STREETS

Sections:

7-13-101. Purpose.
7-13-102. Applicability
7-13-103. Landscaping Standards.
7-13-104 Appeals.
7-13-200P Part 2 - 3500 South/Redwood Road Streetscape.
7-13-201. Purpose.
7-13-202. Definitions.
7-13-203. Location.
7-13-204. Development Standards.
7-13-205. Maintenance.
7-13-206. Appeal Procedure.
7-13-300P Part 3 – 3500 South Streetscape Between 2700 West and Bangerter Highway

## 7-13-101. PURPOSE.

The purpose of this Chapter is to establish landscaping standards designed to enhance the aesthetic perception of West Valley City by improving the visual image of those streets which serve as primary access into and through the City.

**(Ord. No. 01-46 Amended 07/03/2001)**

## 7-13-102. APPLICABILTY.

Pursuant to the recommendations of the General Plan, specific landscaping standards shall be required on the following high-image arterial streets:

(1) Redwood Road
(2) 3500-3300 South (UT 171)
(3) 5600 West
(4) 2700 South (Parkway Blvd and Lake Park Blvd)
(5) 2100 South Freeway (UT 201)
(6) Bangerter Highway
(7) I-215 Freeway
(8) 4100-3900 South
(9) 4700 South
(10) 3100 South
(11) 3200 West
(12) 3600 West
(13) 2700 West
(14) 5400 South
(15) 6200 South

**(Ord. No. 98-45 Amended 06/09/1998; Ord. No. 01-46 Amended 07/03/2001; Ord. No. 10-07 Amended 03/29/2010)**

## 7-13-103. LANDSCAPING STANDARDS.

(1) All properties with frontage on high-image streets shall provide a minimum 20-foot landscaped buffer along the entire frontage between the edge of the sidewalk and any parking area, structure or fence on the site. No parking, outside storage or temporary signage shall be allowed within the landscape buffer. This requirement shall take effect when building permits are required in the following situations:
   a. All new construction on vacant parcels;
   b. All new construction within 200 feet of a high-image street which is located on a partially-developed parcel which has frontage on such street;
   c. Any substantial modification to an existing site or structure in which the estimated construction cost exceeds $50,000.

(2) Fifty percent of the area of the landscaped buffer shall be planted with grass and shade and/or large conifer trees. The remaining 50 percent of the area may include, but not be limited to, vehicular access drives, specialty paving, street furniture, and outdoor seating areas. There shall be a minimum of one tree planted for each 600 square feet of the gross area of the landscaped buffer.

(3) Trees to be planted in the landscaped buffer shall be selected from the following list, unless a professionally prepared landscape plan is reviewed and approved in advance by the Planning Commission:

| Common Name | Botanical Name | Average Height |
|---|---|---|
| Goldenrain Tree | Koelreuteria Paniculata | 20' - 30' |
| Crimean Linden | Tilia eucnlora | 30' - 40' |
| Little-leaf Linden | Tilia cordata | 30' - 40' |
| London Plane Tree | Platanus acerifolia | 40' - 50' |
| Marshall Seedless Green Ash | Fraxinus Pennsylvanica 'Marshall' | 30' - 40' |
| Norway Maple | Acer Platanoides | 30' - 40' |
| Thornless Honeylocust | Gleditsia triacanthos inermis | 30' - 40' |
| Zelkova | Zelkova serrata | 40' - 50' |
| Hackberry | Celtris occidentalis | 40' - 50' |

Deciduous trees shall be a minimum size of 2" caliper and not less than eight feet in height.

(4) On all applicable streets north of 3100 South, the landscaped buffer shall be bermed to facilitate drainage and to aid in survival of plantings. Berming shall have a minimum slope of 1:4.

(5) All landscaping required by this Title shall include a sprinkler irrigation system and shall be perpetually maintained. Alteration of the landscaped buffer without prior Community and Economic Development Department approval or failure to maintain the buffer in a condition substantially similar to its original approved condition shall be an infraction. Failure to comply with this Chapter may be punishable by a fine of up to $500 per day for each day of violation,

plus any fees imposed pursuant to the provisions of Title 10 of the City Code. The City also reserves the right, at its discretion, to pursue any other legal remedies available to enjoin, prevent, or abate the violation.

**(Ord. No. 98-45 Amended 06/09/1998; Ord. No. 98-71 Amended 11/20/1998; Ord. No. 99-52 Amended 08/20/1999; Ord. No. 01-46 Amended 07/03/2001)**

## 7-13-104. APPEALS

(1) Appeal may be made from the requirements of this Chapter only if one of the following situations apply:
   a. If it is new construction and the property owner can demonstrate that full compliance will render his property unusable for development.
   b. If it is remodeling of an existing structure and full compliance is not possible due to location of existing buildings or because compliance would necessitate elimination of improvements required by other ordinances which could not be relocated elsewhere on the site.

(2) If one of the conditions listed above applies, the property owner may apply for a hearing before the Planning Commission to request a modification to the requirements of this Chapter. If the Planning Commission finds that no modification is warranted, that finding may be appealed as provided below.

(3) Appeal may be made to the City Council from any decision, determination or requirement of the Planning Commission by filing with the City Recorder a notice thereof in writing within 10 days after such decision or determination or requirement is made. Such notice shall set forth in detail the action and grounds upon which the appellant deems himself aggrieved.

(4) The City Recorder shall set the appeal for hearing before the City Council to be held within 45 days from the date of receipt of the appeal. Such hearing may, for good cause, be continued by order of the City Council. Written notice of the date set for hearing the appeal shall be mailed to the appellant at least 10 days before the appeal hearing date. After hearing the appeal, the City Council may affirm, modify, or overrule the decision, determination, or requirements appealed and enter any such order or orders as are in harmony with the spirit and purpose of this Chapter. The filing of an appeal shall stay all proceedings and actions in furtherance of the matter appealed, pending a decision of the City Council.

(5) The appellant may appeal any decision of the City Council to the District Court. Such appeal shall be made within 30 days of the rendering of a decision by the City Council.

**(Ord. No. 01-46 Amended 07/03/2001)**

# 7-13-200P PART 2 - 3500 SOUTH / REDWOOD ROAD STREETSCAPE.

## 7-13-201. PURPOSE.

To establish a unifying streetscape that incorporates shared bicycle and pedestrian corridors along 3500 South between 2700 West and the Jordan River and along Redwood Road. All requirements and standards set forth in this Ordinance shall supersede all other Ordinances for the defined areas unless otherwise stated.

**(Ord. No. 99-70 Added 11/12/1999; Ord. No. 01-46 Amended 07/03/2001)**

## 7-13-202. DEFINITIONS.

Non-Motorized Public Easement – An easement located within site boundaries for pedestrian, bicycle, and other non-motorized uses. (Horses excluded)

Streetscape Area – A 30' wide area of land measured perpendicular from the back of curb into a project site, with the length running parallel to 3300/3500 South and Redwood Road. The streetscape area generally consists of a combined 10' width of public right-of-way and a 20' width of private property with a public easement.

**(Ord. No. 99-70 Added 11/12/1999; Ord. No. 01-46 Amended 07/03/2001)**

## 7-13-203. LOCATION.

This Ordinance shall apply to all property with frontage on 3300/3500 South between 2700 West and the Jordan River and all property with frontage on Redwood Road within City limits.

**(Ord. No. 99-70 Added 11/12/1999; Ord. No. 01-46 Amended 07/03/2001; Ord. No. 08-58 Amended 12/29/2008)**

## 7-13-204. DEVELOPMENT STANDARDS.

(1) All streetscape improvements shall fit within the area reserved for a standard 20' front yard setback and the public R.O.W. In the event that a full 30' width is not available within the prescribed area, City staff may adjust the landscaping standards as necessary to meet the intent of this ordinance.

(2) An undulating, landscaped berm, a minimum of 2'-3' high and 15' wide, shall be located adjacent to the back of curb. The purpose of this berm is to protect urban trail users from the hazards and nuisances generated by high traffic volumes and to promote a pleasant environment for businesses and residents.

(3) Street trees shall be planted from 20'-50' apart, not to exceed an overall average spacing of 30'. Street tree selection and all other minimum tree planting requirements shall be consistent with West Valley City standards for landscaping along high-image arterial streets. The Thundercloud Plum shall be designated as the ornamental entryway tree along 3500 South. Thundercloud Plums shall be placed on both sides of every drive accessing 3500 South to create a unified gateway image. The 'Kwanzan' Pink Flowering Cherry tree shall be designated as the ornamental entryway tree along Redwood Road. 'Kwanzan' Pink Flowering Cherry trees shall be placed on both sides of every drive accessing Redwood Road to create a unified gateway image.

(4) A non-motorized public easement, a minimum of 10' wide, shall be granted to West Valley City. This easement shall generally be located 15' from the back of curb and shall run the entire length of the frontage along 3500 South and/or Redwood Road. A 10' wide urban trail paved with concrete and shall be located within the public easement. (See Figure 1A - Cross-Section with Streetscape Lighting A and Figure 1B Cross-Section with Streetscape Lighting B). The City reserves the right to require lane striping to separate pedestrian and bicycle areas. If at any point the urban trail crosses a driveway or similar use, the concrete within the driveway shall be stamped and colored to warn both pedestrians and motor vehicle users. A concrete pathway, at least 5' wide and meeting all ADA standards, shall link the urban trail with any transit stops located along 3500 South and Redwood Road. In areas where the urban trail does not align with existing sidewalks on adjacent sites, a transition area shall be established and improved, with

the purpose of providing for public safety and convenience. The urban trail may, at the discretion of City staff, be temporarily shifted to avoid pre-existing, immoveable objects. However, if the trail is moved toward the site, the 5' buffer must still be provided. Immoveable objects shall include manholes, power poles, and other objects whose location is beyond the control of the property owner.

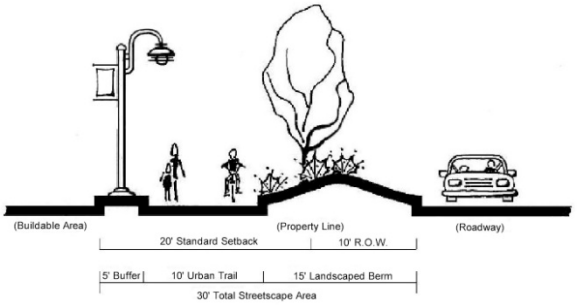



Figure A – Cross-Section with Streetscape Lighting A

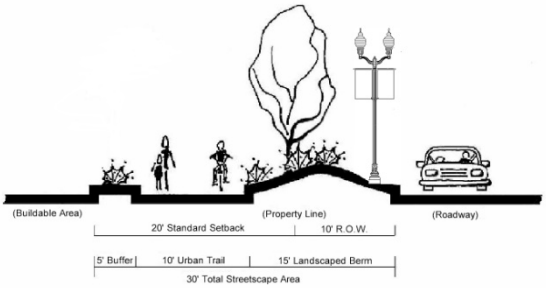



Figure B – Cross-Section with Streetscape Lighting B

(5) Overall site landscaping coverage requirements shall be reduced to 90% of current standards to compensate for streetscape improvements. For example, commercial zones shall be reduced from 15% to 13.5%, and manufacturing zones from 5% to 4.5%. Except as provided in 7-13-204(1), no site may have less landscaping than what is required within the streetscape area by this Ordinance.

(6) A landscaped buffer at least 5' wide shall be located between the urban trail and any development (See Figure 2 - Streetscape Aerial View). This buffer shall be used for pedestrian scale lighting, landscaping, or any other City approved purpose that promotes a transition between urban trail traffic and on-site development. Awnings, balconies, or similar overhangs may be permitted at the discretion of City staff for permitted uses or the Planning Commission for conditional uses. The City shall be granted a utility easement for the buffer in order to maintain lighting fixtures or other City utilities.

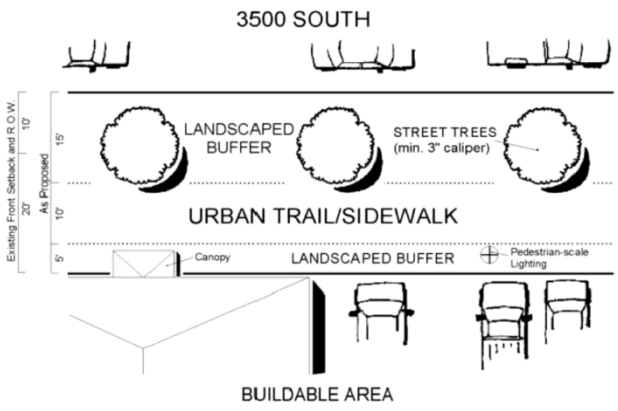



Figure 2 - Streetscape Aerial View

(7) Streetscape lighting along 3500/3300 South between Redwood Road and the Jordan River shall use Streetscape Lighting A, which shall be provided at an average interval of 90' or less. At no time shall there be a space between light fixtures larger than 100' or less than 80'. The style and height of the light fixtures shall be uniform along the entire length of the streetscape area, and shall conform to engineering standards and specifications for City-approved lighting fixtures. (See Figure 3 Streetscape Lighting A for the general appearance of streetscape lighting fixtures.) Streetscape lighting along 3500 South between 2700 West and Redwood Road shall use Streetscape Lighting B which shall be provided at an average interval of 150’ or less. At no time shall there be a space between light fixtures larger than 160’ or less than 140’. The style and height of the light fixtures shall be uniform along the entire length of the streetscape area, and shall conform to engineering standards and specifications for City-approved lighting fixtures (see Figure 4 – Streetscape Lighting B, for the general appearance of streetscape lighting fixtures). In addition to security and aesthetic purposes, all streetscape light poles between 2700 West and the Jordan River along 3500/3300 South shall serve as platforms for hanging banners promoting cultural and civic events. Light poles shall not be utilized for on- or off-premise advertising. The Planning Commission may dictate the placement of such lighting within the building/parking buffer strip or 15’ landscaped berm. Light fixtures must be inspected and approved by City Staff or the City's designee prior to final building inspection.

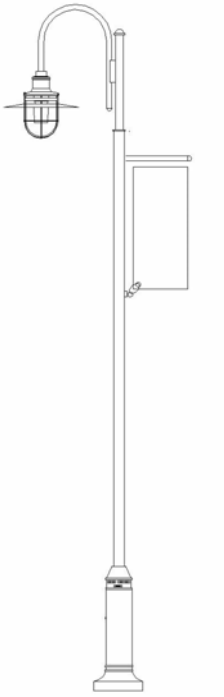


Figure 3 – Streetscape Lighting A, Standard Drawing LP-06, Redwood Road to the Jordan River.

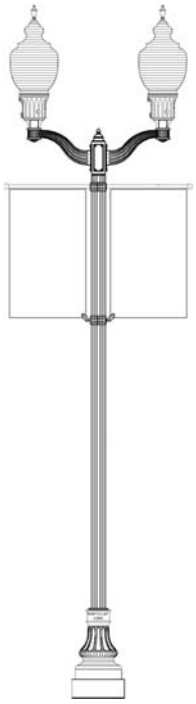


Figure 4 – Streetscape Lighting B, Standard Drawing LP-04, 2700 West to Redwood Road

(8) No fences or other obstructions shall be built within the 30' streetscape area, with the exception of fire hydrants, which shall be placed within the 15' bermed area adjacent to the street. It is recommended that an area no wider than 18", located between the curb back and the

landscaped berm area, be finished in concrete to separate landscape maintenance personnel from automobile traffic.

(9) Monument signs may be placed in the 15' landscaped berm if they are no more than 5' high as measured from the top back of the curb, are no wider than 5' and are placed at least 5' from the back of curb. If part of all of the sign lies within UDOT right-of-way, then permission from UDOT is required. All other signs shall be set back at least 1' from the urban trail/sidewalk.

**(Ord. No. 99-70 Added 11/12/1999; Ord. No. 01-46 Amended 07/03/2001; Ord. No. 03-78 Amended 12/02/2003; Ord. No. 08-58 Amended 12/29/2008)**

## 7-13-205. MAINTENANCE.

(1) Per Section 7-13-101 through 104 (as it applies to this part) and 24-8-105 of the West Valley City Code, the property owner shall be responsible for the maintenance of all grass, foliage, and trees within property boundaries and park strips. However, West Valley City reserves the right to pursue any legal recourse to insure the maintenance of the property.
(2) Pedestrian lighting shall be maintained by the City.
(3) Landscaping shall include a sprinkler irrigation system and shall be perpetually maintained.
(4) Failure to maintain the landscaping in a condition substantially similar to its original approved condition shall be an infraction punishable by a fine of up to $299 for each day of non-compliance after receiving written notice giving 10 business days to comply.

**(Ord. No. 99-70 Added 11/12/1999; Ord. No. 01-46 Amended 07/03/2001; Ord. No. 01-46, Technical Changes, Renumbered, 11/15/2001; Ord. No. 01-46 Renumber Section 206, Renumbered, 11/15/2001)**

## 7-13-206. APPEAL PROCEDURE

An appeal may be made to the City Council by any person aggrieved by a final decision, determination, or requirement of the Planning Commission regarding the architectural conditions imposed by this Section pursuant to the standards governing appeals.

**(Ord. No. 99-70 Added 11/12/1999; Ord. No. 01-46 Amended 07/03/2001; Ord. No. 01-46, Renumber Section 207, Renumbered, 11/15/2001; Ord. No. 01-46, Technical Changes Amended 11/15/2001)**

## 7-13-300P PART 3 – 3500 SOUTH STREETSCAPE BETWEEN 2700 WEST AND BANGERTER HIGHWAY

## 7-13-301. PURPOSE AND LOCATION.

The purpose of this Part is to preserve the unifying streetscape along 3500 South and to preserve existing trees, ensure that any lost trees are adequately replaced, and require new trees when existing curb cuts are removed. This Part is applicable to all property with frontage on 3500 South between 2700 West and Bangerter Highway.

**(Ord. No. 14-03 Enacted 01/14/2014)**

## 7-13-302. DEVELOPMENT STANDARDS.

(1) If an existing street tree is removed, damaged, or destroyed by the adjoining property owner, business, or tenant, the adjoining property owner, business, or tenant shall replace the tree according to the standards set forth in subsection (2) below.
(2) When a tree must be replaced pursuant to subsection (1) above or when existing curb cuts are to be closed due to new development, the following standards shall apply:
    a. Within the park strip, 3.5' tree wells shall be installed at spacing consistent with the existing tree wells on the site and on adjacent sites. Tree wells shall be spaced on average 20-25' apart on center along 3500 South, with exceptions for curb cuts, light poles, and sight distance constraints. All new sections of park strip with a minimum length of 22' shall have at least 2 tree wells. Tree well grates shall match others on the site.
    b. If the creation of a new section of park strip creates the opportunity to transplant a tree, that tree shall be transplanted in one of the tree wells of the new park strip.
    c. One Musashimo Zelcova (Zelcova Serrata Musashimo) tree of a minimum caliper of 2" or the caliper that was removed, whichever is greater, and not less than eight feet in height shall be planted in each tree well. A substitute size or species may be installed with staff approval.
    d. Irrigation lines and electrical lines shall be installed. The lines shall tie into existing City owned lines in the park strip.
    e. All installations, construction, and tree placements shall be coordinated with the City to ensure compatibility with existing infrastructure.

**(Ord. No. 14-03 Enacted 01/14/2014)**

# CHAPTER 7-14
# DESIGN AND DEVELOPMENT PLAN REVIEW

Sections:


7-14-101. Purpose.
7-14-102. Application for Development Plan Review.
7-14-103. Definitions.
7-14-104. Development Plan requirements for home occupations, remodeling and change of use to a permitted use in an existing structure on a developed site.
7-14-105. Development plan requirements for new construction of a single-family or two-family dwelling.
7-14-106. Development plan requirements for new construction on an undeveloped site of permitted uses.
7-14-107. Development plan requirements for conditional uses on an undeveloped site.
7-14-108. Design and development plan review/decision process.
7-14-109. Final Design and Development Plan Requirements.
7-14-110. Appeal Procedure.
7-14-111. Appeal of City Council Decisions.
7-14-200P Part 2 – Commercial Design Standards.
7-14-201. Purpose.
7-14-202. Applicability.
7-14-203. Definitions.
7-14-204. Single Building Orientation.
7-14-205. Multiple Building Orientation.
7-14-206. Pad Sites.
7-14-207. Pedestrian Access and Circulation.
7-14-208. Crime Prevention.
7-14-209. Connecting the Site with Surroundings.
7-14-210. Building Materials.
7-14-211. Building Colors.
7-14-212. Assessment of Building / Roof Treatments.
7-14-213. Building Relief Treatments.
7-14-214. Building Design Treatments.
7-14-215. Roof Treatments.
7-14-216. Drive-through Window Standards.
7-14-217. Merchandise Display Areas.
7-14-218. Exemption.
7-14-300P Part 3 – Multi-Family Residential Design Standards.
7-14-301. Purpose.
7-14-302. Applicability.
7-14-303. Definitions.
7-14-304. Pedestrian Access and Circulation.
7-14-305. Building Materials.
7-14-306. General Requirements.
7-14-307. Assessment of Relief, Window and Design Treatments.
7-14-308. Building Relief Treatments.
7-14-309. Window Treatments.
7-14-310. Building Design Treatments.

7-14-311. Garage Treatments.
7-14-312. Roof Treatments.
7-14-313. Amenities.
7-14-314. Fencing.
7-14-315. Open Space.

## 7-14-101. PURPOSE.

(1) The purpose of this Chapter is to set forth the criteria whereby the City reviews permitted and conditional use applications prior to building permit issuance or approval of the use for which the application is made. Both permitted uses and conditional uses will be subject to a similar review. This process does not include any provisions for subdivision review, which is subject to the requirements of the West Valley City Subdivision Ordinance. The conditional use site plan review process differs from the permitted use site plan review in that the greater impacts generated by conditional uses may be mitigated by imposing additional conditions derived through an analysis of the particular situation. Therefore, on conditional use applications, the City may require additional conditions not found in this Chapter to properly incorporate a project into the community, or as set forth in the Zoning Ordinance. Conditional uses may be denied. Permitted uses may be denied if they do not meet the required standards of this Title.
(2) To assure that a high level of quality and durability is maintained as development occurs in the City, this Chapter also includes design and material criteria. General minimum standards for design, building materials, appearance and landscaping are required to enhance the character of the City as recommended in the General Plan.

## 7-14-102. APPLICATION FOR DEVELOPMENT PLAN REVIEW.

All permitted and conditional use applications shall be processed by the Community and Economic Development Department. If applications are not complete, or modifications are required, they will be returned to the applicant. Building permits will not be issued until a permitted or conditional use application has been approved.

## 7-14-103. DEFINITIONS.

(1) "Development Plan" means all plans, studies, plats, statements, reports and information required by all applicable provisions of this Title.
(2) "Site Plan" means:
Every Site Plan shall include all of the following information:
    a. Date, North arrow and appropriate scale to reflect adequately and clearly the detail necessary to describe the use. The drawing shall be accurate in terms of scale and dimensions; and
    b. The legal description of subject property; and
    c. The dimensions and location of existing and proposed improvements, including, but not limited to, buildings, fencing, hard surfacing and landscaping; and
    d. Motor vehicle access, including individual parking stalls, circulation patterns and curb cuts; and
    e. The location, height and size of proposed signs, lighting and advertising devices, if applicable.

## 7-14-104. DEVELOPMENT PLAN REQUIREMENTS FOR HOME OCCUPATIONS, REMODELING AND CHANGE OF USE TO A PERMITTED USE IN AN EXISTING STRUCTURE ON A DEVELOPED SITE.

Application for home occupations, remodeling and change of use to a permitted use in an existing structure on a developed site shall be accompanied by and shall comply with the following:

(1) Appropriate application form and fee.
(2) Four copies of the Site Plan, unless a greater number of copies is required by the City due to the number of reviewing agencies.
(3) The following design criteria shall be met:
    a. Signage shall be aesthetically compatible with the building, as determined by the City. The setback shall comply with the applicable setback provisions of the Sign Ordinance.
    b. Building additions shall be architecturally integrated with the existing buildings as to design and materials.
    c. Any conversion of covered parking spaces to non-parking uses shall comply with the following standards:
        i. Homes constructed prior to March 3, 1998 must provide a minimum of two (2) parking spaces per unit, located on hard-surfacing out of the front yard setback per Section 7-9-104 of the West Valley City Municipal Code.
        ii. Homes constructed after March 3, 1998 and before the effective date of this Ordinance must provide a double car garage with interior minimum dimensions of 20 feet by 20 feet. Homes constructed after the effective date of this Ordinance must provide a three car garage with interior minimum dimensions of 20 feet by 30 feet.
        iii. The replacement parking shall be completed prior to the issuance of a certificate of occupancy for the converted living space.
        iv. The replacement parking shall be continuously maintained and readily accessible from a public right-of-way.
        v. The access to the replacement parking shall be completed per Section 7-9-115 of the West Valley City Municipal Code.
        vi. The garage door, and all necessary remnants, shall be removed and the garage door opening finished with building materials and design details to match the remaining house.
        vii. If the converted area is to be used for living space, there shall be an internal doorway to the primary structure.
        viii. Garage conversions constructed with a building permit prior to December 29, 2008 are considered legal non-conforming uses.
        ix. Garage conversions undertaken without a building permit, regardless of when it occurred, are considered illegal.

**(Ord. No. 08-59 Amended 12/29/2008; Ord. No. 15-27 Amended 08/13/2015)**

## 7-14-105. DEVELOPMENT PLAN REQUIREMENTS FOR NEW CONSTRUCTION OF A SINGLE- FAMILY OR TWO-FAMILY DWELLING.

Applications for new construction of a single-family or two-family dwelling in West Valley City shall be accompanied by and shall comply with the following:

(1) Appropriate application form and fees.

(2) Two copies of the Development Plan shall be required, which plan shall include a site plan and an architectural plan with appropriate drawings of adequate scale showing building materials, exterior elevations and floor plans of all proposed structures.

(3) The following design criteria shall be required:

a. All exterior materials shall be 100% masonry. For the purposes of this Section, masonry shall only include brick, stone, and fiber cement siding. Thin brick, brick veneer panels, stone veneer panels and stucco are not allowed. Fiber cement siding shall not constitute more than 75% of the exterior material and the remaining 25% must be either brick or stone. All exterior materials shall be installed in a professional workmanlike manner and be guaranteed to be maintenance-free for at least 10 years. Finishes upon exterior materials shall be guaranteed maintenance-free for a minimum of five years. Materials or finishes without such guarantees shall not be permitted. Guarantees shall be in writing from the manufacturer.

b. Each dwelling shall have a site-built concrete, all-weather wood, 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.

c. The roof of each dwelling shall have a minimum pitch of 6:12. 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 homes with cantilevered rooms, 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 dwelling. Laminated architectural shingles are required. Unfinished galvanized steel, tar, or aluminum roofing shall not be permitted. These pitch and overhang provisions shall not apply to porch covers, bay windows, or similar appendages.

d. Each dwelling shall be not less than 20 feet in depth at the narrowest point. The depth shall be considered to be the lesser of the two primary dimensions of the dwelling exclusive of attached garages, bay windows, room additions, or other similar appendages.

e. Any previously occupied dwelling which is to be moved from an existing location to a lot within West Valley City shall be inspected by the Chief Building Official of West Valley City, or his designated representative, prior to the move to insure that it meets applicable building codes.

f. Landscaping on residential lots shall comply with the following standards:

i. Landscaping shall be installed in front yards between the front line of the house and the sidewalk on the entire width of the lot excluding the driveway. On corner lots, landscaping shall be installed in all areas between the sidewalk and the side line of the house between the front property line and the rear property line which are visible from the public right-of-way.

ii. Landscaping shall include at least one tree and a combination of lawn, shrubs or groundcover. Deciduous trees shall be a minimum size of 2-inch caliper. Conifer trees shall be at least six feet in height. Groundcover may include

vegetative vines, low-spreading shrubs, or annual or perennial flowering or foliage plants. Groundcover may also include mineral or nonliving organic permeable material in not more than 50 percent of the net landscaped area. Mineral groundcover may include such materials as rocks, boulders, gravel, or brick over sand. Species, size, and placement of landscape elements shall be determined by the homeowner, however, low-water use landscaping is encouraged.

iii. At the time the water supply line to a house is installed, the builder shall furnish and install a stop-and-waste valve with an access sleeve and capped mainline to the surface to facilitate future sprinkler system installation. The stop-and-waste valve may also be located inside the home with a mainline extended to the exterior of the foundation wall and capped.

iv. On lots over one-half acre in size, landscaping shall only be required on 80 feet of street frontage to the depth of the front yard setback. On corner one-half acre lots, 80 feet of frontage shall be landscaped on each street. The 80-foot frontage may include customary access drives.

g. In reviewing the construction and siting of homes in an approved subdivision, variation in exterior design and setback distance shall be required as necessary to satisfy the purpose of this Chapter.

i. In order to insure exterior design variation, the same or very similar exterior design, as determined by the City, shall not be allowed on adjacent lots, except in the case of twin homes where connected units may be the same.

ii. In order to insure variation in front yard setbacks, no more than two homes on adjacent lots shall be built at the same setback. The minimum front setback may be reduced for main buildings, but not for garages; however, the average front setback for all lots in the subdivision shall not be less than the minimum front setback allowed in the zone. The minimum offset between homes shall be not less than five feet and the minimum front setback on any lot shall be not less than 23 feet. This requirement shall not apply to lots where the entire front property line is a curve with a radius of 100 feet or less. This subsection 3(g)(ii) shall not apply in the RE zone, which is governed by the setback standards set forth in Section 7-6-608.

iii. Any sides of a home facing a street, consisting of one material, shall include distinctive features intended to add significant variety and interest to the exterior surfaces of the home, such as pop-outs on windows, bay windows, quoins, color variations, texture changes or brick/stone decorative elements, etc. The minimum square footage of finished, above-ground, habitable floor space shall be 2,000 square feet for ramblers and 3,000 square feet for 2-story or multi-level homes, not including the garage.

h. A 3 car garage is required, except that a 2 car garage is permissible when there is a 20’ side yard setback adjacent to the garage and either the 2 car garage is side loaded or the basement of the dwelling is finished. The minimum interior dimensions of a garage shall be 20 feet by 30 feet for a 3 car garage and 20 feet by 20 feet for a 2 car garage. Occupancy of the home shall not be permitted without the garage being completed. Where the garage is attached to the home and the garage door is facing the street, the width of the front of the house excluding the garage shall be at least 18’ for ramblers and 15’ for multi-levels.

i. Final grading of individual lots shall be performed in such a way that excess water shall be contained entirely on the site or 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 as part of an overall system, as reflected in the subdivision approval or otherwise. In order to more effectively direct storm runoff rain gutters shall be installed on all eaves of new dwellings.

j. In order to allow double driveways, and to allow hard-surface access to the rear yard, up to, but not more than, 40 percent of a front yard may be paved. Lots with duplexes, twin home lots, cul-de-sacs, or lots on major streets needing circular driveways may increase the hard-surface percent to 50 percent.

k. Lots with double frontage adjacent to a street with 80 feet or more Right-Of-Way, as defined in the Major Street Plan, shall have a solid, 6' tall masonry wall set back at least 10' from the closest edge of the sidewalk.

l. Primary buildings shall be designed and built with no more than two and one half stories above grade and shall be 30' or less in height. Accessory buildings shall be designed and built with no more than once story above grade and shall be 20' or less in height.

m. All dwellings shall meet any additional state or federal requirements to be classified and taxed as real property.

n. All dwellings must have at least one main (front) entrance consisting of a concrete stoop, landing, and (if necessary) steps and additional landings which provide direct access to grade.

o. New dwellings shall be oriented toward the street. The primary architectural facade and front door shall be facing the street. On legally platted lots having a maximum 50-foot frontage, new homes may be oriented differently, provided they meet the following construction standards:
    i. The side elevation of the dwelling facing the street shall include a minimum of two windows;
    ii. The required garage shall be located to the rear of the main structure; and
    iii. The main entry of the dwelling shall have a covered porch which shall be no less than 25 square feet in area.

p. All dwellings shall apply the point system enumerated below in Table 1 to the design of the home. The combination of different features shall equal or exceed 250 points for a rambler plan and 300 points for all other types of plans. Each dwelling shall include at least one feature from each of the following categories in Table 1: 1) Roofing Treatments; 2) Relief Treatments; 3) Material Selections for the Entire House; 4) Entry Features; 5) Garage Treatments; and 6) Windows.
    i. If the point value of the items selected from each of the first six categories does not meet the minimum number of points required for the type of home to be constructed as set forth in paragraph (v) above, other features shall be added to increase the number of points equal to or above the minimum required for the type of home to be constructed.
    ii. For homes with a side or rear façade that faces a street, architectural features, which total at least 70 points from Table 2, shall be applied to all street facing façades other than the front.
        1. In the process of choosing architectural features from Table 2 to include on street facing façades, each home shall include at least one feature each from categories 2) Roofing Treatments and 3) Design Treatments.

2. If the point value of the items selected from each of the last two categories does not meet the minimum required, other features shall be added to increase the number of points equal to or above the minimum required.

iii. The point systems described in Tables 1 and 2 may be superseded by a development agreement that includes requirements that would yield homes of equal or greater quality as determined by the Planning Commission and the City Council.

## Table 1

| **1. Roofing Treatments (must use at least one)** | **Points** |
|---|---|
| A. Dominant roof pitch of not less than 6:12 | 0 |
| B. Laminated architectural shingles that simulate the depth of wood over the entire roof | 0 |
| C. Two or more gable ends on front elevation | 20 |
| D. Dormer windows on front elevation | 20 |
| E. Hip style roof on at least two ends or two or more roof planes/levels on front elevation | 30 |
| **2. Relief Treatments (must use at least one)** | **Points** |
| A. At least one foundation jog (not including the garage) on the front elevation | 30 |
| B. Bay or box window or other projection that is not part of the foundation on the front elevation | 20 |
| C. At least one cantilevered living area on the front elevation | 20 |
| D. Covered front porch that extends across less than 30% of the entire length of the front of the house and is at least 5' deep with no less than 50 sq. ft. of usable, unobstructed space | 30 |
| E. Covered front porch that extends across at least 30% of the entire length of the front of the house and is at least 5' deep with no less than 60 sq. ft. of usable, unobstructed space. | 50 |
| **3. Material Selections for the Entire House (must use one)** | **Points** |
| A. A brick or stone wainscot on the front elevation at least 30 inches high having a return of 24 inches around the front corners of the dwelling, with the remainder of the home in fiber cement siding, including accent trim, which is a complimentary but different color from the primary house color, around all windows and doors. | 30 |
| B. A brick or stone wainscot of at least 30 inches high on the front and sides of the dwelling with the remainder of the home in fiber cement siding including accent trim, which is a complimentary but different color from the primary house color, around all windows and doors. | 40 |
| C. A brick or stone wainscot on the front elevation and brick or stone extending to the roof line on at least one portion of the front. Fiber cement siding on the remaining exterior of the home including accent trim, which is a complimentary but different color from the primary house color, around all windows and doors. | 50 |
| D. Full brick or stone on the front elevation with brick or stone wainscot on the side elevations with the remainder of the home in fiber cement siding including accent trim, which is a complimentary but different color from the primary house color around all windows and doors. | 70 |
| E. 100% brick exterior | 120 |
| **4. Entry Features (must use one)** | **Points** |
| A. Covered entry with columns having a minimum size of 1' x 1' for the bottom half of the column | 15 |
| B. Covered front porch that extends across less than 30% of the entire length of the front of the house and is at least 5' deep with no less than 50 sq. ft. of usable, unobstructed space | 0 |
| C. Covered front porch that extends across at least 30% of the entire length of the front of the house and is at least 5' deep with no less than 60 sq. ft. of usable, unobstructed space | 0 |
| **5. Garage Treatments (must use at least one)** | **Points** |
| A. Front of garage located at least 5' behind front face of home | 40 |
| B. The width of the front of the house excluding the garage is at least 18' for ramblers and 15' for multi-levels | 0 |
| C. Side entry garage | 40 |

| | |
|---|---|
| D. Three car garage where one of the spaces is located at least 1.5' behind the other two garage spaces (may not be used in combination with item E) | 60 |
| E. Three car garage (may not be used in combination with item D) | 40 |
| F. Detached or alley loaded garage in the rear yard | 40 |
| G. Usable open space with a trellis or roof (covered porch) above the garage extending to or beyond the front face of the garage | 40 |
| H. Garage flush with the front of the house or located less than 5' behind front of home | 20 |
| **6. Windows (must use at least one)** | **Points** |
| A. One or more non-rectangular (round, oval, arched, etc.) windows used on the front elevation not including any window used to meet items C, E or F below. | 5 each, maximum of 10 points |
| B. Windows of any size used on the front elevation (does not include any windows used to meet items C, E or F below). | 5 each, maximum of 40 points |
| C. Accent window over the entry area | 5 |
| D. Decorative window shutters on front elevation. | 5 per set of shutters, maximum of 20 points |
| E. 12" or wider sidelight to expand the size of the entry | 5 |
| F. Windows in the garage door | 10 |
| G. At least two windows on front elevation have a pattern or design (grid) | 10 |
| H. All windows on the front elevation have either a header, sill or trim with depth (If trim is used, it may not be used in combination with items 3A, B, C or E above) | 10 |
| **7. Additional Design Selections** | **Points** |
| A. Precast quoins on at least two corners on front elevation | 10 |
| B. Precast keystones (at least two on front elevation) | 10 |
| C. Knee braces on at least the front elevation | 10 |
| D. Change of color on exterior materials (excluding doors, shutters, trim, roof material or material changes) | 10 |
| E. Exposed joists on at least the front elevation | 10 |
| F. Fiber cement siding with a highly visible texture or pattern (examples include "fish scale" and "shingle") on front elevation | 20 |
| G. Siding applied horizontally and vertically on front elevation | 20 |
| H. Gable returns on front elevation | 20 |
| I. Porch and/or front stairway has a decorative railing | 10 |
| J. Decorative vent (must include either a pop-out or trim around the vent). | 5 per vent, maximum of 15 points |
| K. 6" or larger, decorative roof facia | 10 |
| L. 100 sq. ft. above the minimum required areas of 2,000 sq. ft. for ramblers and 3,000 sq. ft. for multi-levels (homes without basements do not qualify for this item). | 10 points per 100 square feet over minimum, maximum of 40 points |

## Table 2

| | |
|---|---|
| **1. Relief Treatments** | **Points** |
| A. At least one foundation job 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). | 10 per window, maximum of 50 points |
| B. | Trim around each window for homes with fiber cement exteriors | 10 |
| C. | Decorative vent (oval, octagonal, or arched) | 10 |
| D. | Decorative window shutters | 10 |
| E. | Precast quoins on at least two corners | 10 |
| F. | 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 wainscot) applied to at least 15% of the façade | 30 |
| J. | Exposed joists | 10 |
| K. | Fiber cement siding with a highly visible texture or pattern (examples include "fish scale" and "shingle") applied to at least 15% of the façade | 10 |
| L. | A 6' solid visual barrier fence that extends across at least 50% of the length of the façade where the base of the home is no higher than 2' from the base of the fence. | 20 |
| M. | For side façades, a front porch that extends to the street facing side façade | 10 |

q. All new subdivisions involving a rezone of property, or a PUD, shall participate in a development agreement that addresses housing size, quality, exterior finish materials, streetscapes, landscaping, etc. The standards outlined in Section 7-14-105 (3)(l)(iii) shall be used as a minimum in all development agreements to address housing quality and exterior finish materials. These standards may be increased for a PUD.

r. Individual Residential Zone requirements and standards may be modified if the developer as part of a development agreement, or the builder as part of a building permit, agrees to increase the average house size by 200 square feet of finished floor space. Where fiber cement siding is used, it must be accompanied by a full perimeter brick or stone wainscot of at least 30 inches high. Standards that may be reduced include side yard setbacks (no less than 6 feet nor less than a total of 16 feet for all zones except R-1-4), and lot widths up to 15 percent except the R-1-4 zone. Lot width reduction shall be limited to twenty five percent (25%) of the total lots within a subdivision.

**(Ord. No. 94-109 Amended 12/20/1994; Ord. No. 98-45 Amended 06/09/98; Ord. No. 98-71 Amended 11/20/1998; Ord. No. 02-43 Amended 07/16/2002; Ord. No. 05-19 Amended 04/19/2005; Ord. No. 05-34 Amended 08/16/2005; Ord. No. 06-60 Amended 9/5/2006; Ord. No. 14-28 Amended 6/19/2014; Ord. No. 15-27 Amended 08/13/2015)**

## 7-14-106. DEVELOPMENT PLAN REQUIREMENTS FOR NEW CONSTRUCTION ON AN UNDEVELOPED SITE OF PERMITTED USES.

Applications for new construction on an undeveloped site of permitted uses shall be accompanied by the following:

(1) Appropriate application form and fees.

(2) Eight copies of the Development Plan shall be required and shall include the following:

a. A Site Plan which also shows:

i. The location of neighborhood box units for mail delivery, screened trash receptacles and loading areas;

ii. As a minimum, all curb cuts and intersections within 150 feet of the subject property. A greater distance may be required by the City. Proposed right-of-way in, and adjacent to, the subject property shall be shown;
iii. Exterior lighting for structures, walkways and parking lots. Such lighting shall be directed away from adjacent properties;
iv. If open space is proposed, show all areas to be reserved or dedicated as common park areas or as sites for schools or other public buildings. Include a statement concerning the development schedule and method by which open space is to be preserved;
v. Show the development phasing and associated schedule, if anticipated. Phasing shall be carefully developed so that each phase can adequately function on its own;
vi. Show the proposed and existing easements and their type, on and adjacent (within 50 feet) to the subject property. Include any solar access easements;
vii. The Site Plan shall include a table indicating the total area of the site and the percentage of that total which is occupied by structures, by parking and service areas, and by usable open space;
viii. Show all existing and proposed fences including type, height and location;
ix. Show proposed location and size of sewer and water lines as approved by the appropriate Improvement District.

b. A preliminary drainage/grade plan which shall:
   i. Be completed by a professional engineer. Existing and proposed contours at one-foot intervals are required unless a variation from the one-foot topographic interval is allowed by City. The final grading plan must be approved by the City prior to the issuance of first building permit;
   ii. Show waterways and ditches on and adjacent to the subject property and within 50 feet. Piping or relocation shall be approved in writing by the appropriate water master and/or water users before issuance of the building permit;
   iii. Delineate all areas subject to potential 100-year flood events as designated by the Army Corps of Engineers.
c. A landscape plan shall include plant location, type, size and quantities.
d. An architectural plan which shall include appropriate drawings of adequate scale showing building materials, exterior elevations and floor plans of all proposed structures.
e. Include any other information, exhibits or models that the applicant deems pertinent.
f. Any other information, plans or modifications specifically required by the following departments, divisions or other agencies shall be attached or incorporated in the final development plan:
   i. West Valley City:
      1. Building Inspection Division
      2. Fire Department
      3. Public Works Department
      4. Police Department
      5. Planning and Zoning Division
      6. Law Department
   ii. County agencies.
   iii. State agencies.
   iv. Water and sewer improvement districts.

v. School district.
vi. Public utilities.

g. A traffic impact study may be required by the City, and must be prepared by a registered traffic engineer. The traffic study shall include an analysis of on-site circulation, capacities of existing streets, number of additional trips which will be generated, origin/destination studies and peak home traffic generation and movements.

(3) The following design criteria shall be required:

a. All requirements of Sections 7-14-104 and 105, unless modified by any of the following items;

b. Dedication and improvement of streets shall be made in accordance with the Major Street Plan, plus any additional right-of-way or fee as may be determined by the City for special circumstances where it is necessary to serve the vehicular and pedestrian needs of proposed development;

c. A minimum of five percent of an industrial site, 20 percent of a C-1 commercial site, 15 percent of a C-2 and C-3 commercial site, and 40 percent of a multiple-family residential site shall be landscaped. The 20-foot landscaped buffer required on major arterials by the West Valley City Code may be included in computing the percentage of landscaping. Upon request, landscaping requirements may be reduced by the City when, due to the size of the parcel, the amount of landscaping required is unreasonable and cannot be located in useful locations;

d. Fencing may be required depending on the adjacent land use and the applicant's security needs. Where visual barrier fencing containing wood, metal, plastic or vinyl strips is either proposed by the applicant or required by the City, such strips shall be properly secured. Screening of any outside storage shall be required if appropriate, with a combination of fencing, walls, live plants and/or earth berming. Fences shall be constructed so that significant variation in top line, bottom line and/or height does not occur due to erratic grading of the site.

(4) Any undeveloped land adjacent to a proposed or existing state highway that anticipates a noise-sensitive use shall include appropriate noise abatement measures as determined through engineering analysis or Planning Commission recommendation.

**(Ord. No. 94-89 Amended 09/08/1994)**

## 7-14-107. DEVELOPMENT PLAN REQUIREMENTS FOR CONDITIONAL USES ON AN UNDEVELOPED SITE.

Applications for conditional uses shall be accompanied by the following:

(1) Appropriate application form and fees.

(2) A total of eight copies of the Development Plan, including but not limited to the following:

a. A site plan that shall also indicate the proposed residential density, including the number of units, size of units (stated in terms of square feet), number of bedrooms per unit, and total number of buildings;

b. An architectural plan which includes appropriate drawings of adequate scale showing building materials, exterior elevations and floor plans of all proposed structures;

c. All development plan requirements of Section 7-14-106;

d. A soils report shall be prepared which includes a detailed water table analysis;

e. A county recorder's property plat and aerial photograph (Sidwell maps) shall be submitted showing all of the subject property clearly marked. All properties within 300

feet of the subject property shall be marked, and a list submitted with the names and addresses of all owners of such properties.

f. A management statement for multi-family projects shall be submitted in written form and shall include, but not be limited to, the name of the manager, the name of one other person who may be contacted in case of emergency, and any special agreements, conveyances, lease restriction or covenants which will govern any facet of the use. The manager and other contact person must both live on the premises. This requirement shall apply only to multiple-unit residential projects;

g. Include any other plans/information specifically required by the Planning Commission.

(3) The following design criteria shall be required:

a. All requirements of Sections 7-14-104, 105 and 106, unless modified by the following:

b. As the density of a residential development increases, so does the impact on the community in a variety of areas, including but not limited to, community traffic, schools, aesthetics and security, etc. Therefore, as the density increases, an increase in the use of quality construction materials, provision of amenities and aesthetically pleasing designs, as determined by the City, shall be required.

(4) Any undeveloped land adjacent to a proposed or existing state highway that anticipates a noise-sensitive use shall include appropriate noise abatement measures as determined through engineering analysis or Planning Commission recommendation.

**(Ord. No. 94-89 Amended 09/08/1994)**

## 7-14-108. DESIGN AND DEVELOPMENT PLAN REVIEW/DECISION PROCESS.

(1) The applicant shall prepare and make a submission to the City consistent with the standards contained in this Chapter. The City shall review said submission for compliance with the regulations set forth herein. The applicant shall not alter the terrain or remove any vegetation from the proposed site or engage in any site development or building construction until he has obtained the necessary approvals as outlined herein.

(2) Proposed site plans shall be delivered by the applicant, as referred by the Community and Economic Development Department, to such City departments, special districts, governmental boards, bureaus, utility companies, and other agencies which will provide public and private facilities and services to the site for their information and comment. The Community and Economic Development Department is responsible for coordinating the comments received from all public and private entities, and shall decide which agencies to refer proposed site plans to.

(3) The Community and Economic Development Department shall review the site plan for conformance to the standards outlined herein; for conformance with the General Plan and the Zoning Ordinance; for environmental impacts which may be associated with the design; and shall process the site plan and reports as provided for in this Chapter.

(4) The Public Works Department shall make comments concerning: flood control requirements; engineering requirements for street widths, grades and alignments; whether the proposed public improvements conform to the requirements of this Chapter and other applicable ordinances; and shall be responsible for the approval and inspection of all public improvements.

(5) If desired, an applicant may request a review by the Planning Commission. This allowance is intended to resolve conflicts or differences of opinion between the applicant and City staff concerning the requirements or intent of this Chapter.

(6) The Planning Commission shall review all conditional uses, unless such review is delegated to the Community and Economic Development Department. Upon review, an application shall be approved, approved with conditions, continued, or disapproved for the use and/or site plan.
(7) The City shall notify the applicant within a reasonable time of receipt of the application of the City's decision and shall either (1) issue a building permit, or (2) advise the applicant of the approval of the application, or (3) advise the applicant of the additional items required by the City in order to act upon the application.

## 7-14-109. FINAL DESIGN AND DEVELOPMENT PLAN REQUIREMENTS.

The following information shall be required after a permitted or conditional use is approved, and must be received by the Community and Economic Development Department prior to issuance of any building permits:

(1) Revised site plan incorporating all preliminary review comments and requirements;
(2) Final landscape plan;
(3) Final building construction plans;
(4) Complete engineering plans, including final construction drawings for streets, utilities, drainage and grading; and
(5) Installation of on-site and off-site improvements or satisfactory arrangements concerning bonding as required by this Title.

## 7-14-110. APPEAL PROCEDURE.

(1) Appeals of City staff decisions may be made to the Board of Adjustment when difference of opinion exists between the applicant and the City in connection with the application. Such appeals shall be filed in writing with the Community and Economic Development Department. The appeals will be considered at the next Board of Adjustment regular meeting as long as such appeal is filed within 10 days of the action or decision being appealed.
(2) Appeal may be made to the City Council from any decision, determination or requirement of the Planning Commission by filing with the City Recorder a notice thereof in writing within 10 days after such decision or determination or requirement is made. Such notice shall set forth in detail the action and grounds upon which the subdivider, or other interested parties, deems themselves aggrieved.
(3) The City Recorder shall set the appeal for hearing before the City Council to be held within a reasonable time from the date of receipt of the appeal. Such hearing may, for good cause, be continued until the next City Council meeting by order of the City Council. Written notice of the date set for hearing the appeal shall be mailed to the appellant at least 10 days before the appeal hearing date. After hearing the appeal, the City Council may affirm, modify or overrule the decision, determination or requirement appealed and enter any such order or orders as are in harmony with the spirit and purpose of the Title. The filing of an appeal shall stay all proceedings and actions in furtherance of the matter appealed, pending a decision of the City Council.

## 7-14-111. APPEAL OF CITY COUNCIL DECISIONS.

The appellant may appeal any decision of the City Council to the District Court by filing said appeal within 30 days of the decision.

# 7-14-200P PART 2 – COMMERCIAL DESIGN STANDARDS

**(Ord. No. 04-33 Enacted 07/15/2004)**

## 7-14-201. PURPOSE.

(1) To promote architectural and site design treatments that enhance the visual appearance of development within West Valley City.
(2) To prevent buildings from competing for attention through building color.
(3) To ensure compatibility and appropriate screening for commercial uses.
(4) To enhance the attractiveness of the streetscape and the existing architecture in West Valley City.
(5) To avoid deep setbacks behind large expanses of parking areas or vacant land.
(6) To direct the layout of pad site buildings to relate coherently to the public street and surroundings (outward) as well as to the main center (inward).
(7) To create a sense of place, focal points, site amenities, and a sense of arrival into commercial complexes.
(8) To create and maintain a strong community image and identity by providing for architectural treatments that enhance the visual experience of commercial development in West Valley City.
(9) To require building articulation that reduces the mass/scale and uniform monolithic appearance of large commercial buildings, and insure that commercial buildings and projects incorporate architectural features that provide visual interest, while allowing design flexibility.
(10) To accomplish the goals identified in the Urban Design Chapter of the West Valley City General Plan.
(11) To reduce the likelihood of crime by encouraging the use of Crime Prevention through Environmental Design (CPTED) principles.
(12) To increase accessibility and safety of pedestrians.

**(Ord. No. 04-33 Enacted 07/15/2004)**

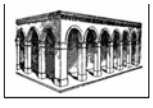
## 7-14-202. APPLICABILITY.

(1) The following standards are applicable to commercial and office buildings and projects in Business/Research Park (B/RP), Mixed Use (MXD), Residential Business (RB), Residential Multi-Family (RM), Neighborhood Commercial (C-1), General Commercial (C-2), Transitional Commercial (C-3), and Manufacturing (M) zoning districts and commercial components of Planned Unit Developments (PUD's). The following standards are applicable to buildings and projects for sexually-oriented businesses. Unless otherwise stated in this Section, churches, warehouses and uses allowed only in the M zone are specifically excluded.
(2) The following standards are applicable to new development, redevelopment, or additions to existing buildings that increase the gross floor area by more than fifty percent.

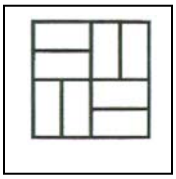
**(Ord. No. 04-33 Enacted 07/15/2004; Ord. No. 10-07 Amended 03/29/2010)**

## 7-14-203. DEFINITIONS.

(1) Arcade: A series of arches supported by columns, piers, or pillars, attached to a wall to form a roofed passageway or lane.



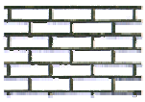
(2) Architectural Banding: A minimum 6 inch horizontal band applied to the façade of a building. An architectural band can be accomplished through a change in color, texture, pattern, material or relief.
(3) Basket Weave Brick Pattern: See illustration.



(4) Canopy: An ornamental roof-like projection.
(5) Colonnade: A series of columns set at regular intervals and usually supporting the base of a roof structure.
(6) Cornice: The uppermost section of moldings along the top of a wall or just below a roof.

(7) Cupola: A small, ornamental structure built on top of a roof.

(8) Decorative Parapet: An arched, gabled or stepped parapet.
(9) Façade: Any face or elevation of a building.
(10) Face Brick Pattern: See illustration.



(11) Focal Point: A point of convergence and interest.
(12) Gable Roof: Two pitched roofs, back to back, forming a triangular roof.

(13) Gathering Place: An area allocated and designed for the purpose of accommodating the assembling and meeting of people. (i.e. Plaza, courtyard, a place of interest, etc.)
(14) Hip Roof: A gable roof with the ends brought together at the same pitch as the rest of the roof.

(15) Mansard Roof: A roof with a steep lower slope and a flatter upper slope on all sides.
(16) Pad site: A location for a free standing building within a larger commercial center.
(17) Parapet: A low wall projecting from the edge of a roof.

(18)Porte-cochere: A porch large enough for automobiles to pass through.
(19)Portico: A porch or walkway with a roof supported by columns, often leading to the entrance of a building.
(20)Primary Façade: The side of a building that faces the public street. With a corner lot, the street facing side with the main customer entrance shall be considered the primary façade.
(21)Primary Street: For a single frontage lot, the primary street is the adjacent public street. For a corner lot, the primary street is the public street with the largest right-of-way width.
(22)Secondary Façade: A side of a building that is not a primary façade and either is visible from a public right-of-way or has a customer entrance. A building may have more than one secondary façade.
(23)Site Amenities: Features that increase the attractiveness and/or public usability of a site. Examples include but are not limited to: decorative lighting or fencing, street furniture, public art, water features, etc.
(24)Soldier Course Brick Pattern: See illustration.

**(Ord. No. 04-33 Enacted 07/15/2004)**

## 7-14-204. SINGLE BUILDING ORIENTATION.

When there is only one (1) building in a proposed commercial development that will be occupied by one or more tenants, such building shall be oriented toward the abutting primary street and shall comply with one of the three standards below.

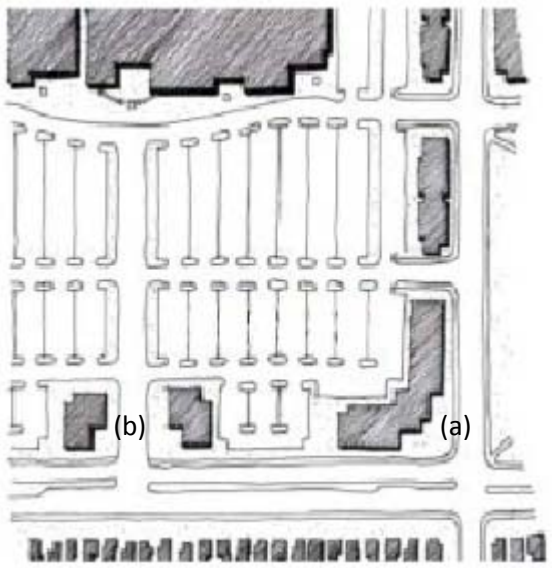
(1) The minimum building setback shall be 20'. The maximum building setback shall be 30' for thirty percent (30%) of the lot frontage.
(2) A maximum of seventy percent (70%) of the off-street surface parking spaces provided shall be located between the front of the building and the abutting street. The remaining thirty percent (30%) shall be located to the side or rear of the building.
(3) More than seventy percent (70%) of the off-street surface parking spaces provided may be located between the primary façade of the building and the abutting street, provided the amount of interior parking lot landscaping is increased to 20 square feet of landscaping for each parking stall.

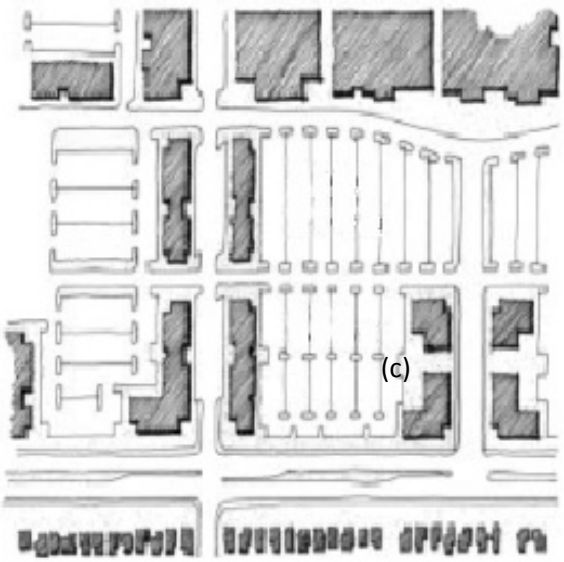
**(Ord. No. 04-33 Enacted 07/15/2004)**

## 7-14-205. MULTIPLE BUILDING ORIENTATION.

When there is more than one (1) building in a commercial complex, the commercial complex shall comply with the following standards:

(1) A minimum of thirty percent (30%) of the street frontages shall be occupied by building facades. Those façades shall either:
    a. Frame the corner of an adjacent street intersection;
    b. Frame and enclose pedestrian and/or vehicle access corridor within the commercial complex;
    c. Frame and enclose parking areas, public spaces, or other site amenities with at least three sides of a building.



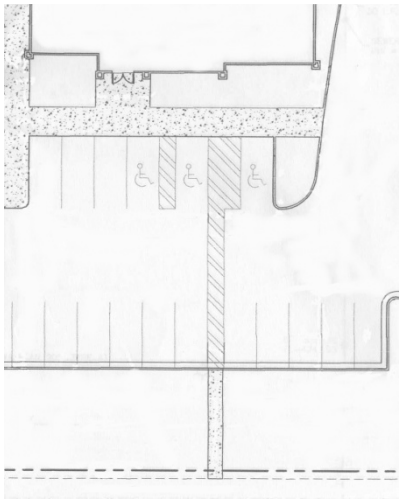

(2) In addition to paragraph one of this section, thirty percent (30%) of the street frontages shall be occupied by a combination of the following.
    a. Decorative architectural walls or hedges no higher than two feet (2');
    b. Landscaped entryway signage or features;
    c. Gathering spaces; and/or
    d. Site Amenities.
    e. For conditional uses, any other treatment that, at the discretion of the Planning Commission, meets the intent of this section.
(3) The remaining forty percent (40%) of street frontage may be occupied by parking areas behind the required landscaped setback, or by access for vehicles or pedestrians.
(4) Strictly linear development patterns are prohibited.
(5) For conditional uses, an applicant may submit an alternative development pattern to the Planning Commission, provided such pattern achieves the intent of the above standards and this section.

**(Ord. No. 04-33 Enacted 07/15/2004)**

## 7-14-206. PAD SITES.

(1) Pad site buildings shall be compatible with the largest building within a commercial complex by using one or more of the same building materials and colors.
(2) Spaces between adjacent pad site buildings that are not occupied by access points or streets shall provide small pockets of landscaped pedestrian connections, small-scale project amenities, or gathering spaces. Examples include, without limitation:
    a. A landscaped pedestrian walkway linking customer entrances between two or more pad site buildings;
    b. A public seating or outdoor eating area;
    c. An area landscaped with a variety of living materials emphasizing four-season colors, textures, and varieties; or
    d. Sculptures or fountains.

(3) There shall be no more than one double loaded parking aisle located between the building and an adjacent street.




**(Ord. No. 04-33 Enacted 07/15/2004)**

## 7-14-207. PEDESTRIAN ACCESS AND CIRCULATION.

Applicants shall submit a detailed pedestrian circulation plan with all development applications that demonstrates compliance with the following guidelines and standards:

(1) Required pedestrian connections - An on-site system of pedestrian walkways shall be designed to provide direct access and connections to and between the following:
   a. The primary entrance or entrances to each commercial building, including pad site buildings;
   b. Any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the commercial development;
   c. Any public sidewalk system along the perimeter streets adjacent to the commercial development;
   d. Where applicable, adjacent land uses and developments, including but not limited to adjacent residential developments, retail shopping centers, office buildings, or restaurants; and
   e. Where applicable, any adjacent public park, greenway, trail network, or other public or civic use including but not limited to schools, places of worship, public recreational facilities, or government offices.

(2) Pedestrian connections from buildings to parking areas, pad sites, and site amenities - In addition to the connections required above, on-site pedestrian walkways shall connect each primary entrance of a commercial building to:
   a. All parking areas or parking structures that serve such primary building;
   b. Site amenities or gathering places; and
   c. Transit stops and transit stations. UTA shall be contacted by the applicant during the design process to identify existing and potential transit stops. These stops shall be incorporated into the landscaping and circulation plans for the site. When recommended by City staff and UTA staff, a concrete pad shall be included for future

transit stop improvements. The pad will measure a minimum of 6' x 20' with a minimum thickness of 8". All ADA requirements shall be met as part of the design.

(3) Walkways Along Buildings. Continuous pedestrian walkways no less than five feet (5') wide shall be provided along any façade featuring a customer entrance and along any façade abutting customer parking areas. No merchandise displays shall be located within a sidewalk unless a specially designated area is defined and is approved by the Planning Commission. Pedestrian circulation shall not be obstructed.

(4) Walkways Through Vehicle Areas
   a. Buildings over 10,000 square feet. At each point that the on-site pedestrian walkway system crosses a parking lot or internal street or driveway, the walkway or crosswalk shall be clearly marked through the use of a change in elevation or paving materials distinguished by their color, texture, or height. A walkway through the parking lot connecting to the walkway along the primary building shall be required and include a six (6) foot minimum sidewalk and planting areas for a combined minimum width of fifteen (15) feet.
   b. Buildings under 10,000 square feet. At each point that the on-site pedestrian walkway system crosses a parking lot or internal street or driveway, the walkway or crosswalk shall be clearly marked through the use of a change in elevation or paving materials distinguished by their color, texture, or height. A walkway through the parking lot connecting to the walkway along the primary building shall be required and include a six (6) foot minimum sidewalk and planting areas for a combined minimum width of nine (9) feet. With Planning Commission approval a walkway through the parking area may be shared by two adjoining parcels and/or a tree diamond alternative may be considered.

(5) Bicycle Parking
   a. Bicycle parking shall be provided at a ratio of one (1) space for every twenty (20) automobile parking spaces. There shall be no fewer than two (2) and no more than thirty (30) bicycle parking spaces.
   b. Bicycle parking shall not be located where it will obstruct pedestrian movement and circulation. It shall be located at a maximum distance of one-hundred (100) feet of a central building entrance or at least as close as the closest automobile space, excluding handicapped parking spaces.
   c. All bicycle racks, lockers, or other facilities shall be securely anchored to the ground or to the structure.
   d. Businesses which are solely auto-oriented including automobile sales and car washes shall be excluded from the bicycle parking requirements.

**(Ord. No. 04-33 Enacted 07/15/2004)**

## 7-14-208. CRIME PREVENTION.

Commercial development site planning shall integrate the principles of "Crime Prevention through Environmental Design," (CPTED) to the maximum extent practical. Applicants are encouraged to consult with the West Valley City CPTED Task Force in the City Neighborhood Services Department or the COP officer assigned to the area regarding implementation of CPTED principles to commercial developments. These principles include:

(1) Territoriality. Space within the development and along the edges should be well-defined and delineated to create a sense of ownership, such that intruders and strangers stand out. This may

be accomplished through the use of pavement treatments, landscaping, art, signage, screening, fencing, and similar techniques.

(2) Natural Surveillance. Create an environment where it is possible for people engaged in their normal behavior to observe the spaces around them. Maximize a space's visibility through thoughtful design of building orientation, window placement, entrances and exits, landscaping of trees and shrubs, and other physical obstructions. Utilize nighttime illumination of parking lots, walkways, entrances, stairwells, and related areas that promote an environment in which natural surveillance is possible.

(3) Access Control. Plan and implement access control to restrict criminal intrusion, especially in areas where criminal activity cannot be easily observed. Access control may include, but is not limited to, use of fences, walls, landscaping, and lighting to prevent or discourage public access to or from dark or unmonitored areas. In addition, sidewalks, pavement, lighting, and landscaping areas should be used to guide the public to and from primary development entrances and exits.

(4) Activity Support. Create activity support by placing new or existing activities in an area so that individuals engaged in a particular activity become part of the natural surveillance of other areas.

(5) Maintenance. Maintain landscaping, lighting fixtures, and other features to facilitate the principles of CPTED, territorial reinforcement, natural surveillance, and access control.

**(Ord. No. 04-33 Enacted 07/15/2004)**

## 7-14-209. CONNECTING THE SITE WITH SURROUNDINGS.

The following transition guidelines and standards shall be incorporated into the applicant's site design:

(1) Transitions between land uses shall be required in the following situations:
   a. Changes in use between adjoining properties;
   b. Changes in intensity of use between adjoining properties, such as from large Commercial Centers to multi-family residential; and
   c. Views, uses, or activities on the commercial development site that are a nuisance for neighbors, such as commercial loading and service areas.

(2) Transition techniques:
   a. Architectural transitions - Commercial development shall employ a minimum of two of the following techniques to ensure compatibility with surrounding development, including adjacent residential development:
      i. Use similar building height.
      ii. Use similar roof form.
      iii. Mitigate the larger mass of commercial buildings with the building treatments found in Sections 7-14-213, 7-14-214 and 7-14-215.
   b. Green/open space transitions - Commercial development may employ the following technique to provide transitions and ensure compatibility between the commercial development and surrounding development:
      i. Use small green spaces, courts, squares, parks, plazas, and similar spaces that can also function as community gathering places.
      ii. Use existing natural features as transitions, including natural differences in topography (not retaining walls), streams, existing stands of trees, and similar features. When existing natural features are used as transitions, the city may

still require that adequate pedestrian connections to adjacent land uses be accommodated.

c. Community-serving uses as transitions - When office, small-scale retail, pedestrian-intensive retail, civic, or public uses are planned as part of the same development containing more intensive commercial uses, the applicant may site the lesser-intensive uses or more community-serving uses as transitions to lower-intensity, adjacent uses. For example, post offices, banks, and restaurants--all of which are pedestrian-intensive, community-serving uses--can be sited next to adjacent medium-density residential uses.
d. Orientation. Potentially noisy, bright or otherwise bothersome features or uses shall be oriented away from neighboring uses. For example, avoid placing garages, parking lots, or service areas facing the fronts of neighboring buildings.

**(Ord. No. 04-33 Enacted 07/15/2004)**

## 7-14-210. BUILDING MATERIALS.

(1) No more than 50% of any exterior wall of a commercial building exterior can be metal except as provided in (3) below.
(2) At least 50% of the primary façade of any commercial building must be masonry. All other façades of the building must be 35% masonry. For the purposes of this section, masonry shall include stucco, stone, brick and concrete block. Unfinished or gray concrete block is excluded.
(3) Commercial buildings that exceed the building relief, building design and roof treatment minimum standards listed below by at least one treatment per section may use more than 50% metal or less than required masonry.

**(Ord. No. 04-33 Enacted 07/15/2004)**

## 7-14-211 BUILDING COLORS.

(1) The color of all commercial buildings is subject to City approval. The dominant overall color scheme of the building shall generally be subtle, subdued, low reflectance, neutral or earth tones.
(2) Brighter primary colors may be used as accent elements, such as door and window frames and architectural details. Fluorescent or metallic colors are only allowed as signage.

**(Ord. No. 04-33 Enacted 07/15/2004)**

## 7-14-212. ASSESSMENT OF BUILDING/ROOF TREATMENTS.

A building relief, building design or roof treatment from the following three sections shall only be counted once when assessing compliance with the minimum number of treatments required. For example, if a building has an arcade, the arcade can count only as a building relief treatment under 7-14-213(4) and not a building design treatment under 7-14-214(1) (g).

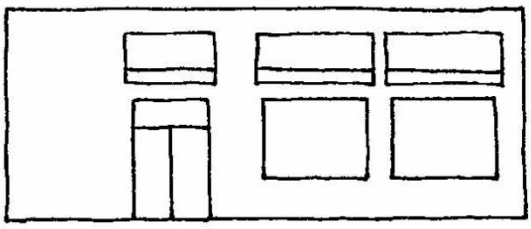
**(Ord. No. 04-33 Enacted 07/15/2004)**

## 7-14-213. BUILDING RELIEF TREATMENTS.

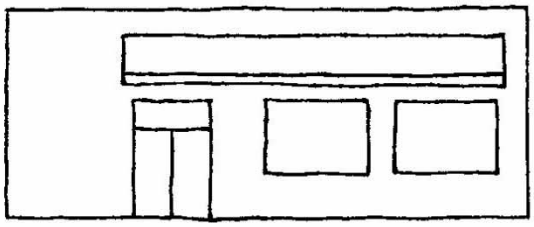
Primary façades shall incorporate 2 of the following building relief treatments. Secondary façades shall incorporate 1 of the following building relief treatments.

(1) Expression of a vertical architectural treatment with a minimum width of 24 inches and a minimum depth of 1 inch placed an average of 40' apart for buildings greater than 20,000 square feet or 30' apart for buildings less than 20,000 square feet.
(2) Building setbacks, offsets or projections with a minimum of 10' in width and 2' in depth placed an average of 80' apart for buildings greater than 20,000 square feet or 40' apart for buildings less than 20,000 square feet.
(3) A primary customer entrance. Primary customer entrances must feature no less than 3 of the following elements: canopies or porticos, overhangs, recesses/projections, arcades, raised cornice parapets over the door, peaked roof forms, arches, outdoor patios, and architectural details such as tile work and moldings which are integrated into the building structure and design.
(4) Arcades or colonnades a minimum of 6' feet deep with a minimum column width or diameter of 12 inches, or other roof treatments that provide shade and/or a break in the vertical plane along at least 50% of the horizontal length a façade.
(5) Awnings, associated with windows and/or doors, along at least 50% of the horizontal length of a façade. Awnings must be in detached increments as opposed to one continuous awning (see illustration).

Acceptable



Not Acceptable



(6) For conditional uses, any other treatment that is approved by the Planning Commission, if the Planning Commission determines that it meets the intent of this section.

**(Ord. No. 04-33 Enacted 07/15/2004; Ord. No. 04-57 Amended 11/29/2004)**

## 7-14-214. BUILDING DESIGN TREATMENTS.

(1) Primary façades shall incorporate 3 of the following building articulation treatments. Secondary façades shall incorporate 2 of the following building articulation treatments.
    a. Color change applied to at least 20% of the façade.
    b. Texture and/or material change applied to at least 20% of the façade.
    c. Architectural banding.
    d. Pattern change applied to at least 20% of the area of a façade dedicated to a single material. (Example: changing brick work from face brick to soldier course or basket weave pattern.)
    e. Display windows a minimum of 6' high along at least 50% of the horizontal length of the first story of a façade.
    f. Windows covering at least 40% of a façade.

g. Arches or arched forms.
h. Ornamental and structural details that are integrated into the building structure.
i. For conditional uses, any other treatment that is approved by the Planning Commission, if the Planning Commission determines that it meets the intent of this section.

(2) Where shopping carts are placed outdoors adjacent to the primary façade of the building, such shopping carts shall be screened by a wall a minimum of 4' in height. The exterior façade of the wall shall be treated consistently with the primary façade.
(3) All façades of a building shall be designed with consistent architectural style, detail, and trim features of the primary façade.
(4) Separate structures (carwash, cashiers booth, canopies over gas pumps, etc.) on the site shall have the same architectural detail, design elements and roof design as the primary structure, including a comparable pitch or parapets for roofs, same cornice treatment, same materials and colors, etc.

**(Ord. No. 04-33 Enacted 07/15/2004; Ord. No. 04-57 Amended 11/29/2004)**

## 7-14-215. ROOF TREATMENTS.

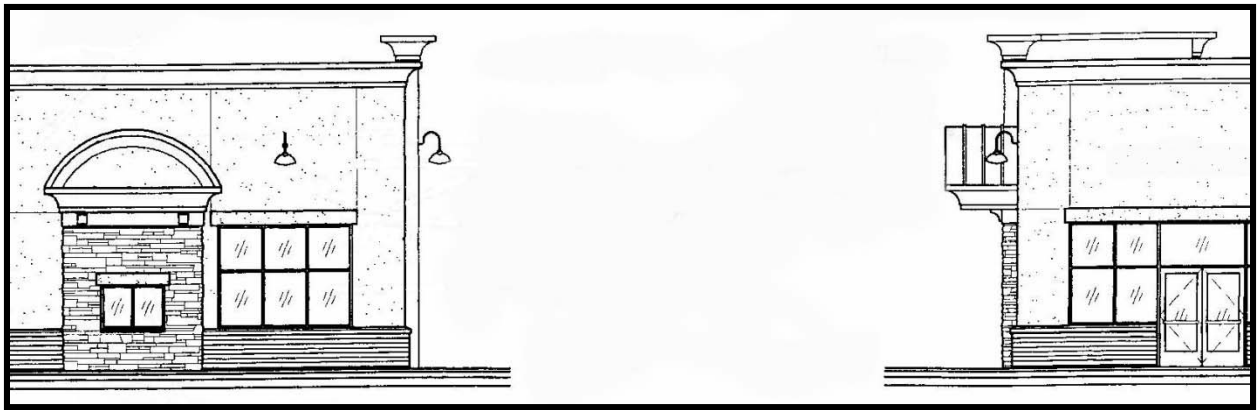
All roofs on commercial buildings shall meet at least 2 of the following requirements:
(1) Decorative parapets along primary and secondary façades that are at least 3' in height above the finished roof.
(2) A three-dimensional cornice treatment along all façades, a minimum of 12 inches high, having a variety of thickness in relief.
(3) Roof overhangs on at least the primary façade that extend at least 3' beyond the supporting walls.
(4) A sloping roof, such as a gable, hip or mansard, that does not exceed the average height of the supporting walls, with an average pitch of 4:12 or greater.
(5) For sloping roofs, two or more roof planes on the primary façade.
(6) Roof projections such as cupolas, clock towers or bell towers.
(7) For conditional uses, any other treatment that is approved by the Planning Commission, if the Planning Commission determines that it meets the intent of this section.

**(Ord. No. 04-33 Enacted 07/15/2004; Ord. No. 04-57 Amended 11/29/2004; Ord. No. 10-20 Amended 7/12/2010)**

## 7-14-216. DRIVE-THROUGH WINDOW STANDARDS.

All buildings with a drive-through window must incorporate one of the options below:
(1) A permanent, covered porte-cochere structure over the drive-through window that is the width of the drive, a minimum of 20' in length, and integrated structurally and architecturally into the design of the building.
(2) A permanent cover over the drive-through window that is at least 3' wide, 10' in length and integrated structurally and architecturally into the design of the building. (See illustration below.)

Front elevation Side Elevation



**(Ord. No. 04-33 Enacted 07/15/2004; Ord. No. 04-57 Amended 11/29/2004)**

## 7-14-217. MERCHANDISE DISPLAY AREAS.

Fenced merchandise display areas (i.e. garden centers), visible from a public right-of-way shall use decorative metal fencing. Additionally, the merchandise display area shall be integrated into the design of the primary structure using one of the following techniques:

(1) Masonry columns constructed of the same materials and color of the main building, spaced a maximum of 25' apart; or
(2) A 3' wall constructed of the same material, color, and style of the main building along the entire length of the fenced storage.

**(Ord. No. 04-33 Enacted 07/15/2004)**

## 7-14-218. EXEMPTION.

Greenhouses are exempt from the requirements of Sections 7-14-210 and 7-14-212 through 7-14-215 due to their function.

**(Ord. No. 04-33 Enacted 07/15/2004)**

## 7-14-219. SCREENING.

(1) All refuse storage containers shall adhere to Section 7-2-123 of the West Valley City Land Use Development and Management Act. Refuse enclosures and onsite screening walls shall match the materials and colors of the primary building. Two-toned colors are required where stucco, concrete or cinder block is used as the exterior enclosure material.
(2) All roof mounted mechanical equipment shall be screened using a parapet that is tall enough to block the view of the equipment from grade a minimum of 100 linear feet from the primary and secondary sides of the building.
(3) All mechanical equipment not located on the roof of a building, including heating and air conditioning units, shall be completely screened from surrounding properties by use of a concrete or masonry wall, coniferous trees or shrubs, or shall be enclosed within a building.
(4) Mechanical equipment and refuse storage containers are required to be shown on the building elevations and/or on the site plan at the time of permitted or conditional use review.

**(Ord. No. 10-20 Enacted 07/12/2010)**

# 7-14-300P PART 3 – MULTI-FAMILY RESIDENTIAL DESIGN STANDARDS

**(Ord. No. 06-09 Enacted 04/11/2006)**

## 7-14-301. PURPOSE.

(1) To promote architectural and site design treatments that enhance the visual appearance of development within West Valley City.
(2) To ensure compatibility with neighboring, lower intensity uses.
(3) To enhance the attractiveness of the streetscape and the existing architecture in West Valley City.
(4) To avoid deep setbacks behind large expanses of parking areas or vacant land.
(5) To create and maintain a strong community image and identity by providing for architectural treatments that enhance the visual experience of residential development in West Valley City.
(6) To require building articulation that reduces the mass/scale and uniform monolithic appearance of large residential buildings, and insure that residential buildings and projects incorporate architectural features that provide visual interest, while allowing design flexibility.
(7) To accomplish the goals identified in the Urban Design Chapter of the West Valley City General Plan.
(8) To increase accessibility and safety of pedestrians.

**(Ord. No. 06-09 Enacted 04/11/2006)**

## 7-14-302. APPLICABILITY.

(1) The following standards are applicable to all multi-family residential development including three family, four family and multiple family dwellings as well as dwelling groups in all zones that allow such development except the City Center Zone.
(2) The following standards are applicable to new development and redevelopment.
(3) The requirements within Sections 7-14-304 through 7-14-315 may be superseded by a development agreement which is reviewed and approved by the Planning Commission and City Council. The development agreement and project must address all the Sections listed above.

**(Ord. No. 06-09 Enacted 04/11/2006)**

## 7-14-303. DEFINITIONS.

(1) Architectural Banding: A minimum 6 inch horizontal band applied to the façade of a building. An architectural band can be accomplished through a change in color, texture, pattern, material or relief.
(2) Cornice: The uppermost section of moldings along the top of a wall or just below a roof.
(3) Decorative Parapet: An arched, gabled or stepped parapet.
(4) Façade: Any face or elevation of a building.
(5) Parapet: A low wall projecting from the edge of a roof.
(6) Primary Façade: The side of a building that faces the adjoining public or private street. With a corner lot, the street facing side with the main resident entrance shall be considered the

primary façade. For buildings designed around a courtyard or parking area, the side with the main resident entrance shall be considered the primary façade.

(7) Secondary Façade: A side of a building that is not a primary façade and either is visible from a public or private street or has an entrance. A building may have more than one secondary façade.

**(Ord. No. 06-09 Enacted 04/11/2006)**

## 7-14-304. PEDESTRIAN ACCESS AND CIRCULATION.

Applicants shall submit a detailed pedestrian circulation plan with all development applications that demonstrates compliance with the following guidelines and standards:

(1) Required pedestrian connections - An on-site system of pedestrian walkways shall be designed to provide direct access and connections to and between the following:
   a. The primary entrance or entrances to each residential building, including clubhouses where applicable;
   b. Any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the residential development;
   c. Any public sidewalk system along the perimeter streets adjacent to the residential development;
   d. Where applicable, adjacent land uses and developments, including but not limited to adjacent residential developments, retail shopping centers, office buildings, or restaurants; and
   e. Where applicable, any adjacent public park, greenway, trail network, or other public or civic use including but not limited to schools, places of worship, public recreational facilities, or government offices.

(2) Pedestrian connections from buildings to parking areas and amenities - In addition to the connections required above, on-site pedestrian walkways shall connect each primary entrance(s) of residential buildings to:
   a. All parking areas or parking structures that serve such buildings;
   b. Site amenities or gathering places; and
   c. Transit stops and transit stations. UTA shall be contacted by the applicant during the design process to identify existing and potential transit stops. These stops shall be incorporated into the landscaping and circulation plans for the site. When recommended by City staff and UTA staff, a concrete pad shall be included for future transit stop improvements. The pad will measure a minimum of 6’ x 20’ with a minimum thickness of 8”. All ADA requirements shall be met as part of the design.

(3) Walkways Along Buildings. Continuous pedestrian walkways no less than four feet (4’) wide shall be provided along any façade featuring an entrance and along any façade abutting resident or visitor parking areas. Pedestrian circulation shall not be obstructed.

(4) Walkways Through Vehicle Areas. At each point that the on-site pedestrian walkway system crosses a parking lot or internal street or driveway, the walkway or crosswalk shall be clearly marked through the use of a change in elevation or paving materials distinguished by their color, texture, or height. A walkway through the parking lot connecting to a walkway(s) along an adjoining building(s) shall be required and include a four feet (4’) minimum sidewalk and planting areas for a combined minimum width of nine (9) feet. The Planning Commission may consider a shared walkway through parking areas on two adjoining parcels.

(5) Bicycle Racks

a. Bicycle parking shall be provided at a ratio of one (1) space for every twenty (20) dwelling units.
b. Bicycle parking shall not be located where it will obstruct pedestrian movement and circulation. It shall be located at a maximum distance of one-hundred (100) feet of a central building entrance or at least as close as the closest automobile space, excluding handicapped parking spaces.
c. All bicycle racks, lockers, or other facilities shall be securely anchored to the ground or to the structure.

**(Ord. No. 06-09 Enacted 04/11/2006)**

## 7-14-305. BUILDING MATERIALS.

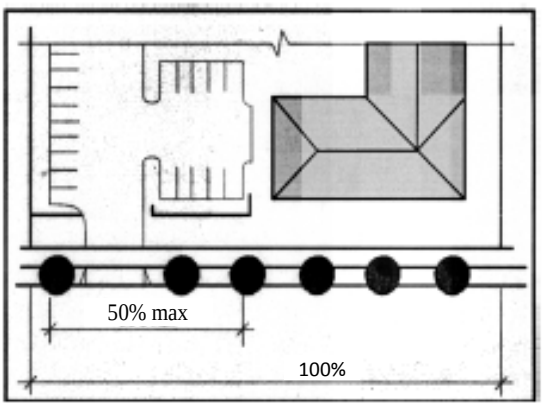
All multi-family residential buildings exteriors shall be 100% masonry. For the purposes of this Section, masonry shall include brick, stucco, stone or fiber cement siding (hardie plank). Metal, wood and vinyl may be used as trim, soffits and/or accent materials only.

**(Ord. No 06-09 Enacted 04/11/2006)**

## 7-14-306. GENERAL REQUIREMENTS.

Multi-family residential buildings shall meet the following standards:

(1) When exterior stairways are used, they shall be stylistically consistent with and architecturally integrated into the buildings they serve. Exterior stairs, which are not architecturally consistent with the building design as determined by the Planning Commission, are prohibited.
(2) Off-street parking areas shall not comprise more than 50% of the elements along a development's street frontage.




(3) All façades of a building shall be built with consistent architectural style, detail and trim features of the primary façade. Accessory buildings such as clubhouses and garages shall be built with similar colors, materials and architectural features as the multi-family residential buildings within the same development.
(4) In residential developments with more than 4 buildings with dwelling units, the architectural features shall vary between buildings using different treatments from Sections 7-14-305, 7-14-308, 7-14-309, 7-14-310 and/or other building variations as determined by the Planning Commission.

(5) All mechanical equipment shall be screened from view through the use of solid visual barrier fencing or landscaping. Screening of utility meters is encouraged.
(6) Trash dumpsters shall be completely screened from surrounding properties by use of a concrete or masonry wall or shall be enclosed within a building. Trash dumpsters shall be located at least 20' from any adjacent residential property line and at least 20' from any dwelling unit.
(7) All multi-family residential developments shall include either washer and dryer hook-ups for each dwelling unit or an on-site laundry.

**(Ord. No. 06-09 Enacted 04/11/2006)**

## 7-14-307. ASSESSMENT OF RELIEF, WINDOW AND DESIGN TREATMENTS.

A building relief treatment, window treatment or building design treatment from the following three sections shall only be counted once when assessing compliance with the minimum number of treatments required. For example, if a building uses brick and stucco as exterior materials, the change of materials can count only as a change of materials under 7-14-310(2) and not a change of color under 7-14-310(3).

**(Ord. No. 06-09 Enacted 04/11/2006)**

## 7-14-308. BUILDING RELIEF TREATMENTS.

Primary façades shall include at least two of the following relief treatments. One of the relief treatments shall be utilized at least once per dwelling unit. Secondary façades shall include at least one of the following relief treatments utilized at least once per two dwelling units.

(1) Bay windows
(2) Box windows
(3) Building offsets or projections with a minimum depth of 2' and a minimum width of 4'
(4) Balconies or covered porches
(5) Any other treatment that, at the discretion of the Planning Commission, meets the intent of this Section.

**(Ord. No. 06-09 Enacted 04/11/2006)**

## 7-14-309. WINDOW TREATMENTS.

Primary façades shall include at least two of the following window treatments with at least one window treatment per window. All other façades shall utilize at least one of the following window treatments per window.

(1) Varying the size and/or style of windows
(2) Windows sills
(3) Window grids
(4) Window trim
(5) Window headers
(6) Window railing
(7) Shutters
(8) Any other treatment that, at the discretion of the Planning Commission, meets the intent of this Section.

**(Ord. No. 06-09 Enacted 04/11/2006)**

## 7-14-310. BUILDING DESIGN TREATMENTS.

Primary façades shall include at least two of the following building design treatments. Secondary façades shall include at least one of the following building design treatments.

(1) Ornamental details such as quoins, knee braces and exposed joists
(2) A change of material applied to at least 20% of the façade
(3) A change of color applied to at least 20% of the façade
(4) Decorative parapet
(5) Architectural banding
(6) Cornice other than that at the top of the building
(7) A change of pattern applied to at least 20% of the façade (Example: changing brick work from face brick to a soldier course or basket weave pattern.)
(8) A distinguished upper floor for buildings with at least four floors
(9) Any other treatment that, at the discretion of the Planning Commission, meets the intent of this Section.

**(Ord. No. 06-09 Enacted 04/11/2006)**

## 7-14-311. GARAGE TREATMENTS.

(1) All multi-family residential developments with a garage or garages on the primary façade shall include at least one of the following garage treatments per garage.
    a. Enclosed second-floor living space over the garage(s) extending to or cantilevering over the front face of the garage(s)
    b. Garage(s) is flush with or recessed from the primary façade.
(2) No more than 50% of the first floor of the primary façade shall be devoted to garage doors or carports. This percentage may be increased to a maximum of 60% for garage doors if: windows are used in the garage doors, the garages are recessed at least two feet from the rest of the primary façade or other enhancements are made to the garage doors. Examples of other enhancements include using decorative wood or breaking up the mass of two car garage doors by using two separate single car doors or by using panels or other treatments to make the door appear to be divided into two sections.
(3) The color of garage doors shall be coordinated with the primary colors of the buildings they serve.

**(Ord. No. 06-09 Enacted 04/11/2006)**

## 7-14-312. ROOF TREATMENTS.

(1) Where pitched roofs are used, the minimum roof pitch shall be 4:12.
(2) Where pitched roofs are not used, a decorative parapet shall be included on at least the primary façade. All façades shall include a parapet wall that is tall enough to block the view from the adjacent street(s) of roof mounted equipment. Noise issues related to roof mounted equipment may require the parapet wall to be at least as tall as the roof mounted equipment.
(3) Vertical or horizontal roof articulation is required on all primary façades with pitched roofs. No more than two dwelling units shall be covered by a single, unarticulated roof. Roof articulation

shall be achieved by changes in plane and/or the use of traditional roof forms such as gables, hips, and dormers.

(4) Roof mounted air conditioning units are prohibited on pitched roofs. Roof mounted air conditioning units are allowed on flat roofs if a parapet wall is provided to screen the units.

(5) Gable ends must have a minimum 6 inch overhang at the eaves.

(6) Where asphalt shingles are proposed as roofing materials on pitched roofs, laminated architectural shingles shall be used.

**(Ord. No. 06-09 Enacted 04/11/2006)**

## 7-14-313. AMENITIES.

All multi-family residential developments with 50 to 75 dwelling units shall include at least two amenities from the following list. At least one of the two amenities shall be from the major amenities list. All multi-family residential developments with 76 to 99 dwelling units shall include at least four amenities from the following list. At least two of the four amenities shall be from the major amenities list. All multi-family residential developments with 100 or more dwelling units shall include at six amenities from the following list. At least three of the six shall be from the major amenities list.

| **Major** | **Minor** |
|---|---|
| Swimming pool | Tot lot |
| Courtyard | Volleyball court |
| Clubhouse (without fitness room) | Hot tub |
| Garages | Walking/exercise trail |
| On-site manager | Basketball court |
| Fitness room | Tennis court |
| Private patio or balcony of at least 60 square feet for each unit | Any other amenity that, at the discretion of the Planning Commission, meets the intent of this Section. |
| Any other amenity that, at the discretion of the Planning Commission, meets the intent of this Section. | |

**(Ord. No. 06-09 Enacted 04/11/2006)**

## 7-14-314. FENCING.

Within the required setback along any property side adjacent to a minor street, minor collector or collector, solid visual barrier fencing cannot exceed two feet in height. Where a solid visual barrier fence over two feet in height fence is installed along a minor arterial or major arterial, the fence must be setback at least ten feet from the public sidewalk to allow space for landscaping. The materials and design of a solid visual barrier fence which is over two feet in height and placed within the required setback along a minor arterial or major arterial are subject to review by the Planning Commission to ensure compatibility with neighboring uses.

**(Ord. No. 06-09 Enacted 04/11/2006)**

## 7-14-315. OPEN SPACE.

At least 15% of a multi-family residential development's total area shall be useable open space. For the purposes of this Section, useable open space shall mean recreation areas including basketball, tennis or racquetball courts; baseball, softball or soccer fields; trails; picnic areas; plazas; dedicated or private park sites or any other use deemed acceptable by the Planning Commission. Useable open space shall not include parking lots, all buildings except clubhouses, setback areas less than 20', and narrow landscaped strips.

**(Ord. No. 06-09 Enacted 04/11/2006)**

# CHAPTER 7-15
# SEXUALLY-ORIENTED BUSINESSES

Sections:

7-15-101. Purpose.
7-15-102. Location of Businesses – Restrictions.
7-15-103. Effect on Non-conforming Businesses.
7-15-104. Signs.
7-15-105. Definitions.
7-15-106. Parking.

## 7-15-101. PURPOSE.

The purpose and objective of this Chapter is to establish reasonable and uniform regulations to prevent the concentration of sexually-oriented businesses or their location in areas deleterious to the City, regulate the signage of such businesses, control the adverse effects of such signage, and prevent inappropriate exposure of such businesses to the community. This Chapter is to be construed as a regulation of time, place, and manner of the operation of these businesses, consistent with the United States and Utah Constitutions.

**(Ord. No. 93-59 Repealed & Replaced 10/04/1993)**

## 7-15-102. LOCATION OF BUSINESSES - RESTRICTIONS.

(1) Outcall services and service-oriented escort bureaus shall only be permitted in areas zoned M (Manufacturing) and designated Heavy Manufacturing pursuant to the General Plan, subject to the following additional restrictions:
    a. No outcall service or service-oriented escort bureau shall be located:
        i. Within 1,000 feet of any school, public park, library, or religious institution.
        ii. Within 600 feet of a high-image arterial as defined in Section 7-13-102 and including U-111 Hwy. The distance shall be measured from the right-of-way boundary.

(2) Sexually-oriented businesses shall only be permitted in areas zoned M (Manufacturing) and designated Heavy Manufacturing pursuant to the General Plan under this Title, subject to the following additional restrictions:
    a. No sexually-oriented business shall be located:
        i. Within 1,000 feet of any school, public park, library, or religious institution.
        ii. Within 1,000 feet of any residential use or any agricultural or residential zoning boundary.
        iii. Within 600 feet of any other sexually-oriented business, except outcall services.
        iv. Within 600 feet of a high-image arterial as defined in Section 7-13-102 and including U-111 Hwy. The distance shall be measured from the right-of-way boundary.

(3) Distance requirements between structures and uses specified in this Section shall be measured in a straight line, without regard to intervening structures or zoning districts, from the property boundaries of the school, public park, religious or cultural activity, residential use, or other

sexually-oriented business, or from the right-of-way line of a high-image arterial or U-111 Hwy to the structure of the sexually-oriented business.

(4) Distance requirements from zoning districts for this Section shall be measured in a straight line, without regard to intervening structures or zoning districts, from the closest zoning boundary of a residential or agricultural district to the sexually- oriented business structure.

**(Ord. No. 93-59 Repealed & Replaced 10/04/1993; Ord. No. 06-81 Amended 12/5/2006; Ord. No. 10-07 Amended 03/29/2010)**

## 7-15-103. EFFECT ON NON-CONFORMING BUSINESSES.

All existing legal, non-conforming sexually-oriented businesses, as of the effective date of the ordinance codified in this Chapter, or any amendment hereto, shall comply with the provisions of this Chapter within nine months from the date this ordinance is enacted.

**(Ord. No. 93-59 Repealed & Replaced 10/04/1993)**

## 7-15-104. SIGNS.

Notwithstanding anything contrary contained in Title 11 of the West Valley City Code, the more restrictive requirements for signs shall prevail. Signs for sexually-oriented businesses shall be limited as follows:

(1) No more than one exterior sign shall be allowed.
(2) No sign shall be allowed to exceed 18 square feet.
(3) No animation shall be permitted on or around any sign or on the exterior walls or roof of such premises.
(4) No descriptive art or designs depicting any activity related to or inferring the nature of the business shall be allowed on any sign. Said signs shall contain alphanumeric copy only.
(5) Only flat wall signs and/or awning signs shall be permitted.
(6) Painted wall advertising shall not be allowed.
(7) Other than the signs specifically allowed by this Chapter, the sexually-oriented business shall not attach, construct, or allow to be attached or constructed any temporary sign, banner, light, or other device designed to draw attention to the business location.

**(Ord. No. 93-59 Repealed & Replaced 10/04/1993)**

## 7-15-105. DEFINITIONS.

Terms involving sexually-oriented businesses which are not defined in this Title shall have the meanings set forth in Section 17-26-104.

**(Ord. No. 93-59 Repealed & Replaced 10/04/1993)**

## 7-15-106. PARKING.

Sexually-oriented businesses are subject to the parking requirements in Chapter 9 of this Title.

**(Ord. No. 10-07 Enacted 03/29/2010)**

# CHAPTER 7-16
# RESIDENTIAL FACILITIES FOR ELDERLY PERSONS

Sections:

7-16-101. Residential Facilities for Elderly Persons.
7-16-102. Conditional Use Review.
7-16-103. Code Compliance.
7-16-104. Parking.
7-16-105. Separation Standards.
7-16-106. Client Restricted.
7-16-107. Compliance.
7-16-108. Discrimination Prohibited.
7-16-109. Maintenance.
7-16-110. Agency Review.

## 7-16-101. RESIDENTIAL FACILITIES FOR ELDERLY PERSONS.

(1) A residential facility for elderly persons shall be a permitted use in any area where residential uses are allowed following approval by the Community and Economic Development Department, subject to subsection (2) below. Approval shall not be denied where the proposed residential facility for elderly persons is found to be in compliance with all the applicable provisions of this Chapter.

(2) Except as otherwise provided in this Chapter, residential facilities for elderly persons shall only be allowed in any City zoning district which is zoned to permit exclusively single-family dwelling use, subject to the granting of a conditional use permit. A conditional use permit shall not be denied where the facility is found, by the Planning Commission, to meet all conditions set forth in this Section.

(3) A residential facility for elderly persons proposed to be located in a district which is zoned to permit exclusively single-family dwelling use does not require conditional use approval if no more than four non-related adults live in the facility.

(4) All residential facilities for elderly persons shall comply with zoning regulations, health and safety ordinances, and building codes applicable to the structure or land use.

(5) A residential facility for elderly persons may not operate as a business. However, a residential facility for elderly persons shall not be considered a business because a fee is charged for food or for the actual and necessary costs of operation and maintenance of the facility.

**(Ord. No. 99-53 Amended 08/20/1999; Ord. No. 13-44 Amended 11/25/2013)**

## 7-16-102. CONDITIONAL USE REVIEW.

In any municipal zoning district, which is zoned to permit exclusively single-family dwelling uses, in addition to the requirements of this Section, the Planning Commission may, as a condition of a conditional use permit, set other reasonable conditions which it feels will further the intent of Part 5 of Title 10, Chapter 9, of the Utah Code Annotated, 1953, as amended, and this Chapter.

**(Ord. No. 99-53 Amended 08/20/1999)**

## 7-16-103. CODE COMPLIANCE.

The facility shall meet all municipal building, safety, zoning and health ordinances applicable to similar dwellings. The facility shall be capable of use as a residential facility for elderly persons without structural or landscaping alterations that would change the structures residential character.

## 7-16-104. PARKING.

Off-street parking shall be provided as required in Chapter 9 of this Title.

## 7-16-105. SEPARATION STANDARDS.

Residential facilities for elderly persons shall be reasonably dispersed throughout the City.

**(Ord. No. 99-53 Amended 08/20/1999)**

## 7-16-106. CLIENT RESTRICTED.

Persons being treated for alcoholism or drug abuse shall not be placed in a residential facility for elderly persons; placement in a residential facility for elderly persons shall be on a strictly voluntary basis and shall not be a part of, or in lieu of confinement, rehabilitation, or treatment in a correctional facility.

**(Ord. No. 99-53 Amended 08/20/1999)**

## 7-16-107. COMPLIANCE.

The use granted and permitted by this Section is nontransferable and terminates if the structure is devoted to a use other than as a residential facility for elderly persons, or if the structure fails to comply with applicable health, safety, or building codes.

**(Ord. No. 99-53 Amended 08/20/1999)**

## 7-16-108. DISCRIMINATION PROHIBITED.

Discrimination against elderly persons and against residential facilities for elderly persons is prohibited. All decisions regarding an application for a residential facility for elderly persons must be based on legitimate land use criteria and may not be based on the age of the facilities residents.

## 7-16-109. MAINTENANCE.

In any area zoned to permit exclusively residential uses, the Planning Commission may impose a condition that the landscaping around the facility must be maintained or installed such that it enhances the residential character of the neighborhood, as a condition of the conditional use approval.

## 7-16-110. AGENCY REVIEW.

The facility shall be reviewed by the following agencies, prior to the issuance of the conditional use permit or final approval by the Community and Economic Development Department:

(1) West Valley City Community and Economic Development Department;
(2) West Valley City Building Inspection Division
(3) West Valley City Fire Department;
(4) West Valley City Public Works Department;
(5) Granger-Hunter Improvement District, Taylorsville- Bennion Improvement District, Kearns Improvement District, or Magna Improvement District, whichever is applicable.

**(Ord. No. 99-53 Amended 08/20/1999)**

# CHAPTER 7-17
# RESIDENTIAL FACILITIES FOR PERSONS WITH A DISABILITY

Sections:

7-17-101. Purposes.
7-17-102. Definitions.
7-17-103. Compliance with Applicable Zoning Regulations.

## 7-17-101. PURPOSES.

The purposes of this Chapter are:

(1) To preserve the rights of persons with a disability to live in the dwelling of their choice, consistent with federal and state law and sound land use management.
(2) To eliminate any differentiation between residential facilities for persons with a disability and other residential uses by regulating all residential uses in the same manner.
(3) To enhance the quality of life for all citizens of West Valley City by protecting residential areas free from industrial or commercial uses, preserving the character and viability of residential neighborhoods, and securing the blessings of quiet seclusion and clean air to promote sanctuaries in which all people may live.

**(Ord. No. 97-65 Replaced & Renumbered 12/09/1997)**

## 7-17-102. DEFINITIONS.

For the purposes of this Chapter:

(1) "Disability" has the same definition of "disability" as found in Section 57-21-2, Utah Code Annotated 1953, as amended.
(2) "Residential Facility for Persons With a Disability" means a residence:
    a. In which more than one person with a disability resides; and
    b. Is licensed or certified by the Department of Human Services under Title 62A, Chapter 2, Utah Code Annotated 1953, as amended.

**(Ord. No. 97-65 Replaced & Renumbered 12/09/97)**

## 7-17-103. COMPLIANCE WITH APPLICABLE ZONING REGULATIONS.

(1) A residential facility used by persons with a disability shall be allowed in all zones that allow residential uses in the City, subject to the provisions of this Section.
(2) Without regard for any purported disability of the potential users of the facility, the proposed land use must be a permitted or conditional use in the zone in which the facility is proposed to be located.
(3) Any building used as a facility must comply with all applicable regulations for the zoning district in which the facility is proposed to be located, and must also comply with applicable uniform codes as adopted by the City or the State of Utah.
(4) If the proposed facility is to be located in a new building constructed for that purpose, or if an existing building is significantly renovated in order to house a proposed facility, the building shall be constructed or renovated so as to be consistent with the size, shape, design, landscaping, and

placement of the residential buildings located in residential zoning districts near the proposed facility.

(5) If consistent with Title 57, Chapter 21, Utah Fair Housing Act, and the Federal Fair Housing Act Amendments of 1988, 42 USC Section 3601 et seq., Residential Facilities for Persons with Disabilities may be reasonably dispersed throughout the City.

(6) If consistent with Title 57, Chapter 21, Utah Fair Housing Act, and the Federal Fair Housing Act Amendments of 1988, 42 USC Section 3601 et seq., Residential Facilities for Persons with Disabilities that are also substance abuse facilities and are located within 500 feet of a school may be required to provide (in accordance with rules established by the Department of Human Services under Title 62A, Chapter 2, Utah Code Annotated, 1953 as amended):

   a. 24 hour supervision for residents; and
   b. other 24 hour security measures.

**(Ord. No. 97-65 Replaced & Renumbered 12/09/97; Ord. No. 01-40 Amended 06/21/2001)**

# CHAPTER 7-18
# BOARD OF ADJUSTMENT

Sections:

7-18-101. Board Membership.
7-18-102. Organization and Meetings of Board.
7-18-103. Duties and Powers of the Board.
7-18-104. Zoning Administrator's Determinations.
7-18-105. Appeals to the Board of Adjustment.
7-18-106. Nonconforming use of Buildings, Structures and Land.
7-18-107. Variances.

## 7-18-101. BOARD MEMBERSHIP.

(1) The Board of Adjustment shall consist of five members and such alternate members as the City Manager deems appropriate. Each member shall be appointed by the City Manager with the advice and consent of the City Council.
(2) Each member is appointed for a term of five years unless otherwise provided in this Chapter. The terms of the members of the Board shall be staggered such that the term of one member expires each year. Terms of each of the members and the alternates shall expire on July l of the last year of their term.
(3) Alternate members shall serve in the absence of a member or members of the Board of Adjustment under rules established by the City Council. No more than two alternate members shall sit at any meeting of the Board at one time.
(4) The City Manager may remove any member of the Board for cause if written charges are filed with the City Manager against the member. The City Manager shall provide the member with a public hearing if requested in writing by the member.
(5) Any vacancy occurring on said Board for whatever reason shall be filled by appointment as provided in this Section for the unexpired term of such member or alternate member whose office becomes vacant.
(6) All members of the Board shall be residents of the City.

## 7-18-102. ORGANIZATION AND MEETINGS OF BOARD.

(1) The Board shall elect a Chairperson and Vice-Chairperson from among themselves for a one year term. Meetings of the Board shall be held at the call of the Chairperson and at such other times as the Board may determine. The Chairperson or, in the case of the absence of the Chairperson, the acting Chairperson, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall comply with the requirements of Chapter 4, Title 52, UCA, Open and Public Meetings. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, members absent, members failing to vote, a record of the Boards examination of evidence and other official actions. The records of the Board shall be filed in the Community and Economic Development Department and shall be public records.
(2) The Board shall adopt rules of policy and procedure consistent with this Chapter or State law. Said rules shall be submitted to the City Council for approval and may be altered, amended or changed in the same manner.

(3) Decisions of the Board shall become effective at the meeting in which the decision is made, unless a different time is designated in the Board's rules or at the time the decision is made.

## 7-18-103. DUTIES AND POWERS OF THE BOARD.

The Board shall have the duty and power to decide:

(1) Appeals - Hear and decide appeals from any order, requirement, determination or decision of the Planning Commission and/or Zoning Administrator's application of the zoning ordinance. The Board shall hear and decide appeals from Planning Commission decisions regarding conditional use permits. The Board may not hear or decide upon an appeal of any zoning ordinance amendment. An appeal may not be used to waive or modify the terms or requirements of the zoning ordinance.

(2) Special Exceptions - Hear and decide special exceptions to the terms of the zoning ordinance where the City Council has granted jurisdiction to the Board to do so. The Board may hear and decide special exceptions only if authorized to do so by the zoning ordinance and based only upon the standards contained in the zoning ordinance.

(3) Variances - Hear and decide all applications for variance from the terms of the City Zoning Ordinance other than allowing a use in a zone which is not listed as a permitted or conditional use. Such decisions shall be made in accordance with State law, Section 7-18-107 of this Chapter and the rules adopted by the Board.

(4) Nonconforming Use - Hear and make determinations regarding the existence, expansion, or modification of nonconforming uses.

## 7-18-104. ZONING ADMINISTRATOR'S DETERMINATIONS.

The Zoning Administrator may decide certain matters as designated by the Board, and consistent with guidelines established by this Chapter and State law and the rules adopted by the Board. Pursuant to that authority, the Zoning Administrator may decide all cases which are routine in nature, uncontested, do not impact on the character of the neighborhood, are primarily brought about by recent changes in the Zoning Ordinance creating a large number of nonconforming structures or uses and which the Board has granted on almost a routine basis. The specific types of decisions the Zoning Administrator is authorized to make shall include:

(1) Determination of a nonconforming use which can be verified by substantial evidence. Substantial evidence, for the purpose of this Section, shall mean official documents, including any written correspondence, receipts, permits, or documents issued by a public body or agency thereof, etc. that may establish the truth of the matter asserted by the applicant.

(2) Consider additions or alterations to existing buildings and structures which are nonconforming as to height, area, or yard regulations provided the addition follows the existing wall lines and no additional dwelling units are added to the building or structure.

(3) Change in status of a nonconforming use to a less intense use than that immediately preceding the proposed use.

(4) Consider additions to existing residential buildings that maintain the zoning standards which were in place when the home was originally constructed.

(5) Consider building expansions to residential non-conforming uses where the expansion maintains all of the current setback standards and no additional dwelling units are created.

(6) Final review and approval on plans where the Board has required that a final plan be submitted for special approval, showing that all the requirements imposed by the Board in granting the

original approval have been complied with. All decisions of the Zoning Administrator made under this section may be appealed to the Board.

**(Ord. No. 01-52 Amended 11/20/2001)**

## 7-18-105. APPEALS TO THE BOARD OF ADJUSTMENT.

Appeal may be made to the Board of Adjustment by the City, the applicant, or any other person or entity adversely affected by a zoning decision administering or interpreting a zoning ordinance. All appeals shall be made as follows:

(1) The appeal shall be made within 10 days of the action or decision being appealed from by filing a notice of appeal with the Board of Adjustment with the Community and Economic Development Department.

(2) The notice of appeal shall specify the grounds for the appeal and circumstances related thereto. The notice shall allege that there was error in the order, requirement, decision, or determination made by an official or officials in the administration or interpretation of the zoning ordinance. A notice failing to allege such error or specify the grounds for appeal may be summarily dismissed by the Board of Adjustment with or without prejudice. Response to the above requirements shall be set forth in detail in the notice of appeal. The person or entity making the appeal shall have the burden of proving that an error has been made.

(3) All papers constituting the record upon which the action appealed from was made shall be transmitted to the Board of Adjustment.

(4) The Board of Adjustment shall set the appeal for hearing to be held within a reasonable time from the date the appeal is received. Written notice of the date set for hearing the appeal shall be mailed to the applicant at least seven days before the appeal hearing date. After hearing the appeal, the Board of Adjustment may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer or body from which the appeal is made.

(5) The filing of an appeal shall stay all proceedings and actions in furtherance of the matter appealed, pending a decision of the Board of Adjustment. Said stay shall exist unless the Planning Commission or Zoning Administrator certifies to the Board of Adjustment, after the notice of appeal shall have been filed, that by reason of facts stated in the certificate, the stay would cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by restraining order which may be granted by the Board of Adjustment or by District Court on application, notice and due cause shown.

(6) The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision, or determination of any administrative official, planning commission or agency or to decide in favor of the appellant.

(7) The City, or any person adversely affected by any decision of the Board, may petition the district court for a review of the decision, provided the petition is filed with the Court within 30 days after the Board's decision is final. In the petition, the appealing party may only allege that the Board's decision was arbitrary, capricious, or illegal. The Board may, after finding that it is in the best interest of the City to do so, stay its decision pending district court review.

## 7-18-106. NONCONFORMING USE OF BUILDINGS, STRUCTURES AND LAND.

Except as otherwise provided in this Title, a nonconforming use of land or a structure may be continued.

(1) Determination of Nonconforming Buildings and Uses. All matters regarding the nonconforming use of buildings and land shall be determined by the Board. Upon application, after public hearing on the matter, the Board shall determine if the use or building is nonconforming with respect to the current provisions of this Chapter. The Zoning Administrator may determine routine and uncontested requests to verify nonconforming uses as provided in Section 7-18-104 and the rules adopted by the Board.

(2) Alteration of Modifications to Nonconforming Buildings and Structures. Nonconforming building and structures with respect to setbacks or height may be continued. Additions, enlargements or structural alterations may be made to the extent that they comply with all requirements of the West Valley City Code or conform to the provisions of Section 7-18-104 of this Chapter. In addition, the board, after a public hearing, may allow an enlargement or structural alteration provided the change is in harmony with the surrounding neighborhood and in keeping with the intent of the General Plan and this ordinance. The proposed change shall not impose any unreasonable impact or burden upon land located in the vicinity. Reasonable conditions may be attached to the approval in order to assure neighborhood compatibility. If any such nonconforming building is removed, every future use of the land on which the building was located shall conform to the provisions of this Chapter.

(3) Nonconforming Use of Land. A nonconforming use of land lawfully existing on the effective date of this Chapter may be continued provided such nonconforming use shall not be expanded or extended into any other open land, except as otherwise provided in this Chapter. If the nonconforming use is discontinued for a continuous period of more than one year it shall constitute an abandonment of the use and any future use of such land shall conform to the provisions of the zone in which it is located.

(4) Nonconforming Use of Buildings and Structures. The nonconforming use of a building or structure lawfully existing on the effective date of this Chapter may be continued and may be expanded or extended throughout such building or structure provided no structural alterations, except those permitted by law, are proposed or made for the purpose of extension. The addition of a solar energy device to a building shall not be considered a structural alteration. If such nonconforming use is discontinued for continuous period of more than one year it shall constitute an abandonment of the use and any future use of the building or structure shall conform to the provisions of the zone in which it is located.

(5) Change in Status of Nonconforming Use. If a nonconforming use is abandoned, it may be succeeded, upon approval of the Zoning Administrator, as provided in Section 7-6-104 of this Title, by an equally restrictive or more restrictive nonconforming use, provided such change is effected within one year from the first day of abandonment. After a change to a less intensive use occurs, the use may not change back to a more intensive use.

(6) Alterations of Modifications to Nonconforming Use. A use which has been declared nonconforming shall not be enlarged or moved except as provided in this Section. The Board, after a public hearing, may allow an enlargement or modification provided the change is in harmony with the surrounding neighborhood and in keeping with the intent of the General Plan and this ordinance. The proposed change shall not impose any unreasonable impact or burden upon land located in the vicinity. Reasonable conditions may be attached to the approval in order to assure neighborhood compatibility.

(7) Reconstruction of Nonconforming Building or Structure Partially Destroyed. In the event a nonconforming building or structure is damaged or destroyed by calamity or act of nature, the occupancy or use of such building or structure, or part thereof which existed at the time of the destruction, may be continued or resumed provided that such restoration is in compliance with all building codes. Any repair or reconstruction shall be in accordance with approvals by the City Building Official and other requirements imposed during site plan review and, or Conditional Use review. Buildings that become nonconforming as to setbacks due to a governmental action such as a roadway widening can be fully restored at the original setback. Occupancy or use of such building, structure, or part thereof which existed at the time of such partial destruction may be continued subject to all the provisions of this Title.

(8) Amortization of Nonconforming Uses. The Board, under authorization of State statute, may provide for the timely modification or removal of a nonconforming structure or use of land. A maximum of a five-year period may be granted in which the nonconforming use shall be modified or removed in order to comply with the General Plan and Zoning Ordinance. The Board may provide for a shorter time period by providing a formula establishing a reasonable time period during which the owner can recover or amortize the amount of any investment in the nonconforming use or structure, in any.

(9) The Board may terminate the legal nonconforming status of school district property upon a finding that the property has ceased to be used for school district purposes.

**(Ord. No. 98-45 Amended 06/09/1998; Ord. No. 04-37 Amended 08/03/2004)**

## 7-18-107. VARIANCES.

(1) Definitions. A variance is a device which grants a property owner relief from certain provisions of the zoning ordinance when, because of the particular physical surroundings, shape, or topographical conditions of the property, compliance would result in a particular hardship upon the owner, as distinguished from a mere inconvenience or a desire to reduce financial difficulties.

(2) Variance Criteria. Unless otherwise provided in this Title, the Board may grant a variance from the requirements of any provision of the zoning ordinance to the extent that such a grant shall be consistent with the provisions of this Section. Notwithstanding, the spirit of this Title must be observed and substantial justice done. Further, a previous variance can never set a precedent. Each case must be considered only on its individual merits.

a. The Board 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; and
    ii. There are special circumstances attached to the property that do not generally apply to other properties in the same zoning district; and
    iii. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zoning district; and
    iv. The granting of 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. In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under this section, the Board may not find an unreasonable hardship unless the alleged hardship:

i. Is located on or associated with the property for which the variance is sought; and
ii. Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.

c. In determining whether or not enforcement of the zoning ordinances would cause unreasonable hardship under this section, the Board may not find unreasonable hardship if the hardship is self-imposed or economic.
d. In determining whether or not there are special circumstances attached to the property under this section, the Board may find that special circumstances exist only if the special circumstances:
    i. Relate to the hardship complained of; and
    ii. Deprive the property of privileges granted to other properties in the same district.
e. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
f. Variances, once granted, shall run with the land.
g. Use variances may not be granted by the Board and any other body.
h. In granting a variance, the Board may impose additional requirements on the applicant that will:
    i. Mitigate any harmful effects of the variance; or
    ii. Serve the same or similar purpose of the standard or requirement that is waived or modified.

# CHAPTER 7-19
# SUBDIVISION

Sections:


7-19-100P Part 1—Administrative Process
7-19-101. Purpose.
7-19-102. Considerations.
7-19-103. General Responsibilities.
7-19-104. Appeal of Planning Commission Decisions.
7-19-105. Appeal of City Council Decisions.
7-19-200P Part 2—Control and Application
7-19-201. Subdivision Control.
7-19-202. Required Plat Approval.
7-19-203. Transfer of Land - Issuance of Building Permits.
7-19-204. Transfer of Land - Voidable.
7-19-300P Part 3—Schematic Plan
7-19-301. Schematic Plan.
7-19-302. Planning Commission Review.
7-19-303. Staff Cannot Bind City.
7-19-304. Vested Rights.
7-19-400P Part 4—Lot Split Provision
7-19-401. Purpose.
7-19-402. Approval Required.
7-19-403. Appeal of Decision.
7-19-500P Part 5—Minor Subdivision
7-19-501. Purpose.
7-19-502. Applicability.
7-19-503. Filing Minor Subdivision Plat.
7-19-504. Community Development Review.
7-19-505. Required Conditions and Improvements.
7-19-506. Planning Commission Action.
7-19-507. City Council Action.
7-19-508. Disapproval by the City Council.
7-19-509. Appeal of City Council Decisions.
7-19-510. Bond Agreement or Improvements Required.
7-19-511. Recording of Plat.
7-19-512. Expiration of Final Approval.
7-19-600P Part 6—Major Subdivision
7-19-601. Preliminary Plat - Purpose.
7-19-602. Application and Fees.
7-19-603. Preliminary Plat – Preparation and Required Information.
7-19-604. Soil Report.
7-19-605. Evaluation of Preliminary Plat.
7-19-606. Planning Commission Action.
7-19-607. Notification of Approval.
7-19-608. Effect of Approval of the Preliminary Plat.
7-19-609. Final Plat - Purpose.
7-19-610. Filing Deadline, Application and Fees.

7-19-611. Final Plat - Preparation and Required Information.
7-19-612. Data to Accompany Final Plat.
7-19-613. Evaluation of Final Plat.
7-19-614. Planning Commission Action.
7-19-615. City Council Action.
7-19-616. Disapproval by the City Council.
7-19-617. Appeal of City Council Decisions.
7-19-618. Performance Bond – Subdivider.
7-19-619. Performance Bond – Contractor.
7-19-620. Copy of Owner's Payment Bond Required.
7-19-621. Delay Agreement.
7-19-622. Recording of Plat.
7-19-623. Expiration of Final Approval.
7-19-700P Part 7—Subdivision by Metes and Bounds
7-19-701. Purpose.
7-19-702. Approval Required.
7-19-703. Appeal of Decision.
7-19-800P Part 8—General Requirements of all Subdivisions
7-19-801. Subdivision Layout.
7-19-802. Commencement of Site Development.
7-19-803. Blocks.
7-19-804. Lots.
7-19-805. Streets.
7-19-806. Protection Strips.
7-19-807. Dedication and Reservation.
7-19-808. Landscaping.
7-19-809. Utilities and Easements.
7-19-810. Neighborhood Box Units.
7-19-811. Watercourses.
7-19-812. Solar Access and Orientation.
7-19-900P Part 9—Public Improvements
7-19-901. Design Standards.
7-19-902. Required Improvements.
7-19-903. Yard and Street Lighting.
7-19-904. Curb, Gutter, Sidewalk and Asphalt Paving.
7-19-905. Storm Drainage.
7-19-906. Drainage into Irrigation Ditches.
7-19-907. Underground Utilities and Sanitary Sewer.
7-19-908. Fencing or Piping of Hazards.
7-19-909. Monuments.
7-19-910. Completion.
7-19-1000P Part 10—Amending a Recorded Plat
7-19-1001. Vacating or Changing a Subdivision Plat.
7-19-1002. Notice of Hearing for Plat Change.
7-19-1003. Grounds for Vacating or Changing a Plat.
7-19-1100P Part 11—Street Name Change
7-19-1101. Street Name Change by Petition.
7-19-1102. Procedure.

7-19-1103. Fees.
7-19-1104. Street name change when two or more streets have the same name.

# 7-19-100P PART 1—ADMINISTRATIVE PROCESS

## 7-19-101. PURPOSE.

(1) The purpose of this Chapter, governing subdivisions and any rules, regulations and specifications hereafter adopted, are to promote the public health, safety and general welfare through provisions designed to:
    a. Provide for the harmonious and coordinated development of the City, and to assure sites suitable for building purposes and human habitation.
    b. Insure adequate open space for traffic, recreation, light and air.
    c. Facilitate the conservation of, or production of, adequate transportation, water, sanitation, drainage and energy resources.
    d. Avoid scattered and premature subdivisions which would cause insufficient public services and facilities, or necessitate an excessive expenditure of public funds for the supply of such services and facilities.
    e. Preserve outstanding natural, cultural or historic features.
(2) This Chapter is designed to inform the subdivider and public of the requirements and conditions necessary to obtain approval of a subdivision. To this end, all requirements, where possible, are expressly delineated in this Title or other applicable ordinances. However, since it is impossible to cover every possibility and there are some aspects which do not lend themselves to being easily articulated, this Title allows the Planning Commission and City Council to impose reasonable conditions upon a subdivider in addition to those expressly required, so long as such conditions do not conflict with any requirements set forth in this Chapter or other applicable ordinances.

## 7-19-102. CONSIDERATIONS.

(1) The General Plan shall guide the use of all land within the corporate boundaries of the City. The size and design of lots, the nature of utilities, the design and improvement of streets, the type and intensity of land use, and the provisions for any special facilities in any subdivision shall conform to the land uses shown and the standards established in the General Plan, the Land Use and Management Ordinance, the Transportation and Public Ways Ordinance, the Flood Damage Prevention Ordinance and Storm Water Management Ordinance.
(2) Trees, native land cover, natural watercourses, and topography shall be preserved when possible. Subdivisions shall be so designed as to prevent excessive grading and scarring of the landscape. The design of new subdivisions shall consider, and relate to, existing street widths, alignments and names.
(3) Community facilities, such as parks and recreation areas, and transportation facilities shall be provided in the subdivision in accordance with General Plan standards, this Title, and other applicable ordinances. This Title establishes procedures for the referral of information on proposed subdivisions to interested boards, bureaus, and other governmental agencies and utility companies, both private and public, so that the extension of community facilities and utilities may be accomplished in an orderly manner, coordinated with the development of the subdivision. In order to facilitate the acquisition of land areas required to implement this policy,

the subdivider may be required to dedicate, grant easements over or otherwise reserve land for schools, parks, playgrounds, public ways, utility easements, and other public purposes as specified.

**(Ord. No. 96-37 Amended 06/21/1996; Ord. No. 10-35 Amended 11/08/2010)**

## 7-19-103. GENERAL RESPONSIBILITIES.

(1) The subdivider shall prepare a plat consistent with the standards contained herein and in accordance with West Valley City's Growth Principles and Objectives contained in the West Valley City General Plan. The subdivider shall pay for the design and inspection of the public improvements required. The City shall process said plats in accordance with the regulations set forth herein. The subdivider shall not alter the terrain or remove any vegetation from the proposed subdivision site or engage in any site development until he or she has obtained the necessary approvals as outlined herein.

(2) The Community and Economic Development Department shall review the plats for design, for conformity to the General Plan and to the Zoning Ordinance; for the environmental quality of the subdivision design; and shall process the subdivision plats and reports as provided for in this Title.

(3) Plats of proposed subdivisions shall be referred by the Community and Economic Development Department to such City departments and special districts, governmental boards, bureaus, utility companies, and other agencies which will provide public and private facilities and services to the subdivision for their information and comment. The Community and Economic Development Department is responsible for coordinating the comments received from all public and private entities and shall decide which agencies to refer proposed subdivision plats to.

(4) The Public Works Department shall make comments as to engineering requirements for street widths, grades, alignments and flood control, whether the proposed public improvements are consistent with this Title and other applicable ordinances and for the inspection and approval of all construction of public improvements. Street layout and overall circulation shall be coordinated with the Public Works Department.

(5) The Planning Commission shall act as an advisory agency to the City Council. It is charged with making investigations, reports and recommendations on proposed subdivisions as to their conformance to the General Plan and Zoning Ordinance, and other pertinent documents. The Planning Commission shall recommend approval, approval with conditions, or disapproval of the final plat to the City Council.

(6) The City Attorney's Office shall approve the form of the final plat if it is correct and acceptable that the subdivider dedicating land for use of the public is the owner of record, and that the land is free and clear of unacceptable encumbrances according to the title report, which shall be submitted by the subdivider.

(7) The City Manager should act as liaison between the Planning Commission, Community and Economic Development Department staff, and the City Council. Prior to preliminary approval for a subdivision, the City Manager may review the proposed plat and receive written comments from the City Council on the plat. The comments may then be forwarded to the Planning Commission for evaluation. Upon final approval by the Planning Commission, the plat will be sent to the City Manager who will present it to the City Council.

(8) The City Council has final jurisdiction in the approval of subdivision plats; the establishment of requirements for and design standards of, public improvements; and the acceptance of lands and public improvements that may be proposed for dedication.

**(Ord. No. 96-37 Amended 06/21/1996; Ord. No. 10-35 Amended 11/08/2010)**

## 7-19-104. APPEAL OF PLANNING COMMISSION DECISIONS.

(1) Appeal may be made to the City Council from any decision, determination or requirement of the Planning Commission by filing with the City Recorder a notice thereof in writing within 10 days after such decision, determination or requirement is made. Such notice shall set forth in detail the action and grounds upon which the subdivider, or other interested person, deems himself or herself aggrieved.
(2) The City Recorder shall set the appeal for hearing before the City Council to be held within 45 days from the date of receipt of the appeal. Such hearing may, for good cause, be continued by order of the City Council. Written notice of the date set for hearing the appeal shall be mailed to the appellant at least 10 days before the appeal hearing date. After hearing the appeal, the City Council may affirm, modify, or overrule the decision, determination or requirement appealed and enter any such order or orders as are in harmony with the spirit and purpose of this Title. The filing of an appeal shall stay all proceedings and actions in furtherance of the matter appealed, pending a decision of the City Council.

## 7-19-105. APPEAL OF CITY COUNCIL DECISIONS.

The appellant may appeal any decision of the City Council to the District Court. Such appeal shall be made within 30 days of the rendering of a decision by the City Council.

## 7-19-200P PART 2—CONTROL AND APPLICATION

## 7-19-201. SUBDIVISION CONTROL.

It shall be unlawful for any owner of any land within the corporate limits and jurisdiction of the City to subdivide such land for nonagricultural uses unless and until:

(1) A plat of such subdivision is made in accordance with the requirements set forth herein;
(2) Approval of such plat is secured as provided herein; and
(3) Copies of such plat are recorded in the Office of the Salt Lake County Recorder by the City Recorder.

## 7-19-202. REQUIRED PLAT APPROVAL.

A plat of any subdivision shall not be submitted to the county recorder to be filed and recorded until it has been submitted and approved by the City Council and all other officers or bodies required to approve subdivisions, and all required approvals are entered in writing on the plat. A plat shall not be approved if such plat is in conflict with any provision or portion of the Major Street Plan, Zoning Ordinance, Zoning Map, Flood Control and Storm Drainage Ordinance, this Title, or any other state law or City ordinance.

**(Ord. No. 97-65 Amended 12/09/1997; Ord. No. 10-35 Amended 11/08/2010)**

## 7-19-203. TRANSFER OF LAND - ISSUANCE OF BUILDING PERMITS.

Land shall not be transferred, sold, or offered for sale, nor shall a building permit be issued for a structure thereon, until a final plat of a subdivision shall have been recorded in accordance with this Title and the provisions of the Utah State Code, and until the improvements required in connection with the subdivision have been constructed or guaranteed as provided herein. Building permits shall not be issued without written approval of all public agencies involved. No building depending on public water, sewer, energy facilities, or fire protection shall be permitted to be occupied until such facilities are fully provided and operational.

## 7-19-204. TRANSFER OF LAND - VOIDABLE.

No person shall offer to sell, contract to sell, sell, deed or convey any property contrary to the provisions of this Title. Any deed or conveyance, sale or contract to sell made contrary to the provisions of this Title is voidable at the sole option of the grantee, buyer or person contracting to purchase, his heirs, personal representative, or trustee in solvency or bankruptcy within one year after the date of execution of the deed of conveyance, sale or contract to sell, but the deed of conveyance, sale or contract to sell is binding upon any assignee or transferee of the grantee, buyer or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor, or person contracting to sell, or his assignee, heir or devisee.

## 7-19-300P PART 3—SCHEMATIC PLAN

## 7-19-301. SCHEMATIC PLAN.

For subdivisions greater than five lots, a schematic plan shall be required of all subdividers. This provides the subdivider with an opportunity to consult with and receive assistance from the City regarding the regulations and design requirements applicable to the subdivision of the property. The schematic plan should be based on an accurate aerial map showing boundaries, topography, important physical features, adjacent properties and the sketch of the proposed subdivision. This procedure can be helpful to the subdivider because it facilitates resolution of problems and revisions before the preparation of a preliminary plat for major subdivisions.

**(Ord. No. 10-35 Amended 11/08/2010)**

## 7-19-302. PLANNING COMMISSION REVIEW.

The Community and Economic Development Department shall present the schematic plan to the Planning Commission at a study meeting for their information and preliminary comments.

**(Ord. No. 96-37 Amended 06/21/1996; Ord. No. 10-35 Amended 11/08/2010)**

## 7-19-303. STAFF CANNOT BIND CITY.

The schematic plan requirement is designed to provide the subdivider with helpful information and suggestions before he or she incurs the expense and time involved in preparing future plats. However, only the City Council may bind the City and only the City Manager and Planning Commission can make official recommendations to the City Council. City employees may make recommendations,

suggestions and dispense information regarding City ordinances and the General Plan, but such comments shall not be binding on the City.

**(Ord. No. 10-35 Amended 11/08/2010)**

## 7-19-304. VESTED RIGHTS.

Submission of a schematic plan shall in no way constitute the beginning of any vested rights for the subdivider. Vested rights shall attach only upon the filing of a subdivision plan under Parts 4, 5, 6 or 7, below, and the subdivision being able to meet the requirements of this Title and other applicable ordinances at the time of the application. However, if there is a compelling, countervailing public interest or the City has initiated proceedings to amend this Title or other applicable ordinances at the time of the application, then there shall be no vested rights.

## 7-19-400P PART 4—LOT SPLIT PROVISION

## 7-19-401. PURPOSE.

The intent of this Chapter is to allow owners of property, which may be divided into no more than two legal size lots, to divide their property with a minimum of time and expense.

## 7-19-402. APPROVAL REQUIRED.

(1) Prior to the division of any parcel or tract of land which may be divided into no more than two legal size lots, such division shall be approved by the Community and Economic Development Director. The approval shall be based on the compliance of the proposed lot split with the laws and ordinances of the City with respect to street improvements, zoning, flood control requirements, lot configuration, etc. At the time application is made, the subdivider shall pay an application fee as published in the Consolidated Fee Schedule.
(2) The subdivider shall submit a complete application which shall include 10 full size prints of the property survey and legal description certified by a Professional Land Surveyor, and any necessary improvement plans and bond agreements. The property survey shall show all existing improvements on the property.
(3) The Community and Economic Development Department shall review the proposed subdivision and shall request recommendations from the Public Works Department, Water and Sewer Improvement District, and other appropriate agencies.
(4) The subdivision may be approved, approved with conditions, or disapproved. The decision shall be made within a reasonable time period after receipt of the application.
(5) If the survey is in compliance with all ordinances and conditions, the subdivider shall submit one reproducible copy of the approved survey. The survey shall be signed by the Community and Economic Development Director.
(6) The subdivider and/or their designee shall then file the signed reproducible copy with the Salt Lake County Surveyor's Office.

**(Ord. No. 96-37 Amended 06/21/1996; Ord. No. 10-35 Amended 11/08/2010)**

## 7-19-403. APPEAL OF DECISION.

(1) Appeal may be made to the Planning Commission of any decision of the Community and Economic Development Director by any aggrieved person or by any officer, department, board or agency of the City affected by such action. Appeals shall be made by filing, in writing, with the Secretary to the Planning Commission within 10 days after the decision is made. The appeal will be heard by the Planning Commission at its next regularly scheduled meeting. The Planning Commission may affirm, modify or overrule the decision of the Community and Economic Development Department. The filing of an appeal shall stay all proceedings and actions in furtherance of the matter appealed, pending a decision of the Planning Commission.
    a. Appeals of the Planning Commission decision to the City Council and, thereafter, to District Court shall be made pursuant to Sections 7-19-104 and 7-19-105.

**(Ord. No. 96-37 Amended 06/21/1996)**

# 7-19-500P PART 5—MINOR SUBDIVISION

## 7-19-501. PURPOSE.

The intent of the minor subdivision process is to allow for small subdivisions to be processed as quickly as possible. Minor subdivisions include those developments of nine or fewer lots which met the requirements of Section 7-19-505 below. In this process, the preliminary and final plats, required for most subdivisions, are simplified and combined.

## 7-19-502. APPLICABILITY.

The procedures set forth in this Chapter shall govern the processing of, and the requirements pertaining to, minor subdivisions, and shall take precedence over any other provisions of this Title to the contrary.

## 7-19-503. FILING MINOR SUBDIVISION PLAT.

The subdivider of a minor subdivision, after completing the schematic plan required in this Title, shall file an application with the Community and Economic Development Department on a form prescribed by the City, together with copies of prints of a plat showing the land to be subdivided, properly and accurately drawn to scale, and with sufficient additional information to determine the boundaries of the proposed subdivision. The number of copies of the plat to be submitted shall be determined by the Community and Economic Development Department. Such plat shall be certified as to the accuracy by a Professional Land Surveyor. At the same time, the subdivider shall pay an application fee as published in the Consolidated Fee Schedule.

**(Ord. No. 94-38 Amended 05/10/1994; Ord. No. 10-35 Amended 11/08/2010)**

## 7-19-504. COMMUNITY DEVELOPMENT REVIEW.

The Community and Economic Development Department shall prepare a report on the conformity of the minor subdivision plat to the provisions of the General Plan, the Zoning Ordinance and

all other applicable requirements of this and other ordinances and regulations of the City. This report and the minor subdivision plat shall then be presented to the Planning Commission.

**(Ord. No. 96-37 Amended 06/21/1996)**

## 7-19-505. REQUIRED CONDITIONS AND IMPROVEMENTS.

The following requirements shall be imposed as a condition of approval of a minor subdivision:

(1) Not more than nine parcels shall be created in the minor subdivision.
(2) The minor subdivision shall conform to the general character of the surrounding area. New lot lines shall conform to the general pattern of existing lot lines.
(3) Lots created shall not adversely affect the remainder of the parcel or adjoining property and shall conform to the applicable provisions of the Zoning Ordinance.

**(Ord. No. 10-35 Amended 11/08/2010)**

## 7-19-506. PLANNING COMMISSION ACTION.

Within a reasonable time after the filing of a minor subdivision plat, the Planning Commission shall act thereon. If the Planning Commission shall find that the proposed plat complies with the requirements of this Title and that it is satisfied with the plat of the subdivision, it shall recommend approval or approval with conditions. If the Planning Commission shall find that the proposed plat does not meet the requirements of this Title, it shall recommend disapproval of such plat.

## 7-19-507. CITY COUNCIL ACTION.

(1) The City Council shall not be bound by the recommendations of the City Departments, the Planning Commission or the City Manager, and may set its own conditions and requirements consistent with this Title.
(2) Within a reasonable time following the approval of the minor subdivision plat by the Planning Commission, the City Council shall consider the plat. If the City Council determines that the plat is in conformity with the requirements of this Title, other applicable ordinances and any reasonable conditions as recommended by the City Departments, Planning Commission, City Manager or on its own initiative, and that it is satisfied with such plat of the subdivision, it shall approve the plat.

## 7-19-508. DISAPPROVAL BY THE CITY COUNCIL.

If the City Council determines that the plat is not in conformity with this Chapter or other applicable ordinances, or any reasonable conditions imposed, it shall disapprove the plat specifying the reasons for such disapproval.

**(Ord. No. 96-37 Amended 06/21/1996; Ord. No. 10-35 Amended 11/08/2010)**

## 7-19-509. APPEAL OF CITY COUNCIL DECISIONS.

A subdivider may appeal any decision of the City Council to the District Court. Such appeal shall be made within 30 days of the rendering of a decision by the City Council.

## 7-19-510. BOND AGREEMENT OR IMPROVEMENTS REQUIRED.

Prior to recordation of an approved plat, the subdivider shall comply with the requirements of Sections 7-19-618 through 7-19-621.

## 7-19-511. RECORDING OF PLAT.

After City Council approval, completion of the required public improvements or filing of the bond agreement and signing of the plat by the City Manager, the plat shall be presented by the City Recorder to the Salt Lake County Recorder for recordation.

## 7-19-512. EXPIRATION OF FINAL APPROVAL.

If the recording requirements set forth above are not met by the subdivider within one year from the date of City Council approval, such approval shall be null and void.

**(Ord. No. 10-35 Amended 11/08/2010)**

# 7-19-600P PART 6—MAJOR SUBDIVISION

## 7-19-601. PRELIMINARY PLAT - PURPOSE.

The purpose of the preliminary plat is to require formal preliminary approval of a major subdivision in order to minimize changes and revisions which might otherwise be necessary on the final plat. The preliminary plat and all information and procedures relating thereto, shall, in all respects, be in compliance with the provisions of this Title and any other applicable ordinances.

## 7-19-602. APPLICATION AND FEES.

The subdivider of a major subdivision, after completing the schematic plan required in Chapter 3 of this Title, shall file an application for preliminary plat approval with the Community and Economic Development Department on a form prescribed by the City, together with copies of the preliminary plat. The number of copies of the preliminary plat to be submitted shall be determined by the Community and Economic Development Department. Two copies of the subdivision layout showing the buildable area on each lot shall also be submitted. Buildable area shall conform to requirements of Sections 7-14-105 and 7-19-804 of this Title. At the same time, the subdivider shall pay an application fee as published in the Consolidated Fee Schedule.

**(Ord. No. 94-38 Amended 05/10/1994)**

## 7-19-603. PRELIMINARY PLAT - PREPARATION AND REQUIRED INFORMATION.

(1) The preliminary plat shall be clearly and legibly drawn with approved waterproof drawing ink at a scale not less than one inch equaling 100 feet. The plat shall be so drawn that the top of the sheet is either north or east, whichever accommodates the drawing best. Dimensions shall be in feet and decimals thereof and bearings in degrees, minutes and seconds.
(2) The following information shall be included on or with the preliminary plat:

a. A vicinity sketch at a scale of 1000 feet or more to the inch. The vicinity sketch shall show the street and tract lines and names and numbers of all existing subdivisions, and the outline of parcels of land adjacent to the proposed subdivision.
b. The name of the subdivision. Such subdivision names shall not duplicate or nearly duplicate the name of any subdivision in the City or in the incorporated and unincorporated area of Salt Lake County.
c. The name and address of the subdivider and his or her agent, if applicable.
d. If the subdivider is represented by an agent, there shall be a statement from the recorded owner authorizing the subdivider to act.
e. The name and address of the person, firm or organization preparing the preliminary plat.
f. The date, north point, written and graphic scales.
g. A legal description to define the location and boundaries of the proposed subdivision.
h. The location, names and existing widths of adjacent streets within 200 feet of the proposed subdivision.
i. The names and numbers of adjacent subdivisions and the names of owners of adjacent unplatted land.
j. The contours, at one-foot intervals, for predominant ground slopes within the subdivision between level and five percent, and two-foot contours for predominant ground slopes within the subdivision over five percent. Such contours shall be based on Salt Lake County datum. The closest City survey monument shall be used and its elevation called out on the map. Survey monument information shall be obtained from the Salt Lake County Surveyor or Public Works Department.
k. At the discretion of the City, a grading plan showing, by appropriate graphic means, the proposed grading of the subdivision. Contours should be consistent with Section 7-19-603(2)(j) above.
l. The location of all isolated trees worthy of preservation with a trunk diameter of four inches or greater, within the boundaries of the subdivision, and the outlines of groves or orchards.
m. The boundaries of areas subject to flooding or storm water overflow, as determined by the Public Works Department, including areas shown on the FEMA Flood Insurance Rate Maps (FIRM), and the location, width and direction of flow of all watercourses, including all existing and proposed irrigation and natural runoff channels and courses.
n. The existing use or uses of the property and the outline of any existing buildings and their locations in relation to existing or proposed street and lot lines drawn to scale.
o. A statement of the present zoning and proposed use of the property.
p. Location and dimensions of proposed sites to be dedicated or reserved for open space or recreational use.
q. Any proposed lands to be reserved in private ownership for community use.
r. The locations, proposed names, widths and a typical cross section of curbs, gutters, sidewalks and other improvements of the proposed street and access easements.
s. Layout of all lots, including the average and minimum lot size, lot divisions, building setback lines and consecutive numbering.
t. Preliminary location and size of sanitary sewers, water mains and any other public or private utility.
u. The dimensions and locations of all existing or proposed dedications, easements and deed restrictions. These shall include easements for drainage, sewerage and public utilities.

v. Preliminary indication of needed storm drainage facilities with location, size and outlets of the drainage system.
w. A preliminary Street Tree/Landscape Plan, including, where appropriate, measures for irrigation and maintenance.
x. The location of any of the foregoing improvements which may be required to be constructed beyond the boundaries of the subdivision shall be shown on the subdivision plat or on the vicinity map as appropriate.
y. If it is contemplated that the development will proceed by phases, the boundaries of such phases shall be shown on the preliminary plat along with the estimated construction schedule for each phase.
z. The words "Preliminary Plat - Not to be Recorded" shall be shown on the plat.

**(Ord. No. 10-35 Amended 11/08/2010)**

## 7-19-604. SOIL REPORT.

A soil report, based upon adequate test borings and excavations, prepared by a civil engineer specializing in soil mechanics and registered by the State of Utah, shall be required prior to preliminary approval of any subdivision plat. If the soil report indicates the presence of critically expansive soils, high water table or other soil problems which, if not corrected, would lead to structural defects of the proposed buildings, damage to the buildings from the water or premature deterioration of the public improvements, a soil investigation of each lot in the subdivision may be required by the Public Works Department. The soil investigation shall recommend corrective action intended to prevent damage to the proposed structure or public improvements. The fact that a soil report has been prepared shall be noted on the final plat and a copy attached to the preliminary plat application.

## 7-19-605. EVALUATION OF PRELIMINARY PLAT.

The Community and Economic Development Department shall check the preliminary plat for general compliance with these regulations, design standards and other applicable ordinances. If the preliminary plat is not complete or not in general compliance, the Community and Economic Development Department shall notify the subdivider in writing and specify the respects in which it is deficient. If the submission is complete and in general compliance, the subdivider shall transmit the requested number of copies of such plat, together with accompanying data, to such public agencies and utilities as may be concerned. Each of the public agencies and utilities may, within a reasonable time, forward to the Community and Economic Development Department a written report of its findings and recommendations. These agencies shall include, but not necessarily be limited to, the Community and Economic Development Department, Improvement Districts, Salt Lake Valley Health Department, the Public Works Department, the Fire Department, telephone company, gas company and power company. The Community and Economic Development Department will provide the City Manager with one copy of the preliminary plat for review.

**(Ord. No. 96-37 Amended 06/21/1996; Ord. No. 10-35 Amended 11/08/2010)**

## 7-19-606. PLANNING COMMISSION ACTION.

Within a reasonable time after the filing of a preliminary plat of a subdivision and any other information required, the Planning Commission shall act thereon. If the Planning Commission shall find

that the proposed plat complies with the requirements of this Chapter and that it is satisfied with the plat of the subdivision, it shall recommend approval, or approval with conditions, of the plat. If the Planning Commission finds that the proposed plat does not meet the requirements of this Title or other applicable ordinances, it shall recommend disapproval of such plat.

## 7-19-607. NOTIFICATION OF APPROVAL.

The Community and Economic Development Department shall notify the subdivider, in writing, of the action taken by the Planning Commission, together with one copy of the minutes of the Planning Commission meetings. One copy of the plat and accompanying conditions, if applicable, and the minutes of the Planning Commission meeting shall be retained in the permanent file of the Planning Commission. The subdivider shall make any revisions to the preliminary plat required under the terms of the Planning Commission approval, and shall submit four copies of the revised preliminary plat to the Community and Economic Development Department. When the Community and Economic Development Department is satisfied that all revisions required under terms of the Planning Commission approval have been met, as well as approval from the City Public Works Department, the subdivider may proceed with the final plat.

**(Ord. No. 96-37 Amended 06/21/1996; Ord. No. 10-35 Amended 11/08/2010)**

## 7-19-608. EFFECT OF APPROVAL OF THE PRELIMINARY PLAT.

Approval of the preliminary plat shall in no way relieve the subdivider of his responsibility to comply with all required conditions and ordinances, and to provide the improvements and easements necessary to meet all City standards.

## 7-19-609. FINAL PLAT - PURPOSE.

The purpose of the final plat is to require formal approval by the Planning Commission and City Council before a major subdivision plat is recorded. The final plat and all information and procedures relating thereto shall in all respects be in compliance with the provisions of this Title. The final plat and improvement plans submitted shall conform in all respects to those regulations and requirements specified during the preliminary plat procedure. The City Manager shall not sign any final plat until such plat has been approved by the Planning Commission and the City Council.

**(Ord. No. 10-35 Amended 11/08/2010)**

## 7-19-610. FILING DEADLINE, APPLICATION AND FEES.

(1) Application for final plat approval shall be made within 12 months after approval or conditional approval of the preliminary plat by the Planning Commission. This time period may be extended for up to 12 months if the subdivider petitions the Planning Commission for an extension prior to the expiration date. Only one extension may be granted.
(2) In subdivisions where a final plat for an individual phase of the overall subdivision has been approved and recorded within the timeframe outlined in Section 7-19-610(1), preliminary plat approval shall be considered to be valid for an additional 12 months from the date of recording of each final plat. This time period may be extended for up to 12 months pursuant to subsection (1).

(3) The subdivider shall file an application for final plat approval with the Community and Economic Development Department on a form prescribed by the City, together with copies of the final plat. The number of copies of the final plat to be submitted shall be determined by the Community and Economic Development Department.

**(Ord. No. 94-38 Amended 05/10/1994; Ord. No. 96-37 Amended 06/21/1996)**

## 7-19-611. FINAL PLAT - PREPARATION AND REQUIRED INFORMATION.

(1) The final plat shall consist of a sheet of paper to the outside or trim line dimensions of 24 by 36 inches, and the border line of the plat shall be drawn in heavy lines leaving a space of at least one and one-half inch on the left margin of the sheet for binding, and not less than a one-half inch margin in from the outside or trim line around the other three edges of the sheet. The plat shall be so drawn that the top of the sheet either faces north or east, whichever accommodates the drawing best.
(2) The actual plat drawing shall be made on a scale large enough to clearly show all details, and the workmanship on the finished drawing shall be neat, clear and readable. The subdivider must also furnish an approved and acceptable reproduction of the original plat made on mylar, and to the same dimension and size as the original.
(3) The printing or reproduction process used shall not incur any shrinkage or distortions and the reproduced tracing furnished shall be of good quality, to true dimension, clear and readable and in all respects comparable to the original plat so that the lines, dimensions and marking will not rub off or smear. Both of the tracings, whether originals or one original and a reproduction, shall be signed separately by all required and authorized parties and the final drawings or plats shall contain the information set forth in this Section and shall be stamped by a Professional Land Surveyor. The location of the subdivision within the City shall be shown by a small scale vicinity map on the first sheet.
(4) The title of each sheet of such final plat shall consist of the approved name and unit number of the subdivision, if any, at the lower right hand corner of the sheet, followed by the words "West Valley City."
(5) Wherever the Public Works Department has established a system of coordinates, the survey shall use such system. The adjoining corners of all adjoining subdivisions shall be identified by lot and block numbers, subdivision name and place of record, or other proper designation and all recording information such as entry numbers, and book and page numbers.
(6) An accurate and complete record of survey map in accordance with Utah State Code shall be made of the land to be subdivided. The record of survey map shall be filed in the office of the Salt Lake County Surveyor prior to preparation of the final subdivision plat. The exterior boundaries shown on the final subdivision plat shall be consistent with the boundary lines as depicted on the filed record of survey map and shall close mathematically within 0.01 feet.
(7) The final plat shall show all survey, mathematical information and data necessary to locate all monuments and to locate and retrace all interior and exterior boundary lines appearing thereon, including bearing and distance of straight lines, and central angle, radius, and arc length of curves, and such information as may be necessary to determine the location of the beginning and ending points of curves.
(8) All lots and blocks and all parcels offered for dedication for any purpose shall be delineated and designated with dimensions, boundaries and courses clearly shown and defined in every case. Parcels to be conveyed to the City other than dedication for streets or easements shall be designated by parcel letter and conveyed by separate warranty deed to be recorded with the

plat. Sufficient linear, angular and curve data shall be shown to determine readily the bearing and length of the boundary lines of every block, lot and parcel which is a part thereof. Sheets shall be so arranged that no lot is split between two or more sheets, and wherever practicable, blocks in their entirety shall be shown on one sheet. No ditto marks shall be used for lot dimensions. Lot numbers shall begin with the numeral "1" and continue consecutively throughout the subdivision with no omissions or duplications. When a subdivision is developed in phases, the phase number shall precede each lot number. For example, phase two would be numbered 201, 202, 203.

(9) The plat shall show the right-of-way lines of each street, and the width of any portion being dedicated, and widths of any existing dedications. The widths and locations of adjacent streets and other public properties within 200 feet of the subdivision shall be shown with dotted lines. If any street in the subdivision is a continuation or an approximate continuation of an existing street, the conformity or the amount of nonconformity of such street to such existing streets shall be accurately shown.

(10) The side lines of all easements shall be shown by fine dashed lines. The widths of all easements and sufficient ties thereto to definitely locate the same with respect to the subdivision shall be shown. All easements shall be clearly labeled and identified. All lots shall have a front and rear yard easement of 10 feet and at least one side yard easement which shall be the same dimension as the minimum side yard required by the Zoning Ordinance.

(11) If the subdivision is adjacent to a waterway, the plat shall show the line of high water with a continuous line and shall also show with a fine continuous line, any lots subject to inundation by a 100 year flood.

(12) The plat shall show fully and clearly stakes, monuments and other evidence indicating the boundaries of the subdivision as found on the site. Any monument or bench mark that is disturbed or destroyed before acceptance of all improvements, shall be replaced by the subdivider under the direction of the Public Works Department. The following required monuments shall be shown on the final plat:

a. The location of all monuments placed in making the survey, including a statement as to what, if any, points were reset by ties.
b. All rear and front lot monuments or offset lead pins in the concrete surface of the top back of curb.

(13) The title sheet of the map, below the title, shall show the name of the Professional Land Surveyor, together with the date of the survey, the scale of the map and the number of sheets. The following certificates, acknowledgments and description shall appear on the title sheet of the final maps, and such certificates may be combined where appropriate:

a. Professional Land Surveyor's "certificate of survey."
b. A statement by the surveyor certifying that lots in the subdivision comply with the applicable zoning ordinance in area and dimension at the date of the survey.
c. Owner's dedication certificate.
d. Notary public's acknowledgment.
e. A description of all property being subdivided with reference to maps or deeds of the property as shall have been previously recorded or filed. Each reference in such description shall show a complete reference to the book and page of records of the county. The description shall also include reference to any vacated area with the vacation ordinance number indicated.
f. Such other affidavits, certificates, acknowledgments, endorsements and notarial seals as are required by law, by this Title or by the City Attorney's Office.

g. Prior to the filing of the final plat with the City Council, the subdivider shall submit a current title report to be reviewed by the City Attorney's Office.

(14) A note shall be placed on the final plat indicating that a soil test, in accordance with Section 7-19-604, has been prepared for the proposed subdivision.

(15) When a subdivision contains lands which are reserved in private ownership for community use, the subdivider shall submit, with the final plat, the name, proposed articles of incorporation, and bylaws of the owner or organization empowered to own, maintain and pay taxes on such lands.

(16) An address schedule, or individual lot addresses shall be placed on the final plat. Addresses shall conform to the established grid system for Salt Lake County and shall include optional addresses for corner lots.

(17) When a solid visual barrier is required as a condition of subdivision approval such as that specified in Section 7-19-805(5)(c), the details of such barrier, including sections, elevations and finish texture, shall be required with the final plat.

**(Ord. No. 96-37 Amended 06/21/1996; Ord. No. 10-35 Amended 11/08/2010)**

## 7-19-612. DATA TO ACCOMPANY FINAL PLAT.

At the time a final plat of a subdivision is submitted to the Community and Economic Development Department, the subdivider shall submit therewith the following documents:

(1) Calculation and traverse sheets giving bearings, distances and coordinates of the boundary of the subdivision and blocks and lots as shown on the final plat.

(2) Design data, assumptions and computations for proper analysis in accordance with sound engineering practice, along with appropriate plan, section and profile sheets for all public improvements. An overall site grading and drainage plan and a storm water pollution prevention plan shall also be required in accordance with Title 18 of the City Code.

(3) The final plat shall be accompanied by a current title report naming the persons whose consent is necessary for the preparation and recordation of such plat and for dedication of the streets, alleys and other public places shown on the plat and certifying that as of the date of the preparation of the report, the persons therein named are all the persons necessary to give clear title to such subdivision.

**(Ord. No. 94-38 Amended 05/10/1994; Ord. No. 10-35 Amended 11/08/2010)**

## 7-19-613. EVALUATION OF FINAL PLAT.

(1) The Community and Economic Development Department shall check the final plat for completeness and general compliance with this Title and for incorporation of any changes required during the preliminary plat procedure. If the submission is not complete, not in general compliance with, or does not incorporate required changes, the Community and Economic Development Department shall notify the applicant in writing and specify the respects in which it is deficient. If the submission is complete, in general compliance and incorporates required changes, the Community and Economic Development Department shall refer the plat and application to the Public Works Department and other applicable agencies for their approval or direct the applicant to secure such approvals.

(2) Upon receipt of the final plat and other data submitted, the Public Works Department shall examine such to determine that the subdivision, as shown, is substantially the same as it

appeared on the preliminary plat and any approved alterations thereof. If the Public Works Department shall determine that full conformity has been made, it shall so certify on said plat and shall transmit said plat back to the Community and Economic Development Department who shall bring it before the Planning Commission.

**(Ord. No. 96-37 Amended 06/21/1996; Ord. No. 10-35 Amended 11/08/2010)**

## 7-19-614. PLANNING COMMISSION ACTION.

Upon receipt of the final plat, the Planning Commission shall examine the plat to determine whether the plat conforms with the preliminary plat and with all changes requested and all requirements imposed as conditions of acceptance, and if the Planning Commission shall thereupon determine that the plat is in conformity, it shall recommend approval of the plat. If the Planning Commission shall determine that the final plat does not fully conform to the preliminary plat as approved, it shall advise the subdivider of the changes or additions that must be made for approval. The subdivider shall be responsible for notifying the Community and Economic Development Department that he or she is ready to go to the City Council for final plat approval. If such notification is not given within 12 months from the date of final approval by the Planning Commission, such approval shall be null and void. This time period may be extended for up to 12 months if the subdivider petitions the Planning Commission for an extension prior to the expiration date. Only one extension may be granted.

**(Ord. No. 96-37 Amended 06/21/1996; Ord. No. 10-35 Amended 11/08/2010)**

## 7-19-615. CITY COUNCIL ACTION.

(1) The City Council shall not be bound by the recommendations of the City Departments, the Planning Commission or the City Manager, and may set its own conditions and requirements consistent with this Title.
(2) Within a reasonable time following the approval of the major subdivision plat by the Planning Commission, the City Council shall consider the plat. If the City Council determines that the plat is in conformity with the requirements of this Chapter, other applicable ordinances and any reasonable conditions as recommended by the City departments, Planning Commission, City Manager or on its own initiative, and that it is satisfied with such plat of the subdivision, it shall approve the plat.

**(Ord. No. 10-35 Amended 11/08/2010)**

## 7-19-616. DISAPPROVAL BY THE CITY COUNCIL.

If the City Council determines that the plat is not in conformity with this Chapter, or other applicable ordinances, or any reasonable conditions imposed, it shall disapprove the plat specifying the reasons for such disapproval.

**(Ord. No. 96-37 Amended 06/21/1996; Ord. No. 10-35 Amended 11/08/2010)**

## 7-19-617. APPEAL OF CITY COUNCIL DECISIONS.

A subdivider may appeal any decision of the City Council to the District Court. Such appeal shall be made within 30 days of the rendering of a decision by the City Council.

## 7-19-618. PERFORMANCE BOND - SUBDIVIDER.

(1) Prior to recordation of a final plat, after it has received City Council approval, the subdivider shall either complete all of the public improvements required in the subdivision, or enter into a performance bond agreement with the City to insure completion of all public improvements required to be installed in the subdivision. Improvements installed prior to plat recording shall be bonded at a rate of 10 percent for the duration of the warranty period. The bond shall be prepared and administered by the City Public Works Department. The bond agreement shall be in a form and contain such provisions as approved by the City Attorney's Office. The agreement shall include but not be limited to:
    a. Incorporation by reference of the final plat and all data required by Section 7-19-612 which is used to compute the cost of the improvements by the Public Works Department.
    b. Completion of the improvements within a period of time not to exceed two years from the date the agreement is executed.
    c. The improvements shall be completed to the satisfaction of the Public Works Department and according to City standards, as established by the Public Works Department and accepted as specified in Section 7-19-902(2).
    d. The bond amount shall be equal to the Public Works Department's estimated cost of the public improvements to be installed plus the product of the current annual inflation rate times the number of years the bond will be in effect times the estimated cost of the public improvements to be installed.
    e. The City shall have exclusive control over the bond proceeds and they may be released only upon written approval of the City Manager.
    f. The bond proceeds may be reduced upon request of the subdivider as the improvements are installed. The amount of the reduction shall be determined by the Public Works Department. Such requests may be made only once every 30 days and no reductions shall be authorized until such time as the Public Works Department has inspected the improvements and found them to be in compliance with City standards. All reductions shall be by the written authorization of the City Manager.
    g. If the bond proceeds are inadequate to pay the cost of the completion of the improvements according to City standards for whatever reason, including previous reductions, then the subdivider shall be responsible for the deficiency and no further building permits shall be issued in the subdivision until the improvements are completed or, with City Council approval, a new bond has been executed to insure completion of the remaining improvements.
    h. If upon written demand of the City after expiration of the time period bond proceeds are not transferred to the City within 30 days of the demand, then the City's costs of obtaining the proceeds, including the City Attorney's Office costs or outside attorney's fees and court costs, shall be deducted from the bond proceeds.
    i. Upon receipt of the bond proceeds, after the expiration of the time period, the costs of completion shall include reimbursement to the Public Works Department and all other

City departments for the costs of administration of the completion of the improvements.

j. The subdivider agrees to hold the City harmless from any and all liability which may arise as a result of the improvements which are installed until such time as the City accepts the improvements as provided in Section 7-19-902(3).

(2) Such bond agreement shall be one of the following types as dictated by the City:
   a. With a surety company licensed to do business in the State of Utah.
   b. An irrevocable letter of credit with a financial institution federally or state insured.
   c. Cash or a cashier's check made payable only to the City.

(3) The time period for the completion of the required public improvements may be extended in the following manner:
   a. Upon approval of the City Manager, the time period may be extended an additional two years from the expiration date of the original bond agreement.
   b. Said approval shall be in a form approved by the City Attorney's Office and in compliance with all provisions of this Chapter.
   c. Any further extension shall be by approval of the City Council.

**(Ord. No. 10-35 Amended 11/08/2010; Ord. No. 14-17 Amended 3/18/14)**

## 7-19-619. PERFORMANCE BOND - CONTRACTOR.

(1) All public improvements required under this Title shall be installed by a contractor or subcontractors licensed by the State of Utah.

(2) Prior to the installation of such improvements, the contractor or subcontractor shall obtain the necessary permits from the Public Works Department and file a performance bond with the City using a surety company licensed to do business in the State of Utah in an amount equal to 10 percent of the cost of installation of the improvements. The bond shall be for one year and shall insure that the improvements do not have any latent defects such that the improvements do not continue to meet City standards after the completion as provided for in Sections 7-19-617 and 7-19-618(1)(c).

(3) The bonding requirements of this Section shall not be required if the subdivider elects to use the subdivider performance bond required in Section 7-19-618 for the purpose provided in paragraph (2) above. If the subdivider so elects, the City shall hold 20 percent of the proceeds of the bond for one year after the improvements have been inspected and accepted by the City for this purpose. The subdivider shall still be responsible for replacing any substandard improvements if the 20 percent proceeds are inadequate.

**(Ord. No. 14-17 Amended 3/18/14)**

## 7-19-620. COPY OF OWNER'S PAYMENT BOND REQUIRED.

Prior to the issuance of any permits to install any public improvements, the subdivider shall file with the City a copy of the bond required by Section 14-2-1, Utah Code Annotated 1953, as amended, which requires prompt payment for material furnished and labor performed under the subdivider's contract with the contractor.

## 7-19-621. DELAY AGREEMENT.

In lieu of the performance bond requirements outlined above, at the City's option the subdivider may be permitted to execute an agreement, in a form acceptable to the City Attorney's office, delaying the installation of any or all of the public improvements required pursuant to this Title.

## 7-19-622. RECORDING OF PLAT.

After City Council approval, completion of the required public improvements or filing of the bond agreement described in Section 7-19-618, above, and signing of the plat by the City Manager, the plat for the subdivision shall be presented by the City Recorder to the Salt Lake County Recorder for recordation.

**(Ord. No. 10-35 Amended 11/08/2010)**

## 7-19-623. EXPIRATION OF FINAL APPROVAL.

If the requirements set forth in Section 7-19-622 above are not met by the subdivider within one year from the date of City Council approval, such approval shall be null and void. This time period may be extended for additional six-month periods by the City Manager. The subdivider must petition for an extension, prior to the expiration of the original one year or an extension previously granted. An extension may be granted only if the City Manager finds that it will not be detrimental to the City. If any of the fees charged as a condition of subdivision approval, including but not limited to, inspection fees, parks fee, flood control fees, as well as the amounts the City uses to estimate bonds to insure completion of improvements, have increased, the City Manager may require that the subdivider pay such increases as a condition of granting the extension.

**(Ord. No. 10-35 Amended 11/08/2010)**

# 7-19-700P PART 7—SUBDIVISION BY METES AND BOUNDS

## 7-19-701. PURPOSE.

(1) The intent of this Chapter is to streamline the subdivision review and approval process for proposed agricultural lots over two acres, and commercial or industrial lots. Property to be divided under this part shall require no street dedication.
(2) When the subdivider is prepared to sell specific parcels of property not previously subdivided, he or she must demonstrate to the satisfaction of the City the following:
    a. That proposed lots conform to the previously approved General Plan;
    b. That the utility and/or vehicular access to remaining undeveloped property will not be impaired; and
    c. That remnant parcels are not created which, due to size, configuration or location, are not developable.

**(Ord. No. 10-35 Amended 11/08/2010)**

## 7-19-702. APPROVAL REQUIRED.

(1) Prior to the subdivision of any parcel or tract by metes and bounds, such subdivision shall be approved by the Community and Economic Development Director. The approval shall be based on the compliance of the proposed subdivision with the laws and ordinances of the City with respect to street improvements, installation of utilities, zoning requirements and flood control requirements.
(2) The subdivider shall submit a complete application which shall include one reproducible copy and two prints of the property survey and legal description certified by a Professional Land Surveyor, and any necessary improvement plans and bond agreements. At the time application is made, the owner shall pay an application fee as published in the Consolidated Fee Schedule.
(3) The Community and Economic Development Department shall review the proposed subdivision and shall request recommendations from the Public Works Department, Water and Sewer Improvement District and other appropriate agencies.
(4) The subdivision may be approved, approved with conditions, or disapproved. The decision shall be made within a reasonable time period after receipt of the application.
(5) If the survey is in compliance with all ordinances and conditions, the plat shall be signed by the Community and Economic Development Director.
(6) The subdivider shall file the record of survey in the office of the Salt Lake County Surveyor.

**(Ord. No. 96-37 Amended 06/21/1996; Ord. No. 10-35 Amended 11/08/2010)**

## 7-19-703. APPEAL OF DECISION.

(1) Appeal of the action of the Community and Economic Development Department may be made to the Planning Commission by any aggrieved person or by any officer, department, board or agency of the City affected by such action. Appeals shall be made by filing, in writing, such appeal with the Secretary of the Planning Commission within 10 days after the decision is made. The appeal will be heard by the Planning Commission at its next regularly scheduled meeting. The Planning Commission may affirm, modify or overrule the decision of the Community and Economic Development Department. The filing of an appeal shall stay all proceedings and actions in furtherance of the matter appealed, pending a decision of the Planning Commission.
(2) Appeals of the Planning Commission decision to the City Council and, thereafter, to District Court shall be made pursuant to Sections 7-19-104 and 7-19-105.

**(Ord. No. 96-37 Amended 06/21/1996)**

# 7-19-800P PART 8—GENERAL REQUIREMENTS OF ALL SUBDIVISIONS

## 7-19-801. SUBDIVISION LAYOUT.

(1) The subdivision layout shall conform to the official General Plan.
(2) Where trees, groves, waterways, scenic points, historic spots or other City assets and landmarks, as determined by the City, are located within a proposed subdivision, every possible means shall be provided to preserve these features.
(3) Whenever a tract to be subdivided adjoins or embraces any part of an existing or proposed street so designated on the major street plan, such part of the public way shall be platted and dedicated, and improved by the subdivider in the location and at the width specified. Cul-de-

sacs are discouraged in order to provide better connectivity between neighborhoods. All road designs shall be approved by the City Public Works Department.

(4) Where a railroad right-of-way abuts a subdivision, the plat shall make provisions for future grade separations whenever the City shall find such a requirement to be necessary.

**(Ord. No. 10-35 Amended 11/08/2010)**

## 7-19-802. COMMENCEMENT OF SITE DEVELOPMENT.

The Community and Economic Development Department, after receiving the final subdivision plat, shall indicate to the subdivider whether altering the terrain or vegetation on the proposed subdivision site may begin in preparation for development of the proposed subdivision.

**(Ord. No. 96-37 Amended 06/21/1996)**

## 7-19-803. BLOCKS.

(1) Lots having double frontage shall not be approved except where necessitated by topographic or other unusual conditions. The width of each block shall be sufficient for an ultimate layout of two tiers of lots therein of a size required by the provisions of this Title, unless the general layout of the vicinity, lines of ownership, topographical conditions or locations of arterial streets or freeways justify or make necessary a variation from this requirement.

(2) Blocks shall not exceed 1500 feet in length. In any block over 900 feet in length, there shall be a crosswalk or pedestrian way in accordance with The Transportation and Public Ways Ordinance.

## 7-19-804. LOTS.

(1) All subdivisions shall result in the creation of lots which are developable and capable of being built upon. A subdivision shall not create lots, and no building permit shall be issued for any lots which would make improvement impractical due to size, shape, steepness of terrain, location of watercourses, problems of sewerage or driveway grades, or other physical conditions.

(2) All lots or parcels created by the subdivision shall have access to a dedicated street improved to standards hereinafter required. Private streets shall not be permitted unless the Planning Commission finds that the most logical development of the land requires that lots be created which are served by a private street or other means of access, and makes such findings in writing with the reasons stated therein. Land designated as public or private right-of-way shall be separate and distinct from lots adjoining such right-of-way and not be included in the area of such lots.

(3) The minimum area and dimensions of all lots shall conform to the requirements of the Zoning Ordinance for the district in which the subdivision is located.

(4) The side lines of all lots, so far as possible, shall be at right angles to the street which the lot faces, or approximately radial to the center of curvatures, if such street is curved. Side lines of lots shall be approximately radial to the center of curvature of a cul-de-sac on which the lot faces. The Planning Commission may allow exceptions to this requirement where considerations for solar orientation are involved.

(5) Corner lots for residential use shall be platted ten feet wider than interior lots in order to permit conformance with the required street setback requirements of the Zoning Ordinance.

(6) A lot shall not be divided by a City boundary. Any such boundary line shall be made a lot line.

(7) Remnants of property shall not be left in the subdivision which do not conform to lot requirements or are not required or more suitable for a common open space, private utility or public purpose.
(8) Lot numbers shall begin with the number "1" and shall continue consecutively through the subdivision, with no omissions or duplications; no block designations shall be used.
(9) Except for group dwellings and planned unit developments, as specifically authorized by this Title and the Zoning Ordinance, not more than one dwelling unit shall occupy any one lot.
(10) Flag lots may be approved by the Planning Commission in any residential zone where, due to parcel dimension or configuration, traditional lot design is not feasible. Such lots shall meet the following criteria:
   a. The stem of the lot shall be not less than 20 feet in width;
   b. The length of the stem shall be determined by the Planning Commission;
   c. The stem shall be hard surfaced in asphalt or concrete;
   d. The stem of the lot shall have direct access to a dedicated street;
   e. The Planning Commission may allow a stem to serve more than one lot upon a determination that the most logical development of the site necessitates such a design. If a stem is to serve more than 1 lot, the stem portion shall be a minimum 24 feet in width;
   f. The nearest fire hydrant shall be located no greater than 250 feet from the nearest corner of the proposed building on the lot. If the stem portion exceeds a distance of 250 feet, a turnaround area shall be provided. the turnaround configuration shall be reviewed and approved by the City Fire Department;
   g. The minimum lot area of a flag lot shall be no less than 12,000 square feet. For flag lot consideration in the R-1-12, R-1-15, R-1-20 and Agricultural zones, the minimum lot requirements of that particular zone shall apply. The stem area shall not be used in computing lot size;
   h. All lots resulting from the creation of a flag lot shall have a lot width and lot area no less than the minimum lot width and lot area requirement of the underlying zone and shall be measured at the front setback line;
   i. To ensure proper storm water drainage, the developer shall submit a grading and drainage plan in conjunction with the subdivision plat to be revised and approved by the City Public Works Department; and
   j. Flag lots, including the stem portion, shall be held in fee simple ownership.

**(Ord. No. 94-38 Amended 05/10/1994; Ord. No. 96-37 Amended 06/21/1996; Ord. No. 99-28 Amended 07/09/1999; Ord. No. 10-35 Amended 11/08/2010)**

## 7-19-805. STREETS.

(1) All streets shall be designated and constructed with the appropriate street classification requirements specified in the Transportation and Public Ways Ordinance. Additional right-of-way and pavement widths may be required to accommodate bike lanes as shown on the West Valley City Bike Plan.

STREET CLASSIFICATION

| Minimum Requirements | Freeway | Major Arterial | Minor Arterial | Collector | Minor Collector | Minor Street |
|---|---|---|---|---|---|---|
| Right-of-Way Width | 200+ft . | 106 ft. | 80 ft. | 66 ft. | 60 ft. | 54 ft. |
| Pavement | 175+ft . | 81 ft. | 55 ft. | 41 ft. | 35 ft. | 29 ft. |

(2) Where the potential impacts on the existing street systems are considered to be great, or in the case of unique circumstances concerning access, topography or street layout, a Transportation Planning/Engineering Study may be required.

(3) The following principles shall govern street names in a subdivision:
   a. Each street which is a continuation of, or an approximate continuation of, any existing dedicated street shall be given the name of such existing street. When any street forms a portion of a proposed street previously ordered by the City Council to be surveyed, opened, widened or improved, the street shall be given the name established in said Council order.
   b. The names of newly created streets of a non-continuous or noncontiguous nature shall not duplicate or nearly duplicate the name of any streets in the City or in the incorporated or unincorporated areas of Salt Lake County.
   c. The words "Street," "Avenue," "Boulevard," "Place," "Way," "Court," or other designation of any street shall be spelled out in full on the plat and shall be subject to approval by the Planning Commission. Any street name incorporating one of the terms used above shall conform to the definition of that term as specified in the Transportation and Public Ways Ordinance. Any named street shall also have the proper south or west coordinate as approved by the Public Works Department.

(4) Street patterns in the subdivision shall be in conformity with the plan for the most advantageous development of adjoining areas and the entire neighborhood or district. The following principles shall be observed:
   a. Where appropriate to the design and terrain, proposed streets shall be continuous and in alignment with existing planned or platted streets with which they are to connect.
   b. Proposed streets shall be extended to the boundary lines of the land to be subdivided, unless prevented by topography or other physical conditions, or unless, in the opinion of the Planning Commission, such extension is not desirable for the coordination of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.
   c. Dead-end streets, intended as access to future development parcels, shall be a maximum of one lot depth in length. With Planning Commission approval, any dead-end streets longer than one lot depth shall have a minimum of a 40-foot radius temporary turnaround area with an all-weather surface and shall not exceed West Valley City engineering standards as established by the Public Works Department; provided, however, that the street length shall be acceptable to the Planning Commission. Any street exceeding West Valley City engineering standards for single-access street length shall have at least two points of independent access.
   d. Whenever a dead end street is terminated at the boundary of property to be subdivided, the street shall be extended and incorporated into the design of the subdivision, unless the City shall determine that:
      i. Extension of the dead end street is not necessary for either the harmonious flow of traffic in the neighborhood and district, or to adequately provide water and sewer services, and storm drainage.

ii. If it is determined that extension of the road is not necessary, the road shall be terminated with a cul-de-sac as approved by the Public Works Department.

e. Proposed streets shall intersect one another as nearly at right angles as topography and other limiting factors of good design permit. "T" intersections rather than "cross" intersections shall be used wherever possible for local streets.

f. Excessively long and straight connecting local residential streets, conducive to high speed traffic, shall be prohibited according to the Planning Commission's judgment.

g. Alleys shall not be permitted in residential subdivisions except when approved for access to lots abutting an arterial. Alleys in nonresidential subdivisions may be permitted.

h. Cul-de-sacs shall not exceed West Valley City engineering standards as established by the Public Works Department; provided, however that the cul-de-sac length shall be acceptable to the Planning Commission. Cul-de-sacs are discouraged except where no other development options exist. Driveways, mailboxes, fire hydrants, or any other obstruction at the terminal of a cul-de-sac shall be designed in such a way as to provide an area for the piling of snow.

(5) Subdivisions adjacent to arterials and freeways shall be designed as specified in the major street plan and as determined by the Planning Commission. The following principles and standards shall be observed:

a. Street design shall have the purpose of making adjacent lots, if for residential use, desirable for such use by cushioning the impact of heavy traffic and of minimizing the interference with traffic on arterials. The number of intersecting streets and driveways along arterials shall be held to a minimum.

b. Sidewalks along arterial streets shall be placed abutting the curb and shall be not less than six feet in width measured from top back of curb.

c. Design of lots abutting arterial streets shall conform to one of the following alternatives as determined by the Planning Commission:

i. Lots may be platted on a semicircular bulb extending from the arterial toward the subdivision. The bulb shall be designed to accommodate one-way traffic with counter-clockwise circulation. Lots so platted shall conform to the design standards for cul-de-sac lots within the zone where the subdivision is located, except that the minimum depth of such lots shall be 110 feet.

ii. Lots may be platted along a frontage street which is separated from the arterial street by at least 10 feet of permanent landscaping, subject to approval by the Planning Commission. Frontage roads shall enter arterials by means of intersections, designed with turning and stacking capacity adequate for the traffic volume as estimated by the Planning Commission.

iii. Double frontage lots may be platted with a minimum depth of 120 feet. The minimum width of such lots shall be consistent with that required of the zone. Access shall not be allowed from double frontage lots directly onto arterial streets. In cases where homes are sited on double frontage lots with the rear yard adjacent to the arterial, a wall meeting one of the following standards shall be constructed abutting the sidewalk:

1. A six foot high wall consisting of solid masonry to a height of four feet, and ornamental iron in the remaining two feet, interspersed by masonry pillars. The wall shall be constructed to allow occasional removal of plant materials, to permit maintenance of the ornamental iron;
2. A six foot high solid concrete or masonry wall designed with an opening at the bottom at a maximum interval of five feet sufficiently large to allow a

vine to grow through from the residence side of the wall. Vines shall be planted on the residence side of the wall and shall be trained through the openings in order to provide a vegetative covering for the street side of the wall or fence;

3. A six foot high solid decorative concrete or masonry wall; or
4. Other wall designs, as proposed by the developer, may be considered by the Planning Commission.
5. If the subdivision is a planned unit community with an active Home Owner's Association, landscaping shall be installed between the wall and sidewalk to be maintained by the Association.

The type of wall shall be determined by the Planning Commission during the Preliminary Plat approval process, and the type of wall required shall be a condition of preliminary plat approval. Once the wall is installed by the developer and approved by the City in accordance with subdivision requirements, the entire wall shall be maintained by the property owner for that portion affecting their lot. For private developments, the Home Owner's Association shall be responsible for maintenance of the wall. Walls adjacent to I-215 and Bangerter Highway are excluded from this provision. The wall shall be consistent throughout the subdivision. On double frontage lots with walls in the rear yard, two trees shall be planted spaced 30 feet on center. The trees shall be placed such that when mature, the canopy will overhang the wall.

iv. Lots may be platted on cul-de-sacs extending toward an arterial from a minor collector within the subdivision. When such lots are platted on cul-de-sacs, the standards listed in Section 7-19-805(5)(c)(ii) shall apply.

v. At the Planning Commission's discretion, and in instances where the Planning Commission shall find that a masonry wall is unnecessary to mitigate noise, traffic, aesthetic, and/or public safety or other concerns, a solid visual barrier of materials other than masonry may be permitted on double frontage lots.

vi. On lots with available access only onto an arterial, a circular drive or some other type of vehicular maneuvering area shall be provided to enable vehicles to enter traffic moving forward rather than backing. The minimum depth of such lots shall be 120 feet and the minimum width shall be 85 feet.

vii. When a design for a residential subdivision creates lots adjacent to an existing or proposed state freeway, expressway, or highway in areas where high noise levels can be expected, a noise barrier meeting Utah Department of Transportation standards for noise attenuation is required.

d. When any lot borders an arterial, the subdivider may be required to execute and deliver to the City an instrument, deemed sufficient by the City Attorney's Office, prohibiting the right of ingress and egress from the arterial to the lot, and a legal document sufficient to guarantee maintenance of landscaping. The subdivider shall also he required to install such paving as necessary to construct the arterial or to bring the arterial up to standard width and shall install curb, gutter and sidewalk, along the arterial. However, the City may waive the requirement to install sidewalk, if it finds it unnecessary.

(6) Subdivisions adjacent to collector streets with a 66 foot right-of-way width shall be designed so that lots abutting the collector street or streets have a minimum width consistent with the zone in which the subdivision is located and a minimum depth of 120 feet. On lots with available access only onto a 66 foot wide collector street, a circular drive or some other type of vehicular

maneuvering area shall be provided to enable vehicles to enter traffic moving forward rather than backing.

**(Ord. No. 93-77 Amended 02/11/1994; Ord. No. 94-38 Amended 05/10/1994; Ord. No. 94-89 Amended 09/08/1994; Ord. No. 96-37 Amended 06/21/1996; Ord. No. 10-35 Amended 11/08/2010)**

## 7-19-806. PROTECTION STRIPS.

Protection strips shall not be permitted under any circumstances, nor shall remnant parcels be permitted which may act as protection strips.

**(Ord. No. 96-37 Amended 06/21/1996)**

## 7-19-807. DEDICATION AND RESERVATION.

(1) Pursuant to Title 8 of the West Valley City Municipal Code, new development is required to pay a park impact fee and other impact fees that are related to the impact a new development places on the City and its resources. The City pursuant to this Section and consistent with Title 8 may accept dedication of property in an amount equal to the park impact fee or some portion of the fee in order to offset the fee.

(2) All land to be dedicated for park or recreational purposes shall be found to be suitable by the Planning Commission, the Community and Economic Development Department, and the Parks and Recreation Department as to location, parcel size and topography for the park and recreation purposes for which it is indicated in the General Plan or any planned community plan. Such purposes may include active recreation facilities such as playgrounds, play fields, pedestrian or bicycle paths, areas of particular natural beauty and wooded areas to be developed or left in their natural state.

(3) When park or recreational facilities are proposed for dedication, a deed shall be conveyed to the City which shall be recorded with the subdivision plat. When park or recreational facilities are reserved for private use, the developer shall establish conditions as to ownership, maintenance and use of such areas as deemed necessary by the Planning Commission to assure preservation of the intended use.

(4) The provisions of this section shall not normally apply to commercial or industrial subdivisions; however, the Planning Commission may recommend as a condition of approval, that a commercial or industrial subdivider dedicate to the City that portion of a stream bed or drainage channel falling within an industrial subdivision when such portion forms part of an open space network designated in the General Plan or a planned community plan.

(5) In addition to subdivisions, the provisions of this Section requiring the payment of fees, or dedication in lieu of fees, shall apply to all residential developments which require conditional use approval. Such developments shall include, but not be limited to, condominiums, planned unit developments and mobile home parks. The percentage of credit shall be determined by the Planning Commission prior to final approval of a development plan. The fee per unit shall be paid prior to issuance of a building permit for each dwelling unit in the development.

**(Ord. No. 96-37 Amended 06/21/1996; Ord. No. 02-29 Amended 05/30/2002; Ord. No. 10-35 Amended 11/08/2010)**

## 7-19-808. LANDSCAPING.

(1) Whenever, in the opinion of the Planning Commission, the cuts and fills in a hillside subdivision are of sufficient size or visibility to demand special treatment, the subdivider shall be required to landscape such areas with suitable permanent plant materials and to provide for their maintenance.
(2) The subdivision shall be so designed as to either preserve, or provide for, the greatest amount of on-site vegetation.

## 7-19-809. UTILITIES AND EASEMENTS.

(1) All utilities shall be provided through underground service, except where existing utilities are already in place.
(2) Utility easements shall be provided within the subdivision as required for public utility purposes. Easements shall be dedicated along all rear yards and at least one side yard.

## 7-19-810 NEIGHBORHOOD BOX UNITS.

Mail boxes in new subdivisions shall be consolidated in centralized locations no further than 250 feet from any dwelling which the box unit is designed to serve. Boxes shall not be located on corners, but shall be located at mid-block on a property line.

**(Ord. No. 10-35 Amended 11/08/2010)**

## 7-19-811. WATERCOURSES.

(1) The subdivider shall dedicate a right-of-way for storm drainage conforming substantially with the lines of the limits established for future development of the Jordan River Parkway, or any other natural watercourse or channel, stream, creek, irrigation ditch, or floodplain that enters or traverses the subdivision. The subdivider shall also dedicate rights-of-way for any pipe, conduit, channel, and retention or detention area as approved by the Public Works Department for flood control.
(2) For subdivisions located within 100 feet of the center line of a canal, notice to the appropriate Canal Company is required. The City shall provide notice of the proposed subdivision in accordance with Utah Code.

**(Ord. No. 10-35 Amended 11/08/2010)**

## 7-19-812. SOLAR ACCESS AND ORIENTATION.

(1) The street orientation in a subdivision shall be encouraged to run predominantly east/west in order to maximize the amount of solar energy available to each structure, as topography and property lines allow.
(2) It is recommended that structures be oriented so that the longest axis is aligned due east/west, or 15 plus or minus from east/west and that a minimum of 80 percent of the structures within a given subdivision should be so aligned to maximize the amount of solar energy available to each structure.

(3) It is recommended that solar access be established for each dwelling such that the southern elevation and roof of the dwelling is not shaded by the neighboring structure or trees and other landscaping in their natural state from 10 a.m. to 2 p.m. on December 21, Mountain Standard Time.
(4) It is recommended that each dwelling be located within a pyramidal envelope on the lot such that it will not penetrate the planes of the envelope. This building envelope is determined by 45-degree angle planes drawn from the horizontal at the mean grade along each boundary of the lot and each adjacent public right-of-way centerline. These planes slope inward to the center of the lot. To allow for greater flexibility in siting the dwelling on the lot, another set of planes of 60-degree angle sloping from the lot boundaries to the center of the lot are designated for the south, east and west sides of the lot.
(5) Solar access may be secured for any dwelling by negotiating a solar easement with the landowner(s) to the south. See Appendix II, "Model Easement," as passed by the Utah Legislature in March, 1979.

## 7-19-900P PART 9—PUBLIC IMPROVEMENTS

## 7-19-901. DESIGN STANDARDS.

(1) Standards for design, construction specifications, inspection of street improvements, curbs, gutters, sidewalks and standards for design, construction specifications and inspection of storm drainage and flood control facilities shall be prepared by the Public Works Department. Standards for water distribution and sewage disposal facilities shall be prepared by the Water and Sewer Improvement Districts, and similar standards for fire hydrants by the Fire Department. All such standards and amendments thereto, which are under the control of the City, shall be submitted to the City Manager and adopted by the City Council before becoming effective. All subdividers shall comply with the standards established by such departments and agencies.
(2) The design of the subdivision in relation to streets, blocks, lots, open spaces and other design factors shall be in harmony with design standards recommended by the Planning Commission, by the Community and Economic Development Department, the Public Works Department and other City departments and agencies as approved by the City Council.

**(Ord. No. 96-37 Amended 06/21/1996)**

## 7-19-902. REQUIRED IMPROVEMENTS.

(1) The subdivider shall improve or agree to improve all streets, pedestrian ways or easements in the subdivision and on streets which abut, or serve as access to, the subdivision. Permanent improvement work shall not he commenced until improvement plans and profiles have been approved by the Public Works Department and, if applicable, a bond agreement has been executed between the subdivider and the City as specified in Section 7-19-618.
(2) Improvements shall be installed to permanent line and grade and to the satisfaction of the Public Works Department and in accordance with the standard specifications adopted by the City Council. Cost of inspection shall be paid by the subdivider as outlined in the Consolidated Fee Schedule.
(3) Notwithstanding the fact that the land on which the improvements will be located is dedicated at the time of the recording of a plat, the City shall not be responsible for the improvements,

their construction, etc., until such time as there is an official acceptance of the property and the improvements by the City. Such acceptance shall be made as follows:

a. The Public Works Department shall have inspected the improvements and determined that they meet City standards.
b. The subdivider shall provide a current title report showing that the warranty deed and/or subdivision plat is signed by all of the owners of the property and that there are not any unacceptable encumbrances on the property.

**(Ord. No. 10-35 Amended 11/08/2010)**

## 7-19-903. YARD AND STREET LIGHTING.

(1) In residential developments, front yard lights shall be required on each residential lot to illuminate the front yard and sidewalk area and shall conform to the following standards:
    a. Including the required International Building Code (IBC) light next to the front door, lighting fixtures and bulbs may be selected by the homeowner.
    b. The illumination provided shall be not less than 2500 lumens. Property owners with a streetlight located within 40 feet of their property line may reduce this requirement to 1250 lumens.
    c. A photoelectric device is required for all front yard lights intended to meet this requirement, except the required front door light, unless it is the only light intended to meet this requirement.
(2) Installation of Street Lighting in New Development.
    a. In all new development, it shall be the responsibility of the Developer to furnish a street lighting plan as part of the preliminary and/or final plat process. All labor, materials, tools, equipment, and incidentals to design and install street lighting on any new public street constructed as part of the development, and on the frontage of any development abutting a public street shall be provided by the developer. Street Lighting shall be per West Valley City Street Lighting Standards and shall be approved through the subdivision and development review and approval process.
    b. The Developer assumes all responsibility, expense, and liability for the street lighting system until the complete lighting system is accepted by West Valley City.
    c. The City will pay for the operation and maintenance of the street lighting systems installed pursuant to subsections (a) and (b).
(3) The requirements of this Section shall apply to all subdivisions, including those currently under consideration with an original application date after November 10, 1983.

**(Ord. No. 94-127 Amended 01/04/1995; Ord. No. 04-58 Amended 11/29/2004; Ord. No. 10-35 Amended 11/08/2010)**

## 7-19-904. CURB, GUTTER, SIDEWALK AND ASPHALT PAVING.

Curbs, gutters, sidewalks and asphalt paving shall be provided in front of all commercial and residential lots. Curb, gutter and paving shall be required on all industrial property. In industrial or manufacturing subdivisions, sidewalks shall be installed along the north and east sides of the street. Depending on the road classification, sidewalks shall be provided on both sides of the street. At the discretion of the Planning Commission and the Public Works Department, curb, gutter and sidewalk improvements may be omitted in major residential subdivisions where each lot has a frontage of at least

150 feet and an average lot size of 43,000 square feet if adequate provisions has been made for storm water runoff.

**(Ord. No. 96-37 Amended 06/21/1996; Ord. No. 10-35 Amended 11/08/2010)**

## 7-19-905. STORM DRAINAGE.

(1) Site grading shall be performed taking into consideration the drainage patterns of adjacent improved and unimproved property and treating upstream areas, where appropriate, as though fully improved.
(2) In every subdivision, provision shall be made for the satisfactory drainage of storm water by means of underground storm drain pipes, and/or surface drainage ditches. No storm water lines may be connected or constructed so as to flow into sanitary sewers. Major natural drainage courses shall not be appreciably altered from their natural condition except for stabilization and erosion control. Subdividers shall be responsible for the drainage of after-development storm water to a point acceptable under the Flood Control and Storm Drainage Ordinance.
(3) Storm water drains shall be installed as shown on the subdivision development plans.

**(Ord. No. 10-35 Amended 11/08/2010)**

## 7-19-906. DRAINAGE INTO IRRIGATION DITCHES.

(1) Flood control and storm runoff water may only be channeled into existing irrigation ditches with written approval of the acknowledged water master of the applicable ditch. Such approval shall be obtained by the owner.

(2) Engineering calculations shall be submitted which verify that the portion of the ditch to be piped and all downstream open and closed channels are of sufficient size to handle the normal maximum irrigation flow, as determined by the water master, and the ten-year storm runoff to be introduced into the system.

(3) In the event the water master cannot be contacted, the approval of all downstream water shareholders shall be obtained by the subdivider in lieu of the water master approval.

**(Ord. No. 96-37 Amended 06/21/1996)**

## 7-19-907. UNDERGROUND UTILITIES AND SANITARY SEWER.

(1) All underground utilities, sanitary sewers and storm drains installed in streets or alleys shall be constructed prior to the surfacing of such streets or alleys. Connections for all underground utilities, water lines and sanitary sewers for each lot shall be laid to a point which will eliminate the necessity for disturbing the street or alley improvements, when service connections thereto are made.
(2) All telephone, electric power, cable television or other wires or cables shall be placed underground. Equipment appurtenant to the underground facilities, such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets and concealed ducts may be above ground. The subdivider shall make necessary arrangements with the utilities involved for the installation of the underground facilities.

(3) Water mains and fire hydrants connecting to the water system serving the City shall be installed as shown on the plans signed by the Public Works Department. Mains and individual lot services shall be of sufficient size to furnish an adequate water supply for each lot or parcel in the subdivision and to provide adequate fire protection.

**(Ord. No. 10-35 Amended 11/08/2010)**

## 7-19-908. FENCING OR PIPING OF HAZARDS.

(1) The subdivider shall install a six-foot non-climbable chain link fence along all canals, waterways, non-access streets, open reservoirs or bodies of water, railroad rights-of-way, property in agricultural use or zoned for agricultural use and other such features of potentially hazardous nature on, crossing, or contiguous to, the property being subdivided, except on those features which the Planning Commission shall determine would not be a hazard to life, or where the fence itself would create a hazard to the safety of the public. An existing fence, in good condition will satisfy this requirement. Fences required by this section shall comply with construction standards established by the Public Works Department. Canals shall include the North Jordan, South Jordan, Utah & Salt Lake, Brighton/Northpoint, Riter and Kennecott Canals.
(2) At its discretion, in situations where a fence proposed by the subdivider is found to serve the functions of the chain link fence required in Section 7-19-908(1), the Planning Commission may allow a fence of materials other than chain link as a condition of preliminary or final plat approval.
(3) All irrigation ditches shall be piped.

**(Ord. No. 96-37 Amended 06/21/1996; Ord. No. 10-35 Amended 11/08/2010)**

## 7-19-909. MONUMENTS.

(1) Subdivision monuments shall be installed by the subdividor's land surveyor at such points designated on the final plat as approved by the City Engineer. Standard precast monuments must be placed prior to the release of the improvement bonds.
(2) Rebar five-eighths inch in diameter and 24 inches in length, with numbered surveyor's cap, shall be located in the ground, flush at finished grade and at all lot corners, and off-set pins are to be placed in the back of curb.
(3) All monuments shall be certified by the subdividor's land surveyor as accurate.
(4) It is unlawful for any person to install survey monuments having a spatial relationship with any section or quarter section corner without first obtaining from the Salt Lake County Surveyor's Office a monument permit for such installation. All survey monuments installed shall be in accordance with the permit issued and shall be subject to inspection and approval by the Salt Lake County Surveyor's Office.

**(Ord. No. 02-81 Amended 12/17/2002; Ord. No. 03-59 Amended 09/02/2003; Ord. No. 10-35 Amended 11/08/2010)**

## 7-19-910. COMPLETION.

A complete improvement plan "as built" shall be filed with the Public Works Department upon completion of said improvements. The "as built" plans shall be drawn on reproducible copies of the

original tracings and certified as to accuracy and completeness by the subdivider's licensed engineer. Upon receipt and acceptance of the "as built" plan, the Public Works Department will recommend formal acceptance by the City Manager.

## 7-19-1000P PART 10—AMENDING A RECORDED PLAT

## 7-19-1001. VACATING OR CHANGING A SUBDIVISION PLAT.

(1) The City Council may, with or without a petition, consider any proposed vacation, alteration, or amendment of a subdivision plat, any portion of a subdivision plat, or any street, lot or alley contained in a subdivision plat at a public hearing.
(2) If a petition is filed, the City Council shall hold the public hearing within 45 days after it is filed, if:
    a. The plat change includes the vacation of a public street or alley;
    b. Any owner within the plat notifies the City of his objection in writing within ten days of mailed notification; or
    c. A public hearing is required because all of the owners in the subdivision have not signed the revised plat.
(3) Any fee owner, as shown on the last county assessment rolls, of land within the subdivision that has been laid out and platted as provided in this part may, in writing, petition the City Council to have the plat, any portion of it, or any street or lot contained in it, vacated, altered, or amended as provided in this section.
(4) A petition to vacate, alter, or amend an entire plat, a portion of a plat, or a street or lot contained in a plat shall include:
    a. the name and address of all owners of record of the land contained in the entire plat;
    b. the name and address of all owners of record of land adjacent to any street that is proposed to be vacated, altered, or amended; and
    c. the signature of each of these owners who consents to the petition.
(5) Petitions that lack the consent of all owners referred to in Subsection (3) may not be scheduled for consideration at a public hearing before the City Council until the notice required by this part is given.
(6) The petitioner shall pay the cost of the notice.
(7) When the City Council proposes to vacate, alter, or amend a subdivision plat, or any street or lot contained in a subdivision plat, they shall consider the issue at a public hearing after giving the notice required by this part.
(8) Petitions for a lot line adjustment may be approved by the Community and Economic Development Department and executed upon the recordation of an appropriate deed if:
    a. No new dwelling lot or housing unit results from the lot line adjustment;
    b. The adjoining property owners consent to the lot line adjustment;
    c. The lot line adjustment does not result in remnant parcels that did not previously exist; and
    d. The adjustment does not result in violation of applicable zoning requirements.
(9) Before the City Council may consider a proposed vacation, alteration or amendment under (2)(a) and/or (5) of this Section, the City Council shall refer the proposal to the Planning Commission for its recommendation.
(10) The Planning Commission shall give its recommendation within 30 days after the proposed vacation, alteration or amendment is referred to it.

**(Ord. No. 96-37 Amended 06/21/1996; Ord. No. 01-51 Amended 11/19/2001; Ord. No. 10-35 Amended 11/08/2010)**

## 7-19-1002. NOTICE OF HEARING FOR PLAT CHANGE.

(1) The City Council shall give notice of the date, place, and time of a hearing before it to consider a vacation, alteration, or amendment without a petition or to consider any petition that does not include the consent of all land owners as required by Section 7-19-1001, by mailing the notice of hearing to all owners of the property that is the subject of the proposed plat change and each owner of property located within 300 feet of the property that is the subject of the proposed plat change, addressed to their mailing addresses appearing on the rolls of the county assessor of the county in which the land is located.
    a. The notice shall state:
        i. That anyone objecting to the proposed plat change must file a written objection to the change within ten days of the date of the notice;
        ii. That no public hearing will be held if no written objections are received by the City Council within the ten-day time limit; and
        iii. The date, place, and time when a hearing will be held, if one is required.
(2) If the proposed change involves the vacation, alteration, or amendment of a street, the City Council shall give notice of the date, place, and time of the hearing by:
    a. Mailing notice as required in Subsection (1); and
    b. Either:
    c. Publishing the notice once a week for four consecutive weeks before the hearing in a newspaper of general circulation in the municipality in which the land subject to the petition is located; or
    d. If there is no newspaper of general circulation in the City, posting the notice for four consecutive weeks before the hearing in three public places in the City.

**(Ord. No. 97-65 Amended 12/09/97; Ord. No. 96-37 Amended 06/21/96)**

## 7-19-1003. GROUNDS FOR VACATING OR CHANGING A PLAT.

(1) Within 30 days after the public hearing required by this part, the City Council shall consider the petition.
(2) If the City Council is satisfied that neither the public nor any person will be materially injured by the proposed vacation, alteration, or amendment, and that there is good cause for the vacation, alteration, or amendment, the City Council, by ordinance, may vacate, alter, or amend the plat, any portion of the plat, or any street or lot.
(3) The City Council shall ensure that the vacation, alteration, or amendment is recorded in the office of the county recorder in which the land is located.
(4) An aggrieved party may appeal the City Council's decision to district court as provided in the Utah State Code.

**(Ord. No. 96-37 Amended 06/21/1996; Ord. No. 10-35 Amended 11/08/2010)**

## 7-19-1100P PART 11—STREET NAME CHANGE

## 7-19-1101. STREET NAME CHANGE BY PETITION.

Any lot owner or his agent, with written permission of the lot owner, whose lot is within the City and fronts on a street, may petition the City to have the street name changed by filing an application with the Community and Economic Development Department. The application shall include:

(1) The existing name and proposed name of the street;
(2) The street's coordinates;
(3) A list of current property owners and lessees, if any, for the entire street, as well as the street numbers of all homes and businesses that would be affected by a street name change;
(4) An aerial photo with numbers assigned to each business or home and the number and location of any street signs which would be affected by a name change;
(5) A petition signed by as many property owners fronting on the street as possible, approving the name change; and
(6) The fee required in Section 7-19-1103 below.

**(Ord. No. 96-37 Amended 06/21/1996)**

## 7-19-1102. PROCEDURE.

(1) After an application is completed, the proposal shall be submitted to the Planning Commission for a recommendation to the City Council.
(2) After the Planning Commission has heard the proposal and given a recommendation, the proposal shall be brought before the City Council, which shall approve or disapprove of the name change. If it is approved, the name change shall be by ordinance.

## 7-19-1103. FEES.

(1) At the time an application for a street name change is made, the applicant shall pay a fee, which amount shall be set by resolution, to cover the costs of processing the application.
(2) If a name change proposal is approved, the applicant shall pay the replacement cost for all street signs affected by the change.

## 7-19-1104. STREET NAME CHANGE WHEN TWO OR MORE STREETS HAVE THE SAME NAME.

When two or more streets have the same name in the City, the City Council, by ordinance and without a petition, may change the name of any of the streets so as to leave only one to be designated by the original name.

# CHAPTER 7-20
# ENFORCEMENT

Sections:

7-20-101. Enforcement Responsibility.
7-20-102. Powers and Duties of the Community and Economic Development Department.
7-20-103. Permits to Comply with Ordinance.
7-20-104. Site Plans Required.
7-20-105. Violations-Penalties.
7-20-106. Enforcement.

## 7-20-101. ENFORCEMENT RESPONSIBILITY.

The Community and Economic Development Department and the Community Preservation Department are charged with the enforcement of this Title.

**(Ord. No. 99-52 Amended 08/20/1999; Ord. No. 10-08 Amended 03/29/2010)**

## 7-20-102. POWERS AND DUTIES OF THE COMMUNITY DEVELOPMENT DEPARTMENT.

The Community and Economic Development Department is hereby authorized to inspect or cause to be inspected all buildings and structures in the course of construction, modification or repair, and to inspect land uses to determine compliance with the provisions of this Title, provided however, that no such inspection shall be required as a condition precedent to commencement on continuation of any construction, modification or repair of building or structure.

The Community and Economic Development Department and the Community Preservation Department shall enforce all of the provisions of this Title, employing all legal means available to do so. The Director may designate any employee as an enforcement official. Any employee designated as an enforcement official is authorized to enter upon any property or premises to ascertain whether the provisions of the City Code, any applicable state codes, or any conditions imposed by the Planning Commission, Board of Adjustment or the Planning and Zoning Division are being obeyed and to make any examinations and surveys as may be necessary in the performance of the employee's enforcement duties. This may include the taking of photographs, samples, or other physical evidence. All inspections, entries, examinations, and surveys shall be done in a reasonable manner based upon probable cause. If the property owner or person responsible for the property refuses to allow the employee to enter the property, the employee shall obtain and execute a search warrant.

**(Ord. No. 99-52 Amended 08/20/1999; Ord. No. 10-08 Amended 03/29/2010)**

## 7-20-103. PERMITS TO COMPLY WITH ORDINANCE.

Building permits shall not be issued without first having been approved by the Community and Economic Development Department. The Community and Economic Development Department shall not approve a building permit if any building, structure or use of land would be in violation of any of the provisions of this Title, nor shall any other City officer grant any permit or license allowing the use of any building or land if the use would be in violation of this Title.

**(Ord. No. 99-52 Amended 08/20/1999)**

## 7-20-104. SITE PLANS REQUIRED.

A detailed site plan, drawn to scale, the scale and sheet size to be determined by the Community and Economic Development Department, shall be filed as part of any application prior to consideration or for any building permit. The site plan shall show where pertinent:

(1) Note of scale used.
(2) Direction of north point.
(3) Lot line together with adjacent streets, roads and rights-of-way.
(4) Location of all existing structures on subject property and adjoining properties (completely dimensioned, including utility lines, poles, etc.).
(5) Location of the proposed construction and improvements, including the location of all signs.
(6) Motor vehicle access, including individual parking stalls, circulation patterns, curb, gutter and sidewalk locations.
(7) Necessary explanatory notes.
(8) Name, address and telephone number of builder and owner.
(9) All other information that may be required as determined by the Community and Economic Development Department.

**(Ord. No. 99-52 Amended 08/20/1999)**

## 7-20-105. VIOLATIONS-PENALTIES.

(1) It is a violation of this Title to:
    a. use any land, building or structure for any purpose or use not allowed in the zone in which such land, building or structure is located, unless otherwise provided for in this Title; or
    b. fail to comply with any applicable Section of this Title, or with any condition imposed by the Planning Commission, Board of Adjustment, or the Planning and Zoning Division.
(2) Unless otherwise provided herein or by State or Federal law, a violation of this Title shall be a Class C misdemeanor. Each day that the violation is committed or permitted to continue shall constitute a separate offense, and shall be punishable as such.

**(Ord. No. 99-52 Amended 08/20/1999)**

## 7-20-106. ENFORCEMENT.

Unless this Title provides otherwise, this Title may be enforced through the Administrative Code Enforcement Hearing Program established in Title 10 of the City Code, or by filing civil or criminal actions as provided by law. The City has sole discretion to decide whether to file a civil or criminal case for a violation. The City may file both, or one or the other. The possibility of an administrative remedy pursuant to Title 10 shall in no way interfere with the City's right to prosecute violations of this Title as criminal offenses, or to seek any civil remedy to enjoin, prevent, or abate the violation. The City may use any of the remedies available under the law in both civil litigation and criminal prosecution. If the City chooses to file both civil and criminal charges for the same violation on the same day, no civil fines shall be assessed, but all other remedies shall be available.

**(Ord. No. 99-52 Added 08/20/1999)**

# CHAPTER 7-21
# AIRPORT OVERLAY ZONE

Sections:

7-21-101. Purpose.
7-21-102. Airport Overlay Zone Boundaries and Navigation Easement.
7-21-103. Height Limitations.
7-21-104. Use Restrictions.

## 7-21-101. PURPOSE.

The Airport Overlay Zone is established to notify property owners within the flight path of the Salt Lake City International Airport of the impacts associated with aircraft operation and to institute general safety requirements. The Salt Lake City International Airport provides a regional transportation link for the entire United States that is vital to the economic welfare of the region. Therefore, it has been determined that an Airport Overlay Zone should be established, which recognizes the impacts present outside of the airport boundaries. Obstructions that affect the size available for landing, take off, and maneuvering of aircraft impair the utility of airports and the public investment therein. Therefore, it is necessary in the interests of the health, safety, and general welfare of the public that an Airport Overlay Zone be established to prevent hazards, to the extent possible, by the exercise of police powers without compensation.

**(Ord. No. 94-72 Enacted 08/15/1994)**

## 7-21-102. AIRPORT OVERLAY ZONE BOUNDARIES AND NAVIGATION EASEMENT.

There are defined flight paths to and from the Salt Lake City International Airport that traverse through West Valley City. This flight corridor shall constitute the Airport Overlay Zone, and shall be defined as the areas bounded by I-215 on the east, to 5600 West between 2100 South and 3100 South on the west, and by I-215 on the east, to 3600 West between 3100 South and the southern boundary of the City on the west. Prior to obtaining a building permit, any new construction (except remodeling) shall provide an navigation easement that notifies current and subsequent property owners that their property is located within the flight corridor and may be subject to impacts generated by aircraft. The navigation easement grants perpetual rights to the Salt Lake City Airport Authority for the airspace above the land, for the free and unrestricted passage of all aircraft, to the extent that aircraft using Salt Lake City Airport Authority facilities do not exceed current federal guidelines, including any amendments, for airport noise.

**(Ord. No. 94-72 Enacted 08/15/1994)**

## 7-21-103. HEIGHT LIMITATIONS.

No structure shall be erected, altered, or maintained within the Airport Overlay Zone to a height in excess of the height limitations specified in Federal Aviation Administration (FAA) Part 77, "Objects Affecting Navigable Airspace." Those structures exceeding 350 feet in height may be affected.

**(Ord. No. 94-72 Enacted 08/15/1994)**

## 7-21-104. USE RESTRICTIONS.

Within the Airport Overlay Zone, no use shall create any electrical interference with navigational signals for radio communications between the airport and the aircraft, making it difficult for pilots to distinguish airport lights and signals, causing glare in the eyes of pilots using the airport, impairing visibility in the vicinity of the airport, or otherwise in any way creating a hazard or endangering the landing, take off, or maneuvering of aircraft intending to use the airport.

**(Ord. No. 94-72 Enacted 08/15/1994)**

# CHAPTER 7-22
# OVERLAY ZONES

Sections:

7-22-100P Part 1 – Decker Lake Station Overlay Zone
7-22-101. Purpose.
7-22-102. Conditional Use Review.
7-22-103. Architectural, Landscaping and Site Plan Standards.
7-22-104. Use Limitations.
7-22-105. Appeal Procedure.
7-22-200P Part 2 -- Jordan River Overlay Zone
7-22-201. Purpose.
7-22-202. Conditional Use Review.
7-22-203. Effect on Underlying Zone.
7-22-204. Architectural, Landscaping, and Site Plan Standards.
7-22-205. Use Limitations.
7-22-206. Appeal Procedure.
7-22-300P Part 3 -- Bangerter Highway Business Park Overlay Zone
7-22-301. Purpose.
7-22-302. Conditional Use Review.
7-22-303. Effect on Underlying Zone.
7-22-304. Architectural, Landscaping, and Site Plan Standards.
7-33-305. Use Limitations.
7-22-306. Appeal Procedure.
7-22-401. Purpose.
7-22-402. Location.
7-22-403. Conditional Use Review.
7-22-404. Effect on Underlying Zone.
7-22-405. Architectural, Landscaping and Site Plan Standards.
7-22-406. Use Limitations.
7-22-407. Appeal Procedure.
7-22-501. Purpose.
7-22-502. Definitions.
7-22-503. Location.
7-22-504 Development Standards.

## 7-22-100P PART 1 – DECKER LAKE STATION OVERYLAY ZONE

## 7-22-101. PURPOSE.

The Decker Lake Station Overlay Zone permits a full range of office, retail commercial and service uses which are oriented to serve the City as a whole. The Decker Lake Station Overlay Zone is intended to encourage uses in a planned commercial setting which will be compatible and complimentary with the existing entertainment, restaurant and hospitality uses as well as nearby residential neighborhoods. The Overlay Zone also promotes quality architecture that complements the Maverik Center and landscape themes.

**(Ord. No. 96-59 Enacted 10/08/1996; Ord. No. 13-28 Amended 07/11/2013)**

## 7-22-102. CONDITIONAL USE REVIEW.

The West Valley City Planning Commission shall review and approve all development in the Decker Lake Station Overlay Zone as a conditional use. The Planning Commission may attach reasonable conditions to assure compatibility within the Overlay Area.

**(Ord. No. 96-59 Enacted 10/08/1996; Ord. No. 13-28 Amended 07/11/2013)**

## 7-22-103. ARCHITECTURAL, LANDSCAPING AND SITE PLAN STANDARDS.

Development within the Decker Lake Station Overlay Zone shall meet the following standards:

(1) Architecture:
   a. No building exterior shall be comprised of only sheet metal or concrete.
   b. All building elevations shall be designed such that there is equal emphasis on all sides of the building. No building side shall appear neglected or downgraded from the other building sides regardless of visibility.
   c. Accessory buildings shall be compatible with the primary buildings on the site in terms of color, materials and architectural features.
   d. Building materials and colors shall complement the Maverik Center.
   e. Retail and restaurant buildings shall include street side windows and pedestrian leisure spaces.
   f. Bus shelters are subject to design review to ensure architectural compatibility.
   g. For buildings less than 10,000 square feet, no parking shall be allowed between the street and the building.

(2) Landscaping:
   a. A three foot tall berm is required within the landscaping along Decker Lake Drive.
   b. On Decker Lake Drive, Bradford Pear trees of a minimum size of 2” caliper shall be planted within the front yard landscaping an average of thirty feet apart. A different street tree may be used to emphasize intersections.
   c. On I-215, Flowering Crabapple trees of a minimum size of 2” caliper shall be planted within the adjoining landscaping an average of thirty feet apart.
   d. Upon approval from UDOT, businesses located adjacent to I-215 shall landscape to the shoulder of the Interstate. This landscaping may replace the 20 foot minimum width of landscaping required in the commercial zone. If UDOT approval is not obtained, the 20 foot minimum width of landscaping shall apply.
   e. Service and loading areas shall be screened from adjacent businesses, roads and residential areas through the use of landscaping, walls and/or fences.

(3) Pedestrian accommodations:
   a. Stamped concrete is required at driveway intersections and at other key pedestrian areas.
   b. The park strip along Decker Lake Drive shall be 6’ wide. The sidewalk along Decker Lake Drive shall be 8’ wide. Sites that do not meet these standards shall be brought into compliance when any substantial modification to the site or structures on the site in which the estimated construction cost exceeds $50,000 is made.

(4) Signage:
   a. Architectural themes shall be used in sign designs.

b. Only monument signs are allowed along Decker Lake Drive.
c. Directory type monument signs may exceed height and area requirements as outlined in Section 11-4-111 of the West Valley City Code.
d. Limited directory pole signs are encouraged along I-215.

**(Ord. No. 96-59 Enacted 10/08/1996; Ord. No. 13-28 Amended 07/11/2013)**

## 7-22-104. USE LIMITATIONS.

Use limitations will be imposed which limit the full range of uses permitted in the underlying zone. It is recognized that some of the uses within the underlying zones may not be compatible with the City's image for gateway and special district areas, and compliance with architectural standards would not be practical. The following uses are not permitted in the Decker Lake Station Overlay Zone:

(1) Automobile sales and service.
(2) Commercial outdoor recreation as a primary use.
(3) Convenience store.
(4) Fast food with drive-up windows (fast food permitted as an accessory use, not primary use).
(5) Motor fuel sales.
(6) Recreational vehicle sales.
(7) Residential uses other than caretaker's facility associated and incorporated in a primary use.
(8) Bail bonds.
(9) Pawn shops.
(10) Check cashing, payday loans and car title loans.
(11) Tattoo establishments.
(12) Sexually-oriented businesses.
(13) Self-storage facilities.
(14) Hardware stores.
(15) Secondhand stores over 6,000 leasable square feet.
(16) Office/warehouse.

**(Ord. No. 96-59 Enacted 10/08/1996; Ord. No. 02-30 Amended 05/21/2002; Ord. No. 13-28 Amended 07-11-2013; Ord. No. 15-04 Amended 01/29/2015)**

## 7-22-105. APPEAL PROCEDURE.

Appeal may be made to the City Council by any person aggrieved by a final decision, determination, or requirement of the Planning Commission, regarding the architectural conditions imposed by the Decker Lake Station Overlay Zone pursuant to the standards governing appeals.

**(Ord. No. 96-59 Enacted 10/08/1996; Ord. No. 13-28 Amended 07-11-2013)**

## 7-22-200P PART 2 -- JORDAN RIVER OVERLAY ZONE

## 7-22-201. PURPOSE.

The Jordan River Overlay Zone (JROZ) is intended to encourage office, restaurant, and quality mixed use residential in a planned, aesthetically pleasing setting which will be compatible and complementary with adjacent uses. Small scale retail and service uses are also promoted when

complementary and accessory to a primary use. The Jordan River Overlay Zone promotes a high level of architectural and landscaping excellence. Enhancements of the architectural quality and streetscape/landscape themes are required. The Jordan River area is considered a gateway to West Valley City that should emphasize cultural, historical, and recreation themes. Street side, first floor retail is encouraged. Mixed use residential is encouraged. Quality materials and design excellence is the foundation of this zone.

**(Ord. No. 98-35 Enacted 04/08/1998)**

## 7-22-202. CONDITIONAL USE REVIEW.

The West Valley City Planning Commission shall review and approve all development in the Jordan River Overlay Zone as a conditional use. The Planning Commission shall utilize the underlying zone requirements and overlay zone development standards, and may attach reasonable conditions to assure compatibility within the Overlay Zone.

**(Ord. No. 98-35 Enacted 04/08/1998)**

## 7-22-203. EFFECT ON UNDERLYING ZONE.

The Jordan River Overlay Zone may add to or limit the uses provided for by the underlying zone. In the case of the "C-2" Zone, certain uses are not permitted, while in the "A" Zone, standard agricultural uses are augmented by the uses provided for in the Jordan River Overlay Zone. Existing businesses within the Jordan River Overlay Zone may continue and can expand with approval by the Planning Commission. Implementation of the standards in Section 7-22-204 shall be considered in all proposed future expansions of existing businesses. The Jordan River Over-lay Zone encourages office, restaurant, mixed use residential, and small scale retail/services uses.

**(Ord. No. 98-35 Enacted 04/08/1998; Ord. No. 04-38 Amended 08/17/04)**

## 7-22-204. ARCHITECTURAL, LANDSCAPING, AND SITE PLAN STANDARDS.

Development within the Jordan River Overlay Zone shall be evaluated based on the following criteria and information:

(1) Site plan drawn to scale of 1"=20', showing the parcel intended for development and the surrounding existing development within 200 feet of the site. Site plans should generally conform to the information outlined in Section 7-14-107 of the West Valley City Land Use Development and Management Act.
(2) Architectural renderings and elevations of proposed buildings. Relationships to surrounding uses shall be considered in respect to the scale and massing of the proposed uses. Building design shall provide equally attractive sides of high quality, rather than placing all emphasis on the front elevation of the structure and neglecting or downgrading the aesthetic appeal of the side elevations of the structure. Visual variety, creativity, and the use of premier materials with compatible color schemes are required. Uses shall incorporate within their plans street side windows and pedestrian leisure spaces.
(3) Landscaping. Spatially accurate conceptual landscaping plans showing plant type and size shall be required. The ability of the landscape to enhance the project through interest and variety will be evaluated.

(4) Vertical elements. Multi-story buildings are encouraged.
(5) Design of parking areas shall attempt to minimize the large uninterrupted hard surfaced areas with landscaping islands. Pedestrian pathways within parking areas are required. Access control will be evaluated as per West Valley City standards (Section 7-6-1006). Street side parking lots are discouraged.
(6) Service and loading areas shall be screened with materials compatible to the building and from adjacent uses/roadways. Coordinated maneuvering and loading docks are encouraged between businesses.
(7) Pedestrian/bicycle accommodation, including trails, sidewalks, street furniture, and appropriate plantings, shall be required. Sidewalks shall be constructed of concrete, with stamped concrete at driveway intersections, and weave through the front yard landscaping adjacent to the public street. Trail materials are not specified, but should be evaluated by the Planning Commission. Bus shelters are permitted if they complement the architectural quality of the buildings.
(8) Noise sources shall be identified from all sources such as parking areas, trash dumpsters, mechanical equipment, and loading/service docks. Screen walls and landscaping shall be employed which screen these areas from the main streets and adjacent residential neighborhoods.
(9) Site and security lighting shall be designed to enhance the architectural quality of the development. Screening of lights from residential areas and glare from traffic areas shall be minimized. Lighting consistency utilizing a design approved for the entire area shall be required in the parking lots. Pedestrian scale lighting along walkways is required.
(10) Sign design themes shall also be included for review by the Planning Commission. The Planning Commission shall not approve a development proposal without a sign plan. Architectural themes shall be carried into the sign plans. No billboards or pole signs are allowed.
(11) Building setbacks. Generally, front yard setbacks for one- and two-story buildings should be 30 feet, provided the area is landscaped and the parking located to the rear of the buildings. Three-story buildings shall be set back a minimum of 40 feet, four-story buildings a minimum of 50 feet, and five-story buildings a minimum of 60 feet. Additional heights shall maintain a 60 foot setback as a minimum. Parking areas are to maintain a 30 foot minimum setback from the public/private roadways.
(12) Special site amenities. Emphasis should be placed on providing site amenities to include courtyards, plazas, fountains, pedestrian sections, monuments, sculpture, and art.

**(Ord. No. 98-35 Enacted 04/08/1998)**

## 7-22-205. USE LIMITATIONS.

Use limitations will be imposed which limit the full range of uses permitted in the underlying zone. It is recognized that some of the uses within the underlying zones may not be compatible with the City's image for gateway and special district areas, and compliance with architectural guidelines would not be practical. The following uses are not permitted in the Jordan River Overlay Zone:

(1) Automobile sales and service.
(2) Convenience stores.
(3) Fast food with drive-up windows (fast food permitted as an accessory use, not primary use).
(4) Motor fuel sales.
(5) Recreational vehicle sales.
(6) Billboards, pole signs.
(7) Self-storage facilities.

(8) Hardware stores.
(9) Office warehouses.
(10) Bail bonds.
(11) Pawn shops.
(12) Check cashing, payday loans and car title loans.
(13) Tattoo establishments.
(14) Sexually-oriented businesses.

**(Ord. No. 98-35 Enacted 04/08/1998; Ord. No. 02-30 Amended 05/21/2002)**

## 7-22-206. APPEAL PROCEDURE.

Appeal may be made to the City Council by any person aggrieved by a final decision, determination, or requirement of the Planning Commission regarding the architectural conditions imposed by this Section pursuant to the standards governing appeals.

**(Ord. No. 98-35 Enacted 04/08/1998)**

## 7-22-300P PART 3 -- BANGERTER HIGHWAY BUSINESS PARK OVERLAY ZONE

## 7-22-301. PURPOSE.

The Bangerter Highway Business Park Overlay (BHBPO) Zone is intended to encourage commercial and industrial uses in a planned, aesthetically pleasing business park setting, which are compatible both in architecture and landscaping to other uses in the zone. Retail service professional business parks and industrial uses are promoted when they are complementary and can function as a unified cohesive development with adjacent uses. The BHBPO Zone promotes a high level of architectural quality, including landscaped street themes. The purpose of the BHBPO Zone along the Bangerter Highway is to encourage an improved visual quality, uniqueness in terms of a sense of place, and economic viability for those developments that occur in this corridor. Quality of materials, design excellence, and appropriate land uses are the foundation of this overlay zone.

**(Ord. No. 99-08 Added 03/23/1999)**

## 7-22-302. CONDITIONAL USE REVIEW.

The West Valley City Planning Commission shall review and approve all development within the BHBPO Zone as a conditional use. The Planning Commission shall utilize the underlying zone requirements and the BHBPO Zone development standards as a basis for the conditional use review. The Planning Commission may attach reasonable conditions to assure compatibility with the adjacent uses and the intent of this overlay zone.

**(Ord. No. 99-08 Added 03/23/1999)**

## 7-22-303. EFFECT ON UNDERLYING ZONE.

The Bangerter Highway Business Park Overlay Zone limits the uses provided in the underlying zone. The BHBPO zone extends 300 feet east from the Bangerter Highway right-of-way from 2100 South

and terminating at 3100 South. The BHBPO Zone also extends 300 feet along the west side of the Bangerter Highway from 2100 South to 2700 South. The Planning Commission, through the conditional use review, shall evaluate the compatibility and the nature of the uses proposed in respect to the existing uses and the development pattern that is occurring in a particular area. The BHBPO Zone encourages high quality visually pleasing uses which derive a benefit from being adjacent to highly landscaped, quality street, by adding standards; increases the level of detail in the review process; limits uses; and promotes public review prior to final approval.

**(Ord. No. 99-08 Added 03/23/1999)**

## 7-22-304. ARCHITECTURAL, LANDSCAPING, AND SITE PLAN STANDARDS.

Development within the Bangerter Highway Business Park Overlay Zone shall be evaluated based on the following criteria and information:

(1) Site plan drawn to a scale of 1"=20', showing the parcel intended for development and the surrounding existing development within 200 feet of the site. Site plans should generally conform to the information outlined in Section 7-14-107 of the West Valley City's Land Use and Development Management Act.

(2) Architectural renderings and elevations of proposed buildings. Relationships to surrounding uses shall be considered in respect to scale and massing of the proposed uses. Building design shall provide equally attractive sides of high quality, rather than placing all the emphasis on the front elevation of the structure, neglecting or downgrading the aesthetic appeal of the side or rear elevations of the structure. Visual variety, creativity, and the use of premier building materials with compatible color schemes are required for new construction. Shopping centers that include retail, convenience stores, or fast food restaurants shall be designed as an integrated development having no separate "pad" sites. Fast food and convenience stores shall be attached to the shopping center comprising one building.

(3) Landscaping. Landscape planting plans shall be submitted for review by the Planning Commission, showing plant botanical and common name, size, and condition. The ability of the landscaping to enhance the project through interest and variety shall be evaluated. Clustering is encouraged to enhance building architecture and screen parking and loading areas. A minimum of two large scale deciduous trees, two medium sized ornamental trees, and two medium sized evergreen trees shall be installed for each 100 feet of frontage along the Bangerter Highway. The Planning Commission may vary the landscape standards when it is determined that the number of trees are not necessary to achieve the desired landscaping theme. Trees shall be a minimum of 2" DBH caliper in size. The interior site landscaping shall be designated to enhance the architecture of the building and aid in the screening of areas that are less visually appealing.

(4) Vertical elements. Multistory buildings are encouraged and, in the industrial areas, the office portion of the complex shall be oriented toward Bangerter Highway.

(5) The design of parking areas shall minimize the large, uninterrupted hard surface parking areas with landscaped islands. Parking lot access shall be evaluated as per West Valley City standards, Section 7-6-1006. Corner lots adjacent to the Bangerter Highway shall have no curb cuts closer than 200 feet from the corner lot line. Parking lots shall be designed such that berming, three-foot curb screen walls, hedges, and landscaping will screen automobiles from street views. Corner lots shall have a landscape element equal to twice the minimum setback abutting the street.

(6) Service and loading areas shall be screened from the adjacent arterial streets. Service areas and loading docks shall not be visible from any of the Bangerter Highway orientations and shall also

be screened with walls or appropriate landscaping when adjacent to interior circulation streets. Coordinated maneuvering and loading docks are encouraged between separate businesses.

(7) Pedestrian or bicycle accommodations shall be evaluated as part of the conditional use review. Pedestrian access between businesses and to bus shelters are to be evaluated as part of the conditional use review by the Planning Commission. Pedestrian walkways will be designed to discourage access along the Bangerter Highway.

(8) Noise sources shall be identified from all areas such as trash dumpsters, mechanical areas, and loading docks. Screens shall be evaluated, which would include both walls and/or building design, to assure that these areas are not visible from the arterial streets or adjacent interior circulation streets.

(9) Site security lighting shall be designed to enhance the architectural design of the building. Pedestrian walkways shall include lighting.

(10) Sign plans shall be submitted for review by the Planning Commission. The Planning Commission shall not approve a development proposal without a sign plan. The emphasis shall be placed on architectural themes, and these signs shall be architecturally compatible with the buildings and the area. Low profile style monument signs will be encouraged. No temporary banner signs shall be allowed adjacent to the Bangerter Highway.

(11) Building setbacks. Generally, the setback standards shall be evaluated in respect to the underlying zoning requirements. The Planning Commission may increase the front yard setback for one to two story buildings to 30 feet, provided that the area is used for landscaping. Parking shall not be allowed within the minimum landscaped areas. Multiple story buildings above three stories shall be set back an additional 10 feet for each additional story in height. Buildings that have a staggered and varied front facade shall be allowed to maintain the minimum setback.

(12) Special site amenities. Emphasis shall be placed on providing site amenities to include courtyards, plazas, fountains, monuments, sculptures, and art.

(13) Use compatibility. The Planning Commission shall evaluate the trend of uses within area. The Planning Commission shall only approve those uses that are deemed compatible or consistent with the development that has occurred within the business park.

(14) Uses such as a motel/hotel shall emphasize longer term lodging catering to a business community. Design emphasis shall include masonry, brick, or stone exteriors and internal room access.

(15) If a development has underlying codes, covenants, restrictions, or other private contractual agreements that are standard above and beyond West Valley City's requirements, the development shall secure approval of the various organizations prior to making application to the Planning Commission as a conditional use.

(16) Existing businesses currently located along the Bangerter Highway may continue and can expand with approval by the Planning Commission. Implementation of these design and development standards shall be considered in all proposed future expansions.

(17) Outside storage will be limited to a maximum of 25 percent of the site or one acre, whichever is smaller. Screening of storage will be required. Vehicle or equipment display is not considered outside storage.

**(Ord. No. 99-08 Added 03/23/1999)**

## 7-22-305. USE LIMITATIONS.

Use limitations will be imposed that limit the full range of uses permitted in the underlying zone. It is recognized that some of the uses within the underlying zones are incompatible with the intent of this district; therefore, the following uses shall not be permitted within the Bangerter Highway Business Park Overlay Zone:

(1) Convenience stores, fast food restaurants, or motor fuel sales as a separate "stand alone" use.
(2) Self-storage facilities.
(3) Used automobile/truck sales and service as a primary use.
(4) Salvage yards, automobile towing/impound.
(5) Asphalt/concrete plants.
(6) Machinery sales/storage.
(7) Welding and fabrication outside of a building.
(8) Detention facilities/jails.
(9) Pawn, check cashing, car title loan shops.
(10) Tattoo establishments.
(11) Chemical, explosive, and fuel manufacturing; hazardous waste.
(12) Sanitary landfills.
(13) Uses that have over one acre or 25 percent of the site in open storage.
(14) Agricultural industry.
(15) Sexually-oriented businesses.
(16) Above-ground utility installations.
(17) Bail bonds.
(18) Payday loans.

**(Ord. No. 99-08 Added 03/23/1999; Ord. No. 02-30 Amended 05/21/2002)**

## 7-22-306. APPEAL PROCEDURE.

An appeal may be made to the City Council by any person aggrieved by a final decision, determination, or requirement of the Planning Commission regarding the architectural conditions imposed by this section pursuant to the standards governing appeals.

**(Ord. No. 99-08 Added 03/23/1999)**

## 7-22-400P PART 4 -- 5600 WEST OVERLAY ZONE

**(Ord. No. 03-82 Added 04/06/2004)**

## 7-22-401 PURPOSE.

The 5600 West Gateway Overlay Zone is intended to encourage uses in an aesthetically pleasing setting which will be compatible with and complementary to adjacent uses, and that will encourage uses that are appropriate in the gateway to the City. Enhancements of the architectural quality and landscape themes are required. To accomplish these goals, building design shall provide high-quality 360-degree architecture. Street side parking lots are discouraged.

**(Ord. No. 03-82 Added 04/06/2004)**

## 7-22-402 LOCATION.

The 5600 West Gateway Overlay Zone extends from the 2100 South Expressway (Highway 201), south to 3100 South, and 250 feet on either side of the right-of-way line for 5600 West.

**(Ord. No. 03-82 Added 04/06/2004)**

## 7-22-403 CONDITIONAL USE REVIEW.

The West Valley City Planning Commission shall review and approve all development in the 5600 West Gateway Overlay Zone as a conditional use. The Planning Commission shall utilize the underlying zone requirements and overlay zone development standards, and may attach reasonable conditions to assure compatibility within the Overlay Zone. This and other applicable Ordinances may be proportionally applied to any expansion or modification of an existing vehicle recycling facility, towing and impound yard or outdoor storage facility, as determined by the Planning Commission.

**(Ord. No. 03-82 Added 04/06/2004)**

## 7-22-404 EFFECT ON UNDERLYING ZONE.

The 5600 West Gateway Overlay Zone may add to or limit the uses provided for by the underlying zone. The legally approved uses in this zone, with a valid land use permit and business license, may continue within the overlay zone and are not considered non-conforming. All expansions of existing legally-approved uses shall be reviewed by the Planning Commission as a conditional use.

**(Ord. No. 03-82 Added 04/06/2004)**

## 7-22-405 ARCHITECTURAL, LANDSCAPING AND SITE PLAN STANDARDS.

Development within the 5600 West Gateway Overlay Zone shall be evaluated based on the following criteria and information:

(2) Site plan drawn to scale of 1"=20', showing the parcel intended for development and the surrounding existing development within 200 feet of the site. Site plans shall conform to the information outlined in Section 7-14-107 of the West Valley City Land Use Development and Management Act.

(3) Architectural renderings and elevations of proposed buildings.
   a. All buildings shall be designed and constructed using 360-degree architecture that provides architectural features on all sides.
   b. All buildings shall be constructed using one hundred percent masonry on the front façade and approved materials on the remainder.
   c. All buildings shall be constructed of compatible color schemes that include neutral natural materials, as approved by the Planning Commission.
   d. All uses shall incorporate street-side windows, as approved by the Planning Commission.
   e. All uses shall incorporate outdoor pedestrian leisure spaces, as approved by the Planning Commission.

(4) Design of parking areas shall minimize the large uninterrupted hard surfaced areas with landscaping islands or tree diamonds. Pedestrian pathways from public sidewalks to the

buildings and through parking areas are required. Access control will be evaluated as per West Valley City standards (Section 7-6-1006) or as per an approved access management plan.

(5) Pedestrian/bicycle accommodation, including trails, sidewalks, street furniture, and appropriate plantings, shall be required as appropriate to the use.

(6) Site and security lighting shall be designed to enhance the architectural quality of the development. Screening to minimize lights from residential areas and glare from traffic areas shall be required. Lighting consistency utilizing a design approved for the entire overlay zone shall be required along public sidewalks. Pedestrian-scale lighting along public sidewalks is required.

(7) Sign design shall also be included for review by the Planning Commission. The Planning Commission shall not approve a development proposal without a sign plan. Architectural themes shall be carried into the sign plans. No sign shall be allowed within the area between the back of curb and sidewalk outside of the UDOT right-of-way.

(8) Building setbacks. Front yard setbacks for buildings and parking shall be a minimum of 30 feet from the back of curb and the parking should be located to the rear and sides of the buildings.

**(Ord. No. 03-82 Added 04/06/2004)**

## 7-22-406 USE LIMITATIONS.

The following uses are not permitted in the 5600 West Overlay Zone:

(1) Vehicle recycling facilities and impound and towing yards after the effective date of this Ordinance;

(2) Welding and fabrication;

(3) Asphalt and concrete plants;

(4) Tire recycling and/or storage;

(5) Detention facilities/jails;

(6) Billboards;

(7) Self-storage facilities;

(8) Sanitary landfills;

(9) Chemical, explosive and fuel manufacturing; hazardous waste;

(10) Bail bonds;

(11) Pawn, check cashing and car title loan businesses;

(12) Outside storage that is not completely screened (except operable vehicles and equipment for sale or lease, and trucks and trailers associated with an approved business);

(13) Tattoo establishments;

(14) Sexually-oriented businesses.

(15) Fast food with drive-up windows as a stand-alone business, or as the primary business on a development pad site. May be allowed under the roof of another business as an accessory use with no drive-up window. Fast Food restaurants with drive-up windows may be permitted provided the following conditions are met:

a. The fast food restaurant shall be part of a multi-tenant building with only one drive-through.

b. The number of fast food restaurant tenants within the multi-tenant building shall not exceed the number of non-fast food restaurant tenants within the building.

c. The view of the drive-through area from the street shall be minimized through landscaping, berming, and/or screening.

d. The drive-up window shall be placed on the side or rear of the multi-tenant building.

e. The drive-up window shall comply with the Drive-Through Window Standards in Section 7-14-216.

(16) Any automotive sales or service uses, including automotive parts sales or service, or tire sales or service, between 2455 South and 3100 South.

**(Ord. No. 03-82 Added 04/06/2004; Ord. No. 04-41 Amended 09/07/04; Ord. No. 12-18 Amended 06/11/2011)**

## 7-22-407 APPEAL PROCEDURE.

Appeal may be made to the Board of Adjustment by any person aggrieved by a final decision, determination, or requirement of the Planning Commission regarding conditions imposed by this Chapter pursuant to the standards governing appeals.

**(Ord. No. 03-82 Added 04/06/2004)**

## 7-22-500P PART 5 -- 5600 WEST STREETSCAPE

**(Ord. No. 03-82 Added 04/06/2004)**

## 7-22-501 PURPOSE.

The purpose of this Ordinance is to establish a unifying streetscape that identifies the area as a unique gateway to West Valley City. All requirements and standards set forth in this Ordinance shall supersede all other Ordinances for the defined areas unless otherwise stated.

**(Ord. No. 03-82 Added 04/06/2004)**

## 7-22-502 DEFINITIONS.

(1) Non-Motorized Public Easement. An easement located on private property within boundaries for sidewalks or pedestrian, bicycle, and other non-motorized uses, excluding horses.

(2) Streetscape Area. A 30-foot wide area of land measured perpendicular from the back of curb into a project site, with the length running parallel to 5600 West. The streetscape area generally consists of a combined 10-foot width of public right-of-way and a 20-foot width of private property with a public easement.

**(Ord. No. 03-82 Added 04/06/2004)**

## 7-22-503 LOCATION.

This Ordinance shall apply to all property 250 feet on either side of the right-of-way line on 5600 West between 2100 South and 3100 South. Any property bisected by this Overlay Zone shall be considered in its entirety to be part of the Overlay Zone.

**(Ord. No. 03-82 Added 04/06/2004)**

## 7-22-504 DEVELOPMENT STANDARDS.

(1) All streetscape improvements shall be within the area reserved for a standard 20-foot front yard setback and the public right-of-way. In the event that a full 30-foot width is not available within the prescribed area, the Planning Commission may adjust the landscaping standards as necessary to meet the intent of this Ordinance.

(2) An undulating, landscaped berm, a minimum of two to three feet high and 15 feet wide, shall be located adjacent to the back of curb to protect pedestrians from the hazards and nuisances generated by high traffic volumes and to promote a pleasant environment for businesses and residents.

(3) Street Trees

a. Street trees that do not exceed a height of approximately 30 feet when mature should be planted in the right-of-way below utility lines. These trees should be selected from the following list:

| **Trees for Entrances** | **Medium Deciduous (Under Power Lines)** | **Large Deciduous** |
|---|---|---|
| Thundercloud Plum | Amur Maple | Bloodgood Sycamore |
| Eastern Redbud "Forest Pansy" | Loebner Magnolia | Maple, Deborah, Emerald Queen |
| Kwanzan Pink Cherry | Crabapple (Non-fruit bearing) | Zelkova |

b. Larger trees shall be placed in the landscaped setback outside the area of potential impact to utility lines. This may include islands or bump-out areas that project into the parking lot from the landscaped setback and are designed specifically for tree planting.

c. Trees with red or purple leaves, from a list to be determined, shall be used at the entrances to all developments in the 5600 West Overlay Zone in order to add a distinctive entrance feature. All other trees in the landscape setback shall have leaves that are predominantly green.

(4) A non-motorized public easement, a minimum of 10 feet wide, shall be granted to West Valley City. This easement shall be located 15 feet from the back of curb and shall run the entire length of the frontage along 5600 West. A minimum 6-foot wide sidewalk paved with concrete shall be located within the public easement. (See Figure 1 - Streetscape Cross-Section). If at any point the sidewalk crosses a driveway or similar use, the concrete within the driveway shall be stamped and colored to warn both pedestrians and motor vehicle users. A concrete pathway, at least 5 feet wide and meeting all ADA standards, shall link the sidewalk with any transit stops located along 5600 West. In areas where the sidewalk does not align with existing sidewalks on adjacent sites, a transition area shall be established and improved, with the purpose of providing for public safety and convenience. The sidewalk may, at the discretion of City staff, be shifted temporarily to avoid pre-existing, immoveable objects. However, if the trail is moved toward the site, the 5-foot buffer must still be provided. Immoveable objects may include manholes, power poles, and other objects whose location is beyond the control of the property owner.

(5) In areas where an access management plan indicates that a boulevard with a planted median would be feasible, accommodations should be made to plan for and/or install said boulevard.

(6) Overall site landscaping coverage requirements shall be reduced 10% from current standards to compensate for streetscape improvements. For example, commercial zones shall be reduced from 15% to 13.5%, and manufacturing zones from 5% to 4.5%. Except as provided in 7-13-204(1), no site may have less landscaping than what is required within the streetscape area by this Ordinance.

(7) A landscaped buffer at least 5 feet wide shall be located between the sidewalk and any development (See Figure 2 - Streetscape Aerial View). This buffer shall be used for pedestrian scale lighting, landscaping, or any other City approved purpose that promotes a transition between urban trail traffic and on-site development. Awnings, balconies, signs or similar projections may be permitted at the discretion of the City.

(8) The property owner shall be responsible for the maintenance of all landscaping on the property, including landscaping in the public right-of-way between the front and/or side property line and the curb.

(9) Pedestrian-scale lighting shall be provided at an average interval of 90 feet or less. At no time shall there be a space between light fixtures larger than 100 feet or less than 80 feet. The style and height of the light fixtures shall be uniform along the entire length of the streetscape area, and shall conform to the standards set forth in this Ordinance. In addition to security and aesthetic purposes, the light poles shall serve as platforms for hanging banners promoting cultural and civic events. Light poles shall not be utilized for on- or off-premise advertising. The Planning Commission may dictate the placement of such lighting within the building/parking buffer strip. Light fixtures must be inspected and approved by City Staff or the City's designee prior to final building inspection.

Figure 1 - Streetscape Cross-Section (below)

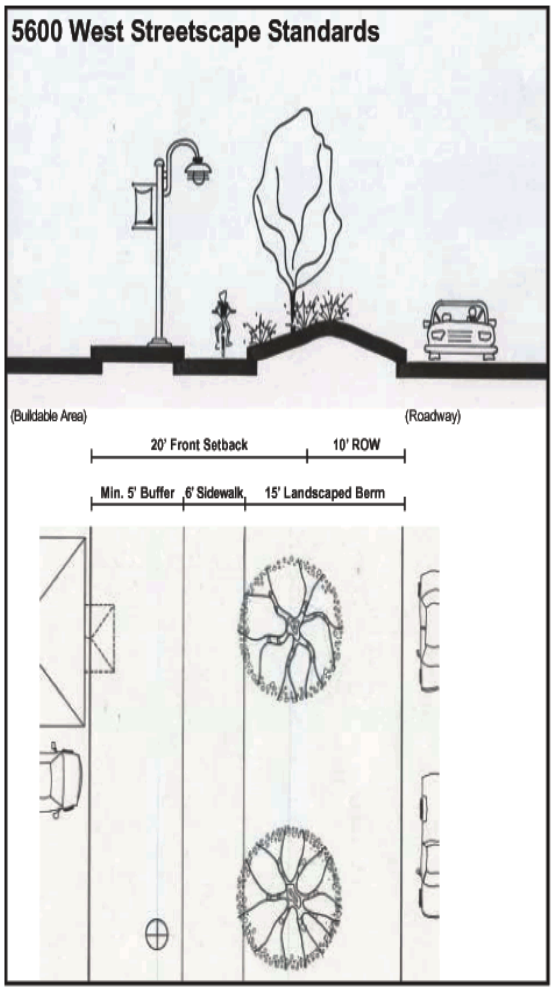



Figure 2 - Streetscape Aerial View (above)

**(Ord. No. 03-82 Added 04/06/2004)**

# CHAPTER 7-23
# WIRELESS COMMUNICATION FACILITIES

Sections:

7-23-101. Definitions.
7-23-102. Other Types of Antennas or Equipment.
7-23-103. Applicability of Building and Safety Codes.
7-23-200P Part 2—Communication Facilities
7-23-201. Policy Statement.
7-23-202. Applicability.
7-23-203. Site Location Master Plan.
7-23-204. General Provisions Applicable to Communications Facilities.
7-23-205. Provisions Applicable to Wall Mounted Antennas.
7-23-206. Provisions Applicable to Roof Mounted Antennas.
7-23-207. Provisions Applicable to Monopole Towers.
7-23-208. Lattice Towers Prohibited.
7-23-209. Guyed Towers Prohibited.
7-23-210. Permitted and Conditional uses—Preferred Sites for Communication Facilities.
7-23-211. Location on Residential Lots Prohibited.
7-23-212. Hearing Procedure.
7-23-213. Conditional Use Requirements.
7-23-214. Notice to Neighboring Jurisdictions.
7-23-215. Abandoned Facilities.

## 7-23-101. DEFINITIONS.

The following definitions are specific to this Chapter:

(1) Applicant: Any individual person, group of persons, business entity, or government unit applying for a permit to locate communications towers within City boundaries. An applicant does not need to own an interest in the property where the facilities are proposed to be located, but permission from the owners of any property where the facility is located must be obtained prior to the application.

(2) Airport Communication: Communication between aircraft and airport ground facilities.

(3) Communication Antenna: Any transmitting and receiving device designed to radiate and capture communications signals consisting of electromagnetic or microwave radiation, as authorized by the Federal Communications Commission, to provide low power radio communication service. "Communication Antenna" does not include non-commercial or transmission antennas.

(4) Communication Facility: Any communication antenna, communication tower, accessory building, or any other structure or equipment installed for the primary purpose of providing low power radio communication service.

(5) Communication Tower: A tower that supports or contains communications antennas (transmitting or receiving) or related communications equipment. "Communication Tower" also includes equipment and facilities permanently associated with the tower, whether or not such equipment or facilities are used directly to provide communication service.

(6) Guyed Tower: A communications tower requiring guy wires or other stabilizers for support.

(7) Interference: Disruption of communication by static, jamming, or blocking of frequencies.

(8) Lattice Tower: A self-supporting multiple sided communications tower characterized by an open frame.

(9) Monopole Tower: A self-supporting communications tower consisting of a single pole without guy wires or other stabilizers.

a. Monopole Tower with Antenna and Antenna Support Structure Less than Two (2) Feet Wide: A monopole tower on which antennas and antenna support structures not exceeding two (2) feet in width are placed. The height of the antennas and antenna support structures together may not exceed ten (10) feet.

b. Monopole Tower with Antenna and Support Structure Greater than Two (2) Feet Wide: A monopole tower on which antennas and antenna support structures exceeding two (2) feet in width are placed. The antennas and antenna support structure together may not exceed thirteen (13) feet in width or eight (8) feet in height.

(10) Non-commercial Antenna:

a. A transmitting or receiving device designed to radiate or capture communication signals consisting of electromagnetic or microwave radiation, for private, non-commercial recreational use. "Non-commercial Antenna" includes, but is not limited to, radio and television antennas, satellite antennas, amateur radio antennas, and antennas used for individual delivery of low power radio communication service.

b. Antennas associated with commercial or manufacturing structures for the purpose of transmitting or receiving signals are Non-commercial Antennas, if the use of the antenna is incidental to the primary use of the structure. This includes, but is not limited to, antennas for individual delivery of low power radio communication service incidental to the primary use of the structure.

(11) Stealth: A communications antenna, facility and/or structure that is completely disguised as another object or otherwise concealed from view thereby concealing the intended use and appearance of the facility and where the dimensions of the facility reasonably approximate the dimensions of the object they are being disguised as and the location of the stealth facility is in concert with its surroundings. Examples of stealth facilities include, but are not limited to, trees, synthetic rocks, flag poles, light pole standards, or architectural elements such as dormers, steeples, and chimneys. Final determination regarding stealth poles shall be made by the Community and Economic Development Staff based on these standards.

a. Non-Stealth All antenna and associated equipment not camouflaged in a manner to be completely disguised as another object or otherwise be concealed from view by concealing the intended use and appearance of the facility.

(12) Transmission Antenna: A device that primarily transmits signals by electromagnetic or microwave radiation over a large area. A Transmission Antenna may also receive signals as part of its operation, but the primary use is for large area transmission. "Transmission Antenna" includes but is not limited to commercial radio and television broadcast antennas and does not include communication facilities.

(13) Roof Mounted Antenna: An antenna or series of individual antennas mounted on a flat roof of a building.

(14) Wall Mounted Antenna: An antenna or series of individual antennas mounted against a vertical wall of a building.

(15) Whip Antenna: An antenna that is cylindrical in shape. Whip antennas may be directional or omni-directional and vary in size depending on the frequency or gain for which they are designed.

**(Ord. No. 96-72 Enacted 11/07/1996; Ord. No. 01-15 Amended 04/03/2001, Effective 04/09/2001)**

## 7-23-102. OTHER TYPES OF ANTENNAS OR EQUIPMENT.

Antennas, communications facilities, or communications equipment not defined or regulated by this chapter are conditional uses in all zones within the City.

**(Ord. No. 96-72 Enacted 11/07/1996)**

## 7-23-103. APPLICABILITY OF BUILDING AND SAFETY CODES.

All antennas, facilities, and equipment installed pursuant to this chapter shall comply with applicable standards and codes, including, but not limited to, the National Electric Code. Installation of any antenna, facility, or equipment not in compliance with applicable codes is a violation of this Title.

**(Ord. No. 96-72 Enacted 11/07/1996)**

## 7-23-200P PART 2—COMMUNICATION FACILITIES

## 7-23-201. POLICY STATEMENT.

This part addresses planning issues brought on by the rapid growth, continuing development, and increasing demand of communication services. This chapter distinguishes communication services from other broadcast-type technologies and establishes provisions that deal with issues of demand, visual mitigation, noise, engineering, residential impacts, safety, and facility siting. The West Valley City Council determines that enacting this chapter is necessary to accomplish the following goals:

(1) To promote the health, safety, welfare, and enjoyment of the City's residents by accommodating the need for communication service.
(2) To direct the location of communication towers within the boundaries of the City to provide adequate service to City residents, while minimizing potential adverse effects caused by the towers.
(3) To mitigate the potential adverse effects of communications towers by minimizing the number of towers, promoting careful placement and siting, and requiring landscaping, screening, and camouflage techniques.
(4) To promote the long-term viability and adequacy of communication service in the area by requiring development plans showing the anticipated number of towers required to provide service for the near future.
(5) To promote lower costs and increased efficiency by encouraging competition between providers of communication service.
(6) To promote the efficient delivery of communication service in the Salt Lake Valley by informing neighboring jurisdictions of new applications for communications towers when appropriate.

**(Ord. No. 96-72 Enacted 11/07/1996; Ord. No. 01-15 Amended 04/03/2001, Effective 04/09/2001)**

## 7-23-202. APPLICABILITY.

This part applies to both commercial and private low power radio communication services, including those known as "cellular," "PCS" (personal communication system), paging services, and other similar communication services.

**(Ord. No. 96-72 Enacted 11/07/1996)**

## 7-23-203. SITE LOCATION MASTER PLAN.

(1) Each person or company desiring to locate communications facilities within the City shall submit a Site Location Master Plan to the Planning Commission. The Master Plan shall be submitted and accepted by the Planning Commission prior to any application for a permit for communication facilities. An applicant may submit a valley-wide plan, provided the required information is provided for the area within the City' s boundaries.
(2) Applications to locate communications facilities may be considered by the Planning Commission prior to submission of a Master Plan, on condition that the plan be submitted within sixty (60) days following the date of application. If the Master Plan is not submitted within sixty (60) days, any approvals granted shall be automatically revoked. The Planning Commission may grant one (1) extension to the sixty (60) day period, provided the extension does not exceed sixty (60) days.
(3) Each Master Plan shall identify existing locations of facilities and approximate proposed locations of new facilities. The existing facilities identified in the plan shall be updated at least annually, and no permit for a new facility shall be allowed unless the plan has been updated at least once during the twelve (12) months preceding the permit application date. The applicant shall provide the City with the current name and address of the facility owner and an emergency telephone number for each facility.
(4) The Master Plan shall include a reasonable estimate of the number and general location of facilities necessary to provide service within City boundaries and the surrounding area for the ten (10) years following the date the plan is originally submitted. These estimates shall be based on projected population growth and anticipated development. The estimates required by this subsection do not need to be updated on an annual basis, but should be updated at least every five (5) years.

**(Ord. No. 01-15 Amended 04/03/2001, Effective 04/09/2001)**

## 7-23-204. GENERAL PROVISIONS APPLICABLE TO COMMUNICATIONS FACILITIES.

(1) Building Permit Required. No communications facility shall be constructed unless a building permit is obtained from the City. No building permit shall be issued unless the fee established in the Consolidated Fee Schedule is paid in full.
(2) Compliance with Other Laws. All communications facilities shall be built and operated so as to be in compliance with all applicable City ordinances and regulations and all applicable state and federal laws and regulations.
(3) Engineering Review. Each application for a permit to construct a communications facility shall be certified by a licensed professional engineer that the design of the facility meets all applicable standards for the facility, including, but not limited to: electrical safety, material and design integrity, seismic safety, etc. For communications towers, the professional engineer shall also certify that the tower meets acceptable design criteria or standards to withstand wind and other weather damage. In all cases, the certification shall indicate whether or not the facility will interfere with any other communications service.
(4) Interference with Other Communications.

a. No permit to construct a communications facility shall be approved if the operation of the facility will interfere with emergency or airport communications.
b. Communications facilities shall be located and shall operate in such a manner as to minimize or eliminate interference with communications other than emergency or airport. Such communications include commercial, private, and governmental communications.

(5) Accessory Buildings. Accessory buildings or facilities must comply with required setback, height, and landscaping requirements of the zoning district in which they are located. All power lines on the lot to the building and the communications facility shall be underground.
(6) Fencing Required. Free-standing communications facilities shall be surrounded by a fence that is at least six feet high, and constructed out of a material appropriate to the location of the facility, as approved by the Community and Economic Development Department. Antennas that are roof or wall mounted shall be secured from access in a manner appropriate to the location.
(7) Removal of Climbing Pegs. Climbing pegs shall be removed from the lower twenty (20) feet of all communications towers.
(8) Aircraft and Airport Safety. All communications facilities shall comply with applicable laws, regulations, and approvals regarding aircraft and airport operations.
(9) Public Rights-of-Way. No communication facility shall overhang, encroach upon, or block a public right-of-way or public sidewalk.
(10) FCC License Required. No application for a building permit to construct or install a facility, and no application for a conditional use permit to construct or install a facility, shall be processed by the City unless the applicant provides proof of each proposed carrier's current license from the Federal Communications Commission to operate as a telecommunications carrier.

**(Ord. No. 99-17 Amended 05/21/1999; Ord. No. 01-15 Amended 04/03/2001, Effective 04/09/2001)**

## 7-23-205. PROVISIONS APPLICABLE TO WALL MOUNTED ANTENNAS.

(1) Wall mounted antennas shall not extend above the wall line of the building or extend more than four (4) feet horizontally from the face of the building.
(2) Antenna equipment and the supporting structure shall be painted to match the color of the building or structure or the building background against which they are most commonly seen. Antennas and the supporting structures should be architecturally compatible with the building. Whip antennas are not allowed on a wall mounted antenna structure.
(3) Antennas mounted directly on existing parapet walls, penthouses, or mechanical equipment rooms, with no portion of the antenna extending above the roof line of such structures, shall be considered a wall mounted antenna. Wall mounted antennas shall be located not lower than thirty (30) feet from the ground level of the wall on which the antenna is located.
(4) The total area for wall mounted antennas and supporting structures combined shall not exceed a total of one hundred (100) square feet on each exterior wall of the building. The total area shall be the sum of the areas of all antennas and support structures located on that wall.
(5) The antenna area shall be determined as the area of each individual antenna face and the visible portion of the supporting structure as viewed looking directly at the wall.
(6) A maximum of three (3) carriers may locate antennas on one (1) building wall. For each additional carrier, a separate conditional use permit must be obtained. A maximum of four (4) walls may be used to locate wall mounted antennas.
(7) No permit to install a wall mounted antenna shall issue unless the owner of the building grants written permission to install the antenna.

(8) Wall mounted antennas may not be installed on a building wall or walls facing a public street, or on a wall or walls constituting the building's front or main entrance.

**(Ord. No. 96-72 Enacted 11/07/1996)**

## 7-23-206. PROVISIONS APPLICABLE TO ROOF MOUNTED ANTENNAS.

(1) Roof mounted antennas shall be allowed on top of existing penthouses or mechanical equipment rooms, provided the antennas and antenna support structures are enclosed by a structure that creates a visual screen. The screening structure, antennas, and antenna mounting structures shall not extend more than eight (8) feet above the existing roofline of the penthouse or mechanical equipment room.

(2) a. Antennas not mounted on a penthouse or mechanical equipment room shall be mounted at least five (5) feet from the exterior wall of a building. All roof mounted antennas and associated equipment shall be screened or enclosed so as to appear to be part of, and compatible with, the structure on which they are mounted. This screening requirement may be waived by the Planning Commission if the screening would be more visually intrusive than the antennas and support structure without the screening. The Planning Commission shall make the final decision as to whether or not screening will be required.

b. For antennas mounted between five (5) and ten (10) feet from the exterior wall, the maximum height of a roof mounted antenna is equal to the distance the antenna is set back from the exterior wall up to a maximum height of ten (10) feet above the roofline of the building to which the antenna is attached.

c. Antennas shall be mounted at least five (5) feet behind any parapet wall. For antennas mounted between (5) five and ten (10) feet behind a parapet wall, the maximum height of the antenna is equal to the distance the antenna is set back from the wall up to a maximum of ten (10) feet as measured from the top of the parapet wall.

d. Roof mounted antennas installed more than ten (10) feet from an exterior or parapet wall shall not extend more than fifteen (15) feet above the roofline of the building itself unless approved as a conditional use.

(3) Roof mounted antennas are permitted only on a flat roof and shall be screened, constructed, and/or colored to match the structure to which they are attached.

(4) a. Roof mounted antennas shall not be located on a building that exceeds the maximum height limit of the zoning district.

b. Roof mounted antennas may be located even if the height of the antenna extends beyond the maximum height limit of the zoning district. The installation of antennas shall not cause a building to exceed a maximum height limit.

(5) a. The total area for roof mounted antennas and support structures combined shall not exceed two hundred (200) square feet. The total area shall be the sum of the areas of all antennas and support structures located on the roof.

b. The antenna area shall be determined as the area of each individual antenna face and the visible portion of the supporting structure as viewed looking directly at the antenna at its widest point.

(6) A total of eight (8) carriers may utilize a single building's roof, including penthouses or mechanical rooms. For each additional carrier, a separate conditional use permit must be obtained.

(7) No permit to install a roof-mounted antenna shall issue unless the owner of the building grants written permission to install the antenna.

**(Ord. No. 96-72 Enacted 11/07/1996; Ord. No. 01-15 Amended 04/03/2001, Effective 04/09/01)**

## 7-23-207. PROVISIONS APPLICABLE TO MONOPOLE TOWERS.

(1) The maximum visible width of antennas and antenna mounting structures on a monopole shall be measured by looking directly at the monopole at same elevation as the antennas and antenna mounting structure.

(2) a. All antennas shall be flush mounted on the tower. No part of the antenna shall be further than twelve (12) inches from the tower.

b. No monopole tower with antenna and antenna support structure less than two (2) feet wide shall be located within two hundred (200) feet of a residential zone.

c. No monopole tower shall be located within a 1/2 mile radius to another tower unless the tower is stealth.

(3) Monopole towers shall only be located in the rear yard of a lot unless the tower is stealth as approved by the Community and Economic Development Department; and the Planning Commission determines that the on-site location is appropriate. Monopole towers shall not be located in any required landscaped area, required buffer zone, or required parking area. Monopole towers shall comply with the setbacks required for the zoning district in which they are located.

(4) a. The maximum allowable height for a monopole tower is sixty (60) feet.

b. Telecommunication antennas may be located on existing approved structures higher than sixty (60) feet. This may include but not be limited to lighting structures and/or utility poles in athletic fields, parks, parking lots, public rights-of-way, etc.

(5) The maximum width or diameter of a telecommunications tower shall be twenty-four (24) inches. No exposed wiring or cables shall be mounted on the outside of the tower.

**(Ord. No. 96-72 Added 11/07/1996; Ord. No. 99-45 Amended 07/26/1999; Ord. No. 01-15 Amended 04/03/2001, Effective 04/09/2001)**

## 7-23-208. LATTICE TOWERS PROHIBITED.

Lattice towers used to support communications service are not permitted in any zone. This Section applies only to lattice towers solely used to support communications service, and does not prohibit co-location of service communication antennas on existing lattice towers used for other types of broadcast communications.

**(Ord. No. 96-72 Enacted 11/07/1996; Ord. No. 01-15 Amended 04/03/2001, Effective 04/09/01)**

## 7-23-209. GUYED TOWERS PROHIBITED.

Guyed towers used to support communication service are not permitted in any zone. This section applies only to guyed towers solely used to support low power radio communication service, and does not prohibit co-location of low power radio service communication antennas on existing guyed towers used for other types of broadcast communication.

**(Ord. No. 01-15 Amended 04/03/2001, Effective 04/09/01)**

## 7-23-210. PERMITTED AND CONDITIONAL USES--PREFERRED SITES FOR COMMUNICATION FACILITIES.

(1) The following table lists the zones in which communications facilities are permitted and conditional uses:

Commercial, Manufacturing, and Agricultural Zones (Non-Stealth)
(P=Permitted; C=Conditional; X=Not Permitted)

| Zone | Wall Mount | Roof Mount | Monopole (< 2' wide) | Co-Located Tower |
|---|---|---|---|---|
| A | P | P | C | C |
| A-1 & A-2 | P | P | C | C |
| C-1 | C | C | X | X |
| C-2 | C | C | C | C |
| C-3 | C | C | C | C |
| B/RP | C | C | C | C |
| M | P | P | P | P |

100% Stealth Applications - including equipment, antennas and support structures
(P=Permitted)

| Zone | Wall Mount | Roof Mount | Monopole | Co-Location |
|---|---|---|---|---|
| All Residential Zones | P (Stealth on Community Uses Only) | P (Stealth on Community Uses Only) | P (Stealth on Community Uses Only) | P (Stealth on Community Uses Only) |
| A & A-1 | P | P | P | P |
| C-1 | P | P | P | P |
| C-2 | P | P | P | P |
| C-3 | P | P | P | P |
| B/RP | P | P | P | P |
| M | P | P | P | P |

(2) Preferred Sites for Communications Facilities. Communications facilities shall be located as permitted uses under the following circumstances only. Each location must be explored as an option for location before exploring subsequent locations. Each applicant shall make a good faith effort to locate facilities on permitted sites in the following order of property:
   a. On existing buildings, structures, and antenna support structures, including co-location on existing antenna support structures, provided that such structures are located in a zone that allows the communications facility being proposed.
   b. Stealth facilities in any zone allowing communication facilities. (See table)
   c. Stealth facilities in a residential zone on community uses only. (See table)

(3) Each applicant shall attempt to locate facilities on sites in the order of priority set forth in this Section. If the applicant desires to locate a communications facility on a site other than the highest priority site, the applicant shall demonstrate to the Planning Commission or to the Community and Economic Development Department why it could not locate the facility on a site with a higher priority than the site chosen by the applicant. To do so, the applicant shall provide the following information:

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 facilities 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 the Proposed Site: Why the proposed site is essential to meet the service demands of the geographic service area.

(4) All other proposed locations shall be conditional uses.
(5) All communications facilities shall be sited to ensure that significant landscapes are protected including gateway areas, redevelopment areas and other high image areas.

**(Ord. No. 99-17 Amended 05/21/1999; Ord. No. 01-15 Amended 04/03/2001, Effective 04/09/2001; Ord. No. 03-48 Amended 07/01/2003; Ord. No. 15-27 Amended 08/13/2015)**

## 7-23-211. LOCATION ON RESIDENTIAL LOTS PROHIBITED.

No communication tower may be located on a lot upon which a residential structure is located, notwithstanding the zoning designation for the lot unless the proposed communication facility location is a community use and the facility is stealth as defined in 7-23-102 and is approved by the Community and Economic Development Department.

**(Ord. No. 96-72 Enacted 11/07/1996; Ord. No. 01-15 Amended 04/03/2001, Effective 04/09/2001)**

## 7-23-212. HEARING PROCEDURE.

(1) All public hearings on applications for a permit to locate a communication facility shall be recorded.
(2) The Planning Commission shall comply with the notice provisions of Section 7-7-104.
(3) The Planning Commission shall state all decisions in writing. Decisions denying conditional use permits or special use permits shall specifically state the reasons for the denial.
(4) Prior conditional use permits granted for the installation of facilities in the past, whether pursuant to this chapter or not, shall have no precedential value on future applications.
(5) If an applicant claims that it is unable to locate in a particular area or build an antenna in a particular configuration, the Planning Commission may, at the expense of the applicant, require a study provided by a professional approved by the Planning Commission, regarding the applicant’s claim.

**(Ord. No. 96-72 Enacted 11/07/1996; Ord. No. 03-48 Amended 07/01/2003)**

## 7-23-213. CONDITIONAL USE REQUIREMENTS.

(1) In addition to the conditional use standards outlined in Chapter 7 of this Title, "Conditional Uses," the following standards shall apply to applications for conditional use permits to locate communication facilities:
a. Compatibility of the proposed structure with the height and mass of existing buildings and utility structures in the surrounding area.

b. Whether co-location of the antenna on other existing structures in the same vicinity, such as other towers, buildings, water towers, utility poles, athletic field lights, parking lot lights, etc., has been sought by the applicant, but installation of a new tower without co-location is necessary to provide service.
c. The location and design of the antenna and tower in relation to existing vegetation, topography, and buildings to obtain the best visual screening.
d. Whether the facility creates quantifiable detrimental impacts to adjoining properties. "Quantifiable Detrimental Impacts" means specific problems attributable to the location of the facility that affect adjoining properties, including, but not limited to, reduced visibility for commercial signs, restricted access, interference with utility service, etc.
e. The impact of the proposed tower on future development in the area, according to the City's Master Plan.
f. Whether the proposed facility is located in a Preferred Site.

(2) In considering a conditional use application for a communication tower, the Planning Commission shall not consider evidence that the electromagnetic or microwave radiation used by communication services detrimentally affects public health or the environment. The Planning Commission may, however, consider other valid health and safety concerns raised by the location and operation of the communication tower, such as structural integrity, electrical safety, etc.

(3) No conditional use application shall be considered unless the application fee is paid and the following information is provided by the applicant:
a. The applicant's (and property owner's) name, address, and telephone number, as well as an emergency telephone number.
b. A written statement from the owner of the property where the facility is proposed to be located, stating that the owner has reviewed the plans for the proposed facility, understands the type of facility that is being installed and the obligations the owner is undertaking, and granting permission for the applicant to install and maintain the facility.
c. The Site Location Master Plan.
d. A site-specific plan showing in reasonable detail the location of the proposed facility, including required fencing and landscaping, along with design plans for the proposed facility.
e. The engineering review required by Section 7-23-204(3).
f. Certification from the Federal Communications Commission and the Federal Aviation Administration, if necessary, that the proposed facility meets all applicable laws and regulations.
g. A permit from the Army Corps of Engineers if the facility will affect wetlands.
h. Statements, when appropriate, from the owners of underground utility facilities, such as water, electrical, or natural gas delivery, that the installation of the facility will not directly interfere with the operation of the utility.
i. Notice to neighboring jurisdictions.

(4) The Planning Commission may require landscaping or other screening to mitigate the visual impact of a proposed communication facility.

(5) Applications for conditional uses shall be submitted on a form provided by the Community and Economic Development Department and shall address each required standard separately.

**(Ord. No. 96-72 Enacted 11/07/1996; Ord. No. 01-15 Amended 04/03/2001, Effective 04/09/2001)**

## 7-23-214. NOTICE TO NEIGHBORING JURISDICTIONS.

In order to promote efficient delivery of communication service, and to avoid duplication or overlap of service, applicants shall inform the planning and zoning directors of neighboring jurisdictions when a proposed communication facility is intended to provide service in the neighboring jurisdiction's boundaries. For the purposes of this chapter, "neighboring jurisdictions" means municipal or county units whose boundaries are contiguous to the City, including Salt Lake County, Salt Lake City, the City of South Salt Lake, and the City of Taylorsville, and any other governmental units that may be created in the future that adjoin West Valley City.

**(Ord. No. 96-72 Enacted 11/07/1996; Ord. No. 01-15 Renumbered 04/03/2001, Effective 04/09/2001)**

## 7-23-215. ABANDONED FACILITIES.

(1) Any communication facility that is abandoned, not maintained, or not used for more than six (6) months shall be deemed to be abandoned, and the Director of Community and Economic Development shall notify the owner of the facility that it must be repaired and/or used within thirty (30) days after the notice was sent, or the facility must be removed.
(2) If the communication facility is not repaired, used, and/or removed within thirty (30) days after notice was sent, the Director of Community and Economic Development may order the removal of the facility, at the owner' s expense. Any conditional use permits issued for the facility will be automatically revoked.
(3) West Valley City reserves the right to undertake, with or without notice to the owner, any actions necessary to correct, remove, or repair communication facilities that are deemed to be an immediate danger to public safety. The owner shall bear the expense of emergency actions taken pursuant to this section.
(4) All facilities and related equipment shall be removed, including accessory buildings, power lines, etc. The facility site shall be restored with appropriate landscaping or paving, as the case may be.

**(Ord. No. 01-15 Renumbered 04/03/2001, Effective 04/09/2001; Ord. No. 01-15 Amended 04/03/2001)**

# CHAPTER 7-24
# RESERVED

# CHAPTER 7-25
# AGRICULTURE PROTECTION AREAS

Sections:

7-25-101. Definitions.
7-25-102. Proposal for Creation of Agriculture Protection Area.
7-25-103. Notice of Proposal for Creation of Agriculture Protection Area-responses.
7-25-104. Review of Proposal for Creation of Agricultural Protection Area.
7-25-105. Review and Action on Proposal.
7-25-106. Criteria to be Applied in evaluating proposals for the creations of agriculture protection areas.
7-25-107. Adding Land to or Removing Land from Agriculture Protection Area.
7-25-108. Review of Agriculture Protection Areas.
7-25-201. Limitation on Zoning Regulations.
7-25-202. Nuisances.
7-25-203. Eminent Domain Restrictions

## 7-25-101. DEFINITIONS.

The following definitions apply only to agriculture protection areas administered under this Chapter.

(1) "Agriculture Production" means production for commercial purposes of crops, livestock, and livestock products.
    a. "Agriculture Production" includes the processing or retail marketing of any crops, livestock, and livestock products when more than 50% of the processed or merchandised products are produced by the farm operator.
(2) "Agriculture Protection Area" means: a geographic area created under authority of this Chapter that is granted the specific legal protections contained in this Chapter and in Chapter 17-41 of the Utah Code Annotated 1953, as amended.
(3) "Crops, Livestock, and Livestock Products" includes:
    a. Land devoted to the raising of useful plants and animals with a reasonable expectation of profits including:
        i. forages and solid crops; or
        ii. grains and feed crops; or
        iii. livestock; or
        iv. trees and fruit; or
        v. vegetables, nursery floral and ornamental stock.
    b. Land devoted to and meeting the requirements and qualifications for payments or other compensation under a crop land retirement program with an agency of the state or federal government.
(4) "Proposal Sponsors" means the owners of land in agriculture production who are sponsoring the proposal for creating an agriculture protection area.

**(Ord. No. 99-73 Added 12/23/1999)**

## 7-25-102. PROPOSAL FOR CREATION OF AGRICULTURE PROTECTION AREA.

(1) A proposal to create an agricultural protection area shall be filed with the city Recorder on behalf of the City Council.
(2) A proposal must be signed by a majority of all owners of real property, and the owners of a majority of land area in agriculture production within the boundaries of the proposed agriculture protection area. The proposal sponsors shall have the burden of showing that the requirements of this Section have been met.
(3) The proposal shall identify:
    a. The boundaries of the land proposed to become part of an agriculture protection area;
    b. Any limits on the type of agriculture production to be allowed within the agriculture protection area;
    c. The names of the owners of record of the land proposed to be included within the agriculture protection area or the tax parcel number or account number identifying each parcel; and
    d. The number of acres of each parcel within the agriculture protection area.
(4) No proposal will be accepted by the City Recorder unless the total Agriculture Protection Area contains 20 or more contiguous acres.
(5) Each proposed agriculture protection are shall consist of contiguous parcels.
(6) The proposed agriculture protection area may include within its boundaries land that is used for roadways, dwelling sites, public parks, or other non-agricultural use, provided, however, that the non-agricultural land constitutes no more than ten percent of the total acreage within the proposed agricultural area.
(7) A proposal shall be submitted to the Community and Economic Development Division for review. The Community and Economic Development Division shall determine whether the proposal meets the requirement of this Section.

**(Ord. No. 99-73 Added 12/23/1999)**

## 7-25-103. NOTICE OF PROPOSAL FOR CREATION OF AGRICULTURE PROTECTION AREA-RESPONSES.

(1) The City Council shall provide notice of the proposal to create an agriculture protection area by:
    a. Publishing notice in a newspaper having general circulation within the City and posting notice at five public places within or near the proposed agriculture protection area.
(2) The notice shall contain:
    a. A statement that a proposal for a creation of an agriculture protection area has been filed with the City Council;
    b. A statement that the proposal will be open to the public inspection at City Hall, and the times when the proposal will be available for inspection;
    c. A statement that any person or entity affected by the establishment of the area may within 15 days of the day of the notice, file with the City Council:
        i. Written objection to the proposal; or
        ii. A written request to modify the proposal to exclude land from or add land to the proposed agriculture protection area.
    d. A statement that the City Council will submit the proposal to the county advisory committee and the City Planning Commission for review and recommendations; and

e. A statement that the City Council will hold a public hearing to discuss and hear public comment on:
    i. The proposal to create an agriculture protection area;
    ii. The recommendations of the County Advisory Committee and the Planning Commission; and
    iii. Any request for modification of the proposal and any objection to the proposal.

(3) Any person wishing to modify the proposal for the creation of the agriculture protection area shall, within 15 days after the date of the notice file a written request for modification of the proposal which identifies specifically the land that should be added to or removed from the proposal.

(4) Any person wishing to object to the proposal for the creation of the agricultural protection area shall, within 15 days of the date of the notice, file a written objection to the creation of the agricultural protection area.

**(Ord. No. 99-73 Added 12/23/1999)**

## 7-25-104. REVIEW OF PROPOSAL FOR CREATION OF AGRICULTURAL PROTECTION AREA.

(1) After 15 days of the date of the notice the City Council shall refer the proposal and any objections or proposed modifications to the proposal to the county advisory committee and the Planning Commission for their review, comments, and recommendations.

(2) Within 45 days after the receipt of the proposal the Planning Commission shall submit a written report to the City Council that:
    a. Analyzes and evaluate the effect of the creation of the proposed areas on planning policies and objectives of the City.
    b. Analyzes and evaluates the proposal by applying the criteria contained in Section 7-25-106;
    c. Recommends any modifications to the land to be included within the proposed agricultural protection area;
    d. Analyzes and evaluates any objections to the proposal; and
    e. Includes a recommendation to the City Council to either accept, accept modify, or reject the proposal.

(3) The City Council shall consider a failure of the Planning Commission or the county advisory committee to submit a written report within 45 days under Subsection 2(a) as a recommendation of that committee to approve that proposal as submitted.

**(Ord. No. 99-73 Added 12/23/1999)**

## 7-25-105. REVIEW AND ACTION ON PROPOSAL.

(1) After receipt of the written report from the county advisory committee and the Planning Commission or after the 45 days have expired, whichever is earlier, the City Council shall:
    a. Schedule a public hearing;
    b. Provide notice of the public hearing by:
        i. Publishing notice in a newspaper having general circulation within the City; and
        ii. Post notice at five public places designated by the City Council within or near the proposed agriculture protection area; and

c. Insure that the notice includes:
    i. Time, date, and place of the public hearing on the proposal;
    ii. A description of the proposed agricultural protection area;
    iii. Any proposed modifications to the proposed agriculture protection area;
    iv. A summary of the recommendations of the county advisory committee and the Planning Commission; and
    v. A statement that interested persons may appear at the public hearing and speak in favor of or against the proposal, any modifications of the proposal, or the recommendations of the county advisory committee and the Planning Commission.

(2) a. The City Council shall convene the public hearing at the time, date, and place specified in the notice; and
b. Take verbal or written testimony from interested persons.

(3) a. Within 120 days of the submission of the proposal the City Council shall approve, modify and approve, or reject the proposal.
b. The creation of an agriculture protection area is effective at the earlier of:
    i. The City Council's approval of a proposal; or
    ii. 120 days after the submission of a proposal complying with Section 7-25-102 if the City Council has failed to approve, or reject that proposal within that time.

(4) a. In order to give constructive notice of existence of the agriculture protection area to all persons who have, may acquire, or seek to acquire an interest in the land adjacent to the agriculture protection area within ten days of the creation of an agriculture protection area the City Council shall file an executed document containing a legal description of the agriculture protection area with the
    i. county recorder; and
    ii. the Planning Commission.
b. If a legal description of the property being included within the agriculture protection area is available through the county recorder's office, City Council shall use that legal description in its executed document.

(5) Within ten days of the recording of the agriculture protection area the City Council shall:
a. Send written notification to the Commissioner of Agriculture and Food that the agriculture protection area has been created; and
b. Include in the notification:
c. the number of land owners owning land within the agriculture protection area;
d. the total acreage of the area;
e. date of approval of the area; and
f. date of recording.

(6) The City Council's failure to record the notice required under Subsection (4) or send notification under Subsection (5) does not invalidate the creation of the agriculture protection area.

(7) The City Council may consider the cost of recording the notice under Subsection (4) and the cost of sending notification under Subsection (5) in establishing a fee for the proposal.

**(Ord. No. 99-73 added 12/23/1999)**

## 7-25-106. CRITERIA TO BE APPLIED IN EVALUATING PROPOSALS FOR THE CREATIONS OF AGRICULTURE PROTECTION AREAS.

In evaluating a proposal and determining whether or not to create or recommend a creation of an agriculture protection area, the Planning Commission and the City Council shall apply the following criteria.

(1) Whether or not the land is currently being used for agriculture production;
(2) Whether or not the land is zoned for agricultural use;
(3) Whether or not the land is viable for agricultural production;
(4) The extent and nature of existing or proposed farm improvements; and
(5) Anticipated trends in agricultural and technological conditions.

**(Ord. No. 99-73, Added, 12/23/1999)**

## 7-25-107. ADDING LAND TO OR REMOVING LAND FROM AGRICULTURE PROTECTION AREA.

(1) Any owner may add land to an existing agriculture protection area by
    a. filing a proposal with the City Council; and
    b. Obtaining approval of the City Council for addition of land to the area.
(2) The City Council will comply with the provisions for creating an agriculture protection area and determine whether or not to accept the proposal.
(3) Any owner may remove land from an agriculture protection area by filing a petition for removal of the land from the agriculture protection area with the City Council.
    a. The City Council shall:
        i. Grant the petition for removal of land from an agriculture protection area even if removal of the land would result in an agriculture protection area less than the number of acres established by the City Council as the minimum under Section7-25-102.
        ii. In order to give constructive notice of the removal to all persons who may acquire or may seek to acquire an interest in the land or adjacent to the agriculture protection area and the land removed from the agriculture protection area the City shall file a legal description of the revised boundaries of the agriculture protection area with the county recorder and the Planning Commission.
        iii. The remaining land of the agriculture protection area is still an agriculture protection area.

**(Ord. No. 99-73 Added 12/23/1999)**

## 7-25-108. REVIEW OF AGRICULTURE PROTECTION AREAS.

(1) In the twentieth calendar year after its creation, each agriculture protection area shall be reviewed by the City Council.
(2) In the twentieth year the City Council shall:
    a. Request the Planning Commission and county advisory board to submit recommendations about whether the agriculture protection area should be continued, modified, or terminated;

b. At least 120 days before the end of the calendar year hold a public hearing to discuss whether the agriculture protection area should be continued, modified, or terminated;
c. Give notice of the hearing using the same procedures required by Section 7-25-102; and
d. After the public hearing continue, modify, or terminate the agriculture protection area.

(3) If the City Council modifies or terminates an agriculture protection area it shall file an executed document containing a legal description of the agriculture protection area with the county recorder.
(4) If the City Council fails affirmatively to continue, modify or terminate the agriculture protection area in the twentieth calendar year, the agriculture protection area is considered to be re-authorized for another twenty years.

**(Ord. No. 99-73 Added 12/23/1999)**

## 7-25-201. LIMITATION ON ZONING REGULATIONS.

The City shall not change the zoning designation of or zoning regulations effecting land within an agriculture protection area unless it receives written approval for the change from all of the land owners within the agriculture protection area affected by the change.

**(Ord. No. 99-73 Added 12/23/1999)**

## 7-25-202. NUISANCES.

(1) The City shall implore that any of its laws or ordinances that define or prohibit a public nuisance exclude from the definition or prohibition, any agriculture activity or operation within an agriculture protection area conducted using sound agriculture practices unless the activity or operation bears a direct relationship to public health or safety.
(2) For any new subdivision development located in whole or in part within 300 feet of the boundary of an agriculture protection area, the owner of the development shall provide notice on any plat filed with the county recorder the following notice: This property is located within the vicinity of an established agriculture protection area in which normal agricultural uses and activities now or in the future be conducted on property included within the agriculture protection area. The use and enjoyment of this property is expressly conditioned on exception of any annoyance or inconvenience which may result from such normal agricultural uses and activities.

**(Ord. No. 99-73 Added 12/23/1999)**

## 7-25-203. EMINENT DOMAIN RESTRICTIONS

(1) The City may not condemn for any purpose any land that is within an agriculture protection area that is being used for agricultural production unless it has attained approval according to the procedures and requirements of this Section. The condemning agency wishing to condemn property within the agriculture protection area shall file a notice of condemnation with the City Council and the agriculture protection area's Advisory Board at least 30 days before filing an eminent domain complaint. The City Council and the agriculture protection area's Advisory Board shall:
a. Hold a public hearing on the proposed condemnation;

b. Publish notice of the time, date, place, and purpose of the public hearing in a newspaper of general circulation in the City.
c. Post notice of the time, date, place, and purpose of the public hearing.
d. Conspicuous public places within or near the agriculture protection area.

(2) a. If the condemnation is for highway purposes or for disposal of solid or liquid waste materials, the City Council and the Advisory Board may approve the condemnation only if there is no reasonable and prudent alternative to the use of the land within the agriculture protection are for that project.

b. If the condemnation is for any other purpose the City Council and the Advisory Board may approve the condemnation only if the proposed condemnation would not have an unreasonably adverse effect upon preservation and enhancement of agriculture within the agriculture protection area.

c. No reasonable and prudent alternative to the use of the land within the agriculture protection area of the project.

(3) a. Within 60 days of the notice of condemnation the City Council and the Advisory Board shall approve or reject the proposed condemnation.

b. If the City Council and the Advisory Board fail to act within 60 days or such further times as the City Council may establish, condemnation shall be considered rejected

(4) The City Council or the advisory board may request that the county or City attorney bring an action to enjoin any condemner of violating the provisions of this Section.

**(Manual Added 04/24/2000)**

# CHAPTER 7-26
# REPEALED

**(Ord. No. 00-19 Enacted 04/25/2000; Ord. No. 01-53 Amended 11/20/2001; Ord. No. 02-43 Amended 07/16/2002; Ord. No. 07-01 Amended 1/2/2007; Ord. No 12-35 Repealed 09/10/2012)**

# CHAPTER 7-27
# STREET NAMING AND ADDRESSING

Sections:

7-27-101. Purpose.
7-27-102. Definitions.
7-27-103. Street Naming.
7-27-104. Street Numbering.
7-27-105. Property Numbering.
7-27-106. Building Identification.
7-27-107. Record Keeping.
7-27-108. Procedures.

## 7-27-101. PURPOSE.

This Chapter is established to provide a standard system for consecutive and logical numbering of streets and properties, to avoid the duplication of street names within West Valley City and Salt Lake County and to avoid similar sounding names or confusing designations. This Chapter shall establish standard procedures for changing existing street names or adding names to existing numbered streets, keeping addressing numbers clearly identifiable and to provide a complete current listing of all streets and addresses within West Valley City.

**(Ord. No. 00-04 Added 01/11/2000)**

## 7-27-102. DEFINITIONS.

For the purposes of this Section, these terms shall mean the following:

(1) Address is a unique alphanumeric descriptor which identifies the property location of a parcel of land, a building or other structure on the Countywide Grid System.
(2) Common Name Duplications are duplications of identical names on two or more thoroughfares, but with different thoroughfare type designators.
(3) Cul-de-sac Thoroughfare is a minor thoroughfare having one open end and being permanently terminated at the other by a vehicular turnaround.
(4) Meridian Street shall mean the North and South directional thoroughfare (Main Street in Salt Lake County) which benchmarks the permanent origin of the Countywide Grid System and provides a datum point from which the coordinates of all other streets and legal addresses are calculated.
(5) Phonetic Name Duplication is the duplication of thoroughfare names which have similar or identical pronunciations, but are spelled differently.
(6) Private Rights-of-way are thoroughfares which are retained and maintained under ownership of private individuals and may be intended for both private or public use.
(7) Public Rights-of-way are thoroughfares which are dedicated for perpetual public use and are administered and maintained by the governing entities in which they are located.

**(Ord. No. 00-04 Added 01/11/2000)**

## 7-27-103. STREET NAMING.

The following standards shall be applied to the naming of streets in the City of West Valley.

(1) Duplication. Proposed street names that duplicate existing street names in the City or elsewhere in Salt Lake County shall be avoided.
(2) Phonetic Duplication. Proposed street names that sound very similar to existing names, or street names that have unconventional spellings shall be avoided.
(3) Continuity. Proposed street names are encouraged to have the following characteristics:
    a. Historic significance
    b. Local color and sense of place
    c. Overall theme
    d. Compatibility with adjacent streets
(4) Name Length. Proposed street names shall not be longer than 13 characters including 1 space and 2 words. Names shall appear un-abbreviated.
(5) Required Naming. In order to minimize confusion and to facilitate proper addressing, the following types of proposed streets shall be named:
    a. Streets that change direction
    b. Loop or horseshoe streets
    c. Streets that have intersection coordinate change
    d. Cul-de-sacs
    e. Dead-end streets that will likely be extended as above
(6) Thoroughfare Designations. Proposed street names and street types should be matched as follows:
    a. Boulevard, Parkway - arterials and collectors with planted medians
    b. Drive, Road - streets longer than 1000 feet
    c. Way - curvilinear streets longer than 1000 feet
    d. Streets, Avenues - straight directional streets
    e. Lanes - short secondary connecting streets
    f. Circle, Court, Place, Cove, Cul-de-sac - permanent dead-end streets

**(Ord. No. 00-04 Added 01/11/2000)**

## 7-27-104. STREET NUMBERING.

All streets and intersections shall have numbered coordinates. On streets that do not conform to the four compass directions, numbered coordinates should be assigned from the axis that most nearly matches the principal direction of the thoroughfare. For simplicity, street numbers shall end with the digit "0" or "5." Private numbering systems on public streets are prohibited. All addresses shall be assigned in conjunction with the Meridian Street.

**(Ord. No. 00-04 Added 01/11/2000)**

## 7-27-105. PROPERTY NUMBERING.

The following standards shall be applied to the numbering of properties in the City of West Valley:

(1) Juxtaposition. Building numbers should be comparable (but not duplicated) on parallel streets and should be in consecutive order.

(2) Even-odd. Building numbers should be assigned to opposite sides of the street as determined under the Salt Lake Meridian Grid System.
(3) Compass Direction. On streets that do not conform to the four compass directions, building numbers should be assigned from the axis that most nearly matches the principal direction of the thoroughfare.
(4) Corner Lots. Dual addresses shall be provided for both street frontages. Corner lots located on a major street shall be addressed from the minor street. A note will be required on the plat prohibiting access to the major street.
(5) Buildings without public frontage. Buildings that are hidden behind other buildings or do not have public frontage shall be numbered from the centerline of the principal access or driveway.
(6) Insufficient Numbers. Where insufficient numbers exist for proper addressing (e.g., buildings without public frontage) a private lane shall be assigned a numbered coordinate to facilitate addressing.

**(Ord. No. 00-04 Added 01/11/2000)**

## 7-27-106. BUILDING IDENTIFICATION.

All buildings shall have numbers and such numbers shall be identified using the following standards:

(1) Background. Numbers shall be set on a background of a contrasting color.
(2) Size. Numbers shall be plainly visible and legible from the street. On commercial structures, the minimum height of such numbers shall be six inches, with a minimum width of 3/4 inches.
(3) Visibility. When a dwelling is some distance from a street or when view of the dwelling is blocked by trees or shrubs, numbers should be displayed on a sign attached to a fence, gate, street mailbox, or lawn stake.
(4) Corner Lots. On corner lots, house numbers shall face the street named in the address.

**(Ord. No. 00-04 Added 01/11/2000)**

## 7-27-107. RECORD KEEPING.

The following standards shall be adhered to in maintaining addressing records:

(1) Numbers assigned. Numbers shall be assigned by the Director or the designated Community and Economic Development Department Address Coordinator.
(2) Changes to numbers assigned. Changes to any recorded address numbers shall be the responsibility of the Director or the designated Community and Economic Development Department Address Coordinator.
(3) Inventory. A complete inventory of existing street names and building numbers shall be compiled and maintained in the Community and Economic Development Department.

**(Ord. No. 00-04 Added 01/11/2000)**

## 7-27-108. PROCEDURES.

All proposed street names shall be coordinated with the Salt Lake County Auditor's office to avoid duplication. In addition the following procedures shall be adhered to with new development and the proposed changing of street names:

(1) Subdivision. Street names shall be approved by the Planning Commission before final plat approval. Street coordinates and house numbers shall be assigned by the address coordinator or the designated representative and shall be placed on the subdivision linen by the developer before recording the plat.
(2) Commercial, industrial, and multi-family. The address coordinator or his designated representative shall assign numbers to site plans before final site plan approval and/or the issuance of a building permit.
(3) Duplicate street names. The City Council may change duplicated street names without a petition when it is determined that the change is in the public interest. The following criteria should be used in eliminating street name duplications.
    a. Historical significance;
    b. The number of buildings addressed on the street;
    c. The length of time that the name has been in use;
    d. The length of the street and the amount of traffic;
    e. Compatibility with adjacent street names.
(4) Changing existing street names. The City council may change existing street names by petition or by recommendation of the address coordinator in cases where streets will align with different names. The criteria for making changes shall be the same as "Duplicate street names" 7-27-8(c). In any case, a public hearing shall be held before a determination is made.
(5) Adding names to existing numbered streets. The City Council may add street names to existing numbered streets by petition or by recommendation of the address coordinator. New names shall be coordinated with the Salt Lake County Auditor's office using the guidelines outlined under "Street naming" 7-27-3. A public hearing shall be held before a final determination is made.

**(Ord. No. 00-04 Added 01/11/2000)**

# CHAPTER 7-28
# WATER EFFICIENT LANDSCAPE

Sections:

7-28-101. Short Title.
7-28-102. Purpose and Intent.
7-28-103. Definitions.
7-28-104. Commercial, Industrial and Multi-family Development.
7-28-105. Residential Single-family Development.
7-28-106. Enforcement and Penalty for Violations.

## 7-28-101. SHORT TITLE.

This Title shall be known as the "West Valley City Water Efficient Landscape Ordinance." This Title shall also be known as "Title 7-28, West Valley City Code." It may be cited and pleaded under either designation.

**(Ord. No. 02-44 Added 08/06/2002)**

## 7-28-102. PURPOSE AND INTENT.

The City has developed the regulations set forth in this Chapter for the purpose of:

(1) Addressing the public interest to conserve public water resources and to promote water efficient landscaping.
(2) Protecting and enhancing the community's environmental, economic, recreational, and aesthetic resources by promoting efficient use of water in the community's landscapes.
(3) Reducing water waste.
(4) Establishing a structure for the design, installation, and maintenance of water efficient landscapes throughout the City.

**(Ord. No. 02-44 Added 08/06/2002)**

## 7-28-103. DEFINITIONS.

(1) Administrative Standards means the set of rules, procedures and requirements set forth in a landscape ordinance associated with making permit application, assembling materials for public review, meeting the requirements of the landscape ordinance, seeking approvals, enforcement, conducting site inspections and filing reports.
(2) Bubbler means an irrigation head that delivers water to the root zone by "flooding" the planted area, usually measured in gallons per minute. Bubblers exhibit a trickle, umbrella or short stream pattern.
(3) Designer means a Landscape Architect, Landscape Contractor (General Engineering Contractor), Professional Engineer, or Architect as set forth by State law.
(4) Drip Emitter means irrigation fittings that deliver water slowly at the root zone of the plant, usually measured in gallons per hour.
(5) Evapotranspiration means the quantity of water evaporated from adjacent soil surfaces and transpired by plants during a specific time, expressed in inches per day, month or year.

(6) Extra-Drought Tolerant Plant means a plant that can survive without irrigation throughout the year once established, although supplemental water may be desirable during drought periods for improved appearance and disease resistance.
(7) Grading Plan means a plan showing all finish grades, spot elevations as necessary and existing and new contours within the developed landscaped area.
(8) Ground Cover means live and mineral materials used in such a way as to form a continuous cover over the ground that can be maintained at a height of not more than twelve (12) inches. Living ground cover may include: vegetative vines, low-spreading shrubs, perennial flowering or foliage plants. Mineral ground cover may include: rocks, boulders, gravel, or brick.
(9) Hardscape means patios, decks, and paths. Does not include driveways and sidewalks.
(10) Irrigated Landscaped Area means all portions of a development site to be improved with planting and irrigation. Natural open space areas shall not be included in the Irrigated Landscaped Area.
(11) Irrigation Efficiency means the measurement of the amount of water beneficially applied, divided by the total amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system hardware characteristics and management practices.
(12)(12) Irrigation Contractor means a person who has been certified by the Irrigation Association (IA) to install irrigation systems.
(13) Irrigation Plan means the plan that shall show the components of the irrigation system with water meter size, backflow prevention, precipitation rates, flow rate and operating pressure for each irrigation circuit, and identification of all irrigation equipment.
(14) Landscape Architect means a person who holds a license to practice landscape architecture in the state of Utah.
(15) Landscape Education Package means a set of documents which is intended to inform and educate new homeowners in the City about water efficient landscapes. The package includes the principles of water efficient landscape design, information about the Water Check program, a listing of Water-Conserving Plants, a listing of Designers and certified Landscape Irrigation Contractors, an information packet about Jordan Valley Water Conservancy District's Demonstration Garden and classes, and an information packet about the Water Purveyor's water rates, billing format for water use, and the economics of installing and maintaining a water efficient landscape.
(16) Landscape Irrigation Auditor means a person who has been certified by the Irrigation Association to conduct a landscape irrigation audit.
(17) Landscape Plan Documentation Package means the preparation of graphic and written criteria, specifications, and detailed plans to arrange and modify the effects of natural features such as plantings, ground and water forms, circulation, walks and other features to comply with the provisions of this ordinance. The Landscape Plan Documentation Package shall include a project data sheet, a Planting Plan, an Irrigation Plan, a Grading Plan, a Soils Report, a Landscape Water Allowance, and an Irrigation Schedule.
(18) Landscape Water Allowance means for design purposes, the maximum annual applied water for the established landscaped area. It is based upon the local Reference Evapotranspiration Rate, the ETO adjustment factor and the size of the landscaped area.
(19) Landscape Zone means a portion of the landscaped area having plants with similar water needs, areas with similar microclimate (i.e., slope, exposure, wind, etc.) and soil conditions, and areas that will be similarly irrigated. A landscape zone can be served by one irrigation valve, or a set of valves with the same schedule.

(20) Landscaping means the improvement of property through the addition of plants and eradication of weeds and other deleterious material. Landscaping includes any combination of living plants, such as trees, shrubs, vines, ground covers, flowers, or grass; natural features such as rock, stone, or bark chips; and structural features, including but not limited to, fountains, reflecting pools, outdoor art work, screen walls, fences, benches, or berms. All elements of the landscaping shall be combined in a harmonious manner to make the land more attractive for users, to screen unattractive uses, or to act as buffers to visually separate different types of uses.

(21) Microclimate means an area within the overall landscape which shares similar elements such as slope, exposure, wind, soil conditions, etc.

(22) Mulch means any material such as bark, wood chips or other materials left loose and applied to the soil.

(23) Non-Drought Tolerant Plant means a plant that will require regular irrigation for adequate appearance, growth and disease resistance.

(24) Planting Plan means a plan that shall clearly and accurately identify and locate new and existing trees, shrubs, ground covers, turf areas, driveways, sidewalks, hardscape features, and fences, and which includes a planting schedule showing graphic symbols (if applicable), botanical names, common names, quantity, and plant size.

(25) Precipitation Rate means the depth of water applied to a given area, usually measured in inches per hour.

(26) Rain Shut-Off Device means a device wired to the automatic controller that shuts off the irrigation system when it rains.

(27) Reference Evapotranspiration Rate or ETO means a standard measurement of environmental parameters which affect the water use of plants. ETO is expressed in inches per day, month or year and is an estimate of the evapotranspiration of a large field of four to seven-inch tall, cool season grass that is well watered. The average annual ETO for the West Valley City area is 31.17 inches.

(28) Rehabilitated Landscaping means site alternations of 75% or more.

(29) Runoff means irrigation water that is not absorbed by the soil or landscape area to which it is applied and which flows onto other areas.

(30) Secondary or Reuse Water means non-potable water suitable for irrigation purposes. This water would be available in a pressurized system.

(31) Soils Report means a report by a soils laboratory indicating soil type(s), soil depth, uniformity, composition, bulk density, infiltration rates, and pH for the topsoil and subsoil for a given site. The soils report also includes recommendations for soil amendments.

(32) Spray Sprinkler means an irrigation head that sprays water through a nozzle.

(33) Stream Sprinkler means an irrigation head that projects water through a gear rotor in single or multiple streams.

(34) Turf means a surface layer of earth containing mowed grass with its roots.

(35) Water Conserving Plant means a plant that can generally survive with available rainfall once established although supplemental irrigation may be needed or desirable during spring and summer months.

(36) Water Audit means an on-site survey and measurement of irrigation equipment and management efficiency, and the generation of recommendations to improve efficiency.

**(Ord. No. 02-44 Added 08/06/2002)**

## 7-28-104. COMMERCIAL, INDUSTRIAL AND MULTI-FAMILY DEVELOPMENT.

(1) Applicability. The provisions of this section shall apply to all new and rehabilitated landscaping for public agency projects, private development projects, developer-installed landscaping in multi-family residential projects, and developer-installed landscaping in single-family projects that require a review process. Homeowner-provided landscaping at single family projects is discussed in Section 7-28-105, "Residential Single-Family Development."

(2) Documentation. Landscape Plan Documentation Package. A copy of a Landscape Plan Documentation Package shall be submitted to and approved by the City prior to the issuance of any permits. A copy of the approved Landscape Plan Documentation Package shall be provided to the property owner or site manager and to the local retail water purveyor. The Landscape Plan Documentation Package shall be prepared by a Designer who certifies that the package satisfies the requirements of the West Valley City Water Efficient Landscape Ordinance (7-28) and its contents have been prepared or reviewed by individuals meeting State Code regulations. The Landscape Plan Documentation Package shall consist of the following items:

a. Project Data Sheet. The Project Data Sheet shall contain the following:
    i. Project name and address;
    ii. Applicant or applicant's agent's name, address, phone and fax number;
    iii. Designer's name, address, phone and fax number; and
    iv. Landscape contractor's name, address, phone and fax number, if available at this time.

b. Planting Plan. A detailed Planting Plan shall be drawn at a scale that clearly identifies the following:
    i. Location of all existing trees and plant materials to be removed and retained and all new plant materials with a planting schedule;
    ii. Property lines and street names;
    iii. Existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements;
    iv. Designation of Landscape Zones, and
    v. Details and specifications for tree staking, soil preparation, and other planting work.

c. Irrigation Plan. A detailed Irrigation Plan shall be drawn at the same scale as the planting plan and shall contain the following information:
    i. Layout of the irrigation system and a legend summarizing the type and size of all components of the system, including manufacturer name and model numbers;
    ii. Static water pressure in pounds per square inch (psi) at the point of connection to the public water supply;
    iii. Flow rate in gallons per minute and design operating pressure in psi for each valve and precipitation rate in inches per hour for each valve with sprinklers; and
    iv. Installation details for irrigation components.

d. Grading Plan. A Grading Plan shall be drawn at the same scale as the Planting Plan and shall contain the following information:
    i. Property lines and street names, existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements; and
    ii. Existing and finished contour lines and spot elevations as necessary for the proposed site improvements.

e. Soils Report. A Soils Report will be required where a site's irrigated landscaped areas exceed 2,500 square feet total. The Soils Report shall describe the depth, composition, and bulk density of the topsoil and subsoil at the site, and shall include recommendations for soil amendments. The Planting Plan shall incorporate the recommendations of the Soils Report into the planting specifications.

f. Landscape Water Allowance Worksheet. The annual Landscape Water Allowance shall be calculated using the following equation:

Landscape Water Allowance = ETO x 1.0 x 0.62 x A, where:

Landscape Water Allowance is in gallons per year
ETO = Reference Evapotranspiration in inches per year
= ETO adjustment factor, 100% of turf grass ETO (water year adjustment factor)
0.62 = conversion factor (to gallons per square feet)
A = total Irrigated Landscape Area in square feet

NOTE: refer to the worksheet packet for formula data.

g. Irrigation schedule. A monthly Irrigation Schedule shall be prepared that covers the initial 120-day plant establishment period and the typical long-term use period. This schedule shall consist of a table with the following information for each valve:
   i. Plant type (for example, turf, trees, low water use plants);
   ii. Irrigation type (for example, sprinklers, drip, bubblers);
   iii. Flow rate in gallons per minute;
   iv. Precipitation rate in inches per hour (sprinklers only);
   v. Run times in minutes per day;
   vi. Number of water days per week, and
   vii. Cycle time to avoid Runoff.

(3) Landscape Design Standards. Plant Selection. Plants selected for landscape zones shall consist of plants that are well-suited to the microclimate and soil conditions at the project site. Plants with similar water needs shall be grouped together as much as possible.

a. For projects located at the interface between urban areas and natural open space (non-irrigated), Extra-Drought Tolerant Plants shall be selected that will blend with the native vegetation and are fire resistant or fire retardant. Plants with low fuel volume or high moisture content shall be emphasized. Plants that tend to accumulate excessive amount of dead wood or debris shall be avoided.

b. Areas with slopes greater than 33% shall be landscaped with deep-rooting, Water Conserving Plants for erosion control and soil stabilization.

c. Mulch. After completion of all planting, all irrigated non-turf areas shall be covered with a minimum four (4)-inch layer of Mulch to retain water, inhibit weed growth, and moderate soil temperature. Non-porous material shall not be placed under the mulch.

d. Soil Preparation. Soil preparation will be suitable to provide healthy growing conditions for the plants and to encourage water infiltration and penetration. Soil preparation shall include scarifying the soil to a minimum depth of six (6) inches and amending the soil with organic material as per specific recommendations of the Landscape Designer/Landscape Architect based on the Soils Report (when applicable).

(4) Irrigation Design Standards. Irrigation design standards for this Ordinance shall be as outlined in the latest version of the “Minimum Standards for Efficient Landscape Irrigation System Design

and Installation" prepared by the Utah Irrigation Association. In addition, the following portions of this Section shall also be applicable:

a. Pressure Regulation. A pressure regulating valve shall be installed and maintained by the consumer if the static service pressure exceeds 80 pounds per square inch (psi). The pressure-regulating valve shall be located between the meter and the first point of water use, or first point of division in the pipe, and shall be set at the manufacturer's recommended pressure for the sprinklers.
b. Landscape Water Meter. A water meter which is separate from the water meter installed for indoor use, shall be installed for landscape irrigation systems when required by the local retail water purveyor for secondary water systems. The size of the meter shall be determined based on irrigation demand.
c. Automatic Controller. All irrigation systems shall include an electric automatic controller with multiple program and multiple repeat cycle capabilities and a flexible calendar program. All controllers shall be equipped with an automatic rain shut-off device, and the ability to adjust run times based on a percentage of maximum ETO.
d. On slopes exceeding 33 percent, the irrigation system shall consist of Drip Emitters, Bubblers or sprinklers with a maximum Precipitation Rate of 0.85 inches per hour and adjusted sprinkler cycle times to eliminate Runoff.
e. Each valve shall irrigate a landscape zone with similar site, slope and soil conditions and plant materials with similar watering needs. Turf and non-turf areas shall be irrigated on separate valves. Drip Emitters and sprinklers shall be placed on separate valves.
f. Parking strips and other landscaped areas less than eight (8) feet wide shall be landscaped with Water-Conserving Plants. Drip Emitters or a Bubbler shall be provided for each tree. Bubblers shall not exceed 1.5 gallons per minute per device. Bubblers for trees shall be placed on a separate valve unless specifically exempted by the City due to the limited number of trees on the project site.
g. Sprinklers shall have matched Precipitation Rates with each control valve circuit.
h. Check valves shall be required where elevation differences will cause low-head drainage. Pressure compensating valves and sprinklers shall be required where a significant variation in water pressure will occur within the irrigation system due to elevation differences.
i. Drip irrigation lines shall be underground, except for Drip Emitters and where approved as a temporary installation. Filters and end flush valves shall be provided as necessary.
j. Valves with spray or stream sprinklers shall be scheduled to operate between 9 p.m. and 8 a.m. to reduce water loss from wind and evaporation.
k. Program valves for multiple repeat cycles shall be required where necessary to reduce runoff, particularly on slopes and soils with slow infiltration rates.
l. When secondary or reuse water is available from the local water purveyor, it shall be used in the irrigation system.

(5) Plan Approval, Construction Inspection and Post-Construction Monitoring. As part of the Building Permit approval process, a copy of the Landscape Plan Documentation Package shall be submitted to the City for approval before construction begins. With the Landscape Plan Documentation Package, a copy of the Landscape Water Allowance Work-sheet shall be completed by the Designer and submitted to the City. Once approved, the Landscape Water Allowance Worksheet will be transmitted to the local water purveyor.

a. All Landscape Plan Documentation Packages submitted must be certified by a Designer.
b. All landscape irrigation systems shall be installed by an IA-certified Irrigation Contractor, or under the direct supervision of the Designer. The certified person representing the

contracting firm shall be a full-time employee of the firm and shall be directly involved with the project including, at least, weekly site visits.

c. All installers, Designers, and auditors shall meet state and local license, insurance, and bonding requirements, and be able to show proof of such.
d. After the landscaping has been installed, the property owner is encouraged to contact a certified water auditor and request a Water Audit. The Water Audit will determine the irrigation system efficiency and make recommendations for improvements.
e. The City reserves the right to perform site inspections at any time before, during or after the irrigation system and landscape installation, and to require corrective measures if requirements of this Ordinance are not satisfied.

**(Ord. No. 02-44 Added 08/06/2002; Ord. No. 05-47 Amended 11/1/2005)**

## 7-28-105. RESIDENTIAL SINGLE-FAMILY DEVELOPMENT.

(1) Applicability. The provisions of this Section shall apply to all new and rehabilitated landscaping for single-family residential dwellings.
This section does not apply to:
   a. Residential developments with developer-installed landscapes (refer to Section 7-28-104); or
   b. Registered historical sites.

(2) Provisions for New or Rehabilitated Landscapes. A Landscape Education Package shall be given to all new single-family homeowners by the Water Purveyor at the time water connection is made by the resident. The Landscape Education Package shall consist of, but not be limited to, the following items:
   a. Principles of Water Efficient Landscape Design.
   b. Listing of Water Conserving Plants.
   c. Information about the Water Check program.
   d. Listing of Designers and certified Landscape Irrigation Contractors.
   e. Information Packet about the Jordan Valley Water Conservancy District Demonstration Garden and classes offered in water wise landscaping.
   f. Listing of indoor and outdoor water conservation tips.
   g. Information Packet about the Water Purveyor's water rate schedule, billing format for water use, and the economics of installing and maintaining a water efficient landscape.

(3) Post Installation. After the landscaping has been installed, the homeowner is encouraged to contact a certified water auditor and request a Water Check. The Water Check will determine the irrigation system efficiency, make recommendations for improvements, and provide the homeowner with an irrigation schedule.

**(Ord. No. 02-44 Added 08/06/2002)**

## 7-28-106. ENFORCEMENT AND PENALTY FOR VIOLATIONS.

(1) Enforcement Authority. The West Valley City Code Enforcement Director and other employees of the Code Enforcement Division of the Community Preservation Department are authorized to enforce all provisions of this Chapter.

(2) Violation of this Chapter. The consumer who violates any provisions of this Chapter shall be issued a written notice of violation. The written notice shall be affixed to the property where

the violation occurred and mailed to the consumer of record and to any other person known to the City who is responsible for the violation and its corrections. Such notice shall describe the violation and order that it be corrected, cured, or abated immediately or within such specified time as the City determines is reasonable under the circumstances. Failure to receive such notice shall not invalidate further actions by the City. If the order is not complied with, the City may issue fines and/or a class "C" misdemeanor citation.

**(Ord. No. 02-44 Added 08/06/2002; Ord. No. 10-08 Amended 03/29/2010)**

# CHAPTER 7-29
# VEHICLE RECYCLING FACILITIES, TOWING AND IMPOUND YARDS, OUTSIDE STORAGE FACILITIES

Sections:

7-29-101. Purpose and Intent.
7-29-102. Definitions.
7-29-103. Licenses and Permits.
7-29-104. Standards.
7-29-105. Application for a Conditional Use Permit.
7-29-106. Enforcement.

## 7-29-101. PURPOSE AND INTENT.

The purpose of this Chapter is to provide specific requirements for vehicle recycling facilities, towing and impound yards in the City in the following manner:

(1) The requirements and standards set forth below are meant to mitigate the substantial impacts of vehicle recycling facilities, and towing and impound yards.
(2) The requirements are designed to improve the aesthetics, general appearance and function of the vehicle recycling facilities, towing and impound yards and outside storage facilities.
    a. These design standards are designed to provide screening of all storage areas.

**(Ord. No. 03-81 Added 12/16/2003)**

## 7-29-102 DEFINITIONS.

(1) "Towing and impound yard" means the temporary storage of vehicles that have been towed, carried, hauled, or pushed from public or private property for impoundment in a public or private impound yard. This use does not include "automotive sales and service" or "vehicle recycling facility."
(2) "Vehicle recycling facility" means the outside storage of, or use of property as a storage yard for, operative or inoperative automobiles or trucks; or junk yard, salvage yard, tow truck service, or wrecker service, which may include but is not limited to:
    a. the outside storage of two or more used vehicles, or used vehicle parts regardless of completeness, operational ability, condition, time frame, or reason, or
    b. storage of any number of used vehicles or used vehicle parts for the purpose of dismantling, stripping, salvaging or selling all or part of the vehicle, except that the storage of any number of vehicles or equipment within the confines of an enclosed building shall not constitute a vehicle recycling facility and shall not be required to comply with the design guidelines and site requirements of this Ordinance. All other site requirements of the underlying zone in which the facility is located will apply. Notwithstanding any provisions of this Ordinance to the contrary, "vehicle recycling facility" does not include "automotive sales and service" as otherwise defined in the West Valley City Municipal Code.

**(Ord. No. 03-81 Added 12/16/2003)**

## 7-29-103. LICENSES AND PERMITS.

It shall be unlawful for any person to conduct, maintain or operate a vehicle recycling facility, towing and impound yard, or outside storage facility, within the City unless such person shall first obtain conditional use approval, comply with all the standards and conditions required by such conditional use approval, and comply with all other required City, county, state and federal regulations.

**(Ord. No. 03-81 Added 12/16/2003)**

## 7-29-104. STANDARDS.

(1) Vehicle recycling facilities, towing and impound yards, and outside storage facilities are uses allowed within the M zone and shall be allowed only as a conditional use approved by the Planning Commission. The Planning Commission may set conditions as necessary pursuant to Chapter 7-7, Conditional Uses.
(2) All vehicle recycling facilities, towing and impound yards, and outside storage facilities shall comply with all City ordinances and standards, and county, state and federal laws.
(3) Development plans shall be submitted for review by the Planning Commission based on the requirements of Section 7-14-108, "Design and development plan review and decision process," and the standards that follow.
(4) Site Design and Environmental Standards:
    a. All vehicle recycling facilities, towing and impound yards, and outside storage facilities shall be surrounded by an 8-foot solid visual barrier fence for all frontages along a public street. An 8-foot visual barrier fence is required on the exterior property lines except that the common boundary with another vehicle recycling facility, towing and impound yard, or outside storage facility may be marked with a chain link barrier fence. These visual barriers may be increased in style, height or durability as determined by the Planning Commission. The visual barrier shall be painted or constructed of one color and material providing a consistent appearance. The intent of this requirement is to screen the vehicle storage areas from outside of the property, and the fence may need to be modified by the Planning Commission due to the specific topography to accomplish that result. Notwithstanding the above requirements, parking areas for customers, employees, and vehicle sales are not required to be behind a visual barrier fence.
    b. All vehicle recycling facilities, towing and impound yards, and outside storage facilities shall hard surface the entire vehicle storage parking and maneuvering areas with concrete, asphalt or approved engineered dustless surface.
    c. All vehicle recycling facilities, towing and impound yards, and outside storage facilities shall be located on a properly drained site that is properly graded to ensure rapid drainage and to ensure that the site remains free from stagnant pools of water. Properties shall provide a site drainage plan and grading plan with adequate facilities to dispose of any runoff and any contaminants by a method that is approved by the West Valley City Public Works Department.
    d. All vehicle recycling facilities, towing and impound yards and outside storage facilities shall provide the City with a fluid drainage and disposal plan that complies with all federal, state and local standards.
    e. The construction or operation of the vehicle recycling facility, towing and impound yard, or outside storage facility shall not add to the contamination of the soil, alter ground

water flow, create additional drainage runoff or alter topography in such a way that creates hazards to the proposed site, adjoining properties, or the City.

f. Vehicle recycling facilities shall construct and maintain a permanent primary building. Primary buildings shall be constructed of masonry along the front/ street frontage. Secondary storage buildings may be constructed of other materials as approved by the Planning Commission.
g. Permanent landscaping shall be designed and installed that complies with the requirements of the underlying zone and the landscape standards as outlined in Chapter 7-13, Standards for Landscaping Along High Image Arterial Streets. Landscaping design shall be reviewed by the Planning Commission as part of the conditional use review. No vehicles shall be parked or displayed within the areas designated for landscaping.
h. Each vehicle recycling facility, towing and impound yard, or outside storage facility shall provide adequate off-street customer and employee parking that complies with the standards of Chapter 7-9, Off Street Parking Requirements. Customer parking must be separate from the vehicle storage area and accessible from the public road without being restricted with fences or gates. Operable licensed vehicles being displayed for sale shall be located in a separate designated area and are not required to be screened with a visual barrier.
i. Vehicle recycling facilities, towing and impound yards, and outside storage facilities shall provide a vehicle parking plan that demonstrates that the stored vehicles or partial vehicles are stored in a unified organized manner. A minimum of a 20-foot wide drive access way with a 44' wide outside turning radius shall be provided between every two rows of vehicles to facilitate emergency vehicles and tow vehicles. When fire hydrants are provided at the access ways, the width of the road shall be 28-foot wide for a minimum of 20' on both sides of the fire hydrant.
j. Vehicles shall not be stacked. Only one vehicle height shall be permitted within the vehicle storage areas. An area may be designated for vehicles awaiting removal from the yard which are crushed (flattened) vehicles and may be stacked to a height no greater than the height of the adjoining screen fence. Stacked vehicles can exceed the height of the adjoining fence by one-foot for every twenty feet of setback from the property line. If the vehicle stacking exceeds the eight-foot height and is within one hundred fifty feet of a public street, additional screening shall include 1 3/4" - 2" caliper trees spaced no more than twenty-five feet apart maintained with an adequate watering system.
k. Vehicle staging areas shall be provided outside of the public accessible areas where vehicles are loaded or unloaded. No loading or unloading or storage of any vehicles is permitted within the public right-of-way or within the customer parking lot.
l. Vehicle recycling facilities, towing and impound yards, and outside storage facilities shall not allow objectionable smoke, noise, odors, or other adverse impacts on adjoining properties or the City. No burning of any waste materials is permitted unless it is a part of an approved contained heat system specifically for reuse of waste materials.
m. All grounds and buildings shall be maintained free of insect and rodent harborage and infestation. Vehicle recycling, towing and impound facilities, and outside storage facilities shall be maintained free of organic waste, or inappropriately stored flammable materials. Materials that are customary to the business shall be stored in accordance with applicable laws.
n. Adequate facilities and infrastructure shall be provided for fire protection as determined by the Building and Fire Codes, the International Fire Code, and City Fire Ordinances.

Fire extinguishers shall be kept within the buildings and storage yard location as deemed necessary and shall be maintained in good operating condition. A pressurized water system is required to serve the vehicle recycling facilities and towing and impound yards in order to provide adequate fire protection and culinary water. Fire hydrants served from this water system shall be installed and maintained in accordance with approved plans and in accordance with the International Fire Code.

o. All vehicle recycling facilities, towing and impound yards, and outside storage facilities shall be served by a sanitary sewer system. Connection to these facilities shall be mandatory and no private septic sewer systems are permitted.
p. Site lighting and operational lighting shall be installed so that it does not create traffic hazards or impacts on adjacent land uses as outlined in Section 7-9-114, Lighting. A lighting plan shall be submitted and approved as part of the conditional use request.
q. Identification and business signage shall be in compliance with Chapter 11, Sign Regulations, of the West Valley City Municipal Code. No signage shall be permitted on the screen fencing unless specifically authorized by the Planning Commission.
r. All vehicle recycling, towing or impound operations, and outside storage facilities shall comply with Salt Lake Valley Health Department requirements and all other state and federal regulations.

**(Ord. No. 03-81 Add 12/16/2003)**

## 7-29-105. APPLICATION FOR A CONDITIONAL USE PERMIT.

(1) Before a conditional use permit for a new vehicle recycling facility, towing and impound yard, or outside storage facility can be issued, complete plans and specifications complying with these standards, and the designated application fees, shall be submitted for review with the Planning Commission. Planning Commission approval, completion of all improvements, and continued compliance with these standards is required for all new vehicle recycling facilities, towing and impound yards, and outside storage facilities.
(2) Vehicle recycling facilities, towing and impound yards, and outside storage facilities legally approved and existing as of the effective date of this Ordinance may continue to be operated and maintained without the site improvements and design restrictions of this Ordinance. However, the site improvement ordinance design standards may be applied to any expansion or modification, as defined in the City's Conditional Use ordinance, Sections 7-7-106(1)(a) and 7-7-106(1)(b), of an existing vehicle recycling facility, towing and impound yard, or outside storage facility.

**(Ord. No. 03-81 Added 12/16/2003)**

## 7-29-106. ENFORCEMENT.

Enforcement of this Chapter shall follow the provisions of Chapter 7-20 of this Title.

**(Ord. No. 03-81 Added 12/16/2003)**

# CHAPTER 7-30
# GENERAL RESTRICTIONS FOR FOOD VENDING UNITS

Sections:

7-30-101. General Restrictions for Food Vending.
7-30-102. Location.
7-30-103. Mobile Food Vending Units.
7-30-104. Food Vending Units.

## 7-30-101. GENERAL RESTRICTIONS FOR FOOD VENDING

(1) All food vending units and vehicles shall be maintained in good condition and repair and constructed of surface materials that are smooth, easily cleanable, corrosion resistant, nontoxic, stable, non-absorbent of odors and constructed in accordance with the Salt Lake Valley Health Department regulations.
(2) A portable fire extinguisher Type 2A-10 BC minimum must be mounted a minimum of three feet (3') from any open flame or cooking area.
(3) Extension cords used for power must be U.L. listed for outdoor use, sized for the connected electrical loads and protected by a circuit breaker in accordance with the current National Electrical Code.
(4) Extension cords may not be used in lieu of permanent wiring
(5) Electrical wiring exposed to the weather must be listed for outdoor use.
(6) Electrical receptacles must have Ground Fault Circuit Interrupters.
(7) All electrical wire splices must occur inside a closed electrical box.
(8) All lighting must have shatterproof bulbs or guards
(9) Electrical panels used for cooling, lighting or power must have a disconnecting means.
(10) LP (propane) tanks shall be mounted and secured outside of the vehicle/unit and shall be kept a minimum of three feet (3') from any open flame. No freestanding propane bottles or bottles mounted in the interior of a vehicle/unit are permitted.
(11) When occupants cook inside the unit or vehicle one 24" wide exit door must be provided with a minimum 24" clear exit access aisle throughout the unit or vehicle interior.
(12) Any cooking conducted within an enclosed structure must have a Type 1 commercial cooking hood with a UL-300 wet suppression system complete with Type K extinguisher per NFPA 17A.
(13) Hood must be initially approved by the West Valley City Fire Department and annually tagged for compliance.
(14) Trash receptacle must be provided for patrons.
(15) All portable and permanent signs, which are not attached to the unit or vehicle are prohibited, including but not limited to menu boards.

**(Ord. No. 08-40 Enacted 09/17/2008)**

## 7-30-102. LOCATION.

(1) Food vending units and vehicles are allowed only in the BRP, C-2, C-3 and M zones or will be accessory to a community use in a residential or agricultural zone. Food vending vehicles are permitted in the City Center Zone in accordance with the standards set forth in Section 7-6-1612.

(2) Permitted only in a designated area on private property with a licensed and operational business on site.

**(Ord. No. 08-40 Enacted 09/17/2008; Ord. No. 15-08 Amended 03/05/2015)**

## 7-30-103. MOBILE FOOD VENDING UNITS.

(1) Signage shall be attached to the mobile food vending vehicle and occupy no more than 24 square feet on each side of the vehicle.

**(Ord. No. 08-40 Enacted 09/17/2008)**

## 7-30-104. FOOD VENDING UNITS.

(1) Signage shall be attached to the food vending unit and occupy no more than 8 square feet on each side of the unit.
(2) A food vending unit shall not exceed a width of eight feet (8') and a length of nineteen feet (19'), including the hitch.

**(Ord. No. 08-40 Enacted 09/17/2008)**

# CHAPTER 7-31
# ALTERNATIVE ENERGY SYSTEMS ORDINANCE

Sections:

Section 7-31-101. Short Title.
Section 7-31-102. Purpose.
Section 7-31-103. Definitions.
Section 7-31-104. STANDARDS FOR ALL ALTERNATIVE ENERGY SYSTEMS.
Section 7-31-105. STANDARDS FOR SMALL WIND ENERGY SYSTEMS.
Section 7-31-106. STANDARDS FOR SOLAR ENERGY COLLECTION SYSTEMS.

## 7-31-101. SHORT TITLE.

This Chapter shall be known as the "West Valley City Alternative Energy Systems Ordinance." This Chapter shall also be known as "Chapter 7-31, West Valley City Code." It may be cited and pleaded under either designation.

## 7-31-102. PURPOSE AND INTENT.

The purpose of this Chapter is to encourage the use of and establish minimum requirements for the placement, construction, and modification of Alternative Energy Systems, and related equipment as defined herein. This Chapter is also intended to promote the safe, effective, and efficient use of such systems.

## 7-31-103. DEFINITIONS.

(1) "Alternative Energy System" means a Small Wind Energy System or Solar Energy Collection System.
(2) "Building-Integrated Solar Energy Systems" means a Solar Energy Collection System that is an integral part of a principal or accessory building, rather than a separate mechanical device, replacing or substituting for an architectural or structural component of the building including, but not limited to, photovoltaic or hot water solar systems contained within roofing materials, windows, skylights and awnings.
(3) "Height" means the height of a Small Wind Energy System measured from natural grade to the tip of the rotor blade at its highest point or highest component of the system, or the height of a Solar Energy Collection System measured from natural grade to the highest point of the device or component of the device.
(4) "Meteorological Tower (Met tower)" means a temporary tower, housing or supporting wind measuring equipment for the purpose of establishing the viability of the wind generated energy by measuring and monitoring wind velocity, direction, shear, duration, intensity, and regularity.
(5) "Rated Nameplate Capacity" means the maximum rated output of electric power production equipment. This output is typically specified by the manufacturer with a "nameplate" on the equipment rated in Watts (W) or British Thermal Units (BTUs).
(6) "Small Wind Energy System" means all equipment, machinery, and structures utilized in connection with the conversion of wind to electricity. This includes, but is not limited to,

storage batteries, electrical collection devices and supply equipment, transformers, service and access roads, support structures and one or more wind turbines, which has a rated nameplate capacity of 100 kilowatts (kW) or less.

(7) "Solar Energy Collection System" means a device or combination of devices or structures that transform direct solar energy into thermal or electrical energy and that contribute significantly to a structure's thermal or electrical energy supply. The energy generated may also be distributed to an energy grid. This includes, but is not limited to, solar collectors, solar panels, solar hot water heaters, storage batteries, transformers, heat exchangers and distribution components.

## 7-31-104. STANDARDS FOR ALL ALTERNATIVE ENERGY SYSTEMS.

**(1) Alternative Energy System Permit Required.**

a. **Building Permit Application.** Building permits shall be required for all Alternative Energy Systems. Applications for an Alternative Energy System permit shall be made to the West Valley City Community and Economic Development Department. All applications shall include the following documentation:

i. **Engineered Drawings.** The building permit application shall include standard drawings of the Alternative Energy System and stamped engineered drawings of the tower, base, footings, supports, and/or foundation as provided by the manufacturer. The engineered drawings shall include productive capacity of Alternative Energy Systems and wind loads for Wind Energy Systems.

ii. **Site Plan.** The building permit application shall include a site plan that includes the following elements.

1. The site plan shall include a date, North arrow and appropriate scale to reflect adequately the detail necessary to describe the location and use. The plan shall be accurate in terms of scale and dimensions;
2. The site plan shall include the locations of existing property lines, public or private rights-of-way, and public roads.
3. The site plan shall include the dimensions and locations of existing improvements, including but not limited to, buildings and structures, fences and overhead utility lines.
4. The site plan shall include the dimensions and locations of existing or proposed Alternative Energy Systems, associated components, security structures, fences, and support structures.

iii. **Utility Notification.** The building permit application shall include evidence that the relevant electric utility company has been informed of the customer's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

b. **Fire and Emergency Access.** Alternative Energy Systems shall be located on the property such that they will not pose a danger to emergency personnel or equipment. Small Wind Energy Systems shall not be roof-mounted on a side that is dedicated to emergency equipment or personnel access and the side of a building where emergency service resources are located. The West Valley City Fire Department or designee shall review Alternative Energy System Permit plans and determine potential hazards to emergency personnel and equipment.

c. **Small Wind Energy System Permit Limit.** In any residential zone, no more than one (1) Small Wind Energy System permit shall be allowed concurrently on a parcel. Parcels over one (1) acre shall be exempt from this limit.
d. **Meteorological Tower (Met Tower).** A Meteorological Tower shall be treated herein as a Small Wind Energy System.
e. **Modifications.** Any physical modification to an existing and permitted Alternative Energy System that alters the size and/or type of components or other equipment shall require a permit modification under this ordinance. Replacement of parts on an already permitted system shall not require a permit modification.
f. **Expiration.** A permit issued pursuant to this ordinance shall expire if:
    i. The Alternative Energy System is not installed and functioning within six (6) consecutive months from the date the permit is issued; or
    ii. The Alternative Energy System is abandoned.
g. **Violations.** It is unlawful for any person to construct, install, alter or operate an Alternative Energy System that is not in compliance with this ordinance or with any condition contained in a building permit issued pursuant to this ordinance.
**h. Administration and Enforcement.**
    i. This ordinance shall be administered and enforced by the West Valley City Chief Building Official or their designee.
    ii. The Chief Building Inspector or their designee may enter any property for which a building permit has been issued under this ordinance to conduct an inspection to determine whether the conditions stated in the permit have been met.

(2) **Compliance with Laws, Ordinances, and Regulations.** The construction and operation of all Alternative Energy Systems shall be consistent with all applicable local, state, and federal requirements, including all applicable safety, construction, building, environmental, electrical, communications, and FAA aviation requirements. Alternative Energy Systems shall comply in all respects with building and electrical codes contained in the International Building Code, International Residential Code and National Electric Code as adopted by West Valley City.

**(3) Site Conditions and Property Maintenance.**
a. **Land Clearing, Soil Erosion, and Habitat Impacts.** Clearing of natural vegetation shall be limited to that which is necessary for the construction, operation, and maintenance of the Alternative Energy System and is otherwise prescribed by applicable laws, regulations and ordinances. Once the system is operational, any land that has been disturbed and is not necessary for the functioning of the system shall be reclaimed with natural vegetation immediately. Soil erosion is to be mitigated such as by the use of silt fencing, the captured product of which can be used in the vegetation reclamation.
b. **System Conditions.** The applicant shall maintain the Alternative Energy System in good and operable condition. Maintenance shall include, but not be limited to, painting, mechanical/electrical repairs, structural repairs, and security measures including security fencing.
c. **Removal and Decommissioning Requirements.** Any Alternative Energy System, which has reached the end of its useful life or has been abandoned, shall be removed.
    i. An Alternative Energy System shall be considered abandoned when it fails to operate within the past twelve (12) consecutive months.
    ii. Upon a Notice of Abandonment issued by West Valley City, the Alternative Energy System owner shall have sixty (60) days to provide sufficient evidence that the system has not been abandoned. If the system has not been removed or proven not to be abandoned after this period, the Alternative Energy System

may be abated by West Valley City in accordance with the procedures in Title 10 of West Valley City Code.

iii. Once the Alternative Energy System has been removed the owner is then responsible for land reclamation using the natural vegetation types that were removed or disturbed upon construction of the project. To the greatest extent possible, the land shall be fully returned to its natural state within twelve (12) months of the removal and decommissioning of the project. A reclamation bond may be required for larger systems.

## 7-31-105. STANDARDS FOR SMALL WIND ENERGY SYSTEMS.

(1) **Height.** The height of Small Wind Energy Systems shall not exceed eighty (80) feet, measured at the highest point of the turbine blade or other component. In Agricultural or Manufacturing zones, the Small Wind Energy System shall not exceed one hundred and twenty (120) feet. If the Small Wind Energy System is attached to a building or structure, this measurement shall include the height of the building or structure. The Small Wind Energy System shall comply in all respects with 'Federal Aviation Regulations Part 77', and any other applicable Federal Aviation Administration requirements.

(2) **Setbacks.** Small Wind Energy Systems shall be set back at a distance equal to or greater than one hundred percent (100%) of the total height of the system from all overhead utility lines, property lines, and public roads or public rights-of-way. If the Small Wind Energy System is installed on a roof, the total height is equal to the roof height and tower height. Guy wires and other support devices shall be set back at least five (5) feet from all property lines. Guy wires and other support devices shall be set back at least twenty (20) feet from any public right-of-way. Small Wind Energy Systems shall not be allowed in the required front yard setback.

(3) **Minimum Blade Height.** The minimum height of the lowest point of a turbine blade shall be fifteen (15) feet above the ground and ten (10) feet above or distant from any roof surface.

(4) **Color and Finish.** The Small Wind Energy System shall remain painted or finished the color or finish that was originally applied by the manufacturer, or shall be painted gray, beige, or white. Rust, corrosion or peeling paint on any component of an Alternative Energy System shall be repaired and/or repainted.

(5) **Lighting.** Illumination or lighting on the Small Wind Energy System shall be prohibited except as required and allowed by the Federal Aviation Administration.

(6) **Signage and Advertising.** Signs and advertising shall be restricted to reasonable identification of the manufacturer, operator of the Small Wind Energy System, utility, and safety signs. No other signage shall be permitted.

(7) **Access.** No tower shall have a climbing apparatus within twelve (12) feet of the ground. All access doors or access ways to towers and electrical equipment shall be accessible by authorized personnel only. Towers with lattice within twelve (12) feet of the ground shall be enclosed within a secured fence or wrapped by a protective metal mesh up to twelve (12) feet and sufficient to prevent climbing.

(8) **Feeder Lines.** All exterior electrical lines shall be placed in a conduit and buried below the surface of the ground. Electrical lines may be placed overhead only near points of interconnection to the electric grid.

(9) **Sound.** The Small Wind Energy System and associated equipment shall not exceed fifty (50) dB(A) for any period of time under normal operating conditions as measured from the nearest neighboring inhabitable structure. This maximum sound level may be exceeded during short-

term events beyond the owner's or operator's control such as utility outages and/or severe wind storms.

## 7-31-106. STANDARDS FOR SOLAR ENERGY COLLECTION SYSTEMS

(1) **Height.** Roof mounted Solar Energy Collection Systems shall comply with the maximum height requirements in the applicable zoning district. Where maximum height is measured at the midpoint between eaves and roof peak, and where the roof peak exceeds the maximum building height, the Solar Energy Collection System shall not exceed the height of the roof peak. Ground-mounted Solar Energy Collection Systems shall not exceed fourteen (14) feet in height.

(2) **Exemption.** Passive or Building-Integrated Solar Energy Collection Systems are exempt from the requirements of this section and shall be regulated as any other building element.

**(3) Ground-Mounted Solar Energy Collection Systems.**

a. All exterior electrical and/or plumbing lines shall be placed in a conduit and buried below the surface of the ground. Electrical lines may be placed overhead only near points of interconnection to the electric grid.

b. Ground-mounted Solar Energy Collection Systems shall be limited to a maximum area of two-hundred (200) square feet.

c. Ground-mounted Solar Energy Collection Systems in Residential zoning districts shall be limited to the side or rear yard and shall be treated as accessory structures.

d. Ground-mounted Solar Energy Collection Systems in non-residential zoning districts shall be limited to the side or rear yard and shall not encroach into any required setback.

(4) **Roof-Mounting.** Roof-mounted Solar Energy Collection Systems shall be flush-mounted and parallel to the roof surface to the extent possible. Solar Energy Collection Systems may be bracket mounted or tilted on flat or pitched roofs to improve efficiency, but shall have at least one (1) side of the array within twelve (12) inches of the roof surface.

**(Ord. No. 10-30 Enacted 10/11/2010)**

# CHAPTER 7-32
# RETAIL TOBACCO SPECIALTY BUSINESSES

Sections:

7-32-101. Definitions.
7-32-102. Proximity Requirements .
7-32-103. Exemptions.

## 7-32-101. DEFINITIONS.

(1) As used in this Chapter:

a. "Community Location" means:

i. a public or private kindergarten, elementary, middle, junior high, or high school;
ii. a licensed child-care facility or preschool;
iii. a trade or technical school;
iv. a church;
v. a public library;
vi. a public playground;
vii. a public park;
viii. a youth center or other space used primarily for youth oriented activities;
ix. a public recreational facility; or
x. a public arcade.

b. "Retail Tobacco Specialty Business" means a commercial establishment in which:

i. the sale of tobacco products accounts for more than 35% of the total annual gross receipts for the establishment;
ii. food and beverage products, excluding gasoline sales, is less than 45% of the total annual gross receipts for the establishment; and
iii. the establishment is not licensed as a pharmacy under Title 58, Chapter 17b, Pharmacy Practice Act.

c. "Tobacco product" means:

i. any cigar, cigarette, or electronic cigarette as defined in Utah Code Annotated Section76-10-101;
ii. a tobacco product as defined in Utah Code Annotated Section 59-14-102 , including:
1. chewing tobacco; or
2. any substitute for a tobacco product, including flavoring or additives to tobacco; and
iii. tobacco paraphernalia as defined in Utah Code Annotated Section 76-10 104.1.

## 7-32-102. PROXIMITY REQUIREMENTS.

(1) a. A Retail Tobacco Specialty Business shall not be located within:

i. 1,000 feet of a Community Location;
ii. 600 feet of another Retail Tobacco Specialty Business; or
iii. 600 feet from property used or zoned for:

1. agriculture use; or
2. residential use.

b. For purposes of Subsection (1)(a), the proximity requirements shall be measured in a straight line from the nearest entrance of the Retail Tobacco Specialty Business to the nearest property boundary of the Community Location, or agricultural or residential use, without regard to intervening structures or zoning districts.

## 7-32-103. EXEMPTIONS.

(1) a. In accordance with Subsection (1)(b), a Retail Tobacco Specialty Business that has a business license and is operating lawfully in the City on or before May 8, 2012, is exempt from the zoning requirements in this Chapter.

b. A Retail Tobacco Specialty Business may maintain an exemption under Subsection (1)(a) if:

i. the business license is renewed continuously without relapse or permanent revocation;

ii. the retail tobacco specialty business is not closed for business or otherwise suspends the sale of tobacco products for more than 60 consecutive days;

iii. the retail tobacco specialty business does not substantially change the business premises or its business operation; and

iv. the retail tobacco specialty business maintains the right to operate under the terms of other applicable laws, including zoning ordinances, building codes, and the business license issued prior to May 8, 2012.

**(Ord. No. 12-44 Enacted 12/06/2012)**

# CHAPTER 7-33
# TOBACCO ORIENTED BUSINESSES

Sections:

7-33-101. Definitions.
7-33-102. Restrictions.
7-33-103. Disclosure Requirements.

## 7-33-101. Definitions.

(1) For the purpose of this Chapter, "Tobacco Products" shall have the meaning set forth in Utah Code Section 10-8-41.6.
(2) A business or establishment shall be deemed a "Tobacco Oriented Business" if it meets any of the following criteria at any time.
    a. More than two percent of the floor area is used for the sale or display of Tobacco Products;
    b. The business sells, displays, or makes available any of the following, in any quantity:
        i. Tobacco paraphernalia as defined in Utah Code Section 76-10-104.1;
        ii. Hookah products and accessories; or
        iii. Pipes or any similar product.
(3) Businesses qualifying as a Retail Tobacco Specialty Business as defined by this Title are not Tobacco Oriented Businesses and cannot be licensed as Tobacco Oriented Businesses.

**(Ord. No. 16-15 Enacted 04/22/2016)**

## 7-33-102. Restrictions.

(1) One Tobacco Oriented Business shall be allowed in the City for every 10,000 citizens of the City.
(2) Tobacco Oriented Businesses are prohibited in all zones except the M Zone.
(3) Tobacco Oriented Businesses cannot be located in multitenant buildings.
(4) Tobacco Oriented Businesses cannot be located within 200 feet of a major arterial street as defined in the City's Major Street Plan.
(5) Tobacco Oriented Businesses cannot be located within 300 feet of any residential zone, residential use, public park, school, Tobacco Oriented Business, Retail Tobacco Specialty Business, or agricultural zone or use. This proximity requirement shall be measured in a straight line from the nearest entrance of the Tobacco Oriented Business to the nearest property boundary of the uses and zones set forth herein, without regard to intervening structures, uses, or zoning districts.
(6) All Tobacco Oriented Businesses established, licensed, or applying for land use approval after the date of this ordinance must be located in a building meeting the Commercial Design Standards established by Part 7-14-200P of this Title, even if said building was existing on the date of this ordinance.

**(Ord. No. 16-15 Enacted 04/22/2016)**

## 7-33-103. Disclosure Requirements.

(1) All Tobacco Oriented Businesses must disclose any circumstance described in Subsection 7-33-101(2) on a form created by the City.
(2) The disclosure form required by subsection (1) above must be submitted with any new or renewal business license application or with any land use application.
(3) The requirements of this Section apply to both new and existing businesses, even if a business is a legal non-conforming use.
(4) Failure to make the disclosure required by this Section or making misleading or inaccurate statements in or in connection with said disclosure shall constitute sufficient grounds for the denial of a new or renewal business license application, revocation of an existing business license, or revocation of a land use approval.

**(Ord. No. 16-15 Enacted 04/22/2016)**

# TITLE 8
# IMPACT FEES

Chapters:

8-1 General Provisions
8-2 Drainage Impact Fees
8-3 Park Impact Fees
8-4 Road Impact Fees
8-5 Fire Impact Fees
8-6 Police Impact Fees

# CHAPTER 8-1
# GENERAL PROVISIONS

Sections:

8-1-101. Title, Purpose, and Administration.
8-1-102. Applicability.
8-1-103. Service Areas.
8-1-104. Calculation of Impact Fees Based on Fee Schedule.
8-1-105. Individual Assessment of Impact Fees.
8-1-106. Collection of Impact Fees.
8-1-107. Fund Accounting for Impact Fees.
8-1-108. Expenditure of Impact Fees.
8-1-109. Refunds of Impact Fees.
8-1-110. Offsets to Impact Fees.
8-1-111. Developer Agreements for Impact Fees.
8-1-112. Relief Procedures and Hearings.
8-1-113. Impact Fee as Supplemental Regulation to other Financing Methods.
8-1-114. Updates and Revisions of the Impact Fees.

## 8-1-101. TITLE, PURPOSE, AND ADMINISTRATION.

(1) This Title 8 shall be known as the "Impact Fee Ordinance," and may be referred to herein as "this Ordinance."
(2) This Ordinance is intended to ensure timely construction of major public capital improvements that are necessary to serve new development by ensuring that necessary financing is available for such improvements. The impact fees to be paid by each new development pursuant to this Ordinance are to be proportional to the impact that the new development will have on the types of facilities for which the fees are charged.
(3) The City official with primary responsibility for administering this Ordinance is referred to herein as the Impact Fee Administrator. The Impact Fee Administrator shall be designated by the City Manager. The Impact Fee Administrator may delegate authority conferred by this Ordinance to other appropriate City staff.

**(Ord. No. 97-30 Enacted 07/01/1997)**

## 8-1-102. APPLICABILITY.

(1) Until any impact fee required by this Ordinance has been paid in full, no building permit, electrical permit, certificate of compliance, certificate of occupancy, or other permit subsequent to development plan approval for any development shall be issued. A stop work order shall be issued on any development for which the applicable impact fee has not been paid in full.
(2) Park impact fees shall apply only to new residential development.
(3) The movement of a structure onto a lot shall be considered development and shall be subject to the impact fee provisions, unless otherwise provided herein.
(4) Impact fees for mobile home parks and recreational vehicle parks shall be assessed for the entire development, based on the number of mobile home/recreational vehicle spaces created, at the time of application for the first building or electrical permit for the development. No

additional impact fees shall be assessed on subsequent building or electrical permits in the mobile home/recreational vehicle park unless additional spaces are created.

(5) The impact fee provisions shall not apply to the following actions:
   a. Placing on a lot a temporary construction trailer or office, but only for the life of the building permit issued for the construction served by the trailer or office; and
   b. Any development, including, but not limited to, the mere subdivision of land, installation of utilities, or the use of land for limited recreational, agricultural, filling, or dredging purposes, which, in the opinion of the Impact Fee Administrator, will not result in a significant, measurable impact on facilities covered by impact fees.

**(Ord. No. 97-30 Enacted 07/01/1997)**

## 8-1-103. SERVICE AREAS.

(1) The following impact fee service areas are hereby established:
   a. For the purpose of drainage impact fees, the service areas shall be the drainage basins identified in Exhibit 1, "Drainage Impact Fee Service Areas," which is incorporated herein by reference.
   b. For the purpose of park impact fees, the service area shall be all of the incorporated area of the City.
   c. For the purpose of road impact fees, the service area shall be all of the incorporated area of the City.
   d. For the purpose of fire impact fees, the service area shall be all of the incorporated area of the City.
   e. For the purpose of police impact fees, the service area shall be all of the incorporated area of the City.
(2) Impact fees shall be assessed only on development located within the service area.
(3) Impact fees collected within a service area shall be spent within the same service area.
(4) The appropriateness of the designation and boundaries of the service areas shall be reviewed annually by the City as part of the annual impact fee revision process set forth in Section 8-1-114, "Updates and Revisions of the Impact Fees." Following such review and a public hearing, the service areas may be amended.

**(Ord. No. 97-30 Enacted 07/01/1997)**

## 8-1-104. CALCULATION OF IMPACT FEES BASED ON FEE SCHEDULE.

(1) Unless an applicant requests an individual assessment as set forth in the following subsection, the impact fees shall be calculated for the proposed development based on the applicable fee schedule, less any applicable offsets pursuant to Section 8-1-110.
(2) The following impact fee schedules, found in Chapter 1-2 of the City Code, have been adopted by the City Council and are incorporated herein by reference:
   a. Drainage Impact Fee Schedule
   b. Park Impact Fee Schedule
   c. Road Impact Fee Schedule
   d. Fire Impact Fee Schedule
   e. Police Impact Fee Schedule
(3) The land uses specified in the impact fee schedules shall be interpreted as follows:

a. "Single-Family Detached" shall be defined as the use of a lot for one dwelling unit, not attached to any other dwelling unit.
b. "Duplex" shall be defined as "Dwelling, Two-Family," which is defined in Section 7-1-103(57).
c. "Mobile Home Park" shall be defined as a development activity involving the leasing of sites for the temporary placement of mobile homes and/or recreational vehicles.
d. "Multi-Family" shall include any dwelling unit that does not fit the definition of Single-Family Detached, Duplex, or Mobile Home Park.
e. Nonresidential land uses in the Road Impact Fee Schedule and the Police Impact Fee Schedule shall be defined according to the descriptions of land uses in the most current edition of Trip Generation, published by the Institute of Transportation Engineers, provided that retail uses not separately identified shall be classified in the shopping center category, and institutional uses not separately identified shall be classified in the general office category.

(4) The units of development specified in the fee schedule shall be interpreted as follows:
a. A dwelling shall be interpreted as "dwelling unit," as defined in Section 7-1-103(62), provided that it shall also be interpreted as the creation of a new mobile home or recreational vehicle space in a mobile home park.
b. Building square footage shall be measured in terms of gross floor area, measured from the outside surfaces of the building walls.

(5) For categories of uses not specified in the applicable impact fee schedule, the Impact Fee Administrator shall apply the category of use set forth in the applicable fee schedule that is deemed to be most similar to the proposed use.

(6) If the development approval or permit for the proposed development indicates a mix of uses in the development, the impact fees shall be calculated separately for each use according to the fee schedule, and the results aggregated.

(7) For an addition to or remodeling or replacement of existing structures, or for a change of use of an existing structure, the impact fee to be paid shall be the difference, if any, between:
a. The fee that would be payable for existing development on the site, or, in the case of demolition or removal of a structure, the previous development on the site, provided that the demolition or removal has occurred within one year of the date of submittal of the application for which impact fees are assessed; and
b. The fee that would be payable for the total development on the site after the new development.

(8) Upon written request of an applicant, the Impact Fee Administrator shall provide an estimate of the current fee based on the data provided by the applicant. However, the Impact Fee Administrator shall not be responsible for determining at such preliminary date the accuracy of the information provided, nor shall such estimate provide any vested rights.

**(Ord. No. 97-30 Enacted 07/01/1997; Ord. No. 98-59, Amended, 08/11/1998)**

## 8-1-105. INDIVIDUAL ASSESSMENT OF IMPACT FEES.

(1) If any person submitting an application for which payment of an impact fee is a prerequisite to approval believes that the impacts of the proposed development will be substantially less than would be indicated by using the fee schedule, such person may request to perform an individual assessment of the impact of the proposed development. A request for an individual assessment must be made prior to payment of fees for a building permit or final plat approval, as applicable.

(2) The individual assessment shall be subject to the following special standards and procedures:
   a. Drainage Impact Fees: As set forth in Section 8-2-102;
   b. Park Impact Fees: As set forth in Section 8-3-102;
   c. Road Impact Fees: As set forth in Section 8-4-102;
   d. Fire Impact Fees: As set forth in Section 8-5-102; and
   e. Police Impact Fees: As set forth in Section 8-6-102.
(3) If the Impact Fee Administrator accepts the computations of the individual assessment under this section, the applicable fee shall be determined from the individual assessment.

**(Ord. No. 97-30 Enacted 07/01/1997)**

## 8-1-106. COLLECTION OF IMPACT FEES.

(1) Except as set forth in subsection (2), the impact fees for all new development shall be calculated in conjunction with the application for the first building permit for the development, or application for any other permit or approval for development that is subject to impact fees, if a building permit is not required for that development. No permit or approval will issue until all impact fees are paid in full or are accounted for by agreement with the City, as set forth in Section 8-1-111.
(2) For drainage impact fees, the impact fees shall be calculated at the time of application for plat approval. Final plat approval will not issue until drainage fees are paid in full or are accounted for by agreement with the City, as set forth in Section 8-1-111.

**(Ord. No. 97-30 Enacted 07/01/1997)**

## 8-1-107. FUND ACCOUNTING FOR IMPACT FEES.

(1) The City shall establish a separate accounting fund in which the impact fees collected for a particular type of facility within the service area shall be credited. Such fees shall be invested by the City, and the yield on such fees, at the actual rate of return to the City, shall be credited to such accounting fund periodically in accordance with the accounting policies of the City. Such funds need not be segregated from other City monies for banking purposes.
(2) Any yield on such accounting fund into which the fees are deposited shall accrue to that fund and shall be used for the purposes specified for such fund.
(3) The City shall maintain and keep financial records for such accounting fund showing the revenues to such fund and the disbursements from such fund, in accordance with normal City accounting practices. The records of such fund shall be open to public inspection in the same manner as other financial records of the City.

**(Ord. No. 97-30 Enacted 07/01/1997)**

## 8-1-108. EXPENDITURE OF IMPACT FEES.

Impact fees may only be spent on qualifying system improvements, as follows:
(1) Drainage Impact Fees: As set forth in Section 8-2-103;
(2) Park Impact Fees: As set forth in Section 8-3-103;
(3) Road Impact Fees: As set forth in Section 8-4-103;
(4) Fire Impact Fees: As set forth in Section 8-5-103; and

(5) Police Impact Fees: As set forth in Section 8-6-103.

**(Ord. No. 97-30 Enacted 07/01/1997)**

## 8-1-109. REFUNDS OF IMPACT FEES.

(1) Except as provided in subsection (2) below, any impact fee or portion thereof collected pursuant to this Ordinance, which has not been expended or encumbered for a use permitted by Section 8-1-108, "Expenditure of Impact Fees," within six years from the date on which it was received by the City, shall be refunded to the current record owner of the property upon written application. Impact fees shall be deemed to be expended or encumbered in the refund shall include accrued interest at the rate of return on investments earned by the City on such amount. In disbursing such funds, the City may rely on the written certification of the current record owner of the property as to his entitlement to the refund, in the absence of a written assertion by another party that such proposed payee is not the proper payee. If in doubt, the City may deposit such funds in an appropriate court for disposition as the court may determine. In such event, the City may deduct from the funds deposited an amount equal to the reasonable cost of causing the funds to be deposited with the court, including reasonable attorney's fees.
(2) The City may hold the fees for longer than six years if it identifies in writing:
    a. An extraordinary and compelling reason why the fees should be held longer than six years; and
    b. An absolute date by which the fees will be expended.
(3) If development for which an impact fee has been paid has not begun, and the impact fee paid has not been spent or encumbered, the impact fee and any accrued interest thereon shall be returned to the applicant, provided that the applicant applies for the refund in writing within 30 days after the expiration of the building permit or other approval (or any extension thereof) on which it was assessed. If the impact fees have been spent or encumbered prior to the date of application for a refund, the property for which the fee was paid shall be eligible for an impact fee credit, pursuant to the provision of Section 8-1-110, "Offsets to Impact Fees."
(4) The City shall charge an administrative fee, for verifying and computing refunds, of three percent (3%) of the amount of the refund.

**(Ord. No. 97-30 Enacted 07/01/1997)**

## 8-1-110. OFFSETS TO IMPACT FEES.

Offsets, which are reductions from the impact fee that would otherwise be due from a development, shall be subject to the following provisions.

(1) An offset shall be granted for qualifying improvements, as defined in Section 8-1-108, "Expenditure of Impact Fees," that are required to be made by a developer as a condition of development approval.
(2) Offsets shall be allowable and payable only to offset impact fees otherwise due for the same category of improvements, and shall not result in reimbursement from, nor constitute a liability of, the City.
(3) Offsets shall be given only for the value of any construction of improvements or contribution or dedication of land or money by a developer or his predecessor in title or interest for qualifying improvements of the same category for which an impact fee was imposed.

(4) The person applying for an offset shall be responsible for providing appraisals of land and improvements, construction cost figures, and documentation of all contributions and dedications necessary to the computation of the offset claimed. The Impact Fee Administrator shall have no obligation to grant offsets to any person who cannot provide such documentation in such form as the Impact Fee Administrator may reasonably require.
(5) The value of land dedicated or donated shall be based on the appraised land value of the parent parcel (which land value is based on the date of transfer of ownership to the City), as determined by a certified appraiser who was selected and paid for by the applicant and who used generally accepted appraisal techniques. If the City disagrees with the appraised value, the City may engage another appraiser at the City' s expense, and the value shall be an amount equal to the average of the two appraisals. If either party rejects the average of the two appraisals, a third appraisal shall be obtained, with the cost of such third appraisal being shared equally by the property owner and the City. The third appraiser shall be selected by the first two appraisers, and the third appraisal shall be binding on both parties.
(6) Offsets provided for qualifying improvements meeting the requirements of this section shall be valid from the date of approval until six years after the date of approval, or until the last date of construction within the project, whichever occurs first.
(7) The right to claim offsets shall run with the land and may be claimed only by owners of property within the development for which the qualifying improvement was required.
(8) Any claim for offsets must be made no later than the time of payment of building permit fees or payment for another permit subsequent to development plan approval that is subject to impact fees. Any claim not so made shall be deemed waived.

**(Ord. No. 97-30 Enacted 07/01/1997)**

## 8-1-111. DEVELOPER AGREEMENTS FOR IMPACT FEES.

(1) Where a development includes or requires a qualifying improvement, as defined in Section 8-1-108, "Expenditure of Impact Fees," the City and the developer may agree in writing to have the developer participate in the financing or construction of part or all of the qualifying improvements. Such agreement may provide for cash reimbursements, offsets, or other appropriate compensation to the developer for the developer's participation in the financing and/or construction of the improvements.
(2) The agreement shall include:
    a. The estimated cost of the qualifying improvements, using the lowest responsive bid by a qualified bidder, which bid is approved by the Impact Fee Administrator; or, if no bid is available, the estimated cost certified by a licensed engineer and approved by the Impact Fee Administrator;
    b. A schedule for initiation and completion of the improvement;
    c. A requirement that the improvement be designed and completed in compliance with any applicable City ordinances; and
    d. Such other terms and conditions as deemed necessary by the City.

**(Ord. No. 97-30 Enacted 07/01/1997)**

## 8-1-112. RELIEF PROCEDURES AND HEARINGS.

(1) A developer who owes or has paid an impact fee may appeal the validity of the assessment or payment of the fee to the Impact Fee Administrator. The appeal must be filed within 30 days of the date that payment is due. The Impact Fee Administrator shall issue a written decision on the appeal within 30 days of the date the appeal was filed.
(2) The developer may appeal the decision of the Impact Fee Administrator to the City Council within 30 days after the Impact Fee Administrator's decision. Any fees that are owed pursuant to the Impact Fee Administrator's decision must be paid prior to appeal to the City Council.
(3) The City Council shall conduct a public hearing on the appeal. The hearing shall be recorded. The Council's decision shall be made within 30 days of the date the appeal is filed.
(4) A developer may appeal the final decision of the City Council by filing a petition with the district court, pursuant to Section 11-36-401(5) of the Utah Code.

**(Ord. No. 97-30 Enacted 07/01/1997; Ord. No. 09-24 Amended 07/29/2009)**

## 8-1-113. IMPACT FEE AS SUPPLEMENTAL REGULATION TO OTHER FINANCING METHODS.

(1) Except as herein otherwise provided, impact fees are in addition to any other requirements, taxes, fees, or assessments imposed by the City on development or the issuance of building permits or certificates of occupancy which are imposed on and due against property within the jurisdiction of the City. Impact fees are intended to be consistent with the City's General Plan, Capital Improvements Program, Land Development Code, and other City policies, ordinances, and resolutions by which the City seeks to ensure the provision of capital facilities in conjunction with development.
(2) In addition to the use of impact fees, the City may finance qualifying capital improvements through the issuance of bonds, the formation of assessment districts, or any other authorized mechanism, in such manner and subject to such limitations as may be provided by law.

**(Ord. No. 97-30 Enacted 07/01/1997)**

## 8-1-114. UPDATES AND REVISIONS OF THE IMPACT FEES.

(1) Before adopting the revised Capital Facilities Plan, the City shall give public notice of the plan, make a copy of the plan available to the public at least 14 days before the date of the public hearing, and hold a public hearing to hear public comment on the plan.
(2) Following adoption of the revised Capital Facilities Plan, the City may adopt a revised impact fee enactment ordinance. The City shall give public notice and make a copy of the enactment available to the public at least 14 days before the date of the public hearing.
(3) The City shall comply with the notice requirements of, and receive the protections of, §11-36-202 of the Utah Code.

**(Ord. No. 97-30 Enacted 07/01/1997; Ord. No. 04-30 Amended 06/15/2004)**

# CHAPTER 8-2
# DRAINAGE IMPACT FEES

Sections:

8-2-101. Drainage Impact Fee Schedule.
8-2-102. Individual Assessments of Drainage Impact Fees.
8-2-103. Use of Drainage Impact Fees.

## 8-2-101. DRAINAGE IMPACT FEE SCHEDULE.

At the option of the applicant, the drainage impact fee may be calculated based on the adopted Drainage Impact Fee Schedule set forth in Chapter 1-2, less any applicable offsets pursuant to Section 8-1-110. The fee shall be calculated by multiplying the fee per acre for the drainage basin in which the project is located by the gross acreage of the development, including any land to be dedicated to the public for street right-of-way or other purposes.

**(Ord. No. 97-30 Enacted 07/01/1997)**

## 8-2-102. INDIVIDUAL ASSESSMENTS OF DRAINAGE IMPACT FEES.

(1) The individual assessment shall be prepared by a qualified engineer or engineering firm.
(2) The study shall be signed by the engineer submitting the assessment and shall include sufficient information and analysis to support the claim that the proposed development will have less impact on the need for drainage improvements than indicated by the Drainage Impact Fee Schedule. In the event that the proposed development may discharge runoff directly into state or county systems, the development may be exempt from the payment of drainage impact fees, pursuant to the provisions of Section 18-1-108, "Use of State or County Flood Control Facilities."
(3) The Impact Fee Administrator shall determine the fee based on the review of the independent assessment and the guidelines described in the preceding Section 8-2-101, "Drainage Impact Fee Schedule."

**(Ord. No. 97-30 Enacted 07/01/1997)**

## 8-2-103. USE OF DRAINAGE IMPACT FEES.

(1) The revenues from drainage impact fees collected within the service area and accrued interest on such revenues shall be used to finance project costs of qualifying drainage improvements located within the same service area.
(2) Qualifying drainage improvements are limited to capital improvements with a useful life of ten years or more that are identified in the adopted Capital Facilities Plan for Drainage Impact Fees.
(3) Drainage impact fee revenues may be used only for improvements that expand the capacity of the City's storm water drainage system to accommodate additional storm water runoff. Drainage impact fee revenues may also be used to pay the principal, interest, and other financing costs of bonds, notes, or other obligations issued by or in behalf of the City to finance qualifying improvements, or to reimburse developers who have constructed qualifying improvements and have a reimbursement agreement with the City.
(4) Monies collected as drainage impact fees shall not be used to pay for any of the following:

a. Construction, acquisition, or expansion of public facilities other than qualifying drainage improvements; or
b. Replacement, repair, operation, or maintenance of existing drainage facilities or capital equipment.

**(Ord. No. 97-30 Enacted 07/01/1997)**

# CHAPTER 8-3
# PARK IMPACT FEES

Sections:

8-3-101. Park Impact Fee Schedule.
8-3-102. Individual Assessments of Park Impact Fees.
8-3-103. Use of Park Impact Fees.

## 8-3-101. PARK IMPACT FEE SCHEDULE.

At the option of the applicant, the park impact fee may be calculated based on the adopted Park Impact Fee Schedule set forth in Chapter 1-2, less any applicable offsets pursuant to Section 8-1-110.

**(Ord. No. 97-30 Enacted 07/01/1997)**

## 8-3-102 INDIVIDUAL ASSESSMENTS OF PARK IMPACT FEES.

(1) The individual assessment shall include, without limitation, the data sources and calculations used to derive the expected average persons per unit for the type of dwelling units proposed. The impact fee per dwelling unit shall be calculated according to the following formula: Fee = persons per unit x net cost per person, where "persons per unit" is the average number of persons residing in occupied dwelling units of the proposed housing type, adjusted by the average occupancy rate for the proposed housing type. "Net cost per person" shall be as identified in the adopted Capital Facilities Plan.
(2) The Impact Fee Administrator shall determine the fee based on the review of the independent assessment and the guidelines and formula described in the preceding Section 8-3-102(2).

**(Ord. No. 97-30 Enacted 07/01/1997)**

## 8-3-103. USE OF PARK IMPACT FEES.

(1) The revenues from park impact fees collected within the service area and accrued interest on such revenues shall be used to finance project costs of qualifying park improvements located within the same service area.
(2) Qualifying park improvements are limited to capital improvements with a useful life of ten years or more that are identified in the adopted Capital Facilities Plan for park impact fees.
(3) Park impact fee revenues may be used to pay for acquisition of park sites; park site development costs, including grading, utilities, landscaping, lighting, fencing, signage, and construction of parking facilities; acquisition, construction, and installation of park facilities and equipment; or other similar improvements, including the principal, interest, and other financing costs of bonds, notes, or other obligations issued by or in behalf of the City to finance qualifying improvements.
(4) Monies collected as park impact fees shall not be used to pay for any of the following:
    a. Construction, acquisition, or expansion of public facilities other than qualifying park improvements; or
    b. Replacement, repair, operation, or maintenance of existing park facilities or capital equipment.

**(Ord. No. 97-30 Enacted 07/01/1997)**

# CHAPTER 8-4
# ROAD IMPACT FEES

Sections:

8-4-101. Road Impact Fee Schedule.
8-4-102. Individual Assessments of Road Impact Fees.
8-4-103. Use of Road Impact Fees.

## 8-4-101. ROAD IMPACT FEE SCHEDULE.

At the option of the applicant, the road impact fee may be calculated based on the adopted Road Impact Fee Schedule set forth in Consolidated Fee Schedule, Chapter 1-2 of the West Valley City Municipal Code, less any applicable offsets pursuant to Section 8-1-110. The Impact Fee Administrator shall determine the land use category in the fee schedule that best represents the proposed use in terms of travel demand characteristics.

**(Ord. No. 97-30 Enacted 07/01/1997; Ord. No. 06-03 Amended 01/17/2006)**

## 8-4-102. INDIVIDUAL ASSESSMENTS OF ROAD IMPACT FEES.

(1) The individual assessment shall be prepared by a qualified traffic engineer or engineering firm.
(2) The traffic study shall be signed by the traffic engineer submitting the assessment and shall include, without limitation, the following elements:
    a. A projection of the number of vehicular trips entering and departing from the project during the evening peak hour on an average weekday.
    b. If the site is already developed, and some or all of the existing development will be replaced by the completed project, a calculation of the number of vehicular trips for that portion of the existing development that will be replaced by the completed project.
    c. The percentage of those trips identified in (a) and (b) above that are "primary trips" (as opposed to "pass-by trips" or "diverted-link trips" for which the project is not the primary destination).
    d. The average length of those trips on the City's major roadway system.
    e. The assumptions and conclusions from which any projections are made. If the assumptions or conclusions are derived from the current edition of the ITE manual or other standard reference materials, the materials shall be identified, and appropriate excerpts or specific references provided. Otherwise, the reasoning underlying the assumptions and conclusions shall be clearly stated in writing.
    f. Such other information as the Impact Fee Administrator shall reasonably request.
(3) The Impact Fee Administrator shall determine the fee based on the review of the independent assessment and the guidelines and the following formula:
    Fee = one-way peak-hour trips (PHT) X primary trip factor X average trip length X net cost per peak-hour travel mile, where "one-way peak-hour trips" means one-half the evening peak-hour trip ends on a weekday, "primary trip factor" means the percentage of peak-hour trips to or from the development that are primary trips as opposed to pass-by or diverted-link trips, and "average trip length" means the average distance per one-way peak-hour trip traveled on the City's major roadway system. "Net cost per peak-hour travel mile" shall be as identified in the adopted Consolidated Fee Schedule.

**(Ord. No. 97-30 Enacted 07/01/1997; Ord. No. 06-03 Amended 01/17/2006)**

## 8-4-103. USE OF ROAD IMPACT FEES.

(1) The revenues from road impact fees collected within the service area and accrued interest on such revenues shall be used to finance costs of qualifying major roadway improvements located within the same service area.
(2) Qualifying road improvements are limited to improvements to the City's major roadway system that are shown on the adopted Capital Facilities Plan for road impact fees.
(3) The City's major roadway system consists of all City-maintained roadways or portions thereof that are classified as arterials, major collectors, or minor collectors shown on the recommended roadway classification map in the City's adopted Transportation Master Plan.
(4) Road impact fee revenues may be used to reimburse a developer for improvements to the City's major roadway system as set forth in a developer agreement, regardless of whether the improvement is listed in the Capital Facilities Plan.
(5) Qualifying improvement costs include project engineering costs; the acquisition cost of rights-of-way and easements; the construction cost of improvements, including, but not limited to, street travel lanes, sidewalks, turning lanes, lighting, signalization, signage, and landscaping improvements that are required for the roadway improvement to function effectively; and the principal, interest, and other financing costs of bonds, notes, or other obligations issued by or in behalf of the City to finance qualifying improvements.
(6) Monies collected as road impact fees shall not be used to pay for any of the following:
    a. Construction, acquisition, or expansion of public facilities other than qualifying road improvements;
    b. Road improvements, such as acceleration or deceleration lanes, that primarily serve, or are needed to mitigate the impacts of, an individual development; or
    c. Replacement, repair, operation, or maintenance of existing streets.

**(Ord. No. 97-30 Enacted 07/01/1997)**

# CHAPTER 8-5
# FIRE IMPACT FEES

Sections:

8-5-101. Fire Impact Fee Schedule.
8-5-102. Individual Assessments of Fire Impact Fees.
8-5-103. Use of Fire Impact Fees.

## 8-5-101. FIRE IMPACT FEE SCHEDULE.

At the option of the applicant, the fire impact fee may be calculated based on the adopted Fire Impact Fee Schedule set forth in Chapter 1-2, less any applicable offsets pursuant to Section 8-1-110. The Impact Fee Administrator shall determine the land use category in the fee schedule that best represents the proposed use in terms of fire service demand characteristics.

**(Ord. No. 97-30 Enacted 07/01/1997)**

## 8-5-102. INDIVIDUAL ASSESSMENTS OF FIRE IMPACT FEES.

(1) The individual assessment for a residential use shall include, without limitation, the data sources and calculations used to derive the average persons per unit for the type of dwelling units proposed. The impact fee per dwelling unit shall be calculated according to the following formula:
Fee = persons per unit X occupancy factor X net cost per functional population, where "persons per unit" is the average number of persons residing in occupied dwelling units of the proposed housing type, adjusted by the average occupancy rate for the proposed housing type. "Occupancy factor" shall be 0.50, as identified in the adopted Capital Facilities Plan. Net Cost per Functional Population shall be as identified in the adopted Capital Facilities Plan.

(2) The individual assessment for a nonresidential use shall include, without limitation, the following elements:
    a. A projection of the number of vehicular trips entering and departing from the project during an average weekday.
    b. The average number of persons occupying vehicles entering the project.
    c. The average number of hours spent by employees and visitors at the site during an average weekday.
    d. Once the appropriate land use, trip generation, and other factors have been determined, the impact fee shall be calculated using the following formula:
    Fee = functional population/1,000 sf X net cost per functional population, where "functional population/1,000 sf" equals "employee hours/1,000 sf" plus "visitor hours/1,000 sf" divided by 16 hours/day. "Employee hours/1,000 sf" equals employees/1,000 sf times 10 hours/day; "visitor hours/1,000 sf" equals visitors/1,000 sf times 1 hour/visit; "visitors/1,000 sf" equals weekday ADT/1,000 sf times average vehicle occupancy minus employees/1,000 sf; "weekday ADT/1,000 sf" equals one-way average daily trips (total trip ends divided by 2). "Net cost per functional population" shall be as identified in the adopted Capital Facilities Plan.
    e. The assumptions and conclusions from which any projections are made. If the assumptions or conclusions are derived from the current edition of the ITE manual or

other standard reference materials, the materials shall be identified, and appropriate excerpts or specific references provided. Otherwise, the reasoning underlying the assumptions and conclusions shall be clearly stated in writing.

f. Such other information as the Impact Fee Administrator shall reasonably request.

(3) The Impact Fee Administrator shall determine the fee based on the review of the independent assessment and the guidelines and formulae described in the preceding Section 8-5-101, "Fire Impact Fee Schedule," and Sections 8-5-102(1) and (2) above.

**(Ord. No. 97-30 Enacted 07/01/1997)**

## 8-5-103. USE OF FIRE IMPACT FEES.

(1) The revenues from fire impact fees collected within the service area and accrued interest on such revenues shall be used to finance project costs of qualifying fire improvements located within the same service area.

(2) Qualifying fire improvements are limited to capital improvements with a useful life of ten years or more that are identified in the adopted Capital Facilities Plan for fire impact fees.

(3) Fire impact fee revenues may be used to pay for the acquisition or construction of buildings and associated land used to house the City' s fire and emergency medical service equipment and personnel, including the principal, interest, and other financing costs of bonds, notes, or other obligations issued by or in behalf of the City to finance qualifying improvements.

(4) Monies collected as fire impact fees shall not be used to pay for any of the following:

a. Construction, acquisition, or expansion of public facilities other than qualifying fire improvements; or

b. Replacement, repair, operation, or maintenance of existing fire facilities or capital equipment.

**(Ord. No. 97-30 Enacted 07/01/1997)**

# CHAPTER 8-6
# POLICE IMPACT FEES

Sections:

8-6-101. Police Impact Fee Schedule.
8-6-102. Individual Assessments of Police Impact Fees.
8-6-103. Use of Police Impact Fees.

## 8-6-101. POLICE IMPACT FEE SCHEDULE.

At the option of the applicant, the police impact fee may be calculated based on the adopted Police Impact Fee Schedule set forth in Chapter 1-2, less any applicable offsets pursuant to Section 8-1-110. The Impact Fee Administrator shall determine the land use category in the fee schedule that best represents the proposed use in terms of functional population characteristics.

**(Ord. No. 97-30 Enacted 07/01/1997)**

## 8-6-102. INDIVIDUAL ASSESSMENTS OF POLICE IMPACT FEES.

(1) The individual assessment for a residential use shall include, without limitation, the data sources and calculations used to derive the average persons per unit for the type of dwelling units proposed. The impact fee per dwelling unit shall be calculated according to the following formula:
Fee = persons per unit X occupancy factor X net cost per functional population, where "persons per unit" is the average number of persons residing in occupied dwelling units of the proposed housing type, adjusted by the average occupancy rate for the proposed housing type. "Occupancy factor" shall be 0.50, as identified in the adopted Capital Facilities Plan. "Net cost per functional population" shall be as identified in the adopted Capital Facilities Plan.

(2) The individual assessment for a nonresidential use shall include, without limitation, the following elements:
   (a) A projection of the number of vehicular trips entering and departing from the project during an average weekday.
   (b) The average number of persons occupying vehicles entering the project.
   (c) The average number of hours spent by employees and visitors at the site during an average weekday.
   (d) Once the appropriate land use, trip generation, and other factors have been determined, the impact fee shall be calculated using the following formula:
   Fee = functional population/1,000 sf X net cost per functional population, where "functional population/1,000 sf" equals employee hours/1,000 sf plus visitor hours/1,000 sf divided by 16 hours/day. "Employee hours/1,000 sf" equals employees/1,000 sf times 10 hrs/day; "visitor hours/1,000 sf" equals visitors/1,000 sf times 1 hour/visit; "visitors/1,000 sf" equals weekday ADT/1,000 sf times average vehicle occupancy minus employees/1,000 sf; "weekday ADT/1,000 sf" equals one-way average daily trips (total trip ends divided by 2). "Net cost per functional population" shall be as identified in the adopted Capital Facilities Plan.
   (e) The assumptions and conclusions from which any projections are made. If the assumptions or conclusions are derived from the current edition of the ITE manual

or other standard reference materials, the materials shall be identified, and appropriate excerpts or specific references provided. Otherwise, the reasoning underlying the assumptions and conclusions shall be clearly stated in writing.

(f) Such other information as the Impact Fee Administrator shall reasonably request.

(3) The Impact Fee Administrator shall determine the fee based on the review of the independent assessment and the guidelines and formulae described in the preceding Section 8-5-101, "Police Impact Fee Schedule," and Sections 8-5-102(1) and (2) above.

**(Ord. No. 97-30 Enacted 07/01/1997)**

## 8-6-103. USE OF POLICE IMPACT FEES.

(1) The revenues from police impact fees collected within the service area and accrued interest on such revenues shall be used to finance project costs of qualifying police improvements located within the same service area.

(2) Qualifying police improvements are limited to capital improvements with a useful life of ten years or more that are identified in the adopted Capital Facilities Plan for police impact fees.

(3) Police impact fee revenues may be used to pay for the acquisition or construction of buildings and associated land used to house the City' s police personnel and equipment, including the principal, interest, and other financing costs of bonds, notes, or other obligations issued by or in behalf of the City to finance qualifying improvements.

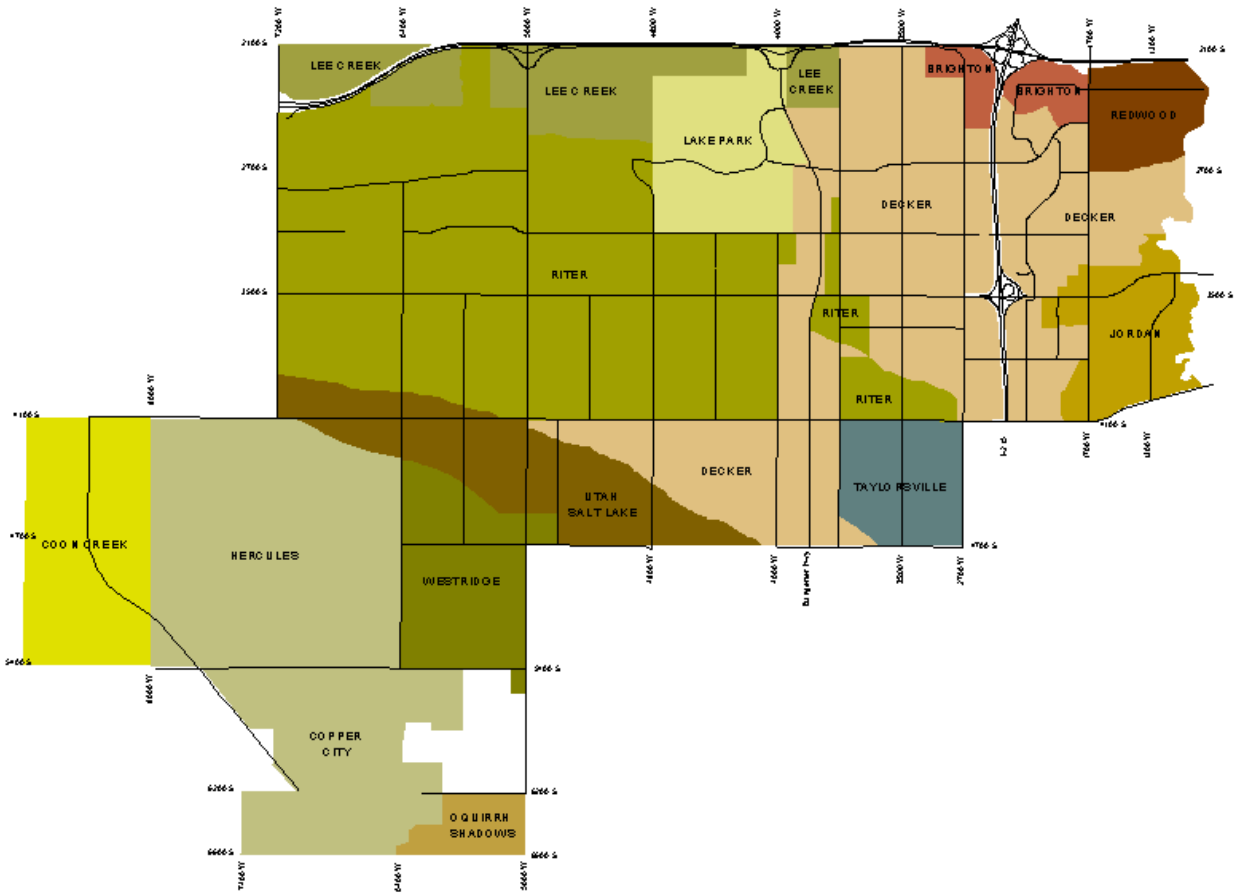
(4) Monies collected as police impact fees shall not be used to pay for any of the following:

a. Construction, acquisition, or expansion of public facilities other than qualifying police improvements; or

b. Replacement, repair, operation, or maintenance of existing police facilities or capital equipment.

**(Ord. No. 97-30 Enacted 07/01/1997)**

**Exhibit 1**
**DRAINAGE IMPACT FEE SERVICE AREAS**



# TITLE 9
# CONDOMINIUM ORDINANCE

Chapters:

9-1 General Provisions
9-2 Application and Approval
9-3 Condominium Conversion
9-4 Design Standard
9-5 Enforcement

# CHAPTER 9-1
# GENERAL PROVISIONS

Sections:

9-1-101. Short Title.
9-1-102. Purpose and Objectives.
9-1-103. Definitions.

## 9-1-101. SHORT TITLE.

This Title shall be known as the "West Valley City Condominium Ordinance." This Title shall also be known as Title 9, West Valley City Code. It may be cited and pleaded under either designation.

## 9-1-102. PURPOSE AND OBJECTIVES.

(1) The procedure and requirements of this Title shall apply to and govern the construction and/or conversion of condominiums, and approval of all bylaws, record of survey maps, and declarations for condominium projects within the corporate limits of the City. Said provisions shall supplement zoning, health, building or other ordinances which may be applicable to a particular condominium project, and shall apply to the approval of condominium projects involving new construction as well as conversion of existing structures.
(2) The procedures set forth herein are intended to recognize the unique characteristics of condominiums and condominium conversions and to provide a review process and a set of standards which will address these unique characteristics and to reduce any negative impacts upon the community, neighborhood areas, or prospective owners which may result from the creation of a condominium of condominium conversion.
(3) Condominium ownership differs in numerous respects from conventional building ownership. It is in the interest of the public health, safety and welfare that condominium projects, pursuant to the Condominium Ownership Act, Sections 57-8-1, et. seq., Utah Code Annotated, 1953 as amended, should be reviewed and approved by the City and appropriately regulated for the protection of the community, displaced tenants, and prospective purchasers of condominium units.
(4) In addition, condominium projects which contemplate dedication of real property or improvements for the use of the public, or condominium projects which convey specific title to land, or projects which are not contained in existing or proposed buildings, shall also be considered subdivisions requiring compliance with applicable provisions of the West Valley City Subdivision Ordinance.

## 9-1-103. DEFINITIONS.

Whenever any words or phrases used in this Title are not defined herein, but are defined in related sections of the Utah Code, in the Zoning Ordinance, or in the Subdivision Ordinance, such definitions are incorporated herein and shall apply as though set forth herein in full, unless the context clearly indicates a contrary intention.

Unless a contrary intention clearly appears, words used in the present tense include the future, the singular includes the plural, the term shall is always mandatory, and the term may is permissive. The following terms, as used in this Ordinance, shall have the respective meanings hereinafter set forth.

(1) Building means a building containing units, and comprising a part of a property.
(2) City means West Valley City, Utah.
(3) Condominium means the ownership of a single unit in a multiunit project, together with an undivided interest in common in the common areas and facilities of the property. Condominium also means planned unit development, as defined in this Section, unless the context clearly indicates otherwise.
(4) Condominium project means a real estate condominium project; a plan or project whereby two or more units, whether contained in existing or proposed apartments, commercial or industrial buildings, or structures or otherwise, are separately offered or proposed to be offered for sale. Condominium project shall also mean the property when the context so requires.
(5) Condominium unit means a unit, together with the undivided interest in the common areas and facilities appertaining to that unit. Any reference in this act to a condominium unit includes both a physical unit, together with its appurtenant and undivided interest in the common areas and facilities, and a time period unit, together with its appurtenant undivided interest, unless the reference is specifically limited to a time period unit.
(6) Conversion means a proposed change in the type of ownership of a parcel or parcels of land and/or existing structures from single ownership, such as an apartment house or multifamily dwelling into a "condominium project," as herein defined with arrangements involving separate ownership of individual condominium units and joint collective ownership of common areas or facilities.
(7) Common Areas and Facilities, unless otherwise provided in the declaration or lawful amendments thereto, mean and include:
    a. The land included within the condominium project, whether leasehold or in fee simple;
    b. The foundations, columns, girders, beams, supports, main walls, roofs, halls, corridors, lobbies, stairs, stairways, fire escapes, and entrances and exits of the building;
    c. The basements, yard, gardens, parking areas and storage spaces;
    d. The premises for lodging of janitors or persons in charge of the property;
    e. Installations of central services such as power, light, gas, hot and cold water, heating, refrigeration, air conditioning and incinerating;
    f. The elevators, tanks, pumps, motors, fans, compressors, ducts and, in general, all apparatus and installations existing for common use;
    g. Such community and commercial facilities as may be provided for in the declaration; and
    h. All other parts of the property necessary or convenient to its existence, maintenance and safety, or normally in common use.
(8) Common Expenses mean and include:
    a. All sums lawfully assessed against the unit owners;
    b. Expenses of administration, maintenance, repair or replacement of the common areas and facilities;
    c. Expenses agreed upon as common expenses by the association of unit owners; and
    d. Expenses declared common expenses by provisions of this Chapter, or by the declaration or the bylaws.
(9) Declarant means all persons who execute the declaration or on whose behalf the declaration is executed. From the time of the recordation of any amendment to the declaration expanding an expandable condominium, all persons who execute that amendment or on whose behalf that

amendment is executed shall also come within this definition. Any successors of the persons referred to in this subsection who come to stand in the same relation to the condominium project as their predecessors did shall also come within this definition.

(10) Declaration means a recorded declaration containing covenants, conditions and restrictions relating to the condominium project which shall be prepared in conformance with the provisions of Section 57-8-10, Utah Code Annotated, 1953, as amended.

(11) Limited Common Areas and Facilities mean and include those common areas and facilities designated in the declaration as reserved for use of a certain unit or units to the exclusion of the other units.

(12) Open space means landscaped areas that are not occupied by buildings, structures, parking areas, streets or alleys and are devoted to recreation use or preservation of natural features.

(13) Property means and includes the land, whether leasehold or in fee simple, the building, if any, all improvements and structures thereon, all easements, rights and appurtenances belonging thereto, and all articles of personal property intended for use in connection therewith.

(14) Person means any person, firm, corporation, partnership or association.

(15) Planned Unit Development means an integrated design for development of residential, commercial or industrial uses, or combination of such uses, in which one or more of the regulations, other than use regulations, of the district in which the development is to be situated, is waived or varied to allow flexibility and initiative in site and building design and location in accordance with an approved plan and imposed general requirements as specified in this Title. A planned unit development may be:

a. The development of compatible land uses arranged in such a way as to provide desirable living environments that may include private and common open spaces for recreation, circulation and/or aesthetic uses;
b. The conservation or development of desirable amenities not otherwise possible by typical development standards; and
c. The creation of areas for multiple use that are of benefit to the neighborhood.

(16) Record of Survey Map means a plat or plats of survey of land and units prepared in accordance with the requirements of the West Valley City Subdivision Ordinance.

(17) Unit means either a separate physical part of the property intended for any type of independent use, including one or more rooms or spaces located in one or more floors (or part or parts of floors) in a building or a time period unit, as the context may require.

(18) Unit Number means the number, letter or combination thereof designating the unit in the declaration and on the record of survey map.

(19) Unit Owner means the person or persons owning a unit in fee simple and an undivided interest in the fee simple estate of the common areas and facilities in the percentage specified and established in the declaration or, in the case of a leasehold condominium project, the person or persons whose leasehold interest or interests in the condominium unit extend for the entire balance of the unexpired term or terms.

# CHAPTER 9-2
# APPLICATION AND APPROVAL

Sections:

9-2-101. Approval Required.
9-2-102. Preliminary Application
9-2-103. Preliminary Evaluation.
9-2-104. Action by Planning Commission - Preliminary.
9-2-105. Notification of Approval.
9-2-106. Effect of Preliminary Approval.
9-2-107. Final Evaluation.
9-2-108. Action by Planning Commission - Final.
9-2-109. Action by City Council.
9-2-110. Appeals.
9-2-111. Performance Bond.
9-2-112. Recording of Record of Survey Map.
9-2-113. Expiration of Final Approval.

## 9-2-101. APPROVAL REQUIRED.

Prior to the construction or conversion of any building to be used as a condominium, the record of survey map, the bylaws, and the declaration therefor shall be submitted to and be approved by the City in conformance with the procedures, requirements and standards contained herein, and as required under the Utah Condominium Ownership Act.

## 9-2-102. PRELIMINARY APPLICATION

The owner or developer of a proposed condominium project desiring approval shall file an application with the Community Development Department on a form prescribed by the City. Said application shall be accompanied by:

(1) Twelve copies of a preliminary record of survey map accurately drawn to scale which shall be prepared by an engineer or land surveyor registered in the State of Utah. The scale of said record of survey map shall be no smaller than one inch equals 50 feet. The preliminary record of survey map should conform in all respects to the West Valley City Subdivision Ordinance.

(2) Eight copies of a site plan prepared to the same scale as the record of survey map designating the location of buildings, present and needed utilities and irrigation ditches, and intended use of common areas, the locations of utility lines and easements, and the location and extent of storage, recreational facilities, parking, driveways, pedestrian ways, curbs, walls, fences, landscaping and sprinkling systems.

(3) Two copies of the proposed condominium declarations and bylaws.

(4) Where conversion of an existing building is proposed as part of the condominium project, a property report containing the information specified in this Title shall be submitted as part of the application, together with a plan for all proposed improvements and repairs.

(5) Proof of Notice to Tenants required by Section 9-3-104 to be submitted prior to final condominium approval.

(6) Fees shall be submitted with an application in the amounts as established by the Consolidated Fee Schedule of the City.

## 9-2-103. PRELIMINARY EVALUATION.

The Community Development Department shall check the preliminary application for general compliance with these regulations, design standards, and other applicable ordinances. If the application is not complete or not in general compliance, the Community Development Department shall notify the declarant and specify the respects in which it is deficient. If the submission is complete and in general compliance, the declarant shall transmit the requested number of copies of the development plans, together with accompanying data, to such public agencies and utilities as may be concerned. Each of the public agencies and utilities may forward to the Community Development Department a written report of its findings and recommendations. These agencies shall include, but not necessarily be limited to, the Community Development Department, Improvement Districts, Salt Lake County Health Department, the Public Works Department, the Fire Department, telephone company, gas company and power company.

## 9-2-104. ACTION BY PLANNING COMMISSION - PRELIMINARY.

Within a reasonable time after the filing of a condominium application, the Planning Commission shall act thereof. If the Planning Commission finds that the proposed development complies with the requirements of this Title and that it is satisfied with the development plans, it shall recommend approval, or approval with conditions, of the application. If the Planning Commission finds that the proposed development does not meet the requirements of this Title, other applicable ordinances, or that it is not satisfied with the development plans, it shall recommend disapproval of such development.

## 9-2-105. NOTIFICATION OF APPROVAL.

The Community Development Department shall notify the declarant in writing, of the actions taken by the Planning Commission. One copy of the plat and accompanying conditions, if applicable, and the minutes of the Planning Commission meeting shall be retained in the permanent file of the Planning Commission. Notification of affirmative action by the Planning Commission shall be authorization for the declarant to proceed with the preparation of specifications for the improvements required by City ordinances and by the Planning Commission, and with the preparation of final plans.

## 9-2-106. EFFECT OF PRELIMINARY APPROVAL.

Approval of the preliminary application shall in no way relieve the declarant of responsibility to comply with all required conditions and ordinances, and to provide the improvements and easements necessary to meet all City standards.

## 9-2-107. FINAL EVALUATION.

The Community Development Department shall check the final application for completeness and general compliance with this Title and for incorporation of any changes required during the preliminary approval procedure. If the submission is not complete, not in general compliance, or does not incorporate required changes, the Community Development Department shall notify the declarant

and specify the respects in which it is deficient. If the submission is complete and incorporates required changes, the Community Development Department shall refer the application to the Public Works Department and other applicable agencies for their approval or direct the applicant to secure such approvals.

## 9-2-108. ACTION BY PLANNING COMMISSION - FINAL.

Upon receipt of the final plans, the Planning Commission shall examine the plans to determine whether they conform with the preliminary plans and with all changes requested and all requirements imposed as conditions of acceptance, and if the Planning Commission shall thereupon determine that the plans are in conformity therewith, it shall recommend approval of the plat. If the Planning Commission shall determine that the final plans do not conform to the preliminary plans as approved, it shall advise the declarant of the changes or additions that must be made for approval. The declarant shall be responsible for notifying the Community Development Department that he is ready to go to the City Council for final plat approval. If such notification is not given within 12 months from the date of final approval by the Planning Commission, such approval shall be null and void. This time period may be extended for up to 12 months if the applicant petitions the Planning Commission for an extension prior to the expiration date. Only one extension may be granted.

## 9-2-109. ACTION BY CITY COUNCIL.

(1) Within a reasonable time following the receipt of the condominium application by the City Manager, the City Council shall consider the application and any offers of dedication. If the City Council shall determine that the plans are in conformity with the requirements of this Title and other applicable ordinances and that it is satisfied with the plans of the development and offers of dedication, it shall approve the plat.
(2) If the City Council shall determine that the plans are not in conformity with the requirements of this Title, other applicable ordinances, any reasonable conditions imposed, or if it shall reject any offer or offers of dedication, it shall disapprove the plan specifying reasons for such disapproval. Within 1 year after the City Council has disapproved any plan, the subdivider may file with the Community Development Department a plan altered to meet the requirements of the City Council. No final plan shall have any force or effect until the same has been approved by the City Council.

## 9-2-110. APPEALS.

(1) Appeal may be made to the City Council from any decision, determination or requirement of the Planning Commission by filing with the City Recorder a notice thereof in writing within 10 days after such decision or determination, or requirement is made. Such notice shall set forth in detail the action and grounds upon which the subdivider, or other interested persons deems himself aggrieved.
(2) The City Recorder shall set the appeal for hearing before the City Council to be held within 45 days from the date of receipt of the appeal. Such hearing may, for good cause, be continued by order of the City Council. Written notice of the date set for hearing the appeal shall be mailed to the appellant at least 10 days before the appeal hearing date. After hearing the appeal, the City Council may affirm, modify or overrule the decision, determination or requirement appealed and enter any such order or orders as are in harmony with the spirit and purpose of

this Title. The filing of an appeal shall stay all proceedings and actions in furtherance of the matter appealed, pending a decision of the City Council.

(3) The appellant may appeal any decision of the City Council to the District Court. Such appeal shall be made within 30 days of the rendering of a decision by the City Council.

## 9-2-111. PERFORMANCE BOND.

Bonding shall be required as specified in the West Valley City Subdivision Ordinance when any public improvements are required in conjunction with a new condominium project or with a condominium conversion.

## 9-2-112. RECORDING OF RECORD OF SURVEY MAP.

After City Council approval, completion of the required public improvements or filing of the bond agreement described in this Chapter, and signing of the plat by the City Manager, the plat shall be presented by the City Recorder to the Salt Lake County Recorder for recordation.

## 9-2-113. EXPIRATION OF FINAL APPROVAL.

If the requirements set forth in Section 9-2-112 above are not met by the subdivider within six months from the date of City Council approval, such approval shall be null and void. This time period may be extended for additional six-month periods by the City Manager. The subdivider must petition for an extension prior to the expiration of the original six months, or an extension previously granted. An extension may be granted only if the City Manager finds that the extension will not be detrimental to the City. If any of the fees charged as a condition of subdivision approval, including, but not limited to, inspection fees, parks fee, flood control fees, as well as the amounts the City uses to estimate bonds to insure completion of the improvements, have increased, the City Manager may require that the subdivider pay such increases as a condition of granting the extension.

# CHAPTER 9-3
# CONDOMINIUM CONVERSION

Sections:

9-3-101. Report of Property Condition.
9-3-102. Report of Building Official.
9-3-103. Tenant Notice of Conversion.
9-3-104. Submission of Notice Verification.
9-3-105. Protest Review Procedure.

## 9-3-101. REPORT OF PROPERTY CONDITION.

(1) As an element of any application for a condominium which includes the conversion of existing structures, the owner or developer shall submit a Report of Property Condition which is intended to insure that the standards of the declaration appropriately address existing and future conditions related to maintenance, upkeep and operation.
(2) The report of property condition shall be submitted on a form provided by the City and shall contain the following information:
    a. The age of the building or buildings, with copies of original building plans and a disclosure of whether or not the actual building conforms to the plans.
    b. Condition of structural elements, including roof, foundations, walls, mechanical systems, electrical system, plumbing system and heating system. A plan showing which parts of the system are maintained in common and which are maintained by individual units.
    c. Size of water service lines from meter to main and from main to buildings.
    d. Size and location of sewer lateral.
    e. Capacity of electrical service for each unit measured in amps.
    f. Condition of paving materials on private streets, if any.
    g. Condition of paving or surfacing material on driveways, parking areas, sidewalks, curbs, etc. Detailed plan of parking and traffic circulation.
    h. Condition of paint and/or exterior surfaces of all buildings and structures.
    i. All known conditions constituting deficiencies.
    j. All known conditions which may require repair or replacement within the next succeeding five-year period.

The above report may be referred back to the applicant by the City for additional detail as is necessary to adequately evaluate the physical condition of the building, equipment and premises.

## 9-3-102. REPORT OF BUILDING OFFICIAL.

(1) At the time of submission of an application for a condominium which involves the conversion of any existing buildings, the Building Inspection Division shall make an inspection of the proposed condominium project to determine compliance with the life-safety provisions of the Uniform Building Code as adopted by the City.
(2) Prior to Planning Commission consideration of a condominium project involving conversion of existing buildings, the Building Inspection Division shall submit a report to the Community Development Director specifying any deficiencies of life-safety standards of the Uniform Building Code which are found to exist in the project. This report of the Building Inspection

Division shall be submitted to the Community Development Director as an element of the "Report of Property Condition."

## 9-3-103. TENANT NOTICE OF CONVERSION.

(1) 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 non-residential 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) The Notice of Conversion shall include the following:
   a. The intention and plans for the conversion of the building to a condominium project;
   b. The estimated dates of termination of occupancy by tenants which shall not be less than 90 days from the date of notice; and an indication of the approximate dates of construction which shall not be less than 120 days from the date of notice. Tenants shall be given first right to purchase their respective unit upon at least as favorable terms and conditions as said units are offered to the general public;
   c. 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.

## 9-3-104. SUBMISSION OF NOTICE VERIFICATION.

Prior to or in conjunction with submission of documentation for certification and recording, the owner or developer shall submit to the Community Development Department a copy of said notice together with a list identifying names and apartments or unit numbers, for all tenants within the condominium conversion project. The notice, copy and list shall also be accompanied by an affidavit certifying that all tenants within the condominium project have been personally delivered a copy of the notice or mailed said notices by registered, certified mail, and that the same were in fact delivered. The record of survey map shall not be recorded until said copy of notice, list, and affidavit have been received by the Community Development Department and filed with the City Recorder.

## 9-3-105. PROTEST REVIEW PROCEDURE.

(1) When a tenant of a residential dwelling has received written formal notice of eviction without cause and without at least 90 days notice of conversion required above, and has reason to believe that notice was issued because of a proposed condominium project, he may, within 30 days of the date of the notice of eviction, initiate an appeal regarding the issue of property notice to the City Council on a form provided by the Community Development Department. The filing of such a protest shall stay the issuance of any approval or issuance of any permits for the structure in question for a period of not to exceed 30 days and the matter shall be set for hearing before the City Council. In such cases, approval shall not be stayed other than by order issued by the district court upon petition, notice and due cause being shown.

(2) Upon filing, a copy of the appeal form shall be forwarded to the West Valley City Housing Authority for relocation advice and assistance. Said agency shall, within 10 days, forward to the City Council a statement of its report and recommendation.
(3) Upon filing of an appeal, the Community Development Director shall institute an investigation to determine if the notice requirements set forth above were satisfied. He shall then report his findings to the City Council.
(4) The City Council 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 said hearing, review said 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 City Council, with regard to the hearing of said appeals, 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 official in the performance of his duties as related to the above;
    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 act contrary to the Building and Zoning Ordinances of the 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 reapply for 18 months from the date of denial.

# CHAPTER 9-4
# DESIGN STANDARD

Sections:

9-4-101. Minimum Standards Required.
9-4-102. Parking Requirements.
9-4-103. Utility Requirements.
9-4-104. Mechanical and Heating Requirements.
9-4-105. Geographical Layout Requirements.
9-4-106. Construction Limitations.

## 9-4-101. MINIMUM STANDARDS REQUIRED.

To achieve the purposes and objectives of this Title, all proposals for a new condominium development shall be made pursuant to the provisions of this Chapter. Where the provisions of this Chapter cannot reasonably be complied with in the case of condominium conversions due to the design and location of existing structures and/or roads, the Planning Commission may waive some, or all, of these provisions. The standards and criteria contained herein are intended to provide assurances that the geographical layout of the project is accomplished in a manner which is attractive and is not detrimental to the functioning of the project or surrounding areas; and that the contents of the declaration assure proper operation, construction, maintenance and upkeep of all utilities, facilities, recreation areas, roads and parking areas within the development. In addition to the requirements specified in this Chapter, condominiums shall comply with all applicable requirements of the Design and Development Plan Ordinance, Chapter 7-14 of the West Valley City Municipal Code.

**(Ord. No. 97-09 Amended 03/13/1997)**

## 9-4-102. PARKING REQUIREMENTS.

(1) Each unit in a condominium development, irrespective of size, shall conform to the parking provisions contained in the West Valley City Zoning Ordinance.
(2) In addition to any other parking requirements, at least one space per four dwelling units for recreational vehicles and boat storage shall be provided. These spaces may be owned in common or by the Homeowners Association. If conditions within a condominium conversion preclude compliance with this requirement, a provision shall be placed in the bylaws or declaration precluding the parking of recreational vehicles and boats within the condominium development, and such preclusion shall be strictly enforced by the management.
(3) The required front and side yards which face upon a public street shall not be used for vehicular parking, but shall be landscaped with lawn and appropriate plants and shrubs as indicated on the approved final development plans.

## 9-4-103. UTILITY REQUIREMENTS.

(1) Each condominium unit within a development shall be separately metered for gas, electricity and water, unless the declarations provide for the Homeowners Association to pay the cost of services and prorate those costs to unit owners on an equitable basis. Such declaration must

disclose to the unit owners that non-payment of utility bills by the Association may result in loss of utility service.

(2) Each unit shall be provided with readily-accessible individual shutoff valves, safety devices or switches for water, gas and electrical services.

## 9-4-104. MECHANICAL AND HEATING REQUIREMENTS.

(1) Each condominium unit shall be equipped with its own heating system, except where a central water or steam system is present.

(2) Each condominium unit shall be provided with its own means of controlling temperature in that unit when the building utilizes a central heating plant. All mechanical work and repairs shall be completed under a permit and shall comply with all applicable building, health and fire codes.

## 9-4-105. GEOGRAPHICAL LAYOUT REQUIREMENTS.

(1) The area proposed for a condominium development shall be in one ownership during development to provide for full supervision and control of said development, and to insure conformance with these provisions and all conditions imposed upon the preliminary and final development plans.

(2) Condominium development shall have an area greater than five acres. However, the Planning Commission may consider development proposals less than five acres, but not less than one acre, if the development is guided by a total design plan in which three or more of the following development standards are applied or varied to allow flexibility and creativity in site design, building design, and location.

a. Development. The Planning Commission may require arrangements of structures, open spaces, landscaping, buffering, and access within the development as necessary. The Commission may require specific setbacks, a lower residential density, a height limitation, and/or a similar type of land use as adjoining land. These criteria shall be used by the Commission to assure that adjacent properties will not be adversely affected by the development and that the development will be compatible with the land use in the surrounding area.

b. Construction Materials. Quality exterior materials including brick, stone, stucco, or other materials of similar high quality, durability, and low maintenance may be provided, as accepted by the Planning Commission.

c. Interior Amenities. Quality interior provisions, including amenities such as a fireplace, vaulted ceilings, and in-unit washer/dryer hookups.

d. Fencing. Exterior fencing shall include architecturally designed brick or block fences, wrought iron fences, structural wood fences, vinyl fences, or a combination of these materials.

e. Parking. Covered parking and/or garages may be required for all units.

f. Pedestrian and Bicycle Paths. Where appropriate, the internal circulation system shall provide pedestrian and bicycle paths that are physically separated from vehicular traffic to serve residential, non-residential, and recreational facilities in or adjacent to the development.

g. Privacy. Each development shall provide reasonable visual and acoustical privacy for dwelling units. Fences, insulation, walks, barriers, landscaping, and sound reducing construction techniques shall be used for the enhancement of property and the privacy of its occupants.

h. Security. The development may be designed to support security services, taking into account public safety recommendations from the West Valley City Police Department.
i. Landscaping. The development site may be landscaped and should be composed of natural landscaping elements, including lawn, shrubs, ground covers, and a combination of evergreen and deciduous trees.
j. Home Owner's Association. The development may be approved subject to the submission and approval of legal instruments setting forth a plan or manner of permanent care and maintenance of all common open space and other facilities provided in the final development plan. No such instrument shall be acceptable until approved by the City Attorney as to legal form and effect, and the Planning Commission as to suitability for the proposed use of the common open space and subject facilities.
k. Recreational Amenities. Each development may provide recreation or site amenities, including, but not limited to, clubhouse, pool, tennis courts, sport courts, playgrounds, play fields, and nature areas.

(3) The final development plan shall be prepared by a design team composed of an architect, a landscape architect, and an engineer or land surveyor, all licensed to practice in the State of Utah.
(4) Residential density as measured by dwelling units per acre within a condominium development may exceed that permitted by the underlying zone up to a maximum of 20 percent, provided that the density does not exceed the maximum recommended in the West Valley City Master Plan. The Planning Commission and the City Council both must find, however, that any increase in density will be compensated by increased amenities and improved design which, in its opinion, are proportional to the density increase which it authorizes.
(5) Dedication and improvement of streets shall be made in accordance with the Major Street Plan of the City and further as may be determined by the City Council upon the recommendation of the Planning Commission for special circumstances where it is necessary to serve the vehicular and pedestrian needs of the proposed development and of the City. Said streets shall be constructed to standards set forth for various classes of streets by the City and shall be dedicated to the City as public streets. In instances of severe topography, security requirements or other special circumstances which make dedication or development to City standards impractical or undesirable, the City Council, upon recommendation of the Planning Commission, may allow development of streets to special standards specifically approved as part of the final development plan. Maintenance and repair of non-dedicated streets shall be the perpetual responsibility of the Owners Association, it being understood that this responsibility shall not be borne by the City or any other governmental agency or body.
(6) With the following exceptions, dwellings and permitted structures may be located as approved in the final development plans. Locations and arrangements of buildings on the lot should be accomplished in a manner that will best utilize the lot area and create an attractive living environment. The following exceptions shall be considered as minimum requirements as they apply:
a. Garages with entrances facing directly on public streets, whether in a front or side yard, shall be setback at least 20 feet from such streets.
b. Setbacks shall be maintained along the peripheral property lines of the planned development which shall be equal to that required by the zone on the property immediately adjacent thereto. Buildings located on the periphery of the development shall be limited to a maximum height of two stories.
c. In those instances where a proposed condominium development will front upon one or more existing streets, the setback from the street shall be equal to that required by the

most restrictive zoning on property immediately adjacent along the same street frontage.

(7) Open space and recreation requirements: Each project shall meet the following standards for open space and recreational areas:
   a. Open space shall be provided and shall not be less than 50 percent of the site area in residential condominiums which contain multiple unit structures having three or more units per structure. Residential condominiums which consist of structures containing two or less units shall provide not less than 40 percent open space. The required open space shall be land areas that are not occupied by buildings, structures, parking areas, streets, alleys or required setbacks. Said open space shall be devoted to landscaping, preservation of natural features, patios and recreational areas and facilities. Reduction may be made to this percentage of required open space by the Planning Commission and upon a showing that the open space in the site area will provide amenities; which will substantially meet the needs of future residents.
   b. Common open space shall comprise at least 50 percent of the required open space and shall be so designed for uses including, but not limited to, recreational, park or environmental amenity for common enjoyment and use by all residents.
   c. Open space in commercial and industrial condominiums shall be not less than 15 percent of the total site. Reduction may be made to this percentage of required open space by the Planning Commission if it can be demonstrated that proposed plan will still achieve the objectives of this Title if the reduction is allowed.
   d. Preservation, maintenance, and ownership of required open space within the development shall be accomplished by granting to City a permanent open space easement on or over the said private open spaces to guarantee that the open spaces remain perpetually in recreational use with ownership and maintenance being the responsibility of the owner or an Owner's Association established with articles of incorporation and bylaws which are satisfactory to City.

(8) Rental of Condominium Unit: The developer, or owner of property on which the condominium development is located, shall not lease more than 20 percent (20%) of individual units. Legal instruments setting forth this requirement shall be reviewed and approved by the City Attorney prior to development approval.

**(Ord. No. 97-09 Amended 03/13/1997)**

## 9-4-106. CONSTRUCTION LIMITATIONS.

(1) Upon approval of a condominium development, construction shall proceed only in accordance with the plans and specifications approved by the Planning Commission and in conformity with any conditions attached by the Commission to its approval.
(2) Amendments to approved plans and specifications for a condominium development shall be approved by the Planning Commission and shown on the approved plans.
(3) The Building Inspector or any other City department shall not issue any permit for any proposed building, structure, activity or use within the project unless such building, structure, activity or use is in accordance with the approved development plan and any conditions imposed in conjunction with its approval.

# CHAPTER 9-5
# ENFORCEMENT

Sections:
9-5-101. Enforcement.

## 9-5-101. ENFORCEMENT.

(1) It is unlawful for any person to sell 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.
(2) Any map, permit or license issued or approved in conflict with the provisions of this Title shall be null and void.
(3) Any developer, agent of a developer, owner, successor-in-interest of a developer or owner, tenant, purchaser, builder, contractor or other person who violates any of the provisions of this Chapter or any conditions imposed pursuant to this Title shall be deemed guilty of a class "C" misdemeanor.
(4) The City shall have the authority to enforce this Title against violations thereof by actions including but not limited to the following:
    a. To serve notice requiring the cessation or correction of any action in violation of this Title upon the developer, 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 deny the condominium project application.
    c. To maintain an action for injunctive relief to restrain, abate or cause the correction of such violation.
    d. To institute criminal proceedings.

# TITLE 10
# ADMINISTRATIVE CODE ENFORCEMENT HEARING PROGRAM

Chapters:

10-1 General Provisions and Definitions
10-2 Administrative Code Enforcement Procedures
10-3 Administrative and Judicial Remedies
10-4 Recovery of Code Enforcement Penalties and Costs

Ryan Robinson is the attorney in charge of the ACE Program.

# CHAPTER 10-1
# GENERAL PROVISIONS AND DEFINITIONS

Sections:

10-1-101. Short Title.
10-1-102. Declaration of Purpose.
10-1-103. Scope.
10-1-104. Existing Law Continued.
10-1-105. Criminal Prosecution Right.
10-1-106. Effect of Heading.
10-1-107. Validity of Title – Severability.
10-1-108. No Mandatory Duty – Civil Liability.
10-1-109. General Rules of Interpretation of Ordinances.
10-1-110. Definitions Applicable to Title Generally.
10-1-111. Acts Include Causing, Aiding, and Abetting.
10-1-200P Part 2 – Service Requirements
10-1-201. Service of Process.
10-1-202. Constructive Notice of Recorded Documents.
10-1-300P Part 3 – General Authority and Offenses
10-1-301. General Enforcement Authority.
10-1-302. Adoption of Policy and Procedures.
10-1-303. Authority to Inspect.
10-1-304. Power to Arrest.
10-1-305. False Information or Refusal Prohibited.
10-1-306. Failure to Obey a Subpoena.

## 10-1-101. SHORT TITLE.

This Title shall be known as the "Administrative Code Enforcement Hearing Program (A.C.E. Hearing Program)." This Title shall also be known as Title 10, West Valley City Municipal Code. It may be cited and pleaded under either designation.

**(Ord. No. 97-57 Added 09/09/1997)**

## 10-1-102. DECLARATION OF PURPOSE.

The City Council of West Valley City finds that the enforcement of the West Valley City Municipal Code and applicable state codes throughout the City is an important public service. Code enforcement is vital to the protection of the public's health, safety, and quality of life. The City Council recognizes that enforcement starts with the drafting of precise regulations that can be effectively applied in administrative code enforcement hearings and judicial proceedings. The City Council further finds that a comprehensive code enforcement system that uses a combination of judicial and administrative remedies is critical to gain compliance with these regulations. Failure to comply with an administrative code enforcement action may require the City Attorney to file a judicial action to gain compliance.

**(Ord. No. 97-57 Added 09/09/1997)**

## 10-1-103. SCOPE.

The provisions of this Title may be applied to all violations of the City Code. It has been designed as an additional remedy for the City to use in achieving compliance of its ordinances.

**(Ord. No. 97-57 Added 09/09/1997; Ord. No. 99-36 Amended 07/09/1999)**

## 10-1-104. EXISTING LAW CONTINUED.

The provisions of this Title do not invalidate any other title or ordinance, but shall be read in conjunction with those titles and ordinances as an additional remedy available for enforcement of those ordinances.

**(Ord. No. 97-57 Added 09/09/1997)**

## 10-1-105. CRIMINAL PROSECUTION RIGHT.

The City has sole discretion in deciding whether to file a civil or criminal case for the violation of any of its ordinances. The City may choose to file both, or one or the other. The enactment of this administrative remedy shall in no way interfere with the City's right to prosecute City ordinance violations as criminal offenses. The City may use any of the remedies available under the law in both civil and criminal prosecution. If the City chooses to file both civil and criminal charges for the same day of violation, no civil penalties may be assessed, but all other remedies are available.

**(Ord. No. 97-57 Added 09/09/1997)**

## 10-1-106. EFFECT OF HEADING.

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

**(Ord. No. 97-57 Added 09/09/1997)**

## 10-1-107. VALIDITY OF TITLE – SEVERABILITY.

If any section, subsection, sentence, clause, phrase, portion, or provision of this Title 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 this City hereby declares that it would have adopted this Title and each section, subsection, sentence, clause, phrase, portion, or provision thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, portions, or provisions be declared invalid or unconstitutional. This Section shall apply to all amendments heretofore or hereafter made to this Title.

**(Ord. No. 97-57 Added 09/09/1997)**

## 10-1-108. NO MANDATORY DUTY – CIVIL LIABILITY.

It is the intent of the City Council that in establishing performance standards or establishing an obligation to act by a City officer or employee, these standards shall not be construed as creating a mandatory duty for purposes of tort liability if the officer or employee fails to perform his or her directed duty or duties.

**(Ord. No. 97-57 Added 09/09/1997)**

## 10-1-109. GENERAL RULES OF INTERPRETATION OF ORDINANCES.

(1) For purposes of this Title:
(2) Any gender includes the other gender.
(3) "Shall" is mandatory; "may" is permissive.
(4) The singular number includes the plural, and the plural the singular.
(5) Words used in the present tense include the past and future tense, and vice versa.
(6) Words and phrases used in this Title and not specifically defined shall be construed according to the context and approved usage of the language.

**(Ord. No. 97-57 Added 09/09/1997)**

## 10-1-110. DEFINITIONS APPLICABLE TO TITLE GENERALLY.

The following words and phrases, whenever used in this Title, shall be constructed as defined in this section, unless a different meaning is specifically defined elsewhere in this Title and specifically stated to apply:

(1) "Abatement" means any action the City may take on public or private property and any adjacent property as may be necessary to remove or alleviate a violation, including, but not limited to, demolition, removal, repair, boarding, and securing or replacement of property.
(2) "Administrative Code Enforcement Order" means an order issued by a hearing officer. The order may include an order to abate the violation, pay civil penalties and administrative costs, or take any other action as authorized or required by this Title and applicable state codes.
(3) "Administrative Law Judge" means the position established by § 3-2-104.
(4) "City" means the area within the territorial city limits of West Valley City, and such territory outside of this City over which the City has jurisdiction or control by virtue of any constitutional or incorporation provisions or any law.
(5) "City Council" means the City Council of West Valley City.
(6) "Code Enforcement Lien" means a lien recorded to collect outstanding civil penalties, administrative fees, and costs.
(7) "Code Enforcement Performance Bond" means a bond posted by a responsible person to ensure compliance with the City Code, applicable state titles, a judicial action, or an administrative code enforcement order.
(8) "Enforcement Official" means any person authorized to enforce violations of the City Code or applicable state codes.
(9) "Financial Institution" means any person that holds a recorded mortgage or deed of trust on a property.

(10)"Good Cause" means incapacitating illness; death; lack of proper notice; unavailability due to unavoidable, unpreventable, or extenuating emergency or circumstance; if a required act causes an imminent and irreparable injury; and acts of nature adverse to performing required acts.
(11)"Imminent Life Safety Hazard" means any condition that creates a present, extreme, and immediate danger to life, property, health, or public safety.
(12)"Legal Interest" means any interest that is represented by a document, such as a deed of trust, quitclaim deed, mortgage, judgment lien, tax or assessment lien, mechanic's lien, or other similar instrument that is recorded with the County Recorder.
(13)"Notice of Compliance" means a document issued by the City, representing that a property complies with the requirements outlined in the notice of violation.
(14)"Notice of Satisfaction" means a document or form approved by the Administrative Law Judge or his or her designee, which indicates that all outstanding civil penalties and costs have been either paid in full, or that the City has negotiated an agreed amount, or that a subsequent administrative or judicial decision has resolved the outstanding debt. In addition to the satisfaction of the financial debt, the property must also be in compliance with the requirements outlined in the notice of violation.
(15)"Notice of Violation" means a written notice prepared by an enforcement official that informs a responsible person of code violations and orders them to take certain steps to correct the violations.
(16)"Oath" includes affirmations and oaths.
(17)"Animal Control Administrator" means the supervisor of the Animal Control Division, established in Chapter 3-13 of the City Code.
(18)“Ordinance Enforcement Administrator” means the supervisor of the Ordinance Enforcement Division, established in Chapter 3-13 of the City Code.
(19)"Person" means any natural person, firm, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, organization, or the manager, lessee, agent, sergeant, officer, or employee of any of them, or any other entity that is recognized by law as the subject of rights or duties.
(20)"Property Owner" means the record owner of real property based on the county assessor's records.
(21)"Public Nuisance" means any condition caused, maintained, or permitted to exist that constitutes a threat to the public's health, safety, and welfare, or that significantly obstructs, injures, or interferes with the reasonable or free use of property in a neighborhood or community or by any considerable number of persons. A public nuisance also has the same meaning as set forth in the Utah Code Annotated.
(22)"Responsible Person" means a person who is responsible for causing or maintaining a violation of the City Code or applicable state codes. The property owner, tenant, person with a legal interest in the real property, or person in possession of the real property shall be liable for any violation maintained on the property. In all cases, the property owner shall be considered a Responsible Person.
(23)"Written" includes handwritten, typewritten, photocopied, computer printed, or facsimile.

**(Ord. No. 97-57 Added 09/09/1997; Ord. No. 99-36 Amended 07/09/1999; Ord. No. 09-22 Amended 07/08/2009; Ord. No. 11-29 Amended 12/13/2011)**

## 10-1-111. ACTS INCLUDE CAUSING, AIDING, AND ABETTING.

Whenever any act or omission is made unlawful in this Title, it shall include causing, permitting, aiding, or abetting such act or omission.

**(Ord. No. 97-57 Added 09/09/1997)**

## 10-1-200P PART 2 – SERVICE REQUIREMENTS

## 10-1-201. SERVICE OF PROCESS.

(1) Whenever service is required to be given under this Title for enforcement purposes, the document shall be served by any of the following methods, unless different provisions are otherwise specifically stated to apply:
   a. Regular mail, postage prepaid, to the last known address of the owner(s) or other responsible person(s);
   b. Posting the notice conspicuously on or in front of the property. If not inhabited, the notice must also be mailed as in (a) above. The form of the posted notice shall be approved by the Director or his or her designee;
   c. Personal service pursuant to Utah Rules of Civil Procedure Rule 4(e)(1) or rule 4(e)(5); or
   d. Published in a newspaper of general circulation where the identity or whereabouts of the person to be served are unknown and cannot be ascertained through reasonable diligence, where service is impracticable under the circumstances, or where there exists good cause to believe that the person to be served is avoiding service of process.
(2) Service by regular mail in the manner described above shall be deemed served on the third day after the date of mailing.
(3) If service complies with the requirements of this Section, it shall be deemed a valid service even if a party claims not to have received the service and it shall not affect the validity of any proceedings taken under this Title.
(4) The failure to serve all responsible person(s) shall not affect the validity of any proceedings.

**(Ord. No. 97-57 Added 09/09/1997; Ord. No. 99-36 Amended 07/09/1999)**

## 10-1-202. CONSTRUCTIVE NOTICE OF RECORDED DOCUMENTS.

Whenever a document is recorded with the county recorder as authorized or required by this Title or applicable state codes, recordation shall provide constructive notice of the information contained in the recorded documents.

**(Ord. No. 97-57 Added 09/09/1997)**

## 10-1-300P PART 3 – GENERAL AUTHORITY AND OFFENSES

## 10-1-301. GENERAL ENFORCEMENT AUTHORITY.

Whenever the Director or enforcement official finds that a violation of the City Code or applicable state codes has occurred or continues to exist, the appropriate administrative enforcement procedure may be used as outlined in this Title. The Director or any designated enforcement official has

the authority and power necessary to gain compliance with the provisions of the City Code and applicable state codes. These powers include the power to issue notices of violation and administrative citations, inspect public and private property, abate public and private property, and use whatever judicial and administrative remedies are available under the City Code or applicable state codes.

**(Ord. No. 97-57 Added 09/09/1997)**

## 10-1-302. ADOPTION OF POLICY AND PROCEDURES.

The Administrative Law Judge is authorized to develop policies and procedures relating to the hearing procedures, scope of hearings, subpoena powers, and other matters relating to the Administrative Code Enforcement Hearing Program.

**(Ord. No. 97-57 Added 09/09/1997; Ord. No. 99-36 Amended 07/09/1999)**

## 10-1-303. AUTHORITY TO INSPECT.

The Ordinance Enforcement Administrator or any designated enforcement official is authorized to enter upon any property or premises to ascertain whether the provisions of the City Code or applicable state codes are being obeyed and to make any examinations and surveys as may be necessary in the performance of the enforcement duties. This may include the taking of photographs, samples, or other physical evidence. All inspections, entries, examinations, and surveys shall be done in a reasonable manner based upon cause. If the responsible person refuses to allow the enforcement official to enter the property, the enforcement official shall obtain a search warrant.

**(Ord. No. 97-57 Added 09/09/1997; Ord. No. 99-36 Amended 07/09/1999;)**

## 10-1-304. POWER TO ARREST.

The Ordinance Enforcement Administrator or any designated enforcement official is authorized to arrest, without a warrant, any person whenever there is reasonable cause to believe that the person has committed a violation of the City Code or applicable state codes in the enforcement official's presence. The Administrator or enforcement official can arrest a person only by issuing a misdemeanor citation or administrative citation.

**(Ord. No. 97-57 Added 09/09/1997; Ord. No. 99-36 Amended 07/09/1999)**

## 10-1-305. FALSE INFORMATION OR REFUSAL PROHIBITED.

It shall be unlawful for any person to willfully make a false statement or refuse to give his or her name or address with intent to deceive or interfere with a city employee when in the performance of his or her official duties under the provisions of this Title. A violation of this Section is a class B misdemeanor.

**(Ord. No. 97-57 Added 09/09/1997)**

## 10-1-306. FAILURE TO OBEY A SUBPOENA.

It is unlawful for any person to refuse or fail to obey a subpoena issued for an administrative code enforcement hearing. Failure to obey a subpoena constitutes contempt and may be prosecuted as a class B misdemeanor.

**(Ord. No. 97-57 Added 09/09/1997)**

# CHAPTER 10-2
# ADMINISTRATIVE CODE ENFORCEMENT PROCEDURES

Sections:

10-2-101. Authority.
10-2-102. Notice of Violation.
10-2-103. Failure to Bring Property into Compliance.
10-2-104. Inspections
10-2-200P Part 2 – Emergency Abatement
10-2-201. Authority.
10-2-202. Procedures.
10-2-203. Notice of Emergency Abatement.
10-2-300P Part 3 – Demolitions
10-2-301. Authority.
10-2-302. Procedures.
10-2-400P Part 4 – Administrative Citations
10-2-401. Declaration of Purpose.
10-2-402. Authority.
10-2-403. Procedures.
10-2-404. Contents of Administrative Citation.
10-2-405. Civil Penalties Assessed.
10-2-500P Part 5 – Administrative Code Enforcement Hearing Procedures
10-2-501. Declaration of Purpose.
10-2-502. Authority and Scope of Hearings.
10-2-503. Request for Administrative Code Enforcement Hearing.
10-2-504. Default Hearings and Orders
10-2-505. Notification of Administrative Code Enforcement Hearing.
10-2-506. Disqualification of Code Enforcement Hearing Officer.
10-2-507. Powers of the Administrative Law Judge.
10-2-508. Procedures at Administrative Code Enforcement Hearing.
10-2-509. Failure to Attend Administrative Code Enforcement Hearing.
10-2-510. Administrative Code Enforcement Order.
10-2-511. Failure to Comply with Order
10-2-600P Part 6 – Administrative Enforcement Appeals
10-2-601. Appeal of Administrative Code Enforcement Hearing Decision.

## 10-2-101. AUTHORITY.

Any condition caused, maintained, or permitted to exist in violation of any provisions of the City Code or applicable state codes that constitutes a violation may be abated by the City pursuant to the procedures set forth in this Part.

**(Ord. No. 97-57 Enacted 09/09/1997)**

## 10-2-102. NOTICE OF VIOLATION.

(1) Whenever the Ordinance Enforcement Administrator or any designated enforcement official determines that a violation of the City Code or applicable state codes has occurred or continues to exist, the Administrator or enforcement official may choose to proceed under the administrative abatement procedures. If this procedure is used, a notice of violation shall be issued to a responsible person. The notice of violation shall include the following information:
   a. Name of property owner;
   b. Street address of violation;
   c. Date violation observed;
   d. All code sections violated and description of condition of the property that violates the applicable codes;
   e. A statement explaining the type of remedial action required to permanently correct outstanding violations, which may include corrections, repairs, demolition, removal, or other appropriate action;
   f. Specific date to correct the violations listed in the notice of violation, which date shall be at least ten days from the date of service;
   g. Explanation of the consequences should the responsible person fail to comply with the terms and deadlines as prescribed in the notice of violation, which may include, but is not limited to, criminal prosecution; civil penalties; revocation of permits; recordation of the notice of violation; withholding of future municipal permits; abatement of the violation; costs; administrative fees; and any other legal remedies;
   h. That civil penalties will begin to accrue immediately on expiration of the date to correct violations;
   i. The amount of the civil penalty on each violation and that the penalty will accrue daily until the property is brought into compliance;
   j. That only one notice of violation is required for any 12-month period, and that civil penalties begin immediately upon any subsequent violations of the notice. The responsible person may request a hearing on the renewed violations by following the same procedure as provided for the original notice.
   k. Procedures to request a hearing as provided in Section 10-2-503, and consequences for failure to request one.

(2) The notice of violation shall be served by one of the methods of service listed in Section 10-1-201 of this Title.

(3) More than one notice of violation may be issued against the same responsible person, if it encompasses different dates, or different violations.

**(Ord. No. 97-57 Added 09/09/1997; Ord. No. 99-36 Amended 07/09/1999)**

## 10-2-103. FAILURE TO BRING PROPERTY INTO COMPLIANCE.

(1) If a responsible person fails to bring a violation into compliance within ten days of service of the notice of violation, civil penalties shall be owed to the City for each and every subsequent day of violation.

(2) Failure to comply with the notice of violation is a class B misdemeanor.

**(Ord. No. 97-57 Added 09/09/1997; Ord. No. 99-36 Amended 07/09/1999)**

## 10-2-104. INSPECTIONS

It shall be the duty of the responsible person served with a Notice of Violation to request an inspection when his or her property has been brought into compliance. It is prima facie evidence that the violation remains on the property if no inspection is requested. Civil penalties accumulate daily until the property has been inspected and a notice of compliance is issued. Reinspection fees shall be assessed if more than one inspection is necessary.

**(Ord. No. 97-57 Added 09/09/1997; Ord. No. 99-36 Amended 07/09/1999)**

## 10-2-200P PART 2 – EMERGENCY ABATEMENT

## 10-2-201. AUTHORITY.

(1) Whenever the Ordinance Enforcement Administrator determines that an imminent life safety hazard exists that requires immediate correction or elimination, the Administrator may exercise the following powers without prior notice to the responsible person:
    a. Order the immediate vacation of any tenants, and prohibit occupancy until all repairs are completed;
    b. Post the premises as unsafe, substandard, or dangerous;
    c. Board, fence, or secure the building or site;
    d. Raze and grade that portion of the building or site to prevent further collapse, and remove any hazard to the general public;
    e. Make any minimal emergency repairs as necessary to eliminate any imminent life safety hazard; or
    f. Take any other action appropriate to eliminate the emergency.
(2) The Ordinance Enforcement Administrator has the authority, based on cause, to enter the property without a search warrant or court order to accomplish the above listed acts to abate the safety hazard.
(3) The responsible person shall be liable for all costs associated with the abatement of the life safety hazard. Costs may be recovered pursuant to this Title.

**(Ord. No. 97-57 Added 09/09/1997; Ord. No. 99-36 Amended 07/09/1999)**

## 10-2-202. PROCEDURES.

(1) The Director shall pursue only the minimum level of correction or abatement as necessary to eliminate the immediacy of the hazard. Costs incurred by the City during the emergency abatement process shall be assessed and recovered against the responsible person through the procedures outlined in the "Remedies" section of this Title.
(2) The Director may also pursue any other administrative or judicial remedy to abate any remaining violations.

**(Ord. No. 97-57 Enacted 09/09/1997)**

## 10-2-203. NOTICE OF EMERGENCY ABATEMENT.

After an emergency abatement, the City shall notify the owner or responsible person of the abatement action taken. This notice shall be served within ten days of completion of the abatement.

**(Ord. No. 97-57 Added 09/09/1997; Ord. No. 99-36 Amended 07/09/1999)**

## 10-2-300P PART 3 – DEMOLITIONS

## 10-2-301. AUTHORITY.

Whenever the Ordinance Enforcement Administrator, Chief Building Officer, or Fire Inspector determines that a property or building requires demolition, any one of them may demolish or remove the offending structure, or exercise any or all of the powers listed in Section 10-2-201 once appropriate notice has been given to a responsible person pursuant to the Uniform Abatement of Dangerous Buildings Code or Uniform Fire Codes as required under state law. The responsible person shall be liable for all costs associated with the demolition. Costs may be recovered pursuant to this Title.

**(Ord. No. 97-57 Added 09/09/1997; Ord. No. 99-36 Amended 07/09/1999;)**

## 10-2-302. PROCEDURES.

Once the Director has determined that the City Chief Building Inspector or the Fire Marshal has complied with all of the notice requirements of the applicable laws, the property will be abated pursuant to the abatement remedy. Other applicable remedies may also be pursued.

**(Ord. No. 97-57 Enacted 09/09/1997)**

## 10-2-400P PART 4 – ADMINISTRATIVE CITATIONS

## 10-2-401. DECLARATION OF PURPOSE.

The City Council finds that there is a need for an alternative method of enforcement for minor violations of the City Code and applicable state codes. The City Council further finds that an appropriate method of enforcement is an administrative citation program.

The procedures established in this Part shall be in addition to criminal, civil, or any other legal remedy established by law that may be pursued to address violations of the City Code or applicable state codes.

**(Ord. No. 97-57 Added 09/09/1997; Ord. No. 99-36 Amended 07/09/1999)**

## 10-2-402. AUTHORITY.

(1) Any person violating any minor provision of the City Code or applicable state codes may be issued an administrative citation by an enforcement official as provided in this Part.
(2) A civil penalty shall be assessed by means of an administrative citation issued by the enforcement official, and shall be payable directly to the City Treasurer's Office.

(3) Penalties assessed by means of an administrative citation shall be collected in accordance with the procedures specified in the remedies section of this Title.

**(Ord. No. 97-57 Enacted 09/09/1997)**

## 10-2-403. PROCEDURES.

(1) Upon discovering any violation of the City Code or applicable state codes an enforcement official may issue an administrative citation to a responsible person in the manner prescribed in this Part or as prescribed in Section 10-1-201. The administrative citation shall be issued on a form approved by the Administrative Law Judge.
(2) If the responsible person is a business, the enforcement official shall attempt to locate the business owner and issue an administrative citation to the business owner. If the enforcement official can only locate the manager of the business, the administrative citation may be given to the manager of the business. A copy of the administrative citation may also be mailed to the business owner or any other responsible person in the manner prescribed in Section 10-1-201 of this Title.
(3) Once the responsible person has been located, the enforcement official shall attempt to obtain the signature of that person on the administrative citation. If the responsible person refuses or fails to sign the administrative citation, the failure or refusal to sign shall not affect the validity of the citation and subsequent proceedings.
(4) If the enforcement official is unable to locate the responsible person for the violation, then the administrative citation shall be mailed to the responsible person in the manner prescribed in Section 10-1-201 of this Title.
(5) If no one can be located at the property, then the administrative citation may be posted in a conspicuous place on or near the property and a copy subsequently mailed to the responsible person in the manner prescribed by Section 10-1-201 of this Title.
(6) The administrative citation shall also contain the signature of the enforcement official.
(7) The failure of any person with an interest in the property to receive notice shall not affect the validity of any proceedings taken under this Part.

**(Ord. No. 97-57 Added 09/09/1997; Ord. No. 99-36 Amended 07/09/1999)**

## 10-2-404. CONTENTS OF ADMINISTRATIVE CITATION.

(1) The administrative citation shall refer to the date and location of the violations and the approximate time the violations were observed.
(2) The administrative citation shall refer to the Code sections violated and the titles of those sections.
(3) The administrative citation shall state the amount of penalty imposed for the violations.
(4) The administrative citation shall explain how the penalty shall be paid, the time period by which the penalty shall be paid, and the consequences of failure to pay the penalty.
(5) The administrative citation shall identify the right and the procedures to request a hearing.
(6) The citation shall contain the signature of the enforcement official and the signature of the responsible person, if he or she can be located, as outlined in Section 10-2-403 of this Title.

**(Ord. No. 97-57 Added 09/09/1997; Ord. No. 99-36 Amended 07/09/1999)**

## 10-2-405. CIVIL PENALTIES ASSESSED.

(1) The Administrative Law Judge shall establish policies to assist in the assessment of civil penalties for administrative citations.
(2) Civil penalties shall be assessed immediately for each violation listed on the administrative citation. The penalties shall be those established in the Consolidated Fee Schedule, found at Title 1, Chapter2 of the City Code.
(3) Payment of the penalty shall not excuse the failure to correct the violations, nor shall it bar further enforcement action by the City.

**(Ord. No. 97-57 Added 09/09/1997; Ord. No. 99-36 Amended 07/09/1999)**

## 10-2-500P PART 5 – ADMINISTRATIVE CODE ENFORCEMENT HEARING PROCEDURES

## 10-2-501. DECLARATION OF PURPOSE.

The City Council finds that there is a need to establish uniform procedures for administrative code enforcement hearings conducted pursuant to the City Code. It is the purpose and intent of the City Council to afford due process of law to any person who is directly affected by an administrative action. Due process of law includes notice, an opportunity to participate in the administrative hearing, and an explanation of the reasons justifying the administrative action. These procedures are also intended to establish a forum to efficiently, expeditiously, and fairly resolve issues raised in any administrative code enforcement action.

**(Ord. No. 97-57 Added 09/09/1997; Ord. No. 99-36 Amended 07/09/1999)**

## 10-2-502. AUTHORITY AND SCOPE OF HEARINGS.

Enforcement of City Code violations may be conducted through the Civil Traffic Enforcement Program, presided over by the Administrative Law Judge. The Administrative Law Judge shall develop policies and procedures to regulate the hearing process for any violation of the City Code and applicable state codes that are handled pursuant to the administrative abatement procedures, the emergency abatement procedures, the demolition procedures, or the administrative citation procedures.

**(Ord. No. 97-57 Added 09/09/1997; Ord. No. 99-36 Amended 07/09/1999)**

## 10-2-503. REQUEST FOR ADMINISTRATIVE CODE ENFORCEMENT HEARING.

(1) A person served with one of the following documents or notices has the right to request an administrative code enforcement hearing, if the request is filed within ten calendar days from the date of service of one of the following notices:
    a. Notice of violation;
    b. Notice of itemized bill for costs;
    c. Administrative citation;
    d. Notice of emergency abatement;

(2) The request for hearing shall be made in writing and filed with the Administrative Law Judge. The request shall contain the case number, the address of the violation, and the signature of the responsible party.
(3) As soon as practicable after receiving the written notice of the request for hearing, the Administrative Law Judge shall schedule a date, time, and place for the hearing.
(4) Failure to request a hearing as provided shall constitute a waiver of the right to a hearing and a waiver of the right to challenge the action.

**(Ord. No. 97-57 Added 09/09/1997; Ord. No. 99-36 Amended 07/09/1999)**

## 10-2-504. DEFAULT HEARINGS AND ORDERS.

(1) If the responsible person fails to request a hearing before the expiration of the ten day deadline the case shall be set for a default hearing. The Administrative Law Judge shall schedule a default hearing. The responsible person shall be notified of the date, time, and place of the hearing by one of the methods listed in Section 10-2-201.
(2) A default hearing shall be scheduled for all cases that have outstanding or unpaid civil penalties, fines, fees and/or costs due to the City before collection, if a hearing on that case has not already been held.
(3) At the default hearing, the responsible person shall have the opportunity to present evidence to show that good cause exists, as defined in the Title, to do one or more of the following:
    a. waive or reduce the fines which have accumulated;
    b. postpone an abatement action by the City; or
    c. excuse the responsible person's failure to request a hearing within the ten day period.
(4) If the responsible person fails to establish good cause to take one or more of the actions set forth in paragraph (3), the Administrative Law Judge shall review the notice of violation and any other relevant information included in the case file. The Administrative Law Judge shall not accept any other evidence.
    a. If the evidence shows that the violations existed, the Administrative Law Judge shall enter an order requiring abatement of the violations, and the payment of all fines and fees. Fines shall run until the City issues a Notice of Compliance stating when the violations were actually abated.

**(Ord. No. 99-36 Added 07/09/1999)**

## 10-2-505. NOTIFICATION OF ADMINISTRATIVE CODE ENFORCEMENT HEARING.

(1) Written notice of the day, time, and place of the hearing shall be served to a Responsible Person as soon as practicable prior to the date of the hearing.
(2) The format and contents of the hearing notice shall be in accordance with rules and policies promulgated by the Administrative Law Judge.
(3) The notice of hearing shall be served by any of the methods of service listed in Section 10-1-201 of this Title.

**(Ord. No. 97-57 Added 09/09/1997; Ord. No. (99-36 Amended 07/09/1999; Ord. No. 99-36 Renumbered 07/09/1999, was 10-2-504;)**

## 10-2-506. DISQUALIFICATION OF CODE ENFORCEMENT HEARING OFFICER.

The Administrative Law Judge is subject to disqualification for bias, prejudice, interest, or any other reason for which a judge may be disqualified in a court of law. Rules and procedures for disqualification and replacement shall be promulgated by the Administrative Law Judge.

**(Ord. No. 99-57 Added 09/09/1997; Ord. No. 99-36 Amended, 07/09/1999; Ord. No. 99-36 Renumbered 07/09/1999, was 10-2-507)**

## 10-2-507. POWERS OF THE ADMINISTRATIVE LAW JUDGE.

(1) The Administrative Law Judge has the authority to hold hearings, determine if violations of city ordinances exist, order compliance with city ordinances, and enforce compliance as provided in this Title on any matter subject to the provisions of the Title.
(2) The Administrative Law Judge may continue a hearing based on good cause shown by one of the parties to the hearing. The Administrative Law Judge must enter on the record the good cause on which a continuance is granted.
(3) The Administrative Law Judge, at the request of any party to the hearing, may sign subpoenas for witnesses, documents, and other evidence where the attendance of the witness for the admission of evidence is deemed necessary to decide the issues at the hearing. All costs related to the subpoena, including witness and mileage fees, shall be borne by the party requesting the subpoena. The Administrative Law Judge shall develop policies and procedures relating to the issuance of subpoenas in administrative code enforcement hearings, including the form of the subpoena and related costs.
(4) The Administrative Law Judge has continuing jurisdiction over the subject matter of an administrative code enforcement hearing for the purposes of granting a continuance; ordering compliance by issuing an administrative code enforcement order using any remedies available under the law; ensuring compliance of that order, which includes the right to authorize the City to enter and abate a violation; modifying an administrative code enforcement order; or, where extraordinary circumstances exist, granting a new hearing.
(5) The Administrative Law Judge has the authority to require a responsible person to post a code enforcement performance bond to ensure compliance with an administrative code enforcement order.

**(Ord. No. 97-57 Added 09/09/1997; Ord. No. 99-36 Amended 07/09/1999; Ord. No. 99-36 Renumbered 07/09/1999, was 10-2-508)**

## 10-2-508. PROCEDURES AT ADMINISTRATIVE CODE ENFORCEMENT HEARING.

(1) Administrative code enforcement hearings are intended to be informal in nature. Formal rules of evidence and discovery do not apply; however, an informal exchange of discovery may be required. The request must be in writing. Failure to request discovery shall not be a basis for a continuance. Complainant information is protected and shall not be released unless the complainant is a witness at the hearing. The procedure and format of the administrative hearing shall follow the procedures promulgated by the Administrative Law Judge.
(2) The City bears the burden of proof at an administrative code enforcement hearing to establish the existence of a violation of the City Code or applicable state codes.

(3) The standard of proof to be used by the Administrative Law Judge in deciding the issues at an administrative hearing is whether the preponderance of the evidence shows that the violations exist.
(4) Each party shall have the opportunity to cross-examine witnesses and present evidence in support of his or her case. A written declaration signed under penalty of perjury may be accepted in lieu of a personal appearance. Testimony may be given by telephone or other electronic means.
(5) All hearings are open to the public. They shall be recorded by audio tape. Hearings may be held at the location of the violation.
(6) The responsible person has a right to be represented by an attorney. If an attorney will be representing the responsible person at the hearing, notice of the attorney's name, address, and telephone number must be given to the City at least one day prior to the hearing. If notice is not given, the hearing may be continued at the City's request, and all costs of the continuance assessed to the responsible person.
(7) No new hearing shall be granted, unless the Administrative Law Judge determines that extraordinary circumstances exist which justify a new hearing.

**(Ord. No. 99-36 Renumbered 07/09/1999, Was 10-2-509; Ord. No. 99-36 Amended 07/09/1999; Ord. No. 97-57 Added 09/09/1999)**

## 10-2-509. FAILURE TO ATTEND ADMINISTRATIVE CODE ENFORCEMENT HEARING.

Any party whose property or actions are the subject of any administrative code enforcement hearing and who fails to appear at the hearing is deemed to waive the right to a hearing, and will result in a default judgment for the City, provided that proper notice of the hearing has been provided.

**(Ord. No. 97-57 Added 09/09/1997; Ord. No. 99-36 Renumbered 07/09/1999, Was 10-2-509; Ord. No. 99-36 Amended 07/09/1999)**

## 10-2-510. ADMINISTRATIVE CODE ENFORCEMENT ORDER.

(1) The parties may enter into a stipulated agreement, which must be signed by both parties. This agreement shall be entered as the administrative code enforcement order. Entry of this agreement shall constitute a waiver of the right to a hearing and the right to appeal.
(2) Once all evidence and testimony are completed, the Administrative Law Judge shall issue an administrative code enforcement order that affirms, modifies or rejects the notice or citation. The Administrative Law Judge may increase or decrease the total amount of civil penalties and costs that are due pursuant to the City's fee schedule and the procedures in this Title.
(3) The Administrative Law Judge may order the City to enter the property and abate all violations, which may include removing animals kept in violation of the City Code.
(4) The Administrative Law Judge may revoke a kennel permit, an animal license, or the right to possess animals as provided in the City Code.
(5) As part of the administrative code enforcement order, the Administrative Law Judge may condition the total or partial assessment of civil penalties on the responsible person's ability to complete compliance by specified deadlines.

(6) The Administrative Law Judge may schedule subsequent review hearings as may be necessary or as requested by a party to the hearing to ensure compliance with the administrative code enforcement order.
(7) The Administrative Law Judge may order the responsible person to post a performance bond to ensure compliance with the order.
(8) The administrative code enforcement order shall become final on the date of the signing of the order.
(9) The administrative code enforcement order shall be served on all parties by any one of the methods listed in Section 10-1-201 of this Title.

**(Ord. No. 97-57 Added 09/09/1997; Ord. No. 99-36 Amended 07/09/1999; Ord. No. 99-36 Renumbered 07/09/1999, was 10-2-511)**

## 10-2-511. FAILURE TO COMPLY WITH ORDER

(1) Upon the failure of the responsible person to comply with the terms and deadlines set forth in the administrative code enforcement order, the City may use all appropriate legal means to recover the civil penalties and administrative costs to obtain compliance.
(2) After the Administrative Law Judge issues an administrative code enforcement order, the Administrative Law Judge shall monitor the violations and determine compliance.

**(Ord. No. 97-57 Added 09/09/1997; Ord. No. 99-36 Amended 07/09/1999; Ord. No. 99-36 Renumbered 07/09/1999, was 10-2-512)**

## 10-2-600P PART 6 – ADMINISTRATIVE ENFORCEMENT APPEALS

## 10-2-601. APPEAL OF ADMINISTRATIVE CODE ENFORCEMENT HEARING DECISION.

(1) Any person adversely affected by any decision made in the exercise of the provisions of this Chapter may file a petition for review of the decision or order by the district court within 30 days after the decision is rendered.
(2) No person may challenge in district court an administrative code enforcement hearing officer's decision until that person has exhausted his or her administrative remedies.
(3) Within 120 days after submitting the petition, the party petitioning for appeal shall request a copy of the record of the proceedings, including transcripts of hearings when necessary. The Administrative Law Division shall not submit copies of files or transcripts to the reviewing court until the party petitioning for appeal has paid all required costs. The petitioning party's failure to properly arrange for copies of the record, or to pay the full costs for the record, within 180 days after the petition for review was filed shall be grounds for dismissal of the petition.
    a. If a transcript of a hearing cannot be prepared because the tape recording is incomplete or unintelligible, the district court may, in its discretion, remand the matter to the Administrative Law Judge for a supplemental proceeding to complete the record. The district court may limit the scope of the supplemental proceeding to issues that, in the court's opinion, need to be clarified.
(4) The district court's review is limited to the record of the administrative decision that is being appealed. The court shall not accept nor consider any evidence that is not part of the record of that decision.

(5) The courts shall:

a. Presume that the administrative code enforcement hearing officer's decision and orders are valid; and

b. Review the record to determine whether or not the decision was arbitrary, capricious, or illegal.

**(Ord. No. 97-57 Enacted 09/09/1997; Ord. No. 00-31 Amended 04/25/2000)**

# CHAPTER 10-3
# ADMINISTRATIVE AND JUDICIAL REMEDIES

Sections:

10-3-100P Part 1 – Recordation of Notices of Violation
10-3-101. Declaration of Purpose.
10-3-102. Authority.
10-3-103. Procedures for Recordation.
10-3-104. Service of Notice of Recordation.
10-3-105. Failure to Request
10-3-106. Notice of Compliance – Procedures.
10-3-107. Prohibition Against Issuance of Municipal Permits.
10-3-108. Cancellation of Recorded Notice of Violation.
10-3-200P Part 2 - Administrative Civil Penalties
10-3-201. Authority.
10-3-202. Procedures for Assessing Civil Penalties.
10-3-203. Determination of Civil Penalties.
10-3-204. Modification of Civil Penalties.
10-3-205. Failure to Pay Penalties.
10-3-300P Part 3 – Abatement of Violation
10-3-301. Authority to Abate.
10-3-302. Procedures for Abatement.
10-3-400P Part 4 – Costs
10-3-401. Declaration of Purpose.
10-3-402. Authority.
10-3-403. Notification of Assessment of Reinspection Fees.
10-3-404. Failure to Timely Pay Costs.
10-3-500P Part 5 - Administrative Fees.
10-3-501. Administrative Fees.
10-3-600P Part 6 – Injunctions
10-3-601. Civil Violations – Injunctions.
10-3-700P Part 7 – Performance Bonds.
10-3-701. Performance Bond.

## 10-3-100P PART 1 –RECORDATION OF NOTICES OF VIOLATION

## 10-3-101. DECLARATION OF PURPOSE.

The City Council finds that there is a need for alternative methods of enforcement for violations of the City Code and applicable state codes that are found to exist on real property. The City Council further finds that an appropriate method of enforcement for these types of violations is the issuance and recordation of notices of violation.

The procedures established in this Part shall be in addition to criminal, civil, or any other remedy established by law that may be pursued to address the violation of the City Code or applicable state codes.

**(Ord. No. 97-57 Enacted 09/09/1997)**

## 10-3-102. AUTHORITY.

Whenever the Director determines that a property or violation has not been brought into compliance as required in this Title, the Director has the authority to record the notice of violation or administrative code enforcement order with the Recorder's Office of Salt Lake County.

**(Ord. No. 97-57 Enacted 09/09/1997)**

## 10-3-103. PROCEDURES FOR RECORDATION.

(1) Once the Director has issued a notice of violation to a responsible person, and the property remains in violation after the deadline established in the notice of violation, and no request for an administrative hearing has been filed, the Director shall record a notice of violation with the Recorder's Office of Salt Lake County.
(2) If an administrative hearing is held, and an order is issued in the City's favor, the Director shall record the administrative code enforcement order with the Recorder's Office of Salt Lake County.
(3) The recordation shall include the name of the property owner, the parcel number, the legal description of the parcel, and a copy of the notice of violation or order.
(4) The recordation does not encumber the property, but merely places future interested parties on notice of any continuing violation found upon the property.

**(Ord. No. 97-57 Enacted 09/09/1997)**

## 10-3-104. SERVICE OF NOTICE OF RECORDATION.

A notice of the recordation shall be served on the responsible person and the property owner pursuant to any of the methods of service set forth in Section 10-1-201 of this Title.

**(Ord. No. 97-57 Enacted 09/09/1997)**

## 10-3-105. FAILURE TO REQUEST.

The failure of any person to file a request for an administrative code enforcement hearing when served with a notice of violation shall constitute a waiver of the right to an administrative hearing and shall not affect the validity of the recorded notice of violation.

**(Ord. No. 97-57 Enacted 09/09/1997)**

## 10-3-106. NOTICE OF COMPLIANCE – PROCEDURES.

(1) When the violations have been corrected, the responsible person or property owner may request an inspection of the property from the Ordinance Enforcement Administrator.
(2) Upon receipt of a request for inspection, the Ordinance Enforcement Administrator shall reinspect the property as soon as practicable to determine whether the violations listed in the notice of violation or the order have been corrected, and whether all necessary permits have been issued and final inspections have been performed.

(3) The Ordinance Enforcement Administrator shall serve a notice of satisfaction to the responsible person or property owner in the manner provided in Section 10-1-201 of this Title, if the Ordinance Enforcement Administrator determines that:
   a. All violations listed in the recorded notice of violation or order has been corrected;
   b. All necessary permits have been issued and finalized;
   c. All civil penalties assessed against the property have been paid or satisfied ; and
   d. The party requesting the notice of satisfaction has paid all administrative fees and costs.

(4) If the Ordinance Enforcement Administrator denies a request to issue a notice of satisfaction, upon request the Ordinance Enforcement Administrator shall serve the responsible person with a written explanation setting forth the reasons for the denial. The written explanation shall be served by any of the methods of service listed in Section 10-1-201 of this Title.

**(Ord. No. 97-57 Added 09/09/1997; Ord. No. 99-36 Amended 07/09/1999)**

## 10-3-107. PROHIBITION AGAINST ISSUANCE OF MUNICIPAL PERMITS.

The City may withhold business licenses; permits for kennels; or permits for any alteration, repair, or construction pertaining to any existing or new structures or signs on the property, or any permits pertaining to the use and development of the real property or the structure. The City may withhold permits until a notice of satisfaction has been issued by the Ordinance Enforcement Administrator. The City may not withhold permits that are necessary to obtain a notice of satisfaction or that are necessary to correct serious health and safety violations.

**(Ord. No. 97-57 Added 09/09/1997; Ord. No. 99-36 Amended 07/09/1999)**

## 10-3-108. CANCELLATION OF RECORDED NOTICE OF VIOLATION.

The Ordinance Enforcement Administrator or responsible person shall record the notice of satisfaction with the County Recorder's Office. Recordation of the notice of satisfaction shall have the affect of canceling the recorded notice of violation.

**(Ord. No. 97-57 Added 09/09/1997; Ord. No. 99-36 Amended 07/09/1999)**

## 10-3-200P PART 2 – ADMINISTRATIVE CIVIL PENALTIES

## 10-3-201. AUTHORITY.

(1) Any person violating any provision of the City Code or applicable state codes may be subject to the assessment of civil penalties for each violation.
(2) Each and every day a violation of any provision of the City Code or applicable state codes exists is a separate violation subject to the assessment of civil penalties.
(3) Civil penalties cannot be assessed when a criminal case has been filed for the same date and violation, because fines will be assessed with the criminal case.
(4) Interest shall be assessed per City policy on all outstanding civil penalties balances until the case has been paid in full.
(5) Civil penalties for violations of any provision of the City Code or applicable state codes shall be assessed pursuant to Title 1, Chapter 2, the Consolidated Fee Schedule.

**(Ord. No. 97-57 Added 09/09/1997; Ord. No. 99-36 Amended 07/09/1999)**

## 10-3-202. PROCEDURES FOR ASSESSING CIVIL PENALTIES.

(1) If a responsible person fails to bring a violation into compliance within ten days of service of the notice of violation, civil penalties shall be owed to the City for each and every subsequent day of violation.
(2) Civil penalties are assessed and owing immediately for any violation of the City Code or applicable state codes for an administrative citation.

**(Ord. No. 97-57 Added 09/09/1997; Ord. No. 99-36 Amended 07/09/1999)**

## 10-3-203. DETERMINATION OF CIVIL PENALTIES.

(1) Civil penalties shall be assessed per violation per day pursuant to the City fee schedule for a notice of violation.
(2) Civil penalties shall continue to accrue until the violation(s) has/have been brought into compliance with the City Code or applicable state codes.

**(Ord. No. 97-57 Added 09/09/1997; Ord. No. 99-36 Amended 07/09/1999)**

## 10-3-204. MODIFICATION OF CIVIL PENALTIES.

(1) Upon completion of the notice of violation or administrative enforcement order, the administrative code enforcement hearing officer may modify the civil penalties on a finding of good cause.
(2) Civil penalties may be waived or modified by the hearing officer if there is a finding of good cause based on the responsible person's claim of nonconforming use or conditional use and:
    a. The City's need to verify the claim; or
    b. The responsible person's filing of an application for either use before expiration of the date to correct.

**(Ord. No. 97-57 Enacted 09/09/1997)**

## 10-3-205. FAILURE TO PAY PENALTIES.

The failure of any person to pay civil penalties assessed within the specified time may result in the Director's pursuing any legal remedy to collect the civil penalties as provided in the law.

**(Ord. No. 97-57 Enacted 09/09/1997)**

# 10-3-300P PART 3 – ABATEMENT OF VIOLATION

## 10-3-301. AUTHORITY TO ABATE.

The Director is authorized to enter upon any property or premises to abate the violation of the City Code and applicable state codes. The Director is authorized to assess all costs for the abatement to the responsible person and use any remedy available under the law to collect the costs. If additional

abatements are necessary within two years, treble costs may be assessed against the responsible person(s) for the actual abatement.

**(Ord. No. 97-57 Enacted 09/09/1997)**

## 10-3-302. PROCEDURES FOR ABATEMENT.

(1) Once the procedures set forth in this Title have been completed, the violation may be abated by City personnel or by a private contractor acting under the direction of the City.

(2) City personnel or a private contractor may enter upon private property in a reasonable manner to abate the ordinance violation as specified in the notice of violation or administrative code enforcement order.

(3) If the responsible person abates the violation before the City performs the actual abatement pursuant to a notice of violation or administrative code enforcement order, the Ordinance Enforcement Administrator may still assess all costs incurred by the City against the responsible person.

(4) When the abatement is completed, a report describing the work performed and an itemized account of the total abatement costs shall be prepared by the Ordinance Enforcement Administrator. The report shall contain the names and addresses of the responsible persons of each parcel, and the tax parcel number.

(5) The Ordinance Enforcement Administrator shall serve the notice of costs and the itemized bill of costs by registered mail to the last known address of the responsible person(s). The notice shall demand full payment within 20 days to the City Treasurer.

(6) The Ordinance Enforcement Administrator shall schedule an itemized bill for costs hearing, if requested in writing by any or all responsible persons.

**(Ord. No. 97-57 Added 09/09/1997; Ord. No. 99-36 Amended 07/09/1999)**

## 10-3-400P PART 4 – COSTS

## 10-3-401. DECLARATION OF PURPOSE.

(1) The City Council finds that there is a need to recover costs incurred by enforcement officials and other City personnel who spend considerable time inspecting and reinspecting properties throughout the City in an effort to ensure compliance with the City Code or applicable state codes.

(2) The City Council further finds that the assessment of costs is an appropriate method to recover expenses incurred for actual costs of abating violations, reinspection fees, filing fees, attorney fees, hearing officer fees, title search, and any additional actual costs incurred by the City for each individual case. The assessment and collection of costs shall not preclude the imposition of any administrative or judicial civil penalties or fines for violations of the City Code or applicable state codes.

**(Ord. No. 97-57 Enacted 09/09/1997)**

## 10-3-402. AUTHORITY.

(1) Whenever actual costs are incurred by the City on a property to obtain compliance with provisions of the City Code and applicable state codes, the Director may assess costs against the responsible person.
(2) Once a notice of violation has been issued, the property will be inspected one time. Any additional inspections shall be subject to reinspection fees pursuant to the City fee schedule.

**(Ord. No. 97-57 Enacted 09/09/1997)**

## 10-3-403. NOTIFICATION OF ASSESSMENT OF REINSPECTION FEES.

(1) Notification of reinspection fees shall be provided on the notice of violation served to the responsible person(s).
(2) Reinspection fees assessed or collected pursuant to this Part shall not be included in any other costs assessed.
(3) The failure of any responsible person to receive notice of the reinspection fees shall not affect the validity of any other fees imposed under this Part.

**(Ord. No. 97-57 Enacted 09/09/1997)**

## 10-3-404. FAILURE TO TIMELY PAY COSTS.

The failure of any person to pay assessed costs by the deadline specified in the invoice shall result in a late fee pursuant to City policy.

**(Ord. No. 97-57 Enacted 09/09/97)**

# 10-3-500P PART 5 – ADMINISTRATIVE FEES

## 10-3-501. ADMINISTRATIVE FEES.

The Ordinance Enforcement Administrator or code enforcement hearing officer is authorized to assess administrative fees for costs incurred in the administration of this program, such as investigation of violations, preparation for hearings, hearings, and the collection process. The fee assessed shall be the amount set in the City fee schedule.

**(Ord. No. 97-57 Added 09/09/1997; Ord. No. 99-36 Amended 07/09/1999)**

# 10-3-600P PART 6 –- INJUNCTIONS

## 10-3-601. CIVIL VIOLATIONS – INJUNCTIONS.

In addition to any other remedy provided under the City Code or state codes, including criminal prosecution or administrative remedies, any provision of the City Code may be enforced by injunction issued in the Third District Court upon a suit brought by the City.

**(Ord. No. 97-57 Enacted 09/09/1997)**

# 10-3-700P PART 7 – PERFORMANCE BONDS

## 10-3-701. PERFORMANCE BOND.

(1) As part of any notice, order, or action, the administrative code enforcement hearing officer has the authority to require responsible persons to post a performance bond to ensure compliance with the City Code, applicable state codes, or any judicial action.
(2) If the responsible person fails to comply with the notice, order, or action, the bond will be forfeited to the City. The bond will not be used to offset the other outstanding costs and fees associated with the case.

**(Ord. No. 97-57 Enacted 09/09/1997)**

# CHAPTER 10-4
# RECOVERY OF CODE ENFORCEMENT PENALTIES AND COSTS

Sections:

10-4-100P Part 1 – Code Enforcement Tax Liens
10-4-101. Declaration of Purpose.
10-4-102. Procedures for Tax Liens without a Judgment.
10-4-103. Procedures for Tax Liens with a Judgment.
10-4-104. Cancellation of Code Enforcement Tax Lien.
10-4-200P Part 2 – Writ of Execution
10-4-201. Recovery of Costs by Writ of Execution.
10-4-300P Part 3 –Writ of Garnishment
10-4-301. Recovery of Costs by Writ of Garnishment.
10-4-400P Part 4 – allocation of funds collected under administrative code enforcement hearing program.
10-4-401. Abatement Superfund.
10-4-402. Repayment to Abatement Superfund.
10-4-403. Code Enforcement Administrative Fees and Cost Fund.
10-4-404. Allocation of Civil Penalties.

## 10-4-100P PART 1 – CODE ENFORCEMENT TAX LIENS

## 10-4-101. DECLARATION OF PURPOSE.

The City Council finds that recordation of code enforcement tax liens will assist in the collection of civil penalties, administrative costs, and administrative fees assessed by the administrative code enforcement hearing program or judicial orders. The City Council further finds that collection of civil penalties, costs, and fees assessed for code enforcement violations is important in deterring future violations and maintaining the integrity of the City's code enforcement system. The procedures established in this Part shall be used to complement existing administrative or judicial remedies that may be pursued to address violations of the City Code or applicable state codes.

**(Ord. No. 97-57 Enacted 09/09/1997)**

## 10-4-102. PROCEDURES FOR TAX LIENS WITHOUT A JUDGMENT.

(1) Once the City has abated a property for weeds, garbage, refuse, or unsightly or deleterious objects or structures, the Ordinance Enforcement Administrator shall prepare three copies of the Itemized Statement of Costs incurred in the removal and destruction of the violations and deliver them to the City Treasurer within 10 days after completion of the work of removing the violations.
(2) The Ordinance Enforcement Administrator shall send, by registered mail to the property owner's last known address, a copy of the Itemized Statement of Costs informing him or her that a code enforcement tax lien is being recorded for the amount of actual costs of abatement. Payment shall be due within 20 calendar days from the date of mailing.

(3) Upon receipt of the Itemized Statement of costs, the City Treasurer shall record a Code Enforcement Tax Lien against the property with the county treasurer's office.
(4) The failure of any person with a financial interest in the property to actually receive the notice of the lien shall not affect the validity of the lien or any proceedings taken to collect the outstanding costs of abatement.

**(Ord. No. 97-57 Added, 09/09/1997; Ord. No. 99-36 Renumbered 07/09/1999; Ord. No. 99-36 Amended 07/09/1999)**

## 10-4-103. PROCEDURES FOR TAX LIENS WITH A JUDGMENT.

Once a judgment has been obtained from the appropriate court assessing costs against the responsible person(s), the Director may record a code enforcement tax lien against any real property owned by the responsible person(s).

**(Ord. No. 97-57 Enacted 09/09/1997)**

## 10-4-104. CANCELLATION OF CODE ENFORCEMENT TAX LIEN.

Once payment in full is received for the outstanding civil penalties and costs, or the amount is deemed satisfied pursuant to a subsequent administrative or judicial order, the Director shall either record a notice of satisfaction of judgment, or provide the property owner or financial institution with the notice of satisfaction of judgment so that it can record this notice with the county recorder's office. The notice of satisfaction of judgment shall include the same information as provided for in the original code enforcement tax lien. Such notice of satisfaction of judgment shall cancel the code enforcement tax lien.

**(Ord. No. 97-57 Enacted 09/09/1997)**

## 10-4-200P PART 2 – WRIT OF EXECUTION

## 10-4-201. RECOVERY OF COSTS BY WRIT OF EXECUTION.

After obtaining a judgment, the Director may collect the obligation by use of all appropriate legal means. This may include the execution on personal property owned by the responsible person by filing a writ with the applicable court.

**(Ord. No. 97-57 Enacted 09/09/1997)**

## 10-4-300P PART 3 – WRIT OF GARNISHMENT

## 10-4-301. RECOVERY OF COSTS BY WRIT OF GARNISHMENT.

After obtaining a judgment, the Director may collect the obligation by use of all appropriate legal means. This may include the garnishment of paychecks, financial accounts, and other income or financial assets by filing a writ with the applicable court.

**(Ord. No. 97-57 Enacted 09/09/1997)**

# 10-4-400P PART 4 – ALLOCATION OF FUNDS COLLECTED UNDER ADMINISTRATIVE CODE ENFORCEMENT HEARING PROGRAM

## 10-4-401. ABATEMENT SUPERFUND.

There is hereby established a revolving fund to be known as the "Abatement Superfund" to defray costs of administrative and judicial abatements. The fund shall be reimbursed by collection from the property or property owner as specified in this Title and by the courts. The Director shall establish accounting procedures to ensure proper account identification, credit, and collection. This fund may be operated and used in conjunction with procedures ordered or authorized under the abatement provision of this Title.

**(Ord. No. 97-57 Enacted 09/09/1997)**

## 10-4-402. REPAYMENT TO ABATEMENT SUPERFUND.

All monies recovered from the sale or transfer of property or by payment for the actual abatement costs shall be paid to the City Treasurer, who shall credit the appropriate amount to the Abatement Superfund.

**(Ord. No. 97-57 Enacted 09/09/1997)**

## 10-4-403. CODE ENFORCEMENT ADMINISTRATIVE FEES AND COST FUND.

Administrative fees and administrative costs, except for actual abatement costs, collected pursuant to this Part shall be deposited in the Code Enforcement Administrative Fees and Costs Fund, as established by the Director for the enhancement of the City's code enforcement efforts and to reimburse City departments for investigative costs and costs associated with the hearing process. Fees and costs deposited in this fund shall be appropriated and allocated in a manner determined by the Director. The City auditor shall establish accounting procedures to ensure proper account identification, credit, and collection.

**(Ord. No. 97-57 Enacted 09/09/1997)**

## 10-4-404. ALLOCATION OF CIVIL PENALTIES.

Civil penalties collected pursuant to this Part shall be deposited in the General Fund of the City. Civil penalties deposited in this fund shall be appropriated and allocated in a manner determined by the City Manager and the City Council. The City auditor shall establish accounting procedures to ensure proper account identification, credit, and collection.

**(Ord. No. 97-57 Enacted 09/09/1997)**

# TITLE 11
# SIGN ORDINANCE

Chapters:

11-1 General Provisions
11-2 Application of Regulations
11-3 Enforcement
11-4 General Sign Requirements
11-5 Specific Sign Regulations
11-6 Sign Requirements by Zoning District
11-7 Nonconforming Signs

# CHAPTER 11-1
# GENERAL PROVISIONS

Sections:

11-1-101. Short Title.
11-1-102. Purpose and Intent.
11-1-103. Interpretation.
11-1-104. Definitions.

## 11-1-101. SHORT TITLE.

The Title shall be known as the "West Valley City Sign Regulation Ordinance." This Title shall also be known as "Title 11, West Valley Code." It may be cited and pleaded under either designation.

## 11-1-102. PURPOSE AND INTENT.

The City has developed the regulations set forth in this Title for the purpose of:

(1) Limiting and/or reducing the visual clutter along City streets;
(2) Encouraging good design and improved appearance by encouraging rapid replacement and eventual elimination of nonconforming or abandoned signs with the preferred sign types specified in this Ordinance;
(3) Implementing portions of the West Valley City General Plan, to enhance the City's image and character;
(4) Reducing confusion and inattentive driving habits by requiring appropriate signage;
(5) Regulating all types of signs that are visible from the adjacent vehicular public right-of-way;
(6) Safeguarding and protecting property values;
(7) Promoting the public health, safety and the general welfare of the citizens of the City.

**(Ord. 01-50, Amended, 07/03/2001; Ord. No. 15-40 Amended 12/11/2015)**

## 11-1-103. INTERPRETATION.

In interpreting and applying the provisions of this Title, the sign area requirements contained herein are declared to be the maximum allowable for the purpose set forth. The type of signs allowable by this Title are fully described and sign types not specifically allowable as set forth within this Title shall be prohibited. This Title shall not nullify the more restrictive provisions of covenants, agreements, easements, deed restrictions, ordinances, or laws, but shall prevail over such provisions which are less restrictive. Any noncommercial message may be substituted for a commercial message on a sign permitted by this Title, provided the sign complies in all other respects with this Title.

**(Ord. No. 15-40, Amended, 12/11/2015)**

## 11-1-104. DEFINITIONS.

In this Title, the terms, phrases, words and their derivatives shall have the meaning as stated and defined in this Chapter. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. Words not herein defined, but defined in the Building Code or in Title 7 of the Zoning Ordinance which has been adopted by the City shall be construed as defined.

(1) Brightness means the number of lumens that pass through a sign's pixels or light bulbs.
(2) Brightness for electronic message signs is measured in NITs or candela per square meter.
(3) Building Face or Wall means all window and wall area of a building in one plane or elevation.
(4) Building Inspector means the appropriate inspectors employed by the City vested with the responsibility of enforcing the International Building Code, and all other applicable ordinances as necessary for adequate performance of his vested powers.
(5) Building Line means the line formed by the intersection of the vertical plane of the building with the ground plane.
(6) Building, Front Line of means the line of the face of the building or structure nearest the front line of the lot. This face includes sun parlors, bay windows, covered and/or uncovered porches, whether enclosed or open, but does not include uncovered steps less than four feet above grade and eaves overhanging less than two feet.
(7) Commercial Complex means a group of two or more commercial businesses in one or more freestanding buildings sharing parking, circulation, etc. and which is approved as a part of an overall site plan. For the purposes of this Title, planned commercial developments and commercial condominium projects are considered commercial complexes.
(8) Copy means the wording on the display surface of a sign.
(9) Community Development Director means the Director of the Community and Economic Development Department of the City.
(10) Designee means those persons employed by the City and assigned by the Community Development Director or Zoning Administrator to perform appropriate duties as described in this Title.
(11) Display Surface means the surface made available by the sign structure for the mounting of material to advertise or promote a product, event, person or subject.
(12) Illegal Sign means any sign found to violate any of the City Ordinances and determined to not be a conforming sign.
(13) Landscaping means any combination of living plants such as trees, shrubs, annuals, perennials, turf or ground cover.
(14) Lot, Corner means a lot abutting on two intersecting streets, where the interior angle of intersection is less than 135 degrees.
(15) Nonconforming Sign or Sign Structure means a sign or sign structure or portion thereof lawfully existing at the time this Title became effective, which does not conform to all height, area, yard regulations or other requirements of this Title as prescribed in the zone in which it is located.
(16) Non-maintained or Abandoned Sign means a sign in poor condition displaying peeling paint, rust, and/or other evidence of neglect, or signs not advertising a current, active business. "Active business" means a business holding a current West Valley City Business License.
(17) Sign means and includes every advertising message, announcement, declaration, demonstration, merchandise display, illustration, insignia, surface or space erected or maintained in view of the observer thereof for identification, advertisement or promotion of the interests of any person, entity, product or service. The definition of sign shall also include the sign structure, supports, lighting system and any attachments, ornaments or other features used

to draw the attention of observers. The use of overly bright or garish colors such as bright orange, bright yellow, bright blue, bright red, or bright green, on the building, shall be considered as having sign value and shall be considered under the sign area requirement.

(18) Sign, Animated means a sign that involves motion or rotation of any part by mechanical or artificial means or displays rapidly flashing or intermittent lights. Sign motion means any passing from one place to another with a continuous movement. Sign rotation means faces or portions of a sign face that revolve around a central axis. Rapidly flashing sign means lights that turn on and off more than once every second. Intermittent flashing sign means lights that turn on and off no more than once every two seconds. Lights that turn on and off at an interval greater than two seconds shall not have light bulbs, or, for neon signs, light that exceeds 25 watts.

a. Electronic message signs may use static or animated animation. Electronic message signs shall not use full video animation except as provided in Subsection (18)b below.
    i. Static Animation means text or images that have no motion. Text and/or images shall not fade, scroll, rotate or use any sort of motion.
    ii. Animated Animation means a message is displayed for a minimum of six (6) seconds and fades, for duration of at least three (3) seconds into the subsequent message. Text and/or images shall not scroll. Freeway oriented signs may be displayed for a minimum of three (3) seconds, and fades or scrolls into the subsequent message.
    iii. Video Animation means simulated movement created by the display of a series of pictures or frames, creating the illusion of continuous movement, where video clips or simulated video clips are displayed.

b. Electronic message signs may use full video animation if the following conditions are met:
    i. Signs with video animation must be located at least 400’ from any public right-of-way.
    ii. Signs with video animation are only allowed for regional shopping malls.
    iii. Signs with video animation must be used to designate the entrance of a building.
    iv. Only one sign with video animation is allowed per regional shopping mall.

(19) Sign Area means the area of a sign that is used for display purposes, excluding the minimum frame and supports. In computing sign area, only one side of a back-to-back or double face sign covering the same subject shall be computed when the signs are parallel or diverge from a common edge by an angle of not more than 45 degrees. Where a sign has more than two faces, the area of the third face and all additional faces shall be included in determining the area of the sign. In relation to signs that do not have a frame or a separate background, sign area shall be computed on the basis of the least rectangle, triangle or circle large enough to frame the specific area.

(20) Sign, Changeable Copy means a sign which is characterized by changeable copy whether the sign is free-standing or a wall sign, or whether the said projects from and is supported by a building.

(21) Sign, Director means a sign identifying two or more persons, agencies or establishments located in a place or location common to all.

(22) Sign, Electronic Message means a permanent freestanding, roof, wall, ground or low profile sign which changes copy electronically using a switch and electric lamps.

(23) Sign, Wall means a sign erected parallel to and attached to the outside wall of a building and extending not more than 24 inches from such wall with messages or copy on the face side only.

(24)Sign, Flood-Lighted means a sign made legible in the absence of daylight by devices which reflect or project light upon it.
(25)Sign, Gasoline Pump Island Canopy means a permanent sign attached or made part of the vertical edge of the canopy not exceeding the height of four feet or twice the height of the canopy edge, whichever is lesser.
(26)Sign, Pole means a sign supported by a fixed permanent frame or support in the ground. This definition does not include monument signs.
(27)Sign, Illuminated means a sign which has characters, letters, figures, design or outlines illuminated by electric lights or luminous tubes as a part of the sign proper.
(28)Sign, Awning means a fireproof sign architecturally integrated with the building which has the appearance of an awning consisting of light fabric materials. Such signs may contain copy on any portion of the awning surface and may or may not include illumination.
(29)Sign, Interior means a sign located within a building so as to be visible only from within the building in which the sign is located.
(30)Sign, Monument, as defined in this Title, means an “on-premise” or freestanding identification sign erected with its base on the ground with no visible support structure.
(31)Sign, Mobile means an on-premise sign having a medium to heavy frame that is not permanently affixed to the ground. Such signs include those commonly called "A" frame, pedestal, trailer, etc.
(32)Sign, Plate means a sign on a dwelling not to exceed two square feet in area.
(33)Sign, Billboard or Off-premise means an advertising sign which directs attention to a use, product, commodity or service not related to the premises.
(34)Sign, On-premise means the category of signs which direct attention to a use conducted, product or commodity sold or service performed upon the premises on which it is located.
(35)Sign, Park Identification means a sign displayed to identify a specific group of businesses located within a business park setting.
(36)Sign, Temporary Non-Commercial means a temporary sign displaying a non-commercial message.
(37)Sign, Projecting means a sign attached to a building or other structure and extending in whole or in part more than 24 inches beyond any wall of the building or structure.
(38)Sign, Property means a sign on a property which is currently being offered for sale or lease.
(39) Sign, Public Necessity means a sign informing the public of any danger or hazard existing on or adjacent to the premises.
(40)Sign, Roof means a sign erected partly or wholly on or over the roof of a building, including ground signs that rest on or overlap a roof 12 inches or more.
(41)Sign, Permanent Entry means a sign which is located on a site with at least five (5) parking stalls. Permanent entry signs may be no larger than sixteen square feet and no taller than four feet.
(42)Sign, Temporary on or off-premise, as regulated by this Title, shall include any sign, banner, pennant, valance, feather, flag, streamer, balloon, window sign, inflatable or advertising display constructed of paper, vinyl or plastic, cloth, canvas, light fabric, cardboard, wall board or other light materials, with or without light frames, intended to be displayed out of doors or in windows for a short period of time.
(43)Sign, Painted Wall means a sign either painted on a wall or is painted in such a way that it gives the visual appearance of being painted on a wall or facing by not having a frame or separation from the wall or facing.
(44)Structure means anything constructed or erected which requires location on or below the ground.

(45)Unsafe or Dangerous Sign means those signs existing in violation of any provision of the Uniform Building Code or Fire Code or other ordinances of this City.
(46)Yard means a space on a lot, unoccupied and unobstructed from the ground upward by buildings, except as otherwise provided herein.
(47)Yard, Front means a space on the same lot with a building between the front line of the building and the front lot line, and extending across the full width of the lot. The depth of the front yard is the minimum distance between the front lot line and the front line of the building.
(48)Yard, Rear means a space on the same lot with a building between the rear line of the building and the rear lot line and extending the full width of the lot. The depth of the rear yard is the minimum distance between the rear lot line and the rear line of the building.
(49)Yard, Side means a space on the same lot with a building between the side line of the building and the side lot line and extending from the front yard to the rear yard. The width of the side yard shall be the minimum distance between the side lot line and the side line of the building.
(50)Zoning Administrator means the appropriate staff person(s) of the City or his/her designee employed by the City having the Title of Zoning Administrator.

**(Ord. No. 90-47 Amended 01/07/1991; Ord. No. 97-49 Amended 09/09/97; Ord. No. 01-50 Amended 07/03/2001; Ord. No. 04-39 Amended 08/17/04; Ord. No. 06-05 Amended 01/24/2006; Ord. No. 07-53 Amended 11/20/2007; Ord. No. 08-39 Amended 09/10/2008; Ord. No. 10-19 Amended 07/12/2010; Ord. No. 12-39 Amended 09/25/2012; Ord. No. 15-40 Amended 12/11/2015)**

# CHAPTER 11-2
# APPLICATION OF REGULATIONS

Sections:

11-2-101. Conformity of Signs.
11-2-102. Construction Standards.
11-2-103. Maintenance.
11-2-104. Issuance of Permits.
11-2-105. Improper Issuance.
11-2-106. Site Plan.
11-2-107. Sign Permit Fees.
11-2-108. Signs Exempt from the Permit Requirements of this Title.
11-2-109. Signs Exempt From These Regulations.

## 11-2-101. CONFORMITY OF SIGNS.

Except as provided in this Title, no sign shall be erected, raised, moved, placed, reconstructed, extended enlarged or altered, except in conformity with the regulations herein specified for the zoning district in which it is located.

## 11-2-102. CONSTRUCTION STANDARDS.

All signs, hereinafter erected in the City, shall comply with the current standards of the National Electrical Code, the Uniform Building Code, all provisions of this Title and the Zoning Ordinance of the City.

## 11-2-103. MAINTENANCE.

Every sign shall be kept in good repair and properly maintained by the owner. This includes the replacement of defective parts, repainting, cleaning and other acts required for proper maintenance. The ground space within a radius of 10 feet from the base of any ground sign shall be kept free and clear of all weeds, rubbish and flammable material. The City shall inspect and enforce this Section as specified in this Title.

**(Ord. No. 01-50 Amended 07/03/2001)**

## 11-2-104. ISSUANCE OF PERMITS.

It shall be unlawful for any person, whether acting as owner, occupant or contractor, or otherwise to erect, construct, reconstruct, enlarge, locate or alter any sign within the City contrary to any provisions to this Title, and/or where required without first obtaining site plan approval for such sign and a sign permit from the City. The Community Development Director or his/her designee shall be empowered to:

(1) Issue permits to construct, alter or repair signs which conform to the provisions of this Title; and

(2) Ascertain in conjunction with the Zoning Administrator and Building Inspector that all sign, constructions and reconstructions or modifications of existing signs are built or constructed in conformance with the applicable rules, regulations, and codes.

**(Ord. No. 01-50 Amended 07/03/2001; Ord. No. 15-40 Amended 12/11/2015)**

## 11-2-105. IMPROPER ISSUANCE.

All designees shall comply with the provisions of this Title in issuing permit for signs. Any permit issued for a sign which is in conflict with any provisions of this Title shall be null and void, whether or not the permit was issued by an employee of the City authorized to issue the permits.

**(Ord. No. 01-50 Amended 07/03/2001)**

## 11-2-106. SITE PLAN.

(1) All applications for sign permits shall be accompanied by plans consisting of a site plan and elevation drawing. Two copies of the site plan on a minimum 8-1/2 x 11 inch paper shall be submitted. The site plan information shall be drawn approximately to scale, shall have accurate dimensions, and shall convey sufficient information so that the City can determine whether the proposed sign will conform with the provisions of this Title. Where a new development is contemplated, this information shall be submitted with the development application.
(2) Specifically, the site plan shall show the size of the sign and its location in relation to the following features of the site:
    a. Property lines, length of street frontage;
    b. Existing and proposed buildings or other structures;
    c. Curb cuts;
    d. Parking area; and
    e. The location and size of existing signs.
(3) Elevation drawings shall demonstrate, to the satisfaction of the City, reasonable design compatibility between the building and the sign and reasonable color schemes. Specifically, the elevation drawings shall show:
    a. Type of sign, as defined in definition section of this Title;
    b. Sign materials, colors, lighting, etc.;
    c. Sign height; and
    d. Sign dimensions.

**(Ord. No. 01-50 Amended 07/03/2001)**

## 11-2-107. SIGN PERMIT FEES.

(1) The owner and/or persons having charge or control of any sign, as described and authorized by the ordinances of the City, shall pay the City a fee for such sign.
(2) The amount of the sign permit fee shall be based upon the consolidated fee schedule.
(3) Where work for which a permit is required by this Title is initiated prior to obtaining said permit, all fees that should have been charged shall be doubled, due to the additional on-site inspections and difficult plan reviews required, but the payment of such double fee shall not

relieve any persons from fully complying with the requirements of this Title in the execution of the work, nor from any other penalties prescribed herein.

**(Ord. 01-50 Amended 07/03/2001)**

## 11-2-108. SIGNS EXEMPT FROM THE PERMIT REQUIREMENTS OF THIS TITLE.

The following types of signs shall be exempt from the permit requirements of this Title:

(1) Property sign;
(2) Permanent entry sign;
(3) Plate sign;
(4) Temporary signs; and
(5) Public necessity sign.

**(Ord. No. 08-39 Amended 09/10/2008; Ord. No. 15-40 Amended 12/11/2015)**

## 11-2-109. SIGNS EXEMPT FROM THESE REGULATIONS.

The following types of signs shall be exempt from the provisions of these regulations, but not from requirements normally associated with the building permit process:

(1) Any sign erected and maintained pursuant to and in discharge of any governmental function or required by any law, ordinance or governmental regulation;
(2) Signs being manufactured, transported and/or stored within the City limits shall be exempt; provided however, that such signs are not used, in any manner or form, for purposes of advertising at the place or places of manufacture or storage;
(3) Signs located within malls, courts, arcades, porches, patios and similar areas where such signs are not visible from any point on the boundary of the premises;
(4) Signs on licensed commercial vehicles, including trailers; provided however, that such vehicles shall not be utilized as parked or stationary outdoor display signs within 40 feet of the ROW of a street;
(5) Signs on vehicles regulated by the City that provide public transportation, including, but not limited to, buses and taxicabs;
(6) Art or art forms which do not contain commercial speech; and
(7) Searchlights.

**(Ord. No. 01-50 Amended 07/03/2001; Ord. No. 06-21 Amended 03/28/2006; Ord. No. 15-40 Amended 12/11/2015)**

# CHAPTER 11-3
# ENFORCEMENT

Sections:

11-3-101. Legal Action.
11-3-102. Violations and Penalty.
11-3-103. Appeal of Staff Decisions.
11-3-104. Appeal of Board of Adjustment Decisions.
11-3-105. Appeal Fees.

## 11-3-101. LEGAL ACTION.

The Community Development Director or his/her designee shall be empowered to institute any appropriate action or proceeding in any case where any sign is erected, constructed, reconstructed, altered, repaired, converted or maintained, or used in violation of any City Ordinance, including, but not limited to, the Zoning Ordinances and Uniform Building Code. The purpose of such action shall be to: Prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use; and Restrain, correct or abate such violation. Legal actions may include the following:

(1) Issue citations and/or swear out complaints against violators of this Title or cause such citations or complaints to be issued;
(2) Impound illegal signs and assess an impound fee for their return; or
(3) The City will issue a notice of violation to the person having charge, control or benefit of any sign found to be unsafe or dangerous, or in violation of any City Ordinance.

**(Ord. No. 01-50 Amended 07/03/2001; Ord. No. 15-40 Amended 12/11/2015)**

## 11-3-102. VIOLATIONS AND PENALTY.

Any person, whether acting as owner or occupant of the premises involved, or contractor, or otherwise who violates or refuses to comply with any of the provisions of this Title, shall be guilty of a Class "B" misdemeanor. A separate offense shall be deemed to be committed on each day that the offense occurs or continues. Violations may result in the following actions:

(1) If an unsafe or dangerous sign is not repaired or made safe within five working days after giving said notice, the City may abate and remove said sign, and the person having charge, control or benefit of any such sign shall pay to the City within 30 calendar days, after written notice is mailed to such person, the costs incurred in such removal.
(2) If an illegal sign is not made conforming within 30 calendar days after giving said notice, the City may remove said sign, and the owner or person having charge, control or benefit of any such sign shall pay to the City, within 30 calendar days after written notice is mailed to such person, the costs incurred in such removal. Failure to pay shall be deemed a Class "B" misdemeanor.
(3) Each non-maintained sign shall be removed from the building or premises when such sign has not been repaired or brought into compliance by the owner, person having control, or person receiving benefit from such structure within 30 calendar days after notice of non-maintenance is given to the owner, person having control, or person receiving benefit from such structure.

(4) Signs located in or within 10 feet of the public right-of-way, and determined to be in violation of the provisions of this Title, may be impounded at any time.

**(Ord. No. 01-50 Amended 07/03/2001; Ord. No. 06-06 Amended 01/24/2006)**

## 11-3-103. APPEAL OF STAFF DECISIONS.

Appeal may be made to the Board of Adjustment from any decision, determination or requirement made by City staff by filing with the Community and Economic Development Department a notice thereof in writing within 10 days after such decision, determination, or requirement is made. Such notice shall set forth in detail the action and grounds upon which the property owner or other interested persons deems himself aggrieved. In such determinations, competitive disadvantage or economic hardship shall not be considered as sufficient reasoning to grant an appeal.

**(Ord. No. 01-50 Amended 07/03/2001)**

## 11-3-104. APPEAL OF BOARD OF ADJUSTMENT DECISIONS.

The appellant may appeal any decision of the Board of Adjustment to the District Court. Such appeal shall be made within 30 days of the rendering of a decision by the Board of Adjustment.

## 11-3-105. APPEAL FEES.

Fees for processing applications before the Board of Adjustment shall be charged. Such fees shall be set by the City on an annual basis.

# CHAPTER 11-4
# GENERAL SIGN REQUIREMENTS

Sections:

11-4-101. Signs not to Constitute a Traffic Hazard.
11-4-102. Projection of Signs.
11-4-103. Height of Signs.
11-4-104. Height Exception for Freeway-oriented Pole Signs.
11-4-105. Minimum Clearance of Signs.
11-4-106. Signs on Public Property.
11-4-107. Repair of Building Facade.
11-4-108. Repealed.
11-4-109. Signs in Conjunction with Conditional Uses.
11-4-110. Lights and Lighted Signs.
11-4-111. Criteria for Bonus Sign Area.
11-4-112. Repealed.
11-4-113. Prohibited Signs.
11-4-114. Maintenance of a Clear View at an Intersection.
11-4-115. Signs on Utility Poles, Street Trees and Street Name Poles.
11-4-116. Sign Landscaping.
11-4-117. Measurement of Setback.

## 11-4-101. SIGNS NOT TO CONSTITUTE A TRAFFIC HAZARD.

No sign or other advertising structure shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision; or at any location whereby reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or which makes use of the words "STOP," "YIELD," "DANGER" or any other words, phrases, symbol or character in such manner as to interfere with, mislead or confuse traffic.

## 11-4-102. PROJECTION OF SIGNS.

Signs shall be allowed to project from buildings or structures in conformance with the following provision:

Wall Signs attached to the face of a nonconforming building, located on or near the property line, with no copy visible from the sides may be allowed to extend two feet into the public right-of-way where no vehicular interference is anticipated.

**(Ord. No. 01-50 Amended 07/03/2001; Ord. No. 08-39 Amended 09/17/2008)**

## 11-4-103. HEIGHT OF SIGNS.

The height of signs shall be in conformity with the following provisions:

(1) Pole signs shall maintain the height limitations as specified in the various zones described subsequently in this Title, except for freeway-oriented pole signs in Commercial or

Manufacturing districts within 660 feet of a freeway, or within 1500 feet of an exit providing access to the premises on which the sign is located, as specified in this Title.

(2) Projecting signs will be allowed to extend even with the peak or highest roof line or parapet wall of a building. When a building has more than one level, the wall on which the sign is installed will govern.

(3) Wall signs against buildings or other structures will be allowed to extend 2 feet above the roof lines or parapet wall of a building. When a building has more than one level, the wall on which the sign is installed will govern.

**(Ord. 01-50 Amended 07/03/2001)**

## 11-4-104. HEIGHT EXCEPTION FOR FREEWAY-ORIENTED POLE SIGNS.

Any freeway-oriented pole sign within 660 feet of a freeway ROW, including billboards, may extend to 25 feet above the grade of the adjacent freeway or 65 feet above the ground, whichever is higher. Freeway-oriented pole signs shall meet the front yard minimum setback of 30 feet from the property line.

**(Ord. No. 01-50 Amended 07/03/2001; Ord. No. 07-53 Amended 11/20/07)**

## 11-4-105. MINIMUM CLEARANCE OF SIGNS.

Where vehicular or pedestrian traffic is anticipated, there shall be a minimum clearance of 10 feet between the ground or sidewalk, and any part of a projecting sign or pole sign that projects into any required yard space, with the exception of monument signs, property signs, public necessity signs, permanent entry signs and plate signs. The minimum clearance for a projecting sign over privately-owned traveled ways is 14 feet, where service delivery trucks are anticipated.

**(Ord. No. 01-50 Amended 07/03/2001; Ord. No. 15-40 Amended 12/11/2015)**

## 11-4-106. SIGNS ON PUBLIC PROPERTY.

(1) Except as explicitly authorized by City ordinance, no sign, placard, advertisement, or handbill shall be erected or posted on City-owned property or in City rights-of-way. Any such sign, placard, advertisement, or handbill may be removed immediately by the City.

(2) Any person who violates the provisions of this Chapter is guilty of a class "B" misdemeanor.

(3) The provisions of this Section may be enforced as set forth in Chapter 11-3 of the City Code.

**(Ord. No. 01-50 Amended 07/03/2001; Ord. No. 08-39 Amended 09/17/2008; Ord. No. 14-33 Amended 08/03/2014)**

## 11-4-107. REPAIR OF BUILDING FACADE.

A damaged building facade, resulting from the removal, repair, replacement or installation of any signs, shall be repaired by the property owner within 30 calendar days from the date of said damage.

**(Ord. No. 01-50 Amended 07/03/2001)**

## 11-4-108. REPEALED.

**(Ord. No. 01-50 Amended 07/03/2001; Ord. No. 08-39 Repealed 09/17/2008)**

## 11-4-109. SIGNS IN CONJUNCTION WITH CONDITIONAL USES.

Whenever application is made for a conditional use permit, the applicant shall include details of any sign(s) to be erected on the premises described in the conditional use permit application. In reviewing the application, the Planning Commission shall consider the character of the surrounding parcels and the sign's compatibility with the architecture, materials, and colors of the associated building. The Commission shall either approve, apply conditions to, or deny the application in accordance with their findings.

**(Ord. No. 01-50 Amended 07/03/2001)**

## 11-4-110. LIGHTS AND LIGHTED SIGNS.

All spotlights, floodlights or lighted signs shall be in-stalled so that the light is directed away from adjoining uses, especially residential uses.

**(Ord. No. 01-50 Amended 07/03/2001)**

## 11-4-111. CRITERIA FOR BONUS SIGN AREA.

To encourage design excellence, the Planning Commission may increase the maximum sign area and/or height for certain signs, as set forth in this Title, by the square footages or percentages as provided for herein. A separate bonus may be granted for compliance with each of the criteria listed below. Although each area is cumulative, the total percentage of increase cannot be greater than 20 square feet in area and 2’ in height for monument or pole signs and 5 percent for wall signs.

(1) The size of pole signs and monument signs may be increased as follows:
   a. 10 square feet in area and one foot in height when the sign is installed in a landscaped area four times the area of the sign;
   b. 10 square feet in area and one foot in height when a pole sign is removed and is replaced with a monument sign;
   c. 5 square feet and 6 inches in height when all signs in a commercial complex are designed with similar lettering, backgrounds and materials;
   d. 5 square feet and 6 inches in height when brick or rock columns are used as a vertical support;
   e. 5 square feet and 6 inches in height when the sign has a unique overall design;
   f. 10 square feet in area and one foot in height when an existing sign must be relocated due to a governmental action such as a roadway widening which results in a minimal setback area for the sign;
   g. An applicant may submit an alternative sign plan or design for unique and special circumstances, provided such sign(s) achieves the intent of the above standards and this Ordinance.

(2) Wall signs may be increased in size as follows:

a. 5 percent when all lettering and background is uniform in style and color for signs in a shopping center or for any three distinct establishments which are located under the same roof.

**(Ord. No. 90-47 Amended 01/07/1991; Ord. No. 01-50 Amended 07/03/2001; Ord. No. 10-19 Amended 07/12/2010)**

## 11-4-112. REPEALED.

**(Ord. No. 05-50 Amended 12/6/2005; Ord. No. 08-39 Repealed 09/17/2008)**

## 11-4-113. PROHIBITED SIGNS.

The following signs are expressly prohibited by this Title:

(1) Any mobile sign located on the property or within a building or vehicle, such as an "A" frame, trailer sign or pedestal-type sign is prohibited;
(2) Any display of merchandise within 20 feet of a public right-of-way unless reviewed and approved by the West Valley City Planning Commission, where the display of merchandise shall be a minimum of 10 feet from the public right of way, or if located within and adheres to the standards in the City Center Zone; and
(3) Signs containing or utilizing animation, excluding electronic message sign animation, as defined in Section 11-1-104(16) of this Title.

**(Ord. No. 01-50 Amended 07/03/2001; Ord. No. 05-50 Amended 12/6/2005; Ord. No. 08-39 Amended 09/17/2008)**

## 11-4-114. MAINTENANCE OF A CLEAR VIEW AT AN INTERSECTION.

(1) A clear view area at the intersection of two streets shall be maintained within a triangular area formed by a diagonal line connecting lines at the top back of the curbs 40 feet from the projected intersection of such curb lines. To maintain this clear view no visual obstructions between two and seven feet in height from the street elevation, as measured from the elevation of the adjoining sidewalk, shall be allowed.
(2) A clear-view area shall also be maintained at the intersection of a street and a private drive within a triangular area formed by a diagonal line connecting the line of the curb of the street and the line of the edge of the private drive at points 20 feet from the projected intersection of such lines. In order to maintain this clear view, the standards outlined in subsection 1 above shall apply.

**(Ord. No. 02-19 Amended 03/19/2002; Ord. No. 05-50 Amended 12/6/2005))**

## 11-4-115. SIGNS ON UTILITY POLES, STREET TREES AND STREET NAME POLES.

To insure safe access for maintenance or emergency services by the various companies using utility poles and to promote consistency along the streetscape, signs shall only be located on utility poles with utility's written permission. Signs shall be prohibited from street trees, traffic regulatory sign poles and street name poles.

**(Ord. No. 05-50 Amended 12/6/2005)**

## 11-4-116 SIGN LANDSCAPING.

When required, such landscaping shall conform to the following provisions:

(1) Sign landscaping shall not include any of the minimum required site landscaping.
(2) The sign landscaping shall contain at least 50% live plant material.
(3) The landscaping shall have a slope no greater than one to four.
(4) If a berm or planter box are used as part of the landscaped area the height of the berm or planter box shall not exceed two feet.
(5) Alternative landscape materials and designs may be considered by the Planning Commission as a Conditional Use.

**(Ord. No. 10-19 Enacted 07/12/2010)**

## 11-4-117 MEASUREMENT OF SETBACK.

The sign setback shall be measured from the property line.

**(Ord. No. 10-19 Enacted 07/12/2010; Ord. No. 12-24 Amended 6/18/2012)**

# CHAPTER 11-5
# SPECIFIC SIGN REGULATIONS

Sections:

11-5-101. Miscellaneous Signs.
11-5-102. Temporary on-premise Signs.
11-5-103. Monument Signs.
11-5-104. Roof Signs.
11-5-105. Billboards.
11-5-106. Pole Signs.
11-5-107. Electronic Message Signs.
11-5-108. Wall Signs.

## 11-5-101. MISCELLANEOUS SIGNS.

(1) Flags may be erected subject to the following standards:
    a. Flags must have permanent anchors and/or foundations.
    b. Flags shall be setback a minimum of 10 feet from the front property line.
    c. Commercial flags are also subject to the following standards:
        i. Flags may be no higher than twenty feet above ground level.
        ii. The area of a flag may be no more than sixteen square feet.
        iii. One flag may be erected per 200 feet of street frontage.
        iv. The Planning Commission may approve a single higher and/or larger flag in lieu of several smaller flags that comply with the standards above. For example, a site with 400 feet of street frontage could erect two sixteen square foot flags at 20 feet in height or a single 32 square foot flag at 40 feet in height.
        v. Commercial flags are only allowed in the RM, RB, MXD, CC, C-1, C-2, C-3, B/RP and M Zones.

(2) Newspaper and printed material stands and advertisement on bus benches and/or at bus or transit stops shall be prohibited unless a franchise agreement is entered into with West Valley City. Newspaper and printed material stands shall be limited to a maximum of one (1) stand per transit stop. Stands may have more than one paper receptacle but shall have no more than eight (8) receptacles. Stands shall be located a minimum of ten (10) feet from the curb and shall not block pedestrian movement where a minimum of five feet of walkway width shall be required for pedestrians. Stands shall only be permitted at transit stops on City property, unless located within a building.

(3) Permanent entry signs may be erected on the properties to which they pertain and shall not exceed 16 square feet in area of four feet in height and are limited to sites with at least five (5) parking stalls. A property may only have two permanent entry signs per approved curb cut. No sign permit shall be required.

(4) In addition to a monument sign, apartment units of five (5) or more dwelling units may erect one residential wall sign on the premises. Said sign shall not exceed an area of 32 square feet.

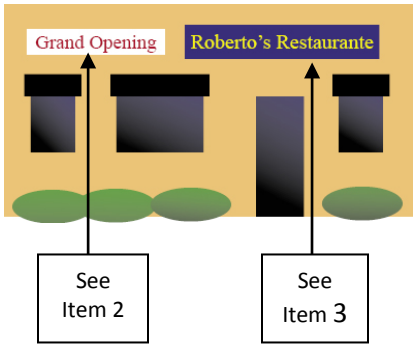
(5) One plate sign shall be allowed for each dwelling. Said nameplate shall not exceed two square feet in area.

(6) On-Site Light Pole Signs shall be allowed in the (C-2), (C-3), and (M) zones. Such signs shall not be located within 20 feet of the front property line. Each light pole shall have a maximum of two banner signs. No light pole shall be erected unless the primary purpose of the light pole is to provide light in parking areas. A maximum of twelve (12) square feet of banner signage shall be allowed per light pole. Signs shall be placed on the light pole via a permanent support structure meant for the placement of a sign where such signs shall hang taut. Signs shall be constructed and maintained with durable materials in a professional manner.

**(Ord. No. 01-50 Amended 07/03/2001; Ord. No. 08-39 Amended 09/10/2008; Ord. No. 15-40 Amended 12/11/2015)**

## 11-5-102. TEMPORARY ON-PREMISE SIGNS.

Temporary signs shall conform to the following provisions. Illumination is prohibited for temporary signs unless specified otherwise. Establishments shall be permitted one temporary sign unless specified otherwise below. A building façade shall have a maximum of 30% temporary sign coverage at any time. Establishment owners shall be responsible for meeting all sign standards of this chapter.




(1) Additional Sign for Road Widening Construction

a. Zoning Restrictions. Such signs are subject to zoning restrictions in all zones.
b. Size. Any such sign shall not exceed an area of 50 square feet.
c. Setback. Such signs may be permitted on private property but shall not obstruct any pedestrian sidewalks, vehicular drives or clear-view at intersections.
d. Time Limitations. Any such sign shall be temporary in nature and shall be permitted only during a City, Utah Department of Transportation, or Utah Transit Authority managed road widening or transit project. Signs shall be removed once the construction has ceased or there is sufficient work done to install a permanent sign, whichever is earlier.

e. Number. One temporary sign may be used in addition to any other permitted temporary sign.
f. Other Regulations. Temporary signs listed as prohibited in this chapter shall not be permitted for Road Widening Construction Signs. Banners shall be the only type of temporary sign allowed for this use.

(2) Banner Sign – Used to advertise an establishment and does not act as the primary establishment sign.
   a. Zoning Restrictions. Such signs are allowed in B/RP, C-1, C-2, C-3, M, MXD, RB and RM Zones.
   b. Setback. Banners shall not be placed within 20 feet of the front property line, and should be located on the outside building face. Banners shall not be located on fences.
   c. Size. The maximum size shall be 50 square feet of temporary sign area. Tenant spaces larger than one hundred fifty (150) linear feet may use a maximum of 10% of the front building facade.

(3) Banner Sign - Used to promote an establishment name as the primary establishment wall sign.
   a. Zoning Restrictions. Such signs are allowed in B/RP, C-1, C-2, C-3, M, MXD, RB and RM Zones.
   b. Setback. Where a new establishment is in need of temporary signage, a banner sign may be placed on the building and shall act as the primary establishment sign. Shall be located on the front elevation of the place of establishment.
   c. Size. This temporary sign shall be limited to the wall sign sizes as permitted in the applicable zone.
   d. Time Limitation. This sign may be used for a maximum of 90 days after the establishment has obtained a business license, or until a permanent sign is mounted on the building, whichever is less. Where a business license is not required, this sign may be used for a maximum of 90 days from the date of issuance of a certificate of occupancy, or until a permanent sign is mounted on the building, whichever is less.

(4) Construction Project Signs.
   a. Zoning Restrictions. Such signs are allowed in RB, MXD, CC, C-1, C-2, C-3, B/RP and M Zones.
   b. Size. Not exceeding 96 square feet
   c. Lighting. Signs may utilize external lighting, but may not be internally lighted.
   d. Time Limitation. All signs shall be removed within 30 days after final inspection of the last building in the project.
   e. Setback. All such signs shall be setback at least 10 feet from any public or private right-of-way.
   f. Height. Freestanding signs shall not exceed 12 feet in height.
   g. Number. One on-site sign per street frontage may be erected in conjunction with a construction project. Through the conditional use process, the Planning Commission may approve more than one on-site sign in the City Center Zone, on properties adjacent to a freeway, or on properties that are five acres or larger.

h. Materials. Shall not be built with paper materials, and shall be constructed in a professional manner.

(5) New Development Signs.

a. Zoning Restrictions. Such signs are allowed in all zones.
b. Size. A maximum area of 32 square feet
c. Time Limitations. Signs shall be removed no later than 30 days following the completion of the project.
d. Setback. Signs shall be set back 10 feet from the right-of-way of any public street. In addition, a minimum spacing of 50 feet shall be maintained between such signs.
e. Number. A maximum of two development signs may be placed off-site and shall require a letter of consent from the property owner.
f. Materials. Shall not be built with paper materials, and shall be instructed in a professional manner.

(6) Grand-Opening Signs

a. Zoning Restrictions. Such signs are allowed in RB, MXD, CC, C-1, C-2, C-3, B/RP and M Zones.
b. Setback. Shall be located on the subject property. Shall not be located in the traffic clear-view area. Shall not block or be located on any public or private sidewalk unless located in the City Center Zone and adheres to the regulations of the City Center Zone.
c. Type of Signs. Establishments may use any type of temporary sign during this period.
d. Time Limit. May be displayed for a maximum of thirty (30) days from the issuance date of a business license. Where no business license is required, such signs may be

displayed for a maximum of thirty (30) days from the issuance date of a certificate of occupancy.

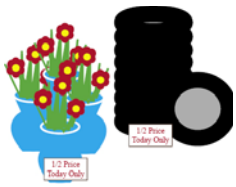
e. Other. The renewal of a business license, change of ownership, or change of name alone shall not authorize the use of grand-opening signs. Grand-opening signs shall be allowed for any new business who obtains a new business license or for the opening of a new establishment. A facility renovation requiring a building permit will quality for grand-opening signs.

(7) Inflatable Signs

a. Zoning Restrictions. Such signs are allowed in C-2, C-3, and M Zones.
b. Setback. Shall not be located within 20 feet of the front property line.
c. Time Limit. Inflatable signs may be displayed for a maximum of thirty (30) days per calendar year. Each display shall continue for a minimum of five (5) days.
d. Height. The height of an inflatable sign shall not exceed the height of any adjacent raised utility lines
e. Permit. A permit shall be required for inflatable signs.
f. Other. Inflatable signs shall be secured and in direct contact with the ground.

(8) Merchandise Display

a. Zoning Restrictions. Such signs are allowed in C-2, C-3, and M Zones.
b. Setback. Shall not be located within 20 feet of the front property line. Shall leave a minimum of four (4) feet wide unobstructed private and public right-of-way sidewalk area for pedestrian movement. Shall not be located in any parking space.
c. Inclusions. Merchandise shall include any product or good that is proposed for sale or lease; and shall include any product or good that is exhibited for the purposes of advertisement.
d. Exception. Display of merchandise within the required setbacks or in the public right-of-way is prohibited unless reviewed and approved by the West Valley City Planning Commission through Conditional Use Approval. Merchandise display in the City Center Zone may be permitted within 20 feet of the front property line and shall meet the regulations of the City Center Zone ordinance.



(9) Residential Construction Signs

a. Zoning Restrictions. Such signs are allowed in A-1, A, R-1-4, R-1-6, R-1-7, R-1-8, R-1-10, R-1-12, R-1-15, R-1-20, R-2-6.5, R-2-8, R-4-8.5, RMH, RE, and RM Zones.
b. Size. For subdivisions which include five (5) or more lots, residential construction signs, not exceeding two 64 square foot signs for each platted subdivision, may be used. The total area of all such signs shall not exceed 128 square feet. Individual phases of a subdivision shall not be considered separate subdivisions. No single sign shall exceed 64 square feet.
c. Setback. All residential construction signs shall be set back a minimum of five (5) feet from any public or private right -of-way.
d. Height. No freestanding sign shall exceed 12 feet in height.
e. Time Limitations. All signs shall be removed within 30 days after final inspection of the last home in the subdivision.
f. Other Regulations. Mobile signs are prohibited. Signs may utilize external lighting but shall not be internally lighted.

(10)Other Temporary Signs

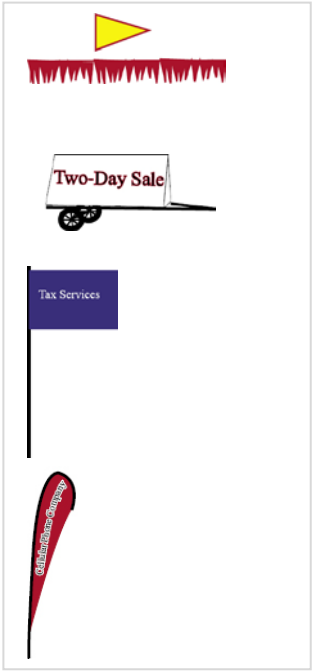
a. Setback. Temporary signs shall not be allowed within 20 feet of the front property line.
b. Other Regulations. Non-commercial banners are excluded from the provisions of this ordinance.

(11)Temporary Non-Commercial Signs. Temporary Non-Commercial signs shall be allowed under the following conditions:

a. Zoning Restrictions. Such signs are allowed in all zones.
b. Size. Any such sign shall not exceed an area of 16 square feet in a residential zone.
c. Other Regulations. Such signs shall neither be constructed nor fastened in such a way as to cause a hazard to the public.

(12) Prohibited Temporary Signs

a. A-frame signs are prohibited except if located in and as regulated in the City Center Zone.
b. Any mobile sign located on the property or within a building or vehicle, trailer sign, metal stand, or pedestal-type sign is prohibited;
c. Off-premise temporary signs are prohibited except as defined in 11-5-102(5).
d. Feathers and flags used for advertising are prohibited.
e. Streamers or pennant-type streamers are prohibited.
f. Any temporary sign attached to any other sign, fence, light/power pole, or structure not built and intended for support of such sign. Signs, fences, light/power poles, and structures that are intended to support temporary or permanent signs shall be reviewed through a building permit and shall adhere to sign regulations in this title.
g. Exceptions. Any type of sign may be used during a Grand-Opening, as defined in this Chapter.

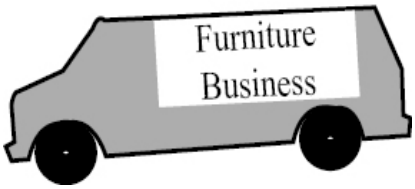


(13) Property Signs.

a. Zoning Restrictions. Such signs are allowed in all zones.
b. Setback. Signs shall be located on premise on the subject property.
c. Size. Signs shall not exceed an area of eight square feet in residential zones or 32 square feet in nonresidential zones.
d. Number. Said signs shall be limited to one sign per street frontage.
e. Time Limitations. Such signs shall be removed within 14 days after the sale, rental or lease of the property.

(14)Vehicle Signs

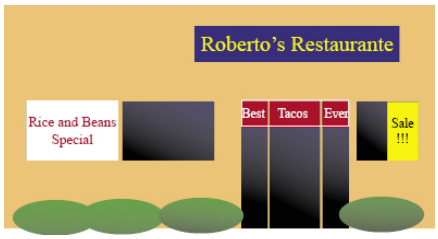
a. Zoning Restrictions. Such signs are allowed in C-1, C-2, C-3, and M Zones.
b. Setback. Signs on vehicles or in the back/bed of trucks shall be located a minimum of 40 feet from the street.
c. Size. Applies to commercial vehicles with signs larger than four square feet.
d. Other Regulations. Such vehicles shall not be used as parked or stationary outdoor display signs.




(15)Window Signs

a. Zoning Restrictions. Allowed in B/RP, C-1, C-2, C-3, M, MXD, and RB Zones.
b. Size. A maximum of 50% coverage of all windows shall be permitted for window signs. Where paint or marker is used on the window, the area shall be measured by creating a square around the message and calculating that square footage in relation to the square footage of the window area. Where one window is completely covered in window signs, another window of equal or greater size shall be left free of any window signs.
c. Location. Inside or outside of the establishment windows.

d. Exceptions. Windows used to meet the Commercial Design Standard Ordinance, as a design treatment, and are backed by a wall where pedestrians cannot by floor plan and building design see through the window into the business, may use murals, fogged glass, spandrel glass, and/or window treatments, but shall not utilize any additional window signs in the window(s).



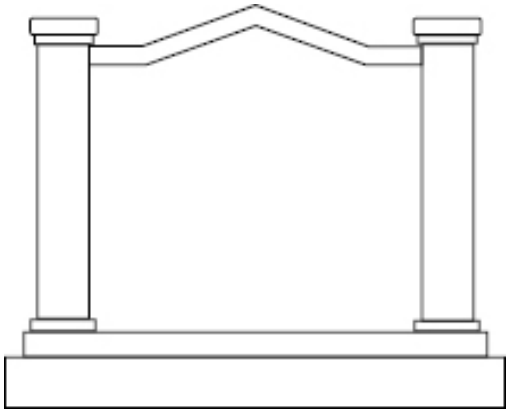

**(Ord. No. 98-74 Amended 01/04/1999; Ord. No. 08-39 Amended 09/10/2008; Ord. No. 09-05 Amended 2/26/2009; Ord. No. 14-33 Amended 08/03/2014; Ord. No. 15-40 Amended 12/11/2015)**

## 11-5-103 MONUMENT SIGNS.

Monument signs, as defined in this Title, shall be allowed in all zones, provided that:

(1) For signs less than or equal to five feet in height measured from final grade, a minimum setback from the public right-of-way of five feet is required. For signs greater than five feet in height, a setback equal to the sign's height is required, unless this requirement is specifically limited by the appropriate zone;
(2) Such signs shall be incorporated into a landscaped area that is at least twice the area of the sign, unless little flexibility exists on the site and a waiver is granted by the Zoning Administrator or designee;
(3) Such signs shall generally maintain a 100 foot separation from all other signs and 50 feet from the side and rear property lines that are not adjacent to a public right-of-way. In situations with minimal frontages where very little flexibility in sign placement exists, less stringent standards may apply as determined by the Zoning Administrator or designee;
(4) Such signs shall be limited to 50 square feet in area for signs up to six feet in height and an additional 10 square feet of area may be added for every additional foot in height over six feet;
(5) Such signs shall be limited to one monument sign per 200 feet of frontage. Properties that have more than one frontage may have at least one (1) sign per frontage if there is a cumulative total of 200 feet of frontage or at least 100 feet of frontage per street frontage, whichever is greater.
(6) Electronic message signs shall be limited to one sign per frontage. This requirement may be waived by the Planning Commission through the issuance of a conditional use permit; however no more than one sign per 200 feet of frontage shall be permitted.
(7) Such signs shall contain no animation.
(8) Such signs shall be 6 feet in height for single tenant signs, and 7 feet in height for multi-tenant signs, unless specifically limited by the appropriate zone.
(9) Exposed poles up to one third of the height of the sign may be considered by the Planning Commission through the Conditional Use process. The exposed poles must be architecturally compatible with the building in color, material and design.
(10) The base of such signs shall be limited to 50% of the area of the sign.

(11)The base of such signs shall be masonry, which may include brick, stone or stucco. If stucco is used it shall match the color of the associated building and include additional decorative architectural elements such as caps, columns or other decorative features.



(12)The base of such signs shall be equal to or greater in size than the total horizontal dimension of the sign face.
(13)Such signs shall include a non-advertising masonry base with a minimum height of one (1) foot.
(14)Monument signs in residential zones are only permitted subject to Section 11-6-101 and Section 11-6-102.

**(Ord. No. 01-50 Amended 07/03/2001; ; Ord. No. 01-77 Amended 12/18/2001 Effective date 12/20/2001.; Ord. No. 01-77 Amended 03/06/2002; Ord. No. 04-17 Amended 03/16/2004; Ord. No. 04-27 Amended 06/01/2004; Ord. No. 06-05 Amended 01/24/2006; Ord. No. 07-53 Amended 11/20/2007; Ord. No. 10-19 Amended 07/12/2010; Ord. No. 15-40 Amended 12/11/2015)**

## 11-5-104. ROOF SIGNS.

Roof signs, as defined in this Title, shall be allowed in all Commercial and Manufacturing zones, provided that:

(1) Roof signs shall not project above the roofline of the building on which it is located.
(2) Roof signs shall be installed or erected in such a manner that there is no visual support structure.
(3) Animated roof signs are prohibited, excluding electronic message sign animation.
(4) Roof signs shall be limited in area on the face or façade of a building or structure. Signs shall be a maximum of 10 percent of the front first (defined as the actual first story height or 15 feet whichever is less) story face and five percent of any other first story face. Fifteen percent of the front story face may be allowed, if no pole signs are requested. Where a wall sign is present on the building or structure façade, a roof sign shall be prohibited; where a roof sign is present on the building or structure façade, a wall sign shall be prohibited.

**Ord. No. 01-50 Amended 07/03/2001; Ord. No. 08-39 Amended 09/10/2008; Ord. No. 10-19 Amended 07/12/2010)**

## 11-5-105. BILLBOARDS.

(1) Purpose. It is the purpose and intent of this Section to limit the number of billboards to the total number of existing billboards. This Chapter further provides for the reasonable regulation of billboards with the intent of limiting negative impacts, enhancing the aesthetics of existing billboards and implementing goals and policies promoting safety, the protection of property values, aesthetics, the maintenance of gateways, views and vistas that enhance the City, and further the applicable elements of the City's General Plan.

(2) Cap. The number of billboards allowed in the City shall be limited to the number of billboards that are existing in the city as of January 31, 2003 (53). This cap shall automatically decrease as billboards are removed but not relocated.

(3) Location. Billboards shall only be allowed in "C-2," "C-3," and "M" zones. Billboards shall not be allowed in gateway-oriented overlay zones, regardless of the underlying zone.

(4) Size. Billboards shall not exceed 672 square feet in "M" zones along freeways. Billboards shall not exceed 300 square feet in "C-2," "C-3" and non-freeway oriented "M" zones.

(5) Separation. The minimum distance between billboards shall be 750 radial feet along freeways and 500 radial feet at any other location.

(6) Height. The maximum height of a billboard shall be 35 feet, except for freeway-oriented signs as specified in this Title. The maximum height when located within 150 feet of a residential zone or use shall be 25 feet, and such signs shall contain no illumination.

(7) Setbacks. The minimum front yard setback shall be 10 feet for billboards less than or equal to 25 feet in height. Signs exceeding 25 feet in height shall be set back one additional foot for each foot of height over 25 feet, up to the maximum height allowed of 35 feet. The sign setback shall be measured from the property line. The closest edge of a billboard shall not project into any required setback area. The minimum separation between a billboard and any residential use or zone boundary shall be 75 feet.

(8) Lighting. Lighting shall be confined to the sign face and not illuminate the night sky.

(9) Design. Billboards shall utilize the "monopole" or "bi-pole" design and shall be continuously maintained structurally and on the copy face.

(10) Removal. Prior to the removal of any billboard the owner shall obtain a permit for the demolition of the billboard. Permits may be provided following application to the Community and Economic Development Department.

(11) Relocation. The owner of an existing billboard may remove the existing billboard from a non-conforming site to an approved location only after a permit is obtained as set forth in this Title and other provisions of this Chapter are complied with. Billboards moved to approved locations shall conform to all sign requirements of the new location. Billboards moved from non-conforming locations must be installed to a new approved location within eighteen (18) months from the date the permit is issued with not more than one extension of six months granted by the Community and Economic Development Department. If the billboard is not moved in this time frame the ability to relocate said billboard is forfeited.

(12) Relocation of conforming billboards. Billboards that conform to the provisions of this Ordinance may be relocated as follows:

a. When road widening or development proposals force the need to relocate;
b. When a conforming billboard is removed, for whatever reason, that sign may be relocated to a conforming location only when the company that owns the sign at the time of removal, has either removed all of that company's nonconforming signs or relocated all of that company's non-conforming signs to conforming locations, shall contain no illumination.

(13)Electronic Message Signs. Electronic message signs shall be a maximum of 300 square feet if located on a billboard that is not freeway oriented and shall not increase in size if the existing billboard is less than 300 square feet prior to electronic message sign installation. Electronic message signs located on billboards shall be regulated as defined in Section 11-5-107, and shall be separated by 500 radial feet from any other electronic message sign located on a billboard.

**(Ord. No. 93-27 Amended, 12/13/1993; Ord. No. 01-50 Amended 07/03/2001; Ord. No. 03-22 Amended 03/25/2003; Ord. No. 05-50 Amended 12/6/2005; Ord. No. 07-53 Amended 11/20/2007; Ord. No. 12-24 Amended 06/18/2012)**

## 11-5-106. POLE SIGNS.

Pole signs, as defined in this Title, shall be allowed in C-2, C-3, and M zones, provided that:

(1) All single pole signs shall include a solid cover that encompasses the pole. Such covers shall be architecturally integrated with the sign and adjacent building. A minimum width of two feet is recommended but the intent is to evaluate the pole width in relationship with the sign. Pole signs constructed with two poles may substitute an architecturally integrated base. Freeway oriented pole signs in excess of 30 feet in height are exempt. Billboards are exempt.
(2) Clearance shall be a minimum of 10 feet between the bottom of the sign face and the ground where vehicular or pedestrian traffic is anticipated. Pole signs adjacent to freeways may extend 25 feet above the freeway pavement grade or 65 feet above ground, whichever is higher.
(3) The minimum front yard setback shall be 10 feet for signs less than or equal to 15 feet in height. Signs exceeding 15 feet in height shall be set back one additional foot for each foot of height over 15 feet up to the maximum height allowed in the zone.
(4) Separation between pole signs and any other signs shall follow the standards for monument signs as described in this Title.
(5) Pole signs shall be limited to one sign per frontage. However, this requirement may be waived for freeway oriented signs as a conditional use through the Planning Commission.
(6) All pole signs, except freeway oriented pole signs over 35 feet, shall incorporate pole covers.
(7) All pole signs shall be incorporated in a landscaped area that is at least equal to twice the area of the sign.
(8) All pole signs shall be architecturally compatible with the building style, colors, and/or materials.
(9) The area limitation for a pole sign (excluding billboards) shall not exceed one square foot of sign area for every lineal foot of the frontage occupied by the use for which the sign is intended. The maximum pole sign area shall be 200 square feet unless this requirement is waived through review and approval of a sign plan to the Planning Commission as part of a conditional use or a new conditional use.
(10) All pole signs, except billboards, shall be processed as Conditional Uses and shall only be allowed on properties encompassing at least 10 acres. Interior lots may have one pole sign and one billboard subject to the provisions of this Ordinance.
(11)Projection of pole signs is permitted into the setback area to a maximum of three feet.

**(Ord. No. 01-50 Added 07/03/2001; Ord. No. 10-19 Amended 07/12/2010; Ord. No. 15-40 Amended 12/11/2015)**

## 11-5-107. ELECTRONIC MESSAGE SIGNS.

(1) Electronic message signs are permitted in the C-2, C-3, and M zones when inlaid in a monument, pole, freeway oriented billboard, or wall sign with the following regulations:
   a. Electronic message signs shall be incorporated into a monument, wall, freeway oriented billboard, or pole sign.
      i. An electronic message sign incorporated on a wall or billboard sign may occupy up to 100% of the entire sign face. Wall signs shall be limited to one electronic message sign per building elevation. Wall signs shall be limited to 10% coverage of the front elevation of the building, regardless of whether a pole sign exists on the property or not.
      ii. An electronic message sign incorporated into a pole sign shall not occupy more than 50% of the entire sign face. Freeway oriented pole signs may have 100% electronic message sign coverage of the sign and are not required to be turned off at night.
      iii. An electronic message sign incorporated into a monument sign shall not occupy more than 50% of the entire sign face for a monument sign.
   b. Electronic message signs shall adhere to all the height and setback regulations for the sign on which the electronic message sign is located.
   c. Electronic message signs shall be located a minimum of 100 feet from any residential boundary. Electronic Message Signs located on Billboards that are not freeway oriented shall be located a minimum of 200 feet from any residential boundary. In situations where a billboard, that is an electronic message sign, is obstructed from residential view, the Zoning Administrator may reduce the minimum setback from a residential boundary via an Administrative Determination.
   d. Lumination during the day for full color electronic message signs shall not exceed 6000 cd/m2 or NITs. Lumination during the night for full color electronic message signs shall not exceed 1500 cd/m2 or NITs. Full color electronic message signs shall be dimmed to a maximum of 1500 cd/m2 or NITs from 10 o'clock pm to 6 o'clock am. Lumination during the day for monochrome color electronic message signs shall not exceed 3000 cd/m2 or NITs. Lumination during the night for monochrome color electronic message signs shall not exceed 500 cd/m2 or NITs. Monochrome color electronic message signs shall be dimmed to a maximum of 500 cd/m2 or NITs from 10 o'clock pm to 6 o'clock am. Electronic message signs shall also be set with a photo-cell dimmer to automatically dim with ambient light changes.
   e. Lumination shall be set and locked with an access code prior to or at the time of installation of the electronic message sign. The lumination settings shall not be changed or altered at any time for the duration of the electronic message sign's life, unless approval from West Valley City has been granted in writing.
   f. Building permits for electronic message signs shall require the sign plans to be stamped certifying the percent of brightness the sign is set to prior to approval.
   g. Off premise advertising is prohibited, except in the case of billboards.

(2) Electronic message signs are permitted in the RB, B/RP, and C-1 zones when inlaid in a monument, freeway oriented billboard, or wall sign with the following regulations:
   a. Electronic message signs shall be incorporated into a monument, wall, or freeway oriented billboard sign.
      i. An electronic message sign incorporated on a wall or freeway oriented billboard sign may occupy up to 100% of the entire sign face. Wall signs shall be limited to

one electronic message sign per building elevation. Wall signs shall also be limited to 10% coverage of the front elevation of the building, regardless of whether a pole sign exists on the property or not.

ii. An electronic message sign incorporated into a pole sign shall not occupy more than 50% of the entire sign face. Freeway oriented pole signs may have 100% electronic message sign coverage of the sign and are not required to be turned off at night.

iii. An electronic message sign incorporated into a monument sign shall not occupy more than 50% of the entire sign face for a monument sign.

b. Electronic message signs shall adhere to all the height and setback regulations for the sign on which the electronic message sign is located.

c. Electronic message signs are not permitted in the RB zone unless the parcel has at least five (5) acres of property.

d. Electronic message signs shall be located a minimum of 100 feet from any residential boundary. Electronic Message Signs located on Billboards that are not freeway oriented shall be located a minimum of 200 feet from any residential boundary. In situations where a billboard, that is an electronic message sign, is obstructed from residential view, the Zoning Administrator may reduce the minimum setback from a residential boundary via an Administrative Determination.

e. Electronic message signs shall automatically terminate any and all energy that may allow the electronic message center sign to light up (creating 0 cd/m2 or NITs) from 10 o'clock pm to 6 o'clock am.

f. Lumination during the day for full color electronic message signs shall not exceed 6000 cd/m2 or NITs. Lumination during the night for full color electronic message signs shall not exceed 0 cd/m2 or NITs. Full color electronic message signs shall be dimmed to a maximum of 0 cd/m2 or NITs from 10 o'clock pm to 6 o'clock am. Lumination during the day for monochrome color electronic message signs shall not exceed 3000 cd/m2 or NITs. Lumination during the night for monochrome color electronic message signs shall not exceed 0 cd/m2 or NITs. Monochrome color electronic message signs shall be dimmed to a maximum of 0 cd/m2 or NITs from 10 o'clock pm to 6 o'clock am. Electronic message signs shall also be set with a photo-cell dimmer to automatically dim with ambient light changes.

g. Building permits for electronic message signs shall require the sign plans to be stamped certifying the percent of brightness the sign is set to prior to approval.

h. Off premise advertising is prohibited, except in the case of billboards.

(3) Electronic message signs are prohibited in windows in all zones.

(4) If the electronic message portion of a pole or monument sign is desired to be larger than that permitted, an application may be filed for a conditional use for review by the planning commission.

**(Ord. No. 07-53 Added 11/20/2007; Ord. No. 15-40 Amended 12/11/2015)**

## 11-5-108. WALL SIGNS.

Wall signs, as defined in this Title, shall be allowed in all zones, provided that:

(1) The area limitation for signs on the face of a building or structure, unless specifically limited by the appropriate zone, shall be 10 percent of the front first story face (defined as the actual first story height or 15 feet whichever is less) and five percent of any other first story face. Fifteen

percent of the front story face may be allowed, if no pole signs are requested. Canopies shall be considered structures.

(2) Painted signs on walls of buildings are permitted with approved professionally prepared designs. Maximum size regulations may be exceeded with Planning Commission approval.
(3) Signs on multi-story buildings shall maintain consistent style and architectural compatibility with the building.
(4) Residential wall signs are only allowed in R-4, RM, and MXD Zones for multi-family developments with 5 or more units. The maximum size for such signs is 32 square feet.
(5) The area limitation for non-residential wall signs for uses such as schools and churches which are located in residential zones shall be five (5) percent of any face of the building, which is defined as the actual first story height or 15 feet, whichever is less.

**(Ord. No. 10-19 Enacted 07/12/2010; Ord. 15-40 Amended 12/11/2015)**

# CHAPTER 11-6
# SIGN REQUIREMENTS BY ZONING DISTRICT

Sections:

11-6-101. Residential and Agricultural Districts.
11-6-102. Residential Business.
11-6-103. Commercial "C-1" District.
11-6-104. Commercial "C-2" and "C-3" Districts.
11-6-105. Business/research Park District.
11-6-106. Manufacturing "M" District.

## 11-6-101. RESIDENTIAL AND AGRICULTURAL DISTRICTS.

Signs in this district are subject to all general regulations set forth in this Title and to the following additional requirements:

(1) Only the following signs are allowed in residential and agricultural districts:
   a. Plate signs;
   b. Public necessity signs;
   c. Monument signs;
   d. Non-residential wall signs;
   e. Permanent entry signs;
   f. Residential wall signs; and
   g. Temporary signs as outlined in Section 11-5-102.

(2) These signs shall conform to the following provisions:
   a. One non-illuminated plate sign for each dwelling unit, not exceeding two square feet in area;
   b. One or more public necessity signs not exceeding 24 square feet in combined total area for each commercial or residential use lawfully occupying the premises, provided that no one sign shall exceed 8 square feet in area;
   c. Monument signs shall not exceed 5 feet in height. Such signs are only allowed for non-residential uses in residential zones and for multi-family developments in the R-4, RM, MXD, and CC Zones;
   d. One or more permanent entry signs not exceeding 16 square feet per sign for each commercial, residential or agricultural establishment with at least five (5) parking stalls lawfully occupying the premises.
   e. Residential wall signs are only allowed in R-4, RM and MXD Zones for multi-family developments with 5 or more units. The maximum size for such signs is 32 square feet.
   f. The area limitation for non-residential wall signs shall be five (5) percent of any face of the building, which is defined as the actual first story height or 15 feet, whichever is less.

**(Ord. No. 01-50 Amended 07/03/2001; Ord. No. 08-39 Amended 09/10/2008; Ord. No. 10-19 Amended 07/12/2010; Ord. No. 15-40 Amended 12/11/2015)**

## 11-6-102. RESIDENTIAL BUSINESS.

Signs in this district are subject to all general regulations set forth in this Title and to the following additional requirements:

(1) Only the following signs are allowed in the Residential Business District:
    a. Awning signs;
    b. Monument signs;
    c. Non-residential wall signs;
    d. Illuminated signs;
    e. Plates signs;
    f. Permanent entry signs;
    g. Public necessity signs.
    h. Electronic message signs; and
    i. Temporary signs as outlined in Section 11-5-102.
(2) These signs shall conform to the following provisions:
    a. The area limitation for non-residential wall signs on building or structure faces shall be five (5) percent of any face of the building, which is defined as the actual first story height or 15 feet, whichever is less.
    b. Monument signs shall not exceed 5 feet in height. Such signs are only allowed for non-residential uses.
(3) Signs shall be compatible with existing or proposed architecture in terms of scale, color and design.

**(Ord. No. 01-50 Amended 07/03/2001; Ord. No. 04-04 Amended 1/20/2004; Ord. No. 10-19 Amended 07/12/2010; Ord. No. 15-40 Amended 12/11/2015)**

## 11-6-103. COMMERCIAL "C-1" DISTRICT.

Signs in this district are subject to all general regulations set forth in this Title and to the following additional requirements:

(1) Only the following signs are allowed in a "C-1" district:
    a. All signs allowed in residential districts as specified in this Title.
    b. Monument signs.
    c. Wall Signs.
    d. Electronic Message Signs.
    e. Projecting Signs.
    f. Roof Signs.
    g. Temporary on premise signs.
    h. Illuminated awning signs.
    i. Gas pump island canopy signs.
    j. Awning signs.
    k. Temporary signs as outlined in Section 11-5-102

**(Ord. No. 90-47 Amended 01/07/1991; Ord. No. 01-50 Amended 07/03/2001; Ord. No. 06-05 Amended 01/24/2006; Ord. No. 07-53 Amended 11/20/2007; Ord. No. 10-19 Amended 07/12/2010; Ord. No. 15-40 Amended 12/11/2015)**

## 11-6-104. COMMERCIAL "C-2" AND "C-3" DISTRICTS.

Signs in these districts are subject to all general regulations set forth in this Title and to the following additional requirements:

(1) Only the following signs are allowed in "C-2" and "C-3" districts:

a. All signs allowed in “C-1” districts as specified in this Title;
b. Billboards;
c. Pole Signs;

(2) These signs shall conform to the following provisions:
a. The maximum height of a pole sign shall be 25 feet above the grade of the front sidewalk or property line.

**(Ord. No. 90-47 Amended 01/07/1991; Ord. No. 91-05 Amended 04/18/1991; Ord. No. 93-27 Amended 12/13/1993; Ord. No. 01-50 Amended 07/03/2001; Ord. No. 06-05 Amended 01/24/2006; Ord. No. 07-53 Amended 11/20/07; Ord. No. 08-39 Amended 09/10/2008; Ord. No. 10-19 Amended 07/12/2010)**

## 11-6-105. BUSINESS / RESEARCH PARK DISTRICT.

Signs shall be compatible with the approved architectural theme of the business park. Signs shall be subject to all general regulations set forth in this Title and to the following additional requirements:

(1) Only the following signs are allowed in a "Business/Research Park" district:
a. Monument;
b. Park identification;
c. Temporary signs as outlined in Section 11-5-102;
d. Wall signs; and
e. Electronic Message Signs.

(2) These signs shall conform to the following provisions:
a. Monument signs shall not exceed five feet in height and shall be located no closer than 10 feet from the street;
b. Park identification sign(s) shall be allowed with permission from the Planning Commission; and
c. Wall signs shall not exceed 10 percent of the front first story face (defined as the actual first story height or 15 feet, whichever is less) and five percent of any other face. Canopies shall be considered structures.
d. Park identification signs shall be located as determined by the Planning Commission.

**(Ord. No. 90-10 Amended 02/14/1990; Ord. No. 01-50 Amended 07/03/2001; Ord. No. 07-53 Amended 11/20/2007; Ord. No. 10-19 Amended 07/12/2010; Ord. No. 15-40 Amended 12/11/2015)**

## 11-6-106. MANUFACTURING "M" DISTRICT.

Signs in this district are subject to all general regulations set forth in this Title and to the following additional requirements:

(1) Only the following signs are allowed in the "M" district:
(2) All signs as allowed in “C-2” and “C-3” districts as specified in this Title.
(3) These signs shall conform to the following provisions:
a. The maximum height of a pole sign shall be 35 feet above the grade of the front sidewalk or property line.

b. Corner or double-frontage lots/commercial complexes may choose two on-premise signs (one per frontage) and one off-premise sign, if so desired.

**(Ord. No. 90-47 Amended 01/07/1991; Ord. No. 91-05 Amended 04/18/1991; Ord. No. 93-27 Amended 12/13/1993; Ord. No. 01-50 Amended 07/03/2001; Ord. No. 06-05 Amended 01/24/2006; Ord. No. 07-53 Amended 11/20/2007; Ord. No. 10-19 Amended 07/12/2010)**

# CHAPTER 11-7
# NONCONFORMING SIGNS

Sections:

11-7-101. Alterations.
11-7-102. Restoration.
11-7-103. Maintenance.
11-7-104. Abandonment.
11-7-105. Repealed.

## 11-7-101. ALTERATIONS.

A nonconforming sign shall not be altered, reconstructed, raised, moved, placed, extended, or enlarged, unless said sign is changed so as to conform to all provisions of this Title. All alterations shall require conformance to the provisions of this Ordinance including any physical changes to the sign panel or the sign cabinet itself. Face changes in multi-tenant signs, freeway-oriented pole signs, normal maintenance/repair, and copy changes in signs previously approved by the City with a changeable copy feature are excluded. Further exclusions include any architectural enhancements to existing multi-tenant pole signs in conjunction with a building façade remodel. The building façade remodel must be at least 25% of the front façade of the building. Overall height, size, and shape of the sign shall not be increased. Any sign that is located within or projects into the existing public right-of-way shall be made conforming when an alteration occurs.

**(Ord. No. 90-47 Amended 01/07/1991; Ord. No. 01-50 Amended 07/03/2001; Ord. No. 04-39 Amended 08/17/04; Ord. No. 06-06 Amended 01/24/2006; Ord. No. 08-62 Amended 12/29/2008)**

## 11-7-102. RESTORATION.

Nonconforming signs which have been allowed to deteriorate or which have been damaged by fire, explosion, act of nature, or act of a public enemy, or damaged by any other cause, to the extent of more than 50 percent of its assessed value shall, if repaired or rebuilt, be repaired or rebuilt in conformity with the regulations of this Title.

**(Ord. No. 90-47 Amended 01/07/1991)**

## 11-7-103. MAINTENANCE.

Minor repairs and maintenance shall not necessitate conformance to the requirements of this Title.

## 11-7-104. ABANDONMENT.

Within 60 days after vacation of a tenant or for signs lacking advertisement for a period of 60 days or more, any on-premise non-conforming sign shall be removed or brought into compliance by the property owner. If removal does not occur voluntarily, after appropriate notice, as specified in

Subsection 11-3-102(3), the entire sign and support structure shall be taken down by the owner or may be removed by the City and all costs incurred shall be the responsibility of the property owner.

**(Ord. No. 01-50 Added 07/03/2001; Ord. No. 06-06 Amended 01/24/2006)**

## 11-7-105. REPEALED.

**(Ord. No. 01-50 Added 07/03/2001; Ord. No. 01-77 Amended 12/18/2001, Effective date 12/20/2001; Ord. No. 04-39 Amended 08/17/04; Ord. No. 06-06 Repealed 01/24/2006)**

# TITLE 12
# ECONOMIC DEVELOPMENT

Reserved

# TITLE 13
# MASTER ANNEXATION POLICY DECLARATION

Chapters:

13-1 Policy, Projections and Criteria

# CHAPTER 13-1
# POLICY, PROJECTIONS AND CRITERIA

Sections:

13-1-101. Annexation Policy.
13-1-102. Map showing the anticipated future extent of West Valley City's boundaries and areas that are more readily available for service.
13-1-103. Criteria as required by state law, together with additional criteria and policies for city acceptance of an annexation.
13-1-104. The Character of the Community.
13-1-105. The Need for Municipal Services in Developing Unincorporated Areas.
13-1-106. Financing and Time Frame for the Extension of Municipal Services.
13-1-107. Repealed.
13-1-108. Repealed.

## 13-1-101. ANNEXATION POLICY.

The City hereby asserts that it has complied with the State legislative prerequisites for adoption of a policy declaration.

**(Ord. No. 08-03 Amended 01/24/2008)**

## 13-1-102. MAP SHOWING THE ANTICIPATED FUTURE EXTENT OF WEST VALLEY CITY'S BOUNDARIES AND AREAS THAT ARE MORE READILY AVAILABLE FOR SERVICE.

(1) This portion of West Valley City's Master Annexation Policy Declaration describes the geographic areas considered most favorable for future City expansion.
(2) The map (see Appendix "A") visually displays the existing boundaries of West Valley City in a heavy black line and the future boundaries by a shaded line. The future boundaries extend south from the existing southern boundary of West Valley City along the western boundary of Taylorsville-Bennion to 6200, then west along 6200 South to 5600 West, then south along 4800 West to 6600 South, then west along a line extending from 6600 South to the ridge top of the Oquirrh Mountain Range. The line continues north along the ridge top to 2400 South, then east to the west line of Section 21, Township 1 South, Range 2 West. At that point, the future boundary will follow the west line of Section 21 to the north line of Section 21 and then east along that line to the western boundary of West Valley City. The shaded line represents a large rectangular area of about 52 square miles. The existing City boundaries encompass an area of approximately 34 square miles.
(3) The Kearns area is also included as a future annexation area.
(4) The unincorporated area known as Magna is also included as a future annexation area.

**(Ord. No. 96-22 Amended 04/26/1996)**

## 13-1-103. CRITERIA AS REQUIRED BY STATE LAW, TOGETHER WITH ADDITIONAL CRITERIA AND POLICIES FOR CITY ACCEPTANCE OF AN ANNEXATION.

The City shall follow and comply with the State law for annexation.

**(Ord. No. 96-22 Amended 04/26/1996; Ord. No. 08-03 Amended 01/24/2008)**

## 13-1-104. THE CHARACTER OF THE COMMUNITY.

The areas anticipated for future annexation contain a wide variety of land uses. There is much agricultural land, as well as residentially-developed property, and property developed and being developed for commercial and industrial uses. The areas known as Magna and Kearns are a part of the proposed future boundaries. Alliant Techsystems Inc., and Kennecott Utah Copper, Inc., separately own considerable portions of the proposed City boundaries in the southwest annexation area.

The City was incorporated in July of 1980 and has entertained several proposals for annexation since that time. Interest in annexation has been shown by many surrounding property owners. This policy declaration will help to define those areas which the City will consider in a favorable manner.

**(Ord. No. 96-22 Amended 04/26/1996)**

## 13-1-105. THE NEED FOR MUNICIPAL SERVICES IN DEVELOPING UNINCORPORATED AREAS.

The City realizes that municipal services to developed areas which may be annexed should, to the greatest extent possible, be provided by the City. It may, however, take some time to negotiate service agreements in developed areas. Certain utilities and areas of the City are currently served in this manner.

For developing unincorporated areas to be annexed to the City, general government services and public safety service will be provided by the City as the area is annexed and developed. Where feasible and in the public interest to the citizens of the City, public utility services will be provided through the appropriate utility companies or improvement districts.

Subsequent policy declarations on individual parcels will address provision of utility service to that particular area. Determination of how utility service will be provided to developing areas proposed for annexation will be developed following discussion with the Public Works Department and other appropriate utility officials or entities.

## 13-1-106. FINANCING AND TIME FRAME FOR THE EXTENSION OF MUNICIPAL SERVICES.

Those areas identified in this Master Policy Declaration as being favorable for annexation are located near to the City. A basic network of collector roads presently exists in many of these areas and the City can readily extend such services as police and fire protection, street maintenance, garbage collection and general government services. Unless otherwise specified, City services for police and fire protection, street maintenance and garbage collection will begin in newly-annexed areas immediately following the effective date of annexation.

Services for newly-annexed areas will be provided for out of the General Fund. However, it is the City's policy that all new development in areas requiring service bear the burden of providing

necessary facilities. If and when the property sought to be annexed is developed, the developer will have to construct and install appropriate municipal service facilities such as streets, curb, gutter, sidewalk, water and sewer lines.

**(Ord. No. 96-22 Amended 04/26/1996; Ord. No. 08-03 Amended 01/24/2008)**

## 13-1-107. REPEALED.

**(Ord. No. 08-03 Repealed 01/24/2008)**

## 13-1-108. REPEALED.

**(Ord. No. 96-22 Amended 04/26/1996; Ord. No. 08-03 Amended 01/24/2008)**

# TITLE 14
# HOUSING

Reserved

# TITLE 15
# TRANSPORTATION PLANNING

Reserved

# TITLE 16
# INTERNATIONAL CODES

Chapters:

16-1 International Building Code
16-2 International Mechanical Code
16-3 Uniform Code for the Abatement of Dangerous Buildings
16-4 International Plumbing Code
16-5 The National Electrical Code
16-6 International Fire Code
16-7 Life Safety Code
16-8 Appeals Procedure and Enforcement
16-9 Fit Premises
16-10 Uniform Housing Code
16-11 International Residential Code
16-12 International Fuel Gas Code
16-13 International Energy Conservation Code
16-14 International Property Maintenance Code
16-15 International Existing Building Code

# CHAPTER 16-1
# INTERNATIONAL BUILDING CODE

Sections:

16-1-101. Adoption of International Building Code.
16-1-102. Amendments to International Building Code.
16-1-103. Definitions.

## 16-1-101. ADOPTION OF INTERNATIONAL BUILDING CODE.

(1) For the purpose of providing minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of the buildings and structures and certain equipment within the City, the entire 2015 edition of the International Building Code, as promulgated by the International Code Council, including any amendments that have been or may be made by the State of Utah, is hereby adopted with such deletions, modifications, exceptions, and other amendments as set forth in Section 16-1-102. The International Building Code, as adopted above, is hereby fully incorporated as if set herein in its entirety, with the amendments as set forth in Section 16-1-102, and from the effective date of this Chapter, the provisions thereof shall be controlling within the corporate limits of the City.

(2) Pursuant to Section 10-3-711, Utah Code Annotated, 1953 as amended, one copy of the International Building Code has been filed for use and examination by the public in the City Recorder's Office.

**(Ord. No. 92-09 Amended 02/21/92; Ord. No. 95-02 Amended 02/14/95; Ord. No. 97-72 Amended 01/01/98; Ord. No. 02-13 Amended 02/05/2002; Ord. No. 04-06 Amended 01/20/2004; Ord. No. 07-04 Amended 1/16/2007; Ord. No. 10-18 Amended 7/6/2010; Ord. No. 13-25 Amended 07/01/2013; Ord. No. 16-17, Amended 05/13/2016)**

## 16-1-102. AMENDMENTS TO INTERNATIONAL BUILDING CODE.

(1) Pursuant to108.6 of the International Building Code, West Valley City's policy for refunds of permit fees is as follows:
   a. The Chief Building Official may authorize refunding of any fee hereunder which was erroneously paid or collected.
   b. The Chief Building Official may authorize refunding of not more than 80% of the plan review fee paid when an application for a permit, for which a plan review fee has been paid, is withdrawn or canceled before any plan reviewing is done.
   c. The chief building official shall not authorize refunding of any fee paid except upon receipt of a written application filed by the original permittee not later than 180 days after the date of fee payment.

**(Ord. No. 02-13 Amended 02/05/2002)**

## 16-1-103. DEFINITIONS.

(1) Whenever the word Jurisdiction is used in the International Building Code, it shall mean West Valley City, Utah.
(2) Whenever the words Code Enforcement Agency are used in the International Building Code, they shall mean the Building Inspection Division of the West Valley City Community and Economic Development Department.

**(Ord. No. 97-72 Amended 01/01/98; Ord. No. 02-13 Added 02/05/2002)**

# CHAPTER 16-2
# INTERNATIONAL MECHANICAL CODE

Sections:

16-2-101. Adoption of International Mechanical Code.
16-2-102. Definitions.

## 16-2-101. ADOPTION OF INTERNATIONAL MECHANICAL CODE.

(1) For the purpose of providing minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of heating, ventilating, cooling, refrigeration systems, incinerators and other miscellaneous heat-producing appliances with the City, the entire 2015 edition of the International Mechanical Code, including any amendments that have been or may be made by the State of Utah, is hereby adopted as promulgated by the International Code Council. The International Mechanical Code is hereby fully incorporated as if set out at length herein, and from the effective date of this Chapter, the provisions thereof shall be controlling within the corporate limits of the City.

(2) Pursuant to Section 10-3-711, Utah Code Annotated, 1953 as amended, one copy of the International Mechanical Code has been filed for use and examination by the public in the City Recorder's Office.

**(Ord. No. 92-09 Amended 02/21/1992; Ord. No. 95-02 Amended 02/14/1995; Ord. No. 97-72 Amended 01/01/1998; Ord. No. 02-13 Amended 02/05/2002; Ord. No. 04-09 Amended 01/20/2004; Ord. No. 07-06 Amended 1/16/2007; Ord. No. 10-18 Amended 7/6/2010; Ord. No. 13-25 Amended 07/01/20131; Ord. No. 16-17 Amended 05/13/2016)**

## 16-2-102. DEFINITIONS.

Whenever the word Jurisdiction is used in the International Mechanical Code, it shall mean West Valley City, Utah.

**(Ord. No. 02-13 Amended 02/05/2002)**

# CHAPTER 16-3
# UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS

Sections:

16-3-101. Adoption of the Uniform Code for the Abatement of Dangerous Buildings.
16-3-102. Definitions.
16-3-103. Code Construed in Light of State Statutes.

## 16-3-101. ADOPTION OF THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS.

(1) For the purpose of providing a just, equitable and practicable method, to be cumulative with and in addition to, any other remedy provided by the International Building Code or otherwise available at law, 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 or demolished, the entire 1997 edition of the Uniform Code for the Abatement of Dangerous Buildings is hereby adopted as promulgated by International Conference of Building Officials. The Uniform Code for the Abatement of Dangerous Buildings is hereby fully incorporated as if set out at length herein, and from the effective date of this Chapter, the provisions thereof shall be controlling within the corporate limits of the City.
(2) Pursuant to Section 10-3-711, Utah Code Annotated, 1953 as amended, one copy of the Uniform Code for the Abatement of Dangerous Buildings has been filed for use and examination by the public in the City Recorder's Office.

**(Ord. No. 97-72 Amended 01/01/1998; Ord. No. 10-18 Amended 7/6/2010)**

## 16-3-102. DEFINITIONS.

Whenever the word Jurisdiction is used in the Uniform Code for the Abatement of Dangerous Buildings, it shall mean West Valley City, Utah.

## 16-3-103. CODE CONSTRUED IN LIGHT OF STATE STATUTES.

(1) The Uniform Code for the Abatement of Dangerous Buildings shall be construed so as to give effect to the statutes of the State of Utah which authorize cities to abate dangerous buildings and shall not be construed as to require the City to follow a more restrictive procedure than that set forth in state statute.
(2) The City may attach the costs of abating a dangerous building pursuant to this Code to the property taxes as provided by state statute.

# CHAPTER 16-4
# INTERNATIONAL PLUMBING CODE

Sections:

16-4-101. Adoption of the International Plumbing Code.
16-4-102. Definition.
16-4-103. Inspection and Approval of Certain Plumbing Systems.

## 16-4-101. ADOPTION OF THE INTERNATIONAL PLUMBING CODE.

(1) For the purpose of providing minimum requirements and standards for the protection of the public health, safety and welfare by regulation the erection, installation, alteration, addition, repair, relocation, replacement, and maintenance or use of any plumbing system, the entire 2015 edition of the International Plumbing Code, including any amendments that have been or may be made by the State of Utah, is hereby adopted as promulgated by the International Code Council. The International Plumbing Code is hereby fully incorporated, as adopted above, as if set out at length herein, and from the effective date of this Chapter, the provisions thereof shall be controlling within the corporate limits of the City.

(2) Pursuant to Section 10-3-711, Utah Code Annotated, 1953 as amended, one copy of the International Plumbing Code has been filed for use and examination by the public in the City Recorder's Office.

**(Ord. No. 92-09 Amended 02/21/1992; Ord. No. 97-72 Amended 01/01/1998; Ord. No. 02-13 Amended 02/05/2002; Ord. No. 04-11 Amended 01/20/2004; Ord. No. 07-06 Amended 1/16/2007; Ord. No. 10-18 Amended 7/6/2010; Ord. No. 13-25 Amended 07/02/2013; Ord. No. 16-17 Amended 05/13/2016)**

## 16-4-102. DEFINITION.

Whenever the words Administrative Authority are used in the International Plumbing Code, they shall mean the Building Inspection Division of the West Valley City Community and Economic Development Department.

**(Ord. No. 97-72 Amended 01/01/1998; Ord. No. 02-13 Amended 02/05/2002)**

## 16-4-103. INSPECTION AND APPROVAL OF CERTAIN PLUMBING SYSTEMS.

For the purpose of this Chapter, any portion of a plumbing system defined in the International Plumbing Code as the building sewer or water service pipe shall be inspected and approved by the City, or at the City's discretion, by the local sewer and water improvement district servicing the property, prior to issuance of a final occupancy permit.

**(Ord. No. 03-09 Added 02/11/2003)**

# CHAPTER 16-5
# THE NATIONAL ELECTRICAL CODE

Sections:

16-5-101. Adoption of the National Electrical Code.

## 16-5-101. ADOPTION OF THE NATIONAL ELECTRICAL CODE.

(1) For the purpose of safeguarding persons and property from hazards arising from the use of electricity, the entire 2014 edition of the National Electrical Code is hereby adopted as promulgated by the National Fire Protection Association, including any amendments that have been or may be made by the State of Utah. The National Electrical Code, as adopted above, is hereby fully incorporated as if set out at length herein, and from the effective date of this Chapter the provisions thereof shall be controlling within the corporate limits of the City.

(2) Pursuant to Section 10-3-711, Utah Code Annotated, 1953 as amended, one copy of the National Electrical Code has been filed for use and examination by the public in the City Recorder's Office prior to its adoption and, thereafter, at least one copy shall be in the City Recorder's Office at all times.

**(Ord. 04-05, Amended, 01/20/2004; Ord. 02-13, Amended, 02/05/2002; Ord. No. 90-19, Amended, 05/15/90; Ord. No. 93-58, Amended, 09/29/93; Ord. No. 07-06, Amended 1/16/2007; Ord. No. 09-02, Amended 1/26/2009; Ord. No. 12-16, Amended 07/01/2012; Ord. No. 16-17 Amended 05/13/2016)**

# CHAPTER 16-6
# INTERNATIONAL FIRE CODE

Sections:

16-6-101. Adoption of International Fire Code.
16-6-102. Definitions.
16-6-103. Amendments Made to the International Fire Code.
16-6-104. Fire/Hazardous Materials Emergency Expense Recovery.
16-6-105. Gates / Fire Access.

## 16-6-101. ADOPTION OF INTERNATIONAL FIRE CODE.

(1) For the purpose of prescribing regulations governing conditions hazardous to life and property from fire and explosion, the entire 2012 edition of the International Fire Code ("IFC"), including the International Fire Code Standards, is hereby adopted as recommended by the International Code Council and the International Conference of Building Officials, including Appendices B-J thereof but not Appendix "A", with such deletions, modifications, exceptions, and amendments as set forth below. The IFC, as adopted above, is hereby fully incorporated as if set out at length herein, and from the effective date of this Chapter, the provisions thereof shall be controlling within the corporate limits of the City.
(2) Pursuant to Section 10-3-711, Utah Code Annotated, 1953 as amended, three copies of the Code have been filed for use and examination by the public in the office of the City Recorder prior to the adoption of this Ordinance.

**(Ord. No. 91-32 Amended 01/01/1992; Ord. No. 95-17 Amended 04/07/1995; Ord. No. 02-22 Amended 04/02/2002; Ord. No. 07-14 Amended 2/6/2007; Ord. No. 10-28 Amended 09/27/2010; Ord. No. 13-26 Amended 07/11/2013)**

## 16-6-102. DEFINITIONS.

(1) Wherever the word Jurisdiction is used in the International Fire Code, it shall be held to mean West Valley City, Utah.
(2) Wherever the words Bureau or Department of Fire Prevention are used, they shall be held to mean the Fire Prevention Division of the West Valley City Fire Department.
(3) Intentionally Caused Fire/Hazardous Materials Emergency means a fire/hazardous materials deliberately or recklessly set or caused by any person or entity and which presents a direct and immediate threat to property or public safety and requires immediate action to mitigate the threat.
(4) Negligently Caused Fire/Hazardous Materials Emergency means a fire/hazardous materials caused by the negligence of any person or entity and which presents a direct and immediate threat to property or public safety and requires immediate action to mitigate the threat.
(5) Hazardous Materials are those chemicals or substances which are physical hazards or health hazards as defined and classified in Chapter 27 of the International Fire Code, whether the materials are in usable or waste condition.
(6) Hazardous Materials Emergency means a sudden and unexpected release of any substance that because of its quantity, concentration or physical, chemical or infectious characteristics presents

a direct and immediate threat to public safety or the environment and requires immediate action to mitigate the threat.

(7) Expenses means the actual labor costs of government and volunteer personnel including workers' compensation benefits, fringe benefits, administrative overhead, costs of equipment, costs of equipment operation, costs of materials, costs of disposal, the cost of any contract labor, equipment or materials, and the similar costs incurred by West Valley City or any assisting agencies.

(8) Person, for the purposes of this Chapter, shall mean a natural person, heirs, executors, administrators or assigns and also include a firm, partnership or corporation or its successors or assigns or the agent of the person.

**(Ord. No. 91-32 Amended 01/01/1992; Ord. No. 93-15 Amended 03/19/1993; Ord. No. 02-22 Amended 04/02/2002)**

## 16-6-103. AMENDMENTS MADE TO THE INTERNATIONAL FIRE CODE.

The International Fire Code is amended and changed in the following respects:

(1) Section 501.3.1 Construction documents corrected is amended by adding the following: Construction documents for fire apparatus access, location of fire lanes, construction documents of structures and hydraulic calculations for fire suppression systems which have been reviewed, corrected and issued shall be followed. A set of stamped documents shall be at the job site during construction.

(2) Section 503.1.1 Building and facilities is amended to read as follows: Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed, occupied, or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45,720 mm) of all portions of the facility or any portion of the exterior wall of the first story of the building as measured by an approved route around the exterior of the facility.
Approved fire apparatus access roads shall be a driving surface designed and maintained to support the imposed loads of fire apparatus, as approved by the City Engineer.

(3) Section 503.4 Obstruction of fire apparatus access roads is amended by adding sections 503.4.2, 503.4.3, 503.4.4, 503.4.5, and 503.4.6 as follows:

503.4.2 Owner or lessee of land. No owner or lessee of the land, or proprietor, partner, officer, director, manager, or agent of any business or other activity carried on upon the land shall, after receiving notice thereof, permit or otherwise allow, and no person shall cause activity, practice, or condition to occur or exist, or continue to exist, upon said land which lessens, obstructs, or impairs the access required to be maintained by this code.

503.4.3 Prohibited vehicle parking. If in the judgment of the Fire Chief, it is necessary to prohibit vehicle parking along private access ways in order to keep them clear and unobstructed, he may require the owner, lessee, or other person in charge of the premises to paint the curbs red, install signs, or give other appropriate notice to the effect that parking is prohibited by the Fire Department. It shall thereafter be unlawful for such owner, lessee, or other person in charge to fail to install and maintain in good condition the form of notice prescribed. When such areas are marked or signed as provided herein, no person shall park or leave standing a vehicle adjacent to any such curb marking or contrary to such sign.

503.4.4 Vehicle stopped, standing parked or unattended. Any vehicle stopped, standing, parked, or unattended so as to obstruct any fire apparatus access road or posted fire lane is hereby declared to be a nuisance. Any vehicle declared to be a nuisance by the

provisions of this ordinance may be summarily abated by removing such vehicle under direction or at the request of the Fire Chief, Fire Marshal, or a police officer of the City to a place of storage within the City by means of towing or otherwise.

503.4.5 Vehicle to be impounded. Any police officer who has caused a vehicle to be impounded pursuant to this ordinance shall immediately send a written report of such removal to the State Tax Commission, Motor Vehicle Division, which report shall include a description of the vehicle; date, time, and place of removal; the grounds for removal; and the name of the garage or place where the vehicle is stored. Upon receipt of a report as provided, the State Tax Commission, Motor Vehicle Division, shall attempt to notify the registered owner of the vehicle or any lien holder, giving the grounds for removal and the name of the garage or place where the vehicle is stored. If the vehicle is not registered in the State, the State Tax Commission, Motor Vehicle Division, shall make reasonable effort to notify the registered owner or lien holder of the removal and the location of the vehicle. The State Tax Commission, Motor Vehicle Division, shall forward a copy of the notice to the owner, or person in charge of the garage or place where the vehicle is stored.

503.4.6 Vehicle not reclaimed. If the vehicle is not reclaimed by the registered owner, or any lien holder within 30 days after actual notice or reasonable attempt to give notice to the registered owner or any lien holder, the vehicle may be sold as provided by State law.

(4) Section 507 Fire Protection Water Supplies is amended by adding sections 507.2.1.1, 507.2.1.2, 507.2.1.3, 507.2.1.4 and 507.3.1 as follows:

507.2.1.1 Water main diameter for fire hydrants and supply. Water mains shall not be smaller than eight inches inside diameter.

507.2.1.2 Lateral water pipe size for suppression systems. Lateral water supply piping for fire suppression systems shall be hydraulically calculated for size but not smaller than six inches inside diameter.

507.2.1.3 Water mains serving special occupancies. Water mains serving fire suppression system for a high rise structure, assembly structure, institutional structure, or a structure housing hazardous materials shall not be served by a dead end water main.

507.2.1.4 Dead end water mains. Dead end water mains of eight inches inside diameter shall not be longer than 250 feet and may serve a maximum of two fire hydrants in residential areas.

507.3.1 Additional fire flow requirements for fire protection systems. A reduction in required fire flow of fifty percent may be given upon approval of the Fire Marshal when the resulting fire flow for outside hose stream is not less than 1,500 gallons per minute (5677.5 L/min.), for a duration of not less than 2 hours.

(5) Section 507.5 Fire hydrant systems is amended by rewriting section 507.5.1 and adding sections 507.5.7, 507.5.8, 507.5.8.1, 507.5.8.2 507.5.9 and 507.5.10 as follows:

507.5.1 Where required is amended to read as follows: When a portion of a facility or building hereafter constructed, occupied, or within the jurisdiction is more than 250 feet from a fire hydrant adjacent to a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants may be required by the Division of Fire Prevention.

507.5.7 Fire Department Connection. When a structure is equipped with a water suppression system, an approved fire hydrant shall be installed within 100 feet of the fire department connection.

507.5.8 Fire hydrants installation height. Fire hydrants shall be installed so that the center line of the lowest cap is not closer than 18 inches from the ground.

507.5.8.1 Fire hydrants installation to the curb. The distance from the curb to the center line of the operating stem shall not be greater than 15 feet.

507.5.8.2 Fire hydrants installation from a structure. Fire hydrants shall not be installed closer than 30 feet from any structure.

507.5.9 Type of fire hydrant. Fire hydrants shall be a minimum of six inch dry barrel type, equipped with a control valve and drain valve at the base. An independent control valve shall be installed between the fire hydrant and the water main supply. The outlet ports shall be equipped with male, national standard thread (NST), and sized in the following manner: one 4 ½ inch and two 2 ½ inch.

507.5.10 Fire hydrants on major thoroughfares. Streets, boulevards, and highways, which are comprised of four or more travel lanes shall have fire hydrants placed every 500 feet, on alternating sides of the street, boulevard or highway.

507.5.11 Fire hydrants on berms. Berm hydrant installations shall have a hydrant clearance of not less than three (3) feet from end of hydrant cap and shall be surrounded by an engineered retaining wall of cement or block materials.

(6) Section 903.1.2 Residential systems is amended by rewriting this section as follows: Unless specifically allowed by this code, residential sprinkler systems installed in accordance with National Fire Protection Association (NFPA) 13R shall not be recognized for the purposes of exceptions described in this section.

(7) Section 903.2.7 Group R-1, Section 903.2.8 Group R-2, Section 903.2.9 Group R-4 and section 903.2.11 Group S-2, are amended by deleting their exceptions.

(8) Section 903.3.1.1 NFPA 13 sprinkler systems is amended to read as follows:

a. Where the provisions of this code require that a building or portion thereof be equipped throughout with an automatic sprinkler system, sprinklers shall be installed throughout in accordance with NFPA 13 except as provided in sections 903.3.1.1.1 and 903.3.1.3.

b. A working space of not less than thirty-six (36) inches in depth shall be provided around all sprinkler risers. This space shall continue from floor to ceiling uninterrupted. No storage of any materials shall be located within the designated space.

(9) Section 903.3.1.1.1 Exempt locations is amended to read as follows: Automatic sprinklers shall not be required in the following rooms or areas where such rooms or areas are protected by an approved fire extinguishing system that is not adverse when applied to the rooms contents, and approved fire detection system in accordance with section 907.2 that will respond to visible or invisible particles of combustion. Sprinklers shall not be omitted from a room merely because it is damp, of fire-resistance-rated construction, or contains electrical equipment.

(10) Section 903.3.1.2 has been amended to read as follows:

903.3.1.2 In structures provided with a particle sprinkler system. When a structure is provided with an approved sprinkler system as required in section 903.3.1.1, the exits shall be protected in the same manner until the exit discharge.

(11) Section 906.11 Prohibited types of fire extinguishers is added to read as follows: Vaporizing liquid extinguishers containing carbon tetrachloride or chlorobromoethane shall not be installed or used in any location for fire protection use.

(12) Section 906.12 Sale of defective fire extinguishers is added to read as follows: Fire extinguishers which are not approved, are damaged, or are not in proper working order, or the contents of which do not meet the requirements of this code, shall not be sold or traded.

(13) Section 907.6 Wiring is amended by adding the following at the end of the section: Class “A” wiring for initiating and alarm signal devices shall be used.

(14)Section 908.7, Carbon Monoxide Alarms, is deleted and rewritten as follows: Carbon monoxide alarms shall be installed on each habitable level of a dwelling unit or sleeping unit in Residential Group R-4 that is equipped with fuel burning appliances.

(15)Section 1005.3.2.4 Stairway floor numbering signs is amended by adding sections 1005.3.2.4.1 through 1005.3.2.4.6 as follows:

1005.3.2.4.1 Sign details, size. Signs shall be a minimum 12 inches (305 mm) by 12 inches (305 mm).

1005.3.2.4.2 Sign details, stairway location. The stairway location, such as STAIR 1 or WEST STAIR, shall be placed at the top of the sign in 1-inch (25.4 mm) block lettering with 1/4-inch (6.4 mm) stroke.

1005.3.2.4.3 Sign details, upper terminus. The stairway's upper terminus, such as ROOF ACCESS or NO ROOF ACCESS, shall be placed under the stairway location in 1-inch-high (25.4 mm) block lettering with 1/4-inch (6.4 mm) stroke.

1005.3.2.4.4 Sign details, floor level number. The floor level number shall be placed in the middle of the sign in 5-inch-high (127 mm) lettering with 3/4-inch (19.1 mm) stroke. The mezzanine levels shall have a letter "M" preceding the floor number. Basement levels shall have the letter "B" preceding the floor number.

1005.3.2.4.5 Sign details, lower terminus. The lower terminus of the stairway shall be placed at the bottom of the sign in 1-inch-high (25.4 mm) block lettering with 1/4-inch (6.4 mm) stroke.

1005.3.2.4.6 Sign maintenance. Signs shall be maintained in an approved manner.

(16)Appendix Section D103.6.3 Roads shall be distinguished is added to read as follows: When fire apparatus access is required as stated in sections D103.6.1 and D106.2, access shall be indicated by both signs, as stated in section D103.6, and by red painted curbs.

**(Ord. No. 90-16 Amended 05/09/1990; Ord. No. 91-32 Amended 01/01/1992; Ord. No. 95-17 Amended 04/07/1995; Ord. No. 00-22 Amended 04/17/2000; Ord. No. 02-22 Amended 04/02/2002; Ord. No. 03-74 Amended 11/18/2003; Ord. No. 08-18 Amended 3/25/2008; Ord. No. 13-26 Amended 07/11/2013; Ord. No. 14-21 Amended 04/15/2014)**

## 16-6-104. FIRE/HAZARDOUS MATERIALS EMERGENCY EXPENSE RECOVERY.

Recovery Authorization and Procedure.

(1) This City is hereby empowered to recover expenses from any person or business whose intentional or negligent act caused the City and/or assisting agencies to incur any undue expenses directly associated with responding to an intentionally or negligently caused fire, rescue or hazardous materials emergency. These expenses shall be collected as follows:
   a. The City shall determine responsibility for the emergency and notify the responsible party in person or by mail of the City's determination of responsibility and the expenses to be recovered.
   b. The notice shall specify that the determined responsible party may appeal the City's determination, in writing, to the City Manager, who may designate a committee to hear the appeal as follows:
      i. The committee shall consist of one city council member, one business representative, and one citizen; and
      ii. The committee shall be chaired by a hearing officer who shall conduct the appeal process but who shall not participate in the recommendation.

c. Any appeal must be filed, in writing, with the City Manager not more than fifteen (15) days from the date the notice was received by the determined responsible party.
d. Following the hearing, the committee shall make a recommendation to the City Manager, who shall issue a final decision assessing responsibility and expenses.

(2) Payment Does Not Admit Liability.
a. The payment of expenses determined owing under this chapter does not constitute an admission of liability or negligence in any legal action for damages.

(3) Action to Recover Expenses.
a. Subsequent to a final decision of the City Manager, pursuant to this Section, and upon certification of expenses by the Fire Chief to the City Manager, the City Manager may authorize the Finance Director to recover the expenses directly associated with responding to a fire/hazardous materials emergency from those persons determined by the City Manager to have directly or indirectly caused the emergency expenses.
b. In the event the person(s) determined to be responsible for the payment of intentional or negligently caused fire/hazardous materials emergency expenses fail(s) to make payment to the City and/or assisting agencies within thirty (30) days after a determination of any appeal to the City Manager, or thirty (30) days from the deadline for appeal in the event no appeal is filed, the City and/or assisting agency may initiate legal action to recover from the determined responsible person(s) the expenses determined to be owing, including the reasonable attorney's fees and costs of such recovery.

**(Ord. No. 90-31 Enacted 07/30/1990; Ord. No. 91-32 Amended 01/01/1992; Ord. No. 93-15 Amended 03/19/1993; Ord. No. 02-22 Amended 04/02/2002)**

## 16-6-105. GATES / FIRE ACCESS.

(1) Purpose. The purpose of this Section is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the use of manual and automatic gates limiting vehicular access on property both private and public within the City.

(2) Gates Generally.
a. The cost of the gate, gate maintenance, and required equipment for proper operation are the sole responsibility of the owner.
b. All gates shall have an approach lane that is a minimum of 72 feet in depth as measured from the opening device to the sidewalk of the street which serves the entrance.
c. The approach lane, including the gates when open, shall have a clear width of 20 feet as measured from edge of road to edge of road and a clear vertical height of 13 feet 6 inches.
d. Approach lanes shall be provided with a means to remove snow away from the back of the gate when the gate is in the open position.

(3) Automated Gate Operation.
a. Automated gates are gates that are provided with operating motors or an automatic opening device to open and close. Automated gates shall be equipped with the following:
i. Fire department access Knox box or Knox switch to operate the gate.
ii. An approved safety feature that will allow the gate to remain in an open position until the fire department returns the gate to normal operation. The gate, once activated to open, shall not close or shall be provided with a fail-safe

device that will reopen when the gate meets with one pound of resistance for a period of four seconds while in a closing mode.

iii. The operation of the gate and the above features shall be properly maintained by the property owner.

(4) Manual Gate.

a. Manual gates are gates without operating motors or an automatic opening device. Manual gates shall be equipped with the following:

i. An approved fire department access Knox box with a key for the lock or Knox lock to open the gate. The Division of Fire Prevention shall determine which of the two items are acceptable in a particular situation.

**(Ord. No. 01-23 Enacted 05/03/2001; Ord. No. 02-22 Amended 04/02/2002)**

# CHAPTER 16-7
# LIFE SAFETY CODE

Sections:
16-7-101. Adoption of Life Safety Code.
16-7-102. Definition.

## 16-7-101. ADOPTION OF LIFE SAFETY CODE.

(1) For the purpose of establishing minimum requirements that will provide a reasonable degree of safety from fire in certain buildings and structures, the 2006 edition of the Life Safety Code, as promulgated by the National Fire Protection Association is hereby adopted and shall apply only to the following occupancies:
    a. Hospitals;
    b. Nursing homes;
    c. Convalescent homes;
    d. Old aged homes;
    e. Residential facilities for handicapped persons;
    f. Nurseries;
    g. Day care centers; and
    h. Preschools.
    i. The Life Safety Code is hereby fully incorporated as if set out at length herein, and from the effective date of this Chapter, the provisions thereof shall be controlling with the corporate limits of the City.
(2) Pursuant to Section 10-3-711, Utah Code Annotated, 1953 as amended, three copies of the Life Safety Code have been filed for use and examination by the public in the City Recorder's Office prior to its adoption and, thereafter, at least one copy shall be in the City Recorder's Office at all times.

**(Ord. No. 07-15 Amended 02/06/2007)**

## 16-7-102. DEFINITION.

Whenever the words Authority Having Jurisdiction are used, they shall mean the Fire Prevention Division of the West Valley City Fire Department and the Building Division of the West Valley City Community Development Department. For purposes of making discretionary decisions authorized by the Life Safety Code, the Building Division shall make such decisions under the direction of the Fire Prevention Division.

# CHAPTER 16-8
# APPEALS PROCEDURE AND ENFORCEMENT

Sections:

16-8-100P Part 1—Appeals Procedure
16-8-101. Appeals Board.
16-8-102. Appointment of the Appeals Board.
16-8-103. Organization of the Appeals Board.
16-8-104. Powers of Appeals Board.
16-8-105. Appeals from the Appeals Board.
16-8-200P Part 2—Enforcement
16-8-201. Powers and Duties of the Building Inspection Division.
16-8-202. Powers and Duties of the Fire Inspector.
16-8-203. Penalties.
16-8-204. Enforcement.

## 16-8-100P PART 1—APPEALS PROCEDURE

**(Ord. No. 99-37 Amended 07/07/1999)**

## 16-8-101. APPEALS BOARD.

There shall be one Appeals Board for the State Construction Code and all of the Uniform Codes in this Title that make provisions for such a Board.

**(Ord. No. 10-18 Amended 7/6/2010)**

## 16-8-102. APPOINTMENT OF THE APPEALS BOARD.

(1) The City Manager may appoint a five-member Appeals Board. The terms of the members of the Board shall be on a case-by-case basis or for such terms as the City Manager shall designate.
(2) Any vacancies shall be filled for the unexpired term of any member whose office becomes vacant.

## 16-8-103. ORGANIZATION OF THE APPEALS BOARD.

(1) The Appeals Board shall elect a chairman and vice-chairman from among themselves.
(2) The Appeals Board may adopt rules of policy and procedure for the governing of meetings, its members and the performance of its duties.

## 16-8-104. POWERS OF APPEALS BOARD.

The Appeals Board shall have only those powers expressly set forth in the State Construction Code and the Uniform Codes under which it is acting.

**(Ord. No. 10-18 Amended 7/6/2010)**

## 16-8-105. APPEALS FROM THE APPEALS BOARD.

Either the City or the other party may appeal any decision of the Appeals Board to the District Court. Such appeal shall be taken within 30 days of the rendering of a written decision by the Board.

## 16-8-200P PART 2—ENFORCEMENT

**(Ord. No. 99-37 Added 07/07/1999)**

## 16-8-201. POWERS AND DUTIES OF THE BUILDING INSPECTION DIVISION.

(1) The Building Inspection Division is hereby authorized to inspect or cause to be inspected all buildings and structures in the course of construction, modification, use or repair.
(2) The Building Inspection Division shall enforce all of the provisions of this Title with the exception of Chapter 16-6, employing all legal means available to do so. The Chief Building Official is also an enforcement official and may designate any other division employee as an enforcement official.
(3) Any employee designated as an enforcement official is authorized to enter upon any property or premises to ascertain whether the provisions of the State Construction Code and any applicable City or state codes; or any conditions imposed by the Planning Commission, Board of Adjustment, or the Planning and Zoning Division are being obeyed and to make any examinations and surveys as may be necessary in the performance of the employee's enforcement duties. This may include the taking of photographs, samples, or other physical evidence.
(4) All inspections, entries, examinations, and surveys shall be done in a reasonable manner based upon cause. If the property owner or person responsible for the property refuses to allow the employee to enter the property, the employee may obtain and execute a search warrant. The Building Inspection Division may suspend or delay action on a building permit or other necessary approval if the person responsible for the property refuses to allow an inspection.

**(Ord. No. 99-37 Enacted 07/07/1999; Ord. No. 10-18 Amended 7/6/2010)**

## 16-8-202. POWERS AND DUTIES OF THE FIRE INSPECTOR.

(1) The Fire Prevention Division is hereby authorized to inspect or cause to be inspected all occupancies for life and fire safety purposes and buildings, structures, and property in the course of construction, modification or repair.
(2) The Fire Prevention Division shall enforce the provisions of Chapters 1-2-105, 16-6, 16-7, and 17-24 of this Code employing all legal means available to do so. The Fire Marshal shall be the Fire Department enforcement official. The Fire Marshal may designate any other Division employee as an enforcement official.
(3) Any employee designated as an enforcement official is authorized to enter upon any property or premises to ascertain whether the provisions of the Uniform Fire Code or any applicable City or state codes are being obeyed and to make any examinations and surveys as may be necessary in the performance of the Fire Marshal and/or Senior Fire Inspector's enforcement duties. This may include the taking of photographs, samples, or other physical evidence.
(4) All inspections, entries, examinations, and surveys shall be done in a reasonable manner based upon cause. If the property owner or person responsible for the property refuses to allow

entrance onto the property, the Fire Marshal and/or Senior Fire Inspector may obtain and execute a search warrant. The Fire Marshal and/or Senior Fire Inspector may also suspend or delay action on a building permit or other necessary approval if the person responsible for the property refuses to allow an inspection.

**(Ord. No. 99-37 Enacted 07/07/1999; Ord. No. 00-49 Amended 08/23/2000)**

## 16-8-203. PENALTIES.

Unless otherwise provided herein or by state or federal law, a violation of this Title shall be a Class B misdemeanor. Each day that the violation is committed or permitted to continue shall constitute a separate offense, and shall be punishable as such.

**(Ord. No. 99-37 Enacted 07/07/1999)**

## 16-8-204. ENFORCEMENT.

Unless otherwise provided, this Title may be enforced through the Administrative Code Enforcement Hearing Program established in Title 10 of the City Code, or by filing civil or criminal actions as provided by law. The City has sole discretion to decide whether to file a civil or criminal case for a violation. The City may file both, or one or the other. The possibility of an administrative remedy pursuant to Title 10 shall in no way interfere with the City's right to prosecute violations of this Title as criminal offenses, or to seek any civil remedy to enjoin, prevent, or abate the violation. The City may use any of the remedies available under the law in both civil litigation and criminal prosecution. If the City chooses to file both civil and criminal charges for the same violation on the same day, no civil fines shall be assessed, but all other remedies shall be available.

**(Ord. No. 99-37 Enacted 07/07/1999)**

# CHAPTER 16-9
# FIT PREMISES

Sections:

16-9-101. Short Title.
16-9-102. Exclusions from Application of Chapter.
16-9-103. Identification of Owner and Agents.
16-9-104. Property Owner to Deliver Possession of Dwelling Unit.
16-9-105. Property Owner to Maintain the Premises and Each Dwelling Unit.
16-9-106. Tenant to Maintain Dwelling Unit.
16-9-107. Rules and Regulations.
16-9-108. Access.
16-9-109. Property Owner and Tenant Remedies for Abuse of Access.
16-9-110. Failure to Deliver Possession.
16-9-111. Repair of Specified Failures.
16-9-112. Tenant Repair and Deduct.
16-9-113. Retaliatory Conduct Prohibited.

## 16-9-101. SHORT TITLE.

This Chapter shall be known as the "West Valley City Fit Premises" ordinance. This Chapter shall also be known as Chapter 9, Title 16 of the West Valley City Code. It may be cited and pleaded under either designation.

**(Ord. No. 93-67 Enacted 02/01/1994)**

## 16-9-102. EXCLUSIONS FROM APPLICATION OF CHAPTER.

The following arrangements are not governed by this Chapter:

(1) Residence at a detention, medical, geriatric, educational, counseling, or religious institution;
(2) Occupancy under a contract of sale of a dwelling unit if the occupant is the purchaser;
(3) Occupancy by a member of a fraternal or social organization in a building operated for the benefit of the organization;
(4) Transient occupancy in a hotel or motel (or lodgings subject to Utah Code Section 59-12-301, UCA), except that single room occupancy units ("SRO") shall be governed by this Chapter. SRO means an existing housing unit with one combined sleeping and living room of at least 70 square feet, but of not more than 220 square feet, where the usual tenancy or occupancy of the same unit by the same person or persons is for a period of longer than one week. Such units may include a kitchen and a private bath; and
(5) Occupancy by an owner of a condominium unit.

**(Ord. No. 93-67 Enacted 02/01/1994)**

## 16-9-103. IDENTIFICATION OF OWNER AND AGENTS.

(1) A property owner or any person authorized to enter into an oral or written rental agreement on the property owner's behalf shall disclose to the tenant, in writing, at or before the commencement of the tenancy, the name, address, and telephone number of:
    a. The owner or person authorized to manage the premises; and
    b. A local person authorized to act for and on behalf of the owner for the purpose of receiving notices and demands and performing the property owner's obligations under this Chapter and the rental agreement if the owner or manager resides outside of Salt Lake County.
(2) A person who enters into a rental agreement and fails to comply with the requirements of this Section becomes an agent of the property owner for the purposes of:
    a. Receipt of notices under this Chapter; and
    b. Performing the obligations of the property owner under this Chapter and under the rental agreement.
(3) The information required to be furnished by this Section shall be kept current. This Section is enforceable against any successor property owner, owner, or manager.
(4) Every rental property with more than one unit rented without a written agreement shall have a notice posted in a conspicuous place with the name, address, and telephone number of the owner or manager and local agent as required by subsection (1) of this Section.

**(Ord. No. 93-67 Enacted 02/01/1994)**

## 16-9-104. PROPERTY OWNER TO DELIVER POSSESSION OF DWELLING UNIT.

(1) At the commencement of any rental of a unit, the property owner shall provide to the tenant:
    a. A written summary of this ordinance and an inventory of the condition of the premises and all appliances and furnishings. The City shall prepare and make available a written summary of this ordinance that fairly sets forth its material provisions.
    b. A copy of the lease or rental agreement and rules and regulations, if written.
    c. Any current notice by any utility provider to the property owner to terminate water, gas, electrical, or other utility service to the dwelling unit; the proposed date of termination; and any current uncorrected deficiency list or notice from any government entity.
(2) By explicit written agreement, a property owner and a tenant may establish a procedure whereby the tenant notifies the property owner of needed repairs, makes those repairs, and deducts the cost of the repairs from the rent due and owing.
(3) A property owner may allocate any duties to the tenant by explicit written agreement. Such agreement must be clear and specific and boxed, in bold type, or underlined.
(4) If the property owner fails to deliver possession of the dwelling unit to the tenant as promised in the rental agreement, rent abates until possession is delivered, and the tenant may terminate the rental agreement by written notice to the property owner and recover all prepaid rent and security deposits, as well as the greater of $100 or actual damages, and reasonable attorney's fees.

**(Ord. No. 93-67 Enacted 02/01/1994)**

## 16-9-105. PROPERTY OWNER TO MAINTAIN THE PREMISES AND EACH DWELLING UNIT.

A property owner shall:

(1) Comply with the requirements of applicable building, housing, and health codes and City ordinances and not rent the premises unless they are safe, sanitary, and fit for human occupancy;
(2) Maintain the structural integrity of the building;
(3) Maintain floors in compliance with safe load-bearing requirements;
(4) Provide exits, emergency egress, light, and ventilation in compliance with applicable codes;
(5) Maintain stairways, porches, walkways, and fire escapes in sound condition;
(6) Provide smoke detectors and fire extinguishers as required by code;
(7) Provide operable sinks, toilets, tubs, and/or showers;
(8) Provide heating facilities as required by code;
(9) Provide kitchen facilities as required;
(10) Provide running water;
(11) Provide adequate hall and stairway lighting;
(12) Maintain floors, walls, and ceilings in good condition;
(13) Supply window screens where required by code;
(14) Maintain the foundation, masonry, chimneys, water heater, and furnace in good working condition;
(15) Prevent the accumulation of stagnant water;
(16) Maintain in good and safe working order and condition all electrical, plumbing, sanitary, heating, ventilating, air conditioning, and other facilities and appliances supplied by the property owner as required by applicable codes;
(17) Supply electricity and hot water at all times, and heat during at least the months of October through April and as weather conditions might otherwise reasonably warrant, except where the dwelling unit is so constructed that electricity, heat, or hot water is within the exclusive control of the tenant and supplied by a direct public utility connection;
(18) Assure that the premises are free of insects and rodents, and be responsible for pest control measures when necessary;
(19) Not interrupt or disconnect utility service;
(20) Provide adequate locks to exterior doors and furnish keys to tenants as required by applicable codes;
(21) Maintain the dwelling unit in a reasonably insulated and weather tight condition as required by the Building and Housing and Utah State Energy Conservation Codes;
(22) Provide for and protect each tenant's peaceful enjoyment of the premises;
(23) Insure that repairs, decorations, alterations, or improvements or exhibiting the dwelling unit shall not unreasonably interfere with the tenant's right to quiet enjoyment of the premises;
(24) Provide a mailbox;
(25) Provide separate meters for each tenant for gas and electricity or include charges for utility services in the rent; and
(26) Provide and maintain appropriate garbage receptacles and arrange for timely garbage removal as required by Code.

**(Ord. No. 93-67 Enacted 02/01/1994)**

## 16-9-106. TENANT TO MAINTAIN DWELLING UNIT.

A tenant shall:

(1) Comply with all appropriate requirements of the rental agreement and applicable provisions of building, housing, and health codes;
(2) Maintain the premises occupied in a clean and safe condition and not unreasonably burden any common area;
(3) Dispose of all garbage and other waste in a clean and safe manner;
(4) Maintain all plumbing fixtures in as sanitary a condition as the fixtures permit and avoid obstructing sinks, toilets, tubs, showers, and other plumbing drains;
(5) Use all electrical, plumbing, sanitary, heating, and other facilities and appliances in a reasonable manner;
(6) Not destroy, deface, damage, impair, or remove any part of the premises or knowingly permit any person to do so;
(7) Promptly inform the property owner of any defective conditions or problems at the premises;
(8) Not interfere with the peaceful enjoyment of the residential rental unit of another renter or adjacent property owner;
(9) Upon vacation, restore the premises to their initial condition except for reasonable wear and tear or conditions caused by the property owner;
(10) Be current on all payments required by the rental agreement and this Chapter;
(11) Not increase the number of occupants above that specified in the rental agreement without written permission of the owners;
(12) Not modify or paint the premises without the express written permission of the property owner/agent;
(13) Dispose of oil, car batteries, and other hazardous waste materials away from the rental premises and in a manner prescribed by federal and local laws; and
(14) Not require the owner to correct or remedy any condition caused by the renter, the renter's family, or the renter's guests or invitees by inappropriate use of the property during the rental term or any extension of it.

**(Ord. No. 93-67 Enacted 02/01/1994)**

## 16-9-107. RULES AND REGULATIONS.

A property owner may adopt rules or regulations concerning the tenant's use and occupancy of the premises, which become a part of the rental agreement, if they apply to all tenants in the premises in a nondiscriminatory manner; do not conflict with the lease, state law, or City ordinance; and are provided to the tenant before the tenant enters into the rental agreement. Rules, regulations, or lease terms can, by agreement between the parties, be more favorable to the tenant than allowed by state law or City ordinance, but cannot be more restrictive. Rules may be modified from time to time by the property owner. However, no rule adopted after the commencement of any rental agreement shall substantially modify the existing terms, conditions, or rules without written consent of the tenant.

**(Ord. No. 93-67 Enacted 02/01/1994)**

## 16-9-108. ACCESS.

(1) A tenant shall not unreasonably withhold consent to the property owner to enter into the dwelling unit in order to make necessary or agreed inspections, repairs, decorations, alterations, or improvements; or exhibit the dwelling unit to prospective purchasers, tenants, or work people.
(2) A property owner may enter the dwelling unit without consent of the tenant only in cases of emergency.
(3) Except in cases of emergency, the property owner shall give the tenant at least 24 hours notice of plans to enter, and may enter only between 8 a.m. and 8 p.m.
(4) A property owner has no other right of access except:
    a. Pursuant to court order;
    b. To make repairs requested by the tenant pursuant to Sections 16-9-111 and 16-9-112; or
    c. If the tenant has abandoned the premises as defined in Section 78-36-12(3), UCA, or any successor provision.

**(Ord. No. 93-67 Enacted 02/01/1994)**

## 16-9-109. PROPERTY OWNER AND TENANT REMEDIES FOR ABUSE OF ACCESS.

(1) If the tenant refuses to allow lawful access, the property owner may obtain injunctive relief to compel access or may terminate the rental agreement and commence an eviction action. In either case, the property owner may recover actual damages and reasonable attorney's fees.
(2) If the property owner makes an unlawful entry or makes repeated demands for entry which harass the tenant, the tenant may obtain injunctive relief to prevent the recurrence of the conduct or terminate the rental agreement and vacate the premises. In either case, the tenant may recover the lesser of the actual damages or damages equal to one month's rent and reasonable attorney's fees.

**(Ord. No. 93-67 Enacted 02/01/1994)**

## 16-9-110. FAILURE TO DELIVER POSSESSION.

If the property owner fails to deliver possession of the dwelling unit to the tenant as promised in the rental agreement, rent abates until possession is delivered. Alternatively, the tenant may terminate the rental agreement by written notice of the property owner and recover all prepaid rent and security deposits and actual damages.

**(Ord. No. 93-67 Enacted 02/01/1994)**

## 16-9-111. REPAIR OF SPECIFIED FAILURES.

In the event of the failures specified below, the property owner shall take reasonable steps to begin repairing the failures, within the following specified time periods after receipt of written notice of the failure delivered to the person identified in Section 16-9-103(1)(b), and complete the repairs with reasonable diligence.

(1) Inoperable toilet - 24 hours
(2) Tub, shower, or kitchen and bathroom sink with inoperable drain or no hot or cold water - 48 hours
(3) Inoperable refrigerator or cooking range or stove - 48 hours
(4) Nonfunctioning heating (during a period where heat is reasonably necessary) or electrical system - 24 hours
(5) Inoperable electric fixture - 72 hours
(6) Broken exterior door or inoperable or missing exterior door lock - 48 hours
(7) Broken window with missing glass - 96 hours
(8) Inoperable exterior lighting - 96 hours
(9) Broken stair or balustrade - 24 hours
(10) Inoperable or missing smoke detector required by code - 24 hours
(11) Inoperable required fire sprinkler system (if smoke detectors are not present or operating) - 24 hours
(12) Inoperable required fire sprinkler system (if smoke detectors are installed and operable - 96 hours
(13) Broken or leaking water pipes causing an imminent threat to life, safety, or health - 24 hours
(14) Other broken or leaking water pipes - 72 hours
(15) Disconnection of electrical, water, or natural gas service caused by property owner - 24 hours
(16) The tenant shall grant the property owner reasonable access to perform the repairs required in this Section.

**(Ord. No. 93-67 Enacted 02/01/1994)**

## 16-9-112. TENANT REPAIR AND DEDUCT.

If the property owner fails to begin making the repairs required by Section 16-9-111 within the specified times, and the tenant is current on all rent and other payments to the property owner, the tenant may cause the repairs to be made subject to the following provisions:

(1) Critical Repairs. If the repairs involve an inoperable toilet; lack of heat during a period for which heat is required; broken or leaking water pipes posing an immediate threat to life, safety, or health; a complete lack of running water; or disconnected gas, electric, or water service, the tenant may, upon the expiration of the notice period specified in Section 16-9-111, cause the necessary repairs to be made.
    a. In making such repairs, the tenant must use a licensed contractor if such a licensed contractor is required by applicable building or housing codes.
    b. If a licensed contractor is required for the work, the tenant shall make reasonable efforts to obtain two bids for the work, and, if bids are obtained, shall contract for the work to be done by the lowest bidder.
(2) Noncritical Repairs. If the required repairs are not critical repairs subject to the provisions of subsection (1) of this Section, the tenant, after the expiration of the notice time required by Section 16-9-111, shall give the property owner or property owner's agent identified in Section 16-9-103 a second written notice of intent to repair and deduct. This second notice shall be either delivered and served personally upon the property owner or agent or sent by both certified and regular mail.
    a. The second notice shall state the nature of the problem, the date the tenant sent the first notice required by Section 16-9-111, and the intention of the tenant to cause the

repairs to be done and to deduct the cost from the rent if the property owner does not make the repairs.

b. The property owner shall begin making the required repairs within 48 hours after the hand delivery of the second notice, or by the end of the second calendar day after the date of mailing of the second notice, and complete the repairs with reasonable diligence.
c. If the property owner has not begun the required repairs within the time specified in subsection (2)(b) of this Section, the tenant may cause the repairs to be made.
d. In making such repairs, the tenant must use a licensed contractor if such a licensed contractor is required by applicable building or housing codes.
e. If a licensed contractor is required for the work, the tenant shall make reasonable efforts to obtain two bids for the work, and, if bids are obtained, shall contract for the work with the low bidder.
f. If a licensed contractor is not required for the work, the tenant may do the work on his or her own, or contract for the work to be done at a reasonable cost.

(3) Deductible Amount. For any repairs made pursuant to this Section, the tenant may deduct from future rent the actual and reasonable cost of the repairs performed up to a maximum deduction of $400 per repair; provided, however, the tenant shall furnish all original paid receipts to the property owner. The maximum deduction for any one month shall not exceed $400, regardless of the number or cost of repairs.
(4) Nontermination. The property owner may not terminate the tenant's tenancy for the tenant's deduction of rent for repairs made pursuant to this Section, nor may the property owner terminate the tenancy until the tenant's costs for repairs made under this Section (not to exceed $400 per repair) have been offset by deducted rent.
(5) Tenant Caused Damages. The repair and deduct provisions of this Section shall not be applicable to any damages caused or repairs necessitated by actions of the tenant or the tenant's invited guests or other occupants of the dwelling unit.

**(Ord. No. 93-67 Enacted 02/01/1994)**

## 16-9-113. RETALIATORY CONDUCT PROHIBITED.

(1) Except as provided in this Section and Section 57-22-4, UCA, a property owner may not terminate a rental agreement or bring or threaten to bring an eviction action because the tenant has in good faith:
a. Complained of code violations at the premises to a government agency, elected representative, or public official charged with responsibility for enforcement of a building, housing, health, or similar code;
b. Complained of a building, housing, health, or similar code violation or an illegal property owner practice to a community organization or the news media;
c. Sought the assistance of a community organization or the news media to remedy code violation or illegal property owner practice;
d. Requested that the property owner make repairs to the premises as required by this Chapter, a building or health code, other regulation, or the residential rental agreement.
e. Become a member of a tenant's union or similar organization;
f. Testified in any court or administrative proceeding concerning the condition of the premises; or
g. Exercised any right or remedy provided by law.

(2) If the property owner violates any provision of this Section, the tenant may recover the greater of one month's rent or actual damages, and reasonable attorney's fees.

**(Ord. No. 93-67 Enacted 02/01/1994)**

# CHAPTER 16-10
# UNIFORM HOUSING CODE

Sections:
16-10-101. Adoption of Uniform Housing Code.
16-10-102. Amendments to Uniform Housing Code.

## 16-10-101. ADOPTION OF UNIFORM HOUSING CODE.

(1) For the purpose of providing minimum standards to safeguard life or limb, health, property, and public welfare by regulating and controlling the use and occupancy, location, and maintenance of all residential buildings and structures within the City, the entire 1997 edition of the Uniform Housing Code, as formulated by the International Conference of Building Officials, is hereby adopted with such deletions, modifications, exceptions, and other amendments as set forth in Section 16-10-102 below. The Uniform Housing Code, 1997 Edition, as adopted above, is hereby fully incorporated as if set out herein in its entirety, with the amendments as set forth in Section 16-10-102; and, from the effective date of this Chapter, the provisions thereof shall be controlling within the corporate limits of the City.

(2) Pursuant to Section 10-3-711, Utah Code Annotated 1953, as amended, three copies of the Uniform Housing Code, 1997 Edition, have been filed in the Office of the City Recorder for use and examination by the public prior to adoption of this Chapter, and thereafter, at least one copy shall remain in the Office of the City Recorder, for use and examination by the public.

**(Ord. No. 97-52 Enacted 09/21/1997)**

## 16-10-102. AMENDMENTS TO UNIFORM HOUSING CODE.

The Uniform Housing Code, 1997 Edition, is amended to read as follows:

(1) Section 203 is amended by the addition of subsection (c) as follows:

(c) Board. The housing advisory and appeals board described in this code shall be the appeals board established in Chapter 16-8 of the West Valley City Municipal Code, "Appeals Procedure."

(2) Section 503(b) is amended to read as follows:

(b) Floor Area. Dwelling units and congregate residences shall have at least one room which shall have not less than 120 square feet of floor area. Other habitable rooms, except kitchens, shall have an area of not less than 70 square feet. Where more than two persons 18 years of age or older or three persons under 18 years of age occupy a room used for sleeping purposes, the required floor area shall be increased at a rate of 50 square feet for each additional occupant. EXCEPTION: Nothing in this section shall prohibit the use of an efficiency living unit within an apartment house meeting the following requirements:

1. The unit shall have a living room of not less than 220 square feet of superficial floor area. An additional 100 square feet of superficial floor area shall be provided for each occupant of such unit in excess of two.
2. The unit shall be provided with a separate closet.

3. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches in front. Light and ventilation conforming to this code shall be provided.

4. The unit shall be provided with a separate bathroom containing a water closet, lavatory, and bathtub or shower.

(3) Section 1001(b), "Inadequate Sanitation," is amended by the addition of subsections 16 and 17 as follows:

16. Lack of window screens on all openable windows.

17. Lack of screens on all screen doors.

(4) Section 1001(h), "Faulty Weather Protection," is amended by the addition of subsection 5 as follows:

5. Double strength, clear glazing (or required tempered glazing) is missing from window frames.

(5) Section 1103(1) is amended as follows:

1. Any building declared a substandard building under this code shall be made to comply with one of the following:

A. The building shall be repaired in accordance with the current Building Code or other current code applicable to the type of substandard conditions requiring repair; or

B. The building shall be demolished [at the option of the building owner; or

**(Ord. No. 97-52 Enacted 09/21/1997)**

# CHAPTER 16-11
# INTERNATIONAL RESIDENTIAL CODE

Sections:

16-11-101. Adoption of International Residential Code.
16-11-102. Amendments to International Residential Code.

## 16-11-101. ADOPTION OF INTERNATIONAL RESIDENTIAL CODE.

(1) For the purpose of providing minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of single family dwellings, duplexes, townhouses and accessory buildings within the City, the entire 2015 edition of the International Residential Code as promulgated by the International Code Council, including any amendments that have been or may be made by the State of Utah, is hereby adopted with such deletions, modifications, exceptions, and other amendments as set forth in Section 16-11-102. The International Residential Code, as adopted above, is hereby fully incorporated as if set out herein in its entirety, with the amendments as set forth in Section 16-11-102; and, from the effective date of this Chapter, the provisions thereof shall be controlling within the corporate limits of the City.
(2) Pursuant to Section 10-3-711, Utah Code Annotated, 1953 as amended, one copy of the International Residential Code has been filed in the Office of the City Recorder for use and examination by the public.

**(Ord. No. 02-13 Added 02/05/2002; Ord. No. 04-10 Amended 01/20/2004; Ord. No. 07-06 Amended 1/16/2007; Ord. No. 10-18 Amended 7/6/2010; Ord. No. 13-25 Amended 07/01/2013; Ord. No. 16-17 Amended 05/13/2016)**

## 16-11-102. AMENDMENTS TO INTERNATIONAL RESIDENTIAL CODE.

The International Residential Code is amended as follows:

(1) Section R102.7 is amended to read as follows (bold text indicates amendment to the current text of the International Residential Code in this paragraph):
R102.7 Existing Structures: The legal occupancy of any structure existing on the date of adoption of this Code shall be permitted to continue without change, except as specifically covered in this Code, the International Property Maintenance Code, the Uniform Housing Code, the Uniform Code for Abatement of Dangerous Buildings, the West Valley City Fit Premise Ordinance, and the International Fire Code, or as is deemed necessary by the building official or the fire chief for the general safety and welfare of the occupants and the public.
(2) Pursuant to R108.5 of the International Residential Code, West Valley City's policy for refunds of permit fees is as follows:
    a. The Chief Building Official may authorize refunding of any fee hereunder which was erroneously paid or collected.
    b. The Chief Building Official may authorize refunding of not more than 80% of the plan review fee paid when an application for a permit, for which a plan review fee has been paid, is withdrawn or canceled before any plan reviewing is done.

c. The chief building official shall not authorize refunding of any fee paid except upon receipt of a written application filed by the original permittee not later than 180 days after the date of fee payment.

(3) Wall and floor ceiling assemblies separating adjacent dwelling units within duplexes, townhomes, and condominium units must comply with Appendix K of the 2006 International Residential Code for sound transmission.

**(Ord. No. 02-13 Added 02/05/2002; Ord. No. 09-03 Amended 1/26/2009)**

# CHAPTER 16-12
# INTERNATIONAL FUEL GAS CODE

Sections:
16-12-101. Adoption of International Fuel Gas Code.

## 16-12-101. ADOPTION OF INTERNATIONAL FUEL GAS CODE.

(1) For the purpose of providing minimum standards to safeguard the life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of heating, ventilating, cooling, refrigeration systems, incinerators and other miscellaneous heat-producing appliances within the City, the entire 2015 edition of the International Fuel Gas Code, including any amendments that have been or may be made by the State of Utah, is hereby adopted as promulgated by the International Code Council. The International Fuel Gas Code is hereby fully incorporated as if set out at length herein, and from the effective date of this Chapter, the provisions thereof shall be controlling within the corporate limits of the City.

(2) Pursuant to Section 10-3-711, Utah Code Annotated, 1953, as amended, one copy of the International Fuel Gas Code has been filed for use and examination by the public in the City Recorder's Office.

**(Ord. No. 02-13 Added 02/05/2002; Ord. No. 04-07 Amended 01/20/2004; Ord. No. 07-06 Amended 1/16/2007; Ord. No. 10-18 Amended 7/6/2010; Ord. No. 13-25 Amended 07/01/2013; Ord. No. 16-17 Amended 05/13/2016)**

# CHAPTER 16-13
# INTERNATIONAL ENERGY CONSERVATION CODE

Sections:
16-13-101. Adoption of International Energy Conservation Code.

## 16-13-101. ADOPTION OF INTERNATIONAL ENERGY CONSERVATION CODE.

(1) For the purpose of providing minimum standards to safeguard the life or limb, health, property and public welfare by regulating and controlling the design of building envelopes to provide for adequate thermal resistance and minimal air leakage, and to regulate the selection of utility equipment for buildings within the City, the entire 2015 edition of the International Energy Conservation Code, including any amendments that have been or may be made by the State of Utah, is hereby adopted as promulgated by the International Code Council. The International Energy Conservation Code is hereby fully incorporated as if set out at length herein, and from the effective date of this Chapter, the provisions thereof shall be controlling within the corporate limits of the City.

(2) Pursuant to Section 10-3-711, Utah Code Annotated, 1953, as amended, one copy of the International Energy Conservation Code has been filed for use and examination by the public in the City Recorder's Office.

**(Ord. No. 02-13 Added 02/05/2002; Ord. No. 04-08 Amended 01/20/2004; Ord. No. 07-05 Amended 1/16/2007; Ord. No. 10-18 Amended 7/6/2010; Ord. No. 13-25 Amended 07/01/2013; Ord. No. 16-17 Amended 05/13/2016)**

# CHAPTER 16-14
# INTERNATIONAL PROPERTY MAINTENANCE CODE

Sections:

16-14-101. Adoption of the International Property Maintenance Code.

## 16-14-101. ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE.

(1) For the purpose of prescribing regulations governing building maintenance for the interior and exterior of structures, space requirements and maximum occupancy, and heating, plumbing, light and ventilation in buildings, the entire 2015 edition of the International Property Maintenance Code ("IPMC") is hereby adopted as recommended by the International Code Council.

(2) Pursuant to §10-3-711, Utah Code Annotated, 1953 as amended, one copy of the Code has been filed for use and examination by the public in the office of the City Recorder prior to the adoption of this Ordinance.

**(Ord. No. 03-68 Added 11/04/2003 Ord. No. 07-06 Amended 1/16/2007; Ord. No. 10-18 Amended 7/6/2010; Ord. No. 13-25 Amended 07/01/2013; Ord. No. 16-17 Amended 05/13/2016)**

# CHAPTER 16-15
# INTERNATIONAL EXISTING BUILDING CODE

Sections:

16-15-101. Adoption of the International Existing Building Code.

## 16-15-101. ADOPTION OF THE INTERNATIONAL EXISTING BUILDING CODE.

(1) For the purpose of providing alternate approaches to repair, alteration, and additions to existing buildings which do not comply with current building codes, and to avoid cost prohibitive retrofits in excess of the value of the existing building, the entire 2015 edition of the International Existing Building Code, including any amendments that have been or may be made by the State of Utah, is hereby adopted as recommended by the International Code Council.

**(Ord. No. 16-17 Enacted 05/13/2016)**

# TITLE 17
# BUSINESS LICENSE ORDINANCE

Chapters:

17-1 General Provisions
17-2 Alcoholic Beverage Licenses
17-3 Denial, Suspension or Revocation of a License
17-4 Base Fees and Bonding
17-5 Employees of Alcohol Establishments
17-6 Swap Meets
17-7 Massage Establishments
17-8 Public Recreation
17-9 Restaurants
17-10 Ambulances, Emergency Medical Service Providers and Special Transportation Providers
17-11 Service Stations
17-12 Taxi Services
17-13 Burglar and Robbery Alarm Systems
17-14 Auctions and Auctioneers
17-15 Bicycle Shops
17-16 Christmas Tree Business
17-17 Employment Agency
17-18 Locksmithing
17-19 Liquidation and Fire or Damaged Goods Sales
17-20 Mobile Home Parks and Trailer and Auto Courts
17-21 Outdoor Advertisers
17-22 Residential Solicitation
17-22A Vending
17-23 Pawn Shops, Secondhand Dealers, etc.
17-24 Sale and Use of Fireworks
17-25 Amusement Halls and Arcades
17-26 Sexually-oriented Businesses
17-27 Auto Wreckers
17-28 Towing Services
17-29 Civil Rights
17-30 Innkeepers
17-31 Rental Dwelling Units
17-32 Private Investigators
17-33 Parking Services
17-34 Permanent Cosmetics
17-35 Temporary Businesses
17-36 Retail Tobacco Specialty Businesses

# CHAPTER 17-1
# GENERAL PROVISIONS

Sections:

17-1-101. Definitions.
17-1-102. Business License Required.
17-1-103. Exemptions from Business License Requirements.
17-1-104. Business License Division -- Duties and Responsibilities.
17-1-105. Business License Application.
17-1-106. Issuance of a Business License.
17-1-107. Renewals of Business Licenses.
17-1-108. Inspections.
17-1-109. Payment Dates of Business License Fees.
17-1-110. Term of Business Licenses.
17-1-111. Business License Fees.
17-1-112. Exemptions to Business License Fee Requirements.
17-1-113. Transfer of License Restricted.
17-1-114. Display of Licenses.
17-1-115. Reciprocal Recognition of Business Licenses.
17-1-116. Penalty.
17-1-117. Constructive Notice of Time Periods.
17-1-118. Repealed.

## 17-1-101. DEFINITIONS.

The following definitions shall be applicable throughout this Title, unless a different meaning is clearly intended:

(1) "Alcoholic Beverage Licenses" means alcohol sale or consumption licenses as defined in Chapter 2 of this Title.

(2) "Applicant" means any person applying for any license provided for in this Title. If the person is a partnership or corporation, then each partner, officer, or director is considered an applicant and must qualify accordingly.

(3) "Application" means a formal written request for the issuance of any license permitted under this Title.

(4) "Authorized Officers" means those persons authorized by the City or other entities to inspect businesses and enforce the provisions of this Title or other applicable regulations, including peace officers, ordinance enforcement officers, and employees of the Health Department, Fire Department, Planning and Zoning Division, Building Inspection Division, City Attorney's Office or the City Manager.

(5) "Building Division" means the Building Division of the West Valley City Community and Economic Development Department.

(6) "Business" means and includes all trades, occupations, professions, or activities engaged in within West Valley City, carried on for the purpose of gain or economic profit, except that the acts of employees rendering service to employers shall not be included in the term "business" unless otherwise specifically provided.

(7) "Business Licensing Division" means the Business Licensing Division of the West Valley City Finance Department.
(8) "Charitable" means for nonprofit benevolent purposes and includes the words patriotic, philanthropic, social service, religious, health, welfare, benevolent, educational, civic, cultural, or fraternal, either actual or purported.
(9) "City," when spelled with a capital "C," means West Valley City.
(10) "City Attorney's Office" means the West Valley City Law Department.
(11) "City Manager" means the chief executive officer of West Valley City.
(12) "City Recorder" means the West Valley City Recorder.
(13) "Commercial Banking (Bank)" means a freestanding building, with or without a drive-up window, for the custody, loan, or exchange of money; for the extension of credit; and for facilitating the transmission of funds.
(14) "Concert Hall" means any establishment which is not a concert venue but holds events which meet the classification of a concert, possesses the appropriate license and is in compliance with all laws, rules and regulations.
(15) "Concert Venue" means the 'E' Center, USANA Amphitheater, Utah Cultural Celebration Center, Rocky Mountain Raceway, and Hale Center Theater.
(16) "Consolidated Fee Schedule" means the schedule of fees listed in Chapter 1-2 of the City Code.
(17) "Contributions" means and includes the words alms, money, subscription, property, or any donations under the guise of a loan of money or property.
(18) "Conveyance" includes any public or privately owned vehicle, method or means of transporting people, bicycles, motorized or non-motorized vehicle, handcart, pushcart, lunch wagon or any other device or thing, whether or not mounted on wheels.
(19) "Credit Union" means a financial institution that is open to the public and engaged in deposit banking, and that performs closely related functions such as making loans, investments, and fiduciary activities.
(20) "Dance Hall" means a place of assembly, open to the public, where dances, parties, receptions, concerts and other gatherings are held. Dance halls may operate as for-profit or not-for-profit organizations. Dance halls may provide live entertainment, serve alcoholic beverages according to the ABCA and may serve catered meals, provided the owner or operator holds the appropriate licenses and permits.
(21) "Department Stores" means a business is conducted wherein a variety of unrelated merchandise and services are housed enclosed and are exhibited and sold directly to the customer for whom the goods and services are furnished.
(22) "Director" means the City Treasurer, or the Director of the Business Licensing Division, or the Director's authorized representative.
(23) "Division" means the West Valley City Business License Division.
(24) "Drive-In Motion Picture (Movie Theater, Drive-In)" means an open lot or part thereof, with its appurtenant facilities, devoted primarily to the showing of moving pictures on a paid admission basis to patrons seated in automobiles. This definition does not include an adult theater.
(25) "Employee" means all individuals who work for an employer for salary or commission or wages and who are subject to the direction and control of such employer. (For example: number of employees leased or on payroll, number of employees working at, out of, or dispatched from the licensed location.)
(26) "Engaging in Business" includes, but is not limited to, the sale of real or personal property at retail or wholesale; the bartering or trading of property or services; the manufacturing of goods or property; and the rendering of personal services for others for a consideration by persons engaged in any profession, trade, craft, business, occupation or other calling, except the

rendering of personal services by an employee to his/her employer under any contract of personal employment.

(27)"Fire Department" means the West Valley City Fire Department.

(28)“Food Vending Unit” means a unit that is manually pushed (cart) or pulled behind a vehicle (trailer) and is not motorized as to move on its own power, which remains stationary in one location, is temporary in nature and not placed in a permanent way on the property, which is used for the sale of food items for immediate consumption, including non-alcoholic beverages.

(29)"Goods, Wares, or Merchandise" shall include, but not be limited to, fruits, vegetables, farm products or provisions, dairy products, fish, game, poultry, meat, plants, flowers, appliances, wearing apparel, jewelry, ornaments, art work, cosmetics and beauty aids, health products, medicines, household needs or furnishings, confections, drinks, or food of any kind, whether or not for immediate consumption. This definition also includes tickets or passes for admittance to public recreations, shows, museums, theaters, and other similar public events when such tickets or passes are sold by a person other than the authorized sponsor or organizer of the event.

(30)“Hardware Store” means a facility of 30,000 or fewer square feet gross floor area, primarily engaged in the retail sale of various basic hardware lines, such as tools, builders’ hardware, plumbing and electrical supplies, paint and glass, housewares and household appliances, garden supplies, and cutlery; if greater than 30,000 square feet, such a facility is a home improvement center.

(31)"Health Department" means the Salt Lake City/County Health Department.

(32)"Hearing Board" shall mean each and every member of the License Hearing Board of West Valley City. (Section 17-3-105 of this Title.)

(33)“Home Improvement Center” means an establishment selling various household goods, tools, and building materials, durable household goods (e.g., refrigerators, lawn care machines, washing machines), electronic equipment, household animal supplies, nursery products, etc. Retail stock (e.g., nursery items, lumber goods) may be kept outdoors. All such stock (except plant materials) shall be screened in accordance with the [city ordinance]. At least 75 percent of all indoor floor-good space shall be for retail sales.

(34)“Hotel” means an establishment providing, for a fee, sleeping accommodations and customary lodging services, including maid service, the furnishing and upkeep of furniture and bed linens, and telephone and desk service. Related ancillary uses may include but shall not be limited to conference and meeting rooms, restaurants, and recreational facilities. It may or may not include kitchen facilities.

(35)"Licensee" means the person who has obtained any type of license provided for in this Title. The term shall also include any employee or agent of the licensee.

(36)“Mobile food vending vehicle” means a fully enclosed motorized vehicle mounted food service establishment operated by a vendor standing within the frame of the vehicle which is used for the sale of food items for immediate consumption, including non-alcoholic beverages. This vehicle must move on its own power and is not manually pushed, pulled or towed by another vehicle.

(37)“Motel” A building or series of buildings in which lodging is offered for compensation, and which is distinguished from a hotel primarily by reason of providing direct independent access to, and adjoining parking for, each rental unit.

(38)"Motor Vehicle" means any vehicle used for displaying, storing, or transporting articles for sale by a vendor, which is required to be licensed and registered by the Utah Division of Motor Vehicles.

(39)"Ordinance Enforcement Office" means the Ordinance Enforcement Office of the Community Preservation Department.

(40)"Participant" means a temporary business, not licensed as such, participating in a sales event.
(41)"Peddler" means any person who goes upon the premises of any private residence in the City, not having been invited by the occupant thereof, carrying or transporting goods, wares, merchandise or personal property of any nature and offering the same for sale; or offering to perform services in exchange for compensation. "Peddler" also includes any person who solicits orders and, as a separate transaction, makes deliveries to purchasers as part of a scheme to evade the provisions of this Ordinance.
(42)"Peddling" includes all activities ordinarily performed by a peddler, as such term is defined in this Section.
(43)"Person" means an individual, partnership, corporation, association, or other legal entity.
(44)"Place of Business" means each separate location maintained or operated by the licensee, whether or not under the same name, within the City from which business is engaged in.
(45)"Planning and Zoning Division" means the Planning and Zoning Division of the West Valley City Community and Economic Development Department.
(46)"Police Department" means the West Valley City Police Department.
(47)"Public Property" includes all government-owned parks, buildings, and facilities, and government-owned property within street rights-of-way, including any roadways and sidewalks.
(48)"Public Way" means all areas legally open to public use, such as public streets, sidewalks, roadways, highways, parkways, alleys, parks, as well as the areas surrounding and immediately adjacent to public buildings. "Public Way" also includes areas designated for parking associated with public property.
(49)"Pushcart" means any wheeled vehicle approved by the Business Licensing Division in accordance with this Chapter, designed for carrying property and for being pushed by a person without the assistance of a motor or motor vehicle.
(50)“Racetrack” means a facility consisting of a paved roadway used primarily for the sport of automobile racing. A racetrack may include seating, concession areas, suites, and parking facilities, but does not include accessory offices, residences, or retail facilities. This definition shall also include any facility used for driving automobiles under simulated racing or driving conditions (test tracks, “shakedown” tracks, or other similar facilities), but which does not include seating, concession areas, or retail facilities for the general public.
(51)“Reception Center” means building, together with its accessory buildings and uses, which is a place of assembly with the predominant purpose of hosting single events or a series of events, either of which is not to exceed a seventy-two (72) hour period, occurring alone or as part of another activity or business, to which the public is invited or, upon payment of an admission charge, is permitted to watch, listen, or participate, or which is conducted for the purpose of holding the attention of, gaining the attention of, diverting the attention of, or amusing guests or patrons, including:
    a. presentations by single or multiple performers, such as a hypnotist, pantomime, comedian, musical song or dance act, play, concert, any type of contest, sporting event, exhibition, carnival, rodeo or circus act, athletic competition, demonstration of talent, show, review, or any other similar activity which may be attended by members of the public;
    b. dancing to live or recorded music;
    c. the presentation of recorded music played on equipment by a person commonly known as a “DJ” or “disk jockey;” or
    d. any other event promoted by a bona fide incorporated association, non-profit organization, corporation, church, or political organization, recognized subordinate lodge, chapter, or public fairs, stock and other animal shows, celebrations, fiestas,

occasional athletic contests and similar events. Public, private and charter schools are exempt from this section.

(52) "Religious or Charitable Organization" means any organization that can provide written approval from the Internal Revenue Service that the organization has been granted tax-exempt status under Section 501(c) (3) of the Internal Revenue Code or its successor.

(53)"Sales Event" means an event lasting five days or less where two or more temporary merchants, not more than one of whom is licensed as a temporary merchant, display any goods, wares, or services at a location in the City for the purpose of sale or soliciting orders to be filled in the future for financial gain or profit.

(54)"Sidewalk" means all of that area legally open to public use as a pedestrian public way between the curb line and the legal building line of the abutting property.

(55)"Specified Anatomical Areas" means:

a. Less than completely and opaquely covered human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and
b. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

(56)"Specified Sexual Activities" means:

a. Human genitals in a state of sexual stimulation or arousal;
b. Acts of human masturbation, sexual intercourse, or sodomy; or
c. Fondling or other erotic touching of human genitals, pubic region, or female breast.

(57)"Stand" means any showcase, table, bench, rack, handcart, pushcart, stall, or any other fixture or device that is used for the purpose of displaying, exhibiting, carrying, transporting, storing, selling, or offering for sale any food, beverages, goods, wares, or merchandise upon a sidewalk.

(58)"Street" means all of that area legally open to public use as public streets, and sidewalks, roadways, highways, parkways, alleys, and any other public way.

(59) a. "Temporary Business" means any business which intends to conduct business at any single place of business for 90 days or less, and whose place of business is located within the building confines of a licensed non-temporary business and:

(i) Engages in a temporary business of selling and/or delivering goods, wares, or services, or who conducts meetings open to the general public where franchise, distributorships, contracts, or business opportunities are offered to the public; or

(ii) Sells, offers, or exhibits for sale any goods, wares, or services, franchises, distributorships, contracts, or business opportunities, during the course of, or any time within six months after, a lecture or public meeting pertaining to such goods, wares, services, franchises, distributorships, contracts, or business opportunities.

b. "Temporary Business" shall not include the following:

(i) A person who shall occupy any business establishment for the purpose of conducting a permanent business therein; provided, however, that no person shall be relieved from the provisions of this Title by reason of a temporary association with any local dealer, trader, merchant, or auctioneer, or by conducting such temporary or transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant, or auctioneer;

(ii) Any sales of merchandise damaged by smoke or fire, or of bankrupt concerns, where such stock has been acquired from a merchant or merchants of the City regularly licensed and engaged in business;

provided, however, no such stock of merchandise shall be augmented by new goods;

(iii) A person who sells his/her own property that was not acquired for resale, barter, or exchange, and who does not conduct such sales more than twice during any calendar year;

(iv) Art exhibits, where participating artists sell their original works, and which do not contain any sales(s) of artwork purchased or taken on consignment and held for resale, providing such art exhibits are sponsored by a local, responsible organization;

(v) Religious or charitable organizations as defined in this Section;

(vi) Sales of goods, wares, or services at a convention, meeting, or exposition that is not open to or advertised to the general public, to the extent such sales are made to registered members of the sponsoring organization, provided the sponsoring organization or its designated agent delivers to the Director, at least 15 days in advance of such convention, meeting, or exposition, a statement of the organization's qualification for this exemption and a statement of the common interest or category of those who will be attending such convention, meeting, or exposition; and providing all persons selling or purchasing goods, wares, or services at such convention, meeting, or exposition shall wear or display, in a conspicuous manner, a tag stating the name of the sponsoring organization;

(vii) Home occupations;

(viii) A business that is specifically regulated under this Title, whether or not it is temporary; or

(ix) Any business that requires a conditional use or temporary use permit, whether or not it is temporary.

(60) "Temporary Business Sponsor" means any person who leases or rents a building or portion of a building for the purpose of conducting a sales event with two or more participants.

(61) "Vendor" means any person, traveling by foot, wagon, vehicle, or any other type of conveyance from street to street, carrying, conveying, or transporting goods, wares, or merchandise and offering and exposing them for sale, or making sales and delivering articles to purchasers; or who, without traveling from place to place, exhibits, displays, sells, or offers for sale such products while on the public ways of the City. "Vendor" also includes any street vendor, hawker, huckster, itinerant merchant, or transient vendor. "Vendor" does not include a door-to-door peddler or solicitor.

(62)"Vehicle" means every device in, upon, or by which a person or property may be transported or drawn upon a street or sidewalk, including, but not limited to, devices moved by human power.

(63) "Violated" or "Violating" means that there exists reasonable cause to believe that any ordinance, code, statute, or law has been or is being violated, and is not limited to pleas of guilty or convictions for violating said ordinances, codes, statutes, or laws.

**(Ord. No. 91-10 Amended 06/11/1991; Ord. No. 92-37 Amended 10/28/1992; Ord. No. 97-62 Amended 09/26/1997; Ord. No. 99-38 Amended 07/09/1999; Ord. No. 99-38 Renumbered 07/09/1999; Ord. No. 06-40 Amended 6/13/2006; Ord. No. 07-55 Amended 8/28/2007; Ord. No. 08-43 Amended 09/17/2008; Ord. No. 09-22 Amended 07/08/2009)**

## 17-1-102. BUSINESS LICENSE REQUIRED.

(1) Unless otherwise provided, it shall be unlawful for any person to engage in any business within the City without first having obtained a business license pursuant to this Title. A separate license shall be required for each type of business defined herein and for each place of business. Each day of noncompliance shall constitute a separate violation.
(2) In addition to any criminal prosecution or civil proceedings, if any person found violating this Section later applies for a license and if a license is granted, the penalty fees shall be as follows:
    a. Prior to April 1, 1993, penalty fees shall be waived. This Section shall not apply to renewal penalty fees.
    b. Effective April 1, 1993, the penalty fee shall be 100 percent of the license fees for the first year, and the business shall pay an additional penalty for each year or portion of a year in which the business operated without a license. The penalty fee for each year or portion of a year without a license shall be an amount equal to 125 percent of the current business license fees.
    c. The City Manager may reduce or waive the penalty fees to be paid by a business operating without a license one time per calendar year for a period not to exceed one month, for the purpose of encouraging unlicensed businesses to properly license.

**(Ord. No. 93-16 Amended 03/19/1993)**

## 17-1-103. EXEMPTIONS FROM BUSINESS LICENSE REQUIREMENTS.

(1) Unless otherwise provided, any home occupation which grosses less than $2,000 annually is exempt from the requirements imposed by this Title.
(2) Vegetable and fruit stands which sell produce grown solely on the seller's property which is located in West Valley City shall be exempt from all the requirements imposed by this Title.

**(Ord. No. 94-64 Amended 07/27/1994; Ord. No. 99-38 Amended 07/09/1999)**

## 17-1-104. BUSINESS LICENSE DIVISION — DUTIES AND RESPONSIBILITIES.

It shall be the duty and responsibility of the Business Licensing Division to:
(1) Enforce the provisions of this Title;
(2) Determine business classifications and applicability of the regulations of this Title;
(3) Collect all business license fees and all alcoholic beverage license fees;
(4) Process all applications and renewals of all licenses provided for in this Title;
(5) Obtain the necessary approvals from the various City departments and divisions before issuing any business licenses or alcoholic beverage licenses; and
(6) Deny, suspend or revoke licenses as provided in Chapter 3 of this Title.
(7) Include in the Monthly Operation Report a list of all licenses issued during the month.

**(Ord. No. 99-38 Renumbered 07/09/1999; Ord. No. 99-38 Amended 07/09/1999)**

## 17-1-105. BUSINESS LICENSE APPLICATION.

The West Valley City Business Licensing Application shall be in such format and require such information as the License Officer deems necessary to enforce this Title, including but not limited to:

(1) The name, social security number, date of birth and home address of the person applying for the license;
(2) The registered name of the business, if applicable;
(3) The Federal Tax Number of the corporation, if applicable;
(4) The type of business to be engaged in;
(5) The class type of license desired, if the type of license is divided into classes;
(6) The location of the place of business;
(7) A state tax number, if applicable;
(8) A state contractor's number, if applicable;
(9) Proof that the business is state licensed or registered, if applicable; and
(10) A space for the applicant or applicant's authorized agent to sign under penalty of law that all the information contained therein is true; and
(11) If the business is a Tobacco Oriented Business as defined in Chapter 7-33 of the West Valley City Municipal Code, a disclosure form meeting the requirements set forth in Section 7-33-103 of the West Valley City Municipal Code.

It is a violation of this Title to provide false or misleading information on a business license application.

**(Ord. No. 99-38 Amended 07/09/1999; Ord. No. 09-26 Amended 08/07/2009; Ord. No. 16-15 Amended 04/22/2016)**

## 17-1-106. ISSUANCE OF A BUSINESS LICENSE.

(1) An applicant for a business license shall fill out the application in full and sign it as verification under penalty of law that all information contained therein is true.
(2) The application shall be returned to the Business License Division along with full payment of all business license fees.
(3) The Business License Division shall submit copies to the Planning and Zoning Division, Building Inspection Division, Fire Department and Health Department and, for certain businesses where specifically provided for herein, to the Police Department, for their review, unless a specific provision of this Title requires submission to fewer or additional departments, divisions or agencies than those named.
(4) Only after receiving signed, written approval from each of the entities named in this Section, the Business License Division shall be authorized to prepare a certificate of license for issuance.
(5) The certificate of license shall be signed by the License Officer and the City Treasurer and shall contain the following information:
    a. The name of the person to whom the certificate is issued;
    b. The business name;
    c. The type of business licensed;
    d. The date the license was issued;
    e. The expiration date of the license;
    f. The address of the place of business licensed; and
    g. The business license number.
(6) If the business is licensed to conduct more than one type of business, as defined herein, the certificate of license shall state each type of business licensed.

## 17-1-107. RENEWALS OF BUSINESS LICENSES.

(1) Each year, licensees shall renew their business licenses by completing an application for a license renewal signed under penalty of law that all information contained therein is true, and returning it, along with the proper fees, to the Business License Division within the time period set forth in Section 17-1-109(2) below. Renewal applications for businesses which require police checks of the licensees shall be submitted to the Police Department for their approval to ascertain whether the licensee still meets the necessary qualifications.
(2) Upon receipt of the application, fees, and Police Department approval, if applicable, the Business License Division shall be authorized to prepare a certificate of license as provided in this Chapter.

## 17-1-108. INSPECTIONS.

(1) The Director may designate any division employee as an enforcement official. Authorized officers shall be permitted to make an inspection to enforce any of the provisions of this Title or any other applicable statute or ordinance, and may enter any building or may enter upon any premises during regular business hours; or, if there are no regular business hours, the officers or their authorized representatives shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If the property owner or other responsible person refuses to allow the enforcement officers to enter and inspect the property, the officer may obtain and execute a search warrant.
(2) No owner, occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper request is made as herein provided, to properly permit entry therein by the authorized officer or his representative(s) for the purpose of inspection and examination to insure compliance with this Title.

**(Ord. No. 99-38 Amended 07/09/1999)**

## 17-1-109. PAYMENT DATES OF BUSINESS LICENSE FEES.

(1) Business license fees for new businesses shall be due and payable upon making application to the Business Licensing Division. The application shall not be processed until the fee is paid.
(2) Business license fees for renewal businesses shall be due and payable on or before the first day of the month in which the license was originally issued. If the license is not paid within a month of the due date, a penalty in the amount of 50 percent of the fee shall be added to the original amount due. If the fee is still not paid within two months of the due date, a penalty in the amount of 75 percent of the fee shall be added to the original amount due. If the fee plus penalty is still not paid within three months, then the business shall be considered to be operating without a business license in violation of this Chapter, subject to criminal prosecution for every day of operation after three months from the due date, and the license fee, if a license is granted thereafter, shall be doubled.
(3) Penalty fees may be appealed to the Finance Director who may, for good cause shown, refund all or part of the applicable penalty fee that has been paid. The decision of the Finance Director may be appealed to the Business License Hearing Board as set forth in Chapter 3 of this Title. The Business License Hearing Board may, upon good cause, recommend that all or part of the penalty fee be refunded.

## 17-1-110. TERM OF BUSINESS LICENSES.

(1) All business licenses, except temporary interior business licenses, shall expire each year on the first day of the month in which the license was originally issued.
(2) Temporary interior business licenses shall expire on the 90th day from the date the temporary interior business license was issued.

**(Ord. No. 92-37 Amended 10/28/1992)**

## 17-1-111. BUSINESS LICENSE FEES.

All business license fees shall be those set forth in the Consolidated Fee Schedule. The total fee required each year for each type of business consists of the base fee plus the variable fees and regulatory fees.

(1) The base fees are categorized in the Consolidated Fee Schedule by type of business. The definition of each type of business and the specific regulations governing them are found in this Title. If a particular type of business is not listed in the Consolidated Fee Schedule, the Director shall determine the category that most closely fits the business.
(2) The variable and regulatory fees for each business, regardless of whether it is defined in this Chapter, are set forth in the Consolidated Fee Schedule.

**(Ord. No. 93-21 Amended 07/01/1993; Ord. No. 99-38 Amended 07/09/1999)**

## 17-1-112. EXEMPTIONS TO BUSINESS LICENSE FEE REQUIREMENTS.

(1) A business license fee shall not be imposed on any person engaged in business solely for religious, charitable, eleemosynary or other types of strictly nonprofit purpose which is tax exempt in such activities under the laws of the United States and the State of Utah, nor shall any business license fee be imposed on any person engaged in a business specifically exempted from municipal taxation and fees by the laws of the United States or the State of Utah.
(2) Any business exempt from paying the license fee as provided in this Section shall still comply with all other requirements of this Title.

## 17-1-113. TRANSFER OF LICENSE RESTRICTED.

(1) Business licenses may be transferred to another person for the same location upon the new person making application and being able to qualify for such license under this Title and paying the business license transfer fee as set forth in the Consolidated Fee Schedule.
(2) A Business License may not be transferred to a new location within the City. Each location shall be applied for and all appropriate fees shall be paid for each location.

## 17-1-114. DISPLAY OF LICENSES.

(1) Every certificate of license for a business shall be posted by the licensee in a conspicuous place upon the wall of the building, room or office of the place of business so that the same may be easily seen. When the certificate of license has expired, it shall be removed and no certificate of license which is not in force and effect shall be permitted to remain posted within the place of business. If the licensee's business is such that a license cannot be displayed due to the

transient or mobile nature of the business, then the licensee shall carry the license on his person ready to be shown on request by an authorized officer during all such time or times while the licensee is engaged in or pursuing the business for which a license is granted.

(2) In the event the license is for a coin-operated machine or device, the certificate shall be attached or displayed in the immediate vicinity of the machine for which it has been issued.

## 17-1-115. RECIPROCAL RECOGNITION OF BUSINESS LICENSES.

(1) A business license shall not be required for operation of any vehicle or equipment in this City when:
    a. Such vehicle is merely passing through the City; or
    b. Such vehicle is used exclusively in interstate commerce.

(2) A business license shall not be required of any person whose only business activity in this City is the mere delivery in the City of property sold by him at a regular place of business maintained by him outside the City where:
    a. Such person's business is at the time of such delivery licensed by the Utah city or county in which such place of business is situated; and
    b. The authority licensing such business grants to licensees of this City making deliveries within its jurisdiction the same privileges, upon substantially the same terms as are granted by this Section; and
    c. Neither the property delivered nor any of the facilities by which it was manufactured, produced or processed are subject to inspection by authority of this City for compliance with health or sanitary standards prescribed by this City; and
    d. The truck or other conveyance by which such delivery is made prominently displays at all times a license plate or symbol issued by the licensing authority to evidence such business license. Such plate or symbol shall identify the licensing authority by which it is issued, shall indicate that it evidences a license issued thereby, and shall specify the year or term for which it is effective.

(3) Except as otherwise provided herein, a business license shall not be required of any person who is duly licensed in another county or another city in Utah, has no business location in the city and the county or other licensing city would also reciprocate if the same business were located in the City.
    a. Before reciprocity is granted, the person must fill out a business license application and show proof of a valid business license in a qualifying city or county.
    b. Reciprocity shall not be granted to solicitors, mobile food units or any business requiring police checks or police I.D. cards.

(4) The City Recorder shall, at the request of any person upon payment of copying and postage costs, certify a copy of this Section to any city or county of the State of Utah.

## 17-1-116. PENALTY.

(1) Any violations of this Title shall be a Class 'B' misdemeanor.
(2) Where applicable, each day of noncompliance shall constitute a separate violation.
(3) The business owner, and the owner of the property where the business is located, if the property owner is different than the business owner, are both responsible for compliance with this Title, and both may be charged with violations. Nothing in this Section shall limit the right of a property owner to seek any legal remedy from a business owner who causes or allows a violation of this Title on the property.

(4) Unless otherwise provided, this Title may be enforced through the Administrative Code Enforcement Hearing Program established in Title 10 of the City Code, or by filing civil or criminal actions as provided by law. The City has sole discretion to decide whether to file a civil or criminal case for a violation. The City may file both, or one or the other. The possibility of an administrative remedy pursuant to Title 10 shall in no way interfere with the City's right to prosecute violations of this Title as criminal offenses, to seek any civil remedy to enjoin, prevent, or abate the violation, or to seek any other remedy provided. The City may use any of the remedies available under the law in both civil litigation and criminal prosecution. If the City chooses to file both civil and criminal charges for the same violation on the same day, no civil fines shall be assessed, but all other remedies shall be available.

**(Ord. No. 99-38 Amended 07/09/1999)**

## 17-1-117. CONSTRUCTIVE NOTICE OF TIME PERIODS.

(1) All businesses, owners, licensees, or applicants are obligated to be aware of and are deemed to have constructive notice of all time periods and/or deadlines and the effect of noncompliance with said time periods and/or deadlines as set forth in this Title relating to the application, issuance, renewal, expiration, appeal or other action relating to business licenses, alcohol licenses, or any other licensing matters set forth in this Title.
(2) Nothing in this Title shall be construed as requiring the City to take any affirmative action to notify businesses, owners, licensees, or applicants of any time periods and/or deadlines or the effect of noncompliance with said time periods and/or deadlines set forth in this Title relating to the application, issuance, renewal, expiration, appeal or other action relating to business licenses, alcohol licenses, or any other licensing matters as set forth in this Title.

## 17-1-118. REPEALED.

**(Ord. No. 92-37 Enacted 10/28/1992)**

# CHAPTER 17-2
# ALCOHOLIC BEVERAGE LICENSES

Sections:

17-2-101. Definitions.
17-2-102. Alcoholic Beverage Licenses Required.
17-2-103. Alcoholic Beverage License Applications.
17-2-104. Issuance of an Alcoholic Beverage License.
17-2-105. Qualifications of a Licensee.
17-2-106. Renewal of Licenses.
17-2-107. Payment Dates of License Fees.
17-2-108. Term of Alcoholic Beverage Licenses.
17-2-109. Alcoholic Beverage License Fees.
17-2-110. Transfer of License Prohibited.
17-2-111. Display of Licenses.
17-2-112. Intoxicated Persons.
17-2-113. Nuisance.
17-2-114. Lighting and View Requirements.
17-2-115. Sale and Consumption Hours.
17-2-116. Regulations Relating to Minors.
17-2-117. Maintenance of records by restaurant on-premises beer retailer, brew restaurant, and small brewer licensees.
17-2-118. Prohibition on Issuance of Tavern Beer Licenses.
17-2-119. Special Event Permits.

## 17-2-101. DEFINITIONS.

(1) Alcoholic Beverages means and includes "beer" and "liquor," as they are defined herein.
(2) Beer means all products that contain at least .5% of alcohol by volume, but not more than 4% of alcohol by volume or 3.2% by weight, and are obtained by fermentation, infusion, or decoction of any malted grain. Beer may or may not contain hops or other vegetable products. Beer includes products referred to as malt liquor, malted beverages or malt coolers, but does not include flavored malt beverages and does not include heavy beer as defined herein.
(3) A Brew Restaurant License shall entitle the licensee to sell beer in connection with a bona fide restaurant where the revenue from the sale of beer is less than 30 percent of the gross dollar volume. A Brew Restaurant is also licensed to brew beer in batch sizes that provide enough beer for the sale and consumption on site in connection with the restaurant, or for retail carry-out sale in containers holding less than two liters.
(4) "Club" License shall mean a license issued pursuant to U.C.A. § 32B-6-401 *et seq.* as amended and subject to the applicable provisions of the Alcoholic Beverage Control Act. A Club License means and includes a "Dining Club License," "Equity Club License," "Fraternal Club License," and "Social Club License" as defined herein.
    a. Dining Club License shall entitle the licensee to sell and allow the consumption of alcoholic beverages on premises determined by the commission to meet the requirements in U.C.A. § 32B-6-404(1)(b) and maintains at least 50% of its total club

business from the sale of food, not including: mix for alcoholic beverages or service charges.

b. Equity Club License shall entitle the licensee to sell and allow the consumption of alcoholic beverages on premises that is organized and operated solely for social, recreational, patriotic, or fraternal purposes and:
    i. has members and limits access to a member or a guest of the member
    ii. owns, maintains, or operates a substantial recreational facility in conjunction with a club house such as a golf course or tennis facility; and
    iii. has at least 50% of the total membership having full voting rights and an equal share of the equity of the club or one class of membership with the same.

c. Fraternal Club License shall entitle the licensee to sell and allow the consumption of alcoholic beverages on premises that is organized and operated solely for social, recreational, patriotic, or fraternal purposes and;
    i. has members and limits access to a member or a guest of a member; and
    ii. has no capital stock and exists solely for the benefit of its members and their beneficiaries for a lawful social, intellectual, educational, charitable, benevolent, moral, fraternal, patriotic, or religious purpose carried on through voluntary activity of its members in their local lodges; and
    iii. has a representative form of government and lodge system in which there is a supreme governing body. Local lodges subordinate to the supreme governing body, however designated, may admit members in accordance with the laws of the fraternal. Local lodges are required by the laws of the fraternal to hold regular meetings at least monthly and regularly engage in programs involving member participation to implement the purposes in (c)(ii) of this Section. Local lodges shall own or lease building space for lodge activities.

d. Social Club License means a license that does not meet the requirements of a Dining Club, Equity Club or Fraternal Club License or seeks to qualify as a Social Club and is approved by the commission as such.

(5) Flavored Malt Beverage means a beverage that contains at least .5% of alcohol by volume; that is treated by processing, filtration, or another method of manufacture that is not generally recognized as a traditional process in the production of a beer as described in 27 C.F.R. Sec. 25.55; or that is not exempt under Subdivision (f) of 27 C.F.R. Sec. 25.55.

(6) Heavy Beer means a product that contains more than 4% alcohol by volume and is obtained by fermentation, infusion, or decoction of malted grain. Heavy beer is considered “liquor” for the purposes of this Title.

(7) Intoxicated means that a person is significantly impaired as to the person’s mental or physical functions as result of the use of: (a) an alcoholic beverage; (b) a controlled substance; (c) a substance having the property of releasing toxic vapors; or (d) a combination of (6) (a)-(c); and exhibits plain and easily observed outward manifestations of behavior of physical signs produced by the over consumption of an alcoholic beverage.

(8) Licensed Premises means any room, enclosure, building, structure or place occupied by a person licensed to sell and/or permit the consumption of alcoholic beverages on such premises under this Chapter.

(9) Liquor means and includes alcohol, or any alcoholic, spirituous, vinous, fermented, malt or other liquid or combination of liquids, part of which is spirituous, vinous, or fermented, and all other drinks or drinkable liquids, containing more than one-half of one per centum of alcohol by weight; and all mixtures, compounds, or preparations, whether liquid or not, which contain

more than one-half of one per centum of alcohol by weight and which are capable of human consumption; except that the term "liquor" shall not include "beer" as herein defined.

(10) Nuisance means any licensed premise where:

a. Alcoholic beverages are sold, kept, bartered, stored, given away or used, contrary to the Alcoholic Beverage Control Act of Utah or this Chapter, or where persons resort for drinking beverages, contrary to the Alcoholic Beverage Control Act of Utah, or of this Chapter; or

b. Any person is employed or used in the sale or service of alcoholic beverages while the person is unclothed or in attire, costume, or clothing that exposes to view any portion of the female breast below the top of the areola or any portion of the pubic hair, anus, cleft of the buttocks, vulva, or genitals;

c. Any person is employed or used in the service of mingling with the patrons while the person is unclothed or in attire, costume, or clothing described in 6(b) above;

d. Any person is encouraged or permitted to touch, caress, or fondle the breasts, buttocks, anus, or genitals of any other person;

e. Any employee or person is permitted to wear or use any device or covering, exposed to view, that simulates the breast, genitals, anus, pubic hair, or any portion of these;

f. Any person is permitted to use artificial devices or inanimate objects to depict any of the prohibited activities described in this subsection (6);

g. Any person who is allowed to actually display or simulate the display of pubic-hair, buttocks, vulva, anus, genitalia, or female breasts below a point immediately above the top of the areola; or

h. Any films, still pictures, electronic reproductions, or other visual reproductions are shown depicting:

i. Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, or any sexual acts prohibited by Utah law;

ii. Any person being touched, caressed, or fondled on the breast, buttocks, anus, or genitals;

iii. Scenes where artificial devices or inanimate objects are used to depict, or drawings are used to portray, any of the prohibited activities described in this subsection (6); or

iv. Scenes wherein a person displays the vulva or the anus or the genitals.

i. Paid or unpaid dancers, performers or entertainers mingle, perform, dance or provide services in violation of this Title of the West Valley City Code; or

j. Any violation of the terms of this Chapter or breach of the public peace or morals takes place.

(11) An Off-Premises Beer Retailer License shall entitle the licensee to sell beer on the licensed premises in original sealed containers of a size not to exceed two liters, for consumption off the premises.

(12) A Recreational Facility Beer License shall entitle the licensee to sell beer and permit consumption thereof at recreational facilities, excluding public parks. Under this license, no beer shall be sold in the original containers, but must be first emptied into suitable temporary containers. All sales and deliveries under this license shall be made directly to the ultimate consumer. No beer shall be permitted or consumed, except that which is purchased on the licensed premises.

(13) Restaurant means a place of business where a variety of hot food is prepared and cooked and complete meals are served to the general public in connection with indoor dining accommodations.

(14)Restaurant Liquor License means a Restaurant that holds or will apply for a State liquor license subject to the requirements in the Alcoholic Beverage Control Act.
(15)A Restaurant On-Premises Beer Retailer License shall entitle the licensee to sell beer, not to exceed 30 percent of the gross dollar volume from the sale of beer and food for any six-month period during any license year, on the licensed premises, in containers of a size not to exceed two liters, for consumption on the licensed premises. Only restaurants shall be entitled to Restaurant On-Premises Beer Retailer Licenses.
(16)Sell or To Sell means to solicit, or to receive any order for, to keep or expose for sale, to deliver for value or gratuitously, to peddle, to possess with intent to sell, to traffic in for any consideration promised or obtained directly or indirectly or under any pretext or by any means whatsoever to procure or to allow to be procured for any other person, and "sale" when so used shall include every act of selling as above defined.
(17)Small Brewer License means a licensed Brew Restaurant with or without a liquor license which, in addition to retail sale and on-site consumption in connection with a restaurant, markets beer wholesale in an amount not to exceed sixty thousand (60,000) barrels per year where revenue from the sale of beer is less than 30 percent of the gross dollar volume, including what is commonly known as a microbrewery.
(18)Special Event Permit means a Temporary Special Event Beer Permit, Single Event Permit, or similar permit issued by the Department of Alcoholic Beverage Control that allows the temporary sale of alcohol in connection with an event.
(19)State Store means an outlet for the sale of liquor located on premises owned or leased by the State of Utah.
(20)A Tavern License shall be required for all premises where the primary or main business is that of selling beer for consumption on the licensed premises. The licensee shall be entitled to sell beer in containers of a size not to exceed two liters.

**(Ord. No. 02-10 Amended 03/05/2002; Ord. No. 02-06 Amended 03/05/2002; Ord. No. 09-26 Amended 08/07/2009; Ord. No. 11-26 Amended 10/24/2011; Ord. No. 12-40 Amended 10/22/2012)**

## 17-2-102. ALCOHOLIC BEVERAGE LICENSES REQUIRED.

(1) It shall be unlawful for any person to sell an alcoholic beverage at retail and/or permit the consumption of an alcoholic beverage on any business premises, unless such person is licensed for such sale and/or consumption in accordance with this Chapter. A separate license shall be required for each place of business. Each day of noncompliance shall constitute a separate violation.
(2) In addition to any criminal prosecution or civil proceedings, if any person found violating this Section later applies for a license and if a license is granted, the license fee for the first year shall be doubled.

**(Ord. No. 09-26 Amended 08/07/2009)**

## 17-2-103. ALCOHOLIC BEVERAGE LICENSE APPLICATIONS.

The West Valley City Alcohol Beverage License Application shall be in such format and require such information as the License Officer deems necessary to enforce this Title, including but not limited to:

(1) The name, social security number, date of birth and home address for applicant;
(2) The registered name of the proposed licensed premises;
(3) The Federal Tax No. of the corporation, if applicable;
(4) The type of license desired;
(5) The location of the premises to be licensed;
(6) Any convictions for crimes which could disqualify the applicant as licensee; and
(7) A space for the applicant to sign, under penalty of law, certifying that all the information contained therein is true.

**(Ord. No. 09-26 Amended 08/07/2009)**

## 17-2-104. ISSUANCE OF AN ALCOHOLIC BEVERAGE LICENSE.

(1) An applicant for any of the alcoholic beverage licenses shall fill out the application in full and sign it as verification under penalty of law that all information contained therein is true.
(2) All applications for any license defined in this Chapter shall be made pursuant to this Section regardless of whether the application is for a new license, or there is a change of ownership or a change of lessees of an existing licensed premise, or an existing licensee is moving his business to another location in the City.
(3) The application shall be returned to the Business License Division along with full payment of the license fees.
(4) The Business License Division shall submit copies to the Planning and Zoning Division, Building Inspection Division, Fire Department, Health Department and Police Department.
(5) Only after receiving signed, written approval from each of the entities named in this Section shall the License Officer be authorized to prepare a certificate of license for issuance.
(6) The certificate of license shall be signed by the License Officer and the City Treasurer and shall contain the following information:
    a. The name of the person to whom the certificate is issued;
    b. The type of license issued;
    c. The expiration date of the license; and
    d. The place of business licensed.
(7) All applicants who are beginning a new business shall also comply with all applicable business licensing requirements.

## 17-2-105. QUALIFICATIONS OF A LICENSEE.

(1) A license shall not be granted to any person unless that person shall be of a good moral character and over the age of twenty-one years, or to anyone who has been convicted of a felony or of any violation of any law or ordinance relating to intoxicating liquors, or of drunken driving, or of keeping a gambling or disorderly house, or any ordinance involving moral turpitude, or who has pleaded guilty to or forfeited his bail on a charge of having committed a felony or of having violated any such law or ordinance, or to any partnership, any member of which lacks any of the qualifications hereinbefore in this paragraph set out, or to any corporation, any director, or officer of which lacks any of such qualifications.
(2) Even after meeting the requirements provided for in paragraph (1) above, the applicant shall not receive approval of the Police Department if there are any outstanding warrants on the applicant.

(3) In addition, a license shall not be granted to any person who violates any provision of this Chapter or of this Title.

## 17-2-106. RENEWAL OF LICENSES.

(1) Each year, licensees shall renew their alcoholic beverage licenses by completing an application for a license renewal signed under penalty of law that all information contained therein is true and returning it along with the proper fees to the Business License Division within the time period set forth in Section 17-2-107(2) below. Renewal applications shall be submitted to the Police Department for their approval to ascertain whether the licensee still meets the necessary qualifications.
(2) Upon receipt of the application, fees, and applicable City Department approval, the Business License Division shall be authorized to prepare and issue a certificate of license as provided in this Chapter.

**(Ord. No. 09-26 Amended 08/07/2009)**

## 17-2-107. PAYMENT DATES OF LICENSE FEES.

(1) Alcoholic beverage license fees for new licenses shall be due and payable upon making application to the Business License Division. The application shall not be processed until the fee is paid.
(2) Alcoholic beverage license fees for renewal licenses shall be due and payable on or before the annual renewal date. If the fee is not paid, then the business shall be considered to be operating without a license in violation of Section 17-2-102 subject to criminal and civil penalties for every day of operation on or after the annual renewal date. If a license is not renewed prior to the annual renewal date, as set forth in this Section, and the business applies for an alcohol license on or after the annual renewal date, the application shall be for a new license and the fee shall be doubled. Taverns that have not paid all fees and penalties and completed renewal prior to the annual renewal date shall, pursuant to Section 17-2-118, not be granted a new license under any circumstances whatsoever.

**(Ord. No. 02-06 Amended 03/05/2002; Ord. No. 09-26 Amended 08/07/2009)**

## 17-2-108. TERM OF ALCOHOLIC BEVERAGE LICENSES.

All alcoholic beverage licenses, no matter when issued, shall expire on the annual renewal date.

**(Ord. No. 02-06 Amended 03/05/2002)**

## 17-2-109. ALCOHOLIC BEVERAGE LICENSE FEES.

(1) All alcoholic beverage license fees shall be those set forth in Title 1, Chapter 2, the Consolidated Fee Schedule.

**(Ord. No. 02-06 Amended 03/05/2002)**

## 17-2-110. TRANSFER OF LICENSE PROHIBITED.

(1) Alcoholic beverage licenses are not transferable or assignable to any other person. Each person must make application and all fees paid.
(2) Alcoholic beverage licenses are not transferable to a new location. A complete application must be made and all fees paid.

## 17-2-111. DISPLAY OF LICENSES.

Every certificate of license issued pursuant to this Chapter shall be posted by the licensee in a conspicuous place upon the wall of the building, room or office of the place of business next to the certificate of business license so that the same may be easily seen. When the certificate of license has expired, it shall be removed and no certificate of license which is not in force and effect shall be permitted to remain posted within the place of business.

## 17-2-112. INTOXICATED PERSONS.

(1) It shall be unlawful and shall constitute a strict liability offense for any person to sell alcoholic beverages to any intoxicated person or to any person under the influence of any intoxicating beverage or drug, or to allow any intoxicated person to consume an alcoholic beverage on the licensed premises.
(2) It shall be unlawful and shall constitute a strict liability offense for any licensee to allow intoxicated persons to remain in or about the licensed premises.

## 17-2-113. NUISANCE.

It shall be unlawful for any licensee to keep or maintain a nuisance on the licensed premises.

## 17-2-114. LIGHTING AND VIEW REQUIREMENTS.

It shall be unlawful for any licensee to own, operate or manage any premises licensed for the sale and/or consumption of alcoholic beverages without complying with the following lighting and view requirements:

(1) During business hours, a minimum of one candle power light measured at a level five feet above the floor shall be maintained.
(2) Enclosed booths, blinds or stalls shall not be erected or maintained.
(3) A clear, unobstructed view of all portions of the interior of any room shall be available at all times from a point within the licensed premises at or near the main entrance to each such room.

## 17-2-115. SALE AND CONSUMPTION HOURS.

It shall be unlawful for any licensee to sell, offer to sell, furnish, supply or permit the consumption of alcoholic beverages on any licensed premises during the times and hours set forth below.

(1) Off-Premises Beer Retailers shall not sell, offer to sell, furnish or supply beer between the hours of 1:00 a.m. and 7:00 a.m. of any day.

(2) Restaurant On-Premises Beer Retailers, Taverns and Recreational Facility Beer Outlets, Brew Restaurants, and Small Brewers shall not sell, offer to sell, furnish, supply or permit the consumption of beer between the hours of 1:00 a.m. and 10:00 a.m. of any day.
(3) Restaurants, Brew Restaurants, and Small Brewers shall not sell, offer to sell, furnish, supply or permit the consumption of liquor or beer after 12:00 midnight and before 12:00 noon.
(4) Club Licensees shall not sell, offer to sell, furnish, supply or permit the consumption of liquor or beer on Sundays, or on any other day between the hours of 1:00 a.m. and 10:00 a.m.

Unless otherwise prohibited by law, licensed premises may remain open during all hours, provided that alcoholic beverages are not sold, offered for sale, furnished, supplied or consumed during the prohibited hours specified above.

**(Ord. No. 02-10 Amended 03/05/2002; Ord. No. 02-06 Amended 03/05/2002; Ord. No. 09-26 Amended 08/07/2009)**

## 17-2-116. REGULATIONS RELATING TO MINORS.

(1) It shall be unlawful and shall constitute a strict liability offense for any person to sell any alcoholic beverage to any minor or allow any minor to consume any alcoholic beverage on a premises licensed for the consumption thereon of such beverage. Upon a licensee's conviction for selling or furnishing an alcoholic beverage to a minor or allowing the consumption of an alcoholic beverage by a minor, such license shall be revoked or suspended for a minimum of 30 days.
(2) It shall be unlawful for any minor to purchase, accept, consume, or have in his or her possession any alcoholic beverage, provided, however, that this subparagraph shall not apply to the acceptance of alcoholic beverages by such person for medicinal purposes supplied only by the parent or guardian of such person or to the administering of such alcoholic beverage by a physician in accordance with the law; provided further, that the provisions of this paragraph prohibiting possession of beer shall not apply to minors who are bona fide employees in Off-Premises Beer Retailer licensed premises while in the discharge of their employment therein or thereabouts.
(3) It shall be unlawful and shall constitute an offense of strict liability for any Tavern licensee to employ or use the services of any minor in the licensed premises or for any other licensee to employ or use the services of any minor in or on that portion of any licensed premises, during business hours which are primarily designed, intended, and used for the sale and serving of alcoholic beverages for consumption on the premises. Minors may be employed by Restaurant On-Premises Beer Retailer, Brew Restaurant, Small Brewer or Club licensees or nonprofit club licensees as entertainers, kitchen staff, bus boys, waiters, waitresses, and maintenance personnel, provided such minor employees do not enter on that portion of the premises primarily intended for the sale, consumption or manufacture of alcoholic beverages in the performance of employment duties, Minors are permitted only on the portions of the premises primarily intended for cooking the meals or for dining. The physical structure of the premises shall be such that no minor employee shall enter the portion of the premises primarily intended for the sale, consumption or manufacture of alcoholic beverages in the performance of employment duties and such entry by a minor employee is hereby prohibited. This Section shall not be construed to allow any minor on that portion of the Restaurant On-Premise Beer Retailer, Brew Restaurant, Small Brewer or club intended primarily for the sale, consumption or manufacture of alcoholic beverages for any reason whatsoever.

(4) It shall be unlawful and shall constitute an offense of strict liability for any licensee to permit a minor to enter and remain on the licensed premises or any portion thereof which is intended for the consumption, sale or manufacture of alcoholic beverages. This Section shall not be construed to prohibit minors from eating meals in a restaurant, Brew Restaurant or Small Brewer or club on that portion of the premises which is primarily intended for the serving of meals. Any portion of a club which is primarily intended for the serving of meals and which shall admit minors as patrons shall have the dining area clearly designated by signs and by physical barriers or walls which separate persons in the dining area from that portion of the premises intended primarily for the consumption and sale of alcoholic beverages. Restaurants, Brew Restaurants and Small Brewers which have portions of the premises intended primarily for the consumption and sale of alcoholic beverages shall also have the signs and barriers described above. Should minors be admitted, entrance to and exit from the dining areas shall be by route other than through that portion of the premises primarily intended for consumption and sale of alcoholic beverages.

(5) Before selling any alcoholic beverage to a person or permitting a person to enter any licensed premise or portion thereof where a minor is prohibited, all licensees shall ascertain the age of the person in accordance with U.C.A. § 32B-1-407 as amended and by requiring the person to present a valid driver's license or other form of identification containing a picture of the person, his date of birth, height, weight, and color of hair and eyes.

**(Ord. No. 02-10 Amended 03/05/2002; Ord. No. 02-06 Amended 03/05/2002; Ord. No. 09-26 Amended 08/07/2009; Ord. No. 11-26 Amended 10/24/2011)**

## 17-2-117. MAINTENANCE OF RECORDS BY RESTAURANT ON-PREMISES BEER RETAILER, BREW RESTAURANT, AND SMALL BREWER LICENSEES.

All holders of a Restaurant On-Premises Beer Retailer, Brew Restaurant, or Small Brewer licenses shall maintain records which shall disclose the gross sales of beer and food purchases for the restaurant from all suppliers during the license year. Such records shall be available for inspection and audit by the City at any time during normal business hours after giving reasonable notice and shall be maintained for two years following the expiration of the Restaurant On-Premises Beer Retailer, Brew Restaurant, or Small Brewer license each year. Failure to properly maintain such records for such inspection and audit shall be cause for the suspension or revocation of the Restaurant On-Premises Beer Retailer license. If any audit or inspection discloses that the sale of beer on the licensed premises is in excess of 30 percent of the gross dollar volume from the sale of beer and food for any six-month period during any license year, the Restaurant On-Premises Beer Retailer, Brew Restaurant or Small Brewer license shall immediately be suspended and shall not be reinstated until the licensee is able to prove to the satisfaction of the City Council that in the future the sale of beer on the licensed premises will not exceed 30 percent of the gross dollar volume from the sale of beer and food.

**(Ord. No. 02-10 Amended 03/05/2002; Ord. No. 02-06 Amended 03/05/2002)**

## 17-2-118. PROHIBITION ON ISSUANCE OF TAVERN BEER LICENSES.

(1) On and after July 1, 1982, the City shall not issue any new Tavern Licenses. The City may only renew existing Tavern licenses, permit a change of licensees at licensed premises existing as of the effective date of this Ordinance and permit Tavern licensed premises to move to new locations if the license fees are paid and the new location meets the requirements of this

Chapter and other applicable provisions of the West Valley City Municipal Code. Any Tavern licensed premises whose license is revoked or not renewed, for whatever reason, shall not be entitled to obtain a new Tavern license.

(2) Notwithstanding the fact that a lessee of a Tavern licensed premises is the licensee, for purposes of this Section, the Tavern license shall remain with the premises and only the owner of the premises may move the license to a new location, pursuant to this Chapter.

**(Ord. No. 02-06 Amended 03/05/2002)**

## 7-2-119. SPECIAL EVENT PERMITS.

Local consent for Special Event Permits shall be issued by the City for events at Concert Venues only.

**(Ord. No. 12-40 Enacted 10/22/2012)**

# CHAPTER 17-3
# DENIAL, SUSPENSION OR REVOCATION OF A LICENSE

Sections:

17-3-101. Denial of a Business License or Alcoholic Beverage License.
17-3-102. Reasons for Suspension or Revocation.
17-3-103. Enforcement.
17-3-104. Procedure for Suspension or Revocation.
17-3-105. License Hearing Board.
17-3-106. Appeal Procedure.
17-3-107. Hearing.
17-3-108. Decision of the Hearing Board.
17-3-109. Appeal of Hearing Board Decision.
17-3-110. Licensing After Revocation.
17-3-111. Validity of Business License or Alcoholic Beverage License During Appeal.
17-3-112. Business Owner Responsible for Concessionaire.

## 17-3-101. DENIAL OF A BUSINESS LICENSE OR ALCOHOLIC BEVERAGE LICENSE.

After a person has made application to the City for a business license or alcoholic beverage license, the application may be denied for any of the following reasons:

(1) The applicant does not meet the qualifications for a licensee as provided under this Title.
(2) For a new application, nonpayment of a returned check for the required license fees at the time the application is made. For a business license renewal application, nonpayment of the required license fees plus penalty three months after it is due.
(3) One of the reviewing departments or divisions of the City provided for in this Title has disapproved the application pursuant to any applicable provision of the City Code.
(4) False or incomplete information given on the application.
(5) Noncompliance with any requirement or condition set by the Planning Commission or Planning and Zoning Division, if applicable, under a conditional use permit or by the Board of Adjustment or Planning and Zoning Division, if applicable, granting a variance or special exception.
(6) Noncompliance with any city, state or federal statutes or any Health Department regulations governing the applicant's proposed business.
(7) Any other reason expressly provided for in this Title.

**(Ord. No. 02-06 Amended 03/05/2002)**

## 17-3-102. REASONS FOR SUSPENSION OR REVOCATION.

An existing business license or alcoholic beverage license may be suspended or revoked for any of the following reasons:

(1) The licensee does not now meet the qualifications for a licensee as provided under this Title;
(2) False or incomplete information given on an application;

(3) The licensee has violated or is violating any provision of this Title or provision of the City Code, state or federal statutes or regulations governing the licensee's business.
(4) The licensee has obtained or aided another person to obtain a license by fraud or deceit;
(5) The licensee has failed to pay property taxes, the utility tax or sales tax;
(6) The licensee has refused authorized representatives of the City to make an inspection or has interfered with such representatives while in the performance of his duty in making such inspection;
(7) The licensee is not complying with a requirement or condition set by the Planning Commission or Planning and Zoning Division, if applicable, under a conditional use permit; by the Board of Adjustment or Planning and Zoning Division, if applicable, granting a variance or special exception; by the City Council; or by agreement;
(8) Violation of this Title by the agents or employees of a licensee and violations of any other laws by the agents or employees committed while acting as an agent or employee of the licensee; or
(9) Any other reason expressly provided for in this Title.

## 17-3-103. ENFORCEMENT.

(1) The License Officer shall have the authority, without a hearing, to deny a license for the reasons provided for in this Chapter.
(2) The License Officer shall have the authority to suspend or revoke a license without a hearing, for reasons provided for in this Chapter. However, the suspension or revocation shall not take effect until the time period for appealing the decision as set forth in this Chapter below has passed.
(3) The License Officer may, on his or her own initiative or in response to complaints from the general public or any City department or division, investigate and gather evidence of violations of this Title or other circumstances which may give rise to a denial, suspension or revocation.

## 17-3-104. PROCEDURE FOR SUSPENSION OR REVOCATION.

The License Officer shall cause written notice to be given by personal service or registered mail to the licensee of his or her decision to suspend or revoke a license, the reason for such decision, that operation of a business after the effective date of the suspension or revocation is a Class "B" misdemeanor, the licensee's right to appeal the License Officer's decision and have a hearing, and the appeal procedure.

## 17-3-105. LICENSE HEARING BOARD.

There is hereby created the License Hearing Board of West Valley City consisting of three members appointed by the City Manager with the advice and consent of the City Council. Of the three members of the Board, two must be residents of West Valley City, one must be an employee of West Valley City, and one must be a holder of or have a substantial interest in a current West Valley City business license. Board members shall be appointed for three-year terms or until their successors are appointed and shall serve without compensation. Initially, appointments shall be made for one, two and three-year terms. Annually, thereafter, the City Manager shall, with the advice and consent of the City Council, appoint for three-year terms, Board members to take the place of retiring Board members. Vacancies in the Board caused by removals, resignations or otherwise, shall be filled for the unexpired term in the same manner as original appointments. The License Hearing Board shall have authority to hear evidence in business license matters referred to the Board and, after such hearing, shall submit its

recommendations in writing to the Office of the City Manager. Nothing herein shall prevent the City Manager from serving as a member of the Board. The City Manager shall designate one member of the Board to be Chairman and one member of the Board to be Vice-Chairman for a period of one year.

**(Ord. No. 09-18 Amended 06/14/2009)**

## 17-3-106. APPEAL PROCEDURE.

(1) Appeals of a License Officer's decision to deny, suspend or revoke a license may be made by filing a written notice of appeal with the City Recorder within 15 days of receipt of the notice of denial, suspension or revocation.
(2) The notice of appeal shall be in writing and shall set forth with specificity the reasons for which the appeal is taken.

**(Ord. No. 05-48 Amended 11/01/2005)**

## 17-3-107. HEARING.

(1) The hearing shall be at a time, place, and day set by the Hearing Board. The hearing shall be scheduled no later than four working days after receipt of the notice of appeal and shall occur within sixteen working days after receipt of the notice of appeal.
(2) At the hearing, the Hearing Board or representative from the City Attorney's Office shall present the reasons for the decision to deny, suspend or revoke the license.
(3) The applicant or licensee, in person or through his or her attorney, may then present any evidence showing reason why the decision was in error.
(4) All witnesses shall be sworn to testify truthfully. Either party is entitled to confront and cross-examine any witnesses.
(5) Any oral or documental evidence may be received, but the Hearing Board shall exclude all privileged, irrelevant, immaterial, or unduly repetitious evidence.
(6) If the denial, suspension, or revocation appealed from is based on a finding by the Building Division, Planning and Zoning Division, Fire Department, Health Department, or Police Department that the business was or would be in violation of their applicable ordinances or regulations, then that finding shall be conclusive on the Hearing Board, and the Board's decision may be based only on whether the license was properly denied, suspended, or revoked because of the Building Division's, Planning and Zoning Division's, Fire Department's, Health Department's, or Police Department's finding.
(7) If the appeal is based on a decision by the Police Department to deny, suspend, or revoke a police I.D. card pursuant to Section 17-5-108, the factual determinations of the Police Department shall be conclusive, and the License Hearing Board shall:
    a. Uphold the decision if the Hearing Board finds that the Police Department acted properly to deny, suspend, or revoke the police I.D. card based on the factual determinations made by the Police Department;
    b. Reverse the decision if the Hearing Board finds that the Police Department did not act properly to deny, suspend, or revoke the police I.D. card based on the factual determinations of the Police Department; or
    c. Uphold the decision if the Hearing Board finds that the Police Department acted properly to deny, suspend, or revoke the police I.D. card based on the factual determinations of the Police Department, but hold the decision in abeyance for one

year on the basis of mitigating circumstances. Such mitigating circumstances may include, but shall not be limited to, the following:

i. The impact of the decision on the cardholder's employment possibilities or career, relative to the severity of the reason the I.D. card was denied; or

ii. The cardholder's completion, or willingness to complete, job skills training related to the cardholder's position, or approved counseling related to the violation, not including court-ordered counseling.

d. If the decision of the Police Department is held in abeyance by the Hearing Board, any action by the applicant that would cause the Police Department to deny, suspend, or revoke the I.D. card pursuant to Section 17-5-108 shall immediately reinstate the original decision of the Police Department, and the applicant's I.D. card shall be automatically denied, suspended, or revoked, as the case may be.

e. If the applicant appeals the decision of the Police Department regarding the I.D. card based on a dispute of the Department's factual findings, the applicant must request a review of the decision by the Police Department. The request shall include a statement explaining which facts are disputed, and proof that the Police Department's decision was in error. The Police Department shall respond to the applicant's request within 30 days. The response shall uphold the decision and include proof supporting the Police Department's findings, or modify the decision based on a review of the application.

(8) If the denial, suspension, or revocation appealed from is based on a determination by the Business License Officer that grounds existed pursuant to this Code, the Hearing Board may examine the factual nature of the grounds and determine whether such grounds are sufficient to sustain the decision of the Business License Officer.

(9) The License Hearing Board does not have the authority to waive compliance with applicable provisions of the Business License ordinances, nor can the Hearing Board extend deadlines set forth in the ordinances or change the substance or form of the ordinances.

**(Ord. No. 96-39 Amended 06/21/1996; Ord. No. 05-48 Amended 11/01/2005)**

## 17-3-108. DECISION OF THE HEARING BOARD.

The Hearing Board, after hearing all the evidence, shall announce its decision within seven working days from the date of hearing. The Hearing Board may affirm or reverse the decision of the Business License Officer. The decision shall be in writing and shall be based only upon findings of fact. The Hearing Board may designate that the prevailing party draft the Findings of Fact and Order. If the prevailing party drafts the Findings of Fact and Order, the opposing party shall have five days from the date the draft is submitted within which to file objections to the draft. Upon resolution of all objections to the draft, the Hearing Board shall release the Findings of Fact and Order.

**(Ord. No. 05-48 Amended 11/01/2005)**

## 17-3-109. APPEAL OF HEARING BOARD DECISION.

Any decision of the License Hearing Board may be appealed by the applicant, licensee, or City to the District Court within 30 days from when the written decision is made.

## 17-3-110. LICENSING AFTER REVOCATION.

A person, whose license has been revoked, may not be issued a license for a period of 12 months after the revocation. A person whose license has been revoked may not operate exclusively on any license from the state that requires the consent of the local jurisdiction.

**(Ord. No. 09-26 Amended 08/07/2009)**

## 17-3-111. VALIDITY OF BUSINESS LICENSE OR ALCOHOLIC BEVERAGE LICENSE DURING APPEAL.

Throughout the appeal process as outlined above, a licensee holding a suspended or revoked business or alcoholic beverage license may continue to operate his or her business in accordance with federal, state and local laws pending final decision on the appeal, or until the time for appeal has passed, whichever occurs first.

## 17-3-112. BUSINESS OWNER RESPONSIBLE FOR CONCESSIONAIRE.

For purposes of business or premises' owners who contract out the sale of alcoholic beverages on the business premises to an independent concessionaire, violation by said concessionaire of any provision of this Title shall constitute grounds for suspension and/or revocation of the license of said business or premises owner.

# CHAPTER 17-4
# BASE FEES AND BONDING

Sections:

17-4-101. Definitions.
17-4-102. Bonds Required for Certain Businesses.
17-4-103. Cigarette Vending Machine Sale to Minors.
17-4-104. Home Occupation.

## 17-4-101. DEFINITIONS.

(1) Coupon Seller means a person who sells coupons, detachable parts of tickets, advertisements or other certificates entitling the bearer to certain stated benefits, such as a cash refund, gift or discount.
(2) Exterminator, Fumigator or Pest Control Operator means any person who uses any toxic, noxious, poisonous or dangerous substance, either gaseous, liquid or otherwise, specified by the Health Department as liable to affect human beings by causing sickness or death and used for the extermination of household insects, vermin or rodents.
(3) Food Refrigeration Storage Units means and includes any establishment wherein compartments are rented, leased or made available to any party other than the owner of the establishment for the refrigerated storage of food.
(4) House Mover means any person that moves houses, including raising or shoring.

## 17-4-102. BONDS REQUIRED FOR CERTAIN BUSINESSES.

The following businesses shall be required to post a bond, in an amount as indicated below, with a corporate surety authorized to do business in the State of Utah, conditioned to indemnify the City or any individual for any loss, damage or expense occasioned by any act or failure to act of the licensee, or by any failure of the licensee to comply with the laws of the City, the Health Department or the State:

(1) Carpet cleaner: $1,000
(2) Coupon seller: $15,000
(3) Drapery cleaner: $1,000
(4) Exterminator, Fumigator or Pest Control Operator: $1,000
(5) Food refrigeration storage unit: $1,000
(6) Furniture cleaner: $1,000
(7) House Mover: $1,000
(8) Roofer: $1,000

## 17-4-103. CIGARETTE VENDING MACHINE SALE TO MINORS.

It shall be unlawful for any person to maintain a cigarette vending machine in a location where the same is used or accessible by minors under the age of 19 years.

## 17-4-104. HOME OCCUPATION.

(1) If a home occupation grosses less than $1,000 per year, it shall be exempt from all requirements of this Title.
(2) If a home occupation grosses from $1,000 to $10,000 per year, it shall pay the business license fee for a "home occupation less than $10,000," as set forth in the Consolidated Fee Schedule. A licensee coming under this provision shall sign an affidavit stating that the business grosses less than $10,000 per year. Signing an affidavit, knowing it not to be true, shall be grounds for denial or revocation of the license.
(3) If a home occupation grosses over $10,000 per year, it shall pay the business license fee for a "home occupation over $10,000, as set forth in the Consolidated Fee Schedule.

# CHAPTER 17-5
# EMPLOYEES OF ALCOHOL ESTABLISHMENTS

Sections:

17-5-101. Definitions.
17-5-102. Police I.D. Card Required.
17-5-103. Procedure for Obtaining Employee Police I.D. Card.
17-5-104. Cards Required.
17-5-105. Duty to Display Card on Request.
17-5-106. Business License Required.
17-5-107. Place of Performance for Tavern Dancers.
17-5-108. Grounds for denial, suspension or revocation of an employee's police I.D. card or a business license.
17-5-109. Prohibited Acts by Employees of Alcohol Establishments.
17-5-110. Enforcement.
17-5-111. Procedure for Denial, Suspension or Revocation.
17-5-112. Hearing and Appeal Procedure.
17-5-113. Booking Agent Liable for Acts of a Tavern Dancer.

## 17-5-101. DEFINITIONS.

(1) Alcohol Establishment means a Restaurant On-Premises Beer Retailer, Tavern, Recreational Facility Beer Outlet, Brew Restaurant, Small Brewer, or Club as defined in Chapter 2 of this Title.
(2) Band means any paid or unpaid musical group which entertains patrons of alcohol establishments.
(3) Booking Agent is any person furnishing booking or employment services for a tavern dancer, band or other entertainers.
(4) Division Commander means the Administrative Services Commander of the West Valley City Police Department.
(5) Employees of Alcohol Establishments means all paid and unpaid persons performing or providing services as waitresses, barmaids, doormen, bartenders, parking attendants, persons checking I.D., tavern dancers, bands or other entertainers, or any other service or function in an alcohol establishment. For Restaurant On-Premises Beer Retailers and Recreational Facility Beer Outlets, the term "employee(s)" shall include only those persons who work in the portion of the premises primarily intended for the sale and/or consumption of alcoholic beverages. For non-sales alcoholic beverage licensed premises, the term "employee(s)" shall include only those paid employees of the licensee directly involved in the distribution, serving or handling of alcoholic beverages.
(6) Entertainer means any band or any paid or unpaid person who conducts any type of performance before the patrons of an alcohol establishment. For purposes of this Chapter "entertainer" does not include a tavern dancer.
(7) Mingling means the circulating, mixing or contact or close, face-to-face conversation between tavern dancers and patrons of the alcohol establishment or Club.
(8) Tavern Dancer means any person, paid or unpaid, who entertains or performs before patrons of a tavern or social club through use of movement of their body, including but not limited to, dancers, strippers, mud wrestlers and participants in a wet t-shirt or wet underwear contest.

**(Ord. No. 02-10 Amended 03/05/2002; Ord. No. 02-06 Amended 03/05/2002; Ord. No. 09-26 Amended 08/07/2009)**

## 17-5-102. POLICE I.D. CARD REQUIRED.

It shall be unlawful for any person to be an employee of an alcohol establishment without first acquiring a police I.D. card therefore pursuant to the requirements of this Chapter. Each day of noncompliance shall constitute a separate violation.

## 17-5-103. PROCEDURE FOR OBTAINING EMPLOYEE POLICE I.D. CARD.

(1) Prior to performing or providing services as an employee for an alcohol establishment, the applicant shall submit a signed police I.D. card application to the Police Department along with the police I.D. fee, as set forth in the Consolidated Fee Schedule. The applicant shall submit to being photographed and fingerprinted.
(2) All applicants shall furnish satisfactory proof of his or her age.

## 17-5-104. CARDS REQUIRED.

All employees of alcohol establishments shall have in their possession a valid police I.D. card, which card is not transferable . Employees of alcohol establishments shall not commence work prior to receiving said card based on the application required in this Chapter. A receipt for payment of the police I.D. fee required by this Chapter shall not constitute a valid police I.D. card.

**(Ord. No. 09-26 Amended 08/07/2009)**

## 17-5-105. DUTY TO DISPLAY CARD ON REQUEST.

Should a police I.D. card be granted, the grantee shall carry the card in his or her possession, and any authorized official shall have the right to inspect the police I.D. card. The police I.D. card shall contain the name, address, and date of birth of the employee, the expiration date of the card and the name of the booking agent, if applicable.

## 17-5-106. BUSINESS LICENSE REQUIRED.

(1) Each booking agent shall obtain a business license and pay the license fee set forth in the Consolidated Fee Schedule.
(2) Each tavern dancer shall obtain a business license and pay the license fee as set forth in the Consolidated Fee Schedule in addition to obtaining a police I.D. card as provided in this chapter. This includes all tavern dancers regardless of whether they are independent, represented by a booking agent, or an employee of the alcohol establishment.

## 17-5-107. PLACE OF PERFORMANCE FOR TAVERN DANCERS.

Tavern dancers shall perform only on a stage, platform or dance floor that has a barrier between the tavern dancer and patrons where no tavern dancer is closer than arm's length from a naturally positioned patron.

## 17-5-108. GROUNDS FOR DENIAL, SUSPENSION OR REVOCATION OF AN EMPLOYEE'S POLICE I.D. CARD OR A BUSINESS LICENSE.

In addition to the reasons set forth in Chapter 3 of this Title, the City may deny, suspend or revoke a police I.D. card and license, if applicable, if the applicant or licensee:

(1) Has violated any provision of this Title;
(2) Has been convicted of any felony or has completed serving a sentence for any felony conviction (whichever is most recent) within three years, or a misdemeanor within the last two years involving controlled substances, alcohol, sex crimes, contributing to the delinquency of a minor, or any criminal act which might relate to the employment of the applicant;
(3) Has procured, attempted to procure, or agreed to procure, for any person:
    a. A controlled substance, as defined in U.C.A. 58-37-1, et seq., 1953 as amended; or
    b. Another person for the purpose of sexual intercourse or any other immoral act;
(4) If an employee has attempted to solicit or has solicited a patron to consume alcoholic beverages;
(5) Has utilized his or her license for the purpose of obtaining credit or as identification for cashing checks.

## 17-5-109. PROHIBITED ACTS BY EMPLOYEES OF ALCOHOL ESTABLISHMENTS.

The following acts committed by an employee of an alcohol establishment shall be unlawful and shall be grounds for the suspension or revocation of the employee's police I.D. card and license, if applicable:

(1) The performance or simulation of sexual intercourse, masturbation, oral copulation, anal copulation, bestiality, flagellation, or any sexual acts prohibited by law.
(2) The simulation or actual touching, caressing or fondling by the employee of the employee's own breasts, buttocks, anus or genitalia or the breasts, buttocks, anus or genitalia of another employee or of a patron of the alcohol establishment.
(3) Permitting a patron of the alcohol establishment or another employee to touch, caress or fondle the employee's breasts, buttocks, anus or genitalia, or simulate any such action.
(4) The display or simulation of the display of pubic hair, buttocks, genitalia, or female breast below a point immediately above the top of the areola.
(5) Mingling, as defined in this Chapter, unless the dancer is fully clothed or fully opaquely robed from the top of the breast to the knee.
(6) The use of any controlled substance or the consumption of any alcoholic beverage or being under the influence of any controlled substance or alcoholic beverage while performing or providing services as an employee for any alcohol establishment.
(7) The conduct of any of the specific acts defined as a nuisance as listed in 17-2-101(6).

**(Ord. No. 02-06 Amended 03/05/2002)**

## 17-5-110. ENFORCEMENT.

(1) The Division Commander shall have the authority, without a hearing, to deny a police I.D. card for the reasons provided in this Chapter.
    In the case of denial for submission of false or incomplete information on an I.D. card application, the Division Commander may impose a reapplication waiting period of up to 90

days in lieu of denial if the incomplete or false information causing the denial is not related to an alcohol offense. The imposition of a reapplication waiting period may be appealed to the License Hearing Board pursuant to Section 17-5-112.

(2) The Division Commander shall have the authority, without a hearing, to suspend or revoke a police I.D. card for the reasons provided in this Chapter. However, the suspension or revocation shall not take effect until the time period for appealing the decision as set forth in this Chapter has passed, or until all appeals properly initiated have been resolved, whichever occurs first.

(3) The Division Commander may, on his or her own initiative or in response to complaints from the general public or any City department or division, investigate and gather evidence of violations of this Title or other circumstances which may give rise to a denial, suspension or revocation.

**(Ord. No. 96-39 Amended 06/21/1996)**

## 17-5-111. PROCEDURE FOR DENIAL, SUSPENSION OR REVOCATION.

The Division Commander shall cause written notice to be given by personal service or registered mail to the police I.D. cardholder of the following: his or her decision to deny, suspend or revoke a police I.D. card; the reason for such decision; that performing or providing services after the effective date of the suspension or revocation constitutes a Class "B" misdemeanor, or if, in the case of a denial, performing or providing services without a valid police I.D. card constitutes a Class "B" misdemeanor; the police I.D. card applicant's right to appeal the Division Commander's decision; the appeal procedure.

## 17-5-112. HEARING AND APPEAL PROCEDURE.

The procedure for hearing an appeal of the Division Commander's decision shall be made in accordance with Sections 17-3-105 through 17-3-110 of this Title.

## 17-5-113. BOOKING AGENT LIABLE FOR ACTS OF A TAVERN DANCER.

The suspension or revocation of the police I.D. card and/or business license of two or more tavern dancers, working under the same booking agent, within any 12-month period shall result in the revocation of the business license of said booking agent.

# CHAPTER 17-6
# SWAP MEETS

Sections:

17-6-101. Definitions.
17-6-102. One-day Swap Meet License.
17-6-103. Sale of obscene materials, drug paraphernalia, or sale of sex paraphernalia to minors prohibited.
17-6-104. Pawnbrokers and Secondhand Dealers.
17-6-105. Enforcement.
17-6-106. Qualifications of Licensees and Sellers.

## 17-6-101. DEFINITIONS.

(1) One-Day Swap Meet Seller means a business license issued for a specific twelve-hour period by a swap meet business licensee on behalf of the City.
(2) Swap meet means property where the owner or lessee rents, lends or leases the premises to persons for use as a market place to barter, exchange or sell goods. A flea market shall be considered a swap meet. Yard sales and garage sales at residences are not swap meets.

## 17-6-102. ONE-DAY SWAP MEET LICENSE.

(1) It shall be unlawful for any person to barter, exchange, or sell goods at a swap meet without first having obtained a business license pursuant to this Chapter.
(2) The applicant shall fill out a One-Day Swap Meet License Application in full, which shall be supplied to him by the swap meet licensee. The application shall be completed each day before the applicant conducts business at the swap meet. The applications shall be turned in by the swap meet licensee to the police department the same day as the swap meet.
(3) The fee for a One-Day Swap Meet License shall be that set forth in the Consolidated Fee Schedule.
(4) The fees shall be accounted for on a monthly basis and remitted to the City on or before the 10th day of the following month.
(5) The One-Day Swap Meet License applications shall be printed by the swap meet licensee according to the format approved by the City.

## 17-6-103. SALE OF OBSCENE MATERIALS, DRUG PARAPHERNALIA, OR SALE OF SEX PARAPHERNALIA TO MINORS PROHIBITED.

(1) It shall be unlawful to sell or exhibit any obscene or pornographic materials at a swap meet in violation of any provision of the West Valley City Code. The swap meet licensee shall enforce this provision and may be prosecuted for any violation under West Valley City Code.
(2) It shall be unlawful to sell any drug paraphernalia at a swap meet, in violation of Sections 76-11-201, et seq., West Valley City Code.
(3) It shall be unlawful to sell any sex paraphernalia to minors at a swap meet in violation of Sections 76-16-101, et seq., West Valley City Code.

## 17-6-104. PAWNBROKERS AND SECONDHAND DEALERS.

A swap meet license or one-day licensee shall not conduct the business of pawnbroker or secondhand dealer without having obtained the licenses required for such businesses as provided in this Title in addition to the licenses required under this Chapter.

## 17-6-105. ENFORCEMENT.

Uniformed Category I peace officers shall be hired by the swap meet licensee to be present at each swap meet to insure that the provisions of this Chapter are complied with and that other applicable City ordinances and State statutes are not violated. The number of officers required shall be as follows:

(1) One officer shall be required for all swap meets with 25 or less one-day licensees.
(2) Two officers shall be required for all swap meets with more than 25 but less than 100 one-day licensees.
(3) One additional officer shall be required for each 100 daily licensees above the first 100.

## 17-6-106. QUALIFICATIONS OF LICENSEES AND SELLERS.

A business license or a one-day license shall be denied, suspended or revoked where the applicant, licensee, one-day licensee, or manager or operator of the swap meet:

(1) Is not 18 years or older; or
(2) Is not found to be of good moral character; or
(3) Who has, in the past seven years, been convicted of or is presently charged with a felony in violation of any law relating to burglary, theft, robbery, receiving stolen property, or any law involving moral turpitude; or
(4) Who has, in the past five years, been convicted of or is presently charged with a misdemeanor in violation of any law or ordinance relating to theft, receiving stolen property, or any law or ordinance involving moral turpitude; or
(5) Who has any outstanding warrants, or who pled guilty to or forfeited his bail on a charge of having committed a felony; or
(6) Who is a partnership, any member of which lacks any of the qualifications of this section; or
(7) Who is a corporation in which an officer or director lacks any of the qualifications of this section.

# CHAPTER 17-7
# MASSAGE ESTABLISHMENTS

Sections:

17-7-101. Definitions.
17-7-102. Business License Required.
17-7-103. Qualifications of the Licensee.
17-7-104. Prohibited Acts.
17-7-105. Display of Licenses.

## 17-7-101. DEFINITIONS.

(1) Massage means the practice whereby a person, either by the hands or with a mechanical or electrical apparatus, administers to another person effleurage (stroking), friction (rubbing), petrissage (kneading), tapotement (percussion) and vibration (shaking or trembling), or variations of these, and the use of rehabilitative procedures involving the muscles by non-intrusive means and without spinal manipulation. The practice of massage may include the use of oil rubs, heat lamps, salt glows, hot and cold packs or tub, shower, steam or cabinet baths.
(2) Massage Technician means a person who is licensed as a massage technician by the State of Utah.
(3) Massage Apprentice means a person who is licensed as a massage apprentice by the State of Utah.
(4) Massage Establishment means any place where massages are given for hire.

## 17-7-102. BUSINESS LICENSE REQUIRED.

It is unlawful for any person or entity to operate a massage establishment without meeting the requirements of this Chapter and obtaining a business license as required by this Title.

## 17-7-103. QUALIFICATIONS OF THE LICENSEE.

Each individual desiring a massage establishment license shall:
(1) Be an individual at least 21 years of age;
(2) Have no convictions of crimes involving moral turpitude within the past five years.

## 17-7-104. PROHIBITED ACTS.

The following acts are prohibited:
(1) It is unlawful for any person to practice or engage in or attempt to practice or engage in massage, without first being licensed by the State of Utah as a massage technician or massage apprentice.
(2) It is unlawful for any massage establishment to employ, for the purpose of performing massage, any individual who is not licensed by the State of Utah as a massage technician or massage apprentice.
(3) It is unlawful to serve, store, allow to be served, or allow to be consumed any alcoholic beverage on the licensed premises of a massage establishment.

(4) It is unlawful for a massage technician, massage apprentice, or any employee of a massage establishment to touch or offer to touch or massage the genitalia of customers.
(5) It is unlawful for the massage technician, massage apprentice, or any customer or employee of the massage establishment to display to any other person any specified anatomical area or to engage in any specified sexual activity, as defined in Section 17-1-101, while on the premises of the massage establishment.

## 17-7-105. DISPLAY OF LICENSES.

(1) Every massage establishment licensed under this ordinance shall display its massage establishment license in a conspicuous place on the premises.
(2) Every massage technician or massage apprentice, while on the premises of a licensed massage establishment, shall maintain in his or her possession or immediate presence his or her State massage technician or massage apprentice license.

# CHAPTER 17-8
# PUBLIC RECREATION

Sections:

17-8-101. Definitions.
17-8-102. Policy.
17-8-103. Public Health, Safety and Welfare Requirements.
17-8-104. Indemnification and Insurance.
17-8-105. Repealed.
17-8-106. Repealed.
17-8-107. Continued compliance, adequate personnel, other provisions.
17-8-108. Inspections.
17-8-109. Penalty.
17-8-110. Exemption for government-operated or - sponsored public recreations.
17-8-111. License Fees.

## 17-8-101. DEFINITIONS.

(1) Community Events means indoor or outdoor public recreations that are not for profit and that are primarily sponsored or promoted by a non-profit organization, such as a charitable, civic, cultural, governmental, school, or community organization.
(2) Indoor Public Recreation means a concert, fair, festival, bazaar, athletic contest, or other event held, shown or presented within an indoor structure, which 500 or more patrons may attend, or any event subject to UCA 63C-11-101 et seq. regardless of size.
(3) Outdoor Public Recreation means:
    a. A concert, fair, festival, bazaar, athletic contest, or other similar event held out of doors, which 1,500 or more patrons may attend, or
    b. Any racing event involving motorized vehicles, regardless of the number of patrons, or
    c. Any event subject to UCA 63C-11-101 et seq. regardless of size.
(4) Patron means any person who requires a ticket or pass to attend a public recreation, regardless of whether the person exchanged money for the ticket or pass.
(5) "Public Assembly Facility" means
    a. an indoor or outdoor assembly facility that is wholly or partially funded by public funds; and
    b. which requires a person attending an event at the assembly facility to purchase a ticket.

**(Ord. No. 94-86 Amended 08/15/1994; Ord. No. 95-61 Amended 12/22/1995; Ord. No. 96-73 Amended 11/27/1996; Ord. No. 97-43 Amended 08/11/1997; Ord. No. 99-23 Amended 06/07/1999; Ord. No. 09-13 Amended 5/13/2009)**

## 17-8-102. POLICY.

The City takes public notice that public recreations, as herein defined, create hazardous conditions, including but not limited to, traffic, solid waste disposal, sanitation, sewage disposal, public health, fire protection, noise and other public safety concerns; therefore, City finds and determines that this ordinance which prescribes the procedures, rules and regulations for conducting public recreations

as herein defined is necessary to protect the health, safety and welfare of the citizens of West Valley City. This ordinance shall be liberally construed to accomplish this purpose.

**(Ord. No. 94-86 Amended 08/15/1994)**

## 17-8-103. PUBLIC HEALTH, SAFETY AND WELFARE REQUIREMENTS.

(1) As part of its business license application, a public recreation applicant shall provide evidence of measures taken to reasonably protect the health, safety and welfare of the patrons to the public recreation and the public in general. Such evidence shall include, but is not limited to, the following:
    a. A statement of the number of expected participants or potential number of participants with an explanation of how the number was derived. The number may be derived from but shall not be limited to items such as number of presold tickets, available seating and/or parking, past experience with similar activities, etc.
    b. A scaled drawing of the area in which the public recreation is held. The drawing shall show:
        i. Off-street parking facilities providing for one vehicle for every four patrons reasonably expected to attend the public recreation. The parking shall be hard surface and striped or, if not hard-surfaced and striped, adequately regulated by parking personnel to insure orderly and safe ingress and egress from the parking facility;
        ii. Specific areas designated for ingress and egress of emergency vehicles. Such areas shall include appropriate barriers to regulate vehicular and pedestrian traffic; details to be included in said scaled drawing.
        iii. Specific areas designated for safe ingress and egress of vehicular traffic and for patron admission to insure the safety of patrons, the enforcement of State and local laws and ordinances and the exclusion of persons not entitled to entry. The adequacy of such areas shall be based upon the number of patrons reasonably expected to attend the public recreation.
    c. A plan outlining adequate provisions for traffic control, crowd control and enforcement of City ordinances, State and federal laws and any other applicable regulations. The plan shall include, but is not limited to, the following:
        i. Number of enforcement personnel located at the premises;
        ii. Type of security personnel (i.e. private security, City police, county or state personnel);
        iii. Name and address of the private security agency providing security personnel if a private agency is used and approved; and
        iv. Arrangements for communication between internal and external security personnel, including City personnel, if any, and arrangements for emergency communication with patrons.
(2) To insure the reasonable protection of the health, safety and welfare of the patrons to the public recreation and the public in general, the business license application, including the scaled drawing and other applicable documents, as hereinbefore required shall be subject to approval by the following personnel or agencies:
    a. Chief of Police;
    b. Fire Chief;
    c. Community Development Department and Chief Building Official;

d. City/County Health Department.

Approval by the above personnel and agencies shall be based upon compliance with and approval of the information required in (1) above, upon implementation by the public recreation of those measures outlined in (1) above, upon compliance by the applicant with City and State ordinances, statutes and regulations, upon compliance with other reasonable conditions imposed by the above personnel and/or agencies which reasonably protect the safety of patrons to the event and the public in general, and insured compliance with City and State laws by patrons.

Should any of the information required in (1) above change after issuance of the business license, the applicant shall submit said changes to the personnel or agencies listed in (2) above for their approval within 10 days of such change.

**(Ord. No. 00-12 Amended 02/24/2000; Ord. No. 09-13 Amended 05/31/2009)**

## 17-8-104. INDEMNIFICATION AND INSURANCE.

(1) The public recreation applicant shall hold City harmless from any and all claims arising from any and all personal injury or property damage resulting from said public recreation.
(2) The public recreation applicant shall submit, with its business license application, evidence of a liability insurance policy providing for a minimum of $1,000,000 bodily injury coverage per person; $3,000,000 bodily injury coverage per occurrence; and $250,000 property damage coverage. City shall be named as an insured and the applicant shall submit a certificate of insurance to the City stating that the insurance shall not be cancelled prior to giving City at least 10 days written notice of such cancellation. At its discretion, the City Manager may waive this insurance requirement for nonprofit organizations.

## 17-8-105. REPEALED.

**(Ord. No. 09-13 Repealed 05/31/2009)**

## 17-8-106. REPEALED.

**(Ord. No. 09-13 Repealed 05/31/2009)**

## 17-8-107. CONTINUED COMPLIANCE, ADEQUATE PERSONNEL, OTHER PROVISIONS.

(1) After approval of its business license application and for the duration of the public recreation, applicant shall provide those facilities and implement those safeguards required by the City which constitute the basis for approving the license application and shall comply with all ordinances, laws and statutes applicable to the public recreation. Failure to do so shall result in any and/or all penalties provided in Section 17-8-109 of this Chapter.
(2) The applicant shall provide adequate personnel, including competent security, to assure full compliance with the provisions of this Title and the provisions of any other City, county, state or federal law. The adequacy of said personnel shall be determined by compliance with the provisions of Section 17-8-103 above.
(3) Compliance with the provisions of this Chapter shall not excuse any public recreation from compliance with any other applicable statute, ordinance or regulation, or the necessity of

obtaining any other permit or license required by law including, but not limited to, those provisions in this Title specifically related to the operation of a business as herein defined.

## 17-8-108. INSPECTIONS.

Authorized law enforcement officers and fire control personnel, along with other necessary government personnel, shall be permitted free access to the public recreation to make inspections as outlined in Section 17-1-108 of this Title.

## 17-8-109. PENALTY.

(1) If it is determined by the City Business License Division that a public recreation business licensee is in violation of any of the provisions of this Title, the City Business License Officer shall have the authority to suspend or revoke, without a hearing, any license issued by the City that relates to the public recreation. Said suspension or revocation shall be in compliance with the procedural provisions of Chapter 3 of this Title.
(2) Any person who is found guilty of violating any of the provisions of this Title, either by failing to do those acts required herein or by doing a prohibited act is guilty of a Class "B" misdemeanor and shall be subject to any of the penalties provided in this Title or in any other pertinent body of law including, but not limited to, those penalties of suspension and/or revocation of any license granted by the City.
(3) Each day such violation is committed or permitted to continue shall constitute a separate violation.
(4) The City Attorney may initiate legal action, civil or criminal, requested by the City to abate any condition that exists in violation of these rules and regulations.
(5) In addition to other penalties imposed by a court of competent jurisdiction, any person(s) found guilty of violating any provisions of this Title shall be liable for all expenses incurred by the City in removing or abating any nuisance, source of filth, cause of sickness or infection, health hazard, sanitation violation, or repairing any damage or making restitution for any personal injury or property damage arising from noncompliance with this Title.

## 17-8-110. EXEMPTION FOR GOVERNMENT-OPERATED OR –SPONSORED PUBLIC RECREATIONS.

(1) Government-operated public recreations shall be exempt from the provisions of this Chapter.
(2) A public recreation licensee that operates a community event hosted or co-sponsored by the City shall be exempt from the license fees for that community event.

**(Ord. No. 95-61 Repealed 12/22/1995; Ord. No. 97-43 Enacted 08/11/1997)**

## 17-8-111. LICENSE FEES.

(1) All Indoor and Outdoor Public Recreations which are held in public assembly facilities shall pay the per-ticket license fee, as provided in Chapter 1-2 of Title 1. This license fee shall be offset by the $1 per ticket user fee established pursuant to Section 4-3-103 and the Consolidated Fee Schedule.
(2) Indoor and Outdoor Public Recreations:

a. Indoor and Outdoor Public Recreations, as defined in 17-8-101(3)(a), not held in public assembly facilities, shall pay a disproportionate impact fee as provided in Chapter 1-2 of Title 1, to offset the additional costs to the City of providing police, fire, parking, and traffic control services.
b. Indoor and Outdoor Public Recreations as defined in 17-8-101(3)(a) not held in public assembly facilities shall pay a disproportionate impact parking fee as provided in Chapter 1-2 of Title 1, to offset the additional costs to the City of providing police, fire, parking, and traffic control services.

(3) All license and disproportionate impact fees based on a per-ticket or per-car basis, as provided for in Chapter 1-2 of Title 1, the Consolidated Fee Schedule, are due on the tenth business day following the final day of a month in which any public recreation was held. Per-ticket fees are based on the number of tickets purchased, regardless of whether or not the ticket-holders used the tickets for admittance to the public recreation. Licensees shall maintain monthly records of the number of tickets distributed, and present copies of the month's records to the Business License Division along with payment of the license fees.

**(Ord. No. 96-73 Added 11/27/1996; Ord. No. 97-43 Amended 08/11/1997; Ord. No. 99-23 Amended 06/07/1999)**

# CHAPTER 17-9
# RESTAURANTS

Sections:

17-9-101. Definition.
17-9-102. Unlawful to employ help under eighteen years of age after one a.m.
17-9-103. Minors prohibited on premises after eleven a.m.
17-91-04. Certain persons not allowed in restaurants.

## 17-9-101. DEFINITION.

Restaurant means any place where food and beverages are prepared, served and sold for human consumption on or off the premises.

## 17-9-102. UNLAWFUL TO EMPLOY HELP UNDER EIGHTEEN YEARS OF AGE AFTER ONE A.M.

It shall be unlawful for any restaurant to employ any person under the age of eighteen years after the hour of 1:00 a.m. of any day.

## 17-9-103. MINORS PROHIBITED ON PREMISES AFTER ELEVEN P.M.

It shall be unlawful for any person holding a restaurant license to allow any person under the age of 16 to visit or remain on the licensed premises after the hour of 11:00 p.m. of any day unless such minor is accompanied by his parent or guardian.

## 17-9-104. CERTAIN PERSONS NOT ALLOWED IN RESTAURANTS.

It shall be unlawful for any person licensed under the provisions of this Chapter to permit to loiter, loaf or idle in his place of business any known prostitute, gambler, pimp or procurer, or permit in any such place of business any vulgar, obscene, gross, indecent or immoral act, conduct, or disorder. The word "known" shall mean known to the licensee, or any of his employees, or to the police or other public authorities having supervision over such place of business or one who has such a reputation.

# CHAPTER 17-10
# AMBULANCES, EMERGENCY MEDICAL SERVICE PROVIDERS AND SPECIAL TRANSPORTATION PROVIDERS

Sections:

17-10-101. Definitions.
17-10-102. Licenses.
17-10-103. Vehicles - Equipment, Maintenance and Operation.
17-10-104. Special Transportation.
17-10-105. Reports.
17-10-106. Exemptions.
17-10-107. Emergency Medical Procedures.
17-10-108. Responding Vehicles.
17-10-109. Vehicle Service and Response Time.
17-10-110. Permanent Facilities.
17-10-111. Service Assurance and Development.

## 17-10-101. DEFINITIONS.

(1) "Ambulance" means a motor vehicle constructed and equipped with facilities to transport sick or injured persons.
(2) "Emergency Medical Service Provider (EMS)" means a licensed ambulance provider and paramedic provider, a quick response provider, resource hospital for emergency medical providers, emergency medical dispatch center, emergency patient receiving facilities and emergency medical service personnel.
(3) “Incident Command Policy” means incident response protocol that assigns a commanding officer based on the arrival sequence of emergency response personnel; ensures a direct and visible chain of command is immediately established; defines activities and responsibilities of the commanding officer and other personnel; provides for processing of information to support management and decision making; and provides for the orderly transfer of command to subsequent commanding officers.
(4) “Selective Medical Dispatch System” means a Fire Department-approved reference system used by a local dispatch agency to dispatch aid to medical emergencies, and which includes systematized caller interrogation; systematized pre-arrival instructions; and protocols matching the dispatcher’s evaluation of injury or illness severity with vehicle response mode and configuration.
(5) "Special Transportation" means a motor vehicle designed, equipped and used for the transportation of invalid persons on a non-emergency basis. Such vehicles shall require no personnel other than the driver, and shall not be required to have first-aid equipment, flashing red lights or sirens.
(6) “VECC” means the Valley Emergency Communications Center at approximately 5360 South and 5885 West in West Valley City.

**(Ord. No. 02-28 Amended 05/16/2002)**

## 17-10-102. LICENSES.

(1) A business license shall be required for ambulances, Emergency Medical Service providers and special transportation providers as well as for each service provider in a vehicle.
(2) Before approval of any application for a license, applicants shall be required to submit a permit issued by the State of Utah authorizing the transportation of passengers.
(3) The police shall conduct an investigation of each applicant for a license. Upon completion of the investigation, the police shall recommend the approval or disapproval of the application. It shall be the duty of the Police Department to give the Fire Department a written report of any misrepresentation or falsification by the applicant discovered after investigation.
(4) Every applicant shall go to the police department and obtain the necessary photographs and fingerprint impressions to process the application. Applications for renewal of licenses may be required to obtain up-to-date photographs, if the police shall so require.
(5) Every application shall include a certificate from a reputable physician residing in the State which shall certify that, in the opinion of the physician, the applicant is not afflicted with any disease or infirmity that would or might cause him to be an unsafe or unsatisfactory driver. After the initial application, assuming it is approved, a physician's certificate shall be filed annually with the police.
(6) All applicants for an ambulance or Emergency Medical Service license shall submit proof of a current certificate issued by the Bureau of Emergency Medical Services.
(7) Ambulance and Special Transportation duly licensed in another city or county, which have substantially the same requirements as this Chapter, shall be required to only fill out an application and pay the per-vehicle fees each year as set forth in the Consolidated Fee Schedule.
(8) All licenses shall provide evidence of a $5,000,000.00 liability insurance policy in the company name placed with a company that has a minimum Best's rating of at least A:VII in a form reviewed and approved by the City Attorney's office.

**(Ord. No. 02-28 Amended 05/16/2002)**

## 17-10-103. VEHICLES - EQUIPMENT, MAINTENANCE AND OPERATION.

(1) A license shall not be issued until each vehicle to be used in the City has been thoroughly and carefully inspected by the Fire Department and certified by the Bureau of Emergency Medical Services.
(2) Every ambulance or special transportation operating under the provisions of this Title shall be inspected annually by the Fire Department and certified by the Bureau of Emergency Medical Services to insure the continued maintenance of safe, clean and proper operating conditions.
(3) Every licensed vehicle operating under the provisions of this Chapter shall be kept in a clean and sanitary condition, according to rules and regulations promulgated by the Bureau of Emergency Medical Services.
(4) Licensees shall not operate street stands nor accept passengers except on orders received by a dispatching office, or by appointment or contract.

**(Ord. No. 02-28 Amended 05/16/2002)**

## 17-10-104. SPECIAL TRANSPORTATION.

(1) All special transportation shall be in safe condition for the transportation of handicapped persons, clean, of good appearance and well-painted, and shall have such equipment as may be required by the City, including, but not limited to, the following:
    a. Doorways wide enough to accommodate a wheelchair;
    b. Ramps or lifting devices for elevating handicapped persons from the curb or sidewalk. All such ramps and lifting devices must be stored inside the vehicle when moving.
    c. Adequate means for the securing of handicapped persons safely to the inside of the vehicle and safety belts for all passengers.
    d. A door, in addition to those provided in such vehicles for normal ingress and egress, located at the rear, to be used as a method of escape in case of an emergency.
    e. A fire extinguisher, first-aid equipment, and such other supplies as may from time to time be required.
(2) A special transportation vehicle shall not be equipped with a siren or permitted to operate as an emergency vehicle or permitted to carry oxygen.

**(Ord. No. 02-28 Amended 05/16/2002)**

## 17-10-105. REPORTS.

(1) Every licensee shall maintain a daily manifest which shall include a report of all trips made during a given shift and show the time and place of origin and destination of each trip and the name of the passenger transported. All manifests shall be returned to the licensee by the driver at the conclusion of the working day.
(2) The forms for each manifest shall be furnished to the driver by the licensee and shall be of a character approved by the City.
(3) Every licensee shall retain and preserve all driver manifests in a safe place for at least one calendar year after the year in which such manifests are made. Manifests shall be sent monthly to the Fire Department and shall be available to the City at any time upon request.
(4) Every licensee shall keep accurate records of all receipts from operations including operating and other expenses, capital expenditures and such other operating information as may be required by the City. Records so retained shall be made available to the City for inspection upon request.
(5) Every licensee shall maintain all records required by this Chapter at a place readily accessible for examination by the City.

**(Ord. No. 02-28 Amended 05/16/2002)**

## 17-10-106. EXEMPTIONS.

The provisions of this Chapter shall have no application to the transportation by the City or any of its departments of any person. No driver employed by the City shall be required to comply with the provisions of this Title.

## 17-10-107. EMERGENCY MEDICAL PROCEDURES.

The Fire Department will have the responsibility for and shall have jurisdiction over any Emergency Medical Services program in the City.

(1) VECC Emergency Medical Dispatchers have the primary responsibility for receiving and dispatching calls for medical assistance, including ambulance.
(2) All direct-dial emergency medical calls received by private agencies will immediately be referred to the VECC for dispatch of appropriate equipment, if the call is for assistance within the City limits.
(3) VECC Dispatchers will dispatch the appropriate unit, whether public or private, to the medical emergency scene as per the Dispatch Priority Cards. To accomplish this, the following must be observed:
    a. VECC Dispatchers shall be kept informed of the status and location of private ambulances in four-hour increments.
    b. Where only a private ambulance is dispatched, the private agency will give to the Fire Department the information regarding patients in the form of a patient report within 30 days of the dispatch.
    c. Private agencies will notify VECC Dispatchers immediately any time ambulance units are not immediately available, if there will be a delayed response time, and the estimated time or arrival.
    d. Interaction on fire frequency is required to establish awareness of respective locations.
    e. The ambulance company's dispatch shall use the same Dispatch Priority Card System.
    f. Any problems with compliance to the Dispatch Priority System should be reported by dispatchers, EMTs, paramedics or ambulance personnel at the required monthly Emergency Medical Service meetings.
    g. All licensees shall supply a status screen to VECC to comply with proper status tracking.
(4) All vehicles shall contain equipment to be used for participation in specialized rescue services, including but not limited to eye protection, helmets and other safety gear and equipment as determined by the Fire Department.

**(Ord. No. 02-28 Amended 05/16/2002)**

## 17-10-108. RESPONDING VEHICLES.

(1) Department orders specify apparatus responding to an emergency shall not travel more than 50 miles per hour on City streets and shall be driven in a manner consistent with safety. On freeways, they shall maintain speed with flow of traffic.
(2) When approaching an intersection with warning devices in operation, the speed of the vehicle is to be slowed to where full stop can be made if necessary.
(3) Vehicles dispatched on emergency medical assignments shall give current location, response route and estimated time of arrival to the VECC Dispatcher.
(4) A unit, either private or public, shall not pass another responding emergency vehicle without the permission of the lead vehicle.
(5) All emergency vehicles responding on medical emergency calls shall restrict use of warning devices such as sirens and air horns as they approach the emergency scene so as not to alarm the patient and cause unnecessary confusion.
(6) Where an ambulance is closer than a paramedic or other responding apparatus, they shall respond 10-39.

(7) All Fire Department vehicles will be informed by VECC Dispatcher when ambulance only is responding and given route of travel.
(8) A licensee shall follow District IIB protocols as they pertain to contacting on-line medical control and each licensee shall attend regularly scheduled District IIB protocol review meetings and shall ensure that all employees and activities are in compliance with the established protocols.

**(Ord. No. 02-28 Amended 05/16/2002)**

## 17-10-109. VEHICLE SERVICE AND RESPONSE TIME.

(1) Response type, time and mode shall be followed as set forth in subsection (2) below. These requirements shall be applied in normal circumstances and shall apply to the first and second subsequent calls for service. In the event of multiple simultaneous calls or calls that require more than two licensees, these response requirements shall be followed to the extent possible.

(2) Required Response Times.

| | **Response Time 1st Responders** | **Response Time Ambulance** | **Response Time Paramedics** |
|---|---|---|---|
| Alpha Calls | <12:59 Minutes 90% | <12:59 Minutes 90% | No response |
| Response Mode | No lights or sirens | No lights or sirens | No response |
| | | | |
| Bravo Calls | <7:59 Minutes 90% | <12:59 Minutes 90% | No response |
| Response Mode | No lights or sirens | No lights or sirens | No response |
| | | | |
| Charlie Calls | <4:59 Minutes 90% | <12:59 Minutes 90% | <7:59 Minutes 90% |
| Response Mode | Lights and sirens | Lights and sirens | Lights and sirens |
| | | | |
| Delta Calls | <4:59 Minutes 90% | <7:59 Minutes 90% | <7:59 Minutes 90% |
| Response Mode | Lights and sirens | No lights and sirens | Lights and sirens |
| | | | |
| Echo Calls | <4:59 Minutes 90% | <7:59 Minutes 90% | <7:59 Minutes 90% |
| Response Mode | Lights and sirens | Lights and sirens | Lights and sirens |

(3) A licensee shall maintain four fully equipped and staffed ambulances within the corporate boundaries of West Valley City at all times.
(4) A licensee shall maintain four fully equipped and staffed paramedic units within the corporate boundaries of West Valley City at all times.

**(Ord. No. 02-28 Added 05/16/2002)**

## 17-10-110. PERMANENT FACILITIES.

(1) A licensee shall provide and maintain a permanent facility within the City that provides training rooms, clean restrooms, an employee break room, decontamination equipment including a washing machine, sink, shower and soap.
(2) The facility shall also provide for an indoor storage facility to provide protection, maintenance, and other facilities for the vehicles.
(3) The facility shall be secured, temperature controlled, clean, well lit and built in compliance with all other City ordinances.

**(Ord. No. 02-28 Added 05/16/2002)**

## 17-10-111. SERVICE ASSURANCE AND DEVELOPMENT.

(1) Each licensee shall develop and maintain a plan consistent with maintaining career opportunities for EMS personnel. This plan shall be submitted to and reviewed by the Fire Department on an annual basis.
(2) Each licensee shall develop, maintain and deliver illness and injury prevention programs to the community and create a community education program that promotes community health.
(3) Each licensee shall establish resource allocation models that most appropriately maximize resources and efficiency, and develop response plans that utilize the most appropriate resource in the most appropriate mode.
(4) Each licensee shall participate in the continual review and update of the prioritized medical dispatch protocols used by the licensee. Attendance at monthly review meetings shall be mandatory and a license suspension shall result for failure to attend.
(5) Each licensee shall develop and implement a customer satisfaction survey intended to measure the licensee's effectiveness and the satisfaction that the community has with the licensee. The licensee shall obtain a survey from at least 70% of its clients and shall provide the results to the City annually. These records shall be retained for at least one year and shall be made readily available to the City for review at any time.
(6) Each licensee shall create and apply infection control procedures that meet NFPA and OSHA requirements as well as local, district, and State rules.
(7) Each licensee shall adhere to a detailed Incident Command Policy.
(8) Each licensee shall develop, implement and present to the Fire Department a quality improvement process that evaluates every level of the EMS system including communications, field of care review by a medical director, post-incident reviews, response time criteria, adherence to established treatment and transport protocols, appropriate scene release, and accuracy and completeness of patient care reports.

**(Ord. No. 02-28 Added 05/16/2002)**

# CHAPTER 17-11
# SERVICE STATIONS

Sections:

17-11-101. Definition.
17-11-102. Nonbusiness Filling Stations.
17-11-103. Coin-operated Stations.
17-11-104. Food and Beverages.

## 17-11-101. DEFINITION.

Service station means a place of business where gasoline or any highly volatile fuels for motor vehicles or internal combustion engines, are sold or offered for sale at retail, and dispensed into the fuel tanks of such motor vehicles. A "service station" shall also include a private storage tank and dispensing of such products for the same purposes as those served by a service station, whether the storage is maintained for the use or benefit of the owner, lessees, agents or employees of either, or of any others.

## 17-11-102. NONBUSINESS FILLING STATIONS.

Any person maintaining or operating any storage tank for gasoline for the use of automobiles of the owner, lessee, employees or agents of such person shall comply with all the provisions of applicable ordinances except the payment of a business license fee.

## 17-11-103. COIN-OPERATED STATIONS.

It shall be unlawful for any person to maintain any coin-operated station without the services of an attendant on duty at all times.

## 17-11-104 FOOD AND BEVERAGES.

Food or beverages shall not be served, sold, or allowed to be consumed on the premises of a service station without the licensee first acquiring the necessary food handling permits and a convenience store business license as required by this Title.

# CHAPTER 17-12
# TAXI SERVICES

Sections:

17-12-101. Definition.
17-12-102. Applications.
17-12-103. Inspection.
17-12-104. Distinctive Color Scheme.
17-12-105. Financial Responsibility.
17-12-106. Taxicab Driver's License.
17-12-107. Examination of Drivers.
17-12-108. Forms and Terms of Driver's License.
17-12-109. Driver's Badge or Cap.
17-12-110. Revocation or Suspension of Licenses.
17-12-111. Maintenance of Records.
17-12-112. Schedule of Rates.
17-12-113. Taximeter.
17-12-114. Filing Schedule of Rates.
17-12-115. Additional Passengers.
17-12-116. Conduct of Taxicab Driver.
17-12-117. Cruising Prohibited.
17-12-118. Car Must Take Most Direct Route.
17-12-119. Driver to Remain Near Vehicle.
17-12-120. Fraud Prohibited.
17-12-121. Duty to Transport Passengers.
17-12-122. Refusing to Pay Fare.
17-12-123. Demand of Fare in Advance.
17-12-124. Duty to Disclose Information.
17-12-125. Identification.
17-12-126. Record of Business.
17-12-127. Intoxicating Liquors.
17-12-128. Reciprocity.

## 17-12-101. DEFINITION.

Taxicab means any motor vehicle used for the purpose of transporting persons within the county for hire, provided, that "taxicab" as hereinabove defined shall not include vehicles used in what is commonly known as motor bus operations with a seating capacity of seven persons or more.

## 17-12-102. APPLICATIONS.

In addition to the information required by Section 17-1-105, all applications for a taxicab license shall contain the make, model, year of manufacture and seating capacity of the taxicab, the Utah state license number for the current year, the engine and factory number of the motor vehicle and the color scheme or combination proposed to be used.

## 17-12-103. INSPECTION.

(1) All applications for taxicab licenses shall be forwarded to the police who, in turn, shall make or cause to be made inspections of such taxicabs as are intended to be licensed and shall forward to the license officer a certification of inspection for each showing same to have been inspected and in a thoroughly safe condition for the transportation of passengers; and further, that such taxicabs are clean, of respectable appearance and painted a distinctive color so as to permit differentiation from privately-owned passenger motor vehicles and other taxicabs; provided, that in case the taxicab as such is licensed by the City, there may be submitted, in lieu of said certificate, a copy of the inspection record of said City covering such taxicab, showing that it passed inspection not earlier than sixty days prior to the filing of said application.
(2) Taxicabs licensed under this Chapter shall be inspected every six months to insure the continued maintenance of safe operating conditions. Such inspection shall be made by the Police Department or by someone directed by that Department to make the inspection.
(3) The owner or operator of the taxicab shall pay an inspective fee of Five Dollars to the City for each inspection made in conformance with this provision.

## 17-12-104. DISTINCTIVE COLOR SCHEME.

A taxicab license shall not be issued to any person until a standard and uniform color scheme has been adopted by the applicant and approved by the police, which designated color scheme shall not conflict with or imitate any color scheme, monogram, name or insignia used by another concern in such manner as to be misleading or to tend to deceive or defraud the public. Every taxicab shall have painted upon each of the rear doors, the name of the owner, or the trade name under which the owner operates, together with the cab number of the owner. All lettering mentioned in this paragraph shall not be less than two and one-quarter inches in height and 5/16-inch stroke.

## 17-12-105. FINANCIAL RESPONSIBILITY.

After approval of the application and prior to the issuance of a taxicab license, the applicant shall submit to the license officer:

(1) An insurance policy in such amounts as the City shall from time to time determine appropriate, executed by an insurance company qualified to do business in the State of Utah and approved by the City Council, insuring any person against loss or damage to person or property resulting to him or his heirs from the negligent operation of any taxicab operated by or on behalf of the owner thereof; provided, however,
(2) That, in lieu of said insurance policy, taxicab owners may file surety bonds with the City in such amounts as the City Council shall from time to time determine appropriate, keeping the same in full force and effect during the entire period for which such taxicab is covered by the license issued hereunder. Bonds shall be in such form as the City Attorney's Office may deem proper, executed by a responsible and solvent surety company authorized to do business under the laws of the State of Utah, and so conditioned that the taxicab owner will pay all final judgments rendered against him for damages; and that,
(3) In lieu of an insurance policy or corporate surety bond, prospective licensees can substitute bonds in the same amount as those above required, conditioned that the owner will pay all final judgments rendered against him for damages, executed by two good and sufficient individual sureties, each of whom shall subscribe his name to said bond and swear under oath that he is the owner of real property in the City not exempt from execution and having value of not less

than Fifty Thousand Dollars. Individual surety bonds shall be approved by the Commission and kept in full force and effect during the entire license fiscal period and individual sureties may be called before the Commission at any time to satisfy the Commission that their financial position remains secure. Persons filing surety bonds, not executed by a corporate surety qualified as aforesaid, shall pay the license director a filing fee in the sum of Ten Dollars.

(4) In the event the taxicab is licensed as such by the City, there may be submitted in lieu of the actual policies and/or bonds an affidavit that they are in effect in the amounts prescribed and are on file in Salt Lake City or county and, in such case, the applicant shall keep the same in full force and effect during the whole period for which such taxicab is covered by a license issued hereunder.

## 17-12-106. TAXICAB DRIVER'S LICENSE.

A taxicab driver's license may be issued only after submission to the Business License Division director of the following:

(1) An application setting forth the name, age, address, places of residence of the applicant for five years prior to the date of such application, marital status, record, if any, of arrests and convictions for felonies and misdemeanors and a record as to whether previously licensed as a driver or chauffeur and, if so, whether such license has ever been revoked and for what reason. Such application shall be sworn to by the applicant before a notary public, or other officer authorized to administer oaths. No taxicab driver's license shall be granted unless the applicant is over 21 years of age, a bona fide resident of the City for 60 days next preceding the date of such application, not addicted to the use of intoxicating liquors or drugs and possessed of a sound physique with good eyesight and hearing. Applicants shall, further, not be subject to epilepsy, vertigo, heart trouble or any other infirmity of body or mind such as to render them unfit for the safe operation of a taxicab.

(2) Three unmounted, unretouched photographs of the applicant in such position as the police may require, taken not earlier than thirty days prior to the filing of said application.

(3) A certificate in a form approved by the City Attorney's Office, signed by the police or their duly authorized deputy, setting forth that the applicant has been examined by the police or such deputy, and that applicant is, in the opinion of such officer, sufficiently familiar with the geography of the City and the traffic rules and regulations of the State of Utah to operate a taxicab and that said applicant has demonstrated sufficient skill and ability to handle safely said taxicab, possesses the average knowledge of the mechanism of an automobile, is able to write, read and understand the English language and is clean in dress and person; provided, that the police may accept evidence that the applicant holds a license to drive a taxicab in the incorporated limits of the City as a basis for his issuance of a certificate and in lieu of an independent examination.

(4) Affidavits signed by at least two reputable residents of West Valley City to whom applicant is known personally, attesting to applicant's good moral character, honesty and integrity and, in addition, a letter of endorsement from applicant's most recent employer regarding applicant's habits and character, unless in the opinion of the police, it is impossible or inadvisable to obtain such employer's endorsement.

(5) Fingerprints of the applicant, consisting of impressions of all fingers and both thumbs of his right and left hands.

(6) Evidence that the applicant has a current motor vehicle chauffeur's permit issued by the State of Utah authorizing the transportation of passengers.

## 17-12-107. EXAMINATION OF DRIVERS.

Each applicant for a taxicab driver's license under the provisions of this Chapter may be annually examined by the Police Department as to his knowledge of the provisions of same, the traffic regulations and geography of the City and if the result of the examination be unsatisfactory, shall be refused a license. Each such applicant shall, upon demand by the City Police Department, demonstrate his skill and ability to handle his vehicle and must demonstrate his knowledge of the mechanism of an automobile.

## 17-12-108. FORMS AND TERMS OF DRIVER'S LICENSE.

The driver's license shall be in such form as to contain the photograph and signature of the licensee. It shall be unlawful for any licensee to deface, remove or obliterate any official entry made upon his license.

## 17-12-109. DRIVER'S BADGE OR CAP.

There shall be delivered to each licensed driver a badge or cap of such form and style as the police may prescribe, with the driver's license number thereon, which must under penalty of the revocation of the license be constantly and conspicuously displayed on the outside of the left sleeve of the driver's outer garment when he is engaged in his employment. Such badge shall be non-transferrable and it shall be unlawful for any person to wear any such badge or one so similar as to deceive any person, unless the same has been regularly issued, as provided herein, to the person wearing the same.

## 17-12-110. REVOCATION OR SUSPENSION OF LICENSES.

Upon the recommendation of the police, based upon a violation of any of the provisions of this Chapter or of any other ordinance of the City, or the laws of the county or State of Utah, or for any immoral, indecent or offensive conduct, or for any other reason the commission deems it reasonable or proper, the above-mentioned taxicab license and taxicab driver's license may be either permanently revoked or suspended by the Council for such period of time as the Council shall determine. Any suspension of the taxicab driver's license shall be noted on such license, together with a statement of the reasons therefore, and the licensee shall thereupon be deprived of the license and the driver's badge until the expiration of the period of the suspension in the event that a suspension only is had. A second suspension for the same reason or a third suspension for any reason shall be cause to permanently revoke the driver's license. No person whose license has been so revoked shall again be permitted to obtain a taxicab driver's license, except upon the presentation of reasons satisfactory to the Council.

## 17-12-111. MAINTENANCE OF RECORDS.

The license director shall maintain a complete record of each taxicab license and taxicab driver's license issued and of all renewals, suspensions and revocations thereof, which record shall be kept on file with the original applications for such licenses.

## 17-12-112. SCHEDULE OF RATES.

The driver of each taxicab shall display in a conspicuous place in the inside of the vehicle which he is operating where same may be easily read by every person riding therein, a schedule of the rates or, if the rates are based on zones, the zone map determining the charges to be assessed.

## 17-12-113. TAXIMETER.

(1) If the rates to be charged are to be computed by taximeters, it shall be the duty of every person owning or operating such taxicab to keep the taximeter thereon in good and workable condition and at the beginning of every employment to set said taximeter in the usual way so that it will register and compute on a mileage basis while said vehicle is running and on a time basis while waiting, and such taximeter shall be so placed that the face thereof where the fare is registered will be plainly visible to passengers within said vehicle.
(2) No license shall be issued to a taxicab using a taximeter for computing the fare, until the taximeter attached thereto shall have been inspected by the correct agency and found to be correct, and no person shall use or permit to be used upon any taxicab a taximeter which shall be in such a condition as to be over five percent incorrect to the prejudice of any passenger.

## 17-12-114. FILING SCHEDULE OF RATES.

It shall be the duty of every operator of a taxicab to file with the license officer a schedule of the rates to be charged by him in the operation of taxicabs and the method upon which said rates shall be computed, and prior to any change in either the rates of fare or the method of computing, the same such operator must receive the authority of the Council for such change.

## 17-12-115. ADDITIONAL PASSENGERS.

Whenever a taxicab driver is transporting a passenger or passengers, such passenger or passengers shall have the exclusive right to full and free use of the passenger compartment and it shall be unlawful for the taxicab driver to solicit or carry an additional passenger or passengers therein, except with the consent of the passenger or passengers then being transported.

## 17-12-116. CONDUCT OF TAXICAB DRIVER.

It shall be unlawful for a taxicab driver, while engaged in operating a taxicab, to obstruct any street or sidewalk; make any loud or unusual noise, disturbance or outcry; use any indecent, profane or obscene language; or be guilty of any boisterous or loud talking or any disorderly conduct; or to harass, vex, annoy or disturb any passenger or other person; or to interfere with, obstruct or impede the free passage of passengers or other persons to or from any depot, theater, home, hotel, public resort, train, or any other building or place; or to seize or grasp, or interfere with any person or package carried by or belonging to said passengers or persons.

## 17-12-117. CRUISING PROHIBITED.

All taxicabs licensed under the provisions of this Chapter are prohibited from indiscriminately soliciting passengers for hire or from cruising the streets of the City for the purpose of obtaining patronage for their cabs; and solicitation within the prohibition is hereby defined to consist of moving

about the streets of the City soliciting or inviting business or customers or calling attention of members of the public to the taxicab by word of mouth, signals, nods or other signs from the taxicab while moving or by drawing up to the curb for that purpose or in any other manner calling attention to its service while going to or from its points of service. Cruising within this prohibition is declared to be moving about the streets of the City either indiscriminately or between fixed points for the purpose of obtaining patronage; provided, however, that taxicabs shall be permitted to receive or discharge passengers at public places or gatherings, such as theaters, hotels, public buildings and stadiums.

## 17-12-118. CAR MUST TAKE MOST DIRECT ROUTE.

Any driver employed carrying passengers to a definite point shall take the most direct route possible that will carry the passenger safely and expeditiously to his destination.

## 17-12-119. DRIVER TO REMAIN NEAR VEHICLE.

It shall be unlawful for any person while engaged as driver, chauffeur, solicitor or attaché of a licensed public vehicle to leave his vehicle for a distance of more than six feet, except for the purpose of securing, when requested, the baggage of his patrons.

## 17-12-120. FRAUD PROHIBITED.

It shall be unlawful for the driver of any licensed public vehicle, or for any person soliciting patronage for any public vehicle, to induce or attempt to induce any person to employ him, by knowingly or wantonly misinforming or misleading such person as to the time or place of the arrival or departure of any railroad train or other conveyance, or the location of any railroad depot, office, station or ticket office, or the location of any hotel, public place or private residence within said City, or to practice any deceit, fraud or misrepresentation in any manner whatever relative to matters pertaining to his business.

## 17-12-121. DUTY TO TRANSPORT PASSENGERS.

It shall be unlawful for any taxicab driver while engaged in operating a taxicab, except as permitted herein, to refuse to convey any person for any lawful purpose, with or without baggage, upon demand and tender of the lawful fare, or having undertaken to convey such person thereafter willfully to refuse or neglect so to do; provided, that there shall be no duty hereunder for any taxicab driver to transport any person who is in an intoxicated condition or who is acting in a loud, boisterous or unruly manner.

## 17-12-122. REFUSING TO PAY FARE.

It shall be unlawful for any person having hired any licensed public passenger vehicle, and having ridden therein, to refuse to pay his fare, not exceeding the rates prescribed in the schedule or zone maps permitted under this Chapter. It shall be unlawful for any taxicab driver to charge rates different from those so prescribed.

## 17-12-123 DEMAND OF FARE IN ADVANCE.

The owner or driver of any licensed public passenger vehicle shall have the right to demand in advance the minimum fare of any person employing him, and may refuse to convey any person who shall not comply with such demand.

## 17-12-124. DUTY TO DISCLOSE INFORMATION.

It shall be unlawful for the owner of any particular taxicab or for any taxicab driver upon being requested so to do by a passenger or officer of the Police Department to refuse to give the license number of the taxicab and the name of the taxicab driver thereof.

## 17-12-125. IDENTIFICATION.

It shall be unlawful for any taxicab to be operated in the City until the owner thereof shall have affixed in a conspicuous place on the rear window thereof a license plate or required identification which shall be issued by the license officer upon approval of the same by the Council.

## 17-12-126. RECORD OF BUSINESS.

Every person engaged in driving a taxicab shall keep a true and exact record of every trip he shall make. Said record shall show the exact time of departure from the place of employment, the place where every stop was made, the length of time that elapsed at such stop, the exact time when the employment terminated, and the place where the passenger, or if more than one, where each passenger was discharged, which record shall at all times be open to the inspection of any law enforcement officer upon demand.

## 17-12-127. INTOXICATING LIQUORS.

It shall be unlawful for any person while engaged in operating a taxicab to drink intoxicating liquors or alcoholic beverages of any kind, including beer, regardless of the limit of its alcoholic content.

## 17-12-128. RECIPROCITY.

Taxicabs duly licensed in another city or county, which have substantially the same requirements as this Chapter, shall be required to only fill out an application and pay the per-vehicle fees each year as set forth in the Consolidated Fee Schedule.

# CHAPTER 17-13
# BURGLAR AND ROBBERY ALARM SYSTEMS

Sections:

17-13-101. Definitions.
17-13-102. License Required.
17-13-103. Deliberate False Alarms.
17-13-104. City Liability Limitations.

## 17-13-101. DEFINITIONS.

(1) "Alarm Business" means any person engaged in the business of selling, leasing, installing, planning the installation, assisting in planning the installation, servicing, maintaining, monitoring, repairing, replacing, moving, or removing alarm systems in the City or the business of causing any of these things to occur.
(2) "Alarm Systems" means any mechanism, equipment, or device which is designated to detect an unauthorized entry into any building or onto any property, or to direct attention to a robbery, burglary, or other emergency in progress, and to signal the above occurrences either by a local or audible alarm or by a silent or remote alarm. The following devices shall not constitute alarm systems within the meaning of this Subsection:
    a. Devices which do not register alarms that are audible, visible, or perceptible outside the protected premises;
    b. Devices which are not installed, operated, or used for the purpose of reporting an emergency to the Police Department.
    c. Alarm devices affixed to motor vehicles or mobile security devices, unless the vehicle is permanently affixed to the real property at the alarm site; and
    d. Alarm devices installed on a temporary basis by the Police Department.
(3) "Emergency" means any situation in which property or human life is in jeopardy. This includes when there is reason to believe a crime is being committed.
(4) "Person" means and includes persons, without regard to number or gender, and any partnership, corporation, and any other type of legal entity.

**(Ord. No. 00-39 Repealed & Replaced 06/07/2000)**

## 17-13-102. LICENSE REQUIRED.

(1) All persons engaged in an alarm business which has any principal business location in the City shall obtain and maintain a current business license from the City.
(2) In order to obtain a City business license, the person must show they have obtained and are maintaining a current Utah alarm company license in compliance with the provisions of the Burglar Alarm Security and Licensing Act, Section 58-55-101 et seq., Utah Code Annotated 1953, as amended.

**(Ord. No. 00-39 Repealed & Replaced 06/07/2000)**

## 17-13-103. DELIBERATE FALSE ALARMS.

A person is guilty of causing a deliberate false alarm if he intentionally activates or causes the activation of an alarm system knowing an emergency does not exist.

**(Ord. No. 00-39 Repealed & Replaced 06/07/2000)**

## 17-13-104. CITY LIABILITY LIMITATIONS.

The City shall not be liable for any defects in the operation of any alarm system, for any failure or neglect to respond to an alarm, nor for the failure or neglect of any person licensed in connection with the alarm business pursuant to this Chapter.

**(Ord. No. 00-39 Repealed & Replaced 06/07/2000)**

# CHAPTER 17-14
# AUCTIONS AND AUCTIONEERS

Sections:

17-14-101. Definitions.
17-14-102. Applications.
17-14-103. Character of Applicant.
17-14-104. Employees.
17-14-105. Exemptions.
17-14-106. Records.
17-14-107. Receipts.
17-14-108. Replenishing Items for Auctions.
17-14-109. False Bids.
17-14-110. Duty of Auctioneer.
17-14-111. Conduct of Auction.
17-14-112. Bond Required.

## 17-14-101. DEFINITIONS.

(1) Auction House means a business where property is sold on an ongoing basis by auction to the highest bidder.
(2) Auctioneer means a person who conduct an auction.

## 17-14-102. APPLICATIONS.

In addition to the information required by Section 17-1-105, applications for an auctioneers' license, or for a single auction, shall name the place of such auction; and such applications shall give the names of any employees, not to exceed two, who are to be authorized to conduct auctions under the authority of the license. Further, the application shall be accompanied by a true and correct inventory listing the articles proposed to be sold at said auction and setting forth a brief description of each article, whether the same is new or used, and setting forth a number for each such article which number shall correspond with the identifying number attached to the article as required by law.

## 17-14-103. CHARACTER OF APPLICANT.

A license shall not be issued to any person not of good character. The police shall investigate the character of each applicant before the license shall be issued.

## 17-14-104. EMPLOYEES.

Every person licensed as an auctioneer may designate not to exceed two employees who may be authorized by him to conduct auctions. The employer shall be liable for any violation of the state, county or city ordinances committed by such employees in conducting an auction.

## 17-14-105. EXEMPTIONS.

Nothing in this article shall be held to apply to any public auction or sale made or conducted by a public officer by virtue of any power or authority contained in a mortgage or trust deed, nor to any auction held for charitable or benevolent purposes, nor to any church affair, festival or bazaar, nor to the sale of animals.

## 17-14-106. RECORDS.

Before any sale is made at auction, the licensee must attach to each article to be sold, which has a retail value of Five Dollars or more, a card with an identifying number endorsed thereon, and each licensee shall maintain a list of all articles sold by him at auction at a retail price of Five Dollars or more, giving any identifying numbers or marks which may be upon the said articles; and indicating opposite the description of each article whether the same is new or used; showing the identifying number assigned to the article as required by this section, the name and address of the purchaser and the date of sale. The licensee shall keep said list for a period of one year following the date of the last sale shown on said list.

## 17-14-107. RECEIPTS.

Each licensee shall, at the time of selling an article at public auction, give to the purchaser thereof a receipt, which receipt shall contain the name of the licensee, date of sale, description of the article sold and the identifying number assigned to the article.

## 17-14-108. REPLENISHING ITEMS FOR AUCTIONS.

When any merchant or auction house advertises or announces a public auction of any kind with a specific stock of merchandise for sale, such stock shall not be replenished without the prior permission of the license officer. No article of property shall be offered for sale or sold at public auction unless said article has been within the State of Utah for at least ten days prior to said sale or offer of sale.

## 17-14-109. FALSE BIDS.

A person shall not act in 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 make any false bid. The licensee, or if a corporation, one of the officers of the licensee, shall remain in continuous attendance during the auction. All sales and all persons participating in sales must truly and correctly represent at all times to the public attending such auction the facts in respect to the quality of the merchandise being sold.

## 17-14-110. DUTY OF AUCTIONEER.

It shall be the duty of all licensed auctioneers to receive articles to be offered for sale at auction, giving receipts therefore; and to sell as the owner directs. The auctioneer shall, at the close of such sale, deliver a fair account of same and pay the amount received for such articles to the person entitled thereto.

## 17-14-111. CONDUCT OF AUCTION.

All auctioneers are forbidden to conduct their sales in a disorderly manner or in such fashion as to constitute a public nuisance.

## 17-14-112. BOND REQUIRED.

Each licensee shall execute a bond to the City with corporate surety in the sum of $1,000, conditioned upon the faithful observance of all laws and ordinances of the City, and the honest performance of all duties required by this or other ordinance and for the protection of persons dealing with such auctioneer against fraud, deception and imposition; said bond to be approved by the City Attorney's Office and filed with the Business License Division.

# CHAPTER 17-15
# BICYCLE SHOPS

Sections:

17-15-101. Definition.
17-15-102. State Statute Adopted.
17-15-103. Duty to See to Licensing of Cycles.
17-15-104. Record, Report of Sales.
17-15-105. Sale of Cycles without Serial Number.
17-15-106. Rental Agencies.
17-15-107. Transfer of Ownership.
17-15-108. Customer Copy.

## 17-15-101. DEFINITION.

Cycle means a device upon which any person may ride, propelled by human power through a belt, chain or gears, and having one or more wheels in tandem or other arrangement. Cycles with wheels of at least 20 inches in diameter and frame size of at least 14 inches shall be subject mandatory to this Article. Others may be licensed by owner upon request.

## 17-15-102. STATE STATUTE ADOPTED.

The Utah State statute dealing with the licensing and registering of cycles by dealers is hereby adopted.

## 17-15-103. DUTY TO SEE TO LICENSING OF CYCLES.

All cycle dealers operating within the City shall license or arrange to have licensed at the time of purchase all cycles sold by them.

## 17-15-104. RECORD, REPORT OF SALES.

All dealers in cycles shall keep a record on all cycles sold by them and furnish, within 30 days of sale, the Police Department with the following information:

(1) The name and address of the retailer;
(2) The year and make of the cycle;
(3) A general description of the cycle;
(4) Frame number; and
(5) Name and address of the purchaser.

## 17-15-105. SALE OF CYCLES WITHOUT SERIAL NUMBER.

All cycle dealers within the City shall not sell any cycle which does not have a serial number on its frame. Where the cycle has no serial or frame number, the dealer shall be required to stamp or have stamped on the frame the number of the license to be issued for that cycle, the year in which the license was issued or the year of expiration of license and the name of the city.

## 17-15-106. RENTAL AGENCIES.

A rental agency shall not rent or offer any bicycle for rent unless the bicycle is licensed and a license plate is attached thereto as provided herein and such bicycle is appropriately equipped as provided for in this Chapter.

## 17-15-107. TRANSFER OF OWNERSHIP.

Upon sale or other transfer of a licensed bicycle, the licensee shall remove the license and shall either surrender same to the City or may, upon proper application, have said plate assigned to another cycle owned by the applicant for one-half the annual fee.

## 17-15-108. CUSTOMER COPY.

A copy of Title 22, Chapter 6, West Valley City Code, governing cycle ownership, maintenance, safety and use, shall be given to every renter or purchaser of a new or used cycle.

# CHAPTER 17-16
# CHRISTMAS TREE BUSINESS

Sections:

17-16-101. Definitions.
17-16-102. Business Requirements.
17-16-103. Unlawful to Possess or Sell Untagged Trees.
17-16-104. Application for License.
17-16-105. Zoning Requirements.
17-17-106. Clean-up Deposit.

## 17-16-101. DEFINITIONS.

(1) Christmas Tree means a cut tree, usually fir or evergreen, but including any tree sold to be decorated and used as part of the Christmas celebration and commemoration.
(2) Christmas Tree Business means to sell, offer to sell or display for sale Christmas trees, to the public, for profit. Each location at which Christmas trees are sold, offered or displayed for sale shall be considered a separate business.

## 17-16-102. BUSINESS REQUIREMENTS.

It shall be unlawful for any person or entity to operate a Christmas tree business without meeting the requirements of this Chapter and obtaining a business license as required by this Title.

## 17-16-103. 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 this City trees from within the public domain of the United States, or of the State of Utah, or from any private lands, within or without 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. The trees 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.

## 17-16-104. APPLICATION FOR LICENSE.

In addition to the information required by Section 17-1-105, an application to sell and dispose of Christmas trees within the City shall specifically state and set forth the source of title to the trees to be sold and whether the 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 application to furnish the license officer with evidence of ownership of such trees and/or authority to cut and procure the same from the public domain or from private lands.

## 17-16-105. ZONING REQUIREMENTS.

A license to operate a Christmas tree business shall not be issued to any applicant who does not meet the requirements of Section 7-2-115 of this Code or such other zoning requirements as may be applicable. The application shall be reviewed and approved by the Planning and Zoning Division prior to issuance of a license.

## 17-16-106. CLEAN-UP DEPOSIT.

A clean-up deposit shall be required of the licensee to assure the removal of unsold trees and related debris remaining on the premises at the conclusion of the license period. The deposit shall be refunded to the licensee, provided the premises are left clean and free of the unsold trees and related debris as determined by inspection. The amount of the deposit shall be set forth in the Consolidated Fee Schedule.

# CHAPTER 17-17
# EMPLOYMENT AGENCY

Sections:

17-17-101. Definition.
17-17-102. Licensed Premise.
17-17-103. Industrial Commission License.
17-17-104. Issuance of the License.
17-17-105. Bond.
17-17-106. Sending females to houses of ill-fame prohibited -revocation of license.
17-17-107. Referrals on bona fide orders only.
17-17-108. Taking Commission in Advance Unlawful.
17-17-109. Commission to be returned if employment not secured.
17-17-110. Schedule of Fees – Fee Limitations.
17-17-111. Register of Employers to be kept.
17-17-112. Register of applicants to be kept - open for inspection.
17-17-113. Statement to be furnished applicants.
17-17-114. Dividing of Fees Prohibited.
17-17-115. False statements - failure to keep registers -other violations - penalty.
17-17-116. Religious or Charitable Associations Accepted from Chapter.
17-17-117. Copies of Laws to be Posted.

## 17-17-101. DEFINITION.

Employment Agency means a business opened, established or operating for the purpose of procuring or obtaining, for money or other valuable consideration, either directly or indirectly, any work, employment or occupation for persons seeking the same, or otherwise to engage in the business or in any way to act as a broker or go-between, between employers and persons seeking work.

## 17-17-102. LICENSED PREMISE.

A license shall not be granted to any person to conduct the business of an employment agency within the City to be exercised in any room or rooms or in connection with any room or rooms used as living or sleeping places by any family, or in which sleeping rooms are rented or meals served to the public or where any games, cards, pool or billiards are permitted and violation of this provision shall be grounds for revocation of license.

## 17-17-103. INDUSTRIAL COMMISSION LICENSE.

A duplicate copy of the license issued to the applicant by the Utah Industrial Commission shall be submitted at the time of making application and no license shall be issued until such state license shall have been granted and a copy of the same filed with the Business License Officer.

## 17-17-104. ISSUANCE OF THE LICENSE.

The City shall either deny or issue the license within one week after the application is submitted and the license fee is paid.

## 17-17-105. BOND.

Each applicant for license under the provision of this Chapter shall file a bond in the penal sum of $1,000 with two or more sureties to be approved by the City Attorney's Office. The bond shall be made payable to the City and shall be conditioned that the person applying for the license will comply with all laws and ordinances regulating employment agencies and shall pay all damages occasioned to any person by reason of any misstatement, misrepresentation, fraud, or deceit of the licensee or by any other violation of law or ordinances regulating employment agencies. If, at any time in the opinion of the City Attorney's Office, the sureties or any of them shall become irresponsible, the licensee shall, upon notice from the City Treasurer, give a new bond. Failure to give a new bond within 10 days after such notice shall operate as a revocation of such license, and the certificate of license shall be immediately returned to the City.

## 17-17-106. SENDING FEMALES TO HOUSES OF ILL-FAME PROHIBITED - EVOCATION OF LICENSE.

(1) It shall be unlawful for any licensee to knowingly send any female help to any place of bad repute, house of ill-fame, assignation house, or to any house or place of amusement kept for immoral purposes.
(2) In addition to criminal prosecution for violation of this section, the licensee shall have his or her license revoked.

## 17-17-107. REFERRALS ON BONA FIDE ORDERS ONLY.

Any licensee who sends out any help without having previously obtained a bona fide order therefore shall, for each and every offense, be subject to the penalties provided in Section 17-17-115.

## 17-17-108. TAKING COMMISSION IN ADVANCE UNLAWFUL.

It shall be unlawful for any licensee to receive, directly or indirectly, any money or other valuable consideration from any person seeking employment for any information or assistance furnished or to be furnished by the agent to such person, enabling or tending to enable such person to secure such employment, prior to the time such information or assistance is actually furnished.

## 17-17-109. COMMISSION TO BE RETURNED IF EMPLOYMENT NOT SECURED.

It shall be unlawful for a licensee to retain, directly or indirectly, any money or other valuable consideration received for any information or assistance described in Section 17-17-101. If the person for whom such information or assistance is furnished fails through no neglect or fault of his own to secure the employment regarding which such information or assistance is furnished, the money or consideration shall be returned forthwith by the agent to the payer of the same upon demand.

## 17-17-110. SCHEDULE OF FEES – FEE LIMITATIONS.

Every licensee shall file with the Industrial Commission a schedule of fees to be charged and collected in the conduct of its business, which schedule shall also be posted in a conspicuous place in the agency. Changes in the schedule may be made, but no change shall become effective until seven days after the date of refiling thereof with the Industrial Commission. No fee charged or collected shall be in excess of the fee as scheduled and in force at the time of the issuing of the contract for employment. In addition, no licensee shall charge any fee in excess of 25 percent of the amount actually earned in the employment during the first 30 days if such employment was ended during such 30-day period.

## 17-17-111. REGISTER OF EMPLOYERS TO BE KEPT.

Each licensee shall enter upon a register, to be kept for that purpose and to be known as an "employers' register," every order received from any corporation, company or individual desiring the service of any persons seeking work or employment, the name and address of the corporation, company or individual from whom such order was received, the number of persons wanted, the nature of the work or employment, the town or city, including street and number if any, where such work or employment is to be furnished and the wages to be paid.

## 17-17-112. REGISTER OF APPLICANTS TO BE KEPT - OPEN FOR INSPECTION.

Each licensee shall keep a register, to be known as "labor applicants' register," which shall show the name of each person seeking work or employment to whom information or assistance is furnished and the amount of the commission received in each such case therefore; the name of each person who, having received and paid for any information or assistance, fails to secure the employment regarding which such information or assistance is furnished, together with the reason why such employment was not by such person secured, and the name of each to whom return is made in accordance with the provisions of Section 17-17-109 of any money or other consideration, together with the amount or the value of consideration thus returned. The registers required by Section 17-17-111 and by this Section shall be open at all reasonable hours to the inspection of any peace officer of this State.

## 17-17-113. STATEMENT TO BE FURNISHED APPLICANTS.

Every person securing information from a licensee relative to hiring or engagement to work for others shall be furnished a written copy, in duplicate, of the terms of such hiring or engagement, by the licensee, showing the amount of commissions or fees paid to such licensee, the kind of service to be performed, the rate of wages or compensation, the length of time, if definite, and if indefinite, so stated, of such service, with full name and address of the person authorizing the hiring of such person. One of these copies shall be delivered to the person for whom the labor is to be performed and the other shall be retained by the person furnished with the information, and the licensee issuing the written copy of the conditions of service or employment shall make and keep in a book provided for the purpose a third copy of the same. Any licensee who fails to observe the provisions of this section shall be subject to the penalties provided in this Chapter.

## 17-17-114. DIVIDING OF FEES PROHIBITED.

Any employment agent sending out help to contractors or other employers of help and dividing the fees allowed under this Chapter with subcontractors and employers of help, or their foremen or anyone in their employ, shall be subject to the penalties provided in this Chapter.

## 17-17-115. FALSE STATEMENTS - FAILURE TO KEEP REGISTERS – OTHER VIOLATIONS - PENALTY.

If any licensee gives any false information or makes any misstatement or any false promises concerning any work or employment or occupation, or fails to keep the registers as prescribed in this Chapter, or shall willfully make any false entries in such register or shall violate any other provisions of this Chapter for which violation penalties are not hereinbefore provided, he shall for each and every offense be fined in any sum not exceeding $100, and in the discretion of the trial court, his license may be revoked.

## 17-17-116. RELIGIOUS OR CHARITABLE ASSOCIATIONS ACCEPTED FROM CHAPTER.

Nothing contained in this Chapter shall be construed so as to require any religious or charitable association which may assist in procuring situations of employment for persons seeking the same to obtain a license therefore.

## 17-17-117. COPIES OF LAWS TO BE POSTED.

The licensee shall cause two copies of Sections 17-17-107 to 17-17-110 inclusive, and of Sections 17-17-113 to 17-17-115, inclusive, printed in type of sufficient size to be easily read, to be conspicuously posted in each room used or occupied for the purpose of such employment agency.

# CHAPTER 17-18
# LOCKSMITHING

Sections:

17-18-101. definitions.
17-18-102. Licenses.
17-18-103. Application.
17-18-104. Police Investigation.
17-18-105. Bond Requirements.
17-18-106. License Records.
17-18-107. Exceptions.

## 17-18-101. DEFINITIONS.

(1) Locksmithing means the installation, change, removal, construction, reconstruction, repair, adjustment, manufacture or duplication of locks, combination for sales, toolboxes, vaults and the duplication of keys.
(2) Key Duplicating means solely the duplication of any keys by mechanical or other means.

## 17-18-102. LICENSES.

(1) Each locksmithing license shall include the right to engage in the business of locksmithing and key duplicating.
(2) Each key duplicating license shall include only the right to engage in the business of key duplicating.

## 17-18-103. APPLICATION.

In addition to the information required by Section 17-1-105, the application for either a locksmithing license or key duplicating license shall include:

(1) A concise history of the applicant's employment;
(2) The applicant's name and length of residency in the State of Utah;
(3) The names and addresses of three character references; and
(4) A statement disclosing whether applicant has ever been convicted of a felony or misdemeanor and, if so, the nature of the offense and where and when it was committed.

## 17-18-104. POLICE INVESTIGATION.

(1) Applications shall be referred to the Police Department for their approval or denial.
(2) The Police Department shall deny an application only if the applicant has not been convicted of any misdemeanor involving theft or any felony.
(3) The applicant shall also obtain a police I.D. card.

## 17-18-105. BOND REQUIREMENTS.

All licensees shall be required, before issuance of a license hereunder, to deposit with the City a surety bond in the penal sum of $1,000 for locksmithing licenses and $1,000 for key duplicating licenses, conditioned that said licensee shall faithfully observe and comply with all ordinances and laws pertaining to locksmithing and key duplicating and that such bond shall indemnify the City and any person injured or damaged by reason of the failure of the licensee to so comply.

## 17-18-106. LICENSE RECORDS.

Each licensee shall keep for a minimum of two years orderly and adequate records containing the following, which shall be open to inspection by a police officer at any reasonable time:

(1) The name and address of every person for whom a key is made from a key bearing the imprint "M" or "Master" or other recognizable mark indicating it is a master key, together with the name and address of every person for whom a locked automobile, building, structure, house, store, safe or vault is opened and the date of transaction.
(2) The name and address of every person for whom a lock or combination of a lock is changed and the date of the transaction.

## 17-18-107. EXCEPTIONS.

The requirements of this ordinance shall not apply to the following:

(1) Persons otherwise licensed by the City or the State of Utah as a contractor or carpenter who installs a lock as part of a door or remodeled door when the lock and key come from a manufacturer's stock and the installation does not involve adjustment or reconstruction of the lock.
(2) A person or an employee of a firm or corporation who is duly licensed to conduct such business in an area outside the jurisdiction of the City and who is not otherwise subject to the provisions of this law, when their work in the City does not involve, in a six-month period, more than one contract and one day to perform.

# CHAPTER 17-19
# LIQUIDATION AND FIRE OR DAMAGED GOODS SALES

Sections:

17-19-101. Definitions.
17-19-102. Application.
17-19-103. Issuance and Duration of License.
17-19-104. Renewal of License.
17-19-105. Advertising Restrictions.
17-19-106. Adding to Inventory.
17-19-107. Records to be Kept.

## 17-19-101. DEFINITIONS.

(1) Fire and Damaged Goods applies to goods, wares and merchandise being offered for sale as a result of fire, smoke, water, wind, earthquakes, acts of God or other incidents of similar nature but does not apply to goods, wares and merchandise damaged in transit or by handling, dropping, nicking, scratching or other similar damage occurring within or incident to the regular conduct of business.
(2) Liquidation applies to goods that are being sold by a business that is selling out or closing down for any reason.

## 17-19-102. APPLICATION.

In addition to the information required by Section 17-1-105, the following information:
(1) A complete inventory of all goods, wares and merchandise, existing at the place of business immediately after the occurrence of the reason or cause of damage.
(2) The items of such inventory that will be the subject of the sale.
(3) An affidavit of the correctness of the inventory and the cause of the damage or reason for liquidation.

## 17-19-103. ISSUANCE AND DURATION OF LICENSE.

Upon the filing of the inventory and affidavit referred to in the preceding section, the Business License Division shall issue a license to conduct a liquidation or a fire and damaged goods sale which shall be effective for a 30-day period following its issuance.

## 17-19-104. RENEWAL OF LICENSE.

A license shall be renewed for an additional 30-day period providing a sworn affidavit and inventory showing the unsold goods, wares or merchandise is furnished to the license director, provided that the Business License Division is satisfied that such items were part of and included in the original inventory. In no event shall a license be more than twice renewed.

## 17-19-105. ADVERTISING RESTRICTIONS.

It shall be unlawful for any person to advertise a liquidation or a fire and damaged goods sale in other than a concise and clear manner so as not to deceive the public. All advertising shall state that such sale is not a termination of the entire business but is a special sale.

## 17-19-106. ADDING TO INVENTORY.

A permittee shall not add, cause to or permit to be added to the liquidation or the fire and damaged goods, any items not described in the original inventory.

## 17-19-107. RECORDS TO BE KEPT.

The permittee shall keep complete and suitable records and books of all sale items which shall be available at all times to inspection by the license director. The inventory list shall be revised at the close of business each day by the permittee so that such items as shall have been disposed of during such day shall be clearly marked. The records and inventory herein referred to shall be submitted to the license director upon request.

# CHAPTER 17-20
# MOBILE HOME PARKS AND TRAILER AND AUTO COURTS

Sections:

17-20-101. Definitions.
17-20-102. Employees.
17-20-103. Permanent Use.
17-20-104. Exceptions.
17-20-105. License Fee.

## 17-20-101. DEFINITIONS.

(1) Mobile Home means a structure that is transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.
(2) Mobile Home Park means any plot of ground upon which two or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation.
(3) Trailer means a furnished van drawn by a truck or automobile and used as a house or office when parked.

## 17-20-102. EMPLOYEES.

It shall be unlawful to hire or keep as manager, superintendent or person in charge of a mobile home park any person who is not a person of good character, or any person who has been convicted of a felony.

## 17-20-103. PERMANENT USE.

(1) It shall be unlawful for any person to maintain any mobile home used for human habitation, upon any plot of ground in the City except in a licensed mobile home park.
(2) It shall be unlawful for any person to remove the wheels or other transporting device from any mobile home or otherwise to affix the mobile home permanently to the ground so as to prevent ready removal of such mobile home, unless a permit to do so is obtained as required for the construction of a new building. Any such alteration shall be construed as converting the mobile home into a building and subject to the requirements of the zoning and building ordinances.
(3) It shall be unlawful to occupy for sleeping or other residence purposes any mobile home which has been rendered immobile by the removal of wheels, or placing the same on a foundation, or on the ground, unless such mobile home in construction and location complies with the ordinances relating to the construction, wiring, plumbing, sewer facilities and other regulations applicable to single-family dwellings.

## 17-20-104. EXCEPTIONS.

Nothing in this ordinance shall be construed to prohibit the storage of any mobile home for any length of time when said mobile home is not used for living or sleeping purposes.

## 17-20-105. LICENSE FEE.

(1) Owners of mobile home parks shall pay the base fee and variable fees set forth in the Consolidated Fee Schedule.
(2) The base business license fee shall be paid at the time of application for a new or renewal license.
(3) The Business and Economic Services Administrator may, with the approval of the City Manager, establish a payment plan or plans which allow the licensee to pay the per-unit fees in two, three, or four equal installment payments, made at regular intervals during the term of the license.
(4) Failure to timely make a payment required pursuant to a payment plan as described above may result in the suspension or revocation of the license and the imposition of penalty fees as set forth in this Title.
(5) Owners of mobile home parks who are required to license under this Section, whose application for a license is received between July 1 and July 30, 1993, inclusive, shall receive a license which expires on June 30, 1994. Owners whose application is received during the July 1993 period shall be charged a per-unit fee equal to the fee which was in effect during June 1993.
(6) On August 1, 1993, all applicants for new or renewal licenses shall pay the unit fee set forth in the Consolidated Fee Schedule in effect at the time of the application or renewal.
(7) Mobile home park owners may request a partial waiver of the per-unit variable fees when the average vacancy rate for the prior license period exceeded 15 percent. The partial waiver shall be administered as follows:
    a. The owner of the mobile home park must request the partial waiver at the time of business license renewal. The partial waiver applies to the per-unit variable fees due upon renewal, not to the base fee, other variable fees, or any previous license fees or period.
    b. The owner of the mobile home park must demonstrate, to the satisfaction of the Business and Economic Services Administrator or designee, as reviewed by the Community Development Director, that the average vacancy rate for the one year period immediately prior to renewal exceeded 15 percent of the licensed units.
    c. The total per-unit variable fees payable shall be reduced by a percentage equivalent to the difference between the actual average vacancy rate, as demonstrated by the owner of the mobile home park, and the threshold 15 percent vacancy rate. For example, if the actual vacancy rate is 20 percent, the difference between the actual rate and the 15 percent threshold is 5 percent, and the total per-unit variable fees would be reduced by 5 percent.

# CHAPTER 17-21
# OUTDOOR ADVERTISERS

Sections:

17-21-101. Definition.
17-21-102. Applications.
17-21-103. Consent of Owner.
17-21-104. Refuse.
17-21-105. Unlawful Advertising.
17-21-106. Compliance with Applicable Laws.
17-21-107. Name of Advertiser.
17-21-108. Exemptions.

## 17-21-101. DEFINITION.

Advertiser means any person engaged in the business of placing, posting or painting any advertisements, notices or displays in or on any place for the purpose of outdoor advertising so that the resultant display is visible from any street, alley, sidewalk or other public place.

## 17-21-102. APPLICATIONS.

In addition to any other information required by Section 17-1-105, applications for advertiser licenses shall be accompanied by a list of all places, including billboard or natural structures, on which it is intended to place signs or advertisements. This list shall be amended from time to time by the licensee as the right to post or place advertisements or signs on additional places is acquired.

## 17-21-103. CONSENT OF OWNER.

It shall be unlawful to post any advertisement on any premises in the City without the consent of the owner of such premises. Such consent must be in writing and must be filed with the license director.

## 17-21-104. REFUSE.

It shall be unlawful for any person engaged in outdoor advertising to permit any refuse resulting from this work to accumulate anywhere in the City except by placing it in properly established refuse receptacles. It shall be unlawful to permit any loose or flapping combustible materials to hang from or to be attached to any billboard, signboard or other place used for display or advertising purposes. All refuse resulting from the operating of this business must be carefully gathered and properly disposed of.

## 17-21-105. UNLAWFUL ADVERTISING.

It shall be unlawful for any person to post or display any advertisement of an obscene or immoral character, any advertisement tending to promote or cause a riot or breach of peace, any advertisement for an unlawful gathering, or advertisements of unlawful sales.

## 17-21-106. COMPLIANCE WITH APPLICABLE LAWS.

All outdoor advertisers shall comply with the applicable federal and state laws regulating the placement and display of outdoor advertising.

## 17-21-107. NAME OF ADVERTISER.

It shall be unlawful for any outdoor advertiser to carry on his business unless the name of such advertiser is attached, displayed or printed on all billboards or signboards used by him, or in any notice, placard or advertisement posted by him, in such lettering as to be visible from a distance of at least five feet from the notice or advertisement.

## 17-21-108. EXEMPTIONS.

The provisions of this ordinance shall not be construed to apply to the posting of a sign or notice by order of any court or by any public officer in the performance of his duties.

# CHAPTER 17-22
# RESIDENTIAL SOLICITATION

Sections:

17-22-101. Purpose.
17-22-102. No Other City License or Approval Required.
17-22-103. Definitions.
17-22-104. Exemptions from Chapter.
17-22-105. Solicitation Prohibited.
17-22-106. Registration of Solicitors.
17-22-107. Application Form.
17-22-108. Written Disclosures.
17-22-109. When Registration Begins.
17-22-110. Issuance of Certificates.
17-22-111. Form of Certificate and Identification Badge.
17-22-112. Maintenance of Registry.
17-22-113. Non-Transferability of Certificates.
17-22-114. Denial, Suspension or Revocation of a Certificate of Registration.
17-22-115. Appeal.
17-22-116. Deceptive Soliciting Practices Prohibited.
17-22-117. ANo Soliciting@ Notice.
17-22-118. Duties of Solicitors.
17-22-119. Time of Day Restrictions.
17-22-120. Buyer=s Right to Cancel.
17-22-121. Penalties.

## 17-22-101. PURPOSE.

(1) Residents of the City have an inalienable interest in their personal safety, well-being, and privacy in their residences, as well as their ability to provide or receive information regarding matters of personal belief, political or charitable activities, and goods and services lawfully in commerce. The City has a substantial interest in protecting the well-being, tranquility, personal safety, and privacy of its citizens, which includes the ability to protect citizens from unwanted intrusions upon residential property. The City also has a substantial interest in protecting citizens from fraud or otherwise unfair consumer sales practices as well as criminal activity.

(2) There must be a balance between these substantial interests of the City and its citizens, and the effect of the regulations in this Chapter on the rights of those who are regulated. Based on the collective experiences of City officials derived from regulating business activity, protecting persons and property from criminal conduct, responding to the inquiries of citizens regarding Door-to-Door Solicitation, the experience of its law enforcement officers and those affected by Door-to-Door canvassing and Solicitation, as well as judicial decisions outlining the boundaries of constitutional protections afforded and denied persons seeking to engage in Door-to-Door Solicitation, the City adopts this Chapter to promote the City's substantial interests in:

   a. respecting citizen's decisions regarding privacy in their residences;
   b. protecting persons from criminal conduct;

c. providing equal opportunity to Advocate for and against Religious Belief, Political Position, or Charitable Activities; and
d. permitting truthful and non-misleading Door-to-Door Solicitation regarding lawful Goods or Services in intrastate or interstate commerce.

(3) The City finds that the procedures, rules and regulations set forth in this Chapter are narrowly tailored to preserve and protect the City interests referred to herein while at the same time balancing the rights of those regulated.

**(Ord. No. 08-43 Repealed & Reenacted 09/17/2008)**

## 17-22-102. NO OTHER CITY LICENSE OR APPROVAL REQUIRED.

(1) Registered Solicitors and persons exempt from Registration need not apply for, nor obtain, any other license, permit, or registration from the City to engage in Door-to-Door Solicitation.
(2) Any Business licensed by the City under another City Ordinance that uses employees, independent contractors, or agents for Door-to-Door Solicitation in an effort to provide any tangible or intangible benefit to the Business, shall be required to have such Solicitors obtain a Certificate, unless otherwise exempt from Registration.
(3) Those Responsible Persons or Entities associated with Registered Solicitors need not apply for, nor obtain, any other license, permit, or registration from the City, provided they do not establish a temporary or fixed place of business in the City.
(4) Nothing herein is intended to interfere with or supplant any other requirement of federal, state, or other local government law regarding any license, permit, or certificate that a Registered Solicitor is otherwise required to have or maintain.

**(Ord. No. 08-43 Repealed & Reenacted 09/17/2008)**

## 17-22-103. DEFINITIONS.

For the purposes of this Chapter, the following definitions shall apply:

(1) "Advocating" means conduct, including speech, intended to inform, promote, or support Religious Belief, Political Position, or Charitable Activities.
(2) "Appeals Officer" means the City Manager.
(3) "Appellant" means the person or entity appealing the denial or suspension of a Certificate, either personally as an Applicant or registered Solicitor, or on behalf of the Applicant or Registered Solicitor.
(4) "Applicant" means an individual who is at least sixteen (16) years of age and not a corporation, partnership, limited liability company, or other lawful entity who applies for a Certificate permitting Door-to-Door Solicitation.
(5) "Application Form" means a standardized form provided by the City to an Applicant to be completed and submitted as part of Registration.
(6) "B.C.I." means an original or copy, dated no older than 180 days prior to the date of the Application, of either: (1) a Utah Department of Public Safety Bureau of Criminal Identification verified criminal history report personal to the Applicant; or (2) verification by the Utah Department of Public Safety Bureau of Criminal Identification that no criminal history rising to the level of a Disqualifying Status exists for the Applicant.

(7) "Certificate" means a temporary, annual, or renewal Certificate permitting Door-to-Door Solicitation in the City applied for or issued pursuant to the terms of this Chapter.

(8) "Competent Individual" means a person claiming to be at least eighteen (18) years of age and of sufficiently sound mind and body to be able to engage in rational thought, conversation and conduct.

(9) "Completed Application" means a fully completed Application Form, a BCI, two copies of the original identification relied on by the Applicant to establish Proof of Identity and the tendering of fees.

(10) "Criminally Convicted" means, for the purpose of this Chapter, the final entry of a conviction, whether by a plea of no contest, guilty, entry of a judicial or jury finding of guilt, which has not been set aside on appeal or pursuant to a writ of habeas corpus. The criminal conviction is that offense of which the Applicant or Registered Solicitor was convicted, without regard to the reduced status of the charge after completion of conditions of probation or parole, and specifically includes charges dismissed pursuant to a plea in abeyance or diversion agreement.

(11) "Disqualifying Status" means anything specifically defined in this Chapter as requiring the denial or suspension of a Certificate, and any of the following:

a. The Applicant or Registered Solicitor has been Criminally Convicted of: (i) felony homicide, (ii) physically abusing, sexually abusing, or exploiting a minor or Vulnerable Adult (iii) the sale or distribution of controlled substances, (iv) sexual assault of any kind, or (v) a crime involving dishonesty or false statements within the meaning of Rule 609(a)(2), Utah Rules of Evidence;

b. Criminal charges currently pending against the Applicant or Registered Solicitor for: (i) felony homicide, (ii) physically abusing, sexually abusing, or exploiting a minor or Vulnerable Adult, (iii) the sale or distribution of controlled substances, (iv) sexual assault of any kind, or (v) a crime involving dishonesty or false statements within the meaning of Rule 609(a)(2), Utah Rules of Evidence;

c. The Applicant or Registered Solicitor has been Criminally Convicted of a felony within the last ten (10) years;

d. The Applicant or Registered Solicitor has been incarcerated in a federal or state prison within the past five (5) years;

e. The Applicant or Registered Solicitor has been Criminally Convicted of a misdemeanor within the past five (5) years involving a crime of: (i) moral turpitude, or (ii) violent or aggravated conduct involving persons or property;

f. A Final Civil Judgment been entered against the Applicant or Registered Solicitor within the last five (5) years indicating that: (i) the Applicant or Registered Solicitor had either engaged in fraud, or intentional misrepresentation, or (ii) that a debt of the Applicant or Registered Solicitor was non-dischargeable in bankruptcy pursuant to 11 U.S.C. ' 523(a)(2), (a)(4), (a)(6), or (a)(19);

g. The Applicant or Registered Solicitor is currently on parole or probation to any court, penal institution, or governmental entity, including being under house arrest or subject to a tracking device;

h. The Applicant or Registered Solicitor has an outstanding arrest warrant from any jurisdiction; or

i. The Applicant or Registered Solicitor is currently subject to a protective order based on actual or threatened physical or sexual abuse issued by a court of competent jurisdiction.

(12) "Door to Door Solicitation" means the practice of engaging in or attempting to engage in conversation with any person at a Residence, whether or not that person is a Competent

Individual, while making or seeking to make or facilitate a Home Solicitation Sale, or attempting to further the sale of Goods and or Services.

(13) "Home Solicitation Sale" means to make or attempt to make a Sale of Goods or Services by a Solicitor at a Residence by means of Door-to-Door Solicitation, regardless of
   a. the means of payment or consideration used for the purchase;
   b. the time of delivery of the Goods or Services; or
   c. the previous or current classification of the Solicitor as a solicitor, peddler, hawker, itinerant merchant, or similar designation.

(14) "No Solicitation Sign" means a reasonably visible and legible sign that states "No Soliciting," "No Solicitors," "No Salespersons," "No Trespassing," or words of similar import.

(15) "Registered Solicitor" means any person who has been issued a current Certificate by the City.

(16) "Registration" means the process used by the City Licensing Officer to accept a Completed Application and determine whether a Certificate will be denied, granted, or suspended.

(17) "Religious Belief" means any sincerely held belief, or information for, against, or in conjunction with, any theistic, agnostic, or atheistic assumption, presumption or position, or religious doctrine, dogma, or practice regardless of whether or not the belief or information is endorsed by any other person or public or private entity.

(18) "Responsible Person or Entity" means that person or Entity responsible to provide the following to an Applicant, Registered Solicitor, and the Competent Individual in a Residence to whom a Sale of Goods or Services is made or attempted to be made by means of a Home Solicitation Sale:
   a. maintaining a state sales tax number, a special events sales tax number, computing the sales taxes owing from any Sale of Goods or Services, paying the sales taxes, and/or filing any required returns or reports;
   b. facilitating and responding to requests from consumers who desire to cancel the sale pursuant to applicable contractual rights or law; and/or
   c. refunding any monies paid or reversing credit card charges to those persons who timely rescind any sale pursuant to applicable contractual rights or law.

(19) "Sale of Goods or Services" means the conduct and agreement of a Solicitor and the Competent Individual in a Residence regarding a particular Good(s) or Service(s) that entitled the consumer to rescind the same within three days under any applicable federal, state, or local law.

(20) "Services" means those intangible goods or personal benefits offered, provided, or sold to a Competent Individual of a Residence.

(21) "Soliciting" or "Solicit" or "Solicitation" means any of the following activities:
   a. Seeking to obtain Sales or orders for the exchange of goods, wares, merchandise or perishables of any kind, for any kind of remuneration or consideration, regardless of whether advance payment is sought;
   b. Seeking to obtain prospective customers to apply for or to purchase insurance, subscriptions to publications, or publications;
   c. Seeking to obtain contributions of money or any other thing of value for the benefit of any person or Entity;
   d. Seeking to obtain orders or prospective customers for Goods or Services;
   e. Seeking to engage an individual in conversation at a Residence for the purpose of promoting or facilitating the receipt of information regarding Religious Belief, Political Position, Charitable Conduct, or a Home Solicitation Sale; and/or
   f. Other activities falling within the commonly accepted definition of Soliciting, such as hawking or peddling.

(22) "Solicitor" or "Solicitors" means a person(s) engaged in Door-to-Door Solicitation.

(23)"Submitted in Writing" means the information for an appeal of a denial or suspension of a Certificate, submitted in any type of written statement to the City offices by certified, registered, priority, overnight or delivery confirmation mail, facsimile, or hand delivery.

(24)"Substantiated Report" means an oral, written, or electronic report:

a. That is submitted to and documented by the City;
b. By any of the following:
    i. A Competent Individual who is willing to provide law enforcement or other City employees with publicly available identification of their name, address, and any other reliable means of contact;
    ii. City law enforcement or Licensing Officer; or
    iii. Any other regularly established law enforcement agency at any level of government;
c. That provides any of the following information regarding a Registered Solicitor:
    i. Documented verification of a previously undisclosed Disqualifying Status of a Registered Solicitor;
    ii. Probable cause that the Registered Solicitor has committed any act set forth as a Disqualifying action regardless of whether it has already been determined to be a Disqualifying act;
    iii. Documented, eye-witness accounts that the Registered Solicitor has engaged in repeated patterns of behavior that demonstrates failure by the Registered Solicitor to adhere to the requirements of this Chapter; or
    iv. Probable cause that continued licensing of the Registered Solicitor creates exigent circumstances that threaten the health, safety, or welfare of any individuals or entities within the City [I think this may be too discretionary, resulting in a prior restraint].

(25)"Vulnerable Adult" means an elder adult, or an adult 18years of age or older who has a mental or physical impairment which substantially affects that person's ability to:

a. provide personal protection;
b. provide necessities such as food, shelter, clothing, or medical or other health care;
c. obtain services necessary for health, safety, or welfare;
d. carry out the activities of daily living;
e. manage the adult's own resources; or
f. comprehend the nature and consequences of remaining in a situation of abuse, neglect, or exploitation.

(26)"Waiver" means the written form provided to Applicant by the City wherein Applicant agrees that City may obtain a name/date of birth BCI background check on the Applicant for licensing purposes under this Chapter, and which contains Applicant's notarized signature.

**(Ord. No. 08-43 Repealed & Reenacted 09/17/2008)**

## 17-22-104. EXEMPTIONS FROM CHAPTER.

The following are exempt from Registration under this Chapter:

(1) Persons specifically invited to a Residence by a Competent Individual prior to the time of the person's arrival at the Residence;
(2) Persons whose license, permit, certificate or registration with the State of Utah permits them to engage in Door to Door Solicitation to offer Goods or Services to an occupant of the Residence;

(3) Persons delivering Goods to a Residence pursuant to a previously made order, or persons providing Services at a Residence pursuant to a previously made request by a Competent Individual;
(4) Persons advocating or disseminating information for, against, or in conjunction with, any Religious Belief, or Political Position regardless of whether Goods, Services, or any other consideration is offered or given, with or without any form of commitment, contribution, donation, pledge, or purchase; and
(5) Persons representing a Charitable Organization. The charitable exemption shall apply to students Soliciting contributions to finance extracurricular social, athletic, artistic, scientific or cultural programs, provided that the Solicitation has been approved in writing by the school administration, and that such student Solicitors carry current picture student identification from the educational institution for which they are Soliciting.
Those Persons exempt from Registration are not exempt from the duties and prohibitions outlined in Sections 17-22-117, 17-22-118 and 17-22-119 while Advocating or Soliciting.

**(Ord. No. 08-43 Repealed & Reenacted 09/17/2008)**

## 17-22-105. SOLICITATION PROHIBITED.

Unless otherwise authorized, permitted, or exempted pursuant to the terms and provisions of this Chapter, the practice of being in and upon a private Residence within the City by Solicitors, for the purpose of Home Solicitation Sales or to provide Goods or Services, is prohibited and is punishable as set forth in this Chapter.

**(Ord. No. 08-43 Repealed & Reenacted 09/17/2008)**

## 17-22-106. REGISTRATION OF SOLICITORS.

Unless otherwise exempt under this Chapter, all persons desiring to engage in Door-to-Door Solicitation within the City, prior to doing so, shall submit a Completed Application to the Licensing Officer and obtain a Certificate.

**(Ord. No. 08-43 Repealed & Reenacted 09/17/2008)**

## 17-22-107. APPLICATION FORM.

The Licensing Officer shall provide a standard Application Form for use for the Registration of Solicitors. Upon request to the Licensing Officer, or as otherwise provided, any person or Entity may obtain in person, by mail, or facsimile, a copy of this Application Form. Each Application Form shall require disclosure and reporting by the Applicant of the following information, documentation, and fee:
(1) Review of Written Disclosures. An affirmation that the Applicant has received and reviewed the disclosure information required by this Chapter.
(2) Contact Information.
    a. Applicant's true, correct and legal name, including any former names or aliases used during the last ten (10) years;
    b. Applicant's telephone number, home address and mailing address, if different;
    c. If different from the Applicant, the name, address, and telephone number of the Responsible Person or Entity; and

d. The address by which all notices to the Applicant required under this Chapter are to be sent.

(3) Proof of Identity. An in-person verification by the Licensing Officer of the Applicant's true identity by use of any of the following which bear a photograph of said Applicant:
   a. A valid drivers license issued by any State;
   b. A valid passport issued by the United States;
   c. A valid identification card issued by any State;
   d. A valid identification issued by a branch of the United States military.

   Upon verification of identity, the original identification submitted to establish Proof of Identity shall be returned to the Applicant.

(4) Proof of Registration with Department of Commerce. The Applicant shall provide proof that either the Applicant, or the Responsible Person or Entity, has registered with the Utah State Department of Commerce;

(5) Special Events Sales Tax Number. The Applicant shall provide a special events sales tax number for either the Applicant, or for the Responsible Person or Entity for which the Applicant will be soliciting;

(6) Marketing Information.
   a. The Goods or Services offered by the Applicant, including any commonly known, registered or trademarked names;
   b. Whether the Applicant holds any other licenses, permits, registrations, or other qualifications required by federal or state law to promote, provide, or render advice regarding the offered Goods or Services.

(7) BCI Background Check. The Applicant shall provide an original or a copy of a BCI background check as defined in 17-22-103; and a signed copy of a Waiver whereby Applicant agrees to allow the City to obtain a name/date of birth BCI background check on Applicant for purposes of enforcement of this Chapter.

(8) Responses to Questions Regarding "Disqualifying Status." The Applicant shall be required to affirm or deny each of the following statements on the Application Form:
   a. Has the Applicant been Criminally Convicted of: (I) felony homicide, (ii) physically abusing, sexually abusing, or exploiting a minor, or Vulnerable Adult (iii) the sale or distribution of controlled substances, (iv) sexual assault of any kind, or (v) a crime involving dishonesty or false statements within the meaning of Rule 609(a)(2), Utah Rules of Evidence;
   b. Are any criminal charges currently pending against the Applicant for: (i) felony homicide, (ii) physically abusing, sexually abusing, or exploiting a minor, or Vulnerable Adult (iii) the sale or distribution of controlled substances, (iv) sexual assault of any kind, or (v) a crime involving dishonesty or false statements within the meaning of Rule 609(a)(2), Utah Rules of Evidence;
   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: (I) moral turpitude, or (ii) violent or aggravated conduct involving persons or property;
   f. Has a Final Civil Judgment been entered against the Applicant within the last five (5) years indicating that: (I) the Applicant had either engaged in fraud, or intentional misrepresentation, or (ii) that a debt of the Applicant was non-dischargeable in bankruptcy pursuant to 11 U.S.C. ' 523(a)(2), (a)(4), (a)(6), or (a)(19);

g. Is the Applicant currently on parole or probation to any court, penal institution, or governmental entity, including being under house arrest or subject to a tracking device;
h. Does the Applicant have an outstanding arrest warrant from any jurisdiction; or
i. Is the Applicant currently subject to a protective order based on actual or threatened physical or sexual abuse issued by a court of competent jurisdiction.

(9) Fee. The Applicant shall pay such fees as determined applicable by the City, which shall not exceed the reasonable cost of processing the application and issuing the Certificate and/or Identification Badge.

(10) Execution of Application. The Applicant shall execute the Application Form, stating upon oath or affirmation, under penalty of perjury, that based on the present knowledge and belief of the Applicant, the information provided is complete, truthful and accurate.

**(Ord. No. 08-43 Repealed & Reenacted 09/17/2008)**

## 17-22-108. WRITTEN DISCLOSURES.

The Application Form shall be accompanied by written disclosures notifying the Applicant of the following:

(1) The Applicant's submission of the Application authorizes the City to verify information submitted with the Completed Application including:
   a. the Applicant's address;
   b. the Applicant's and/or Responsible Person or Entity's state tax identification and special use tax numbers, if any; and
   c. the validity of the Applicant's Proof of Identity;

(2) The City may consult any publicly available sources for information on the Applicant, including but not limited, to databases for any outstanding warrants, protective orders, or civil judgments;

(3) Establishing Proof of Identity is required before Registration is allowed;

(4) Identification of the fee amount that must be submitted by Applicant with a Completed Application;

(5) The Applicant must submit a BCI background check with a Completed Application;

(6) To the extent permitted by State and/or federal law, the Applicant's BCI background check shall remain a confidential, protected, private record not available for public inspection;

(7) The City will maintain copies of the Applicant's Application Form, Proof of Identity, and Identification Badge. These copies will become public records available for inspection on demand at the City offices whether or not a Certificate is denied, granted, or renewed;

(8) The criteria for Disqualifying Status, denial, or suspension of a Certificate under the provisions of this Chapter.

(9) That a request for a temporary Certificate will be granted or denied the same business day that a Completed Application is submitted.

**(Ord. No. 08-43 Repealed & Reenacted 09/17/2008)**

## 17-22-109. WHEN REGISTRATION BEGINS.

The Licensing Officer shall not begin the Registration process unless the Applicant has submitted a Completed Application. The original identification submitted to establish Proof of Identity shall be returned after the Licensing Officer verifies the Applicant's identity. A copy of the identification may be

retained by the Licensing Officer. If an original B.C.I. background check is submitted by the Applicant, the Licensing Officer shall make a copy of the B.C.I. and return the original to the Applicant.

**(Ord. No. 08-43 Repealed & Reenacted 09/17/2008)**

## 17-22-110. ISSUANCE OF CERTIFICATES.

The Licensing Officer shall review the Completed Application submitted by the Applicant and issue a Certificate in accordance with the following:

(1) Temporary Certificate.
   a. A temporary Certificate shall issue allowing the Applicant to immediately begin Door-to-Door Solicitation upon the following conditions:
      i. Applicant's submission of a Completed Application;
      ii. Applicant's submission of the required fee;
      iii. Applicant establishes Proof of Identity;
      iv. the Applicant's representations on the Application Form do not affirmatively show a Disqualifying Status;
      v. the B.C.I. does not affirmatively show a Disqualifying Status; and
      vi. the Applicant has not previously been denied a Certificate by the City, or had a Certificate revoked for grounds that still constitute a Disqualifying Status under this Chapter.
   b. A temporary Certificate will automatically expire after twenty-five (25) calendar days from issuance, or upon grant or denial of an annual Certificate, whichever period is shorter.

(2) Annual Certificate. Within twenty-five (25) calendar days of the issuance of a temporary Certificate the City shall:
   a. Take any and all actions it deems appropriate to verify the truthfulness and completeness of the information submitted by the Applicant, including, but not limited to those disclosed with the Application Form;
   b. Issue written notice to the Applicant and the Responsible Person or Entity, if any, that the Applicant either:
      i. will be issued an annual Certificate, eligible for renewal one year from the date of issuance of the temporary Certificate; or
      ii. will not be issued an Annual Certificate for reasons cited in Section 17-22-114 of this Chapter.

(3) Renewal Certificate. An annual Certificate shall be valid for one year from the date of issuance of the temporary Certificate and shall expire at midnight on the anniversary date of issuance. Any annual Certificate that is not suspended, revoked, or expired may be renewed upon the request of the Registered Solicitor and the submission of a new Completed Application and payment of the Fee, unless any of the conditions for the denial, suspension or revocation of a Certificate are present as set forth in section 17-22-114, or a Disqualifying Status exists.

**(Ord. No. 08-43 Repealed & Reenacted 09/17/2008)**

## 17-22-111. FORM OF CERTIFICATE AND IDENTIFICATION BADGE.

(1) Certificate Form. Should the Licensing Officer determine that the Applicant is entitled to a Certificate, the Licensing Officer shall issue a Certificate to the Applicant. The Certificate shall list the name of the Registered Solicitor and the Responsible Person or Entity, if any, and the date on which the Certificate expires. The Certificate shall be dated and signed by the License Officer. The Certificate shall be carried by the Registered Solicitor at all times while Soliciting in the City.

(2) Identification Badge. With both the temporary and annual Certificates, the City shall issue each Registered Solicitor an Identification Badge that shall be worn prominently on his or her person while Soliciting in the City. The Identification Badge shall bear the name of the City and shall contain:
   a. the name of the Registered Solicitor;
   b. address and phone number of the Registered Solicitor, or the name, address, and phone number of the Responsible Person or Entity is provided;
   c. a recent photograph of the Registered Solicitor; and
   d. the date on which the Certificate expires.

**(Ord. No. 08-43 Repealed & Reenacted 09/17/2008)**

## 17-22-112. MAINTENANCE OF REGISTRY.

The Licensing Officer shall maintain and make available for public inspection a copy or record of every Completed Application received and the Certificate or written denial issued by the City. The Applicant's BCI background check shall remain a confidential, protected, private record not available for public inspection. The Licensing Officer may furnish to the head of the City's law enforcement agency a listing of all Applicants, those denied, and those issued a Certificate.

**(Ord. No. 08-43 Repealed & Reenacted 09/17/2008)**

## 17-22-113. NON-TRANSFERABILITY OF CERTIFICATES.

Certificates shall be issued only in the name of the Applicant and shall list the Responsible Party or Entity, if any. The Certificate shall be non-transferable. A Registered Solicitor desiring to facilitate or attempt to facilitate Home Solicitation Sales with different: (a) Goods or Services; or (b) Responsible Person or Entity, from those designated in the originally submitted Completed Application, shall submit a written change request to the Licensing Officer. A new Certificate based on the amended information shall issue for the balance of time remaining on the Solicitor's previous Certificate before the amendment was filed so long as no Disqualifying Status exists. Before the new Certificate is given to the Registered Solicitor, the Registered Solicitor shall obtain a revised Identification Badge from the City, after payment of the Fee for the Identification Badge.

**(Ord. No. 08-43 Repealed & Reenacted 09/17/2008)**

## 17-22-114. DENIAL, SUSPENSION OR REVOCATION OF A CERTIFICATE OF REGISTRATION.

(1) Denial. Upon review, the Licensing Officer shall refuse to issue a Certificate to an Applicant for any of the following reasons:
   a. Denial of Temporary Certificate.
      i. the Application Form is not complete;
      ii. the Applicant fails to (1) establish Proof of Identity, (2) provide a B.C.I. or (3) pay the Fees;
      iii. the Completed Application or B.C.I. indicates that the Applicant has a Disqualifying Status; or
      iv. The Applicant has previously been denied a Certificate by the City, or has had a Certificate revoked for grounds that still constitute a Disqualifying Status under this chapter.
   b. Denial of Annual Certificate.
      i. The information submitted by the Applicant at the time of the granting of the temporary Certificate is found to be incomplete or incorrect;
      ii. Since the submission of the Completed Application, the Applicant is subject to a previously undisclosed or unknown Disqualifying Status;
      iii. Failure to complete payment of the Fees;
      iv. Since the submission of the Application, the City has received a Substantiated Report regarding the past or present conduct of the Applicant;
      v. Since the submission of the Application, the City or other governmental entity has either Criminally Convicted or obtained a civil injunction against the Applicant for violating this Chapter or similar Federal, State, or municipal laws in a manner rising to the level of a Disqualifying Status; or
      vi. Since the submission of the Application, a Final Civil Judgment was entered against the Applicant indicating that: (I) the Applicant had either engaged in fraud, or intentional misrepresentation, or (ii) that a debt of the applicant was non-dischargeable in bankruptcy pursuant to 11 U.S.C. ' 523(a)(2), (a)(4), (a)(6), or (a)(19).
   c. Denial of Annual Certificate Renewal.
      i. The information submitted by the Applicant when seeking renewal of a Certificate is found to be incomplete or incorrect;
      ii. Since the submission of the renewal Application, the Applicant is subject to a previously undisclosed or unknown Disqualifying Status;
      iii. Failure to complete payment of the Fees;
      iv. Since the submission of the Application or granting of a Certificate, the City has received a Substantiated Report regarding the past or present conduct of the Solicitor;
      v. The City or other governmental entity has either Criminally Convicted or obtained a civil injunction against the Applicant for violating this Chapter or similar Federal, State, or municipal laws in a manner rising to the level of a Disqualifying Status; or
      vi. Since the submission of the Application, a Final Civil Judgment was entered against the Applicant indicating that: (i) the Applicant had either engaged in fraud, or intentional misrepresentation, or (ii) that a debt of the applicant was

non-dischargeable in bankruptcy pursuant to 11 U.S.C. ' 523(a)(2), (a)(4), (a)(6), or (a)(19).

(2) Suspension or Revocation. The City shall either suspend or revoke a Certificate when any of the reasons warranting the denial of a Certificate occurs.

(3) Notice of Denial or Suspension. Upon determination of the Licensing Officer to deny an Applicant's Completed Application or to suspend a Registered Solicitor's Certificate, the City shall cause written notice to be sent to the Applicant or Registered Solicitor by the method indicated in the Completed Application. The Notice shall specify the grounds for the denial or suspension, the documentation or information the City relied on to make the decision, the availability of the documentation for review by Applicant upon one (1) business day's notice to the City, and the date upon which the denial or suspension of the Certificate shall take effect. It shall further state that the Applicant or Registered Solicitor shall have ten (10) business days from the receipt of the notice of denial or suspension to appeal the same. The denial or suspension of the Certificate shall be effective no sooner than two (2) calendar days from the date the notice is sent, unless that suspension is because of exigent circumstances outlined in Section 17-22-103(34)(C)(4), in which case, the suspension is effective immediately. The denial or suspension shall remain effective unless and until the order is rescinded, overturned on appeal, or determined by a court to be contrary to equity or law. Failure to appeal the suspension of a Certificate automatically results in its revocation.

**(Ord. No. 08-43 Repealed & Reenacted 09/17/2008)**

## 17-22-115. APPEAL.

An Applicant or Registered Solicitor whose Certificate has been denied or suspended shall have the right to appeal to the City Manager. Any appeal must be submitted by either the Applicant, the Responsible Person or Entity, or legal counsel for either who: (a) documents the relationship with the Applicant or Responsible Person or Entity; or (b) is licensed or authorized by the State of Utah to do so, and makes the assertion of an agency relationship. The following procedures and requirements shall apply:

(1) Any appeal must be Submitted in Writing to the City Recorder with a copy to the License Officer within ten (10) business days of the decision from which the appeal is taken. Such appeal shall describe in detail the nature of the appeal, the action complained of and the grounds for appeal.

(2) Upon request of the Applicant or Registered Solicitor, within one business day, the City shall make available upon request any information upon which it relied in making the determination to either deny or suspend the Certificate.

(3) The Appeals Officer shall review, de novo, all written information submitted by the Applicant or Registered Solicitor to the Licensing Officer, any additional information relied upon by the Licensing Officer as the basis for denial, suspension or revocation, and any additional information supplied by the City, Applicant or Registered Solicitor. Any additional information submitted by any party to the appeal to the Appeals Officer shall be simultaneously submitted to the opposing party. If desired, any party shall have three (3) business days to submit rebuttal documentation to the Appeals Officer regarding the additional information submitted by the opposing party.

(4) The Appeals Officer will render a decision no later than fifteen (15) calendar days from the date the appeal was taken, unless an extension of time is agreed upon by the parties. In the event that any party to the appeal submits rebuttal information as allowed in Section 17-22-115(3),

the fifteen (15) calendar days shall be extended to include the additional three (3) days for rebuttal.

a. The denial or suspension of the Certificate shall be reversed by the Appeals Officer if upon review of the written appeal and information submitted, the Appeals Officer finds that the Licensing Officer made a material mistake of law or fact in denying or suspending the Applicant or Registered Solicitor's Certificate.
b. If the written appeal and information submitted indicates that the Licensing Officer properly denied or suspended the certificate of the Applicant or Registered Solicitor, the denial or suspension of the Certificate shall be affirmed and constitute a determination that the suspended Certificate is revoked. The Licensing Officer shall submit his or her affirmance in writing setting forth the factual reason(s) for the affirmance.
c. The decision of the Appeals Officer shall be delivered to the Applicant or Registered Solicitor by the means designated in the completed Application, or as otherwise agreed upon when the Appeal was filed.

(5) After the ruling of the Appeals Officer, the Applicant or Solicitor is deemed to have exhausted all administrative remedies with the City.
(6) Nothing herein shall impede or interfere with the Applicant's, Solicitor's, or City's right to seek relief in a court of competent jurisdiction.

**(Ord. No. 08-43 Repealed & Reenacted 09/17/2008)**

## 17-22-116. 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 and/or Competent Individual. This requirement may be satisfied through the use of the Badge and an informational flyer.
(3) No Solicitor shall use a fictitious name, an alias, or any name other than his or her true and correct name.
(4) No Solicitor shall represent directly or by implication that the granting of a Certificate of Registration implies any endorsement by the City of the Solicitor's Goods or Services or of the individual Solicitor.

**(Ord. No. 08-43 Repealed & Reenacted 09/17/2008)**

## 17-22-117. "NO SOLICITATION" NOTICE.

(1) Any occupant of a Residence may give notice of a desire to refuse Solicitors by displaying a "No Solicitation" sign which shall be posted on or near the main entrance door or on or near the property line adjacent to the sidewalk leading to the Residence.
(2) The display of such sign or placard shall be deemed to constitute notice to any Solicitor that the inhabitant of the Residence does not desire to receive and/or does not invite Solicitors.
(3) It shall be the responsibility of the Solicitor to check each Residence for the presence of any such Notice.

(4) The provisions of this Section shall apply also to Solicitors who are exempt from Registration pursuant to the provisions of this Chapter.

**(Ord. No. 08-43 Repealed & Reenacted 09/17/2008)**

## 17-22-118. DUTIES OF SOLICITORS.

(1) Every person Soliciting or Advocating shall check each Residence for any "No Soliciting" sign or placard or any other notice or sign notifying a solicitor not to solicit on the premises, such as, but not limited to, "No Solicitation" signs. If such sign or placard is posted such Solicitor shall desist from any efforts to Solicit at the Residence or dwelling and shall immediately depart from such property. Possession of a Certificate of Registration does not in any way relieve any Solicitor of this duty.
(2) It is a violation of this Chapter for any person Soliciting or Advocating to knock on the door, ring the doorbell, or in any other manner attempt to attract the attention of an occupant of a Residence that bears a “No Solicitation” sign or similar sign or placard for the purpose of engaging in or attempting to engage in Advocating, a Home Solicitation Sale, Door-to-Door Soliciting, or Soliciting;
(3) It is a violation of this Chapter for any Solicitor through ruse, deception, or fraudulent concealment of a purpose to Solicit, to take action calculated to secure an audience with an occupant at a Residence;
(4) Any Solicitor who is at any time asked by an occupant of a Residence or dwelling to leave shall immediately and peacefully depart;
(5) The Solicitor shall not intentionally or recklessly make any physical contact with, or touch another person without the person’s consent;
(6) The Solicitor shall not follow a person into a Residence without the resident’s explicit consent;
(7) The Solicitor shall not continue repeated Soliciting after a person and/or Competent Individual has communicated clearly and unequivocally his or her lack of interest in the subject, Goods or Services of the Solicitor;
(8) The Solicitor shall not use obscene language or gestures.

**(Ord. No. 08-43 Repealed & Reenacted 09/17/2008)**

## 17-22-119. TIME OF DAY RESTRICTIONS.

It shall be unlawful for any person, whether licensed or not, to Solicit at a Residence before 9:00 a.m. or after 9:00 p.m. Mountain Time, unless the Solicitor has express prior permission from the resident to do so.

**(Ord. No. 08-43 Repealed & Reenacted 09/17/2008)**

## 17-22-120. BUYER'S RIGHT TO CANCEL.

In any Home Solicitation Sale, unless the buyer requests the Solicitor to provide Goods or Services without delay in an emergency, the seller or Solicitor shall present to the buyer and obtain buyer's signature to a written statement which informs the buyer of the right to cancel within the third business day after signing an agreement to purchase. Such notice of "Buyer's right to cancel" shall be in

the form required by ' 70C-5-103, Utah Code Annotated, 1953, or a current version thereof or any State or Federal law modifying or amending such provision.

**(Ord. No. 08-43 Repealed & Reenacted 09/17/2008)**

## 17-22-121. PENALTIES.

Any person who violates any term or provision of this Chapter shall be guilty of a Class B Misdemeanor and shall be punished by a fine of not to exceed $1,000.00 and/or a jail sentence of not to exceed six (6) months.

**(Ord. No. 08-43 Repealed & Reenacted 09/17/2008)**

# CHAPTER 17-22A
# VENDING

Sections:

17-22A-101. General Vending Restrictions.
17-22A-102. Food Vending Regulations.
17-22A-103. Food Vending License.
17-22A-104. Mobile Food Vending Vehicle Restrictions.
17-22A-105. Prohibited Conduct.
17-22A-106. Use of Public Streets.

## 17-22A-101. GENERAL VENDING RESTRICTIONS.

No vendor shall be permitted to operate in the following areas of public space:

(1) Within 150 feet of any street intersection or pedestrian crosswalk.
(2) Within 50 feet of any driveway, loading zone, or bus stop.
(3) Within 50 feet of another vending location assigned to another vendor on a public sidewalk.
(4) Within a minimum of 25 feet of unobstructed pedestrian space.
(5) On the median strip of a divided roadway, unless the strip is intended for use as a public way, pedestrian mall, or plaza.
(6) Against display windows of fixed location businesses.
(7) Any area within two blocks of a hospital, college, university, elementary school, middle school, or high school, unless that institution gives written consent.
(8) Within any parking area, unless a portion of the parking area is blocked off by the property owner expressly for the use of vending, and the vending location otherwise complies with the distance limitations imposed by this Section.
(9) Within two hundred feet (200’) from any existing or proposed residential use.
(10) Within fifteen feet (15') from a building
(11) Within thirty feet (30’) from a building entrance
(12) Within ten feet (10') from a fire hydrant
(13) Within twenty feet (20') from a public street right-of-way and an adjacent property
(14) Within five feet (5') of any handicapped parking space, or access ramp.

In addition, vendors:

(15) Shall not reduce sidewalks to a clear width of less than five feet (5')
(16) Shall not interfere with or obstruct the free flow of pedestrian or vehicular traffic or access to businesses.
(17) Shall not operate within five hundred feet (500’) of another vending unit/vehicle.
(18) Must be at least 50’ from any storm drain inlet of catch basin and shall not dispose of any materials, or allow any materials to drain into the street, storm drain or catch basin including any water or solution used to clean the site.
(19) Must be placed on concrete or asphalt and not in a landscaped area. Damaged vegetation due to the vending unit, vehicle, vendor or patrons shall be immediately replaced by the vending permit holder.
(20) All trash, litter, spills, grease, oil and food residue within a twenty-foot (20’) radius on site must be maintained in a cleanly manner and cleaned on a regular basis.

(21)The site must have adequate parking to accommodate the primary use on site as well as 5 additional parking spaces (1 for employee, 2 for the vending unit and 2 for customers) for the vending use.
(22)Restroom facilities for the vendor must be available within 500’ of the vending unit during all hours of operation.

**(Ord. No.08-42 Enacted 09/17/2008; Ord. No. 15-08 Amended 03/05/2015)**

## 17-22A-102. FOOD VENDING REGULATIONS.

(1) The food vending unit or vehicle must be removed from the site daily and stored and cleaned at a commissary approved by the Salt Lake Valley Health Department. Storage on site, at a personal residence or other location not approved by the Salt Lake Valley Health Department is prohibited.
(2) All cooking must be conducted at the approved Commissary or on approved cooking surfaces that are constructed as part of the food vending unit or vehicle. Additional cooking appliances on site (i.e., crock pots, portable rice cookers, etc.) or food preparation at a residence are not permitted.
(3) Vendors shall not solicit or conduct business with any person in a motor vehicle, public sidewalk or street.
(4) Vendors shall not use any flashing lights, noise, sound or motion producing devices that attracts attention to its operation.
(5) A valid Food Service Permit from Salt Lake Valley Health Department shall be available at all times.
(6) Food vending hours of operation may begin at seven o'clock (7:00) A.M. and the business shall be closed and the food vending unit or vehicle shall removed from the site by twelve o'clock (12:00) midnight.
(7) A valid permit card issued by West Valley City must be displayed on the front of the food vending unit at all times.
(8) Attachment Regulations.
    a. One (1) umbrella is permitted for a food vending cart operator in addition to any awnings or covers that are specifically manufactured as part of the food vending cart. It shall have a minimum vertical clearance to the sidewalk of seven feet (7') if they extend beyond the edge of the cart. It shall not exceed a height of eight (8'), and shall not exceed forty (40) square feet in area and shall not be placed directly above any cooking surface.
    b. No additional overhead structures, tarps, etc. shall be permitted on the food vending unit or adjacent to the unit.
    c. No tables, seating or additional overhead structures shall be provided on site for customers.
    d. Vehicles shall not be enclosed with tarps or any other overhead structure or attached to the food vending unit in any way and shall be parked at least 20’ from any food vending unit.
    e. The vendor shall be limited to three coolers (stacked), one beverage container, one trash receptacle and one chair external to the food vending unit. Coolers shall not exceed 3.75 square feet each in size.
(9) All food vending units and all mobile food vending vehicles must meet all of the requirements listed in Title 7, Chapter 30 of the West Valley City Municipal Code.

**(Ord. No.08-42 Enacted 09/17/2008)**

## 17-22A-103. FOOD VENDING LICENSE.

(1) Food vending unit licenses are capped by population at one per every 8,000 residents.
    a. The current population is estimated at 124,089.
    b. One cart per 8,000 residents amounts to 15 carts.
    c. No more than 15 carts shall be licensed at any time.
(2) Licenses shall be subject to an annual business license renewal process.
(3) The applicants that meet the above mentioned cart requirements may sign their name on a waiting list from April 1-May 1 of every year. A new list will be compiled every year.
(4) Licenses will be awarded by May 15.
(5) The licensing period for food vendors shall begin on July 1 of each calendar year.
(6) If these dates fall on a weekend or holiday the following Monday will be used.
(7) If more than 2 violations occur during the license season the license may be revoked and the license will be awarded to the next applicant on the waiting list.
(8) Food vendors who are properly licensed will have the right of first refusal for subsequent license renewals provided the licensee has not received more than 2 violations during the permit season.
(9) For the purposes of this section violations from the Health Department are based on number of closures of the food vending unit.
(10) A separate license is required for each location.
(11) A license is valid for one food vending unit per location.
(12) The license in non-transferable and subleasing is not permitted.
(13) If the use is abandoned for more than 30 days, the license will be terminated and awarded to the next applicant on the waiting list.
(14) Permit Application Requirements. If you have been selected to receive a license, prior to final approval, all persons desiring to operate a food vending unit in the City, shall submit a completed food vending permit application to the West Valley City Planning and Zoning Division. All requirements, attachments and fees set forth on the application shall be satisfied and submitted with the application before the application shall be deemed completed. No application for a food vending unit shall be considered by Planning and Zoning Division until it is completed. If the requirements below cannot be met within 30 days of the license issuance the license will be forfeited and granted to another applicant. The following information shall be provided:
    a. A completed application, signed and notarized by the PROPERTY OWNER
    b. The appropriate fee shall be paid.
    c. Written description or menu of all products to be sold.
    d. A photograph showing the width, length and height of the food vending unit.
    e. Photograph or illustration showing all attached signage with dimensions.
    f. A site plan showing the exact location of the food vending unit with setbacks to the building, building entrance, handicap parking stalls, storm drain, fire hydrants and property lines.
    g. Information on how the food vending unit was manufactured.
    h. Prior to the issuance of any permit, the Salt Lake Valley Health Department and the West Valley City Fire Department and Building Inspection Division shall inspect and approve any food vending unit.

i. Must provide a copy of the restroom agreement that was submitted to the Salt Lake Valley Health Department.
j. Must provide the address of the Commissary location that is approved by the Salt Lake Valley Health Department.

**(Ord. No. 08-42 Enacted 09/17/2008)**

## 17-22A-104. MOBILE FOOD VENDING VEHICLE RESTRICTIONS.

(1) A mobile food vending vehicle shall not remain at any one location for more than four hours per day.
(2) For the purposes of this section, any location within five hundred (500) linear feet is considered the same location.
(3) All items related to the operation of a food vending vehicles shall be kept either on or in the truck.

**(Ord. No. 08-42 Enacted 09/17/2008; Ord. No. 15-08 Amended 03/05/2015)**

## 17-22A-105. PROHIBITED CONDUCT.

No person authorized to engage in the business of vending under this Chapter shall do any of the following:

(1) Unduly obstruct pedestrian or motor vehicle traffic flow.
(2) Obstruct traffic signals or regulatory signs.
(3) Stop, stand, or park any vehicle, pushcart, or any other conveyance upon any street for the purpose of selling during the hours when stopping, standing, and parking have been prohibited by signs or curb markings.
(4) Leave any conveyance unattended at any time, or store, park, or leave such conveyance in a public space overnight.
(5) Use a handcart or pushcart whose dimensions exceed four feet in width, six feet in length, and seven feet in height.
(6) Use any stand or other fixed-location conveyance whose dimensions exceed five feet in width, eight feet in length, and seven feet in height.
(7) Use any conveyance that, when fully loaded with merchandise, cannot be easily moved and maintained under control by the licensee, the licensee's employee, or an attendant.
(8) Sell any goods, wares, or merchandise within the right-of-way of public streets in a commercial or manufacturing zone; or within 200 feet of the boundary of a commercial or manufacturing zone; or in the right-of-way of arterial streets that have been, or shall be hereafter, so designated by the City.
(9) Sound any device that produces a loud and raucous noise, or operate any loudspeaker, public address system, radio, sound amplifier, or similar device to attract public attention, or otherwise violate Chapter 24-22 of the City Code, "Noise Control."
(10) Conduct his/her business in such a way as would restrict or interfere with the ingress or egress of the abutting property owner or tenant; create a nuisance; increase traffic congestion or delay; constitute a hazard to traffic, life, or property; or obstruct adequate access to emergency and sanitation vehicles.
(11) Conduct business on private residential property.

(12)Conduct business on private commercial property, without the express written consent of the property owner.

a. The written consent shall state the areas of the private property where business may be conducted.
b. Written consent is required to obtain a license under Section 17-22-203.
c. A person conducting business on private property must comply with this Part, in addition to any restrictions imposed by the private property owner.

**(Ord. No. 08-42 Enacted 09/17/2008)**

## 17-22A-106. USE OF PUBLIC STREETS.

(1) It shall be unlawful to sell, offer to sell, or display for sale retail merchandise from or on motorized vehicles and mobile food vending vehicles on public streets without a valid business license and except as authorized by this Title.
(2) Each person or business selling, offering to sell, or displaying for sale retail merchandise from or on motorized vehicles and mobile food vending vehicles on public streets shall abide by the following conditions and requirements. Failure to comply may result in the suspension or revocation of a business license or Police work card, and is a class B misdemeanor:
    a. The motorized vehicle and mobile food vending vehicle shall have a clearly-audible backup warning device that activates whenever the vehicle is shifted into reverse gear.
    b. The motorized vehicle and mobile food vending vehicle shall have a convex mirror mounted on the front of the vehicle so that the driver, in a normal driving position, can see the area in front of the vehicle that is obscured by the hood.
    c. The motorized vehicle and mobile food vending vehicle shall have a flashing yellow beacon on the roof of the vehicle that is visible from all sides of the vehicle. This beacon shall be activated whenever merchandise is being sold, offered for sale, or displayed for sale.
    d. The motorized vehicle and mobile food vending vehicle shall have an operable swing-arm attached to its left side. This swing-arm shall be of a type, size, and description approved by the City, and shall be activated whenever the vehicle stops to sell, offer to sell, or display merchandise on a public street.
    e. The motorized vehicle and mobile food vending vehicle shall be prohibited from pulling any type of trailer.
    f. If the merchandise being sold, offered for sale, or displayed for sale includes any item intended for human consumption, the vehicle shall be inspected and approved by the Salt Lake County Health Department on a yearly basis.
    g. Retail merchandise may be sold, offered for sale, or displayed for sale from or on motorized vehicles and mobile food vending vehicles on public streets only between the hours of one hour after sunrise and one hour before sunset. Sunrise and sunset shall be determined on any particular day by the times listed that day in any major newspaper published in Salt Lake County.
    h. Retail merchandise may not be sold, offered for sale, or displayed for sale from or on motorized vehicles and mobile food vending vehicles on public streets where the speed limit exceeds 25 miles per hour.
    i. The operator of the motorized vehicle and mobile food vending vehicle shall not sell to any person standing in the roadway.

j. The operator of the motorized vehicle and mobile food vending vehicle shall sell, offer to sell, or display for sale retail merchandise only when the vehicle is completely stopped and lawfully parked, and shall sell only from the rear or side of the vehicle nearest to the curb or edge of the roadway.
k. The motorized vehicle and mobile food vending vehicle shall not be moved backwards in order to sell, offer to sell, or display for sale retail merchandise.
l. Each applicant for a license or renewal under this Section shall submit, with its application, evidence of general liability insurance in an amount not less than $500,000. The applicant must submit to the City a certificate of insurance that provides that the policy cannot be canceled prior to giving the City at least 10 days written notice of cancellation.
m. The motorized vehicle and mobile food vending vehicle and operator must comply with all other requirements of this Chapter and any other requirements of ordinance or statute that may be applicable.

(3) Each person selling, offering to sell, or displaying for sale retail merchandise from or on motorized vehicles on public streets shall obtain a West Valley City Police work card prior to beginning operation. The City may deny, suspend, or revoke a work card and license, if applicable, if the applicant or licensee has received a moving traffic violation within the last 12 months.
(4) The prohibitions of this Section shall not be construed to prohibit vehicles from carrying business markings or advertising not otherwise prohibited by law, nor shall they prohibit delivery of merchandise which was not sold or purchased on public streets.

**(Ord. No. 08-42 Enacted 09/17/2008)**

# CHAPTER 17-23
# PAWN SHOPS, SECONDHAND DEALERS, ETC.

Sections:

17-23-101. Definitions.
17-23-102. New Merchandise Dealer/Trade-in/Dealer Exemption.
17-23-103. Only Individuals May Apply for a Dealer's License.
17-23-104. Police Check.
17-23-105. Bond Required.
17-23-106. Records to be Maintained.
17-23-107. Legibility and Inspection of Records and Premises.
17-23-108. Copies to Police Department.
17-23-109. Property to be Kept Thirty Days before Disposition.
17-23-110. Place of Business to be Closed During Certain Hours.
17-23-111. Dealing with Minors Prohibited.
17-23-112. Barrier Required Around Open Storage.
17-23-113. Secondhand Dealers - Restrictions.
17-23-114. Stolen Goods.
17-23-115. Conduct of Business - Partition.
17-23-116. Liability of Principal.
17-23-117. Ordinances Posted.
17-23-118. Right to redeem forfeited articles – interest rates.
17-23-119. Vehicles.
17-23-120. Premises.
17-23-121. Computer Reporting of Information.
17-23-122. Business Location; Supplemental License.
17-23-123. Reporting Changed Information.
17-23-124. Grounds for Denial, Suspension or Revocation of License.

## 17-23-101. DEFINITIONS.

(1) Secondhand Dealer means any person who keeps a store, office or place of business for the purchase, barter or exchange or sale of any secondhand merchandise of value, or who engages in the business of dealing in secondhand goods. For the purpose of this Chapter, a "secondhand dealer" shall not be meant to include any person who deals in the purchase, barter, exchange or sale of used motor vehicles and trailers, but shall include any person who buys or sells five or more firearms per year.

(2) Secondhand Precious Metal Dealer/Processor and/or Precious Gem Dealer means any person who engages in buying, selling or processing gold, silver (excluding coins), platinum, other precious metals, secondhand articles containing any of such metals, secondhand precious gems or any articles containing any precious gems.

(3) Secondhand Store means any location where a person keeps a store, office or place of business for the purchase, barter or exchange or sale of any secondhand merchandise of value or who is engaged in the business of dealing in secondhand goods. "Secondhand store" shall not be meant to include any person who deals in the purchase, barter, exchange or sale of used motor

vehicles and trailers, but shall include any person who buys or sells five or more firearms per year.

(4) Junk Dealer means any person who engages in buying or selling old metals (other than precious metals), glass, rags, rubber, paper or other junk from a fixed place of business. They shall not be subject to the provisions of Sections 17-23-106 or 17-23-109.

(5) Junk Collector means any person not having a fixed place of business in the City who goes from house to house or place to place gathering, collecting, buying, selling or otherwise dealing in old rags, papers, metals or other articles commonly known as "junk." They shall not be subject to the provisions of Sections 17-23-106 or 17-23-109.

(6) Antique Dealer means any person engaged in the business of selling old or archaic items which are indicative of an older culture.

(7) Coin Dealer means any person who engages in the business of buying or selling coins having numismatic value. Coin dealers, when purchasing coins having numismatic value from members of a recognized numismatic society or customers registered with the dealer, need not comply with the provisions of Sections 17-23-106 or 17-23-109.

(8) Processor means any person who engages in refining or otherwise altering the form of precious metal not found in a natural state, i.e., raw ore.

(9) Pawnbroker means any person who loans money on deposit of personal property or deals in the purchase, exchange or possession of personal property on condition of selling the same back again to the pledgor or depositor, or who loans or advances money on personal property by taking chattel mortgage security thereon and takes or receives such personal property into his possession, and who sells the unredeemed pledges, together with such new merchandise as will facilitate the sale of same. This definition shall also include "secondhand dealers," "secondhand precious metal dealer/processor and/or precious gem dealers," "antique dealers," "coin dealers," and "processors" as defined herein.

(10) Pawnshop means any location where a person loans money on deposit of personal property or deals in the person's exchange or possession of personal property on condition of selling the same back again to the pledger or depositor, or who loans or advances money on personal property by taking chattel mortgage security thereon and takes a receipt of such personal property into his possession and who sells the unredeemed pledges, together with such new merchandise, as will facilitate the sale of same.

(11) Registered Customer means any person who is registered with the dealer and who the dealer knows to be a reputable person in the community. A registered customer must complete a "Registered Customer Form" supplied by the Police Department and maintained in the dealer's records. The "Registered Customer Form" shall have a positive identification section and a section stating that the registered customer certifies that property he/she will sell to the dealer meets the requirements of Section 17-24-lO6(1)(a).

(12) Charitable Organizations means any organization, group or church which receives personal property or secondhand goods from persons, groups or businesses but do not pay money or any other thing of value in return for received personal property or secondhand goods. Charitable organizations are not to be licensed or regulated by this Chapter.

(13) Dealer means all businesses or persons licensed under this ordinance.

## 17-23-102. NEW MERCHANDISE DEALER/TRADE-IN/DEALER EXEMPTION.

(1) The provisions of this Chapter are inapplicable to:

a. Any merchant or dealer whose principal business is the selling of new merchandise and secondhand merchandise is taken in as a trade incident to the sale of new merchandise; or
b. Any dealer who receives secondhand merchandise in trade for other secondhand merchandise of a higher value.

(2) Any dealer licensed by this Chapter when dealing with other licensed dealers, other licensed or registered businesses or persons, or when the dealer travels to the seller's residence to bid on and subsequently purchase goods other than gold, silver, or precious metals, need not comply with the provisions of Sections 17-23-106 or 17-23-109.

## 17-23-103. ONLY INDIVIDUALS MAY APPLY FOR DEALER'S LICENSE.

(1) If an application for a license is made on behalf of a corporation or limited partnership, the license shall he applied for by and issued to the president of the corporation or members of the partnership who are authorized to act for it.
(2) If the application is made on behalf of a partnership, the license shall be applied for by and issued to all of the partners who are authorized to act for the partnership. Where any partner is a corporation or limited partnership, the application shall be made by and issued to the president of the corporation or members of the limited partnership who are authorized to act for it.
(3) Each individual who applies for a dealer's license under this Section assumes, as an individual, all responsibilities of the dealer and, as an individual, is subject to all conditions, restrictions and requirements imposed on dealers.

## 17-23-104. POLICE CHECK.

Each individual applying for a pawnbroker, secondhand dealer or secondhand precious metal/gem dealer license shall not be issued a license if the applicant has been convicted of theft or receiving stolen property or has completed serving a sentence for any conviction of theft or receiving stolen property, whichever is most recent, within the last five years.

## 17-23-105. BOND REQUIRED.

Every person licensed under this Chapter, except junk collectors, shall be required as a condition prerequisite to their obtaining a license or renewing a license provided for under this Chapter to deliver a surety bond of $1,000 in a form and with sufficient sureties as is determined by the City Attorney for the faithful compliance with the provisions of this Chapter.

## 17-23-106. RECORDS TO BE MAINTAINED.

(1) It shall be unlawful for any person licensed by this Chapter to fail to use a standardized pawn card format and computer software approved by the Police Department, which the licensee shall use to enter at the time of purchase, in the English language:
a. The name, date of birth, address, and physical description of the person selling the secondhand property;
b. The driver's license number or any other positive form of identification containing a numerical identifier and a photograph of the person selling the secondhand property;
c. The date and time of the transaction;

d. The identification of the person making the record entry;
e. A description of the item purchased or obtained by the dealer, including, but not limited to, a description of the metallic composition, any jewels, stones, or glass, and a listing of all numbers, marks, monograms, trademarks, manufacturer's names, serial numbers, and any other marks of identification appearing on the item;
f. The weight of the item or items, where payment is based on weight; and
g. The consideration paid for the item, or if pawned, the amount of money loaned or advanced.

(2) Notwithstanding the foregoing paragraph, pawnbrokers, secondhand dealers, antique dealers, coin dealers, and secondhand precious metal/gem dealers who process fewer than 50 transactions per week may request written permission from the Police Department to use a non-computerized alternative standardized format specified and approved by the Police Department for reporting the listed criteria in subsection (1) above at the time of the transaction.

(3) In addition to the requirements of subsection (1), a pawnbroker, secondhand dealer, antique dealer, coin dealer and a secondhand precious metal/gem dealer shall also obtain and keep the following:
a. A written certificate, on forms prescribed by the Police Department, that the person delivering the property has the legal right to sell such property and produces at least one positive form of identification containing a numerical identifier and photograph.
b. If the value of the property exceeds $20, the secondhand dealer, pawnbroker, antique dealer, coin dealer, secondhand precious metal/gem dealer or persons receiving said property shall also require the seller or person delivering the property, whether known or not, to give a legible print, preferably the right thumb, at the bottom of the certificate next to his signature.
c. Signature of the purchasing agent who received the property from the person whose name is on the card as the pawner or seller.

**(Ord. No. 98-62 Amended 08/25/1998)**

## 17-23-107. LEGIBILITY AND INSPECTION OF RECORDS AND PREMISES.

(1) All records of all dealers defined in this Chapter shall be open to inspection by any peace officer at any time. Peace officers shall also be permitted to have access to the premises licensed under this Chapter for the purpose of the inspection of said premises during normal business hours.

(2) If requested to do so by a peace officer, all goods, articles or things pawned, pledged, sold or delivered to said dealer must be retained and held until released by the peace officer's agency or delivered to the peace officer to be placed in evidence if requested.

**(Ord. No. 98-62 Amended 08/25/1998)**

## 17-23-108. COPIES TO POLICE DEPARTMENT.

It shall be unlawful for any person licensed by this Chapter to fail to submit the certificates required to be maintained by Section 17-23-106(2) to the Police Department on the business day following the entry, except that the records regarding merchandise purchased from other dealers need

not be so submitted, but shall be retained by the dealer at his place of business for inspection by any peace officer.

**(Ord. No. 98-62 Amended 08/25/1998)**

## 17-23-109. PROPERTY TO BE KEPT THIRTY DAYS BEFORE DISPOSITION.

(1) It shall be unlawful for any dealer licensed by this Chapter to sell, melt, change (except for customary testing), take apart, destroy, obliterate identification marks, or dispose of any secondhand property purchased or obtained by a dealer until 30 days have elapsed from the date of compliance with the reporting requirements of Sections 17-23-106 and 17-23-107, or for such additional time as to any specific item or items as may be directed by the Police Department or his designee. All items being so stored shall be segregated from other items and shall be identified by a tag attached to the property numbered in a manner to correspond with the number of the transaction description in the business records required to be kept by this Chapter. Items purchased in bulk may be tagged in bulk. Items may be stored at other locations in the City approved by the Police Department. The dealer shall produce these items at the business location within one hour of a request to do so by a peace officer. Where compliance is impossible because of the close of business hours, the item shall be produced within one hour of the opening of business on the next business day.
(2) The requirements of subsection (1) shall not be applicable to any unidentifiable secondhand precious metals which have been inspected and received written clearance for earlier disposition by the Police Department or his designee.
(3) The Police Department may, by written directive, modify the recordkeeping or reporting requirements of this Section.

**(Ord. No. 98-62 Amended 08/25/1998)**

## 17-23-110. PLACE OF BUSINESS TO BE CLOSED DURING CERTAIN HOURS.

It shall be unlawful for any dealer defined in this Chapter to keep his place of business open for trade before the hour of 7:00 a.m. or after 10:00 p.m., unless prior written permission is received from the Police Department.

## 17-23-111. DEALING WITH MINORS PROHIBITED.

It shall be unlawful for any licensee under this Chapter by himself, his agents or servants, to purchase or receive any personal property, or any articles whatsoever, from any person under 18 years of age.

## 17-23-112. BARRIER REQUIRED AROUND OPEN STORAGE.

Any dealer, as defined in this Chapter, who is the owner of, occupant of, or has control of any lot, yard or any other premises within the City limits and who keeps, collects, permits, maintains, or stores in the open thereon, any metal, glass, bottles, rags, cans, sacks, rubber, paper or other articles commonly known as "junk" or any articles known as "secondhand goods," "wares" or "merchandise," shall comply with all applicable Board of Health rules and regulations, and the City zoning ordinances mandating solid visual barriers enclosing said lot, yard or premises.

## 17-23-113. SECONDHAND DEALERS - RESTRICTIONS.

A person licensed under this Chapter as a secondhand dealer shall not purchase, barter, exchange or sell any secondhand merchandise other than that of the same type and character which comprise his principal business.

## 17-23-114. STOLEN GOODS.

It shall be the duty of every pawnbroker or dealer to report to the Police Department any article pledged with or sold, or which it is sought to pledge with him, or sold, if he shall have reason to believe that the article was stolen or lost, or found by the person attempting to pledge it or sell it in the case of a lost article.

## 17-23-115. CONDUCT OF BUSINESS - PARTITION.

It shall be unlawful for any pawnbroker to keep or maintain his pawnbroker business in the same room or rooms with any other business whatsoever unless prior approval of the Police Department has been first obtained. The partition walls separating said pawnbroker's business from other places of business must be of solid material, and all connecting doors or other openings must be securely closed and locked at all times. Gratings, lattice or similar open work or contrivance will not be sufficient partition under the provisions of this Chapter. Patrons must enter and take their exit from all pawnbrokers' places of business through outside doors or entrances.

## 17-23-116. LIABILITY OF PRINCIPAL.

The holder of a pawnbroker's or dealer's license is liable for any and all acts of his employees, and for any violation by them of any of the provisions of this Chapter.

## 17-23-117. ORDINANCES POSTED.

It shall be unlawful for any person to conduct or transact any business licensed under this Chapter unless he shall keep conspicuously posted in his place of business a copy of this ordinance.

## 17-23-118. RIGHT TO REDEEM FORFEITED ARTICLES - INTEREST RATES.

It shall be unlawful in all cases in which an article pledged has been forfeited, for a sale or other disposition thereof to be made by the dealer within the period of six months after the forfeiture of the pledge, unless the period of loan is less than three months; in which case, the period of redemption shall be three months. During such periods the person shall have the right to redeem such articles at no greater advance than five percent per month on all sums up to and including $50, and three percent per month on all sums in excess of $50; provided that the dealer shall, in any event, be entitled to a minimum charge of $1.

## 17-23-119. VEHICLES.

Every vehicle used by a junk dealer in the conduct of his business, shall bear thereon, in legible characters, the name and address of the owner and proprietor thereof.

## 17-23-120. PREMISES.

Any premises, area or piece or parcel of land licensed and used as a junk yard shall have not more than two entrances and two exits, each of which shall not exceed fifteen feet in width at the perimeter of the premises. Such premises, areas, pieces or parcels of land shall be enclosed with either a solid nontransparent wall or fence or link-weave steel wire or combination thereof with a minimum height of seven feet from the ground level excepting for entrances and exits. The fence or wall shall not contain any poster or advertising of any kind excepting one sign of the licensee not exceeding 100 square feet in size.

## 17-23-121. COMPUTER REPORTING OF INFORMATION.

The Police Department is authorized to transfer the information received pursuant to this Chapter into a computer information system and to report the information in such forms as the Police Department may determine is useful for law enforcement purposes.

## 17-23-122. BUSINESS LOCATION; SUPPLEMENTAL LICENSE.

(1) A dealer may conduct the licensed business only from the fixed permanent location as specified in the application for the license which shall be other than a motel or hotel room generally used by transients.
(2) A dealer may not remove or relocate the location specified in the license for the business or open any additional location unless the person has applied for and obtained a supplemental license from the Business License Division.

## 17-23-123. REPORTING CHANGED INFORMATION.

If, during any license year, there is a change in the information that a person gave in obtaining or renewing a license under this Chapter, the person shall report the change to the license officer within 30 days after the change occurs and certify that the information given is true and correct under the penalties of perjury.

## 17-23-124. GROUNDS FOR DENIAL, SUSPENSION OR REVOCATION OF LICENSE.

In addition to the reasons provided in Sections 17-3-101 and 17-3-102, a license may be denied, suspended or revoked if:

(1) A similar license issued to the dealer has been suspended, revoked, or refused in another jurisdiction for a reason which would justify such action under this Section.
(2) Any officer, manager, agent, or employee of the individual or dealer has violated or is attempting to violate any provisions of this Chapter unless the person or dealer:
    a. Had no knowledge of the wrongful conduct and in the exercise of reasonable diligence could not have known of the conduct; and
    b. Was unable to prevent the violation or attempted violation with the exercise of reasonable diligence.
(3) The person or dealer has been convicted of theft or receiving stolen property on one or more occasions or has completed serving a sentence for any conviction of theft or receiving stolen property, whichever is most recent, within the last five years.

# CHAPTER 17-24
# SALE AND USE OF FIREWORKS

Sections:

17-24-101. Definitions.
17-24-102. Sale, Discharge and Possession of Fireworks Restricted.
17-24-103. Application to Sell Fireworks.
17-24-104. Posting of License.
17-24-105. Regulations Governing all Retail Sales Locations.
17-24-106. Permanent Structures.
17-24-107. Temporary Stands.
17-24-108. Temporary Tent Stands.
17-24-109. Seizure of Fireworks – Fine, Suspension, or Revocation of License.
17-24-110. Days when Fireworks may be Sold.
17-24-111. Days when Fireworks may be Discharged.
17-24-112. Discharge of Fireworks Restricted.
17-24-113. Businesses Exempt from this Chapter.
17-24-114. Flame Effects Performing Artists.

## 17-24-101. DEFINITIONS.

(1) Firework means any composition or device manufactured or used for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation. Fireworks shall include the following:
   a. Class C explosives as defined in Utah Code Ann. § 53-7-202(4);
   b. Class C dangerous explosives as defined in Utah Code Ann. § 53-7-202(6);
   c. Class C common state approved explosives as defined in Utah Code Ann. § 53-7-202(5);
   d. Ground or hand-held sparkling device, which means any cylindrical tube or fountain not exceeding 3/4" of inside diameter and containing not more than 75 grams of pyrotechnic composition which produces a shower of color and sparks upon ignition and may whistle or pop; any cardboard or heavy paper cone (cone fountain) containing up to 50 grams of pyrotechnic composition which produces a shower of color and sparks upon ignition and may whistle or pop; any cylindrical tube, or illuminating torch containing up to 100 grams of pyrotechnic composition which produces colored fire upon ignition; any pyrotechnic device or wheel capable of being attached to a post or tree containing up to six "driver" units or tubes not exceeding 1/2" in inside diameter that each contain not more than 60 grams of pyrotechnic composition per driver unit which revolves upon ignition producing a shower of color and sparks and sometimes a whistling effect; any device similar in design and effect to a "wheel" capable of being placed on the ground (ground spinner) and ignited; and any narrow paper fuseless tube (flitter sparkler) filled with pyrotechnic composition that produces color and sparks when the popper at one end of the tube is ignited.
   e. Ground Audible Device, which means any paper or cardboard tube containing not more than 50 milligrams of pyrotechnic material that travels along the ground (chaser) upon ignition and often produces a whistling and/or popping effect.

f. Combination Fireworks Device, which means any device containing combinations of two or more of the effects described in subsections d, e or g.
g. Trick Noisemaker, which means any tube or sphere containing pyrotechnic composition that upon ignition produces white or colored smoke (smoke device) as its primary effect; and any device that produces a small report intended to surprise the user, including:
    i. A "booby trap" which is a small tube with a string protruding from both ends that ignites the friction-sensitive composition in the tube when the string is pulled;
    ii. A "snapper" which is a small paper-wrapped device containing a minute quantity of explosive composition coated on bits of sand which explodes producing a small report;
    iii. A "trick match" which is a kitchen or book match coated with a small quantity of explosive or pyrotechnic composition that produces a small shower of sparks when ignited;
    iv. A "cigarette load" which is a small wooden peg coated with a small quantity of explosive composition that produces a small report when the cigarette is ignited; and
    v. An "auto burglar alarm" which is a tube which contains pyrotechnic composition that produces a loud whistle and smoke when ignited. A small quantity of explosive, not exceeding 50 milligrams, may also be used to produce a small report. A squib is used to ignite the device.

(2) Fireworks shall not include model rockets, toy pistol caps, emergency signal flares, snakes or glow worms, party poppers, wire sparklers under 36 inches in length, matches, of Class ”A” and “B” explosives.
(3) Flame Effects Performing Artist means a fire spinner, fire dancer, or fire performer who is paid to perform professionally in a public location.
(4) Permanent Structure means a non-movable building, securely attached to a foundation, housing a business licensed to sale merchandise in addition to fireworks.
(5) Retail Sales Locations means both permanent structures and temporary stands where fireworks are sold.
(6) Temporary Stand means a nonpermanent structure used exclusively for the sale of fireworks.

**(Ord. No. 11-15 Amended 07/08/2011; Ord. No. 11-20 Amended 09/15/2011)**

## 17-24-102. SALE, DISCHARGE AND POSSESSION OF FIREWORKS RESTRICTED.

It is a Class "B" misdemeanor for any person to sell or offer for retail sale, or to discharge fireworks unless specifically authorized under this Chapter.

**(Ord. No. 11-15 Amended 07/08/2011)**

## 17-24-103. APPLICATION TO SELL FIREWORKS.

(1) In addition to the information required by Section 17-1-105, all applications for a license to sell fireworks shall:
    a. Set forth the proposed location where the fireworks are to be sold and whether the location is a temporary stand or in a permanent structure.

b. Be accompanied by certificates of insurance evidencing liability coverage in the minimum amounts of $200,000/$400,000 and property damage coverage in the minimum amount of $200,000 and naming the City as an additional insured. The certificates of insurance shall state that the City will be given 10 days written notice prior to any cancellation of the insurance by the insurance company.
c. Be accompanied by a certificate of insurance evidencing products liability coverage in a minimum amount of $500,000.
d. Be accompanied by a copy of the applicant's Utah Sales Tax License.

(2) Applications shall be made a minimum of 3 working days prior to the time when the applicant wishes to begin selling fireworks within the time constraints set forth in this Chapter.

## 17-24-104. POSTING OF LICENSE.

(1) Licenses issued pursuant to this Chapter shall be posted in a conspicuous place in a temporary stand and in a conspicuous place in the vicinity of the fireworks in a permanent structure.
(2) The license shall be available for presentation upon request to duly authorized officials.

## 17-24-105. REGULATIONS GOVERNING ALL RETAIL SALES LOCATIONS.

(1) All 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 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) 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.
(4) Storage of fireworks for sale shall not be located in residential areas.
(5) Smoking shall not be permitted within 50 feet of any fireworks, either on display for retail sale or being stored. "Smoking prohibited within 50 feet" or similarly worded 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.
(6) A sign, clearly visible to the general public, shall be posted at all fireworks sales locations, indicating the legal dates for discharge of fireworks as set forth in this Chapter. Sign lettering shall be not less than 1" high with a minimum 3/16" stroke on a contrasting background.
(7) All retail sales locations shall be equipped with an approved portable fire extinguisher having a combined rating of at least 2A 10BC.
(8) No amount of retail storage or retail sales of fireworks shall, by its presence, create a distinct hazard to the life or safety of the customer, employee or property.
(9) All retail fireworks sales shall be located in permanent structures or temporary stands, as defined in this Chapter.

## 17-24-106. PERMANENT STRUCTURES.

(1) Display of fireworks inside permanent structures shall be subject to the following restrictions:
a. Up to 250 pounds of fireworks, display of fireworks is unrestricted.
b. From 251 pounds to 500 pounds of fireworks, display of fireworks must be within constant visual supervision.

c. Above 500 pounds of fireworks, display of fireworks must be constantly attended by a sales person.

(2) In permanent structures, 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.

(3) Fireworks shall be stored, handled, displayed and sold only as packaged units inside permanent structures.

(4) Fireworks displays in permanent structures shall be inspected and shall comply with the fire code adopted by the City. Each licensee shall apply for a business license, inspection, and permit, and shall be inspected prior to any sales.

a. Failure to comply with the above shall be subject to a fine of $1,500.

(5) 75% of the permit fees assessed for a permanent fireworks structure shall be placed in a separate account designated for the sole use of funding fire and life safety devices.

**(Ord. No. 01-24 Amended 05/03/2001)**

## 17-24-107. TEMPORARY STANDS.

(1) Temporary stands shall meet the requirements of the latest Building and Fire Codes adopted by the City. Each licensee shall obtain a business license, pay the inspection fee, the permit fee, and shall be inspected prior to any sales.

a. Failure to comply with the above shall be subject to a fine of $1,500.

(2) Each temporary stand shall have a minimum of two approved exit doors, which swing out at opposite ends of the stand. Door locking devices, if any, shall be easily released from the inside without special knowledge, key or effort.

(3) Each temporary stand shall have a minimum three-foot wide unobstructed aisle running the length of the stand, inside and behind the counter.

(4) The pass-through openings for temporary stands shall be arranged to permit the customer to view the merchandise for sale but prevent the touching or handling of non-prepackaged fireworks by the customer.

(5) Temporary stands shall be located in properly zoned areas, at least 100 feet from other temporary stands, LP Gas, flammable liquid or gas storage and dispensing units.

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

(7) Temporary stands shall not be heated by any device requiring an open flame or exposed heating element. All wiring, lighting, and electrical equipment shall be approved by the authority having jurisdiction.

(8) The general public shall not be allowed to enter a temporary stand.

(9) A person shall not be allowed to sleep in a temporary stand.

(10) A temporary stand shall be removed within seven days after the sales period has ended, as provided in this Chapter.

(11) 75% of the permit fees assessed for a temporary fireworks stand shall be placed in a separate account designated for the sole use of funding fire and life safety devices.

**(Ord. No. 01-24 Amended 05/03/2001)**

## 17-24-108. TEMPORARY TENT STANDS.

(1) Temporary tent stands shall meet the requirements of the latest Building and Fire Codes adopted by the City. Each licensee shall obtain a business license, pay the inspection fee, and permit fee, and shall be inspected prior to any sales.
    a. Failure to comply with the above shall be subject to a fine of $1,500.
(2) Each temporary tent stand shall have the exit width and number of exits as required in the International Fire Code.
(3) Temporary tent stands shall be located in properly zoned areas, at least 100 feet from other temporary tent stands, temporary stands, LP Gas, flammable and combustible liquid, or gas storage and dispensing units.
(4) Temporary tent stands are prohibited from over-night storage.
(5) Temporary tent stands are prohibited from being heated by any device requiring an open flame or exposed heating element.
(6) All wiring, lighting, and electrical equipment shall be approved by the authority having jurisdiction.
(7) Parking shall be in designated areas, a minimum of 20 feet from the temporary tent stands.
(8) Temporary tent stands shall be removed within seven days after the sales period has ended.
(9) 75% of the permit fees assessed for a temporary tent stand shall be placed in a separate account designated for the sole use of funding fire and life safety devices.

**(Ord. No. 00-23 Added 04/17/2000; Ord. 01-24 Amended 05/03/2001)**

## 17-24-109. SEIZURE OF FIREWORKS - FINE, SUSPENSION, OR REVOCATION OF LICENSE.

(1) Fireworks sold or offered for sale in violation of this Chapter may be seized, stored as evidence, and destroyed at the expense of the person or business in possession of the unlawful fireworks.
(2) The minimum fine for a person adjudicated as selling or offering fireworks for sale in violation of this Chapter shall be $500. If the person or business is licensed to sell fireworks pursuant to this Chapter, then the license shall be suspended or revoked.
(3) Fireworks which are in violation of this Chapter may be stored, handled, and discharged when the person in control of the fireworks is an importer, manufacturer, distributor, wholesaler, or a pyrotechnic operator with a valid pyrotechnic license issued by this state.

**(Ord. No. 00-23 Amended & Renumbered 04/17/2000)**

## 17-24-110. DAYS WHEN FIREWORKS MAY BE SOLD

Fireworks may be sold each year beginning on June 26 and ending on July 26, beginning on December 26 and ending on January 1, and three days before and on the Chinese New Year.

**(Ord. No. 00-23 Renumbered 04/17/2000; Ord. No. 11-15 Amended 07/08/2011)**

## 17-24-111. DAYS WHEN FIREWORKS MAY BE DISCHARGED.

Fireworks may be discharged each year beginning on June 26 and ending on July 26, on January 1 and December 31, and the day before and on the Chinese New Year.

**(Ord. No. 00-23 Renumbered 04/17/2000; Ord. No. 11-15 Amended 07/08/2011)**

## 17-24-112. DISCHARGE OF FIREWORKS RESTRICTED

(1) It shall be unlawful to discharge any fireworks within 100 feet of temporary stands, LPG, flammable liquid, or gas storage and dispensing units.
(2) It shall be unlawful to discharge any fireworks within 20 feet of any residence, dwelling or other structure.
(3) It shall be unlawful to discharge any fireworks in any area west of SR-111 in West Valley City.
(4) Except as provided in Title 4, it shall be unlawful to discharge any fireworks on property owned by West Valley City.

**(Ord. No. 00-23 Renumbered 04/17/2000; Ord. No. 11-15 Amended 07/08/2011)**

## 17-24-113. BUSINESSES EXEMPT FROM THIS CHAPTER.

This Chapter does not apply to the product inventories of fireworks manufacturers, importers, distributors, or wholesalers designed for shipment directly out of the state.

**(Ord. No. 00-23 Renumbered 04/17/2000)**

## 17-25-114. FLAME EFFECTS PERFORMING ARTISTS

Flame Effects Performing Artists must meet all of the following requirements:
(1) Hold the appropriate license(s) from the State Fire Marshall.
(2) Hold a West Valley City business license, if applicable.
(3) Obtain approval of the site and spectator safety measures from the West Valley City Fire Marshall prior to the performance(s).

**(Ord. No. 11-20 Enacted 09/15/2011)**

# CHAPTER 17-25
# AMUSEMENT HALLS AND ARCADES

Sections:

17-25-101. Definitions.
17-25-102. Exemption.
17-25-103. Liquor, Beer, and Tobacco
17-25-104. Hours of Operation.
17-25-105. Pornographic Materials.
17-25-106. Interior Visibility.

## 17-25-101. DEFINITIONS.

(1) Amusement Hall is defined as a building, portion of a building or enclosed area used for recreation purposes by the public for a fee and includes but is not limited to, an arcade, billiard hall, card room, public dance hall, motion picture theater or other theater, shooting gallery or skating rink.
(2) Arcade is defined as a place of business containing more than three automatic amusement devices.
(3) Automatic Amusement Devices are hereby defined to be each machine which, upon the insertion of a coin, trade-token, slug, or similar object, operates, or may be operated, as a game or contest of skill or amusement of any kind or description, and which contains no automatic payoff for the return of money to the player. An automatic amusement device is hereby further defined as any machine, apparatus, or contrivance which is used, or which may be used, as a game of skill and amusement wherein, or whereby, the player initiates, employs or directs any force generated by the machine, but specifically excludes a musical mechanical device as hereinafter defined.
(4) Billiard Hall is defined as a place of business containing more than three tables on which billiards, bagatelle or pool is played by the public for a fee.
(5) Bowling Alley is defined as an amusement hall where bowling and related activities are played by the public for a fee.
(6) Card Room is any room where there is played any backgammon, cards, checkers, chess, or other games of similar nature, or any game played with beans, buttons, dice or similar devices, or to keep, maintain or operate in the City any table on which said games are played, where charge is made for the use of the room, use of the tables or for the privilege of playing on such tables or in such room.
(7) Dance Studio means a place where people are taught to dance with or without the payment of a fee.
(8) Juke Box or Musical Mechanical Amusement Device is hereby defined to be and shall include each machine vending recorded music, or a period of radio or television entertainment in return for the insertion or deposit therein of a coin, trade-token, slug, or similar object; provided, however, that this does not include coin-operated radios or television sets in private quarters.
(9) Mechanical Bull is defined as an automatic amusement device that is ridden by the public.
(10) Theaters are defined as places of business where an outdoor or indoor motion picture or theatrical performance is given to the public for admission to which a fee is charged.

(11)Premises is any room, house, building, structure or place licensed by or defined in this ordinance.
(12)Public Dance Hall is an amusement hall where people may dance for a fee, not including cabarets.
(13)Shooting Gallery is a place of business where shooting of any kind is done, including a shooting range.
(14)Skating Rink is a place of business where a fee is charged for any type of skating.

## 17-25-102. EXEMPTION.

This Chapter does not include any building, activity or performance given, played or used solely for the benefit of and under the supervision of a religious, educational or charitable organization.

## 17-25-103. LIQUOR, BEER, AND TOBACCO

Liquor, beer or tobacco shall not be sold to or placed in the possession of a minor or used or allowed to be consumed on the premises or in the parking lot of any amusement hall catering to minors. However, a restaurant with a Class "B" Beer license may have an amusement hall or arcade if it is located in a room or area entirely separate from the dining area.

## 17-25-104. HOURS OF OPERATION.

(1) Every defined place of business is required to post in plain sight, clearly visible by all participants, the relevant operating hours of said place of business.
(2) Amusement hall catering to minors shall not be operated in a manner contrary to the curfew provisions of the West Valley City Municipal Code.
(3) Automatic amusement device shall not be operated by a person under the age of sixteen after curfew and before or during school hours.
(4) Minors shall not be allowed to enter a card room.

## 17-25-105. PORNOGRAPHIC MATERIALS.

A licensee, or his employees or agents, shall not sell, exhibit, or allow to be shown on the amusement hall premises any pornographic materials which are prohibited by state laws or ordinances.

## 17-25-106. INTERIOR VISIBILITY.

A clear, unobstructed view from the entrance of the entire interior of the amusement hall, excluding the restroom, shall be maintained by the licensee at all times. The licensee shall not erect or maintain any enclosed booth, blinds or stalls relating to amusement within the interior of the licensed premises. All automatic amusement devices shall be kept in plain view.

# CHAPTER 17-26
# SEXUALLY-ORIENTED BUSINESSES

Sections:

17-26-101. Title for Citation.
17-26-102. Purpose of Provisions.
17-26-103. Application of Provisions.
17-26-104. Definitions.
17-26-105. Obscenity and Lewdness – Statutory Provisions.
17-26-106. Location and Zoning Restrictions.
17-26-107. Business License Required.
17-26-108. Exemptions from License Requirements.
17-26-109. Legitimate Artistic Modeling.
17-26-110. Business Categories - Number of Licenses.
17-26-111. Repealed.
17-26-111.1 Police I.D. Cards Required.
17-26-112. License - Application – Disclosures Required.
17-26-113. License - Fees.
17-26-114. License - Bond.
17-26-115. License - Premises Location and Name.
17-26-116. license - Issuance Conditions.
17-26-117. Repealed.
17-26-118. License - Notice of Change of Information.
17-26-119. License - Transfer Limitations.
17-26-120. License - Display.
17-26-121. License - Statement in Advertisements.
17-26-122. Regulations and Unlawful Activities.
17-26-123. Outcall Services - Operation Requirements.
17-26-123.1 Service-oriented Escort Bureaus.
17-26-124. Adult Business - Design of Premises.
17-26-125. Semi-nude Entertainment Business – Design of Premises.
17-26-126. Semi-nude Entertainment Business – Location Restriction.
17-26-127. Alcohol Prohibited.
17-26-128. Semi-nude Dancing Agencies.
17-26-129. Performers - Prohibited Activities.
17-26-130. Patrons - Prohibited Activities.
17-26-131. Nudity - Defenses to Prosecution.
17-26-132. Existing Businesses - Compliance Time Limits.
17-26-133. Violation - Injunction When.
17-26-134. Violation - License Suspension or Revocation.
17-26-135. Effect of License Revocation.
17-26-136. Appeal Procedures.
17-26-137. Violation - Penalty - Responsibility.
17-26-138. Vicarious Liability.

## 17-26-101. TITLE FOR CITATION.

The provisions codified in this Chapter shall be known and may be referred to as the "Sexually-Oriented Business and Employee Licensing Ordinance."

**(Ord. No. 93-02 Repealed & Replaced 01/27/1993)**

## 17-26-102. PURPOSE OF PROVISIONS.

It is the purpose and object of this Chapter that the City establish reasonable and uniform regulations governing the time, place, and manner of operation of sexually-oriented businesses and their employees in the City. This Chapter shall be construed to protect the governmental interests recognized by this Chapter in a manner consistent with constitutional protections provided by the United States and Utah Constitutions.

**(Ord. No. 93-02 Repealed & Replaced 01/27/1993)**

## 17-26-103. APPLICATION OF PROVISIONS.

This Chapter imposes regulatory standards and license requirements on certain business activities which are characterized as sexually-oriented businesses, and certain employees of those businesses characterized as sexually-oriented business employees. Except where the context or specific provisions require, this Chapter does not supersede or nullify any other related ordinances, including, but not limited to, those codified in Chapters 17-1 and 17-5 of the West Valley City Code.

**(Ord. No. 93-02 Repealed & Replaced 01/27/1993)**

## 17-26-104. DEFINITIONS.

For the purpose of this Chapter, the following words shall have the following meanings:

(2) “Adult Bookstore or Adult Video Store” means a commercial establishment:
   a. Which excludes minors from more than fifteen percent of the retail floor or shelf space of the premises; or
   b. Which, as one of its principal purposes, offers for sale or rental, for any form of consideration, any one or more of the following: books, magazines, periodicals, or other printed matter; or photographs, films, motion pictures, video cassettes, or video reproductions, slides, or other visual representations, the central theme of which depicts or describes "sexually-oriented acts " or "specified anatomical areas"; or instruments, devices, or paraphernalia which are designated for use in connection with "sexually-oriented acts," except for legitimate, medically-recognized contraceptives.

(3) “Adult Business” means an adult motion picture theater, adult bookstore, or adult video store.

(4) “Adult Motion Picture Theater” means a commercial establishment which:
   a. Excludes minors from the showing of two consecutive exhibitions (repeated showings of any single presentation shall not be considered a consecutive exhibition); or
   b. As its principal business, shows, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions which are primarily characterized by the depiction or description of "sexually-oriented acts" or "specified anatomical areas."

(5) "Adult Theater" means a theater, concert hall, auditorium, or similar commercial establishment which:
   a. Holds itself out as such a business; or
   b. Excludes minors from the showing of two consecutive exhibitions (repeated performance of the same presentation shall not be considered a consecutive exhibition); or
   c. As its principal business, features persons who appear in live performances in a state of semi-nudity or which are characterized by the exposure of specified anatomical areas or by "sexually-oriented acts".

(6) "Associate" means any person who controls, is controlled by, or is under common control with a licensee, including a person who, whether disclosed or not:
   a. Is a general partner, limited partner, officer, director or employer of the applicant or licensee; or
   b. Directly or indirectly acting in concert with one or more other persons, or through one or more subsidiaries, owns, controls, holds with power to vote, or holds proxies of the voting interest in the licensee or applicant; or
   c. Controls the election of a majority of the directors of the licensee or general partner of the licensee; or
   d. Has contributed any capital to the licensee or applicant unless the contribution is secured by collateral, the value of which is equal to the amount of the contribution, and unless there is a promise to repay the contribution on a strict schedule regardless of the earnings, profits or receipts, and said promise is kept within the limits of commercial banking practices;
   e. Sponsors, procures or pays for advertisements, pays for or is contractually liable for telephone services, or promises or advances, loans or expends any money to pay license fees, office or start-up expenses without collateral and a promise to repay as is required in subdivision (d) of this subsection.

(7) "City" means, unless otherwise indicated, any area incorporated as West Valley City.

(8) "Director" Means the Business License Administrator of West Valley City.

(9) "Employ" means hiring an individual to work for pecuniary or any other form of compensation, whether such person is hired on the payroll of the employer, as an independent contractor, as an agent, or in any other form of employment relationship.

(10) "Employee" means any individual hired or contracted to work for pecuniary or any other form of compensation, whether such person is hired on the payroll of the employer, as an independent contractor, as an agent, or in any other form of legal employment relationship.

(11) "Escort" means any person who, in exchange for any form of pecuniary compensation, contracts with, or offers to enter into a contract with, an escort patron for a date; to socialize with; to consort with; or to visit or accompany to any social affair. A social affair may include, but is not limited to, entertainment, a place of amusement, any place of public or private resort, any business or commercial establishment, or a private quarter or residence. Escort shall not be construed to include persons who provide business or personal services, such as licensed private nurses, aides for the elderly, or handicapped, social secretaries or similar service personnel whose relationship with their patron is characterized by a bona fide contractual relationship having a duration of more than twelve hours and who provide a service not principally characterized as dating or socializing. Escort shall also not be construed to include persons providing services such as singing telegrams, birthday greetings, or similar activities characterized by appearances in a public place, contracted for by a party other than the person for whom the service is being performed and of a duration not longer than one hour.

a. A "service-oriented escort" is an escort which:
    i. Operates from an open office; and
    ii. Does not employ or use an escort bureau runner; and
    iii. Does not advertise that sexual conduct or sexually-oriented acts will be provided to an escort patron or work for an escort bureau which so advertises; and
    iv. Does not offer to provide acts of sexual conduct.
b. A "sexually-oriented escort" is an escort which:
    i. Employs an escort bureau runner; or
    ii. Works for, as an employee, or is referred to an escort patron by a sexually-oriented escort bureau; or
    iii. Advertises that sexual conduct will be provided to the patron or work for a service-oriented escort bureau which so advertises; or
    iv. Solicits, offers to provide or does provide acts of sexual conduct to an escort patron, or accepts an offer or solicitation to provide acts of sexual conduct for a fee in addition to the fee charged by the service-oriented escort bureau; or
    v. Works as a service-oriented escort without having a current Police I.D. Card issued for the referring service-oriented escort bureau in his or her possession at all times while working as a service-oriented escort; or
    vi. Accepts a fee from an escort patron who has not first been delivered a contract.

(12) "Escort Bureau" means a person, as defined herein, which for a fee, commission, profit, payment or other monetary consideration, furnishes, refers or offers to furnish or refer escorts, or provides or offers to introduce escort patrons to escorts.
a. A "service-oriented escort bureau" is an escort bureau which:
    i. Maintains an open office at an established place of business; and
    ii. Employs or provides only escorts which possess Police I.D. Cards; and
    iii. Does not use an escort bureau runner; and
    iv. Does not advertise that sexually-oriented acts will be provided to an escort patron; and
    v. Does not employ or refer a sexually-oriented escort to escort patrons; and
    vi. Operates in conformance with Section 17-26-123.1 of the West Valley City Code.
b. A "sexually-oriented escort bureau" is an escort bureau which:
    i. Does not maintain an open office at an established place of business; or
    ii. Does not employ or provide escorts which possess Police I.D. Cards; or
    iii. Employs or uses an escort bureau runner; or
    iv. Advertises that sexually-oriented acts will be provided, referred, or introduced to an escort patron; or
    v. Solicits, offers to provide or does provide sexually-oriented acts to an escort patron; or
    vi. Does not deliver contracts to every patron or customer; or
    vii. Employs or refers a sexually-oriented escort; or
    viii. Operates in violation of Section 17-26-123.1 of the West Valley City Code.

(13) "Escort Bureau Runner" means any third person, not an escort, who, for pecuniary compensation, acts in the capacity of an agent or broker for an escort bureau, escort, or escort patron by contacting or meeting with escort bureaus, escorts, or escort patrons at any location within the City, whether or not such third person is employed by such escort bureau, escort, escort patron, or by another business, or is an independent contractor or self-employed.

(14)"Escort Patron" means any person who, in exchange for any form of pecuniary compensation, contracts with, or offers to enter into a contract with, a service-oriented escort bureau or service-oriented escort for a date; to socialize with; to consort with; or to visit or accompany to any social affair. A social affair may include, but is not limited to, entertainment, a place of amusement, any place of public or private resort, any business or commercial establishment, or a private quarter or residence.

(15)"Licensee" means a person who is the holder of a valid sexually oriented business license under this title. Licensee includes an agent, servant, employee or other person while acting on behalf of that licensee whenever such licensee is prohibited from doing a certain act under this title.

(16)"Nudity" means a state of dress in which the areola of the female breast, or male or female genitals, pubic region, or anus are covered by less than the covering required in the definition of semi-nude.

(17)"Offer to provide acts of sexual conduct" means to offer, propose or to solicit to provide sexually-oriented acts to a patron. Such definition includes all conversations, advertisements and acts which would lead a reasonably prudent person to conclude that such acts are offered and would be provided.

(18)"Open Office" means an office at a licensed service-oriented escort bureau or outcall service address from which service-oriented escort bureau or outcall service business is transacted and which complies with the following requirements:

a. The office shall be open to the public and patrons or prospective patrons during daily hours of operation and that the office be accessible to business invitees, business license officials and law enforcement officers during all other hours that any and all employees are working;
b. The office shall be managed by the owner or a management employee of the owner having authority to bind the outcall or service-oriented escort service to contracts with patrons and adjust patron and consumer complaints;
c. All telephone lines and numbers shall be listed to the outcall or service-oriented escort service, or advertised as outcall or service-oriented escort service numbers, which terminate at the open office and at no other location;
d. An index of any and all employees and service-oriented escorts and their work card numbers shall be kept in the open office;
e. All contracts and records of gross sales required to be kept by Title 17 of this Code shall be kept and maintained in the open office. "Records of gross sales" must include any and all records of calls from patrons offering to enter into a contract or referrals to the service-oriented escort bureau or outcall service of potential patrons. Records of referrals or calls from patrons offering to enter into a contract must state: (1) The patron's address, including hotel or motel room; (2) The date and time of the referral, if one exists; (3) the name of the service-oriented escort sent and whether or not the referral resulted in an actual contracted service and the total fee received from the patron, if any.

(19)"Operator" means the manager or other natural person principally in charge of a sexually-oriented business.

(20)"Outcall Services" means any services, excluding escort services, of a type performed by a sexually-oriented business employee outside of the premises of the licensed sexually-oriented business. Outcall services may include but are not limited to, models, dancers and other similar employees.

(21)"Patron" means an escort patron or the customer of any business licensed pursuant to this Chapter.

(22)"Pecuniary Compensation" means any commission, fee, salary, tip, gratuity, hire, profit, reward, or any other form of consideration.
(23)"Person" means any person, unincorporated association, corporation, partnership, or other legal entity.
(24)"Police department" means the West Valley City Police Department.
(25)"Semi-nude" means a state of dress in which opaque clothing covers no more than the areola of the female breast; and the male or female genitals, pubic region, and anus shall be fully covered by an opaque covering no narrower than four inches wide in the front and five inches wide in the back, which shall not taper to less than one inch wide at the narrowest point.
(26)"Semi-nude Dancing Agency" means any person, agency, firm, corporation, partnership, or any other entity or individual which furnishes, books, or otherwise engages or offers to furnish, book, or otherwise engage the service of a professional dancer licensed pursuant to this Chapter for performance or appearance at a business licensed for adult theaters.
(27)"Semi-nude Entertainment Business" means a business, including adult theater, where employees perform or appear in the presence of patrons of the business in a state of semi-nudity. A business shall also be presumed to be a semi-nude entertainment business if the business holds itself out as such a business.
(28)"Sexual conduct" means the engaging in sexually-oriented acts, as defined in this Title, which includes, but is not limited to, an act of sexual intercourse, oral-genital contact, or the touching of the sexual organs, pubic region, buttock or female breast of a person for the purpose of arousing or gratifying the sexual desire of another person.
(29)"Sexual gratification" means sexual conduct as defined in subsection (27) of this section.
(30)"Sexually oriented acts" means:
    a. Acts of:
        i. Masturbation,
        ii. Human sexual intercourse,
        iii. Sexual copulation between a person and a beast,
        iv. Fellatio,
        v. Cunnilingus,
        vi. Bestiality,
        vii. Pederasty,
        viii. Buggery, or
        ix. Any anal copulation between a human male and another human male, human female, or beast;
    b. Manipulating, caressing or fondling by any person of:
        i. The genitals of a human,
        ii. The pubic area of a human,
        iii. The breast or breasts of a human female;
    c. Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of the one so clothed.
(31)"Sexually-Oriented Business" means any of the following categories as defined by this Title:
    a. Outcall services;
    b. Adult businesses;
    c. Semi-nude entertainment businesses;
    d. Semi-nude dancing agencies; and
    e. Service-oriented escort bureaus.

(32)"Sexually-Oriented Business Employees" means those employees who work on the premises of a sexually-oriented business in activities related to the sexually-oriented portion of the business. This includes all managing employees, dancers, escorts, models, and other similar employees, whether or not hired as employees, agents, or as independent contractors. Employees shall not include individuals whose work is unrelated to the sexually- oriented portion of the business, such as janitors, bookkeepers, and similar employees. Sexually-oriented business employees shall not include cooks, serving persons, and similar employees, except where they may be managers or supervisors of the business. All persons making outcall meetings under this Chapter, including escorts, models, guards, escort runners, drivers, chauffeurs, and other similar employees, shall be considered sexually-oriented business employees.

(33)"Sexual Stimulation" means to excite or arouse the prurient interest or to offer or solicit acts of sexual conduct as defined under "offer to provide acts of sexual conduct" in subsection (16) of this section.

(34)"Specified Anatomical Areas" means the human male or female pubic area or anus with less than a full opaque covering, or the human female breast below a point immediately above the top of the areola, with less than full opaque covering.

(35)"Suitable" means a finding by the licensing board that a person qualifies for licensure within this chapter, complies with all conditions required for the issuance of any particular category of sexually oriented business license, and is not, or does not have associates who are, associated with organized crime.

**(Ord. No. 93-02 Repealed & Replaced 01/27/1993; Ord. No. 93-23 Amended 04/14/1993; Ord. No. 10-03 Amended 2/26/2010)**

## 17-26-105. OBSCENITY AND LEWDNESS - STATUTORY PROVISIONS.

(1) Notwithstanding anything contained in this Chapter, nothing in this Chapter shall be deemed to permit or allow the showing or display of any matter which is contrary to applicable federal or state statutes prohibiting obscenity.

(2) Notwithstanding anything contained in this Chapter, nothing in this Chapter shall be deemed to permit or allow conduct or the showing or display of any matter which is contrary to the provisions of Section 21-6-110, "Lewdness." Provided, however, that for the purpose of sexually-oriented businesses the definition of "private parts" shall be construed to mean "nudity" as defined in this Chapter.

**(Ord. No. 93-02 Enacted 01/27/1993; Ord. No. 93-23 Amended 04/14/1993)**

## 17-26-106. LOCATION AND ZONING RESTRICTIONS.

It is unlawful for any sexually-oriented business to do business at any location within the City not zoned for such business. All sexually-oriented business categories listed in this Chapter and licensed pursuant to this Chapter shall only be allowed in areas zoned for their use pursuant to Title 7 of the West Valley City Code.

**(Ord. No. 93-02 Enacted 01/27/1993; Ord. No. 10-03 Amended 02/26/2010)**

## 17-26-107. BUSINESS LICENSE REQUIRED.

It is unlawful for any person to operate a sexually-oriented business, as specified herein, without first obtaining a general business license and a sexually-oriented business license. The sexually-oriented business license shall specify the type of business for which it is obtained.

**(Ord. No. 93-02 Enacted 01/27/1993; Ord. No. 93-23 Amended 04/14/1993)**

## 17-26-108. EXEMPTIONS FROM LICENSE REQUIREMENTS.

The provisions of this Chapter shall not apply to any sex therapist or similar individual licensed by the state to provide bona fide sexual therapy or counseling, licensed medical practitioner, licensed nurse, psychiatrist, psychologist, nor shall it apply to any educator licensed by the State for activities in the classroom.

**(Ord. No. 93-02 Enacted 01/27/1993)**

## 17-26-109. LEGITIMATE ARTISTIC MODELING.

(1) The City does not intend to unreasonably or improperly prohibit legitimate modeling which may occur in a state of nudity for purposes protected by the First Amendment of the United States Constitution, Article 1, Section 15 of the Utah State Constitution, or any other similar State protections. The City does intend to prohibit prostitution and related offenses occurring under the guise of nude modeling.

(2) In the event of a contract for nude modeling or appearance signed more than forty-eight hours in advance of the modeling or appearance, the individual to appear nude shall not be required to obtain a license pursuant to this Chapter. During such unlicensed nude appearance, it is unlawful to:
    a. Appear nude or semi-nude in the presence of persons under the age of eighteen;
    b. Allow, offer, or agree to any touching of the contracting party or other person by the individual appearing nude;
    c. Allow, offer, or agree to commit prostitution, solicitation of prostitution, solicitation of a minor, or committing activities harmful to a minor;
    d. Allow, offer, commit, or agree to any sex act as validly defined by City ordinances or State statute;
    e. Allow, offer, agree, or permit the contracting party or other person to masturbate in the presence of the individual contracted to appear nude;
    f. Allow, offer, or agree for the individual appearing nude to be within five feet of any other person while performing or while nude or semi-nude.

**(Ord. No. 93-02 Enacted 01/27/1993; Ord. No. 10-03 Amended 02/26/2010)**

## 17-26-110. BUSINESS CATEGORIES – NUMBER OF LICENSES.

(1) It is unlawful for any business premises to operate or be licensed for more than one category of sexually-oriented business, except that a business may have a license for both outcall services and a semi-nude dancing agency on the same premises.

(2) The categories of sexually-oriented businesses are:
   a. Outcall services;
   b. Adult businesses;
   c. Semi-nude entertainment businesses;
   d. Semi-nude dancing agency; and
   e. Service-oriented escort services.

**(Ord. No. 93-02 Enacted 01/27/1993; Ord. No. 10-03 Amended 02/26/2010)**

## 17-26-111. REPEALED.

**(Ord. No. 93-02 Enacted 01/27/1993; Ord. No. 10-03 Repealed 02/26/2010)**

## 17-26-111.1 POLICE I.D. CARDS REQUIRED.

(1) Required.
   a. It is unlawful for any person to be a sexually-oriented business employee without first acquiring a police I.D. card pursuant to the requirements of this chapter.
   b. Police I.D. cards are also referred to in this and other sections of the West Valley City Code as a "work card."
   c. Each day of non-compliance shall constitute a separate violation.

(2) Procedure for Obtaining a Police I.D. Card.
   a. Prior to performing or providing services as an employee for a sexually-oriented business, the applicant shall submit a signed police I.D. card application to the Police Department along with the police I.D. fee, as set forth in the Consolidated Fee Schedule. The applicant shall submit to being photographed and fingerprinted.
   b. All applicants shall furnish satisfactory proof of his or her age. Proof of age is satisfactory if it the applicant's age is verified by an official birth certificate, or any other official, government-issued document, such as a driver's license or marriage certificate.
   c. In addition to grounds for denial of Police I.D. cards, the West Valley City Police Department may deny an I.D. Card if the applicant has been convicted of prostitution, which includes any other crime listed in Section 76-10-13 of the Utah State Code; lewdness; conspiracy, fraud or obtaining money under false pretenses; or has worked as a sexually-oriented escort or operated a sexually-oriented escort service. The conviction of any of the above crimes or an act of sexual conduct or solicitation for such act by a holder of a work card may be grounds for suspension or revocation of a sexually-oriented business license or work card by the City.
   d. All sexually-oriented businesses listed in this title shall keep a current list of all employees at the licensed business location. Said list shall be available during all business hours for inspection by the Director, any authorized representative of the Director, and agents of the West Valley City Police Department.
   e. The West Valley City Police Department may issue a ninety-day temporary Police I.D. Card pending complete investigation, if available evidence does not support the immediate granting or denial of a permanent card. No person required to obtain a Police I.D. Card pursuant to this chapter shall be licensed or work as an employee of a sexually-oriented business, including the categories specified in this chapter, without either a temporary or permanent work card. The temporary work card may be extended only once without the consent of the License Hearing Board.

(3) Cards Required.
    a. All sexually-oriented businesses employees shall have in their possession a valid police I.D. card, which card is not transferrable. Sexually-oriented business employees must not commence work in or for any sexually-oriented business prior to receiving said card, or a temporary card, based on the application required in this section. A receipt for payment of the police I.D. fee required by this Section shall not constitute a valid police I.D. card.
(4) Duty to Display Card on Request.
    a. Should a police I.D. card be granted, the grantee shall carry the card in his or her possession, and any authorized official shall have the right to inspect the police I.D. card. The police I.D. card shall contain the name, address, and date of birth of the employee.
(5) Grounds for Denial, Suspension, or Revocation of an Employee Police I.D. Card or a Business License.
    a. In addition to the reasons set forth in this Title, the City may deny, suspend or revoke a police I.D. card if the sexually-oriented business employee:
        i. Has violated any provision of this Title;
        ii. Is under eighteen years of age;
        iii. Has falsely answered a material question or request for information as authorized by this Chapter or included in the application for a police I.D. Card;
        iv. Has violated a provision of this Chapter or similar provisions found in statutes or ordinances from any jurisdiction within two years immediately preceding the application for a police I.D. Card;
            1. A criminal conviction for a violation of a provision of this Chapter or similar provisions from any jurisdiction, whether or not it is being appealed, is conclusive evidence of a violation.
            2. A conviction is not necessary to prove a violation of this Chapter or similar provisions from any jurisdiction.
        v. Has not paid the required license fees;
        vi. Has been convicted or pled nolo contendere to a crime;
            1. Involving prostitution; exploitation of prostitution; aggravated promotion of prostitution; aggravated exploitation of prostitution; solicitation of sex acts; sex acts for hire; compelling prostitution; aiding prostitution; sale, distribution, or display of material harmful to minors; sexual performance by minors; possession of child pornography; lewdness; indecent exposure; any crime involving sexual abuse or exploitation of a child; sexual assault or aggravated sexual assault; rape; forcible sodomy; forcible sexual abuse; incest; harboring a runaway child; criminal attempt, conspiracy, or solicitation to commit any of the foregoing offenses or offenses involving similar elements from any jurisdiction, regardless of the exact title of the offense for which:
                a. Less than five years have elapsed from the date of conviction, if the conviction is of a misdemeanor offense, or less than seven years if the convictions are of two or more misdemeanors within the seven years, or
                b. Less than ten years have elapsed from the date of conviction, if the offense is of a felony.
            2. The fact that a conviction is being appealed shall have no effect on the disqualification pursuant to this Section.

vii. Has procured, attempted to procure, or agreed to procure, for any person:
    1. A controlled substance, as defined in U.C.A. 58-37-1, et seq., 1953 as amended; or
    2. Another person for the purpose of sexual intercourse or any other sexual conduct.
viii. If an employee has attempted to solicit or has solicited a patron to consume alcoholic beverages;
ix. Has utilized his or her license for the purpose of obtaining credit or as identification for cashing checks.

**(Ord. No. 10-03 Enacted 02/26/2010)**

## 17-26-112. LICENSE - APPLICATION - DISCLOSURES REQUIRED.

Before any applicant may be licensed to operate a sexually- oriented business, the applicant must have truthfully and adequately disclosed all information required by and listed in this Chapter. A separate license is required for each fictitious name under which a person conducts business. Only one license shall be issued for each person for whom a finding of suitability, as defined by this chapter, is required under the terms of this code. All business expenses are made at the applicant's risk, as the license may terminate prior to amortization thereof.

(1) All persons desiring to obtain a business license to engage in a sexually-oriented business within the City shall first file an application with the Director on a form provided by the City. All persons who furnish property or services to a licensee under any arrangement pursuant to which the person receives payments based on earnings, profits or receipts from the sexually-oriented business must file an application pursuant to this section and be found suitable by the Director.

(2) All applicants shall provide the following information under oath or affirmation:
    a. The correct legal name of each applicant, corporation, partnership, limited partnership, or entity doing business under an assumed name;
    b. If the applicant is a corporation, partnership, or limited partnership, or individual or entity doing business under an assumed name, the information required below for individual applicants shall be submitted for each partner and each principal of an applicant, and for each officer, director, and any shareholder (corporate or personal) of more than ten percent of the stock of any applicant. Any holding company, or any entity holding more than ten percent of an applicant, shall be considered an applicant for purposes of disclosure under this Chapter;
    c. The shareholder disclosure requirements above shall only be applicable for outcall service licenses;
    d. All corporations, partnerships, or non-corporate entities included on the application shall also identify each individual authorized by the corporation, partnership, or non-corporate entity to sign the checks for such corporation, partnership, or non-corporate entity;
    e. For all applicants or individuals, the application must also state:
        i. Any other names or aliases used by the individual;
        ii. The age, date, and place of birth;
        iii. Height;
        iv. Weight;
        v. Color of hair;

vi. Color of eyes;
vii. Present business address and telephone number;
viii. Present residence and telephone number;
ix. Utah drivers license or identification number;
x. Social security number; and
xi. Financial statement and current and previous business activities and associates, covering at least a ten-year period immediately preceding the date of filing of the application.

f. Acceptable written proof that any individual is at least eighteen years of age;
g. Attached to the form, as provided above, two color photographs of the applicant clearly showing the individual's face and the individual's fingerprints on a form provided by the Police Department. For persons not residing in the City, the photographs and fingerprints may be on a form from the law enforcement jurisdiction where the person resides. Fees for the photographs and fingerprints shall be paid by the applicant directly to the issuing agency;
h. For any individual applicant required to obtain a sexually-oriented business employee license as an escort or a semi-nude entertainer, a certificate from the Salt Lake City-County Health Department, stating that the individual has, within thirty days immediately preceding the date of the original or renewal application, been examined and found to be free of any contagious or communicable diseases;
i. A statement of the business, occupation, or employment history of the applicant for five years immediately preceding the date of the filing of the application;
j. A statement detailing the license or permit history of the applicant for the five-year period immediately preceding the date of the filing of the application, including whether such applicant previously operating or seeking to operate, in this or any other county, city, state, or territory, has ever had a license, permit, or authorization to do business denied, revoked, or suspended, or has had any professional or vocational license or permit denied, revoked, or suspended. In the event of any such denial, revocation, or suspension, state the date, the name of the issuing or denying jurisdiction, and state in full the reasons for the denial, revocation, or suspension. A copy of any order of denial, revocation, or suspension shall be attached to the application;
k. All criminal convictions or pleas of *nolo contendere*, except those which have been expunged, and the disposition of all such arrests for the applicant, individual, or other entity subject to disclosure under this Chapter, for ten years prior to the date of the application. This disclosure shall include identification of all ordinance violations, excepting minor traffic offenses (any traffic offense designated as a felony shall not be construed as a minor traffic offense), stating the date, place, nature of each conviction or plea of *nolo contendere*, and sentence of each conviction or other disposition, identifying the convicting jurisdiction and sentencing court, and providing the court identifying case numbers or docket numbers. Application for a sexually-oriented business or employee license shall constitute a waiver of disclosure of any criminal conviction or plea of *nolo contendere* for the purposes of any proceeding involving the business or employee license;
l. A list of convictions for all pandering, prostitution, soliciting, thefts, fraud, obtaining money under false pretenses, embezzlement or any criminal convictions involving the use of force or violence upon the person of another; or adverse civil action judgments involving allegations pertaining to fraudulent advertising, sales or trade practices, and a detailed explanation of the circumstances;

m. The complete address (including suite number) of the proposed business location in the City, with a copy of the deed, lease or other document pursuant to which applicant occupies such premises;
n. In the event the applicant is not the owner of record of the real property upon which the business or proposed business is or is to be located, the application must be accompanied by a notarized statement from the legal or equitable owner of the possessory interest in the property specifically acknowledging the type of business for which the applicant seeks a license for the property. In addition to furnishing such notarized statement, the applicant shall furnish the name, address, and phone number of the owner of record of the property, as well as the copy of the lease or rental agreement pertaining to the premises in which the service is or will be located;
o. The person(s) who will have custody of the business records at the business location;
p. Agent for service of process;
q. A description of the services to be provided by the business, with sufficient detail to allow reviewing authorities to determine what business will be transacted on the premises, together with a schedule of usual fees for services to be charged by the licensee, and any rules, regulations, or employment guidelines under or by which the business intends to operate. This description shall also include:
    i. The hours that the business or service will be open to the public, and the methods of promoting the health and safety of the employees and patrons and preventing them from engaging in illegal activity;
    ii. The methods of supervision preventing the employees from engaging in acts of prostitution or other related criminal activities;
    iii. The methods of supervising employees and patrons to prevent employees and patrons from charging or receiving fees for services or acts prohibited by this Chapter or other statutes or ordinances;
    iv. The methods for advertising and all advertising themes; and
    v. The methods of screening employees and customers in order to promote the health and safety of employees and customers and prevent the transmission of disease, and prevent the commission of acts of prostitution or other criminal activity.

(3) Partnerships, Limited Partnerships, and Corporations
a. If an applicant is a partnership or limited partnership, all application information listed in subsection (2) of this section shall be provided for all of the partners, including, if applicable, limited partners, the same as if each were a sole proprietor and applicant.
b. If applicant is a corporation, all application information listed in subsection (2) of this section shall be provided for each of the directors, officers and shareholders holding ten percent or more of the stock of the corporation, the same as if each were a sole proprietor and applicant;
c. If applicant is a partnership or limited partnership, it shall provide a certified copy of an agreement or articles of partnership or limited partnership and certificate;
d. If applicant is a corporation, the application shall be accompanied by:
    i. A certified copy of the articles of incorporation of such corporation and, if incorporated under the laws of another state, a certificate of qualification to do business in the State of Utah; and
    ii. A current annual list of officers, directors and resident agent of such corporation; and

iii. A list of the stockholders, the last known residence address and telephone number of each, and their respective ownership interests in such corporation certified as being true and correct by the secretary of such corporation; and
iv. A certified copy of all minutes or resolutions by the board of directors of such corporation authorizing such license application and designating the officer to apply on such application and authorizing his verification thereof.

e. If such business is to be conducted under a name other than the legal name of the applicant, the application must be accompanied by a copy of the fictitious name certificate on file with the Utah Department of Commerce.
f. All officers, directors or shareholders which own, directly or constructively, ten percent or more of the outstanding stock of the corporation, and the managing agent of the corporation must be investigated for determination of suitability as set forth in this chapter.

(4) The applicant shall supplement the application by submitting a written plan setting forth the method of operation of the sexually-oriented business, which shall include, but not be limited to:
a. The hours that the business will be open to the public (said hours shall include all hours escorts or outcall employees are with a patron); and
b. The methods of promoting the health and safety of employees and protecting them from assault, battery and rape; and
c. The methods of supervision of employees to prevent employees from charging the patron with any fee which in addition to the fee paid to the business by the patron; and
d. The methods of supervision which will prevent the employees from soliciting acts of prostitution or offering to provide sexual stimulation or sexual gratification; and
e. The Federal Employer's Identification number; and
f. The name and the address of the certified public accountant who will certify the gross receipts upon application for renewal license; and
g. The applicant shall submit a statement disclosing the names of all persons who have invested in the proposed sexually oriented business, and who will share in or receive a percentage of the profit or return from the proposed escort service; and
h. The method of compensating employees.

(5) The failure to truthfully disclose any of the information required by this Chapter or the failure to make a full disclosure of all facts required shall be grounds for denying a license or Police I.D. Card or, if subsequent to issuance of a license or work card it is discovered that any applicant or person required to be investigated has not been completely truthful or has withheld any facts in answering the above questions, such failure shall be grounds for revoking the license.

(6) After the filing of a completed application and payment of all fees, the applicant shall be referred to the West Valley City Police Department for fingerprinting, investigation, and reporting as required in this Chapter.

**(Ord. No. 93-02 Enacted 01/27/1993; Ord. No. 93-23 Amended 04/14/1993; Ord. No. 10-03 Amended 02/26/2010)**

## 17-26-113. LICENSE - FEES.

Each applicant for a sexually-oriented business or employee license shall be required to pay regulatory license fees as set forth in the Consolidated Fee Schedule. An application is not complete until all appropriate fees have been paid.

**(Ord. No. 93-02 Enacted 01/27/1993; Ord. No. 93-23 Amended 04/14/1993)**

## 17-26-114. LICENSE - BOND.

Each application for a sexually-oriented business license shall post, with the City's Business and Economic Services Administrator, a cash or corporate surety bond payable to West Valley City in the amount of two thousand dollars. Any fines assessed against the business, officers, or managers for violations of City ordinances shall be taken from this bond if not paid in cash within ten days after notice of the fine, unless an appeal is filed as provided by this Chapter. In the event the funds are drawn against the cash or surety bond to pay such fines, the bond shall be replenished to two thousand dollars within fifteen days of the date of notice of any draw against it.

**(Ord. No. 93-02 Enacted 01/27/1993)**

## 17-26-115. LICENSE - PREMISES LOCATION AND NAME.

(1) It is unlawful to conduct business under a license issued pursuant to this Chapter at any location other than the licensed premises. Any location to which telephone calls are automatically forwarded by such business shall require a separate license.
(2) It is unlawful for any sexually-oriented business to do business in the City under any name other than the business name specified in the application.

**(Ord. No. 93-02 Enacted 01/27/1993)**

## 17-26-116. LICENSE - ISSUANCE CONDITIONS.

The Business and Economic Services Administrator shall approve the issuance of a license to the applicant within thirty days after receipt of a completed application, unless the official finds one or more of the following:

(1) The applicant is under eighteen years of age;
(2) The applicant is overdue in payment to the City of taxes, fees, fines, or penalties assessed against the applicant or imposed on the applicant in relation to a sexually-oriented business;
(3) The applicant has falsely answered a material question or request for information as authorized by this Chapter;
(4) The applicant is either currently in violation of or has previously violated a provision of this Chapter, or similar provisions found in statutes or ordinances from any other jurisdiction, or has violated a provision of this Chapter, or similar provisions found in statutes or ordinances from any jurisdiction within two years immediately preceding the application.
    a. A criminal conviction for a violation of a provision of this Chapter or similar provisions from any jurisdiction, whether or not it is being appealed, is conclusive evidence of a violation, but a conviction is not necessary to prove a violation;

(5) The premises to be used for the business have been disapproved by the Salt Lake City-County Health Department, the Fire Department, the Police Department, the building officials, or the zoning officials as not being in compliance with applicable laws and ordinances of the City. If any of the foregoing reviewing agencies cannot complete their review within the thirty-day approval or denial period, the agency or department may obtain from the City Business and Economic Services Administrator an extension of time of no more than fifteen days for their review. The total time for the City to approve or deny a license shall not exceed forty-five days from the receipt of a completed application and payment of all fees. Businesses located outside of the corporate boundaries of the City, but requiring a license under this Chapter, may be denied a license pursuant to this Chapter if the business does not have a valid business license to conduct business at the business location from the appropriate jurisdiction for that location;
    a. Upon receipt of an application, all departments required to review the application shall determine within seven days whether or not the application is incomplete in items needed for processing. Incomplete applications shall immediately be returned to the applicant with a specification of the items which are incomplete;
    b. The time for processing applications specified in this Section shall begin to run from the receipt of a complete application;
    c. In the event that a license for semi-nude entertainment, semi-nude dancing agencies, adult businesses, or semi-nude entertainment businesses has not been disapproved within thirty days or the forty-five days allowed after an extension, the City shall issue the license pending completion of the City's review;
    d. Any license issued pursuant to (c) above may be revoked by the City, pursuant to the revocation procedures provided for herein, if the completed review determines that the license should have been denied;
(6) The required license fees have not been paid;
(7) All applicable sales and use taxes have not been paid;
(8) An applicant has been convicted or pled *nolo contendere* to a crime:
    a. Involving prostitution; exploitation of prostitution; aggravated promotion of prostitution; aggravated exploitation of prostitution; solicitation of sex acts; sex acts for hire; compelling prostitution; aiding prostitution; sale, distribution, or display of material harmful to minors; sexual performance by minors; possession of child pornography; lewdness; indecent exposure; any crime involving sexual abuse or exploitation of a child; sexual assault or aggravated sexual assault; rape; forcible sodomy; forcible sexual abuse; incest; harboring a runaway child; criminal attempt, conspiracy, or solicitation to commit any of the foregoing offenses or offenses involving similar elements from any jurisdiction, regardless of the exact title of the offense; for which:
        i. Less than two years have elapsed from the date of conviction, if the conviction is of a misdemeanor offense, or less than five years if the convictions are of two or more misdemeanors within the five years, or
        ii. Less than five years have elapsed from the date of conviction, if the offense is of a felony;
    b. The fact that a conviction is being appealed shall have no effect on the disqualification pursuant to this Section.

**(Ord. No. 93-02 Enacted 01/27/1993; Ord. No. 93-23 Amended 04/14/1993; Ord. No. 10-03 Amended 02/26/2010)**

## 17-26-117. REPEALED.

**(Ord. No. 93-02 Enacted 01/27/1993; Ord. No. 10-03 Repealed 02/26/2010)**

## 17-26-118. LICENSE - NOTICE OF CHANGE OF INFORMATION.

Any change in the information required to be submitted under this Chapter for either a sexually-oriented business license or sexually-oriented business employee license shall be given, in writing, to the Business and Economic Services Administrator and the Police Department within fourteen days after such change.

**(Ord. No. 93-02 Enacted 01/27/1993)**

## 17-26-119. LICENSE – TRANSFER LIMITATIONS.

Sexually-oriented business licenses granted under this Chapter shall not be transferable. It is unlawful for a license held by an individual to be transferred. It is unlawful for a license held by a corporation, partnership, or other non-corporate entity to transfer any part in excess of ten percent thereof, without filing a new application and obtaining prior City approval. If any transfer of the controlling interest in a business licensee occurs, the license is immediately null and void, and the business shall not operate until a separate new license has been properly issued by the City as provided in this Chapter.

**(Ord. No. 93-02 Enacted 01/27/1993)**

## 17-26-120. LICENSE - DISPLAY.

It is unlawful for any sexually-oriented business location within the boundaries of the City to fail to display the license granted pursuant to this Chapter in a prominent location within the business premises. It is unlawful for any individual licensed pursuant to this Chapter to fail to carry, at all times while engaged in licensed activities within the corporate boundaries of the City, their employee license on their person. If the individual is nude, such license shall be visibly displayed within the same room the employee is performing. When requested by police, City licensing or other enforcement personnel or health official, it is unlawful to fail to show the appropriate licenses while engaged in licensed activities within the corporate boundaries of the City.

**(Ord. No. 93-02 Enacted 01/27/1993)**

## 17-26-121. LICENSE - STATEMENT IN ADVERTISEMENTS.

It is unlawful for any advertisement by the sexually-oriented business or employee to fail to state that the business or employee is licensed by the City, and shall include the City license number.

**(Ord. No. 93-02 Enacted 01/27/1993)**

## 17-26-122. REGULATIONS AND UNLAWFUL ACTIVITIES.

It is unlawful for any sexually-oriented business or sexually- oriented business employee to:

(1) Allow persons under the age of eighteen years on the licensed premises, except that in adult businesses which exclude minors from less than all of the business premises, minors shall not be permitted in excluded areas;
(2) Allow, offer, or agree to conduct any outcall business with persons under the age of eighteen years;
(3) To allow, offer, or agree to allow any alcohol to be stored, used, or consumed on or in the licensed premises;
(4) Allow the outside door to the premises to be locked while any customer is in the premises;
(5) Allow, offer, or agree to gambling on the licensed premises;
(6) Allow, offer, or agree to any sexually-oriented business employee touching or being touched by any patron or customer; except that outcall employees and customers may touch, except that any touching of specified anatomical areas, whether clothed or unclothed, is prohibited;
(7) Allow, offer, or agree to illegal possession, use, sale, or distribution of controlled substances on the licensed premises;
(8) Allow sexually-oriented business employees to possess, use, sell, or distribute controlled substances while engaged in the activities of the business;
(9) Allow, offer, or agree to commit prostitution, solicitation of prostitution, solicitation of a minor, or committing activities harmful to a minor to occur on the licensed premises or, in the event of an outcall employee or business, the outcall employee committing, offering, or agreeing to commit prostitution, attempting to commit prostitution, soliciting prostitution, soliciting a minor, or committing activities harmful to a minor;
(10) Allow, offer, commit, or agree to any specified sexual activity as validly defined by City ordinances or state statute in the presence of any customer or patron;
(11) Allow, offer, or agree to any outcall employee appearing before any customer or patron in a state of nudity;
(12) Allow, offer, or agree to allow a patron or customer to masturbate in the presence of the sexually-oriented business employee or on the premises of a sexually-oriented business.
(13) Allow, offer, or agree to commit an act of lewdness as defined in this Title.

**(Ord. No. 93-02 Enacted 01/27/1993; Ord. No. 93-23 Amended 04/14/1993)**

## 17-26-123. OUTCALL SERVICES – OPERATION REQUIREMENTS.

It is unlawful for any business or employee providing outcall services contracted for in the City to fail to comply with the following requirements:

(1) All businesses licensed to provide outcall services pursuant to this Chapter shall provide to each patron a written contract in receipt of pecuniary compensation for services. The contract shall clearly state the type of services to be performed, the length of time such services shall be performed, the total amount such services shall cost the patron, and any special terms or conditions relating to the services to be performed. The contract need not include the name of the patron. The business licensee shall keep and maintain a copy of each written contract entered into pursuant to this Section for a period not less than one year from the date of provision of services thereunder. The contracts shall be numbered and entered into a register listing the contract number, date, names of all employees involved in the contract, and pecuniary compensation paid.

(2) All outcall businesses licensed pursuant to this Chapter shall maintain an open office or telephone at which the licensee or licensee's designated agent may be personally contacted during all hours outcall employees are working. The address and phone number of the license location shall appear and be included in all patron contracts and published advertisements. For outcall businesses which premises are licensed within the corporate limits of the City, private rooms or booths where the patrons may meet with the outcall employee shall not be provided at the open office or any other location by the service, nor shall patrons meet outcall employees at the business premises.
(3) Outcall services shall not advertise in such a manner that would lead a reasonably prudent person to conclude that specified sexual activities would be performed by the outcall employee.
(4) All employees of outcall services who provide outcall services within the City shall be licensed in accordance with this Chapter, regardless of the primary location of the business.

**(Ord. No. 93-02 Enacted 01/27/1993)**

## 17-26-123.1. SERVICE-ORIENTED ESCORT BUREAUS.

(1) Prohibited and unlawful activities.
    a. It is unlawful for any person to conduct, manage, operate, or maintain a sexually-oriented escort bureau as defined by this Chapter.
    b. It is unlawful for any person to conduct, manage, operate, or maintain a service-oriented escort bureau within the City unless licensed pursuant to this Chapter.
    c. It is unlawful for any person to work or perform services as a service-oriented escort in the City unless employed by a licensed service-oriented escort bureau or licensed as a service-oriented escort bureau.
(2) Escort Bureau Duties.
    a. The escort bureau shall provide to each patron a written contract and receipt of payment for services. The contract shall clearly state the type of services to be performed; the length of time such services shall be performed; the total amount of money such services shall cost the patron; and any special terms or conditions relating to the services to be performed.
    b. The escort bureau shall keep and maintain any and all records of gross sales, as defined in this Title, which are transacted pursuant to this Section, for a period not less than one (1) year from the date of provision of services. All contracts entered into by the escort service and escort patrons shall be kept and maintained by the escort service for a period not less than eighteen (18) months from the date of provision of services. All contracts entered into by the escort service and escort patrons shall be numbered and entered into a register listing the contract number, date, names of all employees involved in the contract, and pecuniary compensation paid.
    c. The escort bureau shall maintain an open office at the licensed location during all hours escorts are working. The address of that office shall be included in all patron contracts and published advertisements. Private room or booths where the patron may meet with the escort shall not be provided at the open office or at any other location by the escort service. Violation of this provision shall be grounds for license revocation.
    d. The escort bureau, in terms of licensing consequences, is responsible and liable for the acts of all its employees and subcontractors including, but not limited to, telephone receptionists and escorts who are referred to that service while the escort is with the patron.

e. The escort bureau shall commence business in accordance with this Chapter within thirty (30) days after issuance of the license. In the event an escort bureau licensee shall not commence business in an open office within thirty days after issuance of a license, or shall discontinue business or close the open office for a period of thirty (30) days without specific approval of the City, such license shall terminate and be revoked automatically.

(3) Advertising – Implying services other than service-oriented escorts.

a. Any publication, dissemination or display by hire, contract, or otherwise; by any service-oriented escort, service-oriented escort bureau, or owner, manager, or employee of a service-oriented escort bureau; within the scope of this chapter, directly or indirectly; in any newspaper, magazine or other publication; by any radio, television, telephonic or pictorial display; or by any other advertising media which contains any statement which is known; or through the exercise of reasonable care would suggest to a reasonable, prudent person, that sexual stimulation or sexual gratification is offered, or provided, is prohibited.

b. Any word, phrase or combination of words used in any advertisement, which imply that the service-oriented escort or service-oriented escort bureau offers or provides sexual conduct or operates as a sexually-oriented escort bureau, or which give the public a basis to believe that sexual stimulation or sexual gratification, or any form of sex, is provided is prohibited.

c. It is unlawful to advertise or hold out to the public the availability of a service-oriented escort or service-oriented escort bureau without obtaining a license, as provided in this Chapter, whether the actual business of a service-oriented escort or a service-oriented escort bureau is performed or not.

d. Any photograph, picture, drawing, sketch, pictorial representation, verbal or written description, used in any escort or escort service advertisement, in any of the advertising media showing or depicting an escort, or representation of an escort in any of the following manners is prohibited and shall be presumed to be advertising the availability of sexual conduct:

i. An unclothed state, or attired in clothing which shows the human male or female genitals, pubic area or buttocks with a less-than-fully opaque covering;

ii. The showing of the female breast with a less-than-fully opaque covering of any portion thereof below the top of the nipple;

iii. The depiction of covered male genitals in a discernibly turgid state.

(4) Cease and Desist Orders.

a. The Director, pursuant to objective standards as set forth in this Chapter, may issue an order requiring a licensee to cease and desist any violation of this chapter if the licensing board or the director, upon investigation, determines that a licensee has violated any provision of this chapter. The licensee may appeal to the licensing board any cease and desist order issued by the Director.

b. Appeal of a cease and desist order may be made by filing a written notice of appeal with the City Recorder within 15 days of receipt of the notice of the order.

c. The notice of appeal shall be in writing and shall set forth with specificity the reasons for which the appeal is taken.

d. A hearing for the appeal shall be at a time, place, and day set by the Hearing Board. The hearing shall be scheduled no later than four working days after receipt of the notice of appeal and shall occur within sixteen working days after receipt of the notice of appeal.

The hearing shall be conducted as directed under Title 17-3-107 of the West Valley City Code.

**(Ord. No. 10-03 Enacted 02/26/2010)**

## 17-26-124. ADULT BUSINESS - DESIGN OF PREMISES.

(1) In addition to the general requirements of disclosure for a sexually-oriented business, any applicant for a license as an adult business shall also submit a diagram, drawn to scale, of the premises of the license. The design and construction, prior to granting a license or opening for business, shall conform to the following:
    a. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms.
    b. Restrooms may not contain any video reproduction equipment or any of the business merchandise. Signs shall be posted requiring only one person being allowed in the restroom per stall, and only one person in any stall at a time, and requiring that patrons shall not be allowed access to manager's station areas.
    c. For businesses which exclude minors from the entire premises, all windows, doors and other apertures to the premises shall be darkened or otherwise constructed to prevent anyone outside the premises from seeing the inside of the premises. Businesses which exclude minors from less than all of the premises shall be designed and constructed so that minors may not see into the area from which they are excluded.
    d. The diagram required shall not necessarily be a professional engineer's or architect's blueprint; however, the diagram must show marked internal dimensions, all overhead lighting fixtures, and ratings for illumination capacity.
(2) It shall be the duty of the licensee and the licensee's employees to insure that the views from the manager's station in subsection (1) of this Section remain unobstructed by any doors, walls, merchandise, display racks, or any other materials at all times that any patron is present in the premises, and to insure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.
(3) The premises shall at all times be equipped and operated with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one foot-candle, measured at floor level. It shall be the duty of the licensee and the licensee's employees present on the premises to insure that the illumination described above is maintained at all times that any patron is present in the premises.

**(Ord. No. 93-02 Enacted 01/27/1993)**

## 17-26-125. SEMI-NUDE ENTERTAINMENT BUSINESS - DESIGN OF PREMISES.

(1) It is unlawful for business premises licensed for semi-nude entertainment to:
    a. Permit a bed, sofa, mattress, or similar item in any room on the premises, except that a sofa may be placed in a reception room open to the public or in any office to which patrons are not admitted, and except that in an adult theater such items may be on the stage as part of a performance;

b. Allow any door on any room used for the business, except for the door to an office to which patrons shall not be admitted, outside doors, and restroom doors to be lockable from the inside;
c. Provide any room in which the employee or employees and the patron or patrons are alone together without a separation by a solid physical barrier at least three feet high and six inches wide. The patron or patrons shall remain on one side of the barrier and the employee or employees shall remain on the other side of the barrier.

(2) Adult theaters shall also require that the performance area shall be separated from the patrons by a minimum of three feet, which separation shall be delineated by a physical barrier at least three feet high.

**(Ord. No. 93-02 Enacted 01/27/1993)**

## 17-26-126. SEMI-NUDE ENTERTAINMENT BUSINESS – LOCATION RESTRICTION.

It is unlawful for any business licensed for semi-nude entertainment to be located within three hundred thirty feet of a business licensed for the sale or consumption of alcohol.

**(Ord. No. 93-02 Enacted 01/27/1993)**

## 17-26-127. ALCOHOL PROHIBITED.

(1) It is unlawful for any business licensed pursuant to this Chapter to allow the sale, storage, supply, or consumption of alcoholic beverages on the premises.
(2) It is unlawful for any person to possess or consume any alcoholic beverage on the premises of any sexually-oriented business.

**(Ord. No. 93-02 Enacted 01/27/1993)**

## 17-26-128. SEMI-NUDE DANCING AGENCIES.

(1) It is unlawful for any individual or entity to furnish, book, or otherwise engage the services of a professional dancer, model, or performer to appear in a state of semi-nudity for pecuniary compensation in or for any semi-nude entertainment business or adult theater licensed pursuant to this Chapter, unless such agency is licensed pursuant to this Chapter.
(2) It is unlawful for any individual or entity to furnish, book, or otherwise engage or permit any person to perform as a professional dancer, model, or performer in a state of semi-nudity or nudity, either gratuitously or for compensation, in or for any business licensed pursuant to this Chapter, unless such person is licensed pursuant to this Chapter.

**(Ord. No. 93-02 Enacted 01/27/1993)**

## 17-26-129. PERFORMERS – PROHIBITED ACTIVITIES.

It is unlawful for any professional dancer, model, or performer, while performing in any business licensed pursuant to this Chapter, to:

(1) Touch in any manner any other person;

(2) Throw any object or clothing off the stage area;
(3) Accept any money, drink, or any other object directly from any person; or
(4) Allow another person to touch such performer or to place any money or object on the performer or within the costume or person of the performer; or
(5) Place anything within the costume or adjust or move the costume while performing so as to render the performer in a state of nudity.

**(Ord. No. 93-02 Enacted 01/27/1993)**

## 17-26-130. PATRONS – PROHIBITED ACTIVITIES.

It is unlawful for any person or any patron of any business to touch in any manner any performer; to place any money or object on or within the costume or person of any performer; or to give or offer to give to any such performer any drinks, money, or object while such performer is performing; except that money may be placed on the stage, which shall not be picked up by the performer except by hand.

**(Ord. No. 93-02 Enacted 01/27/1993)**

## 17-26-131. NUDITY - DEFENSES TO PROSECUTION.

It is a defense to prosecution or violation under this Chapter that a person appearing in a state of nudity did so in a modeling class operated:

(1) By a proprietary school licensed by the state, or a college, junior college, or university supported entirely or partly by taxation;
(2) By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.

**(Ord. No. 93-02 Enacted 01/27/1993)**

## 17-26-132. EXISTING BUSINESSES - COMPLIANCE TIME LIMITS.

(1) The provisions of this Chapter shall be applicable to all persons and businesses described herein, whether the herein-described activities were established before or after the effective date of the provisions codified in this Chapter and regardless of whether such persons and businesses are currently licensed to do business in the City.
    a. All such persons and businesses requiring outcall service licenses shall have forty-five days from the effective date of the ordinance codified in this Chapter, or until their current license expires, whichever is first in time, to comply with the provisions of this Chapter.
    b. All semi-nude dancing agency licenses shall have seventy-five days from the effective date of the ordinance codified in this Chapter, or until their license must be renewed, whichever is first, to comply with the provisions of this Chapter.
    c. All adult businesses and semi-nude entertainment businesses shall have one hundred thirty-five days from the effective date of the ordinance codified in this Chapter, or until their current license must be renewed, whichever is first, to comply with the provisions of this Chapter.

(2) For the year 1992-93, all businesses required by this Chapter to be licensed as sexually-oriented businesses shall be credited against the fees required in the Consolidated Fee Schedule with the regulatory license fees paid for the current 1992-93 license.

**(Ord. No. 93-02 Enacted 01/27/1993)**

## 17-26-133. VIOLATION - INJUNCTION WHEN.

An entity or individual who operates or causes a sexually-oriented business to be operated without a valid license, or who employs or is employed as an employee of a sexually-oriented business, or who operates such a business or functions as such an employee in violation of the provisions of this Chapter is subject to a suit for injunction in addition to the civil and criminal violations provided herein, and any other remedy available at law or in equity.

**(Ord. No. 93-02 Enacted 01/27/1993)**

## 17-26-134. VIOLATION - LICENSE SUSPENSION OR REVOCATION.

(1) The City may issue a notice suspending or revoking a sexually-oriented business or employee license granted under this Chapter if a licensee or an employee of the licensee has:
    a. Violated or is not in compliance with this Chapter;
    b. Refused to allow any inspection of the premises of the sexually-oriented business specifically authorized by this Chapter or by any other statute or ordinance;
    c. Failed to replenish the cost bond as provided in this Chapter (such a suspension shall extend until the bond has been replenished);
    d. Given materially false or misleading information in obtaining the license;
    e. Knowingly operated the sexually-oriented business or worked under the employee license during the period when the business licensee or employee licensee's license was suspended;
    f. A licensee has committed an offense which would be grounds for denial of a license for which the time period required has not elapsed;
    g. On two or more occasions within a twelve-month period, a person or persons committed in or on, or solicited for on the licensed premises, or an outcall employee solicited or committed on or off the premises, an offense which would be grounds for denial of a license for which a conviction has been obtained, and the person or persons were employees, whether or not licensed, of the sexually-oriented business at the time the offenses were committed;
    h. A licensee is delinquent in payment to the City for ad valorem taxes, or sales taxes related to the sexually-oriented business.
(2) Suspension or revocation shall take effect within fifteen days of the issuance of notice, unless an appeal is filed as provided by this Chapter.
(3) The fact that a conviction is being appealed shall have no effect on the revocation of the license.

**(Ord. No. 93-02 Enacted 01/27/1993)**

## 17-26-135. EFFECT OF LICENSE REVOCATION.

When a license issued pursuant to this Chapter is revoked, the revocation shall continue for one year from its effective date, and the licensee shall not be issued a sexually-oriented business or employee license for one year from the date of such revocation.

**(Ord. No. 93-02 Enacted 01/27/1993)**

## 17-26-136. APPEAL PROCEDURES.

The denial, suspension, or revocation of any license issued pursuant to this Chapter may be appealed as set forth in Sections 17-3-106 through 17-3-112 of the West Valley City Code.

**(Ord. No. 93-02 Enacted 01/27/1993)**

## 17-26-137. VIOLATION - PENALTY - RESPONSIBILITY.

(1) In addition to revocation or suspension of a license, as provided in this Chapter, each violation of this Chapter shall, upon citation by the City Business and Economic Services Administrator, require the licensee to pay a civil penalty in the amount of five hundred dollars. Such fines shall be deducted from the cost bond posted pursuant to this Chapter, unless paid within ten days of notice of the fine or the final determination after any appeal. In addition to the civil fines provided in this Chapter, the violation of any provision of this Chapter shall be a class "B" misdemeanor. Each day of a violation shall be considered a separate offense.

(2) Every act or omission by an employee constituting a violation of the provisions of this Chapter shall be deemed the act or omission of the sexually-oriented business licensee and/or operator, if such act or omission occurs either with the authorization, knowledge, or approval of the licensee and/or operator, or as a result of the licensee's and/or operator's negligent failure to supervise the conduct of the employee, and the sexually-oriented business licensee shall be punishable for such act or omission in the same manner as if the licensee committed the act or caused the omission.

(3) A sexually-oriented business licensee and/or operator shall be responsible for the conduct of all employees while on the licensed premises, and any act or omission of any employee constituting a violation of the provisions of this Chapter shall be deemed the act or omission of the licensee and/or operator for the purposes of determining whether the licensee's license shall be revoked, suspended, or renewed.

**(Ord. No. 93-02 Enacted, 01/27/1993; Ord. No. 93-23 Amended 04/14/1993)**

## 17-26-138. VICARIOUS LIABILITY.

Every act or omission by an employee constituting a violation of the provisions of this ordinance shall be deemed the act or omission of the licensee if such an act or omission occurs either with the authorization, knowledge or approval of the licensee, or as a result of the licensee's negligent failure to supervise the employee's conduct. A licensee shall be responsible for the conduct of all employees while on the licensed premises.

**(Ord. No. 10-03 Enacted 02/26/2010)**

# CHAPTER 17-27
# AUTO WRECKERS

Sections:

17-27-101. Definitions.
17-27-102. Sale by Minors Restricted.
17-27-103. Records.
17-27-104. Fencing.

## 17-27-101. DEFINITIONS.

Auto Wrecker means the business of wrecking or dismantling old, used or secondhand automobiles or other motor vehicles and adding or employing the accessories or parts thereof in equipping, repairing or rebuilding motor vehicles, or storing, selling or otherwise disposing of such accessories or parts.

## 17-27-102. SALE BY MINORS RESTRICTED.

It shall be unlawful for a licensee to purchase or receive from persons under the age of 18 years any motor vehicle whatsoever without the written consent of a parent or guardian.

## 17-27-103. RECORDS.

Each licensee shall keep a permanent daily record of motor vehicles purchased, including an adequate description of the name and residence of the person from whom the article was purchased, the serial number of the motor vehicle, the date and hour of the purchase and the price paid. The record shall be available at all reasonable times to the inspection of authorized officers. No entry shall be changed, erased, obliterated or defaced.

## 17-27-104. FENCING.

Each licensee's business shall be completely enclosed by a minimum of a six-foot high fence of sturdy and durable construction.

# CHAPTER 17-28
# TOWING SERVICES

Sections:

17-28-101. Definitions.
17-28-102. License.
17-28-103. Duty to Display License.
17-28-104. Rotation.
17-28-105. City Impounds.

## 17-28-101. DEFINITIONS.

(1) Rotation List means a list of tow trucks or tow truck services maintained by West Valley City that have valid licenses and who request in writing of West Valley City the privilege of being called in sequence down the list to provide tow truck services to motorists when a motorist requests the City's assistance in obtaining a tow truck or tow truck service.
(2) Tow Truck means a motor vehicle which has been altered or designed, equipped and used for the purpose of towing vehicles by means of a crane, hoist, tow bar, tow line, chain or dolly.
(3) Tow Truck Service means the transportation upon the public streets, public places and highways of the City of damaged, disabled, or abandoned vehicles, together with personal effects and/or cargo, by towing only. Wrecker service, tow car service and garage tow truck service are synonymous and shall be termed "tow truck service."
(4) Tow Lot means an area reserved for storage of vehicles that have been removed by a tow truck.

## 17-28-102. LICENSE.

(1) A license shall be issued to tow trucks or tow truck services with a principal place of business within the corporate limits of the City upon proof being presented to the City by the applicant and that each of the following requirements have been and will continue to be met by the applicant:
    a. Complete compliance with the current Utah Department of Transportation rules and regulations for tow truck operators;
    b. Issuance of a Department of Transportation certificate for each tow during the policy term of the license;
    c. Competent evidence of valid towing property damage liability insurance, not less than $25,000, issued with applicant named as insured, including the policy number and insurance company name for the business and the tow truck;
    d. Permanent readable signs on the doors of the tow truck listing the name of the applicant, address and telephone number.
    e. Competent evidence of a surety bond of $1,000 from good and sufficient sureties to ensure continued compliance with these ordinances;
    f. Competent evidence that the tow truck service or tow truck tows and stores motor vehicles in a secured fenced or enclosed yard or building for the storage of motor vehicles within the City limits, unless otherwise required by the State of Utah;

g. All tow trucks must be operated by competent personnel carrying a certification card issued by the Utah Department of Transportation and a proper and valid Utah driver's license which allows for operation of a tow truck;
h. Competent evidence that all business operations are conducted in a fair, equitable and lawful manner.
i. Competent evidence that suggested tow and storage fees are those established by the Utah Towing Association.

## 17-28-103. DUTY TO DISPLAY LICENSE.

Every tow truck operator shall carry upon his person:
(1) A proper and valid Utah driver's license which allows for operation of a tow truck;
(2) Evidence of a proper and valid license issued by the City;
(3) Evidence of a personal certification card issued by the Utah Department of Transportation; and
(4) All other identification required by law.

## 17-28-104. ROTATION.

(1) To qualify for rotation, a tow truck service shall comply with all of the requirements of this Chapter and other ordinances of the City.
(2) The Police Department has the authority to promulgate all rules and regulations governing a rotation system.
(3) The rotation system shall be followed unless a valid contract has been issued by the City.

## 17-28-105. CITY IMPOUNDS.

The City may enter into contracts with tow trucks, tow services, and tow lot companies to ensure safe and economical storage and transportation of motor vehicles impounded by the City.

# CHAPTER 17-29
# CIVIL RIGHTS

Sections:

17-29-101. Short Title.
17-29-102. Declaration of Policy.
17-29-103. Declaration of Civil Right.
17-29-104. Equal Rights in Places of Public Accommodation, Resort or Amusement.
17-29-105. Exclusion, Segregation and Discrimination Prohibited in Places of Public Accommodation, Resort or Amusement.
17-29-106. Places or Public Accommodation, Resort or Amusement Defined.
17-29-107. Extent of Personal Responsibility.
17-29-108. Penalty for Violation.
17-29-109. Suspension or Revocation of License.

## 17-29-101. SHORT TITLE.

This Chapter shall be known as West Valley City Civil Rights Ordinance.

## 17-29-102. DECLARATION OF POLICY.

It is hereby declared to be the policy of City in the exercise of its police power for the protection of the public welfare, health, safety and peace of City and the inhabitants thereof, to prohibit discrimination in places of public accommodation, resort or amusement due to race, color, religion, ancestry or national origin.

## 17-29-103. DECLARATION OF CIVIL RIGHT.

All persons have the right to the full and equal accommodations, advantages, facilities and privileges of any place of public accommodation, resort or amusement within City subject only to the conditions and limitations established by law and applicable alike to all persons. This right is recognized and declared to be a civil right.

## 17-29-104. EQUAL RIGHTS IN PLACES OF PUBLIC ACCOMMODATION, RESORT OR AMUSEMENT.

No person being the owner, lessee, proprietor, manager, superintendent, agent or employee of any place of public accommodation, resort or amusement within City shall directly or indirectly refuse, withhold from or deny to any person any of the accommodations, advantages, facilities or privileges thereof, and no person shall directly or indirectly publish, circulate, issue, display, post or mail or cause to be published, circulated, issued, displayed, posted or mailed within City any written, painted or printed communication, notice or advertisement to the effect that any of the accommodations, advantages, facilities and privileges of a place of public accommodations, resort or amusement shall be refused, withheld from or denied to any person on account of race, color, religion, ancestry or national origin, or that the patronage or custom thereof of any person belonging to or purporting to be of any particular race, color, religion, ancestry or national origin is unwelcome, objectionable or not

acceptable, desired or solicited. The production of any such written, painted or printed communication, notice or advertisement, purporting to relate to any such place and to be made by any person being the owner, lessee, proprietor, superintendent, manager, agent or employee thereof, shall be presumptive evidence in any proceedings that the same was authorized and published by such person.

## 17-29-105. EXCLUSION, SEGREGATION AND DISCRIMINATION PROHIBITED IN PLACES OF PUBLIC ACCOMMODATION, RESORT OR AMUSEMENT.

Any exclusion or segregation of or discrimination against any person on account of race, color, religion, ancestry or national origin in places of public accommodation, resort or amusement within City shall be unlawful.

## 17-29-106. PLACES OR PUBLIC ACCOMMODATION, RESORT OR AMUSEMENT DEFINED.

A place of public accommodation, resort or amusement within the meaning of this Chapter shall be deemed to include inns, taverns, roadhouses, motels, hotels, whether conducted for the entertainment of transient guests or for the accommodation of those seeking health, recreation or rest, restaurants, eating houses and any place where food is sold for consumption on the premises, buffets, saloons, barrooms, and any store, park or enclosure where spirituous or salt liquors are sold; ice cream parlors, confectioneries, soda fountains, and all stores where ice cream, ice and fruit preparations or their derivatives, or where beverages of any kind are retailed for consumption on the premises; dispensaries, clinics, hospitals, bathhouses, theaters, motion picture houses, music halls, concert halls, circuses, race courses, skating rinks, amusement and recreation parks, fairs, bowling alleys, golf courses, gymnasiums, shooting galleries, billiard and pool parlors, swimming pools, public libraries, garages, all public conveyances operated on land, water or in the air, as well as the stations and terminals thereof; public halls and public elevators of buildings and structures occupied by two or more tenants, or by the owner and one or more tenants. Nothing herein contained shall be construed to include any institution, club or place of accommodation which is in its nature distinctly private.

## 17-29-107. EXTENT OF PERSONAL RESPONSIBILITY.

The provisions and requirements of this Chapter shall bind and obligate every owner, lessee, operator, proprietor, manager, agent and employee, whether a natural person, corporation, or unincorporated association, engaged in or exercising control over the operation of any place of public accommodation, resort or amusement; provided, that whenever any agent or employee shall so exercise any function or employ any power with which he is charged or entrusted as to violate any provisions of this Chapter, both he and his principal or employer shall be held equally responsible.

## 17-29-108. PENALTY FOR VIOLATION.

Any person who or any agency, bureau, corporation or association which shall willfully violate any of the provisions of this Chapter or who or which shall aid or cause the violation of any of said provisions shall be deemed guilty of a Class "B" misdemeanor, and upon conviction thereof shall be fined not more than $299 or shall be imprisoned not more than six months, or both.

## 17-29-109. SUSPENSION OR REVOCATION OF LICENSE.

Whenever it shall have been judicially determined that a licensee or a person operating or doing business under a license has violated this Chapter in the course of such operation or business two times or more within any 12-month period, the license officer shall suspend or revoke such license as provided in this Title.

# CHAPTER 17-30
# INNKEEPERS

Sections:

17-30-101. Repealed.
17-30-102. Repealed.
17-30-103. Repealed.
17-30-104. Repealed.
17-30-105. Repealed.

## 17-30-101. REPEALED.

**(Ord. No. 97-32 Repealed 07/01/1997)**

## 17-30-102. REPEALED.

**(Ord. No. 97-32 Repealed 07/01/1997)**

## 17-30-103. REPEALED.

**(Ord. No. 97-32 Repealed 07/01/1997)**

## 17-30-104. REPEALED.

**(Ord. No. 97-32 Repealed 07/01/1997)**

## 17-30-105. REPEALED.

**(Ord. No. 97-32 Repealed 07/01/1997)**

# CHAPTER 17-31
# RENTAL DWELLING UNITS

Sections:

17-31-101. Definitions.
17-31-102. License Required.
17-31-103. Exception.
17-31-104. Penalty.
17-31-105. License Fees.

## 17-31-101. DEFINITIONS.

(1) Multiple Family Dwelling Unit shall mean any buildings or apartment buildings so arranged, designed, built, rented, loaned, let or hired out to be used or occupied as the home, residence or dwelling unit of four or more families living independently of each other. This definition includes four-plexes, even if the owner lives in one of the units.
(2) Rental Dwelling Unit shall mean any individual dwelling unit that is rented, loaned, let or hired out to be used or occupied as a home or residence.
(3) Owner shall mean the person having ownership. Person includes any individual, group of individuals, partnership, corporation, association or other legal entity.

**(Ord. No. 93-20 Amended 06/22/1993)**

## 17-31-102. LICENSE REQUIRED.

(1) Any owner of a rental dwelling unit shall obtain and maintain current a business license Owners of more than one rental dwelling unit shall be required to obtain only one business license, provided that the owner furnishes to the City all owner contact information as well as a current, complete list of the rental dwelling units owned.
(2) Any owner of less than three rental dwelling units shall be subject to the variable fees set forth in the Consolidated Fee Schedule. Owners of less than three rental dwelling units shall not be subject to the base license fee. Any owner of three or more rental dwelling units shall be subject to the base fee and variable fees set forth in the Consolidated Fee Schedule.
(3) If there is more than one owner, including purchases under contract, each owner shall be jointly and severally liable to pay the business license fee and the variable fees as set forth in the Consolidated Fee Schedule.

**(Ord. No. 93-20 Amended 06/22/1993; Ord. No. 06-63 Amended 9/12/2006; Ord. No. 07-30 Amended 5/15/2007)**

## 17-31-103. EXCEPTION.

Any owner, or authorized designee, of a rental dwelling unit may apply for admission into the West Valley City Good Landlord Program. If admitted into the Program, the owner shall be responsible for base license fee and the Members of the Good Landlord Program Disproportionate Service Fee in the Consolidated Fee Schedule.

(1) Program Requirements:

a. Completion of the Landlord Worksheet.
b. Completion of eight (8) hours of Property Management class (must be approved by West Valley City).
c. Execution of a written, binding contract with West Valley City regarding property management.

(2) Landlords who renewed their business licenses between January 1, 2007 and June 1, 2007 may be eligible for admission into the Good Landlord Program until August 1, 2007. Landlords whose business licenses shall be renewable after June 1, 2007 may be eligible for admission into the Good Landlord Program for a period of two months after the renewal date. Landlords who miss the admission deadlines as described herein may request a review for admissions by the West Valley City Task Force. The West Valley City Task Force shall review all such requests and make a determination of admission within sixty (60) days after the review is received.

**(Ord. No. 93-20 Amended 06/22/1993; Ord. No. 06-63 Amended 9/12/2006; Ord. No. 07-30 Amended 5/15/2007)**

## 17-31-104. PENALTY.

(1) Any person or party who violates the provisions of this Chapter shall be guilty of a Class "B" misdemeanor.
(2) Good Landlord Program Violations:
a. Any violation of the Good Landlord Program shall be terminated from the Program immediately and be automatically subject to the full amount of the Disproportionate Service Fee in the Consolidated Fee Schedule, which shall be due upon termination from the Program.
b. The terminated owner may not be eligible for readmission into the Program until the following license period.

**(Ord. No. 07-30 Amended 5/15/2007; Ord. No. 07-49 Amended 08/21/2007; Ord. No. 08-32 Amended 06/17/2008; Ord. No. 09-22 Amended 07/08/2009)**

## 17-31-105. LICENSE FEES.

(1) Owners of multiple family dwelling units or rental dwelling units shall pay the base fee and variable fees set forth in the Consolidated Fee Schedule.
(2) The base business license fee shall be paid at the time of application for a new or renewal license.
(3) The Business and Economic Services Administrator may, with the approval of the City Manager, establish a payment plan or plans which allow the licensee to pay the per-unit fees in two, three, or four equal installment payments, made at regular intervals during the term of the license.
(4) Failure to timely make a payment required pursuant to a payment plan as described above may result in the suspension or revocation of the license and the imposition of penalty fees as set forth in this Title.
(5) Owners of multiple family dwelling units or rental dwelling units who are required to license under this Section, whose application for a license is received between July 1 and July 30, 1993, inclusive, shall receive a license which expires on June 30, 1994. Owners whose application is received during the July 1993 period shall be charged a per-unit fee equal to the fee which was in effect during June 1993.

(6) On August 1, 1993, all applicants for new or renewal licenses shall pay the unit fee set forth in the Consolidated Fee Schedule in effect at the time of the application or renewal.

**(Ord. No. 93-44 Enacted 08/20/1993)**

# CHAPTER 17-32
# PRIVATE INVESTIGATORS

Sections:

17-32-101. License—Required.
17-32-102. License—Not Required When.
17-32-103. License—Application.
17-32-104. License—Bond Required.
17-32-105. License—Fee.
17-32-106. License—Not Issued to Certain Persons.
17-32-107. License—Carried by Licensee.
17-32-108. License—Not Transferable.
17-32-109. False Representation Prohibited.

## 17-32-101. LICENSE—REQUIRED.

(1) It is unlawful for any person to engage in the business of private detective or investigator for a fee or reward unless such person first applies for and obtains a West Valley City private investigator's license.
(2) No license shall be issued for any private investigator's license unless the licensee has complied in all respects with the provisions contained in this Chapter.

**(Ord. No. 90-35 Enacted 08/15/1990)**

## 17-32-102. LICENSE—NOT REQUIRED WHEN.

Nothing in this Chapter shall be construed as requiring a license from any watchman or person regularly employed as a watchman by any firm or corporation, or any person investigating credit records or insurance claims, or any security personnel licensed pursuant to Title 41, Chapter 13a, Utah Code Annotated.

**(Ord. No. 90-35 Enacted 08/15/1990)**

## 17-32-103. LICENSE—APPLICATION.

(1) Every person applying for a license under this Chapter shall obtain a Police identification card from the West Valley City Police Department.
(2) If the applicant is a partnership, each member of the partnership shall be required to obtain an identification card.
(3) If the applicant is a corporation, each officer and active member of the corporation shall obtain a Police identification card.
(4) Each applicant, including members of a partnership and officers and employees of a corporation, shall submit to being photographed and fingerprinted by the West Valley City Police Department.

**(Ord. No. 90-35 Enacted 08/15/1990)**

## 17-32-104. LICENSE—BOND REQUIRED.

Each application for a license shall be accompanied by a corporate surety bond in the amount of one thousand dollars, executed by a surety company authorized to do business in the state, and conditioned that the person applying for the license will comply with all of the laws and ordinances regulating the business of a private investigator and all lawful requirements made by the City Council, and shall pay all damages occasioned to any person by reason of any misstatement, misrepresentation, fraud, or deceit of the licensed person, the applicant's agent or employee, or which may result from any other violation of law or ordinance in carrying the business licensed.

**(Ord. No. 90-35 Enacted 08/15/1990)**

## 17-32-105. LICENSE—FEE.

The annual license fee for a private investigator's license shall be the general license fee set forth in the consolidated fee schedule. In addition to the above fee, each individual employee shall pay the fee set forth in the consolidated fee schedule for the issuance of a Police identification card.

**(Ord. No. 90-35 Enacted 08/15/1990)**

## 17-32-106. LICENSE—NOT ISSUED TO CERTAIN PERSONS.

(1) No license or Police identification card shall be issued to any person who is under the age of twenty-one years.
(2) No license or Police identification card shall be issued to any person who has been convicted of a felony by any state or United States court, or who has been convicted anywhere of an act or acts which, if done in Utah, would constitute an assault, theft, larceny, unlawful entry, extortion, buying or receiving stolen property, unlawfully using or possessing or carrying weapons or burglar's tools, or having been guilty of an escape from lawful custody, or of a crime or crimes involving moral turpitude, or who has been convicted in any other state of acts which, if done in Utah, would be a felony.
(3) No license or Police identification card shall be issued to any person who shall make any false statement in their application for a private investigator's license or Police identification card, and any false statement shall be grounds for immediate revocation of any license issued hereunder.
(4) Any current license holder who no longer meets these requirements may have his or her license or Police identification card revoked or suspended as set forth in this Title.

**(Ord. No. 90-35 Enacted 08/15/1990)**

## 17-32-107. LICENSE—CARRIED BY LICENSEE.

Each person licensed according to this Chapter shall carry a valid Police identification card on their person at all times.

**(Ord. No. 90-35 Enacted 08/15/1990)**

## 17-32-108. LICENSE—NOT TRANSFERABLE.

No license granted under the provisions of this Chapter shall be transferable.

**(Ord. No. 90-35 Enacted 08/15/1990)**

## 17-32-109. FALSE REPRESENTATION PROHIBITED.

It is unlawful for any person to represent to any other person that he or she is duly licensed as a private investigator or is employed by a private investigation agency when he or she is not so licensed or employed.

**(Ord. No. 90-35 Enacted 08/15/1990)**

# CHAPTER 17-33
# PARKING SERVICES

Sections:

17-33-101. Definitions.
17-33-102. Business Requirements.
17-33-103. Zoning Requirements.
17-33-104. License Fees.

## 17-33-101. DEFINITIONS.

(1) Parking Lot means the same as Section 7-1-103(126) of this Code.
(2) Parking Service Business means providing off-street parking for any number of vehicles in exchange for compensation, including providing parking for fewer than five vehicles in exchange for compensation.

**(Ord. No. 95-62 Enacted 12/22/1995)**

## 17-33-102. BUSINESS REQUIREMENTS.

It shall be unlawful for any person to operate a parking service business without meeting the requirements of this Code, obtaining a business license as required by this Title, and paying the licensing fee required by the Consolidated Fee Schedule.

**(Ord. No. 95-62 Enacted 12/22/1995)**

## 17-33-103. ZONING REQUIREMENTS.

(1) A license to operate a parking service business on a parking lot shall not be issued to operate on any property that does not meet the requirements of Chapter 7-9 of this Code or such other zoning requirements as may be applicable. The application shall be reviewed by the Planning and Zoning Division prior to issuance of a license.
(2) A license to operate a parking service business shall not be issued to operate on property that does not meet the requirements of Chapter 7-9.
(3) No parking service business shall offer parking on public streets.

**(Ord. No. 95-62 Enacted 12/22/1995; Ord. No. 96-73 Amended 11/27/1996)**

## 17-33-104. LICENSE FEES.

All license fees based on a per-vehicle basis, as provided for in Chapter 2 of Title 1, the Consolidated Fee Schedule, are due on the fifth business day following the final day of a month in which any parking service business was conducted. Licensees shall maintain monthly records of the number of vehicles parked, and present copies of the month's records to the Business License Division along with payment of the license fees.

**(Ord. No. 96-73 Enacted 11/27/1996)**

# CHAPTER 17-34
# PERMANENT COSMETICS

Sections:

17-34-101. Definitions.
17-34-102. License Required.
17-34-103. License.
17-34-104. Duty to Display License.

## 17-34-101. DEFINITIONS.

(1) "Permanent Cosmetics" means a mark or design made on or under the skin by a process of pricking or ingraining an indelible pigment, dye, or ink in the skin for masking discolorations or cosmetically enhancing facial features which shall follow the natural line of the feature and shall be limited to eyeliner, eyebrows or lip coloring procedures only.
(2) "Permanent Cosmetic Establishment" means an establishment engaging in permanent cosmetics as a secondary use to an establishment employing Cosmetologist/Barber(s), Esthetician(s), Electrologist(s), or Nail Technician(s) licensed by the state under Title 58, Chapter 11a, Utah Code Annotated 1953 as amended, excluding tattoo establishments and home occupations.
(3) "Permanent Cosmetic Technician" means a person trained and licensed to perform procedures to place a mark or design on or under the skin by a process of pricking or ingraining an indelible pigment, dye, or ink in the skin for masking discolorations or cosmetically enhancing facial features which shall follow the natural line of the feature and shall be limited to eyeliner, eyebrows or lip coloring procedures only.

**(Ord. No. 02-09 Add 02/05/2002)**

## 17-34-102. LICENSE REQUIRED.

(1) Every person offering permanent cosmetic services may only offer such services in connection with an established and properly licensed Cosmetologist/Barber(s), Esthetician(s), or Nail Technician(s) licensed under Title 58, Chapter 11a, Utah Code Annotated 1953 as amended.
(2) Every person offering permanent cosmetic services in compliance with subsection (1) shall obtain and maintain a current business license and pay the base fee set forth in the Consolidated Fee Schedule.

**(Ord. No. 02-09 Add 02/05/2002)**

## 17-34-103. LICENSE.

(1) A license shall be issued to a permanent cosmetic technician or permanent cosmetic establishment with a principal place of business within the City upon evidence presented to the City by the applicant demonstrating compliance with each of the following requirements:
    a. Completion of education and certification from a recognized training establishment; and
    b. Possession and maintenance of a license or certification from a recognized national licensing establishment; and

c. Current and continued compliance with all applicable county health requirements including but not limited to proper disposal of waste, sanitization procedures and all other health-related issues; and
d. Compliance with all applicable federal, state and local laws, rules and regulations.

**(Ord. No. 02-09 Add 02/05/2002)**

## 17-34-104. DUTY TO DISPLAY LICENSE.

Every permanent cosmetic licensee shall display a valid license issued by the City in a prominent location within the business establishment.

**(Ord. No. 02-09 Add 02/05/2002)**

# CHAPTER 17-35
# TEMPORARY BUSINESSES

Sections:

17-35-101. Information Required for Participation in Sales Events or a Temporary Business.
17-35-102. Temporary Sales Event Sponsors.
17-35-103. Temporary Sales Event Participants.
17-35-104. Determination of Status - Appeals.

## 17-35-101. INFORMATION REQUIRED FOR PARTICIPATION IN SALES EVENTS OR A TEMPORARY BUSINESS.

A temporary business, sponsor and sponsor's participants must submit to the Business License Division, at least 10 days prior to a sales event, a completed temporary business license application which includes the following information:

(1) The complete name of the business. If the business is using a fictitious name, the applicant must submit evidence of State of Utah Department of Commerce registration of the name;
(2) The complete business mailing address and telephone number;
(3) Business owner(s) name, home address, telephone number and business contact person's name, if different from owner;
(4) The address of the sales event or business location;
(5) Description of the product, service or company being represented;
(6) Temporary Sales tax number assigned by the Utah State Tax Commission;
(7) Evidence of a temporary use permit issued by Planning and Zoning (if applicable);
(8) Evidence of compliance with Board of Health regulations, if required;
(9) The dates of commencement and termination of the sales event or temporary business.

Applications received within four days of the sales event will be denied. Applications received after the 10-day deadline, but before four days prior to the event, will be charged a late fee as outlined in the Consolidated Fee Schedule, in addition to the license fee.

**(Ord. No. 08-42 Enacted 09/17/2008)**

## 17-35-102. TEMPORARY SALES EVENT SPONSORS.

The Temporary Sales Event Sponsor shall:

(1) Collect and review each individual participant's application to insure compliance with Section 17-35-101.
(2) Submit a list of all participants in the sales event in addition to the completed applications.
(3) The Sponsor shall submit the information to the Business License Division.

**(Ord. No. 08-42 Enacted 09/17/2008)**

## 17-35-103. TEMPORARY SALES EVENT PARTICIPANTS.

The Temporary Sales Event Participant must submit their application for a temporary business license through the Temporary Sales Event Sponsor. If the Sponsor is unwilling to act as the Sponsor for the Participant, the Participant must apply as a Temporary Sales Event Sponsor.

Any Temporary Sales Event Participant applications received after the Sponsor has submitted the list of participants will be treated as Temporary Sales Event Sponsors.

**(Ord. No. 08-42 Enacted 09/17/2008)**

## 17-35-104. DETERMINATION OF STATUS - APPEALS.

The applicant may appeal the Director's decision to the License Hearing Board, pursuant to Chapter 17-3 of this Title.

**(Ord. No. 08-42 Enacted 09/17/2008)**

# CHAPTER 17-36
# RETAIL TOBACCO SPECIALTY BUSINESSES

Sections:

17-36-101. Definitions.
17-36-102. License Required.
17-36-103. Zoning Requirements.
17-36-104. Exemptions.

## 17-36-101. DEFINITIONS.

(1) As used in this Chapter:
- a. "Retail Tobacco Specialty Business" means a commercial establishment in which:
  - i. the sale of Tobacco Products accounts for more than 35% of the total annual gross receipts for the establishment;
  - ii. food and beverage products, excluding gasoline sales, are less than 45% of the total annual gross receipts for the establishment; and
  - iii. the establishment is not licensed as a pharmacy under Title 58, Chapter 17b Utah Code Annotated, Pharmacy Practice Act.
- b. Tobacco Product" means:
  - i. any cigar, cigarette, or electronic cigarette as defined in Utah Code Annotated Section 76-10-101;
  - ii. a tobacco product as defined in Utah Code Annotated Section 59-14-102 , including:
    1. chewing tobacco; or
    2. any substitute for a tobacco product, including flavoring or additives to tobacco; and
  - iii. tobacco paraphernalia as defined in Utah Code Annotated Section 76-10-104.1.

## 17-36-102. LICENSE REQUIRED.

It shall be unlawful for any person to operate a Retail Tobacco Specialty Business without meeting the requirements of this Code, obtaining a West Valley City business license, and paying the licensing fee required by the Consolidated Fee Schedule.

## 17-36-103. ZONING REQUIREMENTS.

A license to operate a Retail Tobacco Specialty Business shall not be issued on any property that does not meet all zoning requirements in this Code as may be applicable. The application shall be reviewed by the Planning and Zoning Division prior to issuance of a license.

## 17-36-104. EXEMPTIONS.

(1) a. In accordance with Subsection (1)(b), a Retail Tobacco Specialty Business that has a business license and is operating lawfully in the City on or before May 8, 2012, is exempt from the zoning requirements of this Code.

b. A Retail Tobacco Specialty Business may maintain an exemption under Subsection (1)(a) if:

i. the business license is renewed continuously without relapse or permanent revocation;

ii. the Retail Tobacco Specialty Business is not closed for business or otherwise suspends the sale of Tobacco Products for more than 60 consecutive days;

iii. the Retail Tobacco Specialty Business does not substantially change the business premises or its business operation; and

iv. the Retail Tobacco Specialty Business maintains the right to operate under the terms of other applicable laws, including zoning ordinances, building codes, and the business license ordinance, prior to May 8, 2012.

**(Ord. No. 12-45 Enacted 12/06/2012)**

# TITLE 18
# STORM WATER MANAGEMENT ORDINANCE

Chapters:

18-1 General Provisions
18-2 Storm Water Management Permit
18-3 Regulation of Storm Control Facilities
18-4 Drainage of Subsurface Waters
18-5 Storm Drainage Systems
18-6 Repealed
18-7 Grading and Erosion Control
18-8 Bonding for Drainage System Facilities
18-9 Prohibited Actions and Enforcement

# CHAPTER 18-1
# GENERAL PROVISIONS

Sections:

18-1-101. Purpose.
18-1-102. Definitions.
18-1-103. Applicability.
18-1-104. Designation of Responsibilities.
18-1-105. Administration and Appeals.
18-1-106. Storm Drainage Master Plan.

## 18-1-101. PURPOSE.

The purpose of this Title is to establish and provide means, rules and regulations regarding the control, discharge, and removal of pollutants from storm water runoff generated and collected on real property within the boundaries of West Valley City.

**(Ord. No. 03-19 Repealed and Replaced 03/06/2003)**

## 18-1-102. DEFINITIONS.

Any interpretation of any definition or the manner of application of the provisions of this Title to specific individual developments, subdivisions or any projects affected by this Title, shall be left to the Public Works Department of the City. Said Department's interpretation shall be binding upon all parties involved. Whenever any words or phrases used in this Title are not defined herein, but are defined in related sections of the Utah Code or in other West Valley City Ordinances, such definitions are incorporated herein and shall apply as though set forth herein in full, unless the context clearly indicates a contrary intention. Unless a contrary intention clearly appears, words used in the present tense include the future, the singular includes the plural, the term “shall” is always mandatory, and the term “may” is permissive. The following terms as used in this Title shall have the respective meanings hereinafter set forth.

(1) “Accelerated Soil Erosion” means the increased migration and movement of soils on all land surfaces that occur as a result of human activities.
(2) “Base Flood” means a flood having a one percent chance of being equaled or exceeded in any given year.
(3) “Best Management Practices” (BMPs) means the schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the pollution of waters of the state. BMPs also include treatment, operating procedures, and practices to control site runoff, spillage or leaks, waste disposal, or drainage from material storage. BMPs include structural and nonstructural control.
(4) “Building Permit” means all permits for construction issued by the Building Inspection Division of the West Valley City Community and Economic Development Department, except those issued solely for Grading or for the propose of remodeling or repairing any existing building or structure where there is no increase in impervious surface on the property resulting from such permit.
(5) “City” means West Valley City.

(6) "City Council" means the West Valley City Council.
(7) "City Manager" means the City Manager of West Valley City.
(8) "County" means Salt Lake County.
(9) "County Facilities" means the following facilities, including their open channel sections and sections in conduit:
    a. The Jordan River;
    b. Utah and Salt Lake Canal;
    c. South Jordan Canal;
    d. North Jordan Canal;
    e. Kennecott Canal, located at approximately 2900 South from 4000 West to 5200 West and thence north to the Riter Canal;
    f. Riter Canal;
    g. Lee Creek;
    h. Kearns-Chesterfield Drain, from the Utah and Salt Lake Canal to Jordan River including Decker Lake;
    i. 2700 West Drain, from the North Jordan Canal to I-215 Drain;
    j. I-215 Drain, from 4100 South to Decker Lake;
    k. 4100 South Drain, from I-215 to Jordan River;
    l. 4700 South Drain, from South Jordan Canal to 2700 West;
    m. Coon Creek;
    n. Kersey Creek.
(10) "Developer" means any Person who alters, improves, constructs upon, or in any other way physically impacts any real property in the City. A Developer may or may not be the owner of the property.
(11) "Detention" means the temporary containing or holding of storm runoff to be released at a controlled discharge rate.
(12) "Development" means any man-made change to improved or unimproved real property, including, but not limited to, buildings or other structures, mining, dredging, filling, Grading, paving, excavation, or drilling operations.
(13) "Division" means the Engineering Division of the West Valley City Public Works Department.
(14) "Drainage Area" means that portion of a drainage basin which is a contributing area to a specified point within a single drainage basin or sub-basin expressed in acres, square miles or other unit of area; upon designation of a drainage area upon a map referred to in Section 18-1-106, "drainage area" shall mean each area so designated.
(15) "Drainage Basin" means the area where drainage or Storm Waters drain or gravitate toward a natural or artificial channel, conduit, retention or detention area; upon designation of a drainage basin upon a map referred to in Section 18-1-106, "drainage basin" shall mean each area so designated.
(16) "Drainage System" means all facilities used for conducting Excess Waters to, through and from a Drainage Area to the point of Final Retention or Destination, including but not limited to any or all of the following: pipes, conduits, culverts, curbs, gutters, waterways, inlets, swales, ditches, gulches, channels, retention and detention areas, and appurtenant features, as well as easements and rights-of-way necessary to accommodate the same. In ascending order of size and capacity, components of the Drainage System include the following: Unit Drainage System, Intermediate Drainage System, Major Drainage System, County Facility. A Drainage System may, but need not, contain all of the foregoing components.

(17)"Earth Disturbance" means a man-made change in the natural cover or topography of land, including all Grading, cut and fill, building, paving, landscaping and other activities which may result in, or contribute to, soil Erosion or Sedimentation of the Storm Waters.
(18)"Erosion" means the process by which the ground surface is worn away by action of wind, water, gravity, or any other natural means.
(19)"Excavation" means any act by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced, relocated, or stockpiled, including all conditions resulting from such activities.
(20)"Excess Waters" means those waters flowing upon or across real property which are created because of alteration of or building upon the natural terrain, or other increase in the impervious surface of the property, which waters are additional to the waters which would flow upon or across the unaltered natural terrain.
(21)"Filling" means any act by which soil, rock, or other construction materials are placed, stockpiled, dumped, or a combination thereof, onto the surface of the earth that may result in exposure to rain or wind.
(22)"Final Destination" means a natural or artificial retention area which serves one or more drainage basins into which excess waters are discharged, without subsequent discharge into any other drainage system, facility or retention or detention area or facility.
(23) "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 waters; and/or
    b. The unusual and rapid accumulation or runoff of surface waters from any source.
(24)"Grading" means any stripping, excavation, filling, stockpiling, or similar disturbance of real property, including such property in its excavated or filled condition.
(25)"Guidance Document for Storm Water Management" means the West Valley City Public Works Department's published manual entitled "Guidance Document for Storm Water Management, 2002," including any amendments.
(26)"Intermediate Drainage System Facility" means that part of the drainage system which serves one or more single units, subdivision or development drainage system facilities, which conveys excess waters from a unit, subdivision or other drainage site and which is tributary to a Major Drainage System Facility, a trunk line, or County Facility. Intermediate Drainage System Facilities within this system will be designed to fully accommodate a 10-year frequency flood.
(27)"Major Drainage System Facility" means that part of the Drainage System within a Drainage Basin which is contributed to by one or more Drainage Areas within the Drainage Basin by Unit and Intermediate Drainage Systems. A Major Drainage System Facility is tributary to a County Facility.
(28) "Municipal Separate Storm Sewer" means a conveyance or system of conveyances (including but not limited to, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains), designed or used for collecting or conveying Storm Waters.
(29)"Permanent Soil Erosion Control Measures" means those control measures which are installed or constructed on real property to control Erosion, and which are maintained after completion of all Grading and earth disturbance activities.
(30)"Permittee" means any Person owning, developing, or occupying a parcel of property which is subject to a Storm Water Management Permit. Permittee shall include an applicant for a Storm Water Management Permit.
(31)"Person" means any individual, firm, trust, partnership, public or private association or corporation.

(32)"Pollutant" means any dirt, slurry, solid waste, construction debris, garbage, trash, rock, sand and any industrial, municipal or agricultural waste.
(33)"Private Drainage System Facility" means that drainage system which drains privately-owned property, and is tributary to a Unit, Intermediate or Major Drainage System Facility, County Facility, natural tributary or Final Destination.
(34)"Public Works Department" means the West Valley City Public Works Department.
(35)"Public Works Director" means the Director of the West Valley City Public Works Department.
(36)"Retention" means temporary or permanent accumulation of Excess Waters and/or other Storm Waters, and shall include the total or partial accumulation of such waters.
(37)"Sediment" means solid material settled from suspension in a liquid. "Sedimentation" is the deposition or accumulation of such Sediment.
(38)"Special Flood Hazard Areas" shall mean those areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, "The Flood Insurance Study for Salt Lake County and Incorporated Areas" effective December 5, 2006, with an accompanying Flood Insurance Rate Map (FIRM) dated December 5, 2006. The Flood Insurance Study and FIRM are on file in the office of the West Valley City Public Works Department.
(39) "Storm Drainage Master Plan" is the capital facilities plan maintained and altered by the Division, which is required and described in the Utah Code.
(40)"Storm Waters" means a storm or flood flow of the magnitude which is expected to occur on the average of a 10-year frequency or has a 10 percent chance of being equaled or exceeded during any one year. "Storm Water" is the water that is produced from rain storms or melting snow.
(41)"Stripping" means any activity which removes, or significantly disturbs, the vegetative surface cover (including clearing and grubbing operations).
(42) "Subdivision" means any land that is divided, resubdivided or proposed to be divided into two or more lots, parcels, sites, units, plots or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms and conditions.
(43) "Suspended Sediment" means the very fine soil particles that remain in suspension in water for a considerable period of time without contact with the solid fluid boundary at or near the bottom. They are maintained in suspension by the upward components of turbulent currents.
(44)"UPDES" means the Utah Pollution Discharge Elimination System.
(45)"Unit Drainage System Facility" means that Drainage System which drains a Subdivision or other individual Development area, and which is tributary to an Intermediate or Major Drainage System Facility or County Facility.

**(Ord. No. 94-110 Amended 09/21/1994; Ord. No. 03-19 Repealed and Replaced 03/06/2003; Ord. 06-72 Amended 10/24/2006; Ord. No. 09-30 Amended 10/10/2009)**

## 18-1-103. APPLICABILITY.

The provision of this Title shall apply to all real property within the incorporated area of the City and shall apply to all portions of the City Drainage System. This Title shall be deemed a clarification and continuation of previous ordinances and not a new enactment insofar as the substance of previous ordinances do not directly conflict with the provisions of this Title. Where developments are in construction based on flood control approval under former ordinances, this Title is applicable as clarification of the requirements of the former ordinances as they apply to said developments, where

questions concerning the City's authority to require specific storm drainage, flood control facilities and water quality issues are raised.

**(Ord. No. 03-19 Repealed and Replaced 03/06/2003)**

## 18-1-104. DESIGNATION OF RESPONSIBILITIES.

(1) It is and shall be the responsibility and obligation of the Developer of real property to control, contain, or discharge into a Drainage System facility, excess Storm Waters; and to reduce pollutants in storm runoff generated upon real property in the City, in accordance with this Title. A Developer's responsibility includes:
    a. Construction and maintenance of Private and Unit Drainage System Facilities, at such Developer's expense;
    b. Preparation and compliance with a Storm Water Pollution Prevention Plan approved by the City for all new developments and redevelopment projects;
    c. Payment of impact fees, or in lieu thereof, construction of Intermediate and/or Major Drainage System Facilities, in accordance with Title 8, Impact Fees;
    d. Payment of Storm Water Utility fees in accordance with Title 20 Chapter 7 Storm Water Utility.
(2) The City's responsibility is to:
    a. Develop and periodically update a Storm Drainage Master Plan which designates anticipated flows and capacities required in the Major Drainage System;
    b. Maintain, through its Storm Water Utility, all Unit, Intermediate, and Major Drainage System Facilities dedicated to the City;
    c. Construct intermediate and/or Major Drainage System Facilities using storm drainage impact fees or other funds. The Public Works Department, through its budget process, shall establish priorities and determine which facilities, if any, will be constructed each year, at City expense, and make recommendations to the City Council for approval.
(3) The City is not responsible for the construction or maintenance of any non-City facilities.

**(Ord. No. 03-19 Repealed and Replaced 03/06/2003)**

## 18-1-105. ADMINISTRATION AND APPEALS.

The Division shall be responsible for the administration and regulation provided for in this Title. Any Person affected by a decision of the Division interpreting the provisions of this Title may appeal such decision to the Public Works Director and then to the City Manager. Decisions of the City Manager may be appealed to the City Council.

**(Ord. No. 03-19 Repealed and Replaced 03/06/2003)**

## 18-1-106. STORM DRAINAGE MASTER PLAN.

(1) A master plan map for construction of the Major Storm Drainage System has adopted by the City. The master plan delineates the boundaries of the Drainage Basins and Drainage Areas of the City, estimates the amount or volume, frequency and course of Storm Waters, and designates any Drainage System now provided or to be provided for the drainage and control of

Storm Waters, including location of outfall or disposal points, and designates the required capacity of the Major Storm Drainage System.

(2) As necessary, the Storm Drainage Master Plan may be updated or amended to reflect changed conditions. Studies in individual Drainage Basins and Drainage Areas may be completed by the Division, or at the option of and under the direction of the Division, by professional engineers competent in hydrology and hydraulics.

(3) Estimated runoff rates and volumes in the Storm Drainage Master Plan shall be based upon present conditions and the potential for future development of the City, taking into consideration the current land use elements of the General Plan of the City, past weather experience and other factors deemed relevant by the Division.

**(Ord. No. 03-19 Repealed and Replaced 03/06/2003)**

# CHAPTER 18-2
# STORM WATER MANAGEMENT PERMIT

Sections:

18-2-101. Storm Water Management Permit Required.
18-2-102. Storm Water Management Permit Application.
18-2-103. Fees.
18-2-104. Excluded Storm Water Control Facilities.
18-2-105. Existing Water Rights.
18-2-106. New Water Rights.
18-2-107. Permit Runs with the Land.
18-2-108. Recording Storm Water Management Permits.

## 18-2-101. STORM WATER MANAGEMENT PERMIT REQUIRED.

Each Person who alters, improves, constructs upon, or in any other way physically impacts real property located within the City shall comply with the requirements of this Title and, beginning April 1, 2003, prior to taking any action upon property which will affect the Retention, drainage, flow, or water quality of Storm Waters within the City, every Person shall obtain a Storm Water Management Permit from the City. Provided, however, that Storm Water Management Permits are not required for non-commercial gardening or agricultural activities that take place on parcels of property that are less than one acre in size. As set forth in this Title, the Storm Water Management Permit may, as determined by the Division, require specific actions and consist of one or more components with respect to drainage of subsurface waters, construction of Storm Water facilities, connection to existing Storm Water facilities, maintenance of Storm Water facilities, Grading and Erosion control, and water quality. Permits may be suspended or revoked by the Division when it is determined to be in the best interest and welfare of the public.

**(Ord. No. 03-19 Repealed and Replaced 03/06/2003)**

## 18-2-102. STORM WATER MANAGEMENT PERMIT APPLICATION.

All applicants for Storm Water Management Permits shall submit plans to the Division for review and approval prior to the commencement of work upon the property which is the subject of the permit. Plans shall be prepared by a licensed professional engineer, and shall include detailed plans and specifications for the construction and installation of all Drainage System facilities for the control and drainage of Excess Waters on the property within said Development, in accordance with Division standards and in conformance with the Storm Drainage Master Plan.

All submitted plans shall show all existing irrigation ditches on the property and any canals adjacent and/or contiguous to the property. Failure to show said ditches or canals, or to adequately provide for all existing irrigation rights may, at the discretion of the Division, result in the denial of the Storm Water Management Permit until such time as the applicant has made, as determined by the Division, adequate provision for the existing irrigation rights located on or through the proposed site. All applications for Storm Water Management Permits shall include such other information as may be deemed relevant by the Division and shall be signed by the owner or a legally authorized representative of the owner of the property which is the subject of the permit.

**(Ord. No. 03-19 Repealed and Replaced 03/06/2003)**

## 18-2-103. FEES.

All applications for a Storm Water Management Permit shall be accompanied by the appropriate permit and/or review fees. Each component of the Storm Water Management Permit may require separate fees. All fees are non-refundable. The amount of such fees shall be set forth in the Consolidated Fee Schedule.

**(Ord. No. 03-19 Repealed and Replaced 03/06/2003)**

## 18-2-104. EXCLUDED STORM WATER CONTROL FACILITIES.

The provisions of this Chapter shall not apply to any storm drains and subsurface collection systems under the control of Salt Lake County. A permit from Salt Lake County Flood Control is required for use of County Facilities.

**(Ord. No. 03-19 Repealed and Replaced 03/06/2003)**

## 18-2-105. EXISTING WATER RIGHTS.

No Storm Water Management Permit shall be required for any existing use of natural channels within the City for such beneficial purposes as are approved by the office of the state engineer for the State of Utah, nor any water rights established by the state engineer or by any court of competent jurisdiction. No provision contained in this Title shall be construed to interfere with or permit the use, allocation or reallocation of water rights, or of any culinary water collection or distribution system, or waters and facilities used in connection such rights or systems.

**(Ord. No. 03-19 Repealed and Replaced 03/06/2003)**

## 18-2-106. NEW WATER RIGHTS.

No individual or entity may file for any new water right with the office of the state engineer for water which is to be conveyed through a Storm Water Drainage System facility controlled by this Title, without first having obtained a permit from the Division to transmit water through a City-owned or controlled storm drainage facility.

**(Ord. No. 03-19 Repealed and Replaced 03/06/2003)**

## 18-2-107. PERMIT RUNS WITH THE LAND.

All Storm Water Management Permits shall run with the land and shall be binding on the original applicants, their heirs, successors, and assigns.

**(Ord. No. 03-19 Repealed and Replaced 03/06/2003)**

## 18-2-108. RECORDING STORM WATER MANAGEMENT PERMITS.

In order to provide notice of the existence of a Storm Water Management Permit on a parcel of property, the City may record a copy of the permit or a notice of the existence of the permit in the records of the Salt Lake County Recorder.

**(Ord. No. 03-19 Repealed and Replaced 03/06/2003)**

# CHAPTER 18-3
# REGULATION OF STORM CONTROL FACILITIES

Sections:

18-3-101. Control by the City.
18-3-102. Designating Watercourses Subject to City Regulation.
18-3-103. Notification of City Manager Action.
18-3-104. Notification to City Council.
18-3-105. Extent of City Regulation.
18-3-106. Maintenance of City-regulated Watercourses and Related Facilities; Collection of Operating Costs.
18-3-107. City Not Liable for Damages.

## 18-3-101. CONTROL BY THE CITY.

Any project which involves the drainage of Storm and Flood Waters through any channel within the City, excluding County Facilities, and/or which involves the type and level of maintenance to be performed on any such projects, either existing or to be completed, shall be under the control and regulated at the discretion of the City.

**(Ord. No. 03-19 Repealed and Replaced 03/06/2003)**

## 18-3-102. DESIGNATING WATERCOURSES SUBJECT TO CITY REGULATION.

Based on a recommendation from the Public Works Department or other pertinent information, the City Manager shall have the authority to declare any watercourse within the corporate limits of the City, or any waterway leading to the City to be subject to City regulation. Either an entire watercourse, or any part thereof may be subject to City regulation as determined by the City Manager. Provided, however, that, except as may be provided by state law, County Facilities shall not be subject to City regulation without the express consent of the City Council.

**(Ord. No. 03-19 Repealed and Replaced 03/06/2003)**

## 18-3-103. NOTIFICATION OF CITY MANAGER ACTION.

Any action taken by the City Manager under this Chapter shall be effective immediately upon notice being sent to:

(1) Users of the affected watercourse, if known to the City;
(2) Watermaster(s) of watercourse(s) affected, if known to the City; and
(3) President of any affected canal or irrigation company.

**(Ord. No. 03-19 Repealed and Replaced 03/06/2003)**

## 18-3-104. NOTIFICATION TO CITY COUNCIL.

(1) In the regular City Council meeting immediately following any action taken pursuant to this Chapter, the City Manager shall advise the City Council of said action taken. The City Council shall then have the prerogative to modify or reverse any actions taken by the City Manager.
(2) Should the City Council decide to modify or reverse the City Manager's action, such modification or reversal shall not in any way affect the authority of the City Manager to exercise future authority under this Chapter and shall not be evidence of inappropriate action taken by the City Manager.

**(Ord. No. 03-19 Repealed and Replaced 03/06/2003)**

## 18-3-105. EXTENT OF CITY REGULATION.

The City shall have the right to exercise any type and degree of regulation it deems necessary in accordance with applicable state law, when exercising the powers granted by this Chapter, including, but not limited to, the use of City-regulated watercourses for storm drainage and flood control purposes; provided however, that said regulation shall not injure any water right already acquired by existing shareholders at the time City begins regulation of any given water or watercourse.

**(Ord. No. 03-19 Repealed and Replaced 03/06/2003)**

## 18-3-106. MAINTENANCE OF CITY-REGULATED WATERCOURSES AND RELATED FACILITIES; COLLECTION OF OPERATING COSTS.

Subject to City Council approval, with respect to those watercourses subject to City regulation pursuant to this Ordinance, the Division shall annually, prior to April 1 of each year, determine and fix the sum deemed necessary to meet the expense of the current year for the purpose of controlling, regulating and distributing water and constructing and keeping in repair the necessary means for diverting, conveying and distributing the same, and shall collect such sum from the Persons entitled to the use of such water, pro rata according to acreage irrigated or number of water shares, whichever is deemed to be most appropriate by the Division, whether the acreage is situated within or without the corporate boundary of the City. The funds so derived shall not be appropriated or used for any other purpose, and in the event that a greater sum is collected in any one year than is necessary for said purpose, the excess thereof shall be carried to the account of the year next following and applied to the purpose for which it was collected. Such sum shall be fixed and collected as provided by ordinance, and until collected, the same shall be a lien on such water rights and the land irrigated thereby.

Notwithstanding the foregoing, should the City Manager elect to regulate a watercourse or related facilities, or any water during the irrigation season, he may determine and impose upon the water shareholders and/or watercourse users who use said watercourse or related facilities, a reasonable fee to meet the expenses as outlined in the previous paragraph. Said fee shall be enforceable to the same extent as outlined in the foregoing paragraph until such time as the City Council can, by ordinance, establish said fee.

Should any given watercourse, or related facility regulated by the City, be used for purposes in addition to irrigation, including but not limited to, storm drainage and flood control, the maintenance cost of such watercourse or facility shall be divided pro rata among the respective water and watercourse users, according to the extent to which each use impacts said watercourse or facility, as determined by the Division.

The Division shall supervise all work related to cleaning and maintaining the City-regulated watercourses and related facilities and of all other work deemed necessary by the Division to facilitate the distribution of water in the City.

**(Ord. No. 03-19 Add 03/06/2003)**

## 18-3-107. CITY NOT LIABLE FOR DAMAGES.

The City shall not be liable for damages to any water user by reason of stoppage or interruption of the water supply, caused by emergency shut down of gates or weirs, accidents to canals, ditches, or during any alteration, repairs, additions or any unavoidable cause.

**(Ord. No. 03-19 Add 03/06/2003)**

# CHAPTER 18-4
# DRAINAGE OF SUBSURFACE WATERS

Sections:

18-4-101. Storm Water Maintenance Permit for Development within High Water Table Areas.
18-4-102. Soils Report.
18-4-103. Requirements for Development.
18-4-104. Basements May be Prohibited.
18-4-105. Uniform Building Code.

## 18-4-101. STORM WATER MAINTENANCE PERMIT FOR DEVELOPMENT WITHIN HIGH WATER TABLE AREAS.

In areas where soil conservation maps indicate high water tables, and in all other areas determined to be potential high water table areas by the Division, the Division may impose the requirements of this Chapter as part of the Storm Water Management Permit.

**(Ord. No. 03-19 Repealed and Replaced 03/06/2003)**

## 18-4-102. SOILS REPORT.

Any Person developing any area determined to fall within the purview of this Chapter shall, prior to the issuance of a Storm Water Management Permit, submit a comprehensive soil report for review by the Division. The soils report shall define the porosity of the soil and the high and low levels of the water table in the proposed area. The report shall contain an examination of the water table during the period from April through June, or any other time high water table may occur as determined by the Division. All examinations of the property upon which the soils report is based shall have been made within a reasonable time prior to the date of the report. The Division may require the digging of test holes to a depth sufficient to determine the extent of the subsurface water table in the proposed development and any other information required by the Division.

**(Ord. No. 03-19 Add 03/06/2003)**

## 18-4-103. REQUIREMENTS FOR DEVELOPMENT.

The subsurface drainage portion of the Storm Water Management Permit may require, as determined appropriate by the Division, the following restrictions or requirements:

(1) Based on the soils report provided for in this Chapter and any other relevant information available to the Division, a subsurface drainage collection system may be required in order to artificially lower the water table and to drain surface water to the street, or the lowest habitable floor elevation of the structure may be limited to an elevation recommended in the soils report, provided however, that the floor elevation shall be at least three feet above the high ground water elevation.

(2) Prior to any Development or Substantial Improvement, a site drainage Grading plan shall be required to provide positive drainage away from all structures so as to prevent any conveying or trapping of water adjacent to the basement and foundation walls of any improvements. Grading

shall be designed and maintained to move all water to the street, public drainage easement, or a public storm drain without ponding. On-site ponding, which has not been approved by the Division and specified in the Storm Water Management Permit, shall be considered the Developer's responsibility to drain and shall constitute a health hazard.

(3) Drainage easements shall be conveyed to the City along all rear, side and front lot lines when required to accommodate surface drainage of the development. The size and location of the drainage easements shall be determined by the Division, but shall not be less than 15 feet in width. The Division shall recommend whether the drainage easements shall be separate from other utility easements or shall be used concurrently with said easements.

(4) Any storm water drainage facilities constructed on the property shall be constructed in accordance with Division standards and specifications.

**(Ord. No. 03-19 Add 03/06/2003)**

## 18-4-104. BASEMENTS MAY BE PROHIBITED.

Based on the soils report submitted to the Division as required by this Chapter and any other relevant information available to the Division, building designs that include basements or below-grade structures may be prohibited. In such locations, structures shall be built above-grade at a point where rising water tables or runoff cannot affect the proposed structure, or upon the recommendations of a professional geotechnical or drainage engineer a subsurface Drainage System may be installed to protect the structure. Subsurface Drainage Systems shall be subject to the approval of the Division.

**(Ord. No. 03-19 Add 03/06/2003)**

## 18-4-105. UNIFORM BUILDING CODE.

Nothing in this Title shall preempt the authority of the City's Chief Building Official to require soils reports, foundation investigations or any other requirements for individual building sites as required by the International Building Code or any successor code.

**(Ord. No. 03-19 Add 03/06/2003)**

# CHAPTER 18-5
# STORM DRAINAGE SYSTEMS

Sections:

18-5-101. Control of Surface Waters; Storm Drainage Facilities.
18-5-102. Control of Excess Waters.
18-5-103. Connection to City Drainage System.
18-5-104. Use of State or County Storm Drainage Facilities.
18-5-105. Temporary Drainage Solutions.
18-5-106. Facilities Become Property of the City.
18-5-200P Privately-constructed Drainage Facilities
18-5-201. Major Drainage System Reimbursement Agreement.
18-5-202. Private Construction of Intermediate Drainage System Facilities.
18-5-203. Designation of Drainage Subbasin.
18-5-204. Drainage Facilities Study.
18-5-205. Construction and Inspection of Facilities.
18-5-206. Cost of Facilities.
18-5-207. Intermediate System Impact Fees
18-5-208. Intermediate System Reimbursement Agreement.
18-5-300P Permanent Retention Facilities
18-5-301. Permanent Retention Areas.
18-5-302. Retention Plan Review.
18-5-303. Exception to Storm Drainage Impact Fees.
18-5-304. Retention Facility Ownership and Maintenance.
18-5-400P Water Quality
18-5-401. Storm Water Management Plan.
18-5-402. Applicability.
18-5-403. Storm Water Pollution Prevention Plans.
18-5-404. Maintenance.
18-5-405. Inspection.
18-5-406. Right-of-entry.

## 18-5-101. CONTROL OF SURFACE WATERS; STORM DRAINAGE FACILITIES.

(1) The provisions of the Storm Water Management Permit may include, as determined to be appropriate by the Division, the restrictions or requirements set forth in this Chapter with respect to collection and drainage of surface waters and the construction, use and maintenance of Storm Water Drainage Systems.
(2) All new development and redevelopment projects must perform a drainage analysis per the requirements in the Engineering Division Standards.

**(Ord. No. 03-19 Repealed and Replaced 03/06/2003; Ord. No. 16-04 Amended 01/29/2016)**

## 18-5-102. CONTROL OF EXCESS WATERS.

As determined to be necessary by the Division, any Person developing real property within the City may be required to provide, at the Person's own expense:

(1) The means, structures and systems necessary to provide for the Detention of Storm Waters on the property, or for the entire Development;
(2) The Private Drainage System Facility needed to control Storm Water runoff on the property and discharge it into an approved Drainage System facility;
(3) The Unit Drainage System Facilities required to control Storm Water runoff from any property to be dedicated to the City within the Development;
(4) The Intermediate Drainage System required to convey Storm Waters to the Major Drainage System; and/or
(5) Any portion of the Major Drainage System needed to safely convey Storm Water runoff from the property, which portion of the System may be located within or adjacent to the property. Persons who construct Major Drainage System improvements may be entitled to a Storm Drain impact fee offset or reimbursement for the cost of constructing certain portions of the Major Drainage System, in accordance with the provisions of Title 8 of this Code.
(6) Allowable storm water discharge rates are as shown in the Engineering Standards.

**(Ord. No. 03-19 Repealed and Replaced 03/06/2003; Ord. No. 16-04 Amended)**

## 18-5-103. CONNECTION TO CITY DRAINAGE SYSTEM.

Any Unit or Intermediate Drainage System Facilities constructed by a Person developing property within the City shall be connected to the appropriate Intermediate or Major Drainage System Facility constructed to serve the area which includes the Development. Exceptions may be granted in instances where the developer implements low-impact development techniques to reduce the runoff quantity, and improve water quality by treating and retaining waters onsite. All exceptions require the approval of the Engineering Division. Factors that will be considered include soil permeability, historical high-water table levels, water source protection zones within the city, adequacy of proposed design (including storage volume available, treatment best management practices implemented, long-term sustainability and maintenance commitments). The Person developing the property shall be responsible for payment of any fees that may be required by Title 8 of this Code.

**(Ord. No. 03-19 Repealed and Replaced 03/06/2003; Ord. No. 09-11 Amended 05/11/2009)**

## 18-5-104. USE OF STATE OR COUNTY STORM DRAINAGE FACILITIES.

Any Person developing property within the City who may connect directly to state or county facilities, may do so under the following conditions:

(1) The Division shall determine whether or not and/or the degree to which the proposed Development impacts the City's Storm Water Drainage System.
(2) If the Division determines that the proposed Development will not significantly impact City storm drainage facilities, the Division may exempt the proposed Development from the payment of any or all City storm drain impact fees.
(3) The Person developing the property shall be required to submit to the Division a written statement from the state or the county indicating that all requirements for connection into the

state or county facility have been or will be complied with, and that the Person has authorization to use the state or county drainage system.

(4) The Person developing the property shall submit evidence, satisfactory to the Division, that the proposed storm drainage and flood control plan will adequately service the proposed Development. The proposed plan shall in all respects conform to the requirements of this Title.

**(Ord. No. 03-19 Repealed and Replaced 03/06/2003)**

## 18-5-105. TEMPORARY DRAINAGE SOLUTIONS.

(1) If no Drainage System Facility exists to which Development on a property can reasonably be connected, the Division, in its discretion, may approve temporary drainage facilities providing for on-site Retention or absorption of Storm Waters that will allow development to continue pending completion of the Intermediate or Major Drainage System. At minimum, all temporary drainage facilities shall:
   a. Retain Excess Waters on designated portions of the property being developed, or in facilities upon other property to which the Storm Waters may be conveyed and upon which the Person developing the property has legal right to retain such Excess Waters; or
   b. Provide a temporary absorption area, not part of the proposed Development, to allow runoff waters to absorb into the soil naturally. Any such temporary area shall not be less than one-half the size of the developed Drainage Area tributary to it.
   c. Provide the same level of Flood protection at all times that will be provided by the completed systems. Temporary facilities shall include provisions for overflow of Storm Waters in excess of a 10-year frequency flood.

(2) Property which has been approved for a temporary drainage facility shall be subject to Storm Drain impact fees in accordance with the provisions of Title 8, and the provisions of Chapter 5, Part 2 of this Title. All costs of providing for temporary drainage facilities shall be the responsibility of the Person developing the property.

(3) As determined to be appropriate by the Division, all temporary Retention facilities shall be constructed in accordance with the Guidance Document for Storm Water Management.

(4) The Person developing the property shall be responsible for complete maintenance of the temporary drainage facility, as determined by the Division. This maintenance responsibility shall continue until such time as permanent or alternate Storm Water Drainage System and Flood control facilities are installed and approved by the City. The Permittee shall also, if required by the Division, file with the City a 10-year maintenance bond, in a form acceptable to the City, to guarantee proper maintenance of the facility.

(5) Prior to final approval of the Storm Water Management Permit, to assure that the land on which said temporary drainage facility lies is used for Storm Water control purposes, the Permittee shall convey to the City a perpetual easement encumbering the land, or warranty deed for the property on which the Retention facility is located. Should an alternate or permanent Storm Water Drainage and Flood control facility be installed, the City shall, upon written request from the Permittee, reconvey to the Permittee the land used for the temporary drainage facility at a cost equal to any and all expenses incurred by the City in the construction or maintenance of the facility, or as a result of the Permittee's failure to properly construct or maintain the facility.

**(Ord. No. 03-19 Repealed and Replaced 03/06/2003)**

## 18-5-106. FACILITIES BECOME PROPERTY OF THE CITY.

All Intermediate and Major Drainage System Facilities constructed, and all Unit Drainage System Facilities constructed in the public right-of-way, shall, upon completion of construction and written acceptance by the City, become the property of the City. Written acceptance shall be given if the Drainage System facilities are constructed in compliance with Division requirements; provided, however, that at the discretion of the City, temporary Retention areas may be retained by the Developer, or such Retention areas may, at the discretion of the City, be conveyed or dedicated to the City.

**(Ord. No. 03-19 Repealed and Replaced 03/06/2003)**

## 18-5-200P PRIVATELY-CONSTRUCTED DRAINAGE FACILITIES

## 18-5-201. MAJOR DRAINAGE SYSTEM REIMBURSEMENT AGREEMENT.

Any Person who constructs any portion of a Major Drainage System Facility as part of the approval of a Development, the cost of which exceeds the Person's impact fee for that Development, may request an impact fee reimbursement agreement as set forth in Title 8 of this Code.

**(Ord. No. 03-19 Repealed and Replaced 03/06/2003)**

## 18-5-202. PRIVATE CONSTRUCTION OF INTERMEDIATE DRAINAGE SYSTEM FACILITIES.

The City may allow a Person to construct Intermediate Drainage System Facilities that may be used to collect or transport Storm Waters generated by other properties. The following sections of Chapter 18-5, Part 2, detail the manner in which such Facilities may be constructed by a Person and the manner and cost of connection to such System by another Person.

**(Ord. No. 03-19 Repealed and Replaced 03/06/2003)**

## 18-5-203. DESIGNATION OF DRAINAGE SUBBASIN.

The Developer shall request the Division designate a drainage subbasin to be served by the Intermediate Drainage System Facility to be constructed. The drainage subbasin shall be designated in the Storm Drainage Master Plan.

**(Ord. No. 03-19 Repealed and Replaced 03/06/2003)**

## 18-5-204. DRAINAGE FACILITIES STUDY.

A study to determine the Intermediate Drainage System Facility needed to provide drainage and convey runoff water to a Major Drainage System Facility shall be completed by a professional engineer for the Developer, under the direction of the Division. Construction plans for the Intermediate Drainage System Facility shall be submitted to the Division for review and approval. The approved Facilities shall be added to the Storm Drainage Master Plan.

**(Ord. No. 03-19 Repealed and Replaced 03/06/2003)**

## 18-5-205. CONSTRUCTION AND INSPECTION OF FACILITIES.

Upon approval of the construction plans and specifications and acquisition of the necessary easements, rights-of-way or property, the Developer shall construct the Drainage System facilities at the Developer's sole expense, in accordance with the plans and specifications approved by the Division. The Division shall inspect the construction and, if the Drainage System facilities meet the requirements of the plans and specifications approved by the Division, shall give the Developer notice of acceptance. Upon the Division's acceptance of the facilities, the Developer shall convey to the City all of the developer's right, title, estate and interest in the Drainage System facilities, and the City shall operate and maintain the facilities.

**(Ord. No. 03-19 Repealed and Replaced 03/06/2003)**

## 18-5-206. COST OF FACILITIES

Upon completion of the work, the Developer shall submit to the Division a report listing the costs of providing the Intermediate Drainage System Facilities. The report shall include the cost of construction, engineering design services, any construction engineering and inspection services, land acquisition and incidental costs required to construct the facilities.

**(Ord. No. 03-19 Repealed and Replaced 03/06/2003)**

## 18-5-207. INTERMEDIATE SYSTEM IMPACT FEES

An Intermediate Drainage System impact fee for the subbasin shall be calculated by dividing the total cost of providing the Intermediate Drainage System, divided by the total acreage included in the subbasin, and served by the facility. The Intermediate Drainage System impact fee for the subbasin shall be added to the Storm Drainage Impact Fee for the drainage service area in which the subbasin is located. The combined fee shall be listed in the City's Consolidated Fee Schedule as the Storm Drainage Impact Fee for that subbasin as set forth in Title 8 of this Code.

**(Ord. No. 03-19 Repealed and Replaced 03/06/2003)**

## 18-5-208. INTERMEDIATE SYSTEM REIMBURSEMENT AGREEMENT.

Any Developer who constructs any portion of an Intermediate Drainage System Facility as part of the approval of a Development, the cost of which exceeds the Developer's impact fee for that Development, may request an impact fee reimbursement agreement as set forth in Title 8 of this Code.

**(Ord. No. 03-19 Repealed and Replaced 03/06/2003)**

## 18-5-300P PERMANENT RETENTION FACILITIES

## 18-5-301. PERMANENT RETENTION AREAS.

In certain areas of the City, it may be impractical to plan and construct a Storm Water Drainage System, due to topography and/or lack of Development. The West Valley City Storm Drainage Master Plan shall designate those areas where it is impractical to construct Storm Water Drainage Systems. The

Division may authorize Developments within such areas to retain excess runoff water on site, for an unlimited period of time, as an alternative to the payment of flood control impact fees or assessments, or as an alternative to the construction of Flood control or Storm Water Drainage System facilities which may otherwise be required by this Title.

**(Ord. No. 03-19 Repealed and Replaced 03/06/2003)**

## 18-5-302. RETENTION PLAN REVIEW.

All proposed plans and specifications shall be reviewed by the Division to determine that the Retention system as designed will, among other requirements determined to be necessary by the Division, adequately control excess runoff waters and that provision is made for overflow in excess of a 10-year frequency Flood. Retention facilities shall be constructed in accordance with the Guidance Document for Storm Water Management. On-site Retention facilities shall comply with all other City ordinances, including but not limited to, landscaping requirements.

**(Ord. No. 03-19 Repealed and Replaced 03/06/2003)**

## 18-5-303. EXCEPTION TO STORM DRAINAGE IMPACT FEES.

Storm Drainage impact fees shall not be assessed against properties within the areas designated in the Storm Drainage Master Plan as Storm Water Retention areas or for which a permanent Retention system has been approved by the Division. Except as otherwise provided herein, Retention of Excess Waters on-site as an alternative to participating in the Drainage System contemplated by this Title is prohibited.

**(Ord. No. 03-19 Repealed and Replaced 03/06/2003; Ord. No. 09-11 Amended 05/11/2009)**

## 18-5-304. RETENTION FACILITY OWNERSHIP AND MAINTENANCE.

All on-site Retention facilities shall be owned and maintained by the Developer constructing the facility.

**(Ord. No. 03-19 Repealed and Replaced 03/06/2003)**

## 18-5-400P WATER QUALITY

## 18-5-401. STORM WATER MANAGEMENT PLAN.

Pursuant to the terms, conditions and requirements of the UPDES Permit issued to Salt Lake County by the State of Utah, the City is required to develop and implement a Storm Water Management Plan to control discharges to the Municipal Separate Storm Sewer System (MS4) owned or operated by the City. Elements of this mandatory program require the City to take steps to minimize the discharge of sediment, debris, oil and grease, pesticides, metals, nutrients, bacteria and viruses, and other pollutants from storm runoff generated from developed real property within the City.

**(Ord. No. 03-19 Repealed and Replaced 03/06/2003)**

## 18-5-402. APPLICABILITY.

All Construction and Substantial Improvement projects shall include in their design, specific measures to reduce pollutants in the first one inch of Storm Water runoff generated from the real property. This Part shall not apply to the alterations of an existing developed property that change the "footprint" of a site or building in such a way that there is a disturbance of less than 5,000 square feet of land.

**(Ord. No. 03-19 Repealed and Replaced 03/06/2003)**

## 18-5-403. STORM WATER POLLUTION PREVENTION PLANS.

Prior to the issuance of a Storm Water Management Permit for any Construction or Substantial Improvement project, a Storm Water Pollution Prevention Plan shall be prepared by a civil engineer, registered in the State of Utah, and submitted to the Division for review and approval. This plan shall be prepared using the Guidance Document for Storm Water Management and shall address specific pollutants expected to be generated from the specific site, and describe all permanent water quality "Best Management Practices" ("BMPs") to be used on the fully-developed site. The type and scope of this plan will vary with the characteristics of each site. Review and approval of this plan by the Division is required before any permits are issued that relate to the project.

**(Ord. No. 03-19 Repealed and Replaced 03/06/2003)**

## 18-5-404. MAINTENANCE.

The design and planning of all Storm Water management facilities or BMPs shall include detailed maintenance and repair procedures to ensure their continued functioning. These procedures will identify the parts or components of a Storm Water management facility that need to be maintained and the equipment and skills or training necessary. Provisions for the periodic review and evaluation of the effectiveness of the maintenance program and the need for revisions or additional maintenance procedures shall be included in the plan. The Permittee shall be responsible for maintenance of any and all facilities included in the approved Storm Water Pollution Prevention Plan.

**(Ord. No. 03-19 Repealed and Replaced 03/06/2003)**

## 18-5-405. INSPECTION.

All Storm Water management facilities shall be subject to an annual inspection by the Division to document maintenance and repair needs and to ensure compliance with the requirements of this Chapter and accomplishment of its purposes. These needs may include removal of silt, litter and other debris from all catch basins, inlets and drainage pipes; grass cutting and vegetation removal; and necessary replacement of landscape vegetation. Any maintenance deficiencies shall be corrected within such time period as is determined to be reasonable by the Division, and the inspection and maintenance requirements may be increased as deemed necessary to ensure proper functioning of the Storm Water management facility. Additional inspections may be required as determined to be appropriate by the Division.

**(Ord. No. 03-19 Repealed and Replaced 03/06/2003)**

## 18-5-406. RIGHT-OF-ENTRY.

When any new Drainage System facility is installed on private property, or when any new connection is made between private property and a public Drainage System facility, the property owner shall grant to the City the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection. This includes the right to enter a property when the City has a reasonable basis to believe that a violation of this Title is occurring or has occurred and to enter when necessary for abatement of a public nuisance or correction of a violation of this Chapter.

**(Ord. No. 03-19 Repealed and Replaced 03/06/2003)**

# CHAPTER 18-6
# REPEALED

**(Ord. No. 09-30 Repealed 10/10/2009)**

# CHAPTER 18-7
# GRADING AND EROSION CONTROL

Sections:

18-7-101. Grading and Erosion Control Requirements.
18-7-102. General.
18-7-103. Site Construction Plan Approval.
18-7-104. Compliance with Chapter Required for Occupancy.
18-7-105. Adoption of Water Quality and Erosion Control Criteria.
18-7-106. Applicability.
18-7-107. Failure to Complete the Work.
18-7-108. Denial of Permit.
18-7-109. Modifications of Approved Plans.
18-7-110. Responsibility of Permittee.
18-7-111. Erosion Control Facilities.
18-7-112. Maintenance Requirements.
18-7-113. Variances and Exceptions.
18-7-114. Inspection.
18-7-115. Right of Entry.

## 18-7-101. GRADING AND EROSION CONTROL REQUIREMENTS.

The provisions of the Storm Water Management Permit may include, as determined to be appropriate by the Division, the restrictions or requirements set forth in this Chapter with respect to Grading and Erosion control.

**(Ord. No. 03-19 Repealed and Replaced 03/06/2003)**

## 18-7-102. GENERAL.

Any Person who undertakes, or is responsible for undertaking, an activity which involves earth disturbance is ultimately responsible to ensure that soil Erosion and Sedimentation (and changed water flow characteristics) are controlled to the extent necessary to avoid damage to personal and real property, and to prevent pollution of the Municipal Separate Storm Sewer system and Final Destination. Nothing in this Title shall be construed as lessening the ultimate responsibility of such Persons. Nor do the requirements of this Title imply the assumption of any liability on the part of the City. The provisions of this Title are to be considered as minimum standards which are not necessarily adequate to meet the highly variable conditions which must be covered by effective control measures. Therefore, compliance with the requirements of this Title does not relieve any Person's responsibility to provide effective Grading and Erosion control measures.

**(Ord. No. 03-19 Repealed and Replaced 03/06/2003)**

## 18-7-103. SITE CONSTRUCTION PLAN APPROVAL.

As set forth in this Chapter, no site construction plan shall be approved unless said construction plan includes soil Erosion and sediment control measures consistent with the requirements of this Chapter and applicable land development regulations.

**(Ord. No. 03-19 Repealed and Replaced 03/06/2003)**

## 18-7-104. COMPLIANCE WITH CHAPTER REQUIRED FOR OCCUPANCY.

No Certificate of Occupancy for any building shall be issued by the City, unless the Division has confirmed the applicant's compliance with the provisions of this Title.

**(Ord. No. 03-19 Repealed and Replaced 03/06/2003)**

## 18-7-105. ADOPTION OF WATER QUALITY AND EROSION CONTROL CRITERIA.

The Guidance Document for Storm Water Management is hereby adopted as the appropriate reference for water quality and Erosion control criteria. The Division shall be guided by and shall apply the criteria contained within the Guidance Document for Storm Water Management in the administration of this Chapter.

**(Ord. No. 03-19 Add 03/06/2003)**

## 18-7-106. APPLICABILITY.

The Storm Water Management Permit shall include a Grading and Erosion control component under the following circumstances:

(1) A permit is required for sites greater than or equal to one acre in size, and all sites smaller than one acre if they are part of a total Development that is larger than or equal to one acre in size. A permit is also required for any other site for which the Division determines that the potential for Erosion and Sedimentation is high due to soil conditions, steep or irregular slopes, past regional Sedimentation problems, or other applicable criteria.
Except as may be exempted by this Chapter, no Person shall perform any Grading, stripping, excavating, filling, or undertake any earth disturbance of any area greater than one acre in size unless a valid Storm Water Management Permit, with a Grading and Erosion control component, is issued by the City. Issuance of a Permit by the City does not exempt the parties from obtaining any permits required by Salt Lake County, the State of Utah, or the federal government.

(2) A separate application shall be required for each Grading and Erosion control component of a Storm Water Management Permit along with plans, specifications, and timing schedules for all earth disturbance. The plans shall be prepared under the supervision of a professional engineer licensed in the State of Utah and experienced in soil Erosion and Sedimentation control methods and techniques.

(3) Plans and specifications submitted with the application shall constitute a Construction Activities Storm Water Pollution Prevention Plan which shall meet all of the requirements of the Guidance Document for Storm Water Management.

**(Ord. No. 03-19 Add 03/06/2003)**

## 18-7-107. FAILURE TO COMPLETE THE WORK.

In the event a Permittee fails to complete the work or fails to comply with all the requirements, conditions, and terms of the Grading and Erosion component of the Storm Water Management Permit, the Division may suspend the Permit and may order such work as is necessary to eliminate any danger to persons or property and to leave the site in a safe condition. The Division may also authorize completion of all necessary temporary or permanent soil Erosion control measures. The Permittee shall be liable to the City for all costs and expenses that may be incurred or expended by the City in bringing the property into compliance with the requirements of the Permit and any collection costs, including legal fees, incurred by the City. The City may recover these costs either through the Administrative Code Enforcement Program or through appropriate legal action.

**(Ord. No. 03-19 Add 03/06/2003)**

## 18-7-108. DENIAL OF PERMIT.

The Grading and Erosion control component of a Storm Water Management Permit shall not be issued where:

(1) The proposed work would cause hazards to the public safety and welfare; or
(2) The work, as proposed by the applicant, will damage any public or private property; interfere with any existing drainage course in such a manner as to cause damage to any adjacent property; result in the deposition of pollutants on any public right-of-way or into any waterway; or create an unreasonable hazard to persons or property; or
(3) The land area for which Grading is proposed is subject to geological hazard that no reasonable amount of corrective work can eliminate.

**(Ord. No. 03-19 Add 03/06/2003)**

## 18-7-109. MODIFICATIONS OF APPROVED PLANS.

All proposed modifications of the approved Construction Activities Storm Water Pollution Prevention Plan must be submitted, along with all supporting materials, to the Division for review and approval. No work in connection with the proposed modifications shall be permitted without prior approval of the Division. Approval shall be granted when the applicant can demonstrate, to the satisfaction of the Division, that the modifications will provide soil Erosion controls equivalent to, or better than, the originally approved Construction Activities Storm Water Pollution Prevention Plan.

**(Ord. No. 03-19 Add 03/06/2003)**

## 18-7-110. RESPONSIBILITY OF PERMITTEE.

During Grading operations the Permittee shall be responsible for:

(1) The prevention of damage to any public utilities or services within the limits of Grading, and along any routes of travel of the equipment; and
(2) The prevention of damage to adjacent property. No Person shall grade on land so close to the property line as to endanger any adjoining public street, sidewalk, alley, or any public or private

property without supporting and protecting such property from settling, cracking, or other damage which might result; and

(3) Carrying out the proposed work in accordance with the approved plans and in compliance with all the requirements of the Storm Water Management Permit and this Chapter; and

(4) The prompt removal of all soil, miscellaneous debris or materials that have been applied, dumped, or otherwise deposited on public streets, highways, sidewalks or other public thoroughfares, or any other non-authorized off-site location.

**(Ord. No. 03-19 Add 03/06/2003)**

## 18-7-111. EROSION CONTROL FACILITIES.

(1) All temporary Erosion control facilities, and all permanent facilities intended to control Erosion of any earth disturbance operations, shall be installed as defined in the approved plans. The installation of the first level of temporary Erosion control facilities shall be installed and inspected prior to any earth disturbance operations taking place.

(2) All required Best Management Practices shall be installed in accordance with the Guidance Document for Storm Water Management and maintained throughout the duration of the construction project.

(3) Any earth disturbance shall be conducted in such a manner so as to effectively reduce accelerated soil Erosion and resulting Sedimentation.

(4) All Persons engaged in earth disturbances shall implement and maintain acceptable soil Erosion and sediment control measures in conformance with the Erosion control technical standards of the Guidance Document and in accordance with the soil stabilization plan approved by the City.

(5) All earth disturbances shall be designed, constructed, and completed in such a manner so that the exposed area of any disturbed land shall be limited to the shortest possible period of time.

(6) Suspended Sediment caused by accelerated soil Erosion shall be removed from runoff water before it leaves the site of the earth disturbance.

(7) Any temporary or permanent facility designed and constructed for the conveyance of water around, through, or from the earth disturbance area shall be designed to limit the water flow to a non-erosive velocity.

(8) Temporary soil Erosion control facilities shall be removed and earth disturbance areas graded and stabilized with permanent soil Erosion control measures pursuant to the standards and specifications prescribed in accordance with the provisions of the Guidance Document for Storm Water Management and in accordance with the permanent Erosion control features shown on the Construction Activities Storm Water Pollution Prevention Plan approved by the City.

(9) Soil Erosion control measures for all slopes, channels, ditches, or any disturbed land area shall be completed within fourteen (14) calendar days after final Grading, or final earth disturbance, has been completed. All temporary soil Erosion control measures shall be maintained until permanent soil Erosion control measures are implemented.

(10) The owner, Developer, Contractor and/or their authorized agents shall be responsible for the removal of all construction debris, dirt, trash, rock, sediment, and sand that my accumulate in the Storm Water Drainage System and Storm Water appurtenances as a result of site development.

(11) No Person shall cause the impediment of Storm Water flow in the flow line of the curb and gutter.

(12) The contractor shall prevent Sediment, debris and all other pollutants from entering the Storm Water Drainage System during all phases of demolition.

**(Ord. No. 03-19 Add 03/06/2003)**

## 18-7-112. MAINTENANCE REQUIREMENTS.

The Permittee carrying out Grading and Erosion control measures under this Chapter, and all subsequent owners or tenants of property on which such measures have been taken, shall maintain all temporary and permanent Erosion control measures, retaining walls, structures, plantings, and other protective devices. Should the Permittee, or any of the subsequent property owners or tenants, fail to adequately maintain the temporary and permanent Erosion control facilities, retaining walls, structures, plantings, and other protective devices, the City reserves the authority to enter affected property and take such action as authorized by Section 18-7-107 of this Code.

**(Ord. No. 03-19 Add 03/06/2003)**

## 18-7-113. VARIANCES AND EXCEPTIONS.

No Grading and Erosion component of a Storm Water Maintenance Permit shall be required for the following:

(1) Agricultural use of land zoned agricultural.
(2) Grading or an excavation below finished grade for basements, footings, retaining walls, or other structures unless required otherwise under Section 18-7-106 above.
(3) A sidewalk or driveway authorized by a valid permit unless required otherwise under Section 18-6-107 above. Parking lot construction is not exempted if such construction qualifies under said section.
(4) The repair or maintenance of all utilities under hard surfaced roads, streets, or sidewalks provided such land disturbing activity is confined to the area which is hard surfaced and provided that runoff and Erosion from soil stockpiles is confined and will not enter the Drainage System.
(5) Even if no permits are required under subsections 18-7-113(1) through (4) above, those operations and construction activities which are exempted from obtaining permits must still comply with the rules and regulations concerning Grading, Erosion control, and water quality specified in this Chapter, and shall provide appropriate controls to retain sediment on the construction site. Exemption from the City requirements for submitting a Construction Activities Storm Water Pollution Prevention Plan does not preclude the Developer from obtaining any required state or federal permits.

**(Ord. No. 03-19 Add 03/06/2003)**

## 18-7-114. INSPECTION.

If the Division finds that the Erosion and sediment control devices are not removing the accelerated Erosion and Suspended Sediment prior to the drainage leaving the construction site, the Division may direct the Permittee by written order to install any Erosion and sediment controls that are deemed necessary to prevent said soil Erosion from migrating off site. If immediate additional Erosion and sediment control or repair is necessary due to functional inadequacies, the Permittee shall be verbally notified followed by a written confirmation. It shall be the duty of the Permittee to immediately take all necessary steps to comply with such order and otherwise to take all necessary

steps to prevent such migration of sediment off the premises or entering receiving waters. Delivery of an order by the Division to the Permittee shall be deemed to be notice of such order.

**(Ord. No. 03-19 Add 03/06/2003)**

## 18-7-115. RIGHT OF ENTRY.

The Public Works Director and the Public Works Director's duly authorized agents, having proper credentials and identification, shall be permitted to enter at all reasonable times in, or upon, any private or public property for the purpose of inspecting and investigating conditions and practices which may be in violation of the Grading and Erosion control component of a Storm Water Management Permit or in violation of the regulations set forth in this Chapter.

**(Ord. No. 03-19 Add 03/06/2003)**

# CHAPTER 18-8
# BONDING FOR DRAINAGE SYSTEM FACILITIES

Sections:

18-8-101. Performance Bonds.
18-8-102. Bond Processing.
18-8-103. Repealed.
18-8-104. Repealed .
18-8-105. Repealed.
18-8-106. Repealed.
18-8-107. Repealed.
18-8-108. Repealed.
18-8-109. Repealed.
18-8-110. Repealed.
18-8-111. Repealed.
18-8-112. Repealed.
18-8-113. Repealed.
18-8-114. Repealed.
18-8-115. Repealed.

## 18-8-101. PERFORMANCE BONDS.

(1) At the discretion of the Division, any Permittee may be allowed to provide an improvement bond to guarantee the construction or maintenance of any improvements required or permitted to be constructed under the provisions of this Title. All bonds, sureties or deposits (collectively referred to as a "bond") allowed by the Division shall be filed with the City and shall guarantee the performance of all construction and/or the payment of all fees required under the terms of this Title. Said bond shall be accompanied by an agreement in a form approved by the City Attorney's Office. The agreement shall include, but not be limited to, the following:
   a. All data required to compute the cost of the improvements by the Public Works Department.
   b. Completion of the improvements within a period of time not to exceed 2 years from the date the agreement is executed, the time period may be extended upon approval of the Division.
   c. The improvements shall be completed to the satisfaction of the Public Works Department and according to City standards as established by the Division, and in accordance with the most current version of the APWA Utah Chapter Manual of Standard Specifications adopted by the City Council.
   d. The bond amount shall be equal to the Division's estimated cost of the public improvements to be installed, plus the product of the current annual inflation rate, times the number of years the bond will be in effect, times the estimated cost of the public improvements to be installed.
   e. The City shall have exclusive control over the bond proceeds and they may be released only upon written approval of the City.
   f. The bond proceeds may be reduced upon request as the improvements are installed. The amount of the reduction shall he determined by the Division. Such requests may be

made only once every 30 days and no reductions shall be authorized until such time as the Division has inspected the improvements and found them to be in compliance with City standards. No partial release shall constitute acceptance of the improvements by the City. Acceptance by the City shall not occur until all improvements are completed, inspected by the City in their completed condition, and are, in their entirety, accepted by written notice from the City to the Permittee.

g. If the bond proceeds are inadequate to pay the cost of the completion of the improvements according to City standards for whatever reason, including previous reductions, then the Permittee shall be responsible for the deficiency and no further building permits shall be issued to the Permittee until such improvements are completed or a new bond has been executed to insure completion of the remaining improvements.
h. In all cases, 20 percent of the bond amount for such improvements shall extend for a one-year period beyond the date the construction is completed to guarantee replacement of defects. The Permittee or Person posting the bond shall be responsible for any substandard improvements if the 20 percent proceeds are inadequate. Said 20 percent bond may be posted by the Person actually constructing the improvements, upon approval by the Division.
i. If, upon written demand of the City after expiration of the time period specified in the bond agreement, the bond proceeds are not transferred to the City within 30 days of the demand, then the City's costs of obtaining the proceeds, including the City Attorney's Office costs or outside attorney's fees and court costs, shall be deducted from the bond proceeds.
j. Upon receipt of the bond proceeds, after the expiration of the time period specified in the bond agreement, the costs of completion shall include reimbursement to the Public Works Department and all other City departments for the costs of administration of the completion of the improvements, and costs of obtaining the bond proceeds as outlined in (I) above.
k. The Permittee agrees to hold the City harmless from any and all liability which may arise as a result of the improvements which are installed until one year after the City accepts the improvements.

(2) At the discretion of the Division, any of the following types of bonds may be acceptable:
   a. A surety bond with a surety company licensed to do business in the State of Utah.
   b. An Irrevocable Letter of Credit issued by a federally or State insured financial institution.
   c. A cashier's check, cash, personal or company check, or a money market certificate made payable only to the City.

(3) The time period for the completion of the required improvements may be extended in the following manner:
   a. Upon approval of the Division and City Manager, the time period may be extended an additional two years from the expiration date of the original bond agreement.
   b. All approvals of extensions of the bond agreement shall be in a form approved by the City Attorney's Office and in compliance with all the provisions of this Chapter.
   c. Any additional extensions of the bond agreement shall be by approved by the City Council.

**(Ord. No. 94-110 Amended 09/21/1994; Ord. No. 03-19 Amended 03/06/2003)**

## 18-8-102. BOND PROCESSING.

(1) Inspection of improvements shall be made within a reasonable time upon completion and request. If the inspection confirms that the improvements have been constructed in accordance with City standards and specifications, the bond shall be released within a reasonable time following the inspection. If the bond is not released, written notice of the refusal to release and the reasons for the refusal shall be given to the Permittee within a reasonable time following the inspection.
(2) If the improvements required by the Storm Drainage Management Permit are part of a Subdivision application, the bonding for said improvements shall be part of the performance bond required in the West Valley City Subdivision Ordinance. In either case, the bond shall provide for the one-year warranty provisions set forth in Section 18-8-101(h) of this Title.

**(Ord. No. 94-110 Amended 09/21/1994; Ord. No. 03-19 Amended 03/06/2003)**

## 18-8-103. REPEALED.

**(Ord. No. 94-110 Amended 09/21/1994; Ord. No. 09-30 Repealed 10/10/2009)**

## 18-8-104. REPEALED.

**(Ord. No. 94-110 Amended 09/21/1994; Ord No. 06-72 Amended 10/24/2006; Ord. No. 09-30 Repealed 10/10/2009)**

## 18-8-105. REPEALED.

**(Ord. No. 94-110 Amended 09/21/1994; Ord. No. 09-30 Repealed 10/10/2009)**

## 18-8-106. REPEALED.

**(Ord. No. 94-110 Amended 09/21/1994; Ord. No. 09-30 Repealed 10/10/2009)**

## 18-8-107. REPEALED.

**(Ord. No. 94-110 Amended 09/21/1994; Ord. No. 09-30 Repealed 10/10/2009)**

## 18-8-108. REPEALED.

**(Ord. No. 94-110 Amended 09/21/1994; Ord. No. 09-30 Repealed 10/10/2009)**

## 18-8-109. REPEALED.

**(Ord. No. 94-110 Amended 09/21/1994; Ord. No. 09-30 Repealed 10/10/2009)**

## 18-8-110. REPEALED.

**(Ord. No. 94-110 Amended 09/21/1994; Ord. No. 09-30 Repealed 10/10/2009)**

## 18-8-111. REPEALED.

**(Ord. No. 94-110 Amended 09/21/1994)**

## 18-8-112. REPEALED.

**(Ord. No. 94-110 Enacted 09/21/1994; Ord. No. 09-30 Repealed 10/10/2009)**

## 18-8-113. REPEALED.

**(Ord. No. 94-110 Ren & Mad 09/21/1994 18-8-112)**

## 18-8-114. REPEALED.

**(Ord. No. 94-110 Renumbered & Amended 09/21/1994 18-8-113; Ord. No. 09-30 Repealed 10/10/2009)**

## 18-8-115. REPEALED.

**(Ord. No. 94-110 Enacted 09/21/1994; Ord. No. 09-30 Repealed 10/10/2009)**

# CHAPTER 18-9
# PROHIBITED ACTIONS AND ENFORCEMENT

Sections:

18-9-101. Violations of this Title.
18-9-102. Storm Water Management Permit Required.
18-9-103. No Polluted Waters Discharged to Storm Sewers.
18-9-104. Obstruction.
18-9-105. Dumping.
18-9-106. Notification of Spills.
18-9-107. Inspections.
18-9-108. Testing and Monitoring.
18-9-109. Obstruction of or Damage to Facilities.
18-9-110. Unauthorized Turning of Water from Ditch Prohibited.
18-9-111. Gate to be Constructed.
18-9-112. Waste Water to be Returned to Watercourse.
18-9-113. Enforcement.
18-9-114. Violations.
18-9-115. Additional Sanctions Against Corporation or Association.
18-9-116. Removal of Obstructions.

## 18-9-101. VIOLATIONS OF THIS TITLE.

It is unlawful for any Person, corporation, association, partnership or governmental entity to willfully violate any of the provisions of this Title, the Division standards and specifications or to aid or cause the violation of any of said provisions.

**(Ord. No. 03-19 Add 03/06/2003)**

## 18-9-102. STORM WATER MANAGEMENT PERMIT REQUIRED.

It is unlawful to conduct any activity which is subject to the Storm Water Management Permit requirements of this Title upon any specific parcel of real property within the City unless a Storm Water Management Permit and all of its then-applicable components have been issued for that specific parcel of real property.

**(Ord. No. 03-19 Add 03/06/2003)**

## 18-9-103. NO POLLUTED WATERS DISCHARGED TO STORM SEWERS.

The only substance allowed to be discharged under this Chapter into the City's Storm Water Drainage System is Storm Water, surface drainage, subsurface drainage, groundwater, roof runoff, cooling water, or non-polluted water. Such water may be discharged only into Storm Water Drainage System facilities which have adequate capacity for the accommodation of such water. Such discharged water shall comply with the City's Storm Water quality standards.

**(Ord. No. 03-19 Add 03/06/2003)**

## 18-9-104. OBSTRUCTION.

(1) It is unlawful for any Person to obstruct or contribute to the obstruction of the flow of Storm Water runoff or non-storm water runoff into any sump, retention basin, storm drain, curb and gutter, drain inlet, or other associated structural controls that convey Storm Water and/or non-storm water runoff, unless the obstruction is authorized in writing by the Division.
(2) It is unlawful for a Person to cover over any Drainage System inlet for any reason or purpose, unless the obstruction is authorized in writing by the Division, provided however, that Drainage System inlets may be temporarily obstructed in emergency situations in order to prevent contaminants from entering the system.
(3) Subsections (1) and (2) above shall not apply during clean-up periods established by the City, provided the materials are placed according to any directions from the City and do not obstruct Drainage System inlets.

**(Ord. No. 03-19 Add 03/06/2003)**

## 18-9-105. DUMPING.

(1) It is unlawful for any Person to dump, or allow to flow into any sump, detention basin, storm drain, curb and gutter, drain inlet, or other storm drainage structure that conveys Storm Water and/or non-storm water, any type of debris, petroleum product, chemical, paint, pesticide, herbicide, detergent, heavy metal, acid or base product, solid or liquid waste product, hazardous waste product, and/or human or animal waste.
(2) The restriction set forth in Subsection (1) shall not apply to the normal runoff of non-storm water related to domestic home uses, such as lawn watering, washing cars, etc.

**(Ord. No. 03-19 Add 03/06/2003)**

## 18-9-106. NOTIFICATION OF SPILLS.

(1) All Persons in charge of a facility or responsible for emergency response for a facility are responsible to train facility personnel, maintain records of such training and maintain notification procedures to assure that immediate notification is provided to the City Public Works Department upon becoming aware of any suspected, confirmed or unconfirmed release of material, pollutants or waste that creates a risk of discharge into the Municipal Separate Storm Water Drainage System.
(2) As soon as any Person in charge of a facility or responsible for emergency response for a facility has knowledge of any release of materials as described in Subsection (1), such Person shall take all necessary steps to ensure the containment and clean up of such release and shall notify the city Public Works Department of the occurrence no later than the next business day.
(3) The notification requirements of this Section are in addition to any other notification requirements set forth in federal, state or local regulations and/or laws.

**(Ord. No. 03-19 Add 03/06/2003)**

## 18-9-107. INSPECTIONS.

Whenever the Division determines it is necessary to make an inspection to enforce any of the provisions of this Chapter, or whenever an Authorized Enforcement Agent has reasonable cause to believe that there exists in any building or upon any premises any condition which may constitute a violation of the provisions of this Chapter, the Agent may enter such building or premises at all reasonable times to inspect the same or perform any duty imposed upon the agent by this Chapter; provided that:

(1) if such building or premises is occupied, he or she first shall present proper credentials and request entry; and
(2) if such building or premises is unoccupied, he or she first shall make a reasonable effort to locate the owner or other Persons having charge or control of the building or premises and request entry.

**(Ord. No. 03-19 Add 03/06/2003)**

## 18-9-108. TESTING AND MONITORING.

(1) Whenever the Director of Public Works or his designee determines that any Person engaged in any activity and/or owning or operating any facility may cause or contribute to Storm Water pollution or illicit discharges to the Storm Water Drainage System, the Director of Public Works or his designee may, by written notice, order that such Person undertake such monitoring activities and/or analyses and furnish such reports as the Director of Public Works or his designee may recommend. The written notice shall be served either in person or by certified or registered mail, return receipt requested, and shall set forth the basis for such order and shall particularly describe the monitoring activities and/or analyses and reports required. The burden to be borne by the owner or operator, including costs of these activities, analyses and reports, shall bear a reasonable relationship to the need for the monitoring, analyses and reports and the benefits to be obtained. The recipient of such order shall undertake and provide the monitoring, analyses and reports within the time frames set forth in the order.
(2) In the event the owner or operator of a facility fails to conduct the monitoring and/or analyses and furnish the reports required by the order in the time frames set forth therein, the City may cause such monitoring and/or analyses to occur and assess all costs incurred, including reasonable administrative costs and attorney's fees, to the facility owner or operator. The City may pursue judicial action to enforce the order and recover all costs incurred.

**(Ord. No. 03-19 Add 03/06/2003)**

## 18-9-109. OBSTRUCTION OF OR DAMAGE TO FACILITIES.

It shall be unlawful for any Person, agency, firm, municipality, county or district to place or cause to be placed in the easement, channel, bed or bank of any river, stream, wash or other natural drain or within or upon any storm drain, flood control channel, reservoir, Detention basin, debris basin, spreading ground or other property over which the City has an interest, matter of any kind that may operate to impede, retard or change the normal direction of the flow of Flood, Storm or other Waters, or that may catch or collect debris carried by such Waters, or that may be carried downstream by such Waters to the damage and detriment of adjacent private or public property, or that may degrade the quality of the water, without first obtaining a written permit for such placement from the Division.

**(Ord. No. 03-19 Add 03/06/2003)**

## 18-9-110. UNAUTHORIZED TURNING OF WATER FROM DITCH PROHIBITED.

Any Person who shall turn the water from any watercourse or related facility located within the corporate boundaries of the City during the irrigation season, except when the use of said water shall be duly allotted to him, or shall willfully or maliciously break any dam, gate, sluice or ditch used for diverting or controlling water or in any manner change the current of flow of the water used for irrigation, open City secured gates or weirs or in any manner damage any watercourse or related facility, that Person shall be guilty of a Class "B" misdemeanor and may be prosecuted upon a complaint alleging such being filed with the City Attorney by a property owner affected, or by the Public Works employee who secured the gate or weir to prevent Flooding by such wrongful act. Where the water in any such facility is found turned and running on any Person's property other than the Person entitled to the same, it shall be deemed prima facie evidence that such water was appropriated unlawfully and with intent to violate the provisions of this Chapter.

**(Ord. No. 03-19 Add 03/06/2003)**

## 18-9-111. GATE TO BE CONSTRUCTED.

No Person shall convey water from a City-regulated watercourse to his lot or premises by an irrigation ditch, flume, pipe or other apparatus without first having constructed, under the direction of the Division, a gate, both in the City-controlled watercourse and at the head of the branch watercourse, the latter of which shall be kept closed and water tight, except during the period allotted to him for the use of such water.

**(Ord. No. 03-19 Add 03/06/2003)**

## 18-9-112. WASTE WATER TO BE RETURNED TO WATERCOURSE.

Any Person using water for irrigation purposes shall conduct the surplus or waste water into a City-approved watercourse and shall not allow such water to flood the streets, sidewalks, or other public property, or any private property, or cause damage thereto.

**(Ord. No. 03-19 Add 03/06/2003)**

## 18-9-113. ENFORCEMENT.

(1) This Title may be enforced through the Administrative Code Enforcement ("ACE") Hearing Program established in Title 10 of the West Valley City Municipal Code, or by filing civil or criminal actions in the District Court as provided by law. The City has sole discretion to decide whether to file a civil or criminal case, or both, for a violation. The possibility of an administrative remedy pursuant to Title 10 shall in no way interfere with the City's right to prosecute violations of this Title as criminal offenses. The City may use any of the remedies available under the law in both civil and criminal prosecution. If the City chooses to file both civil and criminal charges for the same violation, no civil penalties may be assessed, but all other remedies are available.

(2) In addition to the penalties hereinbefore provided, any condition caused or permitted to exist in violation of any of the provisions of this Chapter shall be considered a threat to the public health, safety, welfare and the environment, and may be declared and deemed a nuisance by the Director of Public Works or his designee, and may be summarily abated and/or restored by the City and/or civil action taken to abate, enjoin or otherwise compel the cessation of such nuisance.

**(Ord. No. 03-19 Add 03/06/2003)**

## 18-9-114. VIOLATIONS.

(1) Unless otherwise provided herein or by state or federal law, any Person violating the provisions of this Title, either by failing to do those acts required herein or by doing any act prohibited herein, 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.
(2) If, as the result of the violation of any provision of this Chapter, the City or any other party suffers damages and is required to make repairs and/or replace materials, the cost of repair or replacement shall be borne by the party in violation, in addition to any criminal fines and/or penalties.

**(Ord. No. 03-19 Add 03/06/2003)**

## 18-9-115. ADDITIONAL SANCTIONS AGAINST CORPORATION OR ASSOCIATION.

(1) When a corporation or association is convicted of violating any of the provisions of this Title, the court may, in addition to or in lieu of imposing other authorized penalties, require the corporation or association to give appropriate publicity of the conviction by notice to the class or classes of Persons or sections of the public interested in or affected by the conviction, by advertising in designated areas, or by designated media or otherwise.
(2) When an executive or high managerial officer of a corporation or association is convicted of a violation of any of the provisions of this Title, committed in furtherance of the affairs of the corporation or association, the court may include in the sentence an order disqualifying him from exercising similar functions in the same or other corporations or associations for a period not exceeding five years if it finds the scope or willfulness of his illegal actions make it dangerous or inadvisable for such functions to be entrusted to him.

**(Ord. No. 03-19 Add 03/06/2003)**

## 18-9-116. REMOVAL OF OBSTRUCTIONS.

In addition to any penalties which may be imposed pursuant to this Chapter, the Division may do the following:

(1) Remove any of the obstructions described in Section 18-9-104 and also, any pipelines or other devices installed in violation of the provisions of this Title;
(2) Give written notice to Persons in violation of the provisions of this Title requiring the removal of offending installations from natural channels or other storm drainage facilities. Notices may be personally served or may be mailed to violators by registered mail provided that a copy is also

posted on offending installations for a period of 10 days. If such installations are not removed within 10 days after notice is given, the Division may affect removal at the expense of the Person in violation and may recover its costs and expenses therefor; and/or

(3) Bring an action for the abatement of the nuisance caused by the offending installation, and/or for the recovery of the City's costs and expenses incurred in removing the offending installation pursuant to Subsections (1) or (2), above.

**(Ord. No. 03-19 Add 03/06/2003)**

# TITLE 19
# TRANSPORTATION AND PUBLIC WAYS

Chapters:

19-1 Railroads
19-2 Highways
19-3 (Repealed)

# CHAPTER 19-1
# RAILROADS

Sections:

19-1-101. Compliance with chapter.
19-1-102. Construction and maintenance of sewers, drains, street crossings, etc., affected by railroads.
19-1-103. Construction of bridges, etc., for cross streets where required by City Council.
19-1-104. Location and grade of tracks.
19-1-105. Removal of rock, gravel, etc., from streets or other public places.
19-1-106. Planking or other paving at crossing.
19-1-107. Bells, lights, and other warning devices at grade crossings.
19-1-108. Removal of obstructions; City may perform work where railroad fails to do so.
19-1-109. Railroads crossing one another -- right to cross not limited by franchises; cutting of rails to permit cars to pass; obstruction of crossing prohibited.
19-1-110. Trains to come to full stop before crossing; right-of-way when two trains arrive at crossing simultaneously.
19-1-111. Speed limit for trains.
19-1-112. Trains not to obstruct traffic more than five minutes.

## 19-1-101. COMPLIANCE WITH CHAPTER.

All companies constructing railroads within the City shall be subject to the regulations set out in this Chapter.

## 19-1-102. CONSTRUCTION AND MAINTENANCE OF SEWERS, DRAINS, STREET CROSSINGS, ETC., AFFECTED BY RAILROADS.

The owners of all railroads within the City shall, at their own expense, construct and keep in good repair all water mains, sewers, drains, street crossings, or receiving basins and all fixtures connected therewith and with the distribution of water in the City that may be affected thereby. The construction, alterations, and repairs shall be done under the direction of the City Engineer, subject to the approval of the City Council.

## 19-1-103. CONSTRUCTION OF BRIDGES, ETC., FOR CROSS STREETS WHERE REQUIRED BY CITY COUNCIL.

All railroad companies operating within the City shall, at their own expense, construct arches and bridges for all cross streets now or hereafter made that will be intersected by the embankments or excavations as, in the opinion of the City Council, may be required to make the passage over the railroad and embankments easy and convenient for all purposes for which streets are usually used. They shall also construct at their own expense all such drains and sewers as their embankments and excavations may make necessary.

## 19-1-104. LOCATION AND GRADE OF TRACKS.

The tracks of all railroads within the City shall be laid as to location and grade as directed by the City Council.

## 19-1-105. REMOVAL OF ROCK, GRAVEL, ETC., FROM STREETS OR OTHER PUBLIC PLACES.

It shall be unlawful for any railroad company to take up, remove, or carry away, or to cause or permit to be taken up, removed, or carried away, any rock, gravel, earth, or other material from any street or other public place for making embankments or grades, or for any other purpose, except by permission of the City Council and under the direction of the City Engineer.

## 19-1-106. PLANKING OR OTHER PAVING AT CROSSING.

All railroad companies operating within the City shall lay close plank floor between all rails and for two feet on either side of the out rail, or shall pave such area with such material and in such manner as the City Council may direct on all streets that cross such tracks. Such planking or other material shall be for the full width of the cross streets and sidewalks, unless otherwise directed by the City Council.

## 19-1-107. BELLS, LIGHTS, AND OTHER WARNING DEVICES AT GRADE CROSSINGS.

All railroads crossing any street in the City shall install an automatic electric bell, alarm, electric light, or other device, as directed by the City Council, for the purpose of giving travelers along such streets warning of the approach of trains. Such bell or other device shall be of such character as to warn persons crossing the tracks of the approach of trains, from the time a train is within not less than 1,000 feet of such crossing.

## 19-1-108. REMOVAL OF OBSTRUCTIONS; CITY MAY PERFORM WORK WHERE RAILROAD FAILS TO DO SO.

If at any time after the commencement of the construction of any railroad it appears to the City Council that any part thereof shall constitute an obstruction or impediment to the ordinary use of any street or place, or shall be operated contrary to the regulations of the City, the railroad company or the officers thereof shall, on the requisition of the City Council, provide a remedy for the same that is satisfactory to the City Council; or, if such company or the officers thereof fail to find such remedy, they shall promptly proceed to remove such railroad obstruction or impediment and to replace the street or place in as good a condition as it was before such railroad was laid down; and, should such company or officers neglect or refuse to obey the requisition of the City Council, the City Council may cause the obstruction or impediment to be removed and the street or place to be restored, as aforesaid, at the expense of the railroad company.

## 19-1-109. RAILROADS CROSSING ONE ANOTHER -- RIGHT TO CROSS NOT LIMITED BY FRANCHISES; CUTTING OF RAILS TO PERMIT CARS TO PASS; OBSTRUCTION OF CROSSING PROHIBITED.

Nothing in any ordinance or resolution granting a right-of-way or franchise to any railroad company shall be construed to prohibit any other railroad company from crossing any railroad tracks already laid. When any railroad shall intersect any other railroad, the rails of each shall be cut or altered so as to permit the cars to pass without obstruction. No person shall willfully obstruct any railroad crossing herein provided for.

## 19-1-110. TRAINS TO COME TO FULL STOP BEFORE CROSSING; RIGHT-OF-WAY WHEN TWO TRAINS ARRIVE AT CROSSING SIMULTANEOUSLY.

It shall be unlawful for any person operating any locomotive, engine, car, or train to fail to come to a full stop before crossing any other line of railroad. When two trains arrive at the same crossing simultaneously, the train on the first constructed track shall have precedence in crossing.

## 19-1-111. SPEED LIMIT FOR TRAINS.

It shall be unlawful for any person to operate, or for any railroad company to allow its employees to operate or drive, any locomotive, engine, car, or train over and upon any railroad track within the City at a speed and in a manner that is not reasonable and prudent under the conditions, and having regard to the actual and potential hazards then existing, and at a speed greater than is provided as follows:

(1) Where no special hazards exist, where weather permits, and where railroad grade crossings have been properly maintained, 60 miles per hour shall be the prima facie evidence that the speed is reasonable and prudent for the speed of any train within the City limits.
(2) Where special hazards exist, where special weather prevails, or where railroad grade crossings are not properly maintained, 60 miles per hour is not a reasonable and prudent speed, and such reasonable speed shall be determined by the conditions then existing.

## 19-1-112. TRAINS NOT TO OBSTRUCT TRAFFIC MORE THAN FIVE MINUTES.

It shall be unlawful for any person in charge of or operating any railroad locomotive, engine, car, or train to allow or permit the same to stand upon any street, sidewalk, or public way within the City so as to obstruct the ordinary traffic and travel thereon for a period longer than five minutes.

# CHAPTER 19-2
# HIGHWAYS

Sections:


19-2-101. Definitions.
19-2-200P Part 2 - powers and duties – City Council, City Manager, and Public Works Department
19-2-201. City Council – Jurisdiction and Control.
19-2-202. Gifts, bequests, and donations part of City highway fund – expenditure.
19-2-203. Contributions of Property by City.
19-2-204. City Council to file plats and descriptions.
19-2-205. Width of Right-of-way.
19-2-206. Restricting use of Highway.
19-2-207. Authority to provide and maintain limited-access facilities.
19-2-208. Acquisition of property and property rights for limited-access facilities.
19-2-209. Local service roads and streets in connection with limited-access facilities.
19-2-210. Agreements with political subdivisions and with Federal Government.
19-2-211. Livestock Highway.
19-2-212. City Manager authority to prohibit certain vehicles.
19-2-213. Posting of Prohibitions.
19-2-214. Type of Restriction.
19-2-215. Ratification by the City Council.
19-2-216. Exempted Vehicles.
19-2-217. Effect on other Remedies.
19-2-218. Penalties.
19-2-219. Enforcement.
19-2-300P Excavations
19-2-301. Permit Required.
19-2-302. Applications.
19-2-303. Fees.
19-2-304. Insurance.
19-2-305. Completion Bond.
19-2-306. Application requirements for exempt entities.
19-2-307. Manner of Excavating.
19-2-308. Backfill.
19-2-309. Sidewalks.
19-2-310. Restoring Surface
19-2-311. Supervision.
19-2-312. City may Restore
19-2-313. Failure to Comply.
19-2-314. Collection by Lawsuit
19-2-315. Right-of-way – structures prohibited.
19-2-400P Specifications
19-2-401. Highways to conform to city standards of grade and direction.
19-2-402. Pavement Specifications.
19-2-403. Locating of Lines.
19-2-404. Engineer to Make Records.
19-2-500P Part 5 – encroachments and obstructions

19-2-501. Encroachments Unlawful.
19-2-502. Construction to Conform to Grade.
19-2-503. Improvements on or near sidewalks.
19-2-504. Obstructing traffic on sidewalks or highways prohibited.
19-2-505. Encroachments Deemed Obstructions.
19-2-506. Water upon Highway.
19-2-507. Advertising – Permit Required.
19-2-508. Installations constructed in violation of regulations – right of department to remove or require removal.
19-2-509. Loads on vehicles – confining, securing, and fastening load required.
19-2-510. Gravel and foreign matter on highway.
19-2-511. Penalty.
19-2-600P Street Trees
19-2-601. Street Tree Responsibility.
19-2-602. Right of Condemnation.
19-2-603. Care of Trees.
19-2-604. Tree Planting Restrictions.
19-2-700P Part 7 – Curb, Gutter, Sidewalk, and Driveway Construction
19-2-701. Permit Required
19-2-702. Specifications of Construction.
19-2-703. Unlawful to deviate from permit.
19-2-704. Inspection and Approval.
19-2-705. Driveway Construction
19-2-706. Inspection Fees.
19-2-707. Bond.
19-2-708. No refund or Permit Fees.
19-2-800P Part 8 – Bridges, Ditches, and Waterways
19-2-801. Application of Chapter.
19-2-802. Ditches and Waterways.
19-2-803. Headgates.
19-2-804. Duty to Repair Bridges and Flumes.
19-2-805. Violations Deemed Obstructions.
19-2-900P Part 9 – Poles, Posts, and Fences
19-2-901. Poles, Posts, and Fences.
19-2-902. City's Permission Required.
19-2-903. Mail Boxes.
19-2-904. Fences.
19-2-905. Reservation for City use.
19-2-906. Violations Deemed Obstructions.
19-2-1000P Miscellaneous
19-2-1001. Open to Public Inspection.
19-2-1002. Disregard of Warning.
19-2-1003. Unattended Animals on Highway Prohibited.
19-2-1100P Part 11 – Damage – Liability – Penalties
19-2-1101. Liability for damages to highways or structures from illegal operation or violation of maximum weight law.
19-2-1102. Injury to trees on highway – penalty for violations.
19-2-1103. Liability for damage to highways, highway equipment, or road signs.

19-2-1104. Violations or regulations as to use – injury to signs, warnings, or barriers.
19-2-1104.1 Removal of Snow to City Streets Prohibited.
19-2-1105. Penalty for violations not otherwise provided for.
19-2-1200P Part 12 – Sidewalk Regulations
19-2-1201. Obstruction of Sidewalks.
19-2-1202. Repealed.
19-2-1203. Repealed.
19-2-1204. Repealed.
19-2-1205. Repealed.
19-2-1206. Repealed.
19-2-1207. Snow to be Removed from Sidewalks.
19-2-1208. Repealed.
19-2-1209 Repealed.

## 19-2-101. DEFINITIONS.

(1) City means West Valley City.
(2) Class "C" Roads means the same as city roads below.
(3) Construction means the construction, reconstruction, replacement, and improvement of the public highways, including the acquisition of rights-of-way and material sites.
(4) City Roads include all public roads and streets within the City that are not designated as state highways.
(5) Department means the Public Works Department of West Valley City.
(6) Fence Line is a line on either side of the center of a highway co-terminus, with the outside boundary or limits of said highway.
(7) Highway is deemed a general term and shall include all roads, streets, alleys, lanes, courts, places, trails, and bridges laid out or erected as such by the public, or dedicated or abandoned to the public, or made such in actions for partition of real property.
(8) Highway Authorities means the State Road Commission or the City Council of West Valley City.
(9) Limited-Access Facility means a highway, road, or street especially designed for through traffic and over, from, or to which neither owners nor occupants of abutting lands, nor other persons, have any right to easement or have only a limited right or easement of access, light, air, or view.
(10) Maintenance means the performance of all things necessary to keep a public highway in serviceable condition.
(11) Official Map means the official map or official maps of the City, as adopted by the City Council in accordance with law, showing the highways, freeways, parks, parkways, and sites for public buildings or works, including subsurface facilities, in the acquisition, financing, or construction of which the City has participated or may be called upon to participate.
(12) Person includes any individual, firm, company, partnership, corporation, association, or any group or combination, and the plural as well as the singular, unless the intent to give a more limited meaning is disclosed by the context.
(13) Public Highway means any road, street, alley, lane, court, place, viaduct, tunnel, culvert, or bridge laid out or erected as such by the public, or dedicated or abandoned to the public, or made such in any action for the partition of real property, and includes the entire area within the right-of-way.
(14) Right-of-way means land, property, or an interest therein, usually in a strip, acquired for or devoted to a highway, road, or street.

(15)Section means a section of this ordinance, unless some other section is specifically mentioned.
(16)Sidewalk means that area between the curb line and the fence line on either side of a highway.

## 19-2-200P PART 2 – POWERS AND DUTIES – CITY COUNCIL, CITY MANAGER, AND PUBLIC WORKS DEPARTMENT

## 19-2-201 CITY COUNCIL – JURISDICTION AND CONTROL.

All highways, roads, paths, and ways within the City that are not designated as federal, state, special highways, roads, paths, or ways shall be under the direction and authority of the City Council. Such roads shall be constructed and maintained by or under the authority of the City Council from funds made available for that purpose, and the City Council shall have the authority to expend, or by contract cause to be expended, such funds as are allocated to the City from the state road fund under rules mutually adopted by the City Council and the State Road Commission. The amount used annually from the state road fund for this purpose, together with such other amounts from federal, county, or other sources as may be made available, shall constitute the funds to be spent in constructing and maintaining Class "C" roads in the City.

When in the opinion of the City Council the funds available for road purposes from sources other than the levy made against tangible property are adequate to properly construct and maintain the Class "C" roads, the City may cease making a levy for City road purposes, or, at its option, may use any portion of the Class "C" road funds provided by Title 27 of the Utah Code Annotated, 1953 (1963 Supplement) for the construction and maintenance of Class "A" state roads by cooperative agreement with the State Road Commission.

## 19-2-202. GIFTS, BEQUESTS, AND DONATIONS PART OF CITY HIGHWAY FUND --EXPENDITURE.

Gifts, bequests, and donations by individuals, corporations, or societies to the City, unless designated for another purpose, shall become part of the City highway fund and shall be expended under the direction of the City Council.

## 19-2-203. CONTRIBUTIONS OF PROPERTY BY CITY.

The City is authorized to contribute real or personal property to the state road commission for state highway purposes.

## 19-2-204. CITY COUNCIL TO FILE PLATS AND DESCRIPTIONS.

It shall be the duty of the Department to provide for the preparation and storage of current plats and descriptions of all City roads and of such other highways as the City may from time to time locate upon public lands within the City. Such plats and descriptions shall be kept on file in the office of the Department.

## 19-2-205. WIDTH OF RIGHT-OF-WAY.

The Department may, subject to approval by the City Council, determine the permissible width of rights-of-way for public highways in the City.

## 19-2-206. RESTRICTING USE OF HIGHWAY.

Whenever it is deemed necessary, because of construction, maintenance work, or emergency, to suspend all or part of the travel on a City highway or portion thereof, the Department may, subject to the approval of the City Manager, restrict the use of or close such highway or portion thereof. Whenever such highway or portion thereof is so restricted or closed to travel, the Department shall erect suitable barriers and notices to be posted at the point where the detour road takes off from such closed or restricted highway, and such detour road shall be clearly indicated by signs and adequately maintained.

## 19-2-207. AUTHORITY TO PROVIDE AND MAINTAIN LIMITED-ACCESS FACILITIES.

The City Council is authorized to plan, designate, establish, regulate, vacate, alter, improve, maintain, and provide limited-access facilities for public use. The City Council shall also have and may exercise, relative to limited-access facilities, any and all additional authority now or hereafter vested in it relative to highways, roads, or streets within the City. The City Council may regulate, restrict, or prohibit the use of such limited-access facilities by pedestrians, animals, or the various classes of vehicles or traffic.

## 19-2-208. ACQUISITION OF PROPERTY AND PROPERTY RIGHTS FOR LIMITED- ACCESS FACILITIES.

(1) The City may acquire private or public property or property rights for limited-access facilities and service roads, including rights of access, air, view, and light, by gift, devise, purchase, or condemnation, in the same manner as it now or hereafter may be authorized by law to acquire such property or property rights in connection with highways, roads, and streets within the City. All property rights so acquired may be in fee simple or in any lesser estate or interest. In connection with the acquisition of property or property rights for any limited-access facility or portion thereof or service road in connection therewith, the City may, in its discretion, acquire an entire lot, block, or tract of land if by so doing, the interests of the public will be best served, even though said entire lot, block, or tract is not immediately needed for the right-of-way proper.
(2) The Department may, subject to the approval of the City Manager, implement and administer a program for granting permits allowing access onto limited-access facilities, provided however, that such permits shall only be granted if the access is in keeping with the City Council's intent in designating the limited-access facility. A fee, as set forth in the Consolidated Fee Schedule, may be charged by the Department for an access permit.
(3) The Department may, subject to the approval of the City Manager, charge a reimbursement fee for any City constructed improvements, such as drive approaches, driveways, and sidewalks, which are located in the City right-of-way and are necessary to facilitate access onto a limited-access facility by an access permit holder. The reimbursement fee charged for such improvements shall be set forth in the Consolidated Fee Schedule.

**(Ord. No. 99-60 Amended 09/21/1999)**

## 19-2-209. LOCAL SERVICE ROADS AND STREETS IN CONNECTION WITH LIMITED-ACCESS FACILITIES.

In connection with the development of any limited-access facility, the Department may, subject to City Council approval, plan, designate, establish, use, regulate, alter, improve, maintain, and vacate local service roads and streets, or designate as local service roads and streets any existing roads or streets, and may exercise jurisdiction over service roads in the same manner as is authorized over limited-access facilities, if, in its opinion, such local service roads or streets shall be of appropriate design, and shall be separated from the limited-access facility proper by means of all devices designated as necessary or desirable by the proper authority.

## 19-2-210. AGREEMENTS WITH POLITICAL SUBDIVISIONS AND WITH FEDERAL GOVERNMENT.

The City Council is authorized to enter into agreements with other governmental entities with respect to the financing, planning, establishment, improvement, maintenance, use, regulation, or vacation of limited-access facilities or other public ways to facilitate the purposes of this ordinance.

## 19-2-211. LIVESTOCK HIGHWAY.

The City Council is authorized and empowered to designate, survey, build, protect, and maintain livestock highways and to purchase rights-of-way therefor. Where state highways with heavy traffic are regularly used for the movement of livestock, it shall be the duty of the Department alone or in conjunction with other highway authorities to construct and maintain livestock roads or trails for livestock travel.

## 19-2-212. CITY MANAGER AUTHORITY TO PROHIBIT CERTAIN VEHICLES.

(1) The City Manager shall have authority, based on information from the Public Works Director, the Chief of Police, the Fire Chief, and/or any other City department, to prohibit or regulate the operation of vehicles, trucks, or other commercial or construction equipment, or to impose limitations as to the weight thereof on designated streets within the corporate limits of the City over which the City has jurisdiction.
(2) Said prohibitions may be imposed due to the potential for serious damage, deterioration, or destruction to the street itself or to the potential harm or injury to traffic or pedestrians on or along said street.

**(Ord. No. 00-12 Amended 02/24/2000)**

## 19-2-213. POSTING OF PROHIBITIONS.

(1) When in the opinion of the City Manager it becomes necessary to exercise authority under Section 19-2-212 above, the City Manager shall direct the Public Works Director to designate, by appropriate signs placed on such streets, the prohibitions or limitations enacted. Said prohibitions or limitations shall not be enforced until or unless such time as said appropriate signs are erected and maintained.
(2) Notwithstanding the foregoing, should the City Manager determine that it is necessary to invoke the aforementioned authority, said signage may be substituted with written notice to the

affected vehicle owners and/or drivers or by the placement of peace officers at appropriate locations to notify persons of the prohibitions or limitations until such time as appropriate signage can be erected.

## 19-2-214. TYPE OF RESTRICTION.

Prohibitions or limitations may be imposed in any manner and to any extent deemed necessary by the City Manager after recommendation of the Public Works Director, Chief of Police , Fire Chief, or any other City department, including restricting the weight, size, hours of operation, types of vehicles, season of use, or any other designation deemed necessary.

**(Ord. No. 00-12 Amended 03/22/2000)**

## 19-2-215. RATIFICATION BY THE CITY COUNCIL.

(1) Any action taken by the City Manager under this Chapter shall be effective immediately upon applicable notification being given as required in Section 19-2-213. In the regular City Council meeting immediately following any action taken pursuant to this Chapter, the City Manager shall advise the City Council, by use of the consent calendar, of said action taken. The City Council shall then have the prerogative to ratify or strike down the prohibitions or limitations imposed or any actions taken by the City Manager.
(2) Should the City Council decide to strike down the City Manager's action, said decision shall not in any way affect the authority of the City Manager to impose future regulations and shall not be evidence of inappropriate action taken by the City Manager.
(3) At any time after the imposition of any of the aforementioned limitations, prohibitions, or other actions by the City Manager, the City Council shall have the authority to direct the City Manager to modify said limitations, prohibitions, or other actions in any manner deemed necessary by the City Council.

## 19-2-216. EXEMPTED VEHICLES.

None of the prohibitions or limitations imposed under authority of this Chapter shall apply to the following:

(1) Emergency vehicles;
(2) Service vehicles in the normal course of their repair and/or maintenance work on public utilities; or
(3) Any vehicle, truck, or other equipment, the operation of which on any regulated street has been exempted by the City Manager. Said exemption shall be based upon the posting of a bond or other assurance acceptable to the City Manager that any damage done to the road shall be remedied. The amount of damage done to the street and the bond or other assurance amount shall be determined by the City Manager. In no case, however, shall any vehicle, truck, or other equipment be allowed to operate, irrespective of the operator's desire to post the above assurances, if it is determined by the City Manager that the operation of such will be unduly detrimental to the health, safety, or welfare of the City and/or its citizens or will otherwise adversely affect the best interests of the citizenry of the City. Said exemption and any bond related thereto shall be subject to City Council ratification as set forth in this Chapter.

## 19-2-217. EFFECT ON OTHER REMEDIES.

(1) Any person who operates any vehicle in a manner contrary to the prohibitions imposed pursuant to this ordinance shall be guilty of a class "C" misdemeanor.
(2) Nothing in this Chapter shall be construed to prevent the City from invoking any other criminal or civil penalty as allowed by City ordinance, county ordinance, or state law for the destruction or unlawful use of any street within the corporate boundaries of West Valley City over which the City has jurisdiction.

## 19-2-218. PENALTIES.

(1) Unless otherwise provided herein or by state or federal law, a violation of this Title shall be a Class B misdemeanor. Each day that the violation is committed or permitted to continue shall constitute a separate offense, and shall be punishable as such.
(2) Failure to fulfill all conditions imposed by a permit granted under authority of this Title, or any applicable condition imposed by the City Code, the City Council, Planning Commission, or Board of Adjustment constitutes a violation of this Title.

**(Ord. No. 99-39 Added 07/09/1999)**

## 19-2-219. ENFORCEMENT

(1) The Public Works Department shall enforce all of the provisions of this Title, employing all legal means available to do so. The Public Works Director may designate any Department employee as an enforcement official.
    a. Any employee designated as an enforcement official is authorized to enter upon any property or premises to ascertain whether the provisions of the City Code are being obeyed and to make any examinations and surveys as may be necessary in the performance of the employee's enforcement duties. This may include the taking of photographs, samples, or other physical evidence.
    b. All inspections, entries, examinations, and surveys shall be done in a reasonable manner based upon cause. If the property owner or person responsible for the property refuses to allow the employee to enter the property, the employee may obtain and execute a search warrant.
(2) Unless otherwise provided, this Title may be enforced through the Administrative Code Enforcement Hearing Program established in Title 10 of the City Code, or by filing civil or criminal actions as provided by law. The City has sole discretion to decide whether to file a civil or criminal case for a violation. The City may file both, or one or the other. The possibility of an administrative remedy pursuant to Title 10 shall in no way interfere with the City's right to prosecute violations of this Title as criminal offenses, or to seek any civil remedy to enjoin, prevent, or abate the violation. The City may use any of the remedies available under the law in both civil litigation and criminal prosecution. If the City chooses to file both civil and criminal charges for the same violation on the same day, no civil fines shall be assessed, but all other remedies shall be available.

**(Ord. No. 99-39 Added 07/09/1999)**

## 19-2-300P EXCAVATIONS

## 19-2-301. PERMIT REQUIRED.

It shall be unlawful for any person to tunnel under or to make any excavation in any street, alley, or other public place in the county without complying with the provisions of this Chapter and obtaining a permit as herein required. An emergency excavation may be made without prior permit if the reason for the excavation is to prevent loss of life or damage to property that appears to be imminent if the excavation is delayed by waiting to contact the Department. In such emergency situations, the excavating parties must contact the Department on the first working day following the excavation and complete and secure a formal permit. None of the provisions of these specifications are waived for emergency situations, except for prior permit requirement.

## 19-2-302. APPLICATIONS

Applications for such permits shall be made to the Department and shall describe the location of the intended excavation or tunnel; the size thereof; the purpose therefor; the person, firm, or corporation doing the actual excavating work; and the name of the person, firm, or corporation for whom the work is being done and shall contain an agreement that the applicant will comply with all ordinances and laws of the City and the State of Utah relating to the work to be done.

## 19-2-303. FEES.

Fees for excavation permits shall be those established in the "Consolidated Fee Schedule."

## 19-2-304. INSURANCE.

No such permit shall be issued unless and until the applicant therefor has filed, with the Department, proof of insurance in the sum of $100,000, conditioned to indemnify the City for any loss, liability, or damage that may result from or because of the making, existence, or manner of guarding or constructing any such tunnel or excavation. Such insurance shall have as surety a corporation licensed to do business in the State of Utah as a surety company.

## 19-2-305. COMPLETION BOND.

No such permit shall be issued unless and until the applicant therefor has posted a $10,000 bond with the City to ensure the proper restoration of the ground and the laying of the pavement, if any; provided, however, that where the extent of the excavation warrants, a larger bond may be required. From this bond shall be deducted the expense to the City of relaying the surface of the ground or pavement and of making the refill, if this is done by the City or at its expense, and the balance shall be returned to the applicant without interest after the tunnel or excavation is completely refilled and the surface pavement is restored. Said bond shall have as surety a corporation licensed to do business in the State of Utah as a surety company and shall be listed on the United States Treasury list of approved sureties.

**(Ord. No. 02-40 Amended 07/02/2002)**

## 19-2-306. APPLICATION REQUIREMENTS FOR EXEMPT ENTITIES.

Water conservancy districts, sewage districts, or other entities that are or that may be exempt by law from bonding provisions shall be required to make application as herein required before proceeding to take excavations in any street, alley, or other public place in the City. Such entities shall be required to comply with all requirements of this ordinance pertaining to the restoration of a cut surface to its original condition; shall indemnify the City for any loss, liability, or other damage resulting from the making of such excavation; and shall pay an inspection fee as established in the "Schedule of Fees" approved annually by the City Council, for each and every inspection of the excavation site made by the Department.

**(Ord. No. 16-03 Amended 01/22/2016)**

## 19-2-307. MANNER OF EXCAVATING.

It shall be unlawful to make any such excavation or tunnel 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, no portion of the excavation below the surface shall extend beyond the opening at the surface.

No damage shall be done to any pipes, cables, or conduits in the making of such excavations or tunnels. Notice shall be given to the persons maintaining any such pipes, cables, or conduits, which are or may be endangered or affected by the making of any such excavation or tunnel before such pipes, cables, or conduits shall be disturbed, and to the Department.

No unnecessary damage or injury shall be done to any tree or shrub or to the roots thereof.

## 19-2-308. BACKFILL.

Material for backfill under paved areas shall be of a select nature. All large broken concrete, peat, decomposed vegetable matter, and similar materials obtained from the excavation shall be removed from the site prior to the beginning of backfilling. All backfill shall be placed in layers or lifts consistent with the nature of the soil involved. Compaction shall be obtained by mechanical rollers, tampers, or other improved means. Material used for backfilling shall be properly moistened or watered to the correct moisture content to insure proper compaction. Jetting or internal vibrating methods of compacting sand fill or similar methods of compacting sand or similar granular, free-draining materials will be permitted under conditions previously approved by the Department. No frozen material shall be used for backfill under paved surfaces. The intent of this provision is to insure that the dry density of the backfill under pavements, sidewalks, curbs, or other structures be not less than that of the surrounding unmolested soil.

## 19-2-309. SIDEWALKS.

If any sidewalk is blocked by excavation work, a temporary sidewalk that is be safe for travel and convenient for users shall be constructed or provided.

## 19-2-310. RESTORING SURFACE.

Any person, firm, or corporation making any excavation or tunnel in or under any public street, alley, or other public place in the county shall, at its own expense, restore the surface to its original

condition and replace any pavement removed or damaged with the same type and depth of pavement as that which is adjoining, including the gravel base material. All restoration shall conform to the standards and regulations promulgated by the Department, and all restorations shall be accomplished within 48 hours of the time of the excavation, unless additional time is granted in writing by the Department.

## 19-2-311. SUPERVISION.

A representative of the Department shall, as requested, inspect or cause to be inspected all excavations and tunnels being made in or under any public street, alley, or other public place in the City to insure the enforcement of the provisions of this Title.

## 19-2-312. CITY MAY RESTORE.

The person doing the actual excavation work may, at its option, request that the Department restore the surface to its original condition. The fee for such resurfacing shall be determined by the Department in accordance with its reasonable costs for such work and shall be charged to the person, firm, or corporation making the excavation. Payment for said work shall be received by the City prior to the release of the Completion Bond.

## 19-2-313. FAILURE TO COMPLY.

If the person doing the actual excavating work, or the person for whom the work is being done, shall fail to restore the surface to its original condition in accordance with the standards herein required or shall fail to request that the Department do so within 48 hours after the receipt of written notice from the Department, the superintendent of the Department or his assistant may authorize and employ the necessary assistance to restore the surface to its original condition. The Department shall prepare an itemized statement of all expenses incurred in such restoration and shall mail a copy thereof to the excavator, to the person for whom the work was done, and to the bond holder, demanding payment within 20 days of the date of mailing. Such notice shall be deemed delivered when mailed by registered mail addressed to the last known address of the property owner or the contractor who obtained the excavation permit.

## 19-2-314. COLLECTION BY LAWSUIT.

In the event collection of the City's expenses must be made in court, the City shall sue and receive judgment for all expenses incurred in the restoration of the property, together with reasonable attorneys' fees, interest, and court costs. The City shall execute upon such judgment in the manner provided by law.

## 19-2-315. RIGHT-OF-WAY – STRUCTURES PROHIBITED.

No right-of-way of any City road shall be dug up or excavated, and no approach, road, driveway, pole, pipeline, conduit, sewer, ditch, culvert, billboard, advertising sign, or other structure or object of any kind or character shall be placed, constructed, or maintained within any such right-of-way except as permitted by and in accordance with the regulations of the City highway authorities.

Any person who violates the provisions of this section is guilty of a class "B" misdemeanor.

## 19-2-400P SPECIFICATIONS

## 19-2-401. HIGHWAYS TO CONFORM TO CITY STANDARDS OF GRADE AND DIRECTION.

No public highway, other than interstate or state highways extending through the City, shall vary from the direction and grade of other City streets, unless permission for a variance in the direction and grade is obtained from the Department based on approval of the City Council.

## 19-2-402. PAVEMENT SPECIFICATIONS.

All City highway, curb and gutter, and sidewalk pavements shall be made in conformance with specifications laid down or approved from time to time by the Department.

## 19-2-403. LOCATING OF LINES.

It is hereby provided that where the owner, agent for, or occupier of land abutting on public highways desires to have located the curb line or fence line, or both, for the purpose of using, constructing, or repairing curb, gutter, and/or sidewalks as provided by law, or for erecting fences or buildings along the same, the same owner, agent, or occupier, upon application made to and granted by the City, may have said lines established by a licensed, professional Civil Engineer or Surveyor or the City Engineer, provided that said owner, agent, or occupier does not encroach upon the highway. Said lines shall be approved by the Department prior to their installation.

## 19-2-404. ENGINEER TO MAKE RECORDS.

It is hereby made the duty of the City Engineer to make surveys and to prepare plats and profiles, as quickly and to such extent as practicable, of all public highways in the City, with a view to having the grades thereof fixed and a record thereof made and kept in the Department's office.

## 19-2-500P PART 5 – ENCROACHMENTS AND OBSTRUCTIONS

## 19-2-501. ENCROACHMENTS UNLAWFUL.

It shall be unlawful to extend or construct any sidewalks so as to encroach upon any highway nearer to the center thereof than to the curb line, or to encroach upon any sidewalk, with any building, fence, walk or post, or other obstruction nearer than the fence line, or so as to make the sidewalk narrower than the widths approved by the Department.

## 19-2-502. CONSTRUCTION TO CONFORM TO GRADE.

It shall be unlawful to lay, build, or construct any sidewalk upon any highway in the City where the grade has been fixed and approved by the Department, except in accordance with such grade, or to lay, build, or construct any permanent pavement or sidewalk, except upon specifications furnished by the City Engineer in accordance with such fixed grade; and, it is hereby made the duty of the City Engineer to keep, as records, plats or maps showing the grades as fixed, for reference, and for furnishing specifications there from, the fee provided in the "Schedule of Fees" to be charged for such specifications and to be paid into the City.

## 19-2-503. IMPROVEMENTS ON OR NEAR SIDEWALKS.

It shall be unlawful for any person, firm, or corporation, or agent or employee thereof, to construct, place, keep, or maintain upon or across any sidewalk in the City any porch, platform, or other structure, except at the grade thereof, or any flume, pipe, or structure, except at or below the grade thereof, and where any such platform, porch, flume, pipe, or structure is below the grade, it shall be covered to specifications approved by the Department to grade; and such platform, porch, flume, pipe, or structure shall be kept in good repair by the party in whose interest it is constructed or used so as not to be dangerous to pedestrians or an obstruction to the safe and ordinary use of the sidewalk.

## 19-2-504. OBSTRUCTING TRAFFIC ON SIDEWALKS OR HIGHWAYS PROHIBITED.

It shall be unlawful to construct, place, keep, or maintain upon or across any sidewalk and/or curb and gutter in the City any open ditch, flume, conduit or waterway, or any headgate, log, building material, vehicle, railway, or other obstruction without providing a suitable crossing for pedestrians; provided, however, that building materials, vehicles, or objects may be placed temporarily in such manner on public highways as not to impede, endanger, or obstruct ordinary traffic. But no such building material, vehicles, or objects shall be permitted to remain on such highway contrary to instructions from the Department. It shall be unlawful to pile any dirt or other material or to make any other defacement on any sidewalk and/or curb and gutter so as to interfere with the ordinary use thereof.

It shall be unlawful to drive or place any vehicle, animal, or other object upon or along any sidewalk and/or curb and gutter or to permit the same to remain thereon in a manner likely to impede or obstruct the ordinary use thereof.

## 19-2-505. ENCROACHMENTS DEEMED OBSTRUCTIONS.

It is hereby made the duty of the Department to treat as obstructions to public highways all encroachments declared by the terms of this Chapter to be unlawful.

## 19-2-506. WATER UPON HIGHWAY.

It shall be unlawful for any users of water from any ditch, stream, or well to willfully or carelessly permit the same to run upon any City highway in such a manner as to damage or interfere with the proper use of same; or to cause pools of water to stand thereon; or to cause anything to be placed or left upon such highway in such a way as to obstruct travel or to endanger property or persons upon same.

## 19-2-507. ADVERTISING – PERMIT REQUIRED.

It shall be unlawful for any person to place any form of advertising upon any part of the public domain in the City or along any City highway within 300 feet of such highway, except within the corporate limits of a city or town, and except upon land in private ownership situated along such highway, without first receiving a permit so to do from the Department, subject to the approval of the City Council.

## 19-2-508. INSTALLATIONS CONSTRUCTED IN VIOLATION OF REGULATIONS – RIGHT OF DEPARTMENT TO REMOVE OR REQUIRE REMOVAL.

It shall be unlawful for any person, firm, or corporation to place, construct, or maintain any approach road, driveway, pole, pipeline, conduit, sewer, ditch, culvert, billboard, advertising sign, or any other structure or object of any kind or character within the right-of-way of any City road without complying with the regulations of the Department, which Department may:

(1) Remove such installation from the right-of-way or require such person to remove the same;
(2) Give written notice to such person to remove such installation from the right-of-way. Such notice may be served either by personal service or by mailing the notice to the person, firm, or corporation by registered mail and by posting a copy thereof on such installation for a period of 10 days. If such installation is not removed within 10 days after the notice is complete, the Department may remove the same and recover costs and expenses, and also the sum of $10 for each day the same remained within the right-of-way after notice was complete, in an action for that purpose; or
(3) Bring an action to abate the same as a nuisance if such person disputes or denies the existence of such installation or refuses to remove or permit its removal. If judgment is recovered by the Department, there shall also be recovered, in addition to having the same abated, the costs of action and the sum of $10 for every day such nuisance remained within the right-of-way after notice was given for its removal, in the manner provided in subsection (2) of this Section.

## 19-2-509. LOADS ON VEHICLES – CONFINING, SECURING, AND FASTENING LOAD REQUIRED.

(1) No vehicle shall be driven or moved on any public highway, road, or thoroughfare unless so constructed or loaded as to prevent its contents from dropping, sifting, leaking, or otherwise escaping there from, except that sand or other abrasives may be dropped for the purpose of securing traction, and water or other substances may be sprinkled on a roadway in the cleaning or maintaining of such roadway.
(2) No person shall operate, on any public highway, road, or thoroughfare, any vehicle with any load unless said load and any covering thereon is suitably fastened, secured, and confined according to the nature of such load or covering so as to prevent said covering or load from becoming loose, detached, or in any manner a hazard to other users of the highway.

## 19-2-510. GRAVEL AND FOREIGN MATTER ON HIGHWAY.

(1) It shall be unlawful for any person to operate or load, or to cause to be operated or loaded, a motor-propelled vehicle or any other type of conveyance upon any public road, highway, or thoroughfare in the City, from which sand, gravel, rocks, or other similar materials fall or discharge upon said public road, highway, or thoroughfare. Furthermore, it shall be unlawful to load any vehicle or other type of conveyance so that any of the contact points of the material being hauled within the four sides of the vehicle or other type of conveyance are less than six inches from the top of the bed, unless said vehicle or conveyance is suitably covered or tied down so as to prevent any discharge of the aforementioned materials upon said public road, highway, or thoroughfare.
(2) It shall be unlawful for any person to operate any vehicle where loose gravel, sand, rocks, or other similar materials have fallen, have been placed, and/or have become temporarily lodged along or upon the side, underneath, or on any other portion of the vehicle not specifically

intended for the placement and/or transport of said materials. Any such materials so lodged shall be removed before entering on any public highway, road, or thoroughfare.

(3) Any person operating or loading a vehicle or other type of conveyance from which sand, gravel, rocks, or other similar materials fall or discharge shall immediately stop and remove any and all such sand, gravel, rocks, or other similar materials from the road, highway, or thoroughfare. Failure to so stop and remove shall constitute a separate violation of this Chapter.

(4) This Section shall not apply to those situations where sand, gravel, rocks, or any other similar materials are properly discharged or unloaded in connection with construction activities on said road, highway, or thoroughfare by authorized persons, or where sand or other abrasives are dropped for the purpose of securing traction, or where water or other substances are sprinkled on a roadway to clean or maintain the same.

## 19-2-511. PENALTY.

Any person who violates any of the terms of this Chapter shall be deemed guilty of a class "B" misdemeanor.

## 19-2-600P STREET TREES

## 19-2-601. STREET TREE RESPONSIBILITY.

The responsibility for trees growing within the right-of-way of City Streets shall be vested in the Streets Superintendent of the Streets Division within the Public Works Department.

**(Ord. No. 05-51 Repealed and Replaced 12/6/2005)**

## 19-2-602. RIGHT OF CONDEMDATION.

The Streets Division, upon giving proper notice to abutting property owners, shall have the authority to condemn and remove, or to order the removal, of any tree, tree stump, shrub, or vine upon any City roads, avenues, or ways, where said tree, tree stump, shrub, or vine is dead, diseased, causing damage to public sidewalks, or for any other reason undesirable. The Streets Division shall have authority to trim or prune any road tree, or to remove any tree which has been planted in violation of any City ordinance, without serving notice upon the abutting property owner.

**(Ord. No. 05-51 Repealed, Replaced and Renumbered 12/6/2005)**

## 19-2-603. CARE OF TREES.

In all cases, the abutting property owner who receives the beneficial use of and benefit from said trees is to care for, prune in accordance with West Valley City Code Section 19-2-1201(3) and water said trees, notifying the Streets Division when blight or other damage threatens trees. Failure to care for trees may constitute a nuisance.

**(Ord. No. 05-51 Amended and Renumbered 12/6/2005)**

## 19-2-604. TREE PLANTING RESTRICTIONS.

(1) It shall be unlawful for any person, including property owners and tenants and their agents, servants, contractors, or employees, to plant a tree or shrub on a City right-of-way, or within five feet of a City right-of-way, that is a prohibited tree or shrub as set forth in this Section or that is capable, through maturation of the root system or otherwise, of blocking or interfering with the use of the right-of-way or of causing damage to curb, gutter, sidewalks, or any other structure located within the right-of-way.

(2) The following are prohibited trees or shrubs:

All species of Birch
All species of Cottonwood
All species of Mulberry
All species of Poplar
All species of Willow
All varieties of bearing fruit or nut trees
All upright-growing conifers
Balm of Gilead
Black Locust
Boxelder
Catalpa
Chinese Date
Gambel Oak
May Day Tree
Russian Olive
Saskatoon Serviceberry
Siberian Elm
Silver Maple
Silk Tree
Sycamore

**(Ord. No. 97-59 Enacted 09/29/1997; Ord. No. 05-51 Repealed, Replaced and Renumbered 12/6/2005)**

# 19-2-700P PART 7 – CURB, GUTTER, SIDEWALK, AND DRIVEWAY CONSTRUCTION

## 19-2-701. PERMIT REQUIRED

It shall be unlawful for any person, either as owner, agent, servant, contractor, or employee, to construct, build, establish, or maintain any sidewalk, curb and gutter, or driveway over, across, or upon any public street, road, thoroughfare, or parkway, or to cut or change the construction of any public sidewalk, curb, or gutter for any purpose without having first obtained from the Public Works Department a permit for such construction, cut, or change.

## 19-2-702. SPECIFICATIONS OF CONSTRUCTION.

All construction authorized by the permit issued under this Chapter shall be in accordance with the specifications and grades approved by the Public Works Department, and the acceptance of such

permit shall be deemed an agreement by the permittee to perform such construction in accordance with such specifications and grades.

## 19-2-703. UNLAWFUL TO DEVIATE FROM PERMIT.

It shall be unlawful for any person to construct any sidewalk, curb and gutter, or driveway over, across, or upon any public street, road, thoroughfare, or parkway, or to cut or change the construction thereof, except in accordance with the permit issued by the Public Works Department.

## 19-2-704. INSPECTION AND APPROVAL.

All sidewalks, curb and gutter, and driveways constructed in accordance with the permits authorized by this Chapter shall be subject to the supervision, inspection, and approval of the Public Works Department.

## 19-2-705. DRIVEWAY CONSTRUCTION.

No permit shall be granted by the Public Works Department for any driveway exceeding 50 feet in width. No driveway, including sidewalk, shall be less than six inches thick. When more than one driveway is required for any one parcel of land, a sidewalk island of at least 12 feet shall be provided between driveways, and in no case shall a permit be granted for a driveway that will be within 20 feet from the property line where it adjoins any street, and it shall be unlawful for any person to drive any vehicles over or across any such street corner or within 20 feet there from, as above provided. Where, in the opinion of the Public Works Department, it would be dangerous on account of the traffic, or where a driveway conflicts with any permanent improvements or waterways, the Public Works Department may refuse to issue such permit, and the matter shall be referred to the City Manager for further consideration, in which event, a driveway may be permitted at such place as may be approved by the City Manager.

## 19-2-706. INSPECTION FEES.

Before any permit is issued pursuant to the provisions of this Chapter, the applicant shall pay, to the City, fees as established in the "Consolidated Fee Schedule."

## 19-2-707. BOND.

Before the issuance of any such permit, the contractor or persons proposing the construction shall file, with the City, on a form furnished by the City, proof of liability insurance in the sum of $100,000, with good and sufficient surety thereon, conditioned that the makers shall hold harmless, defend, and indemnify the City against or on account of accidents, damages, or claims arising out of or during the construction by the said contractor. All such insurance shall be continuing until terminated by notice in writing given 30 days in advance.

In addition, a contractor wishing to construct curb, gutter, sidewalk, and/or driveways in the City shall maintain on file in the Public Works Department a performance and completion bond in the penal sum of $1,000, to guarantee for one year from the date of acceptance by the City the work done in the City.

## 19-2-708. NO REFUND OR PERMIT FEES.

No rebate or refund shall be made of any of the fees or charges collected by virtue of the provisions of this Chapter.

## 19-2-800P PART 8 – BRIDGES, DITCHES, AND WATERWAYS

## 19-2-801. APPLICATION OF CHAPTER.

It shall be unlawful for any person, persons, or corporation to construct, place, set, keep, or maintain any bridge, sewer, well, spill, or like obstruction upon, in, under, or along any public highway, road, street, avenue, lane, alley, trail, or sidewalk in the City, except as herein designated.

## 19-2-802. DITCHES AND WATERWAYS.

All ditches, canals, or waterways constructed across or over any sidewalk or highway shall be securely bridged or flumed, the said bridges or flumes to conform to the regulations above mentioned and herein provided.

No ditch, canal, or waterway shall be made or constructed across any sidewalk or highway, except upon receiving permission from the City and except after conforming with the established grade thereof; provided, however, that when a change in the grade of any sidewalk or highway becomes necessary for the convenience of any ditch, canal, or waterway, the changed grade shall be done by or at the expense of the person, persons, or corporation constructing the ditch, canal, or waterway; shall be constructed only after receiving permission to proceed with construction from the City Council or its delegated agent; and shall be completed to the satisfaction of said City Council or its agent.

All ditches, canals, or waterways running along any highway shall be at a location approved by the Department.

## 19-2-803. HEADGATES.

Headgates for the control of irrigation or other water shall be placed in a location approved by the Department.

## 19-2-804. DUTY TO REPAIR BRIDGES AND FLUMES.

It shall be unlawful for any person conveying water through or along any ditch, canal, or waterway along or across any highway to permit any flume, bridge, etc., under the control of or owned by such party or parties, to become out of repair and to remain so after attention has been called thereto, longer than is necessary to institute the work of repairs thereon, which work shall be diligently prosecuted to completion.

## 19-2-805. VIOLATIONS DEEMED OBSTRUCTIONS.

It is hereby made the duty of the Department to treat as obstructions, any bridges, flumes, pipes, or ditches placed or constructed in violation of the terms of this Chapter.

## 19-2-900P PART 9 – POLES, POSTS, AND FENCES

## 19-2-901. POLES, POSTS, AND FENCES.

It shall be unlawful for any person to set, place, keep, or maintain any pole, post, fence, or like obstruction upon or along any public highway, road, street, avenue, lane, alley, trail, or sidewalk in the City, except as herein designated.

## 19-2-902. CITY'S PERMISSION REQUIRED.

No telephone, telegraph, electric light, or other pole used for the support of wires carrying electric current shall be set on any public highway in the City without permission or a grant of right-of-way therefor being first obtained from the City.

## 19-2-903. MAIL BOXES.

Posts for carrying or holding mail boxes shall be set a sufficient distance back of the curb line so as not to obstruct the street, highway, or sidewalk traffic.

## 19-2-904. FENCES.

Fence posts may be set along a fence line, which is hereby designated as distant from the center of any highway, not less than half the surveyed and platted width of said highway, no public highway in the City being regarded as surveyed and platted less than 50 feet in width, and it shall be unlawful to place or maintain any fence or building, the face of which is nearer the center of any highway than the line herein designated as the fence line.

## 19-2-905. RESERVATION FOR CITY USE.

It is hereby provided that any grant or permission hereafter given to set telephone, telegraph, or electric light poles upon any of the public highways in the City shall be made subject to the reservation, whether or not said reservation is specifically set forth in the grant or permission, that whenever the City Council shall deem it necessary for the public good or service, the City shall have the right to place cross-arms on said poles and string one set of wires thereon for furnishing electric light and current to the City, and to use and operate the same during the period of such grant or permission, with reasonable regard for the rights of said grantee.

## 19-2-906. VIOLATIONS DEEMED OBSTRUCTIONS.

It is hereby made the duty of the Department to treat as obstructions to public highways all poles, posts, fences, or other obstructions set or placed in violation of the terms of this Chapter.

## 19-2-1000P MISCELLANEOUS

## 19-2-1001. OPEN TO PUBLIC INSPECTION.

The official maps shall be available for inspection by the public and interested others in the Public Works Department during regular office hours.

## 19-2-1002. DISREGARD OF WARNING.

If shall be unlawful for any person to fail to observe any barricade, warning light, sign, or flagman warning the public that a highway or portion thereof is restricted or closed to traffic.

## 19-2-1003. UNATTENDED ANIMALS ON HIGHWAY PROHIBITED.

Every person staking, tethering, herding, grazing or pasturing, or allowing to run at large, or causing to be staked, tethered, herded, grazed or pastured, or allowed to run at large, any horse, cow, mule, sheep, goat, swine, or other animal upon any of the public highways of the City shall be guilty of a misdemeanor.

## 19-2-1100P PART 11 - DAMAGE – LIABILITY – PENALTIES

## 19-2-1101. LIABILITY FOR DAMAGES TO HIGHWAYS OR STRUCTURES FROM ILLEGAL OPERATION OR VIOLATION OF MAXIMUM WEIGHT LAW.

Any person driving any vehicle, object, or contrivance upon any City highway or highway structure shall be liable for all damage that said highway or structure may sustain as a result of any illegal operation, driving, or moving of such vehicle, object, or contrivance weighing in excess of the maximum weight specified by law. Whenever such driver is not the owner of such vehicle, object, or contrivance, but is so operating the same with the express or implied permission of said owner, then said owner and driver shall be jointly and severally liable for any such damage. Such damage may be recovered in a civil action brought by the City Attorney.

## 19-2-1102. INJURY TO TREES ON HIGHWAY – PENALTY FOR VIOLATIONS.

Whoever digs up, cuts down, or otherwise injures or willfully destroys any trees planted and standing on any City highway in conformity to law is guilty of a misdemeanor and shall also be liable to the owner for triple the amount of damages sustained.

## 19-2-1103. LIABILITY FOR DAMAGE TO HIGHWAYS, HIGHWAY EQUIPMENT, OR ROAD SIGNS.

Any person who by any means willfully or negligently injures or damages any City highway, highway equipment, or road sign shall be liable for such damage. Such damage may be recovered in a civil action brought by the City Attorney in the name of the City.

## 19-2-1104. VIOLATIONS OR REGULATIONS AS TO USE -- INJURY TO SIGNS, WARNINGS, OR BARRIERS.

Neither shall any person willfully violate any of the rules and regulations of the City as to the use of Class "C" roads or traffic thereon, nor shall any person unlawfully remove, deface, or interfere with any road sign, notice, warning, or barrier.

## 19-2-1104.1 REMOVAL OF SNOW TO CITY STREETS PROHIBITED.

(1) It shall be unlawful for any owner, occupant, lessor, contractor or agent of any parcel of property, excluding all residences, to push, throw, blow or plow snow, hail, or sleet onto any City street.

**(Ord. No. 11-28 Enacted 12/05/2011)**

## 19-2-1105. PENALTY FOR VIOLATIONS NOT OTHERWISE PROVIDED FOR.

Where the performance of an act is prohibited or declared unlawful by the provisions of this ordinance, but no penalty is prescribed for the violation of said provisions, the doing of such an act is declared to be a class "B" misdemeanor.

## 19-2-1200P PART 12 – SIDEWALK REGULATIONS

## 19-2-1201. OBSTRUCTION OF SIDEWALKS.

(2) It shall be unlawful for any person owning, occupying, or having control of any premises to place or permit upon the sidewalk or the half of the street next to such premises:
   a. Any broken ware, glass, filth, rubbish, refuse matter, ice, water, mud, garbage, ashes, tin cans, or other substances.
   b. Any objects, including tree limbs that overhang the sidewalk or roadway, if the object is less than 14 feet above the roadway or seven feet above the sidewalk.

(3) It shall be unlawful for any person to drive a self-propelled vehicle or team or to lead, drive, or ride any animal upon any sidewalk, except across a sidewalk at established crossings.

(4) It shall be unlawful for any person to obstruct any sidewalk or street, or to annoy or obstruct the free travel of any person or vehicle.

**(Ord. No. 94-117 Amended 12/06/1994; Ord. No. 10-04 Amended 03/01/2010)**

## 19-2-1202. REPEALED.

**(Ord. No. 10-04 Repealed 03/01/2010)**

## 19-2-1203. REPEALED.

**(Ord. No. 10-04 Repealed 03/01/2010)**

## 19-2-1204. REPEALED.

**(Ord. No. 10-04 Repealed 03/01/2010)**

## 19-2-1205. REPEALED.

**(Ord. No. 10-04 Repealed 03/01/2010)**

## 19-2-1206. REPEALED.

**(Ord. No. 10-04 Repealed 03/01/2010)**

## 19-2-1207. SNOW TO BE REMOVED FROM SIDEWALKS.

It shall be unlawful for the owner, occupant, lessor, or agent of any property abutting any paved sidewalk to fail to remove or cause to be removed from such paved sidewalk all hail, snow, or sleet falling thereon within twenty-four hours after such hail, snow, or sleet has ceased falling.

**(Ord. No. 10-04 Amended 03/01/2010)**

## 19-2-1208. REPEALED.

**(Ord. No. 10-04 Amended 03/01/2010)**

## 19-2-1209. REPEALED.

**(Ord. No. 10-04 Amended 03/01/2010)**

# CHAPTER 19-3
# REPEALED

# TITLE 20
# UTILITIES

Chapters:

20-1 Community Television of Utah, Inc., Franchise
20-2 Utah Power and Light Franchise
20-3 Transmission Pipelines
20-4 West Valley City Electric Power System
20-5 Telecommunications Rights-of-way Ordinance
20-6 Mobile Telephone Service Revenue Act
20-7 Storm Water Utility

# CHAPTER 20-1
# COMMUNITY TELEVISION OF UTAH, INC., FRANCHISE

Sections:

20-1-101. Intent.
20-1-102. Short Title.
20-1-103. Definitions.
20-1-104. Police Power.
20-1-105. Grant of Franchise.
20-1-106. Authority for use of Streets.
20-1-107. Conditions on Street Occupancy.
20-1-108. Erection of Poles.
20-1-109. Undergrounding.
20-1-110. Relocation.
20-1-111. Movement of Buildings.
20-1-112. Required Extensions of Service.
20-1-113. City Buildings Provided Service.
20-1-114. Removal.
20-1-115. General Capability.
20-1-116. Standby Power.
20-1-117. Override Capability.
20-1-118. Interconnection.
20-1-119. Technical Standards.
20-1-120. Educational and Governmental Access.
20-1-121. Support for use of Access.
20-1-122. Availability of Access Facilities.
20-1-123. Approval of construction by city; inspection; correction of defects in system.
20-1-124. Local Office, Notice and Complaints.
20-1-125. Transfers.
20-1-126. Bonds and Other Surety.
20-1-127. Indemnification by Grantee.
20-1-128. Grantee Insurance.
20-1-129. Procedure for Remedying Franchise Violations.
20-1-130. Alternative Remedies.
20-1-131. Non-enforcement.
20-1-132. Communications with Regulatory Agencies.
20-1-133. Rates.
20-1-134. Franchise Fee.
20-1-135. Amount and Payment of Franchise Fee.
20-1-136. Interest of Delinquent Franchise Fees.
20-1-137. Accounting Standards.
20-1-138. Auditing and Financial Records.
20-1-139. Amendments.
20-1-140. Publication Costs.

## 20-1-101. INTENT.

The City finds that the continuation and development of cable television and communications systems has great benefit and impact upon the residents of West Valley City. Because of the complex and rapidly changing technology associated with cable television, the City further finds that the public convenience, safety and general welfare can best be served by establishing regulatory powers which should be vested in the City or such persons as the City shall designate. It is the City's intent in granting this Franchise to insure that City residents receive a high quality cable television and communications service comparable to the best offered in any surrounding community in Salt Lake County; that any inconvenience to residents in the development and maintenance of the system be minimized; and that the City is properly compensated for the administration of this Franchise and the use of the public facilities permitted by this Chapter. It is the intent of this Chapter and subsequent amendments to provide for and specify the means to attain the best possible public interest and public purpose in these matters, and the Franchise issued pursuant to this Chapter shall be deemed to include this finding as an integral part thereof.

**(Ord. No. 92-18 Rep & Reen 05/01/1992)**

## 20-1-102. SHORT TITLE.

This Chapter shall be known and may be cited as the "West Valley City Cable Communications Franchise Act".

**(Ord. No. 92-18 Rep & Reen 05/01/1992)**

## 20-1-103. DEFINITIONS.

For the purposes of this Chapter the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, words in the singular number include the plural number, and the use of any gender shall be applicable to all genders whenever the sense requires. The words "shall" and "will" are mandatory and the word "may" is permissive. Words not defined shall be given their common and ordinary meaning.

(1) City shall mean West Valley City, State of Utah and all the territory within its present and future boundaries and including any area over which the City exercises jurisdiction.
(2) Cable Communications System, System, or Systems, also referred to as Cable Television System, Cable System, CATV System, or Community Antenna TV System, shall mean a system of antennae, cables, wires, lines, towers, waveguides, or other conductors, converters, amplifiers, headend equipment, master controls, earth stations, equipment and facilities designed and constructed for the purpose of producing, receiving, transmitting, amplifying and distributing audio, video and other forms of electronic or electrical signals within the City.
(3) Franchise shall mean the right granted to the Grantee by which the City authorizes the Grantee to erect, construct, reconstruct, operate, dismantle, test, use and maintain a Cable Communications System in the City. The Franchise awarded is a nonexclusive Franchise.
(4) Grantee shall mean TCI Cablevision of Utah, Inc., its agents, employees, lawful successors, transferees or assignees.
(5) Grantor means the City.

(6) Franchise Fees means any tax, fee or assessment of any kind imposed by the City on the Grantee solely because of its status as a Franchisee. The term "Franchise Fee" does not include:
   a. Any tax, fee, or assessment of general applicability, including any such tax, fee, or assessment imposed on both utilities and cable operators or their services;
   b. Capital costs which are required by the Franchise to be incurred by Grantee for public, educational and governmental access facilities;
   c. Requirements or charges incidental to the awarding or enforcing of the Franchise, including payments for bonds, security funds, letters of credit, insurance, indemnification, penalties, or liquidated damages; or
   d. Any fee imposed under Title 17, United States Code.

(7) Gross Revenues shall mean all cash, credits, property of any kind or nature or other consideration received directly or indirectly by the Grantee, arising from or attributable to operation of the Cable Television System in the City, including but not limited to:
   a. Revenue from all charges for services provided to subscribers of entertainment and non-entertainment services (including leased access fees);
   b. Revenue from all charges for the insertion of local commercial advertisements upon the Cable Television System;
   c. Revenue from all charges for the leased use of studios;
   d. Revenue from all charges for the installation, connection and rein-statement of equipment necessary for the utilization of the Cable Television System and the provision of subscriber and other services; and
   e. The sale, exchange or use or cablecast of any programming developed for community use or institutional users.

   Gross Revenues shall include, value at retail price levels, the value of any goods, services, or other remuneration in non-monetary form, received by the Grantee in consideration for performance by the Grantee of any local advertising or other service in connection with the Cable Television System in the City.

(8) Leased Access shall mean the use on a fee-for-service basis of the Cable Television System by business enterprises (whether profit, nonprofit or governmental) to render services to the citizens of the City and shall include without limitation all use pursuant to Section 612 of the Cable Communications Policy Act of 1984 (47 U.S.C. §§ 521, et seq.).

(9) Person means any individual, corporation, partnership, association, joint venture or organization of any kind and the lawful trustee, successor, assignee, transferee or personal representative thereof.

(10) Subscriber means any person who legally receives any one or more of the services provided by the Cable Communications System.

(11) Street shall mean the surface of and the space above and below any public street, road, highway, easement, lane, path, alley, court sidewalk, parkway, rights of way, or driveway now or hereafter existing as such within the City and over which the City has jurisdiction.

**(Ord. No. 92-18 Rep & Reen, 05/01/1992)**

## 20-1-104. POLICE POWER.

Nothing in this Chapter shall be construed as an abrogation by the City of any of its lawful police powers.

**(Ord. No. 92-18 Rep & Reen, 05/01/1992)**

## 20-1-105. GRANT OF FRANCHISE.

(1) Grantor hereby grants to Grantee a nonexclusive, revocable Franchise to construct, operate, maintain, and reconstruct, a Cable Communications System within the City. The Franchise shall constitute both a right and an obligation to provide the services of a Cable Communications System as required by the provisions of this Chapter.
    a. This Franchise is granted under the terms and conditions contained herein and is intended to be consistent with federal laws and regulations and state general laws and regulations.
    b. The Franchise granted is hereby made subject to the general City Code provisions now in effect or hereafter made effective. Nothing in this Franchise shall be deemed to waive the requirements of the other codes and ordinances of the Grantor regarding permits, fees to be paid or manner of construction. The Grantee agrees to abide by any existing or new ordinances or regulations, adopted in the manner provided by law, so long as they do not substantially impair the rights granted pursuant to this Franchise.
(2) The term of this new Franchise and all rights, privileges, obligations, and restrictions pertaining thereto shall remain in effect through July 1, 2010, unless terminated sooner as hereinafter provided.
(3) Renewal shall be conducted pursuant to applicable law in effect at that time, which is currently Section 626 of the Cable Communications Policy Act of 1984.
(4) The Franchise granted is nonexclusive. The Grantor specifically reserves the right to grant, at any time, such additional Franchises for a Cable Communications System as it deems appropriate, provided however, that such additional grants shall not operate to materially modify, revoke, or terminate any rights previously granted to any Grantee. The material provisions of such additional Franchises shall be reasonably comparable to those of the existing Franchises in order that an unfair competitive advantage is not granted to one operator over another.
(5) Subject to federal law, no Cable Communications System shall be allowed to occupy or use the streets or operate within the City without being granted a Franchise.
(6) Subject to federal law, the Grantor may establish appropriate requirements of new Franchises or Franchise renewals, and may modify these requirements from time to time to reflect the future cable related community needs and interests, taking into account the costs of meeting such needs and interest.
(7) The Grantor may grant a Franchise for all or any defined portion of the City.
(8) All new Franchise applications and renewal applications, subject to federal law, when filed shall be available for public inspection at places designated by the Grantor. Information identified by Grantee or an applicant as "proprietary and confidential" shall not be disclosed by City without Grantee's or the applicant's consent, except to the extent state law or any City ordinance adopted pursuant to state law require its disclosure. Grantor may grant or may decline to grant any Franchise.

**(Ord. No. 92-18 Rep & Reen, 05/01/1992)**

## 20-1-106. AUTHORITY FOR USE OF STREETS.

For the purposes of operating and maintaining a Cable Communications System in the City, Grantee may erect, install, construct, repair, replace, reconstruct and retain in, on, over, under, upon, across and along the streets within the City such lines, cable, conductors, ducts, conduits, vaults,

manholes, amplifiers, appliances, pedestals, attachments and other property and equipment as are necessary and appurtenant to the operation of the Cable System, provided that all applicable permits are applied for and granted, all fees paid and all other City codes and ordinances are otherwise complied with.

(1) Prior to construction or alteration, Grantee shall in each case file plans with all appropriate departments and utility companies and receive written approval of such plans, which approval by City departments shall not be unreasonably withheld. Issuance of excavation, construction or similar permits as required by ordinance shall constitute such written approval.
(2) Grantee shall construct and maintain a Cable Communications System so as not to interfere with other uses of streets. Grantee shall make use of existing poles and other facilities available to Grantee. Grantee shall make reasonable best efforts to individually notify all residents affected by proposed construction in writing prior to the commencement of that work, provided that such prior notification will not unnecessarily delay repair or restoration of existing services or slow expeditious remedy of unsafe conditions.
(3) Notwithstanding the above grant to use streets, no street shall be used by Grantee if City, in its sole option, determines that such use is inconsistent with the terms, conditions or provisions by which such street was created or dedicated, or presently used.
(4) Nothing contained herein should be construed as granting to Grantees any rights whatsoever to the use of any private property without the consent of the owner thereof unless such is permitted by Section 54-4-13, Utah Code Annotated (1953), as amended.

**(Ord. No. 92-18 Rep & Reen 05/01/1992)**

## 20-1-107. CONDITIONS ON STREET OCCUPANCY.

All transmission and distribution structures, lines, and equipment erected by the Grantee within the City shall be located so as to cause minimum interference with the proper use of streets, alleys, and other public ways and places, and to cause minimum interference with the rights and reasonable convenience of property owners who join any of the said streets, alleys or other public ways and places.

(1) Grantee shall repair or replace, at its own expense, any and all rights of way, pavements, sidewalks, street improvements, excavations, other facilities, landscaping or other improvements, public or private, used or damaged in the Franchise operations, including construction, installation, and maintenance thereof. Such repair or replacement shall return the property to as good or better condition as it was prior to the work being done.
(2) The Grantee shall have the authority to trim trees upon and overhanging streets, alleys, sidewalks, and public ways and places of the City so as to prevent the branches of such trees from coming in contact with the wires and cables of the Grantee.
    a. Grantee shall notify City at least 72 hours before doing significant trimming. In the event of an emergency where immediate significant trimming is needed to restore existing services or remedy an unsafe condition, Grantee, after making or attempting oral notification to the Public Works Department of the City, may trim the trees, but only the minimum necessary to restore the service or remedy the unsafe condition. The City may use inspectors to observe the Grantee's trimming of the trees to ensure that it is done properly, as provided in Section 20-1-107(2)(e) below.
    b. The Grantee shall make a reasonable best effort, including written notice, to notify owners of property adjacent to the trees to be trimmed at least 72 hours prior to doing the work.

c. As used herein, "significant trimming" is any trimming of trees beyond minor cuts that do not substantially change the aesthetic character of the tree or damage or injure the tree.
d. For all trimming, the Grantee shall use generally accepted pruning standards of modern arboriculture.

(3) The Grantee shall hold harmless the City and its officers, agents, and employees from and against any and all damages arising out of or resulting from the removal, trimming, mutilation of or any injury to any tree or trees proximately caused by the Grantee or its officers, agents, employees, contractors or subcontractors.

**(Ord. No. 92-18 Rep & Reen, 05/01/1992)**

## 20-1-108. ERECTION OF POLES.

(1) The Franchise shall not be deemed to expressly or impliedly authorize the Grantee to construct or install poles or wire-holding structures within streets for the purpose of placing cables, wires, lines or otherwise, without the written consent of the City. Such consent shall be given upon such terms and conditions as the City Council in its sole discretion may prescribe which shall include a requirement that the Grantee perform, at its sole expense, all tree trimming required to maintain the poles, cable and wires clear of obstructions.

(2) With respect to any poles or wire-holding structures which Grantee is authorized to construct and install within streets, a public utility or public utility district serving the City may, if denied the privilege of utilizing such pole or wire-holding structures by the Grantee, apply for such permission to the City Council. If the City Council finds that such use would enhance the public convenience and would not unduly interfere with the Grantee's present and future operations, the City Council may authorize such use subject to such terms and conditions as may reasonably be agreed upon by the parties. Such authorization shall include the condition that the public utility or public utility district pay to the Grantee any and all actual and necessary costs incurred by the Grantee in permitting such use and shall indemnify the Company from and against any claims or causes of action brought about due to such use.

**(Ord. No. 92-18 Rep & Reen, 05/01/1992)**

## 20-1-109. UNDERGROUNDING.

(1) Except as hereinafter provided, in all areas of the City where the cables, wires and other like facilities of a public utility or public utility district are placed underground, Grantee shall construct and install its cables, wires and other facilities underground. Amplifier boxes and pedestal mounted terminal boxes may be placed above ground if existing technology reasonably requires, but shall be of such size and design and shall be located so as to minimize visual and physical impact on adjacent yards and landscapes insofar as it is technically and economically feasible and not unsafe. In any area of the City where there are certain cables, wires and other like facilities of a public utility or public utility district suspended above the ground from poles, a Grantee may construct and install its cables, wires and other facilities from the same poles.

(2) With respect to any cables, wires and other like facilities constructed and installed by a Grantee above ground, the Grantee shall, at its sole expense, reconstruct and install such cables, wires or other facilities underground pursuant to any project under which the cables, wires or other like facilities of such utilities are placed underground within an area. The duty of a Grantee to place

its cables, wires and other facilities underground shall arise only if all like facilities of utilities which are existing above ground are placed underground, provided however, a Grantee is given reasonable notice of such event so that it may place its facilities underground in conjunction with the utility.

**(Ord. No. 92-18 Rep & Reen, 05/01/1992)**

## 20-1-110. RELOCATION.

(1) If during the term of the Franchise the City, a publicly owned utility, a public water district, a public sanitation district, a public drainage district or any other similar special public district elects to alter, repair, realign, abandon, improve, vacate, reroute or change the grade of any street or to replace, repair, install, maintain, or otherwise alter any above ground or underground cable, wire, conduit, pipe, line, pole, wire-holding structure, structure, or other facility utilized for the provision of utility or other services or transportation of draining, sewage or other liquids, the Grantee, shall, except as provided in Section 20-1-110(2) or as otherwise provided by law, at its sole expense, remove or relocate as necessary its poles, wires, cables, underground conduits, manholes and any other facilities which it has installed.

(2) If such removal or relocation is required within the subdivision in which all utility lines, including those for the Cable Television System, were installed at the same time, the entities may decide among themselves who is to bear the cost of relocation; provided that the City shall not be liable to a Grantee for such costs. Regardless of who bears the costs, Grantee shall take action to remove or relocate upon reasonable notice at such time or times as are directed by the agency or company undertaking the work. Reasonable advance written notice shall be mailed to the Grantee advising the Grantee of the date or dates removal or relocation is to be undertaken.

**(Ord. No. 92-18 Rep & Reen, 05/01/1992)**

## 20-1-111. MOVEMENT OF BUILDINGS.

Grantee shall, upon request by any person holding a building moving permit, Franchise or other approval issued by the City or State of Utah, temporarily remove, raise, or lower its wire to permit the movements of buildings. The expense of such removal, raising or lowering shall be paid by the person requesting same, and Grantee shall be authorized to require such payment in advance. Grantee shall be given not less than forty-eight (48) hours oral or written notice to arrange for such temporary wire changes.

**(Ord. No. 92-18 Rep & Reen, 05/01/1992)**

## 20-1-112. REQUIRED EXTENSIONS OF SERVICE.

(1) Grantee is hereby authorized to extend the Cable System as necessary, desirable, or as required pursuant to the terms hereof within the City. However, at the effective date of this Franchise, the Grantee was capable of providing service to 90 percent of the City residents. Grantee shall develop the system such that 85 percent of the City residents are always capable of being served by the Grantee. However, Grantee's obligation to maintain the percentage shall be subject to Section 20-1-112(2).

(2) Whenever Grantee shall receive a request for service from at least fifteen (15) Subscribers within 1320 cable-bearing strand feet (one-quarter cable mile) of its trunk or distribution cable, it shall extend its Cable System to such Subscribers at no cost to said Subscribers; provided that such extension is technically feasible, and will not adversely affect the operation, financial condition, or market development of the Cable System, or as provided for under Section 20-1-112(3) of this Chapter.
(3) No Subscriber shall be refused service arbitrarily.
(4) For unusual circumstances, such as a Subscriber's request to locate his cable drop underground, the existence of more than one hundred fifty (150) feet of distance from distribution cable to connection of service to Subscribers, or a density of less than fifteen (15) Subscribers per 1320 cable-bearing strand feet of trunk or distribution cable, Cable Service or other service may be made available on the basis of a capital contribution in aid of construction, including cost of material, labor, and easements. For the purpose of determining the amount of capital contribution to be borne by Grantee and Subscribers in the area in which Cable Service may be expanded, Grantee will contribute an amount equal to the construction and other costs per mile, multiplied by a fraction whose numerator equals the actual number of potential Subscribers per 1320 cable-bearing stand feet of its trunks or distribution cable, and whose denominator equals fifteen (15) Subscribers. Potential Subscribers will bear the remainder of the construction and other costs on a pro rata basis. Grantee may require that the payment of the capital contribution in aid of construction borne by such potential Subscribers be paid in advance.

**(Ord. No. 92-18 Rep & Reen, 05/01/1992)**

## 20-1-113. CITY BUILDINGS PROVIDED SERVICE.

The Grantee shall provide, without charge, one (1) outlet of expanded basic service to each governmental building, including but not limited to fire stations, police substations, and public and non-profit private school buildings that are passed by its Cable System. The outlets of expanded basic service shall not be used to sell Cable Services in or throughout such buildings; nor shall such outlets be located in common or public areas open to the public. The distribution of the cable facility inside such building and the extent thereof shall be the option, duty and expense or the building owner. Users of such outlets shall hold Grantee harmless from any and all liability or claims arising out of their use of such outlets, including but not limited to, those arising from copyright liability. Notwithstanding anything to the contrary set forth herein, the Grantee shall not be required to provide an outlet to such buildings where the drop line from the feeder cable to the building exceeds one hundred fifty (150) cable feet, unless it is technically feasible and so long as it will not adversely affect the operation, financial condition, or market development of the Cable System to do so, or unless the City agrees to pay the incremental cost of such drop line in excess of 150 cable feet. In the event that additional outlets of extended basic service are provided to such buildings, the City may also be required to pay the service fees associated with the provision of extended basic service and the additional outlets relating thereto.

**(Ord. No. 92-18, Rep&Reen, 05/01/92)**

## 20-1-114. REMOVAL.

(1) Upon expiration or termination of the Franchise, if the Franchise is not renewed and if neither the City nor an assignee purchased the Cable Television System, the Grantee may remove any

underground cable from the streets which has been installed in such a manner that it can be removed without trenching or other opening of the streets along the extension of cable to be removed. The Grantee shall not remove any underground cable or conduit which requires trenching or other opening of the streets along the extension of cable to be removed, except as hereinafter provided. Subject to federal law, the Grantee shall remove, at its sole cost and expense, any underground cable or conduit by trenching or opening of the streets along the extension thereof or otherwise which is ordered to be removed by the City Council based upon a determination, in the sole discretion of the City, that removal is required in order to eliminate or prevent a hazardous condition or promote future utilization of the streets for public purposes. Any order by the City Council to remove cable or conduit shall be mailed to the Grantee not later than ninety (90) calendar days following the date of expiration of the Franchise. A Grantee shall file written notice with the City Recorder not later than thirty (30) calendar days following the date of expiration or termination of the Franchise of its intention to remove cable and a schedule for removal by location. The schedule and timing of removal shall be subject to approval and regulation by the City. Removal shall be completed not later than twelve (12) months following the date of expiration of the Franchise. Underground cable and conduit in the streets which is not removed shall be deemed abandoned and title thereto shall be vested in the City.

(2) Upon expiration or termination of the Franchise, if the Franchise is not renewed and if neither the City nor an assignee purchased the System, the Grantee, at its sole expense, shall, subject to federal law unless relieved of the obligation by the City, remove from the streets all above ground elements of the Cable Television System, including but not limited to amplifier boxes, pedestal mounted terminal boxes, and cable attached to or suspended from poles, which are not purchased by the City or its assignee.

(3) The Grantee shall apply for and obtain such encroachment permits, licenses, authorizations or other approvals and pay such fees and deposit such security as required by applicable ordinance of the City, shall conduct and complete the work of removal in compliance with all such applicable ordinances, and shall restore the streets to the same condition they were in before the work of removal commenced. The work of removal shall be completed not later than one (1) year following the date of expiration of the Franchise.

**(Ord. No. 92-18, Rep&Reen, 05/01/92)**

## 20-1-115. GENERAL CAPABILITY.

(1) Each Cable Television System shall, at minimum:
   a. Relay to subscriber terminals those broadcast signals required by the FCC;
   b. Distribute in color all television signals which it receives in color;
   c. Make available upon request by any subscribers receiving channels showing premium services and pay per view events, at the expense of the subscriber, a lockout device which prevents the unauthorized viewing of such channels.
   d. All new system extensions shall have a minimum activated capacity of four hundred fifty (450) megahertz.

(2) Because Cable System technology is rapidly changing, it is difficult for the City to set a standard by which the Grantee will upgrade and maintain the Cable Television System in the City. Therefore, insofar as it is technically and economically feasible, Grantee shall upgrade and maintain the System quality equal to or better than the best system that the Grantee provides to any community in Salt Lake County where it has a Franchise.

a. If the Grantee determines that such an upgrade is not technically or economically feasible, it shall submit to the City full documentation, in detail, setting forth how and why it made such a determination. Such a determination shall use reasonable criteria based on industry standards. At such point in time an upgrade, which was originally found not to be technically or economically feasible, becomes feasible, it shall be implemented as provided herein.
b. If applicable, Grantee and City shall negotiate a reasonable time table for implementation of any changes in technology as necessitated by this provision.
c. Implementation of technology which is deemed to be experimental by industry standards can be implemented only at the sole discretion of Grantee.

**(Ord. No. 92-18 Rep & Reen 05/01/1992)**

## 20-1-116. STANDBY POWER.

Each Cable Television System shall include equipment capable of providing standby powering for headend. The equipment shall be constructed so as to automatically revert to the standby mode when the AC power returns.

**(Ord. No. 92-18 Rep & Reen, 05/01/1992)**

## 20-1-117. OVERRIDE CAPABILITY.

Each Cable Television System shall include an "Emergency Alert Capability" which, when accessed by the telephone and security code, will permit the City, in times of emergency, to override the audio of all channels on the Cable System simultaneously. Each Cable Television System shall include the capability for emergency information and instruction to be given from the City's headquarters for Disaster and Emergency Services. The City shall agree to indemnify, save and hold harmless Grantee from and against any liability resulting from use of the aforementioned emergency override capability. The City agrees to cooperate with other governmental entities regarding the use of the override capabilities in order to prevent two or more governmental entities from using the System at the same time.

**(Ord. No. 92-18 Rep & Reen, 05/01/1992)**

## 20-1-118. INTERCONNECTION.

The Cable Television System shall, insofar as technically and economically feasible, be compatible with and able to be interconnected with other Cable Systems within the City and the greater Salt Lake County area, and other areas adjacent to the Franchise Area so as to enable each system to carry and cablecast the public, educational, and governmental access programming of the other systems.

**(Ord. No. 92-18 Rep & Reen, 05/01/1992)**

## 20-1-119. TECHNICAL STANDARDS.

(1) Grantee shall construct, install and maintain its Cable Television System in a manner consistent and in compliance with all applicable laws, ordinances, construction standards, governmental requirements, and technical standards equivalent to those established by the FCC.
(2) Grantee shall at all times comply with National Electrical Safety Code (National Bureau of Standards); National Electrical Code (National Bureau of Fire Underwriters); Applicable FCC and other federal, state and local regulations; and codes and other ordinances of the City.
(3) In any event, the Cable Television System shall not endanger or interfere with the safety of persons or property within the City or other areas where the Grantee may have equipment located.
(4) All working facilities, conditions, and procedures, used in or occurring during construction of the Cable Television System shall comply with the standards of the Occupational Safety and Health Administration.
(5) Construction, installation and maintenance of the Cable Television System shall be performed in an orderly and workmanlike manner, and in reasonable cooperation with public and private utilities serving the City following accepted construction procedures and practices and working through existing utility coordinating committees and organizations.
(6) All cable and wires shall be installed, where possible, parallel with electric and telephone lines, and multiple cable configurations shall be arranged in parallel and bundled with due respect for engineering consideration.
(7) Any antenna structure used in the Cable Television System shall comply with the specifications for construction, marking, and lighting of antennae structures required by the United States Department of Transportation.
(8) RF leakage shall be checked at reception locations for emergency radio services to prove no interference signal combinations are possible. Radiation shall be measured adjacent to any proposed aeronautical navigation or communication radio sites to prove no interference to air navigational reception.
(9) Grantee shall at all times retain control of all of its contractors and their subcontractors and respond to complaints and concerns of the City and its citizens.

**(Ord. No. 92-18 Rep & Reen, 05/01/1992)**

## 20-1-120. EDUCATIONAL AND GOVERNMENTAL ACCESS.

Upon request by the City, Grantee shall make available one channel to be used for educational, and governmental use. The channel shall be shared with the municipalities receiving programming from the West Valley City, Draper City, and Salt Lake City headends. When first-run programming on the access channel occupies fifty percent (50%) of the hours between 11 a.m. and 11 p.m., for any twelve (12) consecutive weeks, the City may request the use of an additional channel for the same purpose. The additional channel must maintain programming twenty-five percent of the hours between 11 a.m. and 11 p.m. for twelve consecutive weeks. If this level of programming is not maintained, the channel will return to the Grantee for its use. Grantee also reserves the right to program the designated education, and governmental channels during the hours not used by the City or other Governmental entities. The City shall agree to indemnify, save, and hold harmless Grantee from and against any liability resulting from use of the aforementioned educational and governmental channels by the City.

**(Ord. No. 92-18 Rep & Reen, 05/01/1992)**

## 20-1-121. SUPPORT FOR USE OF ACCESS.

Nothing contained in this Chapter shall be construed to limit the authority of the Grantee to make payments in support of the use of educational and/or governmental access. However, such payments are expressly not a requirement of any Franchise granted hereunder and shall in no event be considered in the calculation of Franchise Fees pursuant to this Chapter.

**(Ord. No. 92-18 Rep & Reen, 05/01/1992)**

## 20-1-122. AVAILABILITY OF ACCESS FACILITIES.

(1) Use of facilities, as they exist, for educational and governmental access upon the Cable Television System pursuant to Section 20-1-120 above shall be made available, without rental, deposits, or any other charge whatsoever, for use during normal business hours in connection with the production of educational and/or governmental access programming cablecast upon the Cable Television System. Grantee shall:

(2) Allow all governmental entities desiring to cablecast educational and/or governmental access programming to produce programming upon and electronically interfere directly with Cable Television System of Grantee so as to effectively cablecast the educational and/or governmental access programming; or, in the alternative:

   a. Upon the request of the City, Grantee shall assist in establishment of such reasonable rules and procedures, designed to promote the utilization of such educational and/or governmental access programming and subject to the approval of the City Council, which approval shall not be unreasonably withheld, whereby the Grantee shall accept and cablecast such educational and/or governmental access programming upon the Cable Television System as shall be provided to the Grantee by such persons and entities.

(3) Grantee shall make all reasonable efforts to coordinate the cable casting of educational and/or governmental access programming upon the Cable Television System at the same time and upon the same channel designations as such programming is cablecast upon other cable television systems within the community.

**(Ord. No. 92-18 Rep & Reen, 05/01/1992)**

## 20-1-123. APPROVAL OF CONSTRUCTION BY CITY; INSPECTION; CORRECTION OF DEFECTS IN SYSTEM.

(1) Except for individual service drops, the Grantee shall not, within the City, run any line, make any attachment, nor shall any construction of any kind be commenced without the prior approval of the City. Such approval shall not be unreasonably withheld and action shall be taken on any request for approval within three (3) business days of receipt of the request, or it shall be deemed granted. Grantee shall be able to make emergency repairs as needed.

(2) The City shall have and maintain the right to inspect the construction, operation and maintenance of the system by the Grantee to insure the proper performance of the terms of this Chapter.

(3) In the event the Grantee should fail to comply with the terms of this Chapter or any other City permit issued for construction, the City shall give Grantee written notice of such non-compliance

and a reasonable time for correction. After reasonable written notice and failure of Grantee to make timely correction, the City may:

a. Make such correction itself and charge the cost of the same to the Grantee; and/or
b. Secure the proceeds from any financial performance instrument posted by the Grantee.

**(Ord. No. 92-18 Rep & Reen, 05/01/1992)**

## 20-1-124. LOCAL OFFICE, NOTICE AND COMPLAINTS.

The Grantee shall provide a quality of service equal to or better than the best service quality that the Grantee provides to any community in Salt Lake County where it has a franchise. In addition:

(1) The Grantee shall maintain a local business office to which subscribers may telephone during regular business hours without incurring added message or toll charges and shall maintain a telephone answering service to receive complaint calls during non-business hours. Under normal operating conditions, the Grantee shall respond to all service calls within 36 hours during the normal work week, and correct any malfunctions or deficiencies as promptly as possible.
(2) Except in emergency situations the Grantee shall make reasonable best efforts to notify subscribers in advance if interrupted service is necessary for extensive repairing or upgrading of the Cable System.
(3) If a subscriber or other person or entity making use of the Cable System has an unresolved complaint concerning quality of service, equipment malfunctions, access to or programming of public channels, or other matters pertaining to the Cable System, that party shall, after reasonable attempts to resolve the complaint with the Grantee, have the right to file a complaint before the City Manager and meet jointly with a representative of the City and the Grantee to fully discuss and resolve such matters.
(4) The Grantee shall have personnel "on call" during non-business hours who can resolve system service problems.

**(Ord. No. 92-18 Rep & Reen, 05/01/1992)**

## 20-1-125. TRANSFERS.

(1) The Franchise shall not be sold, assigned or transferred, either in whole or in part, or leased, sublet, or mortgaged in any manner, nor shall title thereto, either legal or equitable or any right, interest or property therein, pass to or vest in any person except to an entity controlling, controlled by, or under common control with the Grantee, without the prior written consent of the City, which consent shall not be unreasonably withheld.
(2) No such consent shall be required for a transfer in trust, mortgage, or other hypothecation as a whole or in part to secure an indebtedness.
(3) The proposed assignee must show technical ability, financial capability, legal qualifications and general qualifications as determined by the City and must agree to comply with all provisions of the Franchise and such conditions as may be prescribed by the City Council expressed by resolution. The City shall be deemed to have denied a proposed transfer or assignment in the event that its consent is not communicated in writing to Grantee within one hundred twenty (120) days following receipt of written notice of the proposed transfer or assignment.
(4) The Grantee shall promptly notify the City of any actual or proposed change in, or transfer of, or acquisition by any other party of, control of the Grantee. The word "control" as used herein is

not limited to major stockholders but includes actual working control in whatever manner. Every change, transfer, or acquisition of control of the Grantee shall make the Franchise subject to cancellation unless and until the City shall have consented thereto, which consent will not be unreasonably withheld. For the purpose of determining whether it shall consent to such change, transfer or acquisition of control, the City may inquire into the qualifications of the prospective controlling party and the Grantee shall assist the City in any such inquiry.

(5) A rebuttable presumption that a transfer of control has occurred shall arise upon the acquisition or accumulation by any person or group of persons of fifty (50%) percent of the voting interest of the Grantee.

(6) The consent or approval of the City Council to any transfer of the Franchise shall not constitute a waiver or release of the rights of the City in and to the streets, and any transfer shall by its terms, be expressly subordinate to the terms and conditions of the Franchise.

(7) In any absence of extraordinary circumstances, the City will not approve any transfer or assignment of the Franchise prior to substantial completion of construction of the System.

(8) The City Council reserves the right of "first refusal" to purchase a Cable System at the current market value price if and when it is placed on the market for sale. However, should the sale of the system be part of a unified sale of some or all assets of the Grantee or any affiliated organization, then this section shall not be applicable. In no event shall Grantee be required to receive less than a fair market value as a going concern.

(9) In no event shall a transfer of ownership or control be approved without successor in interest becoming a signatory to the Franchise agreement.

**(Ord. No. 92-18 Rep & Reen, 05/01/1992)**

## 20-1-126. BONDS AND OTHER SURETY.

(1) Except as expressly provided herein, Grantee shall not be required to obtain or maintain bonds or other surety as a condition of being awarded the Franchise or continuing its existence. Grantee and City recognize that the costs associated with bonds and other surety may ultimately be borne by the subscribers in the form of increased rates for cable services. Initially, no bond or other surety will be required. In the event that one is required in the future, the City agrees to give Grantee at least sixty (60) days prior written notice thereof stating the exact reason for the requirement.

(2) Notwithstanding the above provisions, Grantee shall be responsible for standard performance bonds and insurance required for encroachment permits for work done within City streets.

**(Ord. No. 92-18 Rep & Reen, 05/01/1992)**

## 20-1-127. INDEMNIFICATION BY GRANTEE.

(1) Grantee shall, at its sole expense, fully indemnify, defend and hold harmless the City, and in their capacity as such, the officers, agents and employees thereof, from and against any and all claims, suits, actions, liability and judgments for damages or otherwise, including, but not limited to:

   a. For actual or alleged injury to persons or property, including loss of use of property due to an occurrence, whether or not such property is physically damaged or destroyed, in any way arising out of or through, or alleged to arise out of or through, the acts or omissions of the Grantee or its officers, agents, employees or contractors or to which

the Grantee's or its officers', agents', employees' or contractors' acts or omissions in any way contribute.

b. Arising out of or alleged to arise out of any claim for damages for Grantee's alleged invasion of the right of privacy, defamation of any person, firm or corporation, or the violation or infringement of any copyright, trade mark, trade name, service mark or patent, or of any other right of any person, firm or corporation; or

c. Arising out of or alleged to arise out of Grantee's failure to comply with the provisions of any statute, regulation or ordinance of the United States, State of Utah, the City or other local agency applicable to the Grantee in its business.

(2) Nothing herein shall be deemed to prevent the parties indemnified and held harmless herein from participating in the defense of any litigation by their own counsel at their own expense. Such participation shall not under any circumstance relieve the Grantee from its duty of defense against liability or paying any judgment entered against such party.

**(Ord. No. 92-18 Rep & Reen, 05/01/1992)**

## 20-1-128. GRANTEE INSURANCE.

As a part of the indemnification provided by Section 20-1-127, but without limiting the foregoing, Grantee shall file a certificate of insurance, and at all times thereafter maintain in full force and effect at its sole expense, an acceptable policy or policies of liability insurance, including comprehensive general liability insurance products/completed operations liability, personal injury liability, owners and contractors protective liability, broad form property damage, contractual liability, automobile liability (owned; non-owned and hired automobiles), workers compensation and employer liability. The policy or policies shall name as an additional insured the City, and in their capacity as such, their officers, agents and employees. Policies of insurance shall be in the minimum single limit amount of two million dollars ($2,000,000.00) per occurrence. The insurance policy or policies shall contain contractual liability insurance naming the Grantee, and shall insure against the types of liabilities covered by the indemnification and hold harmless provisions of Section 20-1-127. The insurer or insurers shall be authorized to write the required insurance, approved by the Insurance Commissioner of the State of Utah, and subject to the reasonable approval of the City.

The policy or policies of insurance shall be maintained by the Grantee in full force and effect during the entire term of the Franchise. Each policy of insurance shall contain a statement on its face that the insurer will not cancel the policy or fail to renew the policy, whether for nonpayment of premium, or otherwise, and whether by the request of the Grantee or for other reasons, except after thirty (30) calendar days advance written notice mailed by the insurer to the City Recorder, and that such notice shall be transmitted postage prepaid, with return receipt.

**(Ord. No. 92-18 Rep & Reen, 05/01/1992)**

## 20-1-129. PROCEDURE FOR REMEDYING FRANCHISE VIOLATIONS.

(1) In the event that the City determines that Grantee has violated any provision of the Franchise, the City may make a written demand on Grantee that it remedy such violation. If the violation is not remedied, or in the process of being remedied, to the satisfaction of City within thirty (30) days following such demands, an administrative hearing shall be held to review the alleged violation. If this hearing does not result in a satisfactory resolution, and/or Grantee requests a public hearing, then a public hearing shall be held, and Grantee shall be provided with an

opportunity to be heard upon thirty (30) days written notice to Grantee of the time and place of the hearing and the allegations of Franchise violations.

a. Any hearing held may be conducted by the City Council or, at the sole discretion of the Council, by a hearing officer appointed by the Council to conduct the hearing. Any such hearing officer shall be an attorney licensed to practice under the laws of the State of Utah.
b. The cost of providing quarters for the hearing, compensation for the hearing officer, if any, and the per diem cost of any reporter retained to record the proceedings shall be borne by the City. The costs incurred by the parties for attorney's fees, expert witness fees and other expenses shall be borne solely by the party incurring the costs.
c. All witnesses testifying at any hearing held pursuant to this section shall be sworn witnesses and shall be subject to direct and cross-examination. However, formal rules of evidence applicable to the trial of civil and criminal proceedings in the trial courts of the State of Utah shall not be applicable to the hearing. The provisions of the Administrative Procedures Act, commencing at Section 63-46b-1, et seq., U.C.A 1953, as amended, or any successor legislative enactment, shall not be applicable to any such hearing. The hearing may be continued from time to time.
d. If the hearing is conducted by a hearing officer, the officer shall, upon conclusion of the hearing, prepare a recommended decision which includes findings of fact and conclusions. The recommended decision shall be filed with the City Recorder and mailed to the parties not later than thirty (30) calendar days after the conclusion of the hearing. Upon receipt of such a recommended decision, the City Council may, without a hearing except as otherwise required below, either:
    i. adopt the recommended decision, including findings of fact and conclusions submitted by the hearing officer;
    ii. adopt the findings of fact and conclusions contained in the recommended decision, modify the decision, and adopt the recommended decision as so revised;
    iii. based upon the record of the hearing, modify the findings of fact, conclusions or decisions and adopt the recommended decision as so revised;
    iv. reject the recommended decision and conduct a new hearing.
e. If the hearing is conducted by the City Council, following conclusion of the hearing, the City Council shall adopt a decision which includes findings of fact and conclusions.

(2) If, after notice is given and, at Grantee's option, a full public proceeding is held, the City determines that such violation occurred or still exists, then Grantor may impose a remedy including, without limitation:
    a. making the correction itself, and charging the cost to the Grantee;
    b. commencing an action at law for monetary damages, or seeking other equitable relief;
    c. requiring the filing of a financial performance instrument by the Grantee to insure future performance; or
    d. in the case of a substantial default of a material provision of the Franchise, declaring the Franchise terminated.
(3) If the decision by the City Council is that there are grounds for termination of the Franchise and that the Franchise shall be terminated, the City Council may adopt a resolution which terminates the Franchise and includes its decisions. The effective date of termination shall be such date as is prescribed by the City Council, within its sole discretion, in the resolution.
(4) The Grantee shall not be held in default or non-compliance with the provisions of the Franchise, nor suffer any enforcement or penalty relating thereto, for such non-compliance or alleged

defaults are caused by strikes, acts of God, power outages, or other events reasonably beyond its ability to control.

**(Ord. No. 92-18 Rep & Reen, 05/01/1992)**

## 20-1-130. ALTERNATIVE REMEDIES.

No provision of this Chapter shall be deemed to bar the right of the City to seek or obtain judicial relief from a violation of any provision of the Franchise or any rule, regulation, requirement or directive promulgated thereunder. Neither the existence of other remedies identified in this Chapter nor the exercise thereof shall be deemed to bar or otherwise limit the right of the City to recover monetary damages for such violation by the Grantee, or to judicial enforcement of the Grantee's obligations by means of specific performance, injunction relief or mandate, or any other judicial remedy at law or in equity.

No provision of this Chapter shall be deemed to bar any rights the Grantee may have under law, which may include the Cable Communications Policy Act of 1984, as amended, to the extent it is in force, and the right to review of any decision by the City Council by a court of competent jurisdiction.

**(Ord. No. 92-18 Rep & Reen, 05/01/1992)**

## 20-1-131. NON-ENFORCEMENT.

Grantee shall not be relieved of any obligation to comply with any of the provisions of the Franchise or any rule, regulation, requirement or directive promulgated thereunder by reason of any failure of the City or its officers, agents or employees to enforce prompt compliance.

**(Ord. No. 92-18 Rep & Reen, 05/01/1992)**

## 20-1-132. COMMUNICATIONS WITH REGULATORY AGENCIES.

Copies of all petitions, applications, communications, and reports submitted by Grantee to the FCC or any other federal or state regulatory commission or agency having jurisdiction in respect to any matters affecting construction or operation of a Cable Television System or services provided through such a System, shall be made available to City upon reasonable request. Copies of responses or any other communications from the regulatory agencies to a Grantee likewise shall be made available upon reasonable request.

**(Ord. No. 92-18 Rep & Reen, 05/01/1992)**

## 20-1-133. RATES.

(1) The Grantee shall file with the City on December 31 of each year a full schedule of all subscriber and user rates and all other charges including, but not limited to, pay TV, lease channel and discrete services, made in connection with the cable communications system.
    a. All rates shall be published on file with the City.
    b. The Grantee shall not discriminate in the assessment, levy, charge, imposition or collection of rates on the basis of age, race, creed, color, religion, national origin, sex or marital status.

(2) Nothing in this Chapter shall be construed to prohibit the reduction or waiving of charges in conjunction with promotional campaigns for the purpose of attracting subscribers or users.
(3) The Grantee may require all subscribers to pay for basic service not more than one (1) month in advance. The Grantee shall require no other advancement of payment for basic service, provided, however, that nothing herein shall be construed to prohibit an advancement of payment for installation of Cable Communications Services or charges other than those for basic service.
(4) The Grantee shall neither impose nor collect any additional charge for the disconnection of any installation or outlet.
(5) In the event that a subscriber fails to pay as properly due and owing a fee or charge, the Grantee may disconnect the subscriber's service outlet upon giving ten (10) days written notice thereof.
(6) The Grantee shall establish and conform to the following policy regarding refunds to subscribers and users:
    a. If the Grantee collects a deposit or advance charge on any service or equipment requested by a subscriber or user, the Grantee shall provide such service or equipment within thirty (30) days of the collection of the deposit or charge or it shall refund such deposit or charge within five (5) days thereafter.
        i. Nothing in this Section shall be construed to relieve the Grantee of any responsibility to subscribers or users under any contractual agreements into which it enters with them.
        ii. Nothing in this Section shall be construed as limiting the Grantee's liability for fines or penalties which may be imposed under this Chapter or awarded in accordance with any agreement for violation or breach of any of their provisions.
        iii. Nothing in this Section shall be construed to limit the Grantee's liability for damages because of its failure to provide the service for which the deposit or charge was made.
    b. In the event that a subscriber terminates basic service prior to the end of a pre-paid period, upon request, the pro-rata portion of any pre-paid subscriber fee which represents payment for services which are no longer to be rendered shall be refunded promptly, but in no case more than fifteen (15) days after receipt of the request for refund.
(7) The Grantee shall not charge a converter security deposit greater than such converter's actual cost to the Grantee. Any converter security deposit collected by the Grantee shall be returned to the subscriber twenty-four (24) months after the installation of such converter or upon termination of service by the subscriber and the return of such converter undamaged, with allowance for reasonable wear and tear, and payment of any outstanding balance due and payable, whichever occurs first.

**(Ord. No. 92-18 Rep & Reen, 05/01/1992)**

## 20-1-134. FRANCHISE FEE.

For the use of the streets and for the purposes of providing revenue with which to defray the costs of regulation arising out of the granting of this Franchise under this Chapter, Grantee shall pay a Franchise Fee in the amount prescribed by Section 20-1-135 below.

**(Ord. No. 92-18 Rep & Reen, 05/01/1992)**

## 20-1-135. AMOUNT AND PAYMENT OF FRANCHISE FEE.

(1) During the term of the Franchise, beginning May 1, 1992, Grantee shall pay to the City an amount equal to five (5%) percent per year of the Grantee's annual Gross Revenue received. From January 1, 1992, to April 30, 1992, the Franchise Fee shall be at the 3 percent (3%) of basic service, as set forth in the previous Franchise ordinance.
(2) The Franchise Fees for calendar year 1992 shall be paid by March 31, 1993. Thereafter, the Franchise Fee shall be paid quarterly forty-five (45) days after the end of each quarter. Not later than the date of each payment, the Grantee shall file with the City a written statement signed under penalty of perjury by an officer of the Grantee, which identifies in detail the sources and amounts of Gross Revenues received by a Grantee during the year for which payment is made.
(3) No acceptance of any payment shall be construed as an accord that the amount paid is, in fact, the correct amount, nor shall such acceptance of payment be construed as a release of any claim which the City may have for further or additional sums payable under the provisions of this Section.

**(Ord. No. 92-18 Rep & Reen, 05/01/1992)**

## 20-1-136. INTEREST OF DELINQUENT FRANCHISE FEES.

Any Franchise Fees which remain unpaid after the dates specified in Section 20-1-135 above shall be delinquent and shall thereafter accrue interest at the maximum legal rate until paid.

**(Ord. No. 92-18 Rep & Reen, 05/01/1992)**

## 20-1-137. ACCOUNTING STANDARDS.

Within six (6) months after the Grantee's fiscal year ends, the Grantee shall provide to the City an unqualified certification of the accuracy of the annual Franchise Fee payment remitted for the preceding fiscal year. This certification must be prepared by a certified public accountant and prepared in accordance with generally accepted accounting standards.

**(Ord. No. 92-18 Rep & Reen, 05/01/1992)**

## 20-1-138. AUDITING AND FINANCIAL RECORDS.

During the term of the Franchise, the City may, not more frequently than once each year, conduct an audit of the books, records and accounts of the Grantee for the purpose of determining whether the Grantee has paid Franchise Fees in the amounts prescribed by Section 20-1-135 above. The audit may be conducted by the Finance Department of the City or by an independent certified public accounting firm retained by the City, and shall be conducted at the sole expense of the City. The party conducting the audit shall prepare a written report containing its findings, and the report shall be filed with the City, and mailed to the City and Grantee.

Each Grantee shall make available for inspection by authorized representatives of the City, its books, accounts, and all other financial records at reasonable times and upon reasonable advance notice for the purpose of permitting exercise of the authorities conferred by this Section.

**(Ord. No. 92-18 Rep & Reen, 05/01/1992)**

## 20-1-139. AMENDMENTS.

This Franchise may be amended by the City Council to incorporate any new rights granted to franchising entities or the Grantee by federal law or FCC rule.

**(Ord. No. 92-18 Rep & Reen, 05/01/1992)**

## 20-1-140. PUBLICATION COSTS.

The Grantee shall assume the cost of publication of this Franchise as such publication is required by law and such is payable upon the Grantee's filing of acceptance of this Franchise.

**(Ord. No. 92-18 Rep & Reen, 05/01/1992)**

# CHAPTER 20-2
# UTAH POWER AND LIGHT FRANCHISE

Sections:

20-2-101. Right of Franchise.
20-2-102. Poles and Towers.
20-2-103. Construction of Lines.
20-2-104. Liability.
20-2-105. Written Acceptance.

## 20-2-101. RIGHT OF FRANCHISE.

There is hereby granted to Utah Power & Light Company, its successors and assigns (herein called the "Grantee"), the right, privilege or franchise, until July 1, 2030, to construct, maintain and operate in the present and future, streets, alleys and public places in the City, and its successors, electric light and power lines, together with all the necessary or desirable appurtenances (including underground conduits, poles, towers, wires, transmission lines, and telegraph and telephone lines for its own use), for the purpose of supplying electricity to the City, the inhabitants thereof, and persons and corporations beyond the limits thereof, for light, heat, power and other purposes.

## 20-2-102. POLES AND TOWERS.

Poles and towers shall be erected so as to interfere as little as possible with traffic over the streets and alleys. The location of all poles, towers and conduits shall be fixed under the supervision of the governing authorities of the City, but not as unreasonable so as to interfere with the proper operation of the lines.

## 20-2-103. CONSTRUCTION OF LINES.

All lines constructed under this grant shall be constructed in accordance with established practices with respect to electrical construction, including standards of the National Electric Safety Code and National Electric Code.

## 20-2-104. LIABILITY.

The City shall in no way be liable or responsible for any accident or damage that may occur in the construction, operation or maintenance by the Grantee of its lines and appurtenances hereunder, and the acceptance of this franchise shall be deemed an agreement on the part of the Grantee, its successors and assigns, to indemnify the City and hold it harmless against any and all liability, loss, cost, damage, or expense which may accrue to the City by reason of the neglect, default or misconduct of the Grantee in the construction, operation, or maintenance of its lines and appurtenances hereunder.

## 20-2-105. WRITTEN ACCEPTANCE.

The Grantee shall file its written acceptance of this franchise with the City Recorder 30 days after its passage.

# CHAPTER 20-3
# TRANSMISSION PIPELINES

Sections:

20-3-101. Purpose.
20-3-102. Applicability.
20-3-103. Definitions.
20-3-104. Excavation Permit Required.
20-3-105. Access.
20-3-106. Construction under Roadways.
20-3-107. Repealed.
20-3-108. Pipeline Location.
20-3-109. Subdivision.
20-3-110. Recovery of Costs by City.
20-3-111. Construction, Maintenance, Repair or Relocation.

## 20-3-101. PURPOSE.

It is the purpose of this Chapter to address the health, safety and welfare concerns surrounding the hazards of a gas transmission pipeline located in the City. These regulations are designed to improve the level of public safety and at the same time safeguard the integrity of the pipeline. A basic assumption is that the main cause of major pipeline failures is due to third party damage to the pipeline during construction and servicing activities. These guidelines are intended to reduce the potential for unauthorized and improper construction activities on the pipeline right-of-way. These provisions do not relieve any person or persons from any obligation under any other regulation imposed by West Valley City Code, state law or federal law, nor do they impose any liability upon the City.

## 20-3-102. APPLICABILITY.

This Chapter shall apply to any new pipeline construction and to subdivisions, buildings, or additions to buildings proposed to be located on property within 100 feet of the pipeline.

## 20-3-103. DEFINITIONS.

(1) Transmission Pipeline or Pipeline means:
   a. Any pipeline with a nominal diameter of 6" or more, located in the City that is used to transport hazardous liquids. However, it does not include pipelines used to transport hazardous liquids by gravity or pipes used to transport or store hazardous liquids within a refinery, storage or manufacturing facility.
   b. A pipeline operated at a pressure of more than 500 psi that carries natural gas.

(2) Surface Use means the activity or the improvements occurring on the surface of a parcel of land.

(3) Easement means an interest in land owned by another that entitles its holder to a specific limited use or enjoyment.

## 20-3-104. EXCAVATION PERMIT REQUIRED.

(1) Except as otherwise provided in this Chapter, an excavation permit shall be required before beginning construction or maintenance on any pipeline in the City. Application for the permit shall be made upon forms provided by the City. The completed application shall be filed with the Public Works Department and shall be accompanied by the following:
    a. Three copies of the application and a center line survey showing the proposed right-of-way and the exact location of the pipeline within that right-of-way. One copy each shall be submitted to the City's Community Development Department, Fire Department and Public Works Department.
    b. Identification of the location and extent of topographical or geographical problems in relation to the pipeline, such as faults, waterways, rights-of-way and other like problems. Show how these problems will be addressed prior to construction.
    c. A 24-hour emergency contact number and the names of pipeline personnel to notify in case of emergency.

(2) The following items shall be provided to the City at completion or prior to operation, whichever occurs first:
    a. Three copies of an as-built survey showing the actual location of the right-of-way and the exact location of the pipeline within the right-of-way.
    b. An emergency response plan submitted to and approved by the Fire Department. The plan shall include:
        i. suggested alternate approach routes, if normal routes to exposed areas are blocked by incident or by traffic;
        ii. a medical mass casualty plan to deal with pipeline associated incidents;
        iii. an evacuation plan for all exposures adjacent to the pipeline;
        iv. complete information on the products to be piped and the characteristics of those products;
        v. evidence that the pipeline is a part of the "One Call" system protecting against construction incidents in the vicinity of the pipeline; and
        vi. development of a mass media package that will be instituted when a gas pipeline incident occurs, should a gas pipeline incident occur.
    c. Four copies of a plan for public awareness of the pipeline.
    d. Four copies of a damage prevention program required under US Department of Transportation, 1983, Section 192.614.
    e. An application fee as determined by the City's Consolidated Fee Schedule.
    f. An impact fee where required. (Must be paid prior to the issuance of the permit.)

## 20-3-105. ACCESS.

The pipeline right-of-way shall be kept clear and unobstructed, except for uses which are temporary in nature that may be removed quickly during emergency situations. The storage of any explosive or combustible materials shall not be located in the right-of-way. The pipeline shall be properly signed for easy identification. Where fences are erected over or around the pipeline, they shall be built in such a manner as to allow ready access to the pipeline for emergency vehicles and pipeline maintenance.

## 20-3-106. CONSTRUCTION UNDER ROADWAYS.

That portion of the pipeline that passes underneath a roadway shall be required to meet the specifications required by the Utah Department of Transportation for pipelines going under state rights-of-way. The specifications shall require the approval of the City Engineer. Any damage to the roadway shall be repaired at the expense of the pipeline company, and construction shall be coordinated with the City Engineer and be completed as quickly as possible so as to prevent the unnecessary restriction of traffic or public access to the right-of-way.

## 20-3-107. REPEALED.

**(Ord. No. 97-30 Repealed 07/01/1997)**

## 20-3-108. PIPELINE LOCATION.

At the time of application for a building permit, site plan review or preliminary plat, the applicant shall provide a scaled site plan that shows the location of any pipeline within 100 feet of the applicant's site. The elevation of the pipeline shall be shown in a site plan and on a grading plan, when such plan is required to be submitted.

## 20-3-109. SUBDIVISION.

Wherever practical, subdivisions shall be designed with any existing pipeline along the rear lot lines.

## 20-3-110. RECOVERY OF COSTS BY CITY.

Any person that causes an extraordinary expense to the City in preparation, response, litigation or recovery from pipeline-associated emergency services may be held responsible for the cost of said services.

## 20-3-111. CONSTRUCTION, MAINTENANCE, REPAIR OR RELOCATION.

The pipeline company shall obtain an excavation permit from the West Valley City Public Works Department for any construction, maintenance, repair or relocation of the pipeline or pipeline facilities within any right-of-way, at least 24 hours before commencing such activities. This requirement is expressly waived for construction, maintenance or repairs made in response to an emergency.

# CHAPTER 20-4
# WEST VALLEY CITY ELECTRIC POWER SYSTEM

Sections:

20-4-101. Electric Power System Established.
20-4-102. Functions of Electric Power System.
20-4-103. Rates and Regulation of Electric Power System.

## 20-4-101. ELECTRIC POWER SYSTEM ESTABLISHED.

There is hereby created the West Valley City Electric Power System, hereinafter referred to as the "Electric Power System." Initially, the area to be served by the Electric Power System shall include the property annexed to the City as described in Ordinance No. 88-17, hereinafter referred to as the "Service Area." Only new customers, i.e., those not currently serviced by an electric public utility, shall be connected to the new System in the Service Area.

**(Ord. No. 94-79 Enacted 08/15/1994)**

## 20-4-102. FUNCTIONS OF ELECTRIC POWER SYSTEM.

The Electric Power System shall be under the control and supervision of the Community and Economic Development Director or his or her designee. The Electric Power System shall be maintained, operated, and improved so as to provide safe, reliable, and efficient service at reasonable and just rates in the Service Area. The Director shall:

(1) Direct and supervise all activities of the Electric Power System and report to the City Manager.
(2) Coordinate and assist with the construction and maintenance of distribution facilities, substations, and metering equipment.
(3) Plan and implement operation, maintenance, and capital improvement projects, including coordination of contract services and budgets.
(4) Direct and supervise customer service activities, including meter reading, billing, and related services.
(5) Administer matters relating to the existing power supply, transmission, transformation, and operation and maintenance agreements. Assist in developing future agreements as necessary.
(6) Oversee economic analyses, rate studies, and power supply planning.
(7) Represent the Electric Power System before administrative and public organizations, as authorized by the City Manager or City Council.
(8) Perform other duties as needed.

**(Ord. No. 94-79 Enacted 08/15/1994)**

## 20-4-103. RATES AND REGULATION OF ELECTRIC POWER SYSTEM.

The City Council shall have responsibility for adoption of Rate Schedules and Electric Service Regulations for the Electric Power System.

**(Ord. No. 94-79 Enacted 08/15/1994)**

# CHAPTER 20-5
# TELECOMMUNICATIONS RIGHTS-OF-WAY ORDINANCE

Sections:


20-5-101. Declaration of Finding and Intent.
20-5-102. Scope of Ordinance.
20-5-103. Excluded Activity.
20-5-200P Part 2 – Defined Terms
20-5-201. Definitions.
20-5-300P Part 3 – Franchise Required
20-5-301. Non-exclusive Franchise.
20-5-302. Every Provider Must Obtain.
20-5-303. Nature of Grant.
20-5-304. Current Providers.
20-5-305. Nature of Franchise.
20-5-306. Regulatory Approval Needed.
20-5-307. Term.
20-5-400P Part 4 – compensation and other payments
20-5-401. Compensation.
20-5-402. Timing.
20-5-403. Fee Statement and Certification.
20-5-404. Future Costs.
20-5-405. Taxes and Assessments.
20-5-406. Interest on Late Payments.
20-5-407. No Accord and Satisfaction.
20-5-408. Not in Lieu of other Taxes or Fees.
20-5-409. Continuing Obligation and Holdover.
20-5-410. Costs of Publication.
20-5-500P Part 5 – Franchise Applications
20-5-501. Franchise Application.
20-5-502. Application Criteria.
20-5-503. Franchise Determination.
20-5-600P Part 6 – construction and technical requirements
20-5-601. General Requirement.
20-5-602. Quality.
20-5-603. Licenses and Permits.
20-5-604. Relocation of the System.
20-5-700P Part 7 – Franchise and License Transfer
20-5-701. Notification of Sale.
20-5-702. Events of Sale.
20-5-800P Part 8 – Oversight and Regulation
20-5-801. Insurance, Indemnity, and Security.
20-5-802. Oversight.
20-5-803. Maintain Records.
20-5-804. Confidentiality.
20-5-805. Provider's Expense.

20-5-806. Right of Inspection.
20-5-900P Part 9 – Rights of City
20-5-901. Enforcement and Remedies.
20-5-902. Force Majeure.
20-5-903. Extended Operation and Continuity of Services.
20-5-904. Removal or Abandonment of Franchise Property.
20-5-1000P Part 10 – Obligation to Notify
20-5-1001. Publicizing Work.
20-5-1100P Part 11 – General Provisions
20-5-1101. Conflicts.
20-5-1102. severability.
20-5-1103. New Developments.
20-5-1104. Notices.
20-5-1105. Exercise of Police Power.
20-5-1200P Part 12 – Federal, State, and City Jurisdiction
20-5-1201. Construction.
20-5-1202. Ordinance Applicability.
20-5-1203. Other Applicable Ordinances.
20-5-1204. City Failure to Enforce.
20-5-1205. Construed According to Utah Law.

## 20-5-101. DECLARATION OF FINDING AND INTENT.

(1) Findings Regarding Rights-of-Way. West Valley 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.
(2) Finding Regarding Compensation. The City finds that 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 telecommunications systems are in part an extension of interstate commerce, their operations also involve rights-of-way, municipal franchising, and vital business and community service, which are of local concern.
(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 nondiscriminatory basis, in a manner that is responsive to community and public interest, and to assure availability for municipal, educational, and community services.
(5) Findings Regarding Franchise Standards. 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 telecommunications 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 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. No. 97-74 Enacted 12/29/1997; Ord. 00-51 Amended 09/05/2000)**

## 20-5-102. 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 as set forth in Section 20-5-1202.

**(Ord. No. 97-74 Enacted 12/29/1997)**

## 20-5-103. EXCLUDED ACTIVITY.

(1) Cable TV. This Ordinance shall not apply to cable television operators otherwise regulated by Title 20, Chapter 1, of the West Valley City Municipal Code.
(2) Wireless Services. This Ordinance shall not apply to personal wireless service facilities.
(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. No. 97-74 Enacted 12/29/1997; Ord. 00-51 Amended 09/05/2000)**

## 20-5-200P PART 2 – DEFINED TERMS

## 20-5-201. 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 word "shall" and "will" are mandatory, and "may" is permissive. Words not defined shall be given their common and ordinary meaning.

(1) "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.

(2) "City" means West Valley City, Utah.

(3) "Completion Date" means the date that a provider begins providing services to customers in the City.

(4) "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.

(5) "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 thirty-five percent (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.

(6) "FCC" means the Federal Communications Commission, or any successor thereto.

(7) "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:

   a. 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;

   b. 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; for 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.

(8) "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.

(9) "Gross Revenue" includes all revenues of a provider that may be included as gross revenue within the meaning of Section 26, Title 11, Utah Code Annotated, 1953, as amended. In the case of any provider not covered within the ambit of Chapter 26, Title 11, Utah Code Annotated, the definition of "gross revenue" shall be that set forth in the franchise agreement.

(10)"Infrastructure Provider" means a person providing to another, for the purpose of providing telecommunications services to customers, all or part of the necessary system which uses the rights-of-way.
(11)"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.
(12)"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.
(13)"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.
(14)"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.
(15)"Person" includes any individual, corporation, partnership, association, joint stock company, trust, or any other legal entity, but not the City.
(16)"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.
(17)"Provider" means an operator, infrastructure provider, resaler, or system lessee.
(18)"PSC" means the Public Service Commission, or any successor thereto.
(19)"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.
(20)"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.
(21)"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.
(22)"System Lessee" refers to any person that leases a system or a specific portion of a system to provide services.
(23)"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.
(24)"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.
(25)"Telecommunications Service(s)" 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. § 521, et seq.), and the Telecommunications Act of 1996. Telecommunications system or systems also includes an open video system.

(26)"Wire" means fiber optic telecommunications cable, wire, coaxial cable, or other transmission medium that may be used in lieu thereof for similar purposes.

**(Ord. No. 97-74 Enacted 12/29/1997; Ord. No. 00-51 Amended 09/05/2000)**

## 20-5-300P PART 3 – FRANCHISE REQUIRED

## 20-5-301. 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.

**(Ord. No. 97-74 Enacted 12/29/1997)**

## 20-5-302. 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.

**(Ord. No. 97-74 Enacted 12/29/1997)**

## 20-5-303. 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, except as may be expressly provided in the Franchise Agreement. 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.

**(Ord. No. 97-74 Enacted 12/29/1997; Ord. No. 00-56 Amended 10/17/2000)**

## 20-5-304. 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 20-5-904.

**(Ord. No. 97-74 Enacted 12/29/1997)**

## 20-5-305. NATURE OF FRANCHISE.

The franchise granted by the City under the provisions of this Ordinance shall be a non-exclusive 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.

**(Ord. No. 97-74 Enacted 12/29/1997)**

## 20-5-306. 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.

**(Ord. No. 97-74 Enacted 12/29/1997)**

## 20-5-307. TERM.

No franchise issued pursuant to this Ordinance shall have a term of less than five years or greater than 15 years. Each franchise shall be granted in a non-discriminatory manner.

**(Ord. No. 97-74 Enacted 12/29/1997)**

## 20-5-400P PART 4 – COMPENSATION AND OTHER PAYMENTS

## 20-5-401. COMPENSATION.

As fair and reasonable compensation for any franchise granted pursuant to this Ordinance, a provider shall have the following obligations:

(1) 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.
(2) 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 business license fee or business license tax enacted by the City.

(3) Excavation Permits. The provider shall also pay fees required for an excavation permit as provided in Title 19, Chapter 2, Part 3, West Valley City Code, and Title 1, Chapter 2, West Valley City Code.

**(Ord. No. 97-74 Enacted 12/29/1997)**

## 20-5-402. 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.

**(Ord. No. 97-74 Enacted 12/29/1997)**

## 20-5-403. 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.

**(Ord. No. 97-74 Enacted 12/29/1997)**

## 20-5-404. 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.

**(Ord. No. 97-74 Enacted 12/29/1997)**

## 20-5-405. 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.

**(Ord. No. 97-74 Enacted 12/29/1997)**

## 20-5-406. 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.

**(Ord. No. 97-74 Enacted 12/29/1997)**

## 20-5-407. 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.

**(Ord. No. 97-74 Enacted 12/29/1997)**

## 20-5-408. 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.

**(Ord. No. 97-74 Enacted 12/29/1997)**

## 20-5-409. 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.

**(Ord. No. 97-74 Enacted 12/29/1997)**

## 20-5-410. COSTS OF PUBLICATION.

A provider shall assume any publication costs associated with its franchise that may be required by law.

**(Ord. No. 97-74 Enacted 12/29/1997)**

## 20-5-500P PART 5 – FRANCHISE APPLICATIONS

## 20-5-501. 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 20-5-701(2), granted pursuant to this Ordinance, an application must be filed with the City on the form attached to this Ordinance as Exhibit A, which is hereby incorporated by reference. The application form may be changed by the City Manager so long as such changes request information that is consistent with this Ordinance. Such application form, as amended, is incorporated by reference.

**(Ord. No. 97-74 Enacted 12/29/1997)**

## 20-5-502. APPLICATION CRITERIA.

In making a determination as to an application filed pursuant to this Ordinance, the City may request, but shall not be limited to, 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 services within the State of Utah;
(2) Certification of the provider's financial ability to compensate the City for the provider's intrusion, maintenance, and use of the rights-of-way during the franchise term proposed by the provider;
(3) Provider's agreement to comply with the requirements of Part 6 of this Ordinance.

**(Ord. No. 97-74 Enacted 12/29/1997; Ord. No. 00-51 Amended 09/05/2000)**

## 20-5-503. 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. No. 97-74 Enacted 12/29/1997)**

# 20-5-600P PART 6 – CONSTRUCTION AND TECHNICAL REQUIREMENTS

## 20-5-601. 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.

**(Ord. No. 97-74 Enacted 12/29/1997)**

## 20-5-602. 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.

**(Ord. No. 97-74 Enacted 12/29/1997)**

## 20-5-603. 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. No. 97-74 Enacted 12/29/1997)**

## 20-5-604. 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 20-5-1104.
(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. 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, within 30 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, 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. No. 97-74 Enacted 12/29/1997)**

## 20-5-700P PART 7 – FRANCHISE AND LICENSE TRANSFER

## 20-5-701. NOTIFICATION OF SALE.

(1) Notification and Election. When a provider is the subject of a sale, transfer, lease, assignment, or sublease or is 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:

a. The successor entity's certification that the successor entity unequivocally agrees to all of the terms of the original provider’ s franchise agreement; or

b. The successor entity's application in compliance with Part 5 of this Ordinance.

(2) Transfer of Franchise. Upon receipt of a notification and certification in accordance with Subsection 20-5-701(1)(a), the City designee, as provided in Subsection 20-5-901(1), 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 Part 5 of this Chapter.

(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 20-5-701, 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 Part 5.

**(Ord. No. 97-74 Enacted 12/29/1997)**

## 20-5-702. EVENTS OF SALE.

The following events shall be deemed to be a sale, assignment, or other transfer of the franchise requiring compliance with Section 20-5-701:

(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; or

(4) The entry by a provider into an agreement with respect to the management or operation of such provider or its system.

**(Ord. No. 97-74 Enacted 12/29/1997)**

## 20-5-800P PART 8 – OVERSIGHT AND REGULATION

## 20-5-801. 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.

**(Ord. No. 97-74 Enacted 12/29/1997)**

## 20-5-802. 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.

**(Ord. No. 97-74 Enacted 12/29/1997)**

## 20-5-803. MAINTAIN RECORDS.

A provider shall at all times maintain:

(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 available, in electronic format compatible with the City's existing GIS system, showing 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.

(2) 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.

**(Ord. No. 97-74 Enacted 12/29/1997)**

## 20-5-804. 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.

**(Ord. No. 97-74 Enacted 12/29/1997)**

## 20-5-805. 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.

**(Ord. No. 97-74 Enacted 12/29/1997)**

## 20-5-806. 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 inspect or 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 ninety-five percent (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. No. 97-74 Enacted 12/29/1997)**

## 20-5-900P PART 9 – RIGHTS OF CITY

## 20-5-901. ENFORCEMENT AND REMEDIES.

(1) Enforcement - City Designee. The City is responsible for enforcing and administering this Ordinance, and the City or its designee, as appointed by the City Manager, is authorized to give any notice required by law or under any franchise agreement.
(2) 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.

**(Ord. No. 97-74 Enacted 12/29/1997)**

## 20-5-902. 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.

**(Ord. No. 97-74 Enacted 12/29/1997)**

## 20-5-903. EXTENDED OPERATION AND CONTINUITY OF SERVICES.

(1) 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 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.

(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. No. 97-74 Enacted 12/29/1997)**

## 20-5-904. REMOVAL OR ABANDONMENT OF FRANCHISE PROPERTY.

(1) Abandoned System. In the event that:
   a. The use of any portion of the system is discontinued for a continuous period of 12 months, and 30 days after no response is received to written notice from the City to the last known address of provider;
   b. Any system has been installed in the rights-of-way without complying with the requirements of this Ordinance or franchise; or
   c. The provisions of Section 20-5-305 are applicable and no franchise is granted, a provider, except the provider who is an incumbent local exchange carrier, shall be deemed to have abandoned such system.

(2) 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.

(3) 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.

(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 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 than 180 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.

(5) 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. No. 97-74 Enacted 12/29/1997)**

## 20-5-1000P PART 10 – OBLIGATION TO NOTIFY

## 20-5-1001. 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. No. 97-74 Enacted 12/29/1997)**

## 20-5-1100P PART 11 – GENERAL PROVISIONS

## 20-5-1101. 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.

**(Ord. No. 97-74 Enacted 12/29/1997)**

## 20-5-1102. 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.

**(Ord. No. 97-74 Enacted 12/29/1997)**

## 20-5-1103. 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.

**(Ord. No. 97-74 Enacted 12/29/1997)**

## 20-5-1104. 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 City Manager. 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.

**(Ord. No. 97-74 Enacted 12/29/1997)**

## 20-5-1105. 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. No. 97-74 Enacted 12/29/1997)**

## 20-5-1200P PART 12 – FEDERAL, STATE, AND CITY JURISDICTION

## 20-5-1201. CONSTRUCTION.

This Ordinance shall be construed in a manner consistent with all applicable federal and state statutes.

**(Ord. No. 97-74 Enacted 12/29/1997)**

## 20-5-1202. 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.

**(Ord. No. 97-74 Enacted 12/29/1997)**

## 20-5-1203. 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.

**(Ord. No. 97-74 Enacted 12/29/1997)**

## 20-5-1204. 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.

**(Ord. No. 97-74 Enacted 12/29/1997)**

## 20-5-1205. 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. No. 97-74 Enacted 12/29/1997)**

# CHAPTER 20-6
# MOBILE TELEPHONE SERVICE REVENUE ACT

Sections:

20-6-101. Definitions.
20-6-102. Levy of Tax.
20-6-103. Rate.
20-6-104. Rate limitation and exemption therefrom.
20-6-105. Effective date of tax levy.
20-6-106. Interlocal agreement for collection of the tax.
20-6-107. Repeal of inconsistent taxes and fees.
20-6-108. Procedure for taxes erroneously recovered from customers.

## 20-6-101. DEFINITIONS.

As used in this Ordinance:

(1) "Commission" means the Utah State Tax Commission.

(2) 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.
   a. 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.
   b. "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) "End user" means the person who uses a telecommunications service.
   a. 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 West Valley City.
(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) Subject to Subsections (9)(b) and (9)(c), "telecommunications provider" means a person that:
a. owns, controls, operates, or manages a telecommunications service; or
b. engages in an activity described in Subsection (9)(a)(i) for the shared use with or resale to any person of the telecommunications service.
(11) A person described in Subsection (9)(a) is a telecommunications provider whether or not the Public Service Commission of Utah regulates:
a. that person; or
b. the telecommunications service that the person owns, controls, operates, or manages.
(12) "Telecommunications provider" does not include an aggregator as defined in Utah Code Section 54-8b-2.
(13) "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. No. 00-62 Enacted 11/07/2000, Effective 01/01/2001; Ord. No. 04-32 Repealed and Replaced 06/15/2004)**

## 20-6-102 LEVY OF TAX.

There is hereby levied a municipal telecommunications license tax on the gross receipts from telecommunications service attributed to this municipality.

**(Ord. No. 00-62 Enacted 11/07/2000, Effective: 01/01/2001; Ord. No. 04-32 Repealed and Replaced 06/15/2004)**

## 20-6-103 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 as set forth in the Utah Code §10-1-407, as amended.

**(Ord. No. 00-62 Enacted 11/07/2000, Effective: 01/01/2001; Ord. No. 04-32 Repealed and Replaced 06/15/2004; Ord. No. 14-36 Amended 08/29/2014)**

## 20-6-104 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:

(1) a municipal general election;
(2) a regular general election; or
(3) a local special election.

**(Ord. No. 00-62 Enacted 11/07/2000, Effective: 01/01/2001; Ord. No. 04-32 Repealed and Replaced 06/15/2004)**

## 20-6-105 EFFECTIVE DATE OF TAX LEVY.

This tax shall be levied beginning July 1, 2004.

**(Ord. No. 00-62 Enacted 11/07/2000 Effective: 01/01/2001; Ord. No. 04-32 Repealed and Replaced 06/15/2004)**

## 20-6-106 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 § 10-1-405, for the collection, enforcement, and administration of this municipal telecommunications license tax.

**(Ord. No. 00-62 Enacted 11/07/2000 Effective: 01/01/2001; Ord. No. 04-32 Repealed and Replaced 06/15/2004)**

## 20-6-107 REPEAL OF INCONSISTENT TAXES AND FEES.

Any tax or fee previously enacted by this municipality under authority of Utah Code § 10-1-203 or Utah Code Title 11, Chapter 26, Local Taxation of Utilities Limitation, is hereby repealed.

Nothing in this Ordinance shall be interpreted to repeal any municipal ordinance or fee which provides that the municipality may recover from a telecommunications provider the management costs of the municipality caused by the activities of the telecommunications provider in the rights-of-way of the municipality, if the fee is imposed in accordance with Utah Code § 72-7-102 and is not related to the municipality's loss of use of a highway as a result of the activities of the telecommunications provider in a right of way, or increased deterioration of a highway as a result of the activities of the telecommunications provider in a right-of –way; nor does this Ordinance limit the municipality's right to charge fees or taxes on persons that are not subject to the municipal telecommunications license tax under this Ordinance and to locate telecommunications facilities, as defined in Utah code § 72-7-108, in this municipality.

**(Ord. No. 00-62 Enacted 11/07/2000, Effective: 01/01/2001; Ord. No. 04-32 Repealed and Replaced 06/15/2004)**

## 20-6-108 PROCEDURE FOR TAXES ERRONEOUSLY RECOVERED FROM CUSTOMERS.

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 municipal telecommunications license taxes authorized by this part:

(1) unless the customer provides the telecommunications provider with written notice that:

   a. the customer requests a refund of the amounts paid by the customer pursuant to Utah Code §10-1-403(2); and
   b. contains the information necessary to determine the validity of the request described in Subsection (1)(a); and

(2) before 60 days from the day on which the telecommunications provider receives the written notice required by Subsection (1).

**(Ord. No. 00-62 Enacted 11/07/2000, Effective: 01/01/2001; Ord. No. 04-32 Amended 06/15/2004)**

# CHAPTER 20-7
# STORM WATER UTILITY

Sections:

20-7-101. Purpose.
20-7-102. Definitions.
20-7-103. Storm Water Utility Created.
20-7-104 Ownership of City Storm Sewer Facilities and Assets.
20-7-105. Utility Administration.
20-7-106. Service Charge Imposed.
20-7-107 System of Rates and Charges.
20-7-108 Billing and Collection.
20-7-109 Appeal of Charges.
20-7-110. Annual Report to Storm Water Utility Customers.

## 20-7-101. PURPOSE.

The City finds and declares that absent effective maintenance, operation, regulation and control, existing storm water drainage conditions in all areas within the City constitute a potential hazard to the health, safety and general welfare of the City. The City Council further finds that natural and man-made storm sewer facilities and conveyances constitute a storm sewer system and that effective improvement, regulation, and control of storm water through formation by the City, of a Storm Water Utility, requires the transfer to the Utility of all storm sewer facilities and conveyances and related rights belonging to the City.

**(Ord. No. 01-05 Enacted 02/06/2001)**

## 20-7-102. DEFINITIONS.

For the purpose of this Chapter, the following terms phrases and words shall mean:

(1) “BMP” means Best Management Practices to improve storm water quality as defined in West Valley City’s “Guidance Document for Storm Water Management.”
(2) "City" means West Valley City, a municipal corporation of the State of Utah.
(3) "County" means Salt Lake County
(4) "Council" means West Valley City Council
(5) "Customer" or "Person" means any individual; public or private corporation and its officers; partnership; association; firm; trustee; executor of an estate; the State or its departments, institutions, bureaus, agencies; county; city; political subdivision; or any other governmental or legal entity recognized by law.
(6) "Director" means the Public Works Director or the Director's designee.
(7) "Equivalent Residential Unit (ERU)" means a unit equal to 2,830 square feet of impervious surface area. This is based on an average single-family residential parcel, which has an impervious surface area of 2,830 square feet. Total ERU’s are calculated by dividing total square feet of impervious surface by 2,830 (one ERU), rounded to the nearest whole number.
(8) Guidance Document for Storm Water Management” means the document described in Section 18-1-102 of Title 18, Storm Water Management Ordinance.

(9) "Impervious Surface" means a parcel's hard surface area that causes water to run off its surface in quantities or speeds greater than under natural conditions. Some examples of impervious surfaces are rooftops, concrete or asphalt paving, walkways, patios, driveways, parking lots or storage areas, and gravel that has been subject to surface traffic, including compacted gravel surfaces.
(10) "Mitigation" means on-site facilities or practices which reduce storm water quantity or improve storm water quality.
(11) "Parcel" means the smallest, separately segregated unit of land having an owner. A parcel has boundaries and surface area, and is documented with a property number by the county.
(12) "Developed Parcel" means any parcel whose surface has been altered by grading, filling, or construction of any improvement.
(13) "National Pollutant Discharge Elimination System (NPDES) Storm Water Regulations" means the provisions of the Federal Clean Water Act establishing specific permit requirements for the control of storm water discharge.
(14) "Single-Family Residential Parcel" means any parcel of land containing a single-family dwelling unit.
(15) “Storm Drainage Master Plan” means the plan described in Section 18-1-106 of Title 18, Storm Water Management Ordinance.
(16) "Storm Water" means water produced by storms, surface drainage, snow and ice melt, and other water handled by the storm sewer drainage system.
(17) “Storm Water Management Permit” means the permit required in Chapter 2 of Title 18, Storm Water Management Ordinance.
(18) "Storm Sewer Facilities" means any facility, improvement, development, or property made for controlling storm water quantity and quality.
(19) "Storm Sewer Drainage System" means all man-made storm sewer facilities and conveyances, and natural storm water systems owned or maintained by the City that store, control, treat, and/or convey storm water.
(20) "Storm Water Utility" or "Utility" means the utility created by this Ordinance, which operates, maintains, regulates, and improves storm sewer facilities and programs within West Valley City.
(21) "Undeveloped Parcel" means any parcel that has no impervious area.

**(Ord. No. 01-05 Enacted 02/06/2001; Ord. No. 01-25 Amended 05/03/2001; Ord. No. 05-23 Amended 05/17/2005; Ord. No. 10-32 Amended 10/22/2010)**

## 20-7-103. STORM WATER UTILITY CREATED.

There is hereby created and established a Storm Water Utility and service charge rate structure. The Utility will have regulatory authority and responsibility for planning, design, construction, maintenance, administration and operation of all City storm sewer conveyances and facilities.

**(Ord. No. 01-05 Enacted 02/06/2001)**

## 20-7-104. OWNERSHIP OF CITY STORM SEWER FACILITIES AND ASSETS.

The City Manager, shall determine which of the City's storm drainage assets will be transferred to the Utility. Until such transfer, the Utility shall operate, maintain, and improve all existing City storm drainage facilities used for the conveyance of storm waters, through, under or over lands or watercourses, beginning at a point where the storm waters first enter the storm sewer system of the

City and ending in each instance at a point where the storm waters exit from the system. Storm water facilities do not include government-owned streets or those storm sewer facilities operated and maintained by, or for, the Utility, the county, or the State of Utah.

**(Ord. No. 01-05 Enacted 02/06/2001)**

## 20-7-105. UTILITY ADMINISTRATION.

The Storm Water Utility shall be administered by the City's Public Works Director.

**(Ord. No. 01-05 Enacted 02/06/2001; Ord. No. 12-26 Amended 06/28/2012)**

## 20-7-106. SERVICE CHARGE IMPOSED.

The owner of property containing impervious surfaces which contribute runoff to the storm water system or who otherwise use or benefit from the Storm Water Utility of the City will be responsible for paying the Storm Water Utility fees as set forth in the Consolidated Fee Schedule. The fee shall be calculated by multiplying the service rate by the parcel's number of Equivalent Residential Units (ERU's.) An alternate billing agreement may be entered into which will allow the bill to be sent to an alternate party; however, the property owner retains all obligations for full payment of Storm Water Utility fees.

**(Ord. No. 01-05 Enacted 02/06/2001; Ord. No. 01-25 Amended 05/03/2001; Ord. No. 10-32 Amended 10/22/2010; Ord. No. 12-26 Amended 06/28/2012)**

## 20-7-107. SYSTEM OF RATES AND CHARGES.

(1) Service fees imposed. Except as provided below, the City will impose storm sewer drainage fee rates and charges on each parcel of real property within the City except governmentally-owned streets and storm water facilities operated and maintained by, or for the Storm Water Utility, the county or the State of Utah.
(2) Use of funds collected. The charges shall fund the administration, planning, design, construction, operation, maintenance, and repair of existing and future storm water facilities. Storm Water Utility fees shall also fund water quality improvement programs required by West Valley City's Utah Pollutant Discharge Elimination System (UPDES) Phase 1 Municipal Storm Water Co-Permit, including: public education and outreach programs, illicit discharge detection and elimination programs, construction site storm water management, post-construction storm water management, and municipal operations to prevent and eliminate storm water pollution.
(3) Methods of determining contribution of storm water.
    a. Contributions of storm water from non-residential parcels and residential parcels larger than duplexes have been ascertained by determining and measuring impervious surface area using current aerial photography or from approved project plans.
    b. Contributions of storm water from residential parcels have been ascertained by measuring impervious area on randomly selected parcels, to obtain an average impervious area.
(4) Method of determining service fee rates: Storm drainage service fees shall be assessed on each parcel of real property within the City (including City-owned properties), except government-owned streets and utility, state or county storm water facilities. Monthly service fees shall set

forth in the Consolidated Fee Schedule and shall be differentiated according to the following classifications:

a. Rate A: This is the standard rate which shall apply to all parcels which contribute runoff to the storm water system and do not qualify for a lesser rate. Rate A applies to:
    i. Single-family residential parcels. Each parcel shall constitute one Equivalent Residential Unit (ERU).
    ii. Duplex parcels. Each duplex parcel shall be charged two ERU's per parcel, or one ERU per dwelling unit.
    iii. Planned Unit Developments (PUDs) or Condominiums which choose to have individual property owners billed separately, rather than paying for the entire development on one bill.
    iv. Other parcels. Charges for all other parcels shall be computed by multiplying the total ERU's for a parcel by the monthly rate.

b. Rate B:
    i. Properties which Implement Treatment Control Best Management Practices. A reduced rate is available for commercial, industrial, institutional and multi-family developments which implement long term Best Management Practices (BMPs) to reduce or remove pollutants from storm runoff, before it leaves the development site. Eligible BMPs are listed in the Guidance Document for Storm Water Management, under Commercial and Industrial BMPs for treatment control. To qualify for this rate, the owner or representative of a parcel must:
        A. Obtain BMP approval and secure a Storm Water Management Permit through the West Valley City Engineering Division.
        B. Agree to allow annual inspections of the property to ensure the approved BMP is still in place and properly maintained. If BMPs are not properly maintained, the site will no longer qualify for a reduced rate.
    ii. Planned Unit Developments (PUDs) and Condominiums. Rate B applies to Planned Unit Developments (PUDs) and Condominiums with a total impervious surface area less than 1 Equivalent Residential Unit (ERU) per unit, provided that the entire PUD development site and/or Condominium development site is billed under one bill.
    iii. Properties which retain the first 0.38 inches of rain runoff (2-year 30 minute storm) for new development projects, and 0.28 inches of rain runoff (2-year 15 minute storm) for re-development projects. Water is to be stored on-site using Low Impact Development techniques. To qualify for this rate, the owner or representative of a parcel must:
        A. Submit plans to the Engineering Division for approval showing drainage calculations to compute runoff volumes, and show how runoff will be permanently stored on-site for infiltration.

c. Rate C: Some areas of the City are designated as retention or infiltration areas in the Storm Drainage Master Plan. Developments in these areas are designed to discharge no storm water runoff from the site. These properties and properties in other parts of the City, which retain all storm water on site, are beneficiaries of the Storm Water Utility, even though they have no direct storm water discharge. An analysis of the Utility costs has shown that approximately one half of the Utility's costs are fixed program expenditures not directly affected by runoff from individual parcels. The costs of compliance with the City's UPDES Permit, and maintenance of the City's street drainage

system are examples of fixed costs, which benefit properties not contributing runoff to the Storm Water Utility system. Rate C applies to all properties which retain all storm water runoff. Planned Unit Developments (PUDs) or Condominiums that meet retainage requirements under this Section may be charged Rate "C."

d. No charge: There will be no service charge for undeveloped parcels. Similarly, there will be no charge for sparsely developed parcels which include impervious surface areas which are:
    i. Within a parcel, or combination of parcels with the same ownership, which exceeds 100 acres in size; and
    ii. Distant from the storm drainage system, such that the possibility of a future connection to the system is remote; and
    iii. Isolated from other impervious areas; and
    iv. Adjacent to an undeveloped area of equal size, owned or controlled by the same property owner, capable of absorbing the runoff from the impervious surfaces.

**(Ord. No. 01-05 Enacted 02/06/2001; Ord. No. 01-25 Amended 05/03/2001; Ord. No. 05-23 Amended 05/17/2005; Ord. No. 10-32 Amended 10/22/2010; Ord. No. 12-17 Amended 05/17/2012; Ord. No. 16-04 Amended 01/29/2016)**

## 20-7-108. BILLING AND COLLECTION.

(1) **Utility Enterprise Fund.** This Ordinance creates the Storm Water Utility Fund. All revenues received from storm drainage user fees shall be placed in the enterprise fund as a designated fund, to be left separate and apart from all other City funds. The collection, accounting, and expenditure of all Storm Water Utility funds shall be in accordance with the Utah Uniform Fiscal Procedures Act.

(2) **Billing.** The City shall bill, or cause to be billed, property owners for storm sewer drainage utility services. Fees and charges shall be considered delinquent if not paid as determined by the procedures established by the City and will be a debt to the City, which shall be subject to recovery in a civil action.

(3) **Alternate Billing Agreements and Deposit Requirement.** Owners may assign the payment of the storm water utility fee to non-owners by signing an "Alternate Billing Agreement" with the City. The non-owner will be required to place a deposit with the City for $50.00 or the equivalent of TWO months of ERU assessment, whichever is greater. Failure of the non-owner to pay the storm water utility fee shall not relieve the owner from the responsibility of paying the unpaid fees.
    a. **Exception.** Established non-owners who have had an account with the City for one year or more and the billing account for that particular property has not been in arrears during that one year period will be exempt from the deposit. It shall be the responsibility of the owners or non-owners to notify the City that they qualify for this exception. However, a signed "Alternate Billing Agreement" shall still be required.

(4) **Late Fee Imposed.** Fees and charges levied in accordance herewith shall be a debt due to the City. Failure to pay within 25 days after the due date (printed on the bill) shall be subject to late fees declared in the Consolidated Fee Schedule and are deemed delinquent. Delinquent accounts are subject to recovery through civil action, including the payment of reasonable legal fees.

**(Ord. No. 01-05 Enacted 02/06/2001; Ord. No. 09-29 Amended 08/31/2009; Ord. No. 09-35 Amended 11/06/2009; Ord. No. 12-26 Amended 06/28/2012)**

## 20-7-109. APPEAL OF CHARGES.

Any non-residential customer who disagrees with the storm drainage user fee for his or her parcel may apply to the Director for a user fee adjustment. The adjustment request must state the grounds for adjustment and must be filed in writing with the Director no later than thirty (30) days after receipt of billing. The Director shall review the request and basis for user charges to determine whether an error was made in the calculation or application of the fee. The Director may approve an adjustment to the fee.

An appeal of a Director's decision may be brought before the City Manager within thirty (30) days after the date of the Director's decision. Decision of the City Manager shall be final and conclusive.

If an appeal of charges is successful, credit will be applied to all charges from the time of the appealed billing, and will be reflected on a future billing after the appeal is granted.

**(Ord. No. 01-05 Enacted 02/06/2001)**

## 20-7-110. ANNUAL REPORT TO STORM WATER UTILITY CUSTOMERS.

The City's Public Works Department, acting through the Citizen's Storm Water Management Advisory Committee, shall cause to be completed an annual report on the Storm Water Utility which, if accepted, shall be approved by the City Council. This report shall summarize the financial activities of the Utility and the major areas of expenditure, field activities, accomplishments, and the upcoming year's priorities.

**(Ord. No. 01-05 Enacted 02/06/2001; Ord. No. 5-23 Amended 05/17/2005)**

# TITLE 21
# CRIMINAL CODE

Chapters:

21-1 Criminal Offenses – General Provisions
21-2 Distribution of Sex Paraphernalia to Minors Prohibited
21-3 Contempt of Court
21-4 Harmful Weapons and Projectiles
21-5 Alteration of Identification Numbers
21-6 Miscellaneous Offenses
21-7 Juvenile Curfews
21-8 Repealed
21-9 Gambling

# CHAPTER 21-1
# CRIMINAL OFFENSES – GENERAL PROVISIONS

Sections:

21-1-101. Short Title.
21-1-102. Enactment of State Criminal Code.
21-1-103 Purposes and Principles of Procedure and Construction.
21-1-104. Repealed.
21-1-105. City Bail Schedule.

## 21-1-101. SHORT TITLE.

This Title shall be known as the "West Valley City Criminal Code." This Title shall also be known as Title 21, West Valley City Municipal Code. It may be cited and pleaded under either designation.

## 21-1-102. ENACTMENT OF STATE CRIMINAL CODE.

(1) Class "B" and "C" misdemeanors and infractions found in Title 76, Utah Code Annotated, 1953 as amended, as they exist now and as amended or enacted in the future, are hereby adopted and incorporated herein by this reference as violations of City ordinances. Peace officers and any public officials charged with enforcement of the law are hereby authorized to cite violations of the City Code by citing Title 76.
(2) All other class "B" and "C" misdemeanors and infractions in the Utah Code, as they exist now and as amended or enacted in the future, are hereby adopted and incorporated by this reference as violations of City ordinances. Public officials, including peace officers, are hereby authorized to cite violations of the Utah Code by citing the appropriate section number.
(3) The heading on prosecution documents may designate the plaintiffs as "State of Utah (WVC)" or a variation of this, and such documents will operate as a prosecution in the name of the State or in the name of the City, as may be appropriated.

**(Ord. No. 94-56 Amended 06/22/1994; Ord. No. 95-29 Repealed & Replaced 06/05/1995; Ord. No. 99-19 Repealed & Replaced 05/21/1999)**

## 21-1-103. PURPOSES AND PRINCIPLES OF PROCEDURE AND CONSTRUCTION.

The provisions of this Code shall be construed in accordance with the principles of procedure and construction as set out by the Utah Code Annotated, 1953 as amended.

## 21-1-104. REPEALED.

## 21-1-105. CITY BAIL SCHEDULE.

The City bail schedule for every traffic offense, including moving and non-moving violations, and misdemeanor and infraction criminal violations shall be the state bail schedule as established Utah State Code and the Utah Judicial Council for Justice Courts plus the sum of $15.

**(Ord. No. 02-78 Add 12/03/2002; Ord. No. 08-63 Repealed and Reenacted 12/29/2008)**

# CHAPTER 21-2
# DISTRIBUTION OF SEX PARAPHERNALIA TO MINORS PROHIBITED

Sections:

21-2-101. Purpose.
21-2-102. Definitions.
21-2-103. Distribution of Sex Paraphernalia to Minors Prohibited.

## 21-2-101. PURPOSE.

The City Council finds that the distribution of sex paraphernalia can be harmful to minors, both physically and mentally, and in order to promote the health, safety and welfare of the citizenry of this City, such distribution should be prohibited. Sale of sex paraphernalia to minors does not have to be exclusively regulated by the "Harmful to Minors" or "Indecent Public Display" laws already in effect, since sex paraphernalia, by its definition, is not communicative in nature and, thus, is not protected by the First Amendment of the United States Constitution.

## 21-2-102. DEFINITIONS.

(1) Distribute means to transfer possession, temporarily or permanently, of sex paraphernalia, whether with or without consideration, and includes the permitting of minors to handle sex paraphernalia.
(2) Minor means any unmarried person who has not attained his or her 18th birthday.
(3) Person includes a natural person, firm, association, partnership or corporation. It does not include a minor's parent or legal guardian.
(4) Sex paraphernalia means any item, device or product, such as vibrators, flavored or unflavored lotions, pills or other substances designed for internal consumption, sprays, creams, oils, lubricants, pillows or other products shaped or made to resemble male or female genitals, buttocks or developed female breasts which are manufactured or designed to be used for sexual stimulation, sexual arousal, enhancing or prolonging sexual activity or as an adult novelty item, including, but not limited to, such items commonly known as vibrators, dildoes, spanish fly, edible underwear, ben wa balls and edible body lotions. It does not include any device, appliance or pill designed for birth control or any movie, book, magazine or other communicative material protected by the First Amendment of the United States Constitution.
(5) Display publicly means the exposing, placing, posting, exhibiting or displaying, in any fashion and in any location, whether public or private, of an item in a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a public thoroughfare, place or vehicle.
(6) Promote means to manufacture, issue, transmit, publish, circulate, disseminate, present, exhibit or advertise, or to offer or agree to do the same.
(7) Sexual device means any item, device or product, including, but not limited to, dildoes, vibrators, artificial vaginas, spanish fly, ben wa balls, pillows or other products shaped or made to resemble male or female genitals, buttocks, or developed female breasts, edible underwear, flavored or unflavored edible body lotion or other substance designed for internal consumption

or any other item, device or product manufactured, promoted or designed to be used primarily for sexual stimulation, sexual arousal or the enhancing or prolonging of sexual activity.

(8) Knowingly means to have actual or constructive knowledge of the contents of the subject matter. A person has constructive knowledge if a reasonable inspection under the circumstances would have disclosed the nature of the subject matter or if the failure to inspect is for the purpose of avoiding such disclosure.

## 21-2-103. DISTRIBUTION OF SEX PARAPHERNALIA TO MINORS PROHIBITED.

(1) It shall be a class "B" misdemeanor for any person to knowingly distribute or furnish sex paraphernalia to a minor, knowing that such person is a minor, or having failed to exercise reasonable care in ascertaining the proper age of such minor.

(2) It shall be a class "B" misdemeanor for any person to knowingly promote, display publicly, distribute or furnish any sexual device to any minor, knowing that such person is a minor. Each promotion or distribution, or each day during which any obscene device is displayed publicly to a minor, shall constitute a separate offense.

(3) This Section does not prohibit a person from distributing any sex paraphernalia to a minor who is accompanied by his parent, legal guardian or any person he reasonably believes to be the parent or legal guardian of that minor.

# CHAPTER 21-3
# CONTEMPT OF COURT

Sections:

21-3-101. Description.
21-3-102. Penalty.
21-3-103. Violation of Injunction-penalty.

## 21-3-101. DESCRIPTION.

It shall be unlawful for any person to commit any act, direct or constructive, which is calculated to embarrass, obstruct or disobey the court in the administration of justice, or which is calculated to lessen its authority or its dignity.

## 21-3-102. PENALTY.

A person is guilty of a class "B" misdemeanor if he is found in contempt of court.

## 21-3-103 VIOLATION OF INJUNCTION-PENALTY.

(1) It is unlawful for a person to willfully disobey the requirements of an injunction issued to prohibit gang activity, drug activity, or other criminal activity.
(2) A violation of this section is a class B misdemeanor and shall be punished by a fine not less than $500 or by imprisonment in jail for not less than one month, or by both. Evidence concerning the duration and repetitive nature of the violations shall be considered by the court in determining the penalties.

**(Ord. No. 99-44 Added 07/09/1999)**

# CHAPTER 21-4
# HARMFUL WEAPONS AND PROJECTILES

Sections:

21-4-101. Molotov cocktail and incendiary missiles - possession of.
21-4-102. Bats, clubs, rocks, bottles - possession of.
21-4-103. Throwing rocks, bottles or other missiles.
21-4-104. Use of a projectile weapon.
21-4-105. Hunting prohibited - falconry excepted.
21-4-106. Weapons and other dangerous materials in or about school building - possession of.

## 21-4-101. MOLOTOV COCKTAIL AND INCENDIARY MISSILES – POSSESSION OF.

It shall be unlawful for any person to make, carry, possess or use any type of molotov cocktail, gasoline or petroleum-base fire bomb or other incendiary missile or explosive device within the limits of the City. The term molotov cocktail shall mean any bottle or other container containing gasoline or any other volatile substance with a fuse type wick inserted therein.

## 21-4-102. BATS, CLUBS, ROCKS, BOTTLES - POSSESSION OF.

It shall be unlawful for any person to use, carry or possess with the intent to use any rock, bottle, club, brick, piece of metal or any other object used as a weapon unlawfully against a person or property of another within the limits of the City.

## 21-4-103. THROWING ROCKS, BOTTLES OR OTHER MISSILES.

It shall be unlawful for any person within the limits of the City to willfully or carelessly throw any stone, stick, snowball or other missile whereby any person shall be hit, any property injured or destroyed, in such manner as to render travel upon the public streets and places of the City dangerous or in such a manner as to frighten or annoy any other person.

## 21-4-104. USE OF A PROJECTILE WEAPON.

(1) "Firearm" means a pistol, revolver, shotgun, sawed off shotgun, rifle, sawed off rifle, or any other weapon using an explosion.
(2) Within the boundaries of the City, it shall be unlawful for any person to release, discharge, or shoot:
    a. a firearm;
    b. a BB gun;
    c. a pellet gun;
    d. a bow and arrow;
    e. a crossbow;
    f. a paint ball gun;
    g. a wrist rocket, or
    h. any other device which:

i. uses an explosion, compressed air, or return spring action to send an object through the air; and
ii. causes or creates a substantial risk of bodily injury to another.

(3) It shall be a defense if the person:
a. is acting in self defense, or the defense of another;
b. is a peace officer or ordinance enforcement officer acting in the discharge of the officer's duty;
c. is acting under specified conditions at an approved archery, gun, or paint ball gaming range; or
d. is a licensed and professional slaughterer involved in the lawful performance of those duties in conforming or nonconforming agricultural zones.

(4) A violation of this Section is a class B misdemeanor.

**(Ord. No. 00-29 Amended 04/25/2000)**

## 21-4-107. HUNTING PROHIBITED – FALCONRY EXCEPTED.

(1) It is unlawful to engage in hunting, as defined in Section 23-13-2, Utah Code Annotated, 1953 as amended, within the corporate limits of West Valley City, or to carry an uncased firearm in the open under conditions which may reasonably be construed as hunting.
(2) Notwithstanding the prohibition contained in paragraph (1) of this Section, the practice of falconry, as authorized by Section 23-17-7, Utah Code Annotated, 1953 as amended, is not prohibited when practiced in accordance with applicable state laws and regulations.

## 21-4-106. WEAPONS AND OTHER DANGEROUS MATERIALS IN OR ABOUT SCHOOL BUILDING - POSSESSION OF.

(1) A person who possesses a weapon, explosive, flammable material or other material dangerous to persons or property in a public or private elementary or secondary school, on the grounds of the school or in those parts of a building, park or stadium which are being used for an activity sponsored by or through a school is guilty of a class "B" misdemeanor, unless a higher penalty is prescribed in Title 21, Criminal Code, in which case, the penalty provisions of that Title control.
(2) Subsection (1) does not apply under the following circumstances:
a. Possession is approved by the responsible school administrator; or
b. The item or material is present to be used in connection with a lawful, approved activity and is in the possession or under the control of the person responsible for its possession or use.

# CHAPTER 21-5
# ALTERATION OF IDENTIFICATION NUMBERS

Sections:

21-5-101. Definitions.
21-5-102. Offenses.
21-5-103. Presumptions.
21-5-104. Arrest and/or Seizure.
21-5-105. Penalty.

## 21-5-101. DEFINITIONS.

As used in this ordinance:

(1) Identification number means a serial or motor number placed by the manufacturer upon an article as a permanent individual identifying mark.
(2) Identifying number also means a personalized identifying mark placed upon a manufactured article by any person as a means of identifying the article, including, but not limited to: (1) name, (2) date of birth, (3) address, (4) phone number, (5) social security number, (6) driver's license number or any other personal means of identification placed upon an article by any person.
(3) Obscure means to destroy, remove, alter, conceal or deface so as to render illegible by ordinary means of inspection.

## 21-5-102. OFFENSES.

(1) A person commits the crime of altering identification numbers if, with the intent that identification of an article be hindered or prevented, he obscures an identification number or, in the course of business, he sells, offers for sale, leases or otherwise disposes of an article knowing that an identification number thereon is obscured.
(2) A person commits the crime of possession of articles or products with altered or obliterated identification marks or numbers when a person has, within his presence, possession or under his control, any article or product from which the identification number or mark has been obscured or altered, provided the person knows or reasonably should have known that the identification number or mark has been altered or obscured.

## 21-5-103. PRESUMPTIONS.

(1) Possession of an article on which an identification number is obscured is prima facie evidence that the person possessing it obscured the number with intent to hinder or prevent identification of the article, and that he knows that the identification number is obscured.
(2) A person is presumed to know an identification number on an article has been obscured if he has received other articles with obscured numbers within the year preceding the alteration offense charged.
(3) A person is presumed to know the identification number on an article has been obscured if he is found in possession of other property with obscured numbers.

(4) A dealer in secondhand merchandise who is found in possession of an article with an altered serial number shall be presumed to have failed to inspect the article for alterations.

## 21-5-104. ARREST AND/OR SEIZURE.

Obliteration of identification is probable cause for arrest and seizure. Upon discovery that the serial number on an article has been obliterated, this is evidence that a crime has been committed and there is probable cause to arrest and seize the property incident to the arrest.

## 21-5-105. PENALTY.

A violation of this Chapter shall be punishable as a class "B" misdemeanor.

# CHAPTER 21-6
# MISCELLANEOUS OFFENSES

Sections:

21-6-101. Failure to Supply Information.
21-6-102. Perversion
21-6-103. Unlawful acts on or about school premises.
21-6-104. Alcoholic beverages prohibited in parks, public sidewalks, streets, business parking lots.
21-6-105. Battery.
21-6-106. Repealed.
21-6-107. Fleeing a Peace Officer.
21-6-108. Maintaining, committing or failing to remove public nuisance - classification of offense.
21-6-109. Repealed.
21-6-110. Lewdness.
21-6-111. Making Graffiti.
21-6-112. Possession of Graffiti Instruments.
21-6-113. Soliciting, requesting, offering to purchase, or attempting to acquire a controlled substance.
21-6-114. Use of a laser pointer, etc.

## 21-6-101. FAILURE TO SUPPLY INFORMATION.

It shall be unlawful for a person to refuse to give his name, address, and an explanation of his actions when such information is requested by an officer pursuant to Section 77-7-15, Utah Code Annotated 1953, as amended, even if the officer does not state the basis for his request. A violation of this Section is a class "C" misdemeanor.

**(Ord. No. 94-55 Rep & Reen, 06/22/1994)**

## 21-6-102 REPEALED.

**(Ord. No. 04-23 Amended 05/04/2004)**

## 21-6-103. UNLAWFUL ACTS ON OR ABOUT SCHOOL PREMISES.

(1) As used in this section:
   a. "Dangerous weapon or facsimile thereof" is defined as provided in Section 76-1-601, Utah Code Annotated 1953, as amended.
   b. "On or about school premises" means any of the following:
   c. In a public or private elementary or secondary school or on the grounds of any of those schools;
   d. In a public or private vocational school or post-secondary institution or on the grounds of any of those schools or institutions;
   e. In those portions of any building, park stadium, or other structure or grounds which are, at the time of the act, being used for an activity sponsored by or through a school or institution under subsections (1)(b)(i) and (ii) above;

f. In or on the grounds of a preschool or childcare facility; and
g. Within 1,000 feet of any structure, facility, or grounds included in subsections (1)(b)(i), (ii), (iii), and (iv) above.

(2) It shall be unlawful for any person to:
a. Annoy, disturb, or otherwise prevent the orderly conduct of the activities, administration, or classes of any school.
b. Annoy, disturb, assault, or molest any student, employee, or patron of any school while on or about school premises.
c. Loiter, idle, wander, stroll, or play on or about school premises, either on foot or in or on any vehicle, without having some lawful business therein or thereof.
d. Conduct himself or herself in a lewd, wanton, or lascivious manner, in speech or behavior, on or about school grounds.
e. Park or move a vehicle on or about school premises and thereby cause an annoyance or molest the students, employees, or patrons thereof, or in an effort to induce, entice or invite students, employees, or patrons into or onto the vehicle for unlawful or immoral purposes.
f. Be in possession, on or about school premises, of any dangerous weapon or facsimile thereof and thereby cause alarm, disturbance, annoyance, or injury to any person.

(3) The provisions of this Chapter shall be effective whether or not school classes, activities, or business is being held or conducted at the time of the offense.

## 21-6-104. ALCOHOLIC BEVERAGES PROHIBITED IN PARKS, PUBLIC SIDEWALKS, STREETS, BUSINESS PARKING LOTS.

It shall be unlawful for any person to consume any alcoholic beverage, or to have in his possession any open container of an alcoholic beverage, in any public place. Public place, for purposes of this Section, includes, but is not limited to, public owned property, parks, roadways, sidewalks, streets, parking lots of any place of business, office buildings, bus stops, transport facilities, stores, fields, canals and their embankments, and all places open to the public; provided, however, that this provision shall not apply to those parks in which the City Council has expressly granted a concessionaire operating in the park a license to sell beer. Violation of this Section is a class "B" misdemeanor.

**(Ord. No. 94-87 Enacted 08/15/1994)**

## 21-6-105. BATTERY.

(1) A person commits battery if he, intentionally or knowingly, without legal justification and by any means:
a. Causes bodily injury to a person; or
b. Makes physical contact of an offensive, insulting or provoking nature with a person.

(2) Physical contact in (1)(b) shall include, but is not limited to, spitting, kissing, pinching, poking, shoving or intimidating touching.

(3) Battery is a class "B" misdemeanor.

## 21-6-106. REPEALED.

## 21-6-107. FLEEING A PEACE OFFICER.

It is a class "B" misdemeanor for any person on foot or on or in a non-motorized vehicle to knowingly flee from, evade, escape or attempt to flee from, escape or evade a peace officer after being lawfully detained, arrested or stopped, or after receiving a reasonable visual or audible signal or command to remain or stop.

## 21-6-108. MAINTAINING, COMMITTING OR FAILING TO REMOVE PUBLIC NUISANCE - CLASSIFICATION OF OFFENSE.

(1) Every person who maintains or commits any public nuisance, the punishment of which is not otherwise prescribed, or who willfully omits to perform any legal duty relating to the removal of a public nuisance is guilty of a class "B" misdemeanor.
(2) The City may initiate legal action, civil or criminal, to remove, abate and/or secure any condition or act constituting a public nuisance, as herein defined in Section 76-10-803, Utah Code Annotated, 1953 as amended.
(3) In addition to other penalties imposed for the violation of this Section, irrespective of any civil or criminal action initiated by the City, any person who commits any of the acts enumerated in Sections 76-10-803 or 76-10-804, Utah Code Annotated, 1953 as amended, shall be liable for all expenses, including, but not limited to, those incurred by the City in protecting the public or in investigating, removing, abating and/or securing the condition arising from said acts. Said expenses shall include interest at the current legal rate, accumulated on the amount expended by the City to remove, abate and/or secure said condition. Such interest shall begin to accrue 30 days after the person committing said acts is informed in writing by the City of the expenses for which he is liable.

## 21-6-109. REPEALED.

**(Ord. No. 94-57 Repealed 06/22/1994)**

## 21-6-110. LEWDNESS.

(1) A person is guilty of lewdness if he performs an act of sexual intercourse or sodomy, exposes his or her genitals or private parts, masturbates, engages in trespassory voyeurism, or performs any other act of lewdness in a public place or under circumstances which he or she should know will likely cause affront or alarm.
(2) Lewdness is a class "B" misdemeanor.
(3) As used in this Section:
    a. Public Place means any place to which the public or a substantial group of the public has access; or a place open to public view; or a place capable of observance by the public. It includes commercial establishments and any place to which admission is gained by payment or a membership or admission fee, however designated, notwithstanding its being designated a club licensee or by words of like import.
    b. Private Parts means pubic area, buttocks with less than a fully opaque covering, or a showing of the female breast below a point immediately above the top of the areola.

**(Ord. No. 06-12 Amended 02/14/2006; Ord. No. 09-26 Amended 08/07/2009)**

## 21-6-111. MAKING GRAFFITI.

(1) For the purposes of this Section, the term "graffiti" shall mean any form of unauthorized painting, writing, spraying, scratching, affixing, or inscribing on the property of another, regardless of the content or nature of the material used in the commission of the act.
(2) No person shall make graffiti of any type on any building, public or private, or any other property, real or personal, owned by any person, firm or corporation, or any public agency or instrumentality, without the express permission of the owner or operator of said property.

**(Ord. No. 94-57 Enacted 06/22/1994)**

## 21-6-112. POSSESSION OF GRAFFITI INSTRUMENTS.

A person is guilty of possession of graffiti instruments when he possesses any tool, instrument, article, substance, solution, or other compound designed or commonly used to paint, write, spray, scratch, affix, inscribe, or otherwise place a mark upon a piece of property which that person has no permission or authority to paint, write, spray, scratch, affix, inscribe, or otherwise mark, under circumstances evincing an intent to use the same in order to graffiti such property. Possession of a spray paint can in a public building, park, facility, or alley shall be presumptive evidence of intent to use the same in order to damage such property.

**(Ord. No. 94-57 Enacted 06/22/1994)**

## 21-6-113. SOLICITING, REQUESTING, OFFERING TO PURCHASE, OR ATTEMPTING TO ACQUIRE A CONTROLLED SUBSTANCE.

(1) Definitions.
    a. "Controlled substance" means a drug, substance, or immediate precursor as defined by Section 58-37-2(4), Utah Code Annotated 1953, as amended.
    b. "Utah Controlled Substances Act" means Sections 58-37-1, et seq., Utah Code Annotated 1953, as amended.
(2) It shall be unlawful for a person to intentionally or knowingly solicit, request, offer to purchase, or attempt to acquire possession of a controlled substance from another person through any means which would cause either person to violate the Utah Controlled Substances Act.
    a. A violation of this section shall be a class "B" misdemeanor.

**(Ord. No. 96-40 Enacted 06/21/1996)**

## 21-6-114. USE OF A LASER POINTER, ETC.

(1) It is unlawful for a person to use or possess with intent to use a laser pointer or any object which projects a colored target in any way which is likely to cause a reasonable person apprehension or fear of bodily harm or is likely to harass, annoy, or injure any person or animal.
(2) It is unlawful for a person to point a laser pointer or any object which projects a colored target at a police officer or in the vicinity of a police officer.

(3) A violation of subsection (1) is a class C misdemeanor. A violation of subsection (2) is a class B misdemeanor. Carrying a laser pointer or any object which projects a colored target outside shall be presumptive evidence of intent to use the same in order to harass, annoy, or injure.

**(Ord. No. 99-27 Added 07/01/1999)**

# CHAPTER 21-7
# JUVENILE CURFEWS

Sections:

21-7-101. Purpose.
21-7-102. Definitions.
21-7-103. Curfew for juveniles under 16 years of age.
21-7-104. Curfew for juveniles 16 and 17 years of age.
21-7-105. Parental Liability
21-7-106. Business Liability.
21-7-107. Exceptions
21-7-108. Enforcement.

## 21-7-101. PURPOSE.

The governing body of West Valley City finds, due to a seemingly ever-increasing incidence of violence and other crime among juveniles in West Valley City, being both drug-related and gang-related, that such crimes may be significantly inhibited and reduced by the enactment and enforcement of local laws establishing a curfew prohibiting juveniles from remaining idly and purposelessly on the public streets late at night.

## 21-7-102. DEFINITIONS.

(1) Care and custody means the legal authority of a parent or guardian to supervise or otherwise be responsible for a minor, or the express authority given from such parent or legal guardian of a minor to a responsible adult to supervise or otherwise be responsible for the activities and care of the minor.
(2) Emergency errand means any errand or travel undertaken to directly and immediately seek to prevent or reduce the consequences of an illness or injury, criminal or potentially criminal activity, fire, or other accident and shall include the seeking of aid and assistance from medical or emergency response personnel or the purchase of medications.
(3) Minor means any unmarried, unemancipated person who is not a member of the armed forces of the United States and who is under 16 years of age for the purposes of Section 21-7-103 hereof, or who is under 18 years of age for the purposes of Section 21-7-104 hereof.
(4) Public places means any place open to the public, whether publicly or privately owned, including, but not limited to, parking lots and the interiors and exteriors of commercial establishments such as restaurants, stores, or places of entertainment.

## 21-7-103. CURFEW FOR JUVENILES UNDER 16 YEARS OF AGE.

It shall be unlawful for any minor under 16 years of age to remain or loiter upon any of the sidewalks, streets, alleys, or public places in West Valley City between the hours of 11 p.m. and 5 a.m. of the following morning.

## 21-7-104. CURFEW FOR JUVENILES 16 AND 17 YEARS OF AGE.

It shall be unlawful for any minor 16 or 17 years of age to remain or loiter upon any of the sidewalks, streets, alleys, or public places in West Valley City between the hours of 1 a.m. and 5 a.m.

## 21-7-105. PARENTAL LIABILITY

It shall be unlawful for any parent, guardian, or other person having care and custody of any minor to knowingly allow or permit the minor to violate the provisions of this Chapter.

## 21-7-106 BUSINESS LIABILITY.

No person owning or operating a business, as defined by this Code, shall knowingly permit any minor to remain on the premises of such business in violation of the provisions of this Chapter. This Section, however, shall not apply to any minor who is lawfully employed on the premises.

## 21-7-107. EXCEPTIONS

The provisions of this Chapter shall not apply to any circumstance in which the minor is:

(1) Accompanied by a parent, guardian, or other responsible adult having care and custody of such minor;
(2) Engaged in a legitimate trade, employment, or occupation which requires the minor's presence in or on the sidewalks, streets, alleys, or public places while working at or traveling to or from such employment;
(3) Engaged on an emergency errand directed by the minor's parent, guardian, or other responsible person having care and custody of such minor;
(4) In a motor vehicle engaged in normal interstate travel beginning in, traveling through, or ending in West Valley City;
(5) Attending or engaged in traveling between the minor's home or place of residence and a place where any religious, municipal, social, entertainment, sporting, political, library, or school function is occurring; or
(6) Within the immediate vicinity of the minor's place of residence.

## 21-7-108. ENFORCEMENT.

(1) Any minor who is in violation of the provisions of this Chapter is subject to arrest and citation.
(2) Upon arrest, the minor shall be returned to the custody of the parent, guardian, or other person charged with the care and custody of the minor.
(3) It shall be unlawful for any parent, guardian, or other person charged with the care and custody of a minor who is in violation of this Chapter to knowingly refuse to appear and take custody of said minor within a reasonable time after being ordered to do so by a peace officer.

# CHAPTER 21-8
# REPEALED

**(Ord. No. 95-28 Repealed 06/05/1995)**

# CHAPTER 21-9
# GAMBLING

Sections:

21-9-101. Gambling Prohibited.
21-9-102. Definitions.
21-9-103. Gambling Promotion.
21-9-104. Possession of a Gambling Device or Record.

## 21-9-101. GAMBLING PROHIBITED.

(1) A person is guilty of gambling if that person:
   a. participates in gambling;
   b. knowingly permits any gambling to be played, conducted, or dealt upon or in any real or personal property owned, rented, or under the control of the actor, whether in whole or in part; or
   c. knowingly allows the use of any video gaming device that is:
      i. in any business establishment or public place; and
      ii. accessible for use by any person within the establishment or public place.

(2) Gambling is a class B misdemeanor.

**(Ord. No. 09-12 Enacted 05/11/2009)**

## 21-9-102. DEFINITIONS.

(1) As used in this part:
   a. "Fringe gambling" means any gambling, lottery, or video gaming device which is:
      i. given, conducted, or offered for use or sale by a business in exchange for anything of value; or
      ii. given away incident to the purchase of other goods or services.
   b. "Fringe gambling" does not include a gambling, lottery, video gaming device, or other promotional activity which is clearly occasional and ancillary to the primary activity of the business.

(2) "Gambling" means risking anything of value for a return or risking anything of value upon the outcome of a contest, game, gaming scheme, or gaming device when the return or outcome:
   a. is based upon an element of chance; and
   b. is in accord with an agreement or understanding that someone will receive something of value in the event of a certain outcome.
   c. "Gambling" includes a lottery and fringe gambling.
   d. "Gambling" does not include:
      i. a lawful business transaction; or
      ii. playing an amusement device that confers only an immediate and unrecorded right of replay not exchangeable for value.

(3) "Gambling bet" means money, checks, credit, or any other representation of value.

(4) "Gambling device or record" means anything specifically designed for use in gambling or used primarily for gambling.
(5) "Gambling proceeds" means anything of value used in gambling.
(6) "Lottery" means any scheme for the disposal or distribution of property by chance among persons who have paid or promised to pay any valuable consideration for the chance of obtaining property, or portion of it, or for any share or any interest in property, upon any agreement, understanding, or expectation that it is to be distributed or disposed of by lot or chance, whether called a lottery, raffle, or gift enterprise, or by whatever name it is known.
(7) "Video gaming device" means any device that possesses all of the following characteristics:
    a. a video display and computer mechanism for playing a game;
    b. the length of play of any single game is not substantially affected by the skill, knowledge, or dexterity of the player;
    c. a meter, tracking, or recording mechanism that records or tracks any money, tokens, games, or credits accumulated or remaining;
    d. a play option that permits a player to spend or risk varying amounts of money, tokens, or credits during a single game, in which the spending or risking of a greater amount of money, tokens, or credits:
        i. does not significantly extend the length of play time of any single game; and
        ii. provides for a chance of greater return of credits, games, or money; and
    e. an operating mechanism that requires inserting money, tokens, or other valuable consideration in order to function.

**(Ord. No. 09-12 Enacted 05/11/2009)**

## 21-9-103. GAMBLING PROMOTION.

(1) A person is guilty of gambling promotion if he derives or intends to derive an economic benefit other than personal winnings from gambling and:
    a. he induces or aids another to engage in gambling; or
    b. he knowingly invests in, finances, owns, controls, supervises, manages, or participates in any gambling.
(2) Gambling promotion is a class B misdemeanor.

**(Ord. No. 09-12 Enacted 05/11/2009)**

## 21-9-104. POSSESSING A GAMBLING DEVICE OR RECORD.

(1) A person is guilty of possessing a gambling device or record if he knowingly possesses it with intent to use it in gambling.
(2) Possession of a gambling device or record is a class B misdemeanor.

**(Ord. No. 09-12 Enacted 05/11/2009)**

# TITLE 22
# TRAFFIC CODE

Chapters:

22-1 Traffic Offenses - General Provisions
22-2 Civil Traffic Enforcement Program
22-3 Improper Operation of a Motor Vehicle
22-4 Repealed.
22-5 Regulation of traffic and parking on school grounds
22-6 Bicycle Regulation and Operation
22-7 Miscellaneous Traffic Ordinances

# CHAPTER 22-1
# TRAFFIC OFFENSES – GENERAL PROVISIONS

Sections:

22-1-101. Short Title.
22-1-102. Enactment of State Motor Vehicle Code.
22-1-103. Purposes and principles of procedure and construction.
22-1-104. Repealed.
22-1-105. Traffic enforcement on privately-owned roads in the Lake Park Corporate Centre.
22-1-106. Transportation management fee.

## 22-1-101. SHORT TITLE.

This Title shall be known as the "West Valley City Traffic Code." This Title shall also be known as Title 22, West Valley City Municipal Code. It may be cited and pleaded under either designation.

## 22-1-102. ENACTMENT OF STATE MOTOR VEHICLE CODE.

(1) Class 'B' and 'C' misdemeanors and infractions found in Title 41 Title 53, Utah Code Annotated, 1953 as amended, as they exist now and as amended or enacted in the future, are hereby adopted and incorporated herein by this reference as violations of City ordinances. Peace officers and any public officials charged with enforcement of the law are hereby authorized to cite violations of the City Code by citing Title 41 and Title 53.
(2) The heading on prosecution documents may designate the plaintiffs as "State of Utah (WVC)" or a variation of this, and such documents will operate as a prosecution in the name of the State or in the name of the City, as may be appropriate.

**(Ord. No. 99-20 Repealed & Replaced 05/21/1999)**

## 22-1-103. PURPOSES AND PRINCIPLES OF PROCEDURE AND CONSTRUCTION.

The provisions of this Code shall be construed in accordance with the principles of procedure and construction as set out by the Utah Code Annotated, 1953 as amended.

## 22-1-104. REPEALED.

**(Ord. No. 98-32 Repealed 03/20/1998)**

## 22-1-105. TRAFFIC ENFORCEMENT ON PRIVATELY-OWNED ROADS IN THE LAKE PARK CORPORATE CENTRE.

The provisions of this Title shall be enforced on the privately-owned roads in the Lake Park Corporate Centre. The privately-owned roads which this Section applies to are: Parkway Boulevard from Bangerter Highway to Lake Park Boulevard; Lake Park Boulevard from Bangerter Highway to Corporate Park Drive (4800 West); Corporate Park Drive from 2900 South to Lake Park Boulevard; and 2400 South from Lake Park Boulevard to 4400 West.

**(Ord. No. 98-27 Enacted 03/20/1998)**

## 22-1-106. TRANSPORTATION MANAGEMENT FEE.

(1) In addition to any surcharge imposed by City ordinance or by state law, a transportation management fee shall be paid on all criminal fines, penalties, and forfeitures imposed by the West Valley City Justice Court, for any offense described in subsection (1)(b).
    a. The transportation management fee is $10 upon conviction of any moving traffic violation committed within the City's boundaries, including a violation of City or county ordinances.
    b. The transportation management fee shall not be imposed:
        i. upon non-moving traffic violations;
        ii. upon court orders when the offender is ordered to perform community service work in lieu of a fine;
        iii. if a traffic mitigation impact surcharge is imposed by the State of Utah pursuant to Title 63, Chapter 63b of the Utah Code.
(2) The transportation management fee shall be imposed in addition to the fine charged for a criminal offense, and no reduction may be made in the fine charged due to the imposition of the transportation management fee.
(3) The monies from the transportation management fee shall be used for traffic management projects, including traffic management systems, traffic calming devices and practices, and studies to determine traffic flow.

**(Ord. No. 02-34 Add 07/08/2002; Ord. 02-61 Amended 09/17/2002)**

# CHAPTER 22-2
# CIVIL TRAFFIC ENFORCEMENT PROGRAM

Sections:

22-2-101. Definitions.
22-2-102. Application.
22-2-103. Registered Owner Responsible.
22-2-104. Regulations not Exclusive.
22-2-105. Repealed.
22-2-106. Repealed.
22-2-107. Restrictions on Stopping, Standing or Parking.
22-2-108. Restricted Parking Areas.
22-2-109. Passenger or Freight Curb Loading Zone.
22-2-110. Bus Stops and Taxi Stands.
22-2-111. Parking of Buses and Taxicabs Regulated.
22-2-112. Procedure for Leaving Vehicle Unattended.
22-2-113. Stopping or Parking on Roadways.
22-2-114. Parking in Disabled Parking Stalls.
22-2-115. Time Limitations.
22-2-116. Parking or Leaving Trucks, Trailers, Campers, Boats, etc. on street.
22-2-117. Standing or Parking Near Mailbox Restricted.
22-2-118. Parking in City-owned Parking Lots.
22-2-119. Authority to move or remove illegally-parked vehicles.
22-2-201. Notice of Parking Violation.
22-2-202. Hearing and Appeal Procedures.
22-2-203. Civil Penalties for Parking Offenses.

## 22-2-101. DEFINITIONS.

(1) "Park" or "Parking" means the standing of a vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading property or passengers.
(2) "Stand" or "Standing" means the halting of a vehicle, whether occupied or not, other than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.
(3) "Stop" or "Stopping" means any halting even momentarily of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or when in compliance with the directions of a peace officer or official traffic-control device.
(4) "Vehicle" means any self-propelled device in, upon, or by which any person or property is or may be transported or drawn upon a highway.

**(Ord. No. 99-43 Enacted 07/01/1999; Ord. No. 00-18 Amended 03/28/2000; Ord. No. 03-35 Repealed and Replaced 05/06/2003)**

## 22-2-102. APPLICATION.

(1) The provisions of this Chapter prohibiting the stopping, standing or parking of a vehicle shall apply at all times herein specified or as indicated on official signs, except when it is necessary to stop a vehicle because of emergency conditions, to avoid conflict with other traffic, or to comply with the directions of a peace officer or an official traffic control device.
(2) Permits issued under this Chapter may temporarily authorize stopping, standing or parking that would otherwise be a violation of this Chapter.

**(Ord. No. 99-43 Repealed & Replaced 07/01/1999; Ord. No. 00-18 Amended 03/28/2000; Ord. No. 03-35 Repealed and Replaced 05/06/2003)**

## 22-2-103. REGISTERED OWNER RESPONSIBLE.

(1) Whenever any vehicle is used in violation of the parking provisions of this Title, the person in whose name the vehicle is registered shall be strictly liable for the violation and the penalty for that violation.
(2) If a peace officer or ordinance enforcement officer witnesses a person stop or park a vehicle in violation of this Chapter, the officer shall assess the civil penalty against that operator in lieu of the registered owner.

**(Ord. No. 99-43 Repealed & Replaced 07/01/1999; Ord. No. 00-18 Amended 03/28/2000; Ord. No. 03-35 Repealed and Replaced 05/06/2003)**

## 22-2-104. REGULATIONS NOT EXCLUSIVE.

The provisions of this Chapter imposing a time limit on stopping, standing and parking shall not relieve any person from the duty to comply with other more restrictive provisions prohibiting or limiting the stopping, standing, or parking of vehicles in specified places or at specified times.

**(Ord. No. 99-43 Repealed & Replaced 07/01/1999; Ord. No. 00-18 Amended 03/28/2000; Ord. No. 03-35 Repealed and Replaced 05/06/2003)**

## 22-2-105. REPEALED.

**(Ord. No. 99-43 Repealed & Replaced 07/01/1999; Ord. No. 00-18 Amended 03/28/2000; Ord. No. 03-35 Repealed and Replaced 05/06/2003; Ord. No. 11-29 Repealed 12/13/2011)**

## 22-2-106. REPEALED.

**(Ord. No. 99-43 Repealed & Replaced 07/01/1999; Ord. No. 00-18 Amended 03/28/2000; Ord. No. 03-35 Repealed and Replaced 05/06/2003; Ord. No. 11-29 Repealed 12/13/2011)**

## 22-2-107. RESTRICTIONS ON STOPPING, STANDING OR PARKING.

(1) Stopping, standing, or parking prohibited. No vehicle shall be stopped, standing, or parked, whether occupied or not, in any of the following places:
    a. On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

b. On a sidewalk;
c. Within an intersection;
d. On a crosswalk;
e. 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 a different length is indicated by signs or markings;
f. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;
g. Upon any bridge or other elevated structure, upon a highway, or within a highway tunnel;
h. On any railroad track;
i. On any controlled-access highway;
j. In the area between roadways of a divided highway, including crossovers; or
k. Any place where official traffic-control devices prohibit stopping, standing, or parking.

(2) Standing or Parking Prohibited. No vehicle shall be standing or parked, whether occupied or not, except to temporarily pick up or discharge a passenger or passengers, provided the driver remains in the vehicle and the engine remains running:
a. In front of a public or private driveway;
b. Within 15 feet of a fire hydrant;
c. Within 20 feet of a crosswalk;
d. Within 30 feet upon the approach to any flashing signal, stop sign, yield sign, or other traffic-control signal located at the side of a roadway;
e. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance to any fire station within 75 feet of the entrance when posted by signs;
f. At any place where official traffic-control devices prohibit standing or parking.

(3) Parking prohibited. No vehicle shall be parked, except temporarily for the purpose of, and while actually engaged in, loading or unloading of passengers or property, provided the driver remains with the vehicle:
a. Within 50 feet of the nearest rail of a railroad crossing;
b. At any place where official traffic-control devices prohibit parking.

(4) Exception. The requirements of this Section do not apply when necessary in emergency situations, to avoid conflict with other traffic, or when necessary to comply with law, the directions of a peace officer, or an official traffic-control device.

**(Ord. No. 99-43 Repealed & Replaced 07/01/1999; Ord. No. 00-18 Amended 03/28/2000; Ord. No. 03-35 Repealed and Replaced 05/06/2003)**

## 22-2-108. RESTRICTED PARKING AREAS.

No vehicle shall be stopped or parked for any purpose or length of time in any restricted parking zone other than for the purpose to which parking in such zone is restricted.

**(Ord. No. 99-43 Repealed & Replaced 07/01/1999; Ord. No. 00-18 Amended 03/28/2000; Ord. No. 03-35 Repealed and Replaced 05/06/2003)**

## 22-2-109. PASSENGER OR FREIGHT CURB LOADING ZONE.

(1) No vehicle may stop or park for any purpose or length of time other than for the loading or unloading of passengers in any place marked as a passenger curb loading zone during the hours when the regulations applicable to such loading zones are effective, and then only for a period not to exceed three minutes, provided the driver remains with the vehicle, and the vehicle's engine remains running.
(2) No vehicle may stop or park 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 hours when the provisions applicable to such zones are in effect. In no case shall the stop for loading and unloading of materials exceed thirty (30) minutes.
(3) The driver of a passenger vehicle may stop at a place marked as a freight curb loading zone for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any vehicle which is waiting to enter or about to enter such zone for the purpose of loading or unloading freight, provided that the driver remains with the vehicle, and the vehicle's engine remains running.

**(Ord. No. 00-18 Enacted 03/28/2000; Ord. No. 03-35 Repealed and Replaced 05/06/2003)**

## 22-2-110. BUS STOPS AND TAXI STANDS.

No vehicle shall stop, stand, or park, other than a bus or coach, in a bus stop, or other than a licensed taxicab, in a taxi stand, when any such stand or stop has been officially designated and appropriately signed or marked, except that a passenger vehicle may temporarily stop therein for the purpose of and while actually engaged in loading or unloading passengers when such stopping does not interfere with any bus, coach, or taxicab waiting or about to enter such zone, provided the driver remains with the vehicle, and the vehicle's engine remains running.

**(Ord. No. 03-35 Add 05/06/2003)**

## 22-2-111. PARKING OF BUSES AND TAXICABS REGULATED.

No bus or taxicab may park upon any street where parking is prohibited, restricted, limited as to time or regulated by parking meters, at any place other than at a bus stop or taxicab stand, respectively, except that this provision shall not prevent the driver of any such vehicle from stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in loading or unloading passengers.

**(Ord. No. 03-35 Add 05/06/2003)**

## 22-2-112. PROCEDURE FOR LEAVING VEHICLE UNATTENDED.

No vehicle shall be left standing unattended unless the engine is stopped, the ignition is locked, and the ignition key is removed. If the vehicle is standing upon any perceptible grade, the brakes must be set and the front wheels turned to the curb or side of the roadway.

**(Ord. No. 03-35 Add 05/06/2003)**

## 22-2-113. STOPPING OR PARKING ON ROADWAYS.

(1) Except as otherwise provided in this Chapter, every vehicle stopped or parked upon a two-way roadway shall be stopped or parked with the right-hand wheels parallel to and within twelve (12) inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder.
(2) Every vehicle stopped or parked upon a one-way roadway shall be stopped or parked parallel to the curb or edge of the roadway in the direction of authorized traffic movement with its right-hand wheels within twelve (12) inches of the right-hand curb or as close as practicable to the right edge of the right-hand shoulder or with its left-hand wheels within twelve (12) inches of the left-hand curb or as close as practicable to the left-hand shoulder.
(3) No vehicle shall be stopped or parked upon any roadway for the principal purpose of:
    a. Greasing or repairing such vehicle except repairs as necessitated by an emergency;
    b. The sale of foodstuffs or other merchandise;
    c. The prohibitions of this Subsection do not apply if the act is allowed under the provisions of another City ordinance.
(4) In no event shall a vehicle be parked in such a manner as to leave available less than ten (10) feet of the width of the roadway for free movement of vehicle traffic.

**(Ord. No. 03-35 Add 05/06/2003)**

## 22-2-114. PARKING IN DISABLED PARKING STALLS.

(1) No vehicle, except those displaying an official disabled license plate or transferable motor vehicle identification card issued by the state shall park in any parking spot designated for parking by disabled persons, even if the driver or a passenger in the vehicle is disabled.
    a. A vehicle displaying a distinctive official disabled license plate or transferable motor vehicle identification card issued by another state, territory, or foreign jurisdiction shall be permitted to park in a parking spot designated for use by a disabled person.
    b. No person shall park in a parking stall designated for use by disabled persons unless that person or a passenger in the vehicle is disabled, even if the vehicle displays a disabled license plate or transferable motor vehicle identification card issued by the State.
    c. No citation for a violation of subsection (c) shall issue unless a peace officer or ordinance control officer observes the violation. Volunteer enforcement personnel shall not be permitted to issue citations for violations of Subsection (c).
(2) This Section shall apply to and be enforceable upon all property where parking is open to the general public, whether parking is provided to the general public for free or for a fee.
(3) The West Valley City Police Department may authorize volunteers to issue Notices of Parking Violation for violations of this Section, or any other City ordinance or regulation which provides a penalty for illegal parking in a stall properly designated for the exclusive use by disabled persons.
    a. A volunteer appointed under this Subsection must be eighteen years of age or older.
    b. No volunteer shall issue a Notice of Parking Violation without having first been satisfactorily trained by the Police Department.
(4) A Notice of Parking Violation issued by a properly appointed volunteer shall have the same force and effect as a Notice issued by a peace officer or ordinance enforcement officer, provided the Notice issued by the volunteer contains the following information:

a. A sworn statement that the volunteer observed the vehicle parked in violation of this Section;
b. Photographic evidence that the vehicle was parked in violation of this Section, provided that at least one photograph clearly shows the license plate of the vehicle;
c. The name and business address of the volunteer, and any other identifying information required by the Police Department.

**(Ord. No. 03-35 Add 05/06/2003)**

## 22-2-115. TIME LIMITATIONS.

No vehicle shall be parked on any street:

(1) While there is an accumulation of snow or ice of one inch or more on the roadway;
(2) For a period of longer than 72 consecutive hours; or
(3) For any period longer than allowed by appropriate signs, markings, or parking meters giving notice of such parking time limitation.

**(Ord. No. 03-35 Add 05/06/2003)**

## 22-2-116. PARKING OR LEAVING TRUCKS, TRAILERS, CAMPERS, BOATS, ETC. ON STREET.

(1) No non-motorized vehicle, farm equipment, construction equipment, unmounted or unattached camper, boat, utility trailer, camper trailer, or any other type of trailer or any inoperable vehicle (as defined in Title 24 of this Code) may be parked, placed, stored, abandoned, or otherwise left on any public street, alley, sidewalk, park strip, or right-of-way at any time.
(2) No motorized recreational vehicle, farm vehicle, construction vehicle or off-highway vehicle may be parked, placed, stored, abandoned, or otherwise left on any public street, alley, sidewalk, park strip, or right-of-way at any time, unless the vehicle is actually engaged in loading and unloading passengers or freight.
(3) It shall be unlawful to park, place, store, abandon, or otherwise leave any motorized vehicle, combination of vehicles, or combination of vehicles and load which have a length of more than 45 feet, or a width of more than 8 feet, or a height of more than 14 feet, or a gross weight over 18,000 pounds, or more than two axles, on any public street, alley, sidewalk, park strip, or right-of-way at any time, unless the vehicle or combination is actually engaged in loading or unloading passengers or freight.
(4) For the purposes of this Section, a vehicle shall be considered parked, even if the engine is running, if the vehicle is left standing for any period longer than three minutes, unless the vehicle is actually loading or unloading as provided.
    a. For the purposes of this Section the term “loading and unloading” includes the use of a vehicle for repair, construction, or maintenance actually conducted by businesses licensed to engage in such a business in accordance with other City ordinances.
(5) No motor home, boat, trailer, camper, or other similar conveyance used for temporary recreational uses shall be used for overnight camping or as a residence, except in mobile home parks or campgrounds licensed by the City.
(6) The provisions of this Section do not apply to passenger buses operated under the authority of the Public Service Commission of the State of Utah, nor to authorized emergency vehicles, nor to public works vehicles.

**(Ord. No. 03-35 Add 05/06/2003)**

## 22-2-117. STANDING OR PARKING NEAR MAILBOX RESTRICTED.

Except when necessary to avoid conflict with other traffic, to comply with law or the directions of a peace officer or official traffic control device, or to momentarily pick up or discharge passengers, no vehicle shall be stopped or parked, whether occupied or not, within 15 feet of a public or private curb mailbox between the hours of 8 a.m. and 5 p.m.

**(Ord. No. 03-35 Add 05/06/2003)**

## 22-2-118. PARKING IN CITY-OWNED PARKING LOTS.

In any parking lot owned by the City where parking stalls are designated by painted lines or otherwise, no motorized or non-motorized vehicle shall be parked outside of a designated parking stall, unless specifically authorized by the City.

**(Ord. No. 03-35 Add 05/06/2003)**

## 22-2-119. AUTHORITY TO MOVE OR REMOVE ILLEGALLY-PARKED VEHICLES.

(1) Whenever a peace officer determines that a vehicle parked in violation of this Chapter must be moved to avoid public inconvenience, ensure public safety, or because it appears to be abandoned, the officer is authorized to move the vehicle, cause it to be removed, or to order the owner or operator of the vehicle to move or remove it.
(2) A peace officer who causes a vehicle to be removed under this Section shall have the vehicle removed by a tow truck service that meets the standards established by Title 72, Chapter 9, Utah Code Annotated 1953, as amended, and that is authorized by the Police Department to perform towing services for the City.
(3) The City shall not be liable for any lost, damaged, or stolen items or damage to any vehicle moved or removed pursuant to this Section.
(4) The registered owner of a vehicle removed under this Section is strictly liable for all costs of removal.

**(Ord. No. 03-35 Add 05/06/2003)**

## 22-2-201. NOTICE OF PARKING VIOLATION.

(1) Every person who receives a Notice of Parking Violation must pay the civil penalty for that violation as set forth in this Chapter. If the owner or operator requests a hearing within thirty days, as provided in this Chapter, the penalty is not due until any hearing processes are complete, if there remains an obligation to pay the penalty.
(2) Except as noted below, the civil penalties specified in this Chapter shall be subject to the following reductions:
    a. Any penalty that is paid within ten (10) days from the date of issuance of the Notice of Violation shall be reduced by one hundred dollars ($100);
    b. Any penalty that is paid between ten (10) and thirty (30)days from the date of issuance of the Notice of Violation shall be reduced by fifty dollars ($50).

(3) Every filing for a Notice of Violation for which the appropriate penalty has been paid in full within sixty (60) days of issuance shall be deemed satisfied.
(4) Every filing for a Notice of Violation for which the appropriate penalty has been paid within ten (10) days from such date as may have been agreed to by the Administrative Law Judge, shall be deemed satisfied.
(5) Every filing for a Notice of Violation for which the appropriate penalty imposed pursuant to this Chapter remains unsatisfied after sixty (60) days from the issuance of the Notice of Violation, or ten (10) days from such date as may have been agreed to by the Administrative Law Judge, shall be considered in default. The City will use all lawful means to collect on the default. The owner or operator will be subject to all fines, including court, constable and attorneys' fees. Nonappearance of an owner or operator will result in a default judgment.
(6) The City may use all lawful means to collect and satisfy the judgment, including costs and reasonable attorney's fees.

**(Ord. No. 03-35 Add 05/06/2003; Ord. No. 03-67 Amended 10/21/2003; Ord. No. 11-29 Amended 12/13/2011)**

## 22-2-202. HEARING AND APPEAL PROCEDURES.

(1) The City Manager shall designate such Administrative Law Judges as are deemed necessary to consider matters relating to stopping or parking violations.
(2) The City Attorney's Office shall accept payments and offers of proof; manage payment plans; and schedule hearings before the Administrative Law Judge.
(3) Any person who has received a Notice of Violation on their vehicle, by mail, or in person, may appear before a parking coordinator to schedule payments, provide offers of proof, and to request hearings before the Administrative Law Judge.
    a. A request for hearing must be in writing, and signed by the person named in the Notice of Violation. A request must clearly state that the person is requesting a hearing, and must identify the Notice of Violation. If the parking coordinator determines that a purported request does not comply with this Subsection, the person named in the Notice of Violation shall be deemed to have not requested a hearing.
(4) At hearings before the Administrative Law Judge:
    a. The burden to prove any defense shall be upon the person raising the defense.
    b. If the Administrative Law Judge finds that no violation occurred, or that a violation occurred but one or more of the defenses set forth in this Subsection is applicable, the Administrative Law Judge may dismiss the Notice of Violation and release the owner or person named in the notice from liability thereunder.
        i. Defenses available under this Subsection are:
            1. At the time of the observed violation, possession of the subject vehicle had been acquired, by someone other than the registered owner, in violation of the criminal laws of the State;
            2. Compliance with the subject ordinances would have presented an imminent and irreparable injury to persons or property.
    c. If the Administrative Law Judge finds that a violation occurred, but that one or more of the defenses set forth in this Subsection is applicable, the hearing officer may reduce the penalty associated therewith, but in no event shall such penalty be reduced below the sum of five dollars ($5).
        i. Such defenses are:

1. At the time of receipt of the Notice of Violation, possession of the subject vehicle had been acquired pursuant to a written lease agreement, or other similar written agreement;
2. The subject vehicle was mechanically incapable of being moved from such location; provided, however, that this defense shall not apply to any vehicle which remains at such location in excess of six (6) hours;
3. Any markings, signs, or other indicia of parking regulation were not clearly visible or comprehensible; provided, however, that this defense shall not apply where the marking or sign is shown to be properly installed and visible on the date of the violation.
4. Such other mitigating circumstances as may be approved by the City Manager.

d. If the Administrative Law Judge determines that a violation occurred and no applicable defense exists, the Administrative Law Judge may, in the interest of justice and on behalf of the City, enter into an agreement for the timely or periodic payment of the applicable penalty.

**(Ord. No. 03-35 Add 05/06/2003; Ord. No. 11-29 Amended 12/13/2011)**

## 22-2-203. CIVIL PENALTIES FOR PARKING OFFENSES.

Civil penalties for violations of this Chapter are as follows:

(1) For a violation of Section 22-2-114, Parking in Disabled Parking Stalls: $210.00
(2) For all other violations: $125.00.

**(Ord. No. 03-35 Add 05/06/2003; Ord. No. 03-67 Amended 10/21/2003; Ord. No. 11-29 Amended 12/13/2011)**

# CHAPTER 22-3
# IMPROPER OPERATION OF A MOTOR VEHICLE

Sections:

22-3-101. Proper Lookout.
22-3-102. Starting Vehicles.
22-3-103. Repealed.
22-3-104. Vehicle must turn after signal.
22-3-105. Losing Right-of-way.
22-3-106. Weaving.
22-3-107. Islands and Markers.
22-3-108. Driving on new pavement or "wet" paint.
22-3-109. Control by Driver.
22-3-110. Negligently Colliding.
22-3-111. Driving without Insurance.
22-3-112. Persons lending, renting, etc., vehicles; information and reports required.
22-3-113. Authorization for traffic controllers—safe speed-stopping when directed by traffic controller.

## 22-3-101. PROPER LOOKOUT.

It is unlawful for any person to drive a vehicle on the roadway without keeping a reasonable and proper lookout for other traffic, objects, fixtures or property thereon or adjacent thereto.

## 22-3-102. STARTING VEHICLES.

It is unlawful for any person to set into motion any vehicle which is stopped, standing or parked unless and until such movement can be made with reasonable safety.

## 22-3-103. REPEALED.

**(Ord. No. 98-32 Repealed 03/20/1998)**

## 22-3-104. VEHICLE MUST TURN AFTER SIGNAL.

It is unlawful for the driver of any vehicle giving or causing to be given any signal which would indicate to other traffic his intention to turn, to fail to make such turn or to fail to yield the right-of-way to all other traffic which would be affected by his failure to complete the turn indicated.

## 22-3-105. LOSING RIGHT-OF-WAY.

(1) Any person violating any provision of this Code shall have no right-of-way if such violation interferes with the ability of another driver to yield the right-of-way to such person.
(2) The driver of any vehicle traveling at an unlawful speed shall forfeit any right-of-way which he might otherwise have.

## 22-3-106. WEAVING.

Whenever any roadway has been divided into two or more clearly marked lanes for traffic, a vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane or across a lane line without giving the right-of-way to vehicles in the lane to be entered, nor until the driver has first ascertained that such movement can be made with safety and he has given the appropriate signal.

## 22-3-107. ISLANDS AND MARKERS.

(1) It is unlawful for any person to disobey the directions of any authorized island, marker or other indication placed within an intersection indicating the course to be traveled by vehicles thereat.
(2) A vehicle passing around a traffic island shall be driven only to the right of or counter-clockwise around such island, unless otherwise indicated.

## 22-3-108. DRIVING ON NEW PAVEMENT OR "WET" PAINT.

It is unlawful for any person to drive, ride or cause to be driven or ridden any animal, or ride, drive, propel or cause to be ridden, driven or propelled, any vehicle over or across any newly-made pavement or freshly-painted area on the public street, across or around which pavement there is a barrier, or at, over or near which there is a person or a sign warning persons not to drive over or across such pavement or freshly-painted area or a sign stating that the street is closed.

## 22-3-109. CONTROL BY DRIVER.

No driver shall engage in any activity that interferes with the safe control of his vehicle while same is in motion.

## 22-3-110. NEGLIGENTLY COLLIDING.

It is unlawful for any person to operate a vehicle with such lack of due care and in such negligent manner as to cause the same to collide with any vehicle, person or object.

## 22-3-111. DRIVING WITHOUT INSURANCE.

(1) Any owner of a motor vehicle with respect to which a security is required under the "Utah Automobile No-Fault Act" found at Utah Code Annotated, Section 41-31-1, et. seq., 1987, who operates a motor vehicle or permits it to be operated upon a public highway within the City limits of West Valley City without the requisite security being in effect, is guilty of a class "B" misdemeanor. Any other person who operates such motor vehicle upon a public highway within the City limits of West Valley City with the knowledge that the owner does not have such security in effect is also guilty of a class "B" misdemeanor.
(2) When a peace officer investigating an accident involving a motor vehicle cites the operator of a motor vehicle involved for the alleged violation of any provision of this Title, the cited operator shall, at the officer's request, provide evidence of the owner's or operator's security required by Section 41-12a-301, Utah Code Annotated, 1987.
(3) As used in this section, "evidence of owner's or operator's security" means:

a. The name of the insurance company which issued the insurance policy under subsection 41-12a-103(9)(a), Utah Code Annotated, Section 41-12a-103(9)(a), 1987, and the number of the insurance policy;
b. The name of the surety which issued the surety bond under subsection 41-12a-103(9)(a), Utah Code Annotated, Section 41-12a-103(9)(a), 1987, and the number of the insurance policy;
c. The number of the certificate of deposit issued by the state treasurer under Section 41-12a-406, Utah Code Annotated, Section 41-12a-103(9)(a), 1987; or
d. The number of the certificate of self-funded coverage issued by the department under Section 41-12a-407, Utah Code Annotated, Section 41-12a-103(9)(a), 1987.

(4) A person is guilty of a class "B" misdemeanor, and shall be fined not less than $100, who:
a. When requested to provide security information under subsection (1), provides false information; or
b. Falsely represents to the department that security required under this Chapter is in effect.

## 22-3-112. PERSONS LENDING, RENTING, ETC., VEHICLES; INFORMATION AND REPORTS REQUIRED.

(1) No registered owner and no person in possession of any vehicle shall permit another person to drive the same without first ascertaining the name and address of such other person and that he is legally licensed to operate such vehicle.
(2) Every person renting, leasing, or hiring a motor vehicle to another person shall keep a re-cord of the vehicle license number of the motor vehicle so rented; the name and address of the person; the number of his operator's license; and the date, place, when, and where such vehicle operator's license was issued. Such record shall be open to inspection by any peace officer.
(3) The information and records required by this Section shall be furnished to any peace officer for police purposes on demand.

**(Ord. No. 98-30 Enacted 03/20/1998)**

## 22-3-113. AUTHORIZATION FOR TRAFFIC CONTROLLERS--SAFE SPEED--STOPPING WHEN DIRECTED BY TRAFFIC CONTROLLER.

(1) For the purposes of this Section:
a. "Traffic controller" means a peace officer, firefighter, construction worker, maintenance worker, or school crossing guard who is authorized to direct, control, or regulate traffic.
b. "Controlling traffic" means such actions as are reasonably understood to indicate that the person is directing, controlling, or regulating traffic. Such actions include, but are not limited to, audible or hand signals, signs, flares, etc.
c. "Roadway" means that portion of highway or street improved, designed, or ordinarily used for vehicular travel, exclusive of sidewalks, berms, gutters, or shoulders; even though any of them are used by persons riding bicycles or other human-powered vehicles.

(2) School crossing guards are authorized to direct, control, or regulate traffic for the purposes of assisting schoolchildren crossing roadways, at times and locations approved by the Police Department, and in a manner approved by law or regulation.

a. Highway construction and maintenance workers are authorized to direct, control, or regulate traffic within construction zones where they are employed, when they are designated to be traffic controllers, and in a manner approved by law or regulation.

(3) Wherever a traffic controller is present in a roadway controlling traffic, every vehicle traveling in either direction in that roadway shall slow to a safe and prudent speed under the conditions, regardless of the posted speed limit for that area.

(4) When a traffic controller orders a vehicle to stop, every vehicle traveling in the roadway shall come to a complete stop, and remain stopped until:
   a. the vehicle operator is directed to proceed by the traffic controller; or
   b. the traffic controller has completely left the roadway.
      i. This Subsection applies:
         1. when any traffic controller is present, even though other mechanical traffic control devices may be operating, and
         2. even if the traffic controller is controlling traffic traveling in the opposite direction; and
         3. even if proceeding, turning, or otherwise ignoring the traffic controller would be reasonably safe and prudent under the conditions.

(5) A violation of this Section is an infraction.

**(Ord. No. 02-77 Add 12/03/2002)**

# Chapter 22-4

Repealed

# CHAPTER 22-5
# REGULATION OF TRAFFIC AND PARKING ON SCHOOL GROUNDS

Sections:

22-5-101. Parking Regulations.
22-5-102. Maximum Speed.
22-5-103. Cruising and Loitering.
22-5-104. Motor vehicles not to be driven on prohibited areas.
22-5-105. "No Parking" Areas.
22-5-106. Visitor and Reserved Parking.
22-5-107. Rules for student registration, parking and control of vehicles.
22-5-108. Regulatory Signs.

## 22-5-101. PARKING REGULATIONS.

The applicable state, county or municipal traffic and parking regulations shall be enforced upon school and school district property.

## 22-5-102. MAXIMUM SPEED.

Maximum speed on school and district premises is ten miles per hour.

22-5-103. CRUISING AND LOITERING.

Vehicular traffic is limited to entering, exiting and parking. No cruising or loitering will be permitted.

## 22-5-104. MOTOR VEHICLES NOT TO BE DRIVEN ON PROHIBITED AREAS.

All vehicles are restricted to designated roadways. Motorized vehicles will not be driven on lawns, paths or other prohibited areas.

## 22-5-105. "NO PARKING" AREAS.

No parking will be allowed in the areas where the curb is painted red, designated "no parking" or where such parking would obstruct regular vehicular traffic.

## 22-5-106. VISITOR AND RESERVED PARKING.

Students, staff and faculty shall not park in areas designated "for visitors" or "reserved."

## 22-5-107. RULES FOR STUDENT REGISTRATION, PARKING AND CONTROL OF VEHICLES.

(1) All district traffic and parking regulations and individual school regulations (if any) will be distributed to every student and faculty member at or before the beginning of each school year.

(2) Students must register with the school all motor vehicles which will be driven or parked on school property. A registration decal must be displayed on the vehicles as follows:
    a. Cars - Left side of rear window.
    b. Trucks, rough-terrain vehicles (Jeep, etc.) - Lower right side of front window.
    c. Motor bikes and cycles - Rear frame or rear fender.
(3) Prior to vehicle registration at the local high school and issuance of the decal, the student must possess the following:
    a. A valid Utah drivers' license.
    b. A parent or guardian's written permission for the student to bring a motor vehicle to school.
    c. A signed statement by the parent and student that they understand when any car is on school property the car may be searched, if the school authorities have reasonable call to suspect that materials that are in violation of the state, county, municipal or school code are stored therein, and they further understand that any materials found may be seized and used as evidence in school disciplinary hearings and/or legal proceedings.
(4) Students are to park in the designated student parking areas and within parking spaces directed by painted lines and signs.
(5) Faculty and staff parking shall be designated and students are not to park in these areas.

## 22-5-108. REGULATORY SIGNS.

All regulatory signs utilized on district or school property shall be placed in conspicuous and appropriate areas of the grounds. All regulatory signs must be approved by the district prior to posting.

These rules and regulations shall be enforced by the appropriate area law enforcement agencies. Enforcement may include, but shall not be limited to, the following: Citations, towing away at owner's expense and/or revocation of the privileges to park and drive on school property. The Board of Education assumes no responsibility for damage to cars, lost articles, damage to property or injury to persons by the automobile or its driver while on school district property.

# CHAPTER 22-6
# BICYCLE REGULATION AND OPERATION

Sections:

22-6-101. License Required.
22-6-102. Application for License; Fee.
22-6-103. License Issuance, Duration.
22-6-104. Denial of License.
22-6-105. Record of Licenses.
22-6-106. Issuance of Plate.
22-6-107. Display of Plate.
22-6-108. Removal of Plate.
22-6-109. License Renewal.
22-6-110. Duties when Transferring Bicycle.
22-6-111. Obedience to Traffic Devices.
22-6-112. Speed.
22-6-113. Emerging from Alley, Driveway or Building.
22-6-114. Parking.
22-6-115. Where Riding Permitted, Prohibited.
22-6-116. Penalty.

## 22-6-101. LICENSE REQUIRED.

No person who resides within the City shall ride or propel a bicycle on any street or upon any public path set aside for the exclusive use of bicycles unless such bicycle has been licensed and a license plate is attached thereto as provided herein.

## 22-6-102. APPLICATION FOR LICENSE; FEE.

Application for a bicycle license and license plate shall be made upon a form provided by the City and shall be made to the City Council or its representative. An annual license fee of such sum as the City Council shall establish by resolution from time to time shall be paid to the City before each license or renewal thereof is granted.

## 22-6-103. LICENSE ISSUANCE, DURATION.

The City representative, upon receiving proper application therefor, is authorized to issue a bicycle license, which shall be effective until the next succeeding first day of July.

## 22-6-104. DENIAL OF LICENSE.

The City representative shall not issue a license for any bicycle when he knows or has reasonable grounds to believe that the applicant is not the owner of or entitled to the possession of such bicycle.

## 22-6-105. RECORD OF LICENSES.

The City representative shall keep a record of the number of the license plate of each bicycle license, the date issued, the name and address of the person to whom issued, the number on the frame of the bicycle for which issued and a record of all bicycle license fees collected by him.

## 22-6-106. ISSUANCE OF PLATE.

The City representative, upon issuing a bicycle license, shall also issue a license plate bearing the license number assigned to the bicycle, the name of the City and the calendar year for which issued.

## 22-6-107. DISPLAY OF PLATE.

Bicycle license plates shall be attached in an appropriate position on the bicycles at all times for the interval so licensed.

## 22-6-108. REMOVAL OF PLATE.

No person shall remove a license plate from a bicycle during the period for which issued except upon a transfer of ownership or in the event the bicycle is dismantled and no longer operated upon any street in the City.

## 22-6-109. LICENSE RENEWAL.

Upon the expiration of any bicycle license, the same may be renewed upon application and payment of the same fee as upon an original application.

## 22-6-110. DUTIES WHEN TRANSFERRING BICYCLE.

Upon the sale or other transfer of a licensed bicycle, the licensee shall remove the license plate and shall either surrender the same to the City Recorder, or may, upon proper application, have said plate assigned to another bicycle owned by the applicant for one-half the annual fee.

## 22-6-111. OBEDIENCE TO TRAFFIC DEVICES.

(1) Any person operating a bicycle shall obey the instructions of official traffic-control signals, signs and other control devices applicable to vehicles, unless otherwise directed by a police officer.
(2) Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no person operating a bicycle shall disobey the direction of any such sign, except where such person dismounts from the bicycle to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians.

## 22-6-112. SPEED.

No person shall operate a bicycle at a speed greater than is reasonable and prudent under the conditions then existing.

## 22-6-113. EMERGING FROM ALLEY, DRIVEWAY OR BUILDING.

The operator of a bicycle emerging from an alley, driveway or building shall, upon approaching a sidewalk area extending across any alley way, yield the right-of-way to all pedestrians approaching on said sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

## 22-6-114. PARKING.

No person shall park a bicycle upon a street other than upon the roadway against the curb, or upon the sidewalk in a rack to support the bicycle or against a building or at the curb, in such manner as to afford the least obstruction to pedestrian traffic.

## 22-6-115. WHERE RIDING PERMITTED, PROHIBITED.

The Public Works Department is authorized to erect signs on any sidewalk or roadway prohibiting riding of bicycles thereon by any person, and when such signs are in place, no person shall disobey the same.

## 22-6-116. PENALTY.

Any person in violation of this Chapter shall be guilty of a class "C" misdemeanor, with all fines and/or penalties applicable.

**(Ord. No. 05-36 Repealed 08/16/2005)**

# CHAPTER 22-7
# MISCELLANEOUS TRAFFIC ORDINANCES

Sections:

22-7-101. Parties.
22-7-102. Opening Door.
22-7-103. Passenger Riding in Improper Portion of Vehicle.
22-7-104. Quiet Zones.
22-7-105. Safety Zone.
22-7-106. Seating.
22-7-107. Sleds.
22-7-108. Standing on Seat.
22-7-109. Tampering with Vehicle.
22-7-110. Toys upon Roadway.
22-7-111. Restricted Vehicle Permits.
22-7-112. Approach of Authorized Emergency Vehicles.
22-7-113. Funeral Identification and Right-of-way.
22-7-114. Funerals Keep to Right.
22-7-115. Parade and Procession Permits.
22-7-116. Cutting Through Corners.
22-7-117. One Arm Driving.
22-7-118. Federal motor carrier safety regulations and noise emission requirements.
22-7-119. Unlawful Noise.
227-120. Low Profile Motorized Vehicles on Public Property.

## 22-7-101. PARTIES.

(1) It is unlawful for the owner, or any other person, employing or otherwise directing the driver of any vehicle, to require to knowingly permit the operation of such vehicle upon a roadway in any manner contrary to law.
(2) The parent or custodian of any child and the guardian of any ward or person having charge of any blind, confused or incapacitated person shall not authorize or knowingly permit any such person to violate any provisions of this Code.

## 22-7-102. OPENING DOOR.

(1) No person shall open the door of or enter or emerge from any vehicle in the path of any approaching vehicle.
(2) No person shall open any vehicle door at any time when such vehicle is in motion.
(3) No person shall open the door of a motor vehicle on a side available to moving traffic unless and until it is safe to do so and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on a side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

## 22-7-103. PASSENGER RIDING IN IMPROPER PORTION OF VEHICLE.

No person shall ride, and no person driving a motor vehicle shall knowingly permit any person to ride, upon any portion of any vehicle not designed or intended for the use of passengers. This provision shall not apply to any vehicle driven elsewhere than upon a street or to an employee engaged in the necessary discharge of his duty or to persons riding entirely within or upon any motor vehicle in space intended for any load on said vehicle.

## 22-7-104. QUIET ZONES.

Every motor vehicle shall be operated in a quiet zone so as to prevent all excessive or unusual noises, and the occupants therein shall maintain reasonable quiet.

## 22-7-105. SAFETY ZONE.

No vehicle shall at any time be driven through or within a safety zone, dividing section, roadway traffic island or any area within or along a roadway from which vehicular traffic is intended to be excluded.

## 22-7-106. SEATING.

No driver shall have in his lap any other person, adult or minor, nor animal, nor shall he be seated in the lap of any person, while the vehicle is in motion.

## 22-7-107. SLEDS.

It is unlawful for the driver, or any person in charge of any vehicle to knowingly drive or operate such vehicle upon any of the streets of the City while any sled, toboggan or sleigh is attached to or connected with such vehicle, or to permit any sled or other similar conveyance to be attached to or connected with said vehicle upon any roadway.

## 22-7-108. STANDING ON SEAT.

No driver shall operate any vehicle while any person or child is standing on a seat within such vehicle.

## 22-7-109. TAMPERING WITH VEHICLE.

No persons shall climb upon or into or swing upon or hold on to the outside of any motor vehicle whether the same is in motion or at rest, sound any horn or any other signaling devices, or attempt to manipulate any of the levers, the starter, brakes or machinery thereof or set such vehicle in motion or damage, tamper or interfere with the same. This provision shall not apply to persons with authority of the owner or the person lawfully in charge of a motor vehicle while such motor vehicle is at rest.

## 22-7-110. TOYS UPON ROADWAY.

(1) No person upon roller skates or riding in or by means of any coaster, sled, toy wagon, scooter, skateboard or similar device, shall go upon any roadway, except while crossing such roadway in a crosswalk. When so crossing, such person shall be subject to all of the duties applicable to pedestrians.
(2) This section does not apply on a street which has been designated as a play street.

## 22-7-111. RESTRICTED VEHICLE PERMITS.

(1) All vehicles, combinations of vehicles or combinations of vehicle and load having a length of more than 45 feet, or a width of more than eight feet or a height of more than 14 feet, with or without load, are restricted vehicles.
(2) Special permits of duration of more than one month may be issued by the governing body, or temporary permits for a duration of less than one month may be issued by the Chief of Police, upon application in writing and good cause being shown therefore, authorizing the applicant to operate or move a restricted vehicle upon the streets of the City, or to park a vehicle in violation of Section 22-6-106 upon such conditions as may be set forth in the permit.

## 22-7-112. APPROACH OF AUTHORIZED EMERGENCY VEHICLES.

(1) Upon the immediate approach of an authorized emergency vehicle making use of audible or visual emergency signals:
    a. The driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as close as possible to, the right-hand edge or curb of the roadway, clear of any intersection, and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.
    b. Every pedestrian shall yield the right-of-way and shall immediately leave the roadway and remain out of the roadway until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.
(2) This section shall not relieve the driver of an authorized emergency vehicle of the duty to drive with due regard for the safety of all persons using the roadway.

## 22-7-113. FUNERAL IDENTIFICATION AND RIGHT-OF-WAY.

Each motor vehicle participating in a funeral procession shall display illuminated headlights thereon and shall follow not more than 30 feet behind the preceding motor vehicle in such funeral procession, and such funeral procession must obey all traffic regulations and traffic control devices, unless at the time the individual automobiles in such procession are otherwise directed by a police officer.

## 22-7-114. FUNERALS KEEP TO RIGHT.

A driver in a funeral procession shall drive as near to the right-hand edge of the roadway as possible unless a left turn is contemplated.

## 22-7-115. PARADE AND PROCESSION PERMITS.

No procession or parade except a funeral procession shall occupy or proceed along any street except in accordance with a permit issued by the Chief of Police. All requests for such permits shall state the time, place of information, proposed line of march, destination and such other information as the Chief of Police may require. Any procession or parade proceeding in accordance with the permit issued as hereinabove provided may be authorized by the Chief of Police to disregard traffic control devices.

## 22-7-116. CUTTING THROUGH CORNERS.

It is unlawful for any person to drive a motor vehicle through any private driveway, lot or similar area, whether vacant or not, where any residence, business establishment, manufactory, retail store, drug store, cafe, confectionery, drive-in, market, oil station or any other kind of a business or trade is maintained or carried on, for the purpose and with the intent of avoiding obedience to any traffic regulation or for the purpose and with intent of harassing and annoying the owner thereof or his patrons.

## 22-7-117. ONE ARM DRIVING.

No driver shall have either arm around another person while the vehicle is in motion.

## 22-7-118. FEDERAL MOTOR CARRIER SAFETY REGULATIONS AND NOISE EMISSION REQUIREMENTS.

(1) In order to be consistent with the Department of Transportation and its numbering system, the following provision is hereby adopted by reference as part of the West Valley City Code: Title 49, Transportation, Chapter III, Federal Highway Administration (1983), Subchapter A, Part 325, Subchapter B, Parts 350, 385-399, and Appendix A-C.
(2) Peace officers are hereby authorized to cite violations of this section by citing any provision of Title 49.
(3) All violations of this provision shall be a class "B" misdemeanor.

## 22-7-119. UNLAWFUL NOISE.

It shall be unlawful for any person to produce, continue, or cause to be produced or continued, any noise disturbance from any radio or other device which produces sounds, which noise is being produced from a motor vehicle, if the sound is plainly audible 50 feet from the vehicle.

**(Ord. No. 98-33 Enacted 03/20/1998)**

## 22-7-120. LOW PROFILE MOTORIZED VEHICLES ON PUBLIC PROPERTY.

(1) Definitions. For purposes of this Section:
    a. “Low Profile Motorized Vehicle” means any motorized vehicle that:
    b. is not regulated by the State or by any other City Code provision;
    c. is not otherwise legally permitted upon the highways, sidewalks, or other public property including parks and parking lots;
    d. is propelled by any means, including gas or electricity, and has any size motor; and

e. is less than thirty-six (36”) inches in height, measured from the top of the frame down, when it is in its normal operating position, notwithstanding any flag, antenna, or other device attached, or modifications made thereto.
f. This definition includes, but is not limited to, “pocket bikes”, or miniature motorcycles, and “go-carts.”

(2) It is unlawful for any person to operate a Low Profile Motorized Vehicle upon any public property within the City.
(3) It is unlawful and a separate offense for a minor’s responsible adult to knowingly allow a minor to operate a Low Profile Motorized Vehicle on public property within the City.
(4) Low Profile Motor Vehicles may only be operated on private property with the property owner’s written permission.
(5) Penalty. Any person who violates this section is guilty of a class C misdemeanor. Additionally, an operator of a Low Profile Motorized Vehicle in violation of this section, is subject to every provision of and any additional penalty of the Utah Traffic Code.

**(Ord. No. 05-04 Enacted 01/18/2005)**

# TITLE 23
# ANIMAL CONTROL

Chapters:

23-1 General Provisions
23-2 Animal Control Officials
23-3 Licensing
23-4 Bites and Rabid Animals
23-5 Violations Relating to Animals Generally
23-6 Animal Shelter and Impound
23-7 Permits
23-8 Regulation of Vicious Dogs

# CHAPTER 23-1
# GENERAL PROVISIONS

Sections:

23-1-101. Short Title.
23-1-102. Definitions
23-1-103. Enforcement.
23-1-104. Violation.

## 23-1-101. SHORT TITLE.

This Title shall be known as the "West Valley City Animal Control Ordinance." This Title shall also be known as "Title 23, West Valley City Code." It may be cited and pleaded under either designation.

## 23-1-102. DEFINITIONS

(1) Adequate space means that when a dog is fixed to a tether, fastener, chain, tie, or other restraint, the dog is able to easily stand up, sit down, turn around, lie down, and make all normal bodily movements and interact safely with the environment and with other animals that may be in the immediate area.
(2) Animal means any of a kingdom of living being typically differing from plants in capacity for spontaneous movement and rapid motor response to stimulation.
(3) Animal At Large means any domesticated animal, whether or not licensed, not under restraint as defined below.
(4) Animal Boarding Establishment means any establishment that takes in animals for boarding for profit.
(5) Animal Control Administrator means the Animal Control Administrator of the Animal Control Division of West Valley City.
(6) Animal Control Division means the Animal Control Division of the West Valley City Community Preservation Department.
(7) Animal Grooming Parlor means any establishment maintained for the purpose of offering cosmetological services for animals for profit.
(8) Animal Shelter means a facility owned and/or operated by a governmental entity or any animal welfare organization that is incorporated within the State of Utah under Section 76-9-302, U.C.A., 1953 as amended, and used for the care and custody of seized, stray, homeless, quarantined, abandoned, or unwanted dogs, cats, or other small domestic animals.
(9) Animal Subject to Licensing means a cat, dog, ferret, or pot-bellied pig.
(10) Animal Under Restraint means any animal under the control of its owner or person having charge, care, custody, or control; except that a dog shall not be considered under control of the owner unless on a leash or lead, confined within a vehicle, or within the real property limits of the owner.
(11) Bite means an actual puncture, tear, or abrasion of the skin inflicted by the teeth of an animal.
(12) Cat means any feline of the domesticated types of at least four months of age. Any feline of the domesticated types under four months of age is a kitten.
(13) Cattery means an establishment for boarding, breeding, buying, grooming, or selling cats for profit.

(14) Dog means any canis familiaris of at least four months of age. Any canis familiaris under four months of age is a puppy.
(15) Domesticated Animals means animals accustomed to live in or about the habitation of man, including, but not limited to, cats, dogs, fowl, horses, swine, and goats.
(16) Enclosure means a fence or structure of at least six feet in height, forming or causing an enclosure suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of the vicious dog.
(17) Ferret means a ferret not protected by the Utah Division of Wildlife Resources, bred and sold as a domesticated household pet. Domesticated ferrets must be spayed or neutered.
(18) Guard Dog means a working dog which must be kept in a fenced run or other suitable enclosure during business hours, or on a leash or under absolute control while working, so it cannot come into contact with the public.
(19) Health Department means the Salt Lake City/County Health Department.
(20) Holding Facility means any household pet shop, kennel, cattery, groomery, riding school, stable, animal shelter, veterinary hospital, humane establishment, or any other such facilities used for holding animals.
(21) Household Pet has the same meaning set forth in Section 7-2-132 and 23-3-107.
(22) Impound means taken into the possession and custody of an animal control agency, law enforcement agency, or an agent thereof.
(23) Kennel means any place where three or more animals over six months of age are kept for the primary purpose of sale or for the boarding, care, or breeding of which is a fee is charged or paid.
(24) Leash or Lead means any chain, rope, or device used to restrain an animal.
(25) Person means a natural person or any legal entity, including, but not limited to, a corporation, firm, partnership, or trust.
(26) Pet Shop means any establishment containing cages or exhibition pens, not part of a kennel or cattery, wherein dogs, cats, birds, or other household pets for sale are kept or displayed.
(27) Pot-Bellied Pig means a Vietnamese or Chinese pot-bellied pig, spayed or neutered, and kept as a household pet, not for livestock or food purposes. Pot-bellied pigs must be less than 150 pounds, and any tusks must either be removed or kept trimmed.
(28) Provoked means any deliberate act by a person towards a dog or any other animal done with the intent 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 intent to discourage or prevent a dog or other animal from attacking shall not be considered to be a provocation.
(29) Quarantine means the isolation of an animal in a substantial enclosure so that the animal is not subject to contact with other animals or unauthorized persons.
(30) Riding School or Stable means an establishment which offers boarding and/or riding instruction for any horse, pony, donkey, mule, or burro, or which offers such animals for hire.
(31) Shelter means a structure which is substantial in construction and provides protection from moisture, wind and other factors of weather, and is of a size appropriate to the particular animal to ensure retention of body heat within the enclosure. Any shelter will be maintained to ensure a clean, dry, healthy environment for the animal being housed. Under this Title, a shelter ensuring retention of body heat is a shelter which is of a size sufficient to ensure adequate warmth for the animal, but which is large enough to allow the animal to enter a shelter and be able to easily stand up, sit down, turn around, lie down, and make all normal bodily movements.
(32) Stray means any animal at large, as defined herein.
(33) Tether means any chain, rope, cable, or device attached to a fixed object and used for restraining a dog. The tether must be of sufficient strength to restrain the dog and be

appropriate to the breed, age, size, and weight of the dog. The tether must be attached to the dog by a properly applied collar, halter or harness configured so as to protect the dog from injury or entanglement with objects or other animals.

(34) Vicious Animal means any animal which is dangerously aggressive, including, but not limited to, any animal which has bitten or in any other manner attacked any person or animal.

(35) Vicious Dog means:

a. Any dog which, in a vicious or terrorizing manner, approaches any person in apparent attitude of attack upon the streets, sidewalks, or any public grounds or places;
b. Any dog with a known propensity, tendency, or disposition to attack; to cause injury; or to otherwise endanger the safety of human beings or animals; or
c. Any dog which bites, inflicts injury, assaults, or otherwise attacks a human being or domestic animal on public or private property.

(36) Wild Animal means any animal of a species that in its natural life is wild, including those animals which, as a result of their natural or wild condition, cannot be vaccinated effectively for rabies. These animals, however domesticated, shall include but are not limited to:

a. Alligators and crocodiles.
b. Bears (ursidae). All bears, including grizzly bears, brown bears, black bears, etc.
c. Cat family (felidae). All members of the cat family except the commonly accepted domesticated cat, and including cheetah, cougar, leopard, lion, lynx, panther, mountain lion, tiger, wildcat, etc.
d. Dog family (canidae). All members of the dog family except the domesticated dog, and including wolf, part wolf, fox, part fox, coyote, part coyote, etc.
e. Porcupine (erethizontidae).
f. Primate (hominiddae). All subhuman primates.
g. Raccoon (prosynnidae). All raccoons, including easter raccoons, desert raccoons, ring-tailed cats, etc.
h. Skunks.
i. Venomous fish and all piranha.
j. Venomous snakes and lizards.
k. Weasels (mustelidae). All members of the weasel family, including weasels, martins, wolverines, wild ferrets, badgers, otters, ermine, mink, mongoose, etc., except that persons raising animals of this family for their pelts, as a business, shall not be prohibited by this Title from possessing the animals.

**(Ord. No. 98-61 Amended 08/25/1998; Ord. No. 09-22 Amended 07/08/2009; Ord. No. 10-14 Amended 05/11/2010; Ord. No. 14-19 Amended 04/26/2014)**

## 23-1-103. ENFORCEMENT.

This Title may be enforced through the Administrative Code Enforcement ("ACE") Hearing Program established in Title 10 of the West Valley City Code, or by filing civil or criminal actions in the District Court as provided by law. The City has sole discretion to decide whether to file a civil or criminal case for a violation. The City may file both, or one or the other. The possibility of an administrative remedy pursuant to Title 10 shall in no way interfere with the City's right to prosecute violations of this Title as criminal offenses. The City may use any of the remedies available under the law in both civil and criminal prosecution. If the City chooses to file both civil and criminal charges for the same violation, no civil penalties may be assessed, but all other remedies are available.

**(Ord. No. 98-61 Rep & Reen 08/25/1998)**

## 23-1-104. VIOLATION.

Unless otherwise provided herein or by state or federal law, any person violating the provisions of this Title, either by failing to do those acts required herein or by doing any act prohibited herein, 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. No. 98-61 Amended 08/25/1998)**

# CHAPTER 23-2
# ANIMAL CONTROL OFFICIALS

Sections:

23-2-101. Duties of Animal Control Officials.
23-2-102. Powers of Animal Control Officials.
23-2-103. Officer's authority to take possession of animals--lien for care -- destruction of animals found suffering.
23-2-104. Interference with officer prohibited.

## 23-2-101. DUTIES OF ANIMAL CONTROL OFFICIALS.

(1) The Animal Control Administrator shall:
   a. Enforce this Title and perform other responsibilities pursuant thereto.
   b. Supervise the municipal animal shelter(s) under the City's jurisdiction.
   c. Keep adequate records of all animals impounded and all moneys collected.
   d. See that all animals and animal holding facilities in the City's jurisdiction are licensed, controlled, and permitted in accordance with any applicable ordinance and/or regulations.
   e. Establish, in cooperation with the state and local health departments, state veterinarian's office, and other relevant governmental agencies, adequate measures for rabies immunization and control.

(2) Each Animal Control Officer shall:
   a. Enforce this Title in all respects pertaining to animal control within the jurisdiction, including the care and impounding of animals and prevention of cruelty to animals.
   b. Carry out all duties prescribed or delegated by the Animal Control Administrator.

**(Ord. No. 98-61 Amended 08/25/1998)**

## 23-2-102. POWERS OF ANIMAL CONTROL OFFICIALS.

(1) The Animal Control Administrator or any person employed by the Animal Control Division as an Animal Control Officer shall take the oath of office and shall be vested with the power and authority to enforce this Title.

(2) The Animal Control Administrator, assistants, law enforcement officers, and Animal Control Officers are hereby authorized and empowered to apprehend and impound any animal found in violation of this Title, including, but not limited to, household pets for which no license has been obtained in accordance with this Title.

(3) In the enforcement of this Title, any peace officer, the Animal Control Administrator, and any Animal Control Officer is authorized to enter onto the open premises of any person to take possession of any animal in violation of this Title.

**(Ord. No. 98-61 Amended 08/25/1998; Ord. No. 09-22 Amended 07/08/2009; Ord. No. 14-19 Amended 04/26/2014)**

## 23-2-103. OFFICER'S AUTHORITY TO TAKE POSSESSION OF ANIMALS –LIEN FOR CARE – DESTRUCTION OF ANIMALS FOUND SUFFERING.

(1) Any law enforcement officer or Animal Control Officer may take possession of any animal being treated cruelly and, after reasonable efforts to notify the owner, may provide shelter and care for it or may destroy it pursuant to this section.
(2) The City has a lien against the owner of any animal cared for or destroyed pursuant to this section for the reasonable costs of its care and/or destruction. Upon proof that the owner has been notified of the lien and amount due at least five days prior, the City may obtain an order that the animal be sold at public auction or destroyed.
(3) Any law enforcement officer or Animal Control Officer may humanely destroy any animal found suffering past recovery for any useful purpose. Before destroying the animal, the officer shall obtain an opinion that the animal is suffering past recovery from a veterinarian or from two reputable citizens called to view the animal in the officer's presence, or shall obtain consent to the destruction from the owner of the animal.

**(Ord. No. 98-61 Amended 08/25/1998)**

## 23-2-104. INTERFERENCE WITH OFFICER PROHIBITED.

It is unlawful for any person to knowingly and intentionally interfere with the Animal Control Administrator or any Animal Control Officer in the lawful discharge of their duties as prescribed in this Title.

**(Ord. No. 98-61 Amended 08/25/1998)**

# CHAPTER 23-3
# LICENSING

Sections:

23-3-101. Licensing of Household Pets.
23-3-102. License Tag.
23-3-103. Licensing Exemptions
23-3-104. Revocation of License.
23-3-105. Female Animals in Estrus.
23-3-106. Removal of Animal Waste.
23-3-107. Household Pets.

## 23-3-101. LICENSING OF HOUSEHOLD PETS.

(1) All dogs, cats, pot-bellied pigs, and ferrets must be licensed each year to a person of the age of 18 years or older, except as otherwise provided herein.
(2) Any person owning or possessing any animal subject to licensing shall obtain a license for such animal within 30 days after the animal reaches the age of four months; or, in the case of an animal over the age of four months, within 30 days of the acquisition of the animal.
(3) License applications shall be submitted annually to the Animal Control Division, utilizing a standard form which requests name, address, and telephone number of the applicant; breed, sex, color, and age of the animal; previous license information; and rabies vaccination and sterilization information. The application shall be accompanied by the prescribed license fee, a current rabies vaccination certificate, and a sterilization certificate.
(4) The fees charged for licenses shall be those set forth in the Consolidated Fee Schedule as currently adopted by the City Council. No animal will be licensed as spayed or neutered without veterinary verification that such surgery was performed.
(5) The license shall be effective for 12 months from the date of purchase, through the end of the same month of the following year, after which a late fee may be imposed. The license may be purchased 30 days prior to the expiration date. A current license from another jurisdiction may be transferred to a license from this agency upon payment of the transfer fee as set forth in the Consolidated Fee Schedule, and proof of current licensure is provided from the previous agency. A transferred license shall be valid through the term of the original license.
(6) A fund shall be maintained for the purpose of providing financial assistance for the sterilization of animals where the owner of said animal is financially unable to provide for surgery. The fund shall be comprised of donated funds and $10 of each unsterilized license fee.

**(Ord. No. 98-61 Amended 08/25/1998; Ord. No. 10-33 Amended 11/01/2010)**

## 23-3-102. LICENSE TAG.

(1) Upon payment of the license fee, the Animal Control Division shall issue to the owner a tag for each animal licensed. The tag shall be stamped with the license number. The owner shall attach the tag to the collar or harness of the animal and see that the collar and tag are constantly worn. Failure to attach and constantly wear the tag as provided shall be a violation of this Title; except that animals which are kept for show purposes are exempt from wearing the collar and tag.

(2) Tags are not transferable from one animal to another. No refunds shall be made on any license fee for any reason. Replacements for lost or destroyed tags shall be issued upon payment of the fee set forth in the Consolidated Fee Schedule.
(3) Any person removing or causing to be removed the collar, harness, or tag from any animal subject to licensing, without the consent of the owner or custodian thereof, shall be in violation of this section, except for a licensed veterinarian or Animal Control Officer who removes such for medical and other professional reasons.

**(Ord. No. 98-61 Amended 08/25/1998)**

## 23-3-103. LICENSING EXEMPTIONS

(1) Licensing is not required for:
    a. Animals subject to licensing whose owners are non-residents temporarily (up to 30 days) within the jurisdiction. Licensed animals whose owners remain within the jurisdiction longer than 30 days may transfer to the local license upon payment of the transfer fee set forth in the Consolidated Fee Schedule, proof of current license, and a copy of a current rabies vaccination certificate.
    b. Individual animals within a properly-licensed kennel, cattery, or other such establishment when such animals are held for resale or placement.
    c. Individual animals within research facilities where bona fide medical or related research is being conducted.
(2) The fee provisions of this Chapter shall not apply to:
    a. Seeing eye dogs properly trained to assist blind persons, if such dogs are actually being used by blind persons to assist them in moving from place to place.
    b. Hearing dogs properly trained to assist deaf persons, if such dogs are actually being used by deaf persons to aid them in responding to sounds.
    c. Dogs especially trained to assist officials of governmental agencies in the performance of their duties and which are owned by such agencies.
    d. Other service animals which are properly trained and certified to aid the disabled and are actually used by a disabled person.
    e. Any type of service animal which is in an official training program.
(3) Nothing in this section shall be construed so as to exempt any animal subject to licensing from having a current rabies vaccination.

**(Ord. No. 98-61 Amended 08/25/1998)**

## 23-3-104. REVOCATION OF LICENSE.

(1) If the owner of any animal subject to licensing is found to be in violation of this Title on three or more different occasions during any 12-month period, the Animal Control Administrator may obtain an order revoking, for a period of one year, any license(s) such person may possess and providing for the Animal Control Division to pick up and impound any animal(s) kept by the person under such order. Any animal impounded pursuant to such an order shall be dealt with in accordance with the provisions of this Title for impounded animals; except that the person under the order of revocation shall not be allowed to redeem the animal under any circumstances.

(2) The order revoking the license shall state that if the owner possesses, keeps, or owns any animal after having the license revoked, the owner shall automatically forfeit the right to possess, keep, or own any type of animal for a period of five years.

**(Ord. No. 98-61 Amended 08/25/1998)**

## 23-3-105. FEMALE ANIMALS IN ESTRUS.

The owner or custodian of any female animal in estrus, in addition to restraining such animal from running at large, shall cause the animal to be constantly confined in a building or secure enclosure, to minimize attracting male animals by scent, to prevent unwanted contact with other animals and to avoid creating a nuisance, except for planned breeding.

**(Ord. No. 98-61 Amended 08/25/1998)**

## 23-3-106. REMOVAL OF ANIMAL WASTE.

(1) The owner or custodian of any animal shall remove any feces left by said animal on any sidewalk, gutter, street, or other public area.
(2) The provisions of this section shall not apply to a guide dog, hearing dog, or other service dog accompanying any person with a disability, if such animal is actually being used by a disabled person.

**(Ord. No. 98-61 Amended 08/25/1998)**

## 23-3-107 HOUSEHOLD PETS.

(1) The following terms, when used in this Section, shall have the following meaning:
    a. "Amphibian" means any cold blooded vertebrate of the class Amphibia, such as frogs, toads, newts, or salamanders.
    b. "Animal" means any of a kingdom of living being typically differing from plants in capacity for spontaneous movement and rapid motor response to stimulation.
    c. "Arachnid" means any wingless, carnivorous arthropod of the class Arachnida, including spiders and scorpions.
    d. "Bird" means any warm blooded vertebrate of the class Aves, such as a cockatiel, parakeet, or canary.
    e. "Cat" means a domesticated cat of the species Felis catus.
    f. "Chicken" means a domestic fowl of the species Gallus domesticus.
    g. "Dog" means a domesticated dog of the species Canis familiaris.
    h. "Duck" means a domesticated web-footed swimming bird of the family Anatidae, characterized by a broad, flat bill, short legs, and depressed body.
    i. "Ferret" means a domesticated variety of the European Polecat.
    j. "Fish" means any cold-blooded, aquatic vertebrate having gills and a body covered with scales.
    k. "Hedgehog" means a domesticated hedgehog of the species Atelerix albiventris, including the African pygmy hedgehog.
    l. "Insect" means any animal of the class Insecta, such as a cricket or grasshopper.

m. "Pot-Bellied Pig" means a Vietnamese or Chinese pot-bellied pig, spayed or neutered, and kept as a household pet, not for livestock or food purposes. Pot-bellied pigs must be less than 150 pounds, and any tusks must either be removed or kept trimmed.
n. "Rabbit" means a rodent-like burrowing mammal of the family Leporidae.
o. "Reptile" means any cold blooded vertebrate of the class Reptilia, such as a turtle or lizard.
p. "Rodent" means an animal of the order Rodentia, such as a hamster or mouse.

(2) Subject to the restrictions of this Section, the following animals may be kept as Household Pets:
a. Amphibians;
b. Arachnids;
c. Birds;
d. Cats;
e. Female chickens;
f. Dogs;
g. Ducks;
h. Ferrets;
i. Fish;
j. Hedgehogs;
k. Insects;
l. Pot-Bellied pigs;
m. Rabbits;
n. Reptiles; and
o. Rodents.

(3) Only animals listed in subsection (2) above may be kept as Household Pets. Notwithstanding subsection (2) above, no animal prohibited by federal, state, or local law may be kept as a Household Pet. Notwithstanding subsection (2) above, no poisonous or venomous animal may be kept as a Household Pet.

(4) Notwithstanding subsection (2) above, roosters and crowing hens may not be kept as Household Pets.

(5) Household Pets shall be limited to no more than four animals per address, including no more than two cats, no more than two dogs, and no more than two pot-bellied pigs. Kittens and puppies as defined in Section 23-1-102 do not count toward these limits.

(6) All Household Pets shall be maintained, controlled, and cared for as required by federal, state, and local law, including but not limited to the provisions of the West Valley City Municipal Code regarding animal nuisances as set forth in Section 23-5-101.

(7) The provisions of this Section may be enforced as set forth in Title 10, including but not limited to the exercise of the authority set forth in Section 10-1-302. Civil penalties for violation of this Section are set forth in Section 1-2-113.

**(Ord. No. 14-19 Enacted 04/26/2014)**

# CHAPTER 23-4
# BITES AND RABID ANIMALS

Sections:

23-4-101. Duty to Report Animal Bites.
23-4-102. Control of Rabies and Rabid Animals.

## 23-4-101. DUTY TO REPORT ANIMAL BITES.

(1) Any person having knowledge of any individual or animal having been bitten by an animal of a species subject to rabies shall report the incident immediately to the Animal Control Division or to the Health Department.
(2) The owner of an animal that bites a person, and any person bitten by an animal, shall report the bite to the Animal Control Division or the Health Department within 24 hours of the bite, regardless of whether or not the biting animal is of a species subject to rabies.
(3) A physician or other medical personnel who renders professional treatment to a person bitten by an animal shall report to the Animal Control Division or the Health Department, within 24 hours, the fact that he has rendered professional treatment. He shall report the name, sex, and address of the person bitten, as well as the type and location of the bite. If known, he shall give the name and address of the owner of the animal that inflicted the bite and any other facts that may assist the Animal Control Division or the Health Department in ascertaining the immunization status of the animal.
(4) Any person treating an animal bitten, injured, or mauled by another animal shall report the incident to the Animal Control Division. The report shall contain the name and address of the owner of the victim animal; the name and address of the owner of the attacking animal; the description of the attacking animal; and the location of the incident.
(5) Any person not conforming with the requirements of this section shall be in violation of this Title.

**(Ord. No. 98-61 Amended 08/25/1998)**

## 23-4-102. CONTROL OF RABIES AND RABID ANIMALS.

(2) Rabies vaccination required for dogs, cats, and ferrets. The owner or person having the charge, care, custody, and control of a dog, cat, or ferret four-months of age or over shall have said animal vaccinated within 30 days after it reaches said age. Any person permitting any such animal to habitually be on or remain, or be lodged or fed, within such person's house, yard, or premises shall be responsible for said vaccination. Unvaccinated dogs, cats, or ferrets over four months of age acquired by the owner or moved into the jurisdiction must be vaccinated within 30 days of purchase or arrival. Every dog shall be revaccinated thereafter every 24 months; every cat shall be revaccinated thereafter every 12 months; and every ferret shall be revaccinated thereafter every 12 months, with a modified virus rabies vaccine approved by the Health Department. This provision shall not apply to veterinarian or kennel operators temporarily maintaining on their premises animals owned by others, or to bona fide research facilities.

(3) Duties of veterinarian and tag requirements. It shall be the duty of each veterinarian, when vaccinating animals for rabies, to complete a certificate of rabies vaccination (in duplicate), which includes the following information:
   a. Owner's name and address;
   b. Description of animal (breed, sex, markings, age, name);
   c. Date of vaccination;
   d. Rabies vaccination tag number;
   e. Type of rabies vaccine administered; and
   f. Manufacturer's serial number of vaccine.

   The issuing veterinarian shall retain the original certificate and distribute a copy to the owner of the animal. The veterinarian and the owner shall retain their copies of the certificate for the interval between vaccinations specified in this section. Additionally, a metal or durable plastic rabies vaccination tag, serially numbered, shall be securely attached to the collar or harness of the animal. An animal not wearing such a tag shall be deemed to be unvaccinated and may be impounded and dealt with pursuant to this Title.

(4) Transient animal -- exception. The provisions of this section shall not apply to any animal owned by a person temporarily remaining within the jurisdiction for less than 30 days. Such animals shall be kept under strict supervision of the owner. It shall be unlawful to bring any animal into the jurisdiction which does not comply with the animal health laws and import regulations.

(5) Impoundment of animal without valid rabies vaccination tag.
   a. Any vaccinated animal impounded because of lack of a rabies vaccination tag may be reclaimed by its owner by furnishing proof of rabies vaccination and payment of all impoundment fees prior to release.
   b. Any unvaccinated animal may be reclaimed prior to disposal by payment of impound fees and by obtaining a rabies vaccination within 72 hours of release.
   c. Any animal not reclaimed prior to the period shall be disposed of pursuant to provisions of Section 23-6-104.

(6) Reporting of rabid animals. Any person having knowledge of the whereabouts of an animal known to have been exposed to, or suspected of having rabies, or of an animal or person bitten by such a suspect animal, shall notify the Animal Control Division, the Health Department, or the State Division of Health.

(7) Quarantining and disposition of biting or rabid animals.
   a. An 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 Animal Control Division upon demand.
   b. The owner of any animal of a species subject to rabies which has bitten shall surrender the animal to an authorized official upon demand. Any person authorized to enforce this Title may enter upon private property to seize the animal. If the owner refuses to surrender the animal, the Officer shall immediately obtain a search warrant authorizing seizure and impoundment of the animal.
   c. Any animal of a species subject to rabies that bites a person or animal or is suspected of having rabies may be seized and quarantined for observation for a period of not less than ten days by the Animal Control Division and/or the Health Department. The owner of the animal shall bear the cost of confinement. The animal shelter shall be the normal place for quarantine, but other arrangements, including confinement by the owner, may be made by the Animal Control Division and/or the Director of Health if the animal had a

current rabies vaccination at the time the bite was inflicted or if there are other special circumstances justifying an exception. A person who has custody of an animal under quarantine shall immediately notify the Animal Control Division if the animal shows any signs of sickness or abnormal behavior, or if the animal escapes confinement. It shall be unlawful for any person who has custody of a quarantined animal to fail or refuse to allow a Health or Animal Control Officer to make an inspection or examination during the period of quarantine. If the animal dies within 10 days from the date of bite, the person having custody shall immediately notify the Animal Control Division, so that it can immediately remove and deliver the head to the State Health Laboratory to be examined for rabies. If, at the end of the 10-day period, the Animal Control Administrator examines the animal and finds no sign of rabies, the animal may be released to the owner or, in the case of a stray, it shall be disposed of as provided by law.

d. Unvaccinated bitten animals.
    i. In the case of an unvaccinated animal species subject to rabies which is known to have been bitten by a known rabid animal, said bitten or exposed animal shall be immediately destroyed.
    ii. If the owner is unwilling to destroy the bitten or exposed animal, the animal shall be immediately isolated and quarantined for six months under veterinary supervision, the cost of such confinement to he paid in advance by the owner. The animal shall be destroyed if the owner does not comply herewith.
e. Vaccinated bitten animals.
    i. If the bitten or exposed animal has been vaccinated, the animal shall be vaccinated within 24 hours and quarantined for a period of 30 days following revaccination.
    ii. If the animal is not revaccinated within 24 hours, the animal shall be isolated and quarantined under veterinary supervision for six months.
    iii. The animal shall be destroyed if the owner does not comply with items (i) or (ii) of this subparagraph.
f. Removal of quarantined animal. It shall be unlawful for any person to remove any such animal from the place of quarantine without written permission of the Animal Control Division.
g. If any animal bites or attacks a person or animal two times or more in a 12-month period, such animal may be immediately impounded by the Animal Control Division without court order and held at the owner's expense pending court action. Any such animal shall be deemed a vicious animal, and the Animal Control Division may seek a court order for destruction of the animal. Parties owning such animals shall, if possible, be notified immediately of the animal's location by the Animal Control Division.

**(Ord. No. 98-61 Amended 08/25/1998)**

# CHAPTER 23-5
# VIOLATIONS RELATING TO ANIMALS GENERALLY

Sections:

23-5-101. Animals Causing a Nuisance.
23-5-102. Animals Running at Large.
23-5-103. Animals Attacking Persons and Animals.
23-5-104. Cruelty to Animals Prohibited.
23-5-105. Spectator at Organized Animal Fight.
23-5-106. Sale of Animals.
23-5-107. Wild Animals.
23-5-108. Animals on non-enclosed Premises.
23-5-109. Places Prohibited to Animals.
23-5-110. Unlawful to Harbor Stray Animals.

## 23-5-101. ANIMALS CAUSING A NUISANCE.

Any owner or person having charge, care, custody, or control of an animal or animals causing a nuisance as defined below shall be in violation of this Title and subject to the penalties provided herein. The following shall be deemed a nuisance:

(1) Any animal which:
   a. Causes damage to the property of anyone other than its owner;
   b. Is a vicious animal as defined herein and kept contrary to this Title;
   c. Causes unreasonable fouling of the air by odors;
   d. Causes unsanitary conditions in enclosures or surroundings;
   e. Defecates in or on any public sidewalk, park, or building or on any private property without the consent of the owner of such private property, unless the person owning; having a proprietary interest in; harboring; or having care, charge, control, custody, or possession of such animal shall remove any such defecation to a proper trash receptacle;
   f. Barks, whines, or howls or makes other disturbing noises in an excessive, continuous, or untimely fashion;
   g. Molests passersby or chases passing vehicles;
   h. Attacks other domestic animals; or
   i. Is determined by the Animal Control Division or Health Department to be a public nuisance by virtue of being offensive or dangerous to the public health, welfare, or safety.

(2) Any animal which, by virtue of the number maintained, are determined by the Animal Control Division or the Health Department to be offensive or dangerous to the public health, welfare, or safety.

**(Ord. No. 98-61 Amended 08/25/1998)**

## 23-5-102. ANIMALS RUNNING AT LARGE.

It shall be unlawful for the owner or person having charge, care, custody, or control of any animal to allow such animal at any time to run at large. 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 the owner or person knows that the animal is running at large.

**(Ord. No. 98-61 Amended 08/25/1998)**

## 23-5-103. ANIMALS ATTACKING PERSONS AND ANIMALS.

(1) Attacking animals. It shall be unlawful for the owner or person having charge, care, custody, or control of any animal to allow such animal to attack, chase, or worry any person, any domestic animal having a commercial value, or any species of hoofed protected wildlife, or to attack domestic fowl. "Worry," as used in this section, shall mean to harass by tearing, biting, or shaking with the teeth.
(2) Owner liability. The owner, in violation of subsection (1) above, shall be strictly liable for violation of this section. In addition to being subject to prosecution under subsection (1) above, the owner of such animal shall also be liable in damages to any person injured or to the owner of any animal(s) injured or destroyed thereby.
(3) Defenses. The following shall be considered in mitigating the penalties or damages or in dismissing the charge:
    a. That the animal was properly confined on the premises.
    b. That the animal was deliberately or maliciously provoked.
(4) Animals may be killed. Any person may kill an animal while it is committing any of the acts specified in subsection (1) above or while such animal is being pursued thereafter.
(5) Every animal so vicious and dangerous that it cannot be controlled by its owner or person having charge, care, or control of such animal, so that it shall not injure any person or property, is a hazard to public safety, and the Animal Control Division shall seek an order requiring destruction of the animal, or muzzling, confinement, or other type of control.

**(Ord. No. 98-61 Amended 08/25/1998)**

## 23-5-104. CRUELTY TO ANIMALS PROHIBITED.

(1) Physical abuse. It is unlawful for any person to willfully or maliciously kill; maim; disfigure; torture; beat with a stick, chain, club, or other object; mutilate; burn or scald; over-drive; or otherwise cruelly set upon any animal. Each offense shall constitute a separate violation.
(2) Hobbling animals. It is unlawful for any person to hobble livestock or other animals by any means which may cause injury or damage to any animal.
(3) Care and maintenance. It shall be the duty of any person to provide any animal in his charge or custody, as owner or otherwise, with adequate food, drink, care, and shelter.
(4) Animals in vehicles. It shall be unlawful for any person to carry or confine any animal in or upon any vehicle in a cruel or inhumane manner, including, but not limited to, carrying or confining such animal without adequate ventilation or for an unusual length of time.
(5) Abandonment of animals. It shall be unlawful for any person to abandon any animal within the jurisdiction.
(6) Animal poisoning. Except for substances administered by a veterinarian or an Animal Control Officer humanely treating or disposing of an animal, it shall be unlawful for any person by any means to make accessible to any animal, with intent to cause harm or death, any substance which has in any manner been treated or prepared with any harmful or poisonous substance.

This provision shall not be interpreted so as to prohibit the use of poisonous substances for the control of vermin in furtherance of the public health when applied in such a manner as to reasonably prohibit access to other animals.

(7) Injury to animals by motorists.
   a. Every operator of a motor or other self-propelled vehicle upon the streets of the jurisdiction 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, he shall immediately notify the Animal Control Division, furnishing facts relative to such injury.
   b. It shall be the duty of such operator to remain at or near the scene until such time as the appropriate authorities arrive, and upon the arrival of such authorities, the operator shall immediately identify himself to such authorities. Alternatively, in the absence of the owner, a person may give aid by taking the animal to the Animal Control facility or other appropriate facility and notifying the Animal Control Division. Such animal may be taken in by the Animal Control facility and dealt with as deemed appropriate under the circumstances.
   c. Emergency vehicles are exempted from the requirements of this provision.

(8) Animals for fighting.
   a. It shall be unlawful for any person or corporation to raise, keep, or use any animal, fowl, or bird for the purpose of fighting or baiting; and for any person to be a party to or be present as a spectator at any such fighting or baiting of any animal or fowl; and for any person, firm, or corporation to knowingly rent any building, shed, room, yard, ground, or premises for any such purposes as aforesaid, or to knowingly suffer or permit the use of his buildings, sheds, rooms, yards, grounds, or premises for the purposes aforesaid.
   b. Law enforcement officers or Animal Control Division officials may enter any building or place where there is an exhibition of the fighting or baiting of a live animal, or where preparations are being made for such an exhibition, and the law enforcement officers may arrest persons there present and take possession of all animals engaged in fighting, or there found for the purposes of fighting, along with all implements or applications used in such exhibition. This provision shall not be interpreted to authorize a search or arrest without a warrant when such is required by law.

(9) Killing of birds. It shall be unlawful for any person to take or kill any bird(s) or to rob or destroy any nest, egg, or young of any bird in violation of the laws of the State of Utah.

(10) Malicious impounding. It shall be unlawful for any person to take, keep, or impound the animal of another without permission.

(11) Keeping of diseased or painfully crippled animals.
   a. It shall be unlawful for any person to abandon or turn out at large any sick, diseased, or disabled animal; but such animal shall, when rendered worthless by reason of sickness of other disability, be killed in a humane manner by the owner thereof and disposed of as instructed after contacting the Animal Control Division.
   b. It shall further be unlawful for the owner or person having the charge, care, custody, and control of such animal infected with dangerous or incurable and/or painfully crippling condition to have, keep, or harbor such animal without placing the same under veterinary care or to dispose of the same. The failure to take such care is a violation of this Title, and the Animal Control Division may take custody of such animals and deal with them as deemed appropriate under the circumstances.

(12) It is a defense to the prosecution under this section that the conduct of the actor towards the animal was by a licensed veterinarian using accepted veterinary practice or was directly related

to a bona fide experimentation for scientific research, provided that if the animal is to be destroyed, the manner employed will not be unnecessarily cruel unless directly necessary to the veterinary purpose or scientific research involved.

(13) If the owner of any animal is found to be in violation of this section on three or more different occasions during any 12-month period, the Animal Control Administrator may obtain an order prohibiting that person from possessing, owning, keeping, or caring for any animal, whether subject to licensing or not. This restriction may include horses and livestock, if the acts committed did not meet accepted standards of care for such animals.

a. An order may be obtained if the person has been found to commit cruel acts to any animal, regardless of whether the animals were owned, kept, or possessed by that person.
b. The order shall designate a time period that the person may not obtain a license, which shall be determined based on the nature and severity of the violations. In no event shall the time period exceed five years.
c. The Animal Control Division shall pick up and impound any animal(s) kept by the person under such order. Any animal impounded pursuant to such an order shall be dealt with according to the provisions of this Title for impounded animals, except that such person under the order of revocation shall be allowed to redeem the animal under any circumstances.

(14) Tethering of dogs.

a. It is unlawful for an owner or handler of a dog to tether a dog in any manner that would cause injury or damage to the dog, or when freedom of movement would endanger a dog. A tether must be of sufficient length to provide the dog with adequate space. Each dog tethered in violation of this section shall constitute a separate offense.

(15) Extreme weather. It shall be unlawful for an owner or handler of any dog to tether or place any dog under restraint outside and within the owner or handler's property limits during conditions of extreme heat or cold that are likely to endanger a dog confined in such temperatures. Extreme heat or cold shall be determined as appropriate to the breed, age, size, and weight of the dog.

**(Ord. No. 98-61 Amended 08/25/1998; Ord. No. 10-14; Amended 05/11/2010)**

## 23-5-105. SPECTATOR AT ORGANIZED ANIMAL FIGHT.

(1) It is unlawful for any person to be a spectator at an organized animal fight.
(2) For the purpose of this section only, an organized animal fight means a fight between animals for the benefit of spectators. There is no requirement that an admission fee be charged.
(3) A violation of this section is a Class C misdemeanor.

## 23-5-106. SALE OF ANIMALS.

(1) Rabbits or fowl. It shall be unlawful for any person to sell, offer for sale, barter, or give away any baby rabbits or fowl under two months of age in any quantity less than six. Such animals shall not be artificially dyed or colored. Nothing in this provision shall be construed to prohibit the raising of such rabbits and fowl by a private individual for his personal use and consumption, provided that the person shall maintain proper brooders and other facilities for the care and containment of such animals while they are in the person's possession.

(2) Premiums and novelties. It shall be unlawful for any person to offer any live animal as a premium, prize, award, novelty, or incentive to purchase merchandise.
(3) Pet turtles. It shall be unlawful for any pet shop to raise or sell any Pseudemys Scripta-Elegans, or P. troostii family Testudinidae, "pet turtles."

## 23-5-107. WILD ANIMALS.

(1) It shall be unlawful for any person to sell, offer for sale, barter, give away, keep, own, harbor, or purchase any wild animal, as defined in Section 23-1-102 above, which is fierce, dangerous, noxious, or naturally inclined to do harm; except 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.
(2) It shall be unlawful for any person to keep an animal of a species prohibited or protected by federal law or by any regulation or law of the State of Utah.

**(Ord. No. 98-61 Amended 08/25/1998)**

## 23-5-108. ANIMALS ON NON-ENCLOSED PREMISES.

It shall be unlawful for any person to chain, stake out, or tether any 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 owner of the affected property.

## 23-5-109. PLACES PROHIBITED TO ANIMALS.

(1) It shall be unlawful for any person to take or permit any animal, whether loose or on a leash or in arms, in or about any establishment or place of business where food or food products are sold or displayed, including, but not limited to, restaurants, grocery stores, meat markets, and fruit or vegetable stores.
(2) It shall be unlawful for any person keeping, harboring, or having charge or control of any animal to allow said animal to be within any watershed area so designated by ordinance or otherwise legally appointed, either now existing or to be defined in the future.
(3) This section shall not apply when the City Council, upon recommendation of the Community Preservation Department and subject to such conditions as are established as such, shall determine that the public health, safety, and welfare are best served by the maintenance of an animal or animals in the prohibited areas.
(4) This section does not apply to animals trained, certified, and actually used to provide assistance to the disabled, provided the animals are under control at all times.

**(Ord. No. 98-61 Amended 08/25/1998; Ord. No. 09-22 Amended 07/08/2009)**

## 23-5-110. UNLAWFUL TO HARBOR STRAY ANIMALS.

It shall be unlawful for any person, except an animal welfare society incorporated within the State of Utah under Section 76-9-302, Utah Code Annotated 1953, as amended, to harbor or keep any lost or strayed animal. Whenever any animal shall be found which appears to be lost or strayed, it shall

be the duty of the finder to notify the Animal Control Division within 24 hours, and the Division shall impound the animal as herein provided.

**(Ord. No. 98-61 Amended 08/25/1998; Ord. No. 14-19 Amended 04/26/2014)**

# CHAPTER 23-6
# ANIMAL SHELTER AND IMPOUND

Sections:

23-6-101. Animal Shelter.
23-6-102. Animals to be Impounded
23-6-103. Impound Records to be Kept.
23-6-104. Disposition of Impounded Animals.
23-6-105. Redemption of Impounded Animals.
23-6-106. Adoption of Domesticated Animals.
23-6-107. Sterilization Deposits
23-6-108. Penalties.
23-6-109. Bond for Impoundment Required.

## 23-6-101. ANIMAL SHELTER.

(1) The City shall provide suitable premises and facilities to be used as an animal shelter where impounded small animals can be adequately kept. It shall purchase and supply food and supply humane care for impounded animals.
(2) The City shall provide for the painless and humane destruction of dogs and other animals required to be destroyed by this Title or by the laws of the State of Utah.
(3) The City may furnish, when necessary, medical treatment for such animals as may be impounded pursuant to this chapter.

## 23-6-102. ANIMALS TO BE IMPOUNDED

The Animal Control Administrator shall place all animals taken into custody in a designated animal impound facility. The following animals may be taken into custody by the Animal Control Division and impounded without the filing of a complaint:

(1) Any animal being kept or maintained contrary to the provisions of this Title;
(2) Any animal running at large contrary to the provisions of this Title;
(3) Any animal which is by this Title required to be licensed and is not licensed. An animal not wearing a tag shall be presumed to be unlicensed for purposes of this section.
(4) Sick or injured animals whose owners cannot be located;
(5) Any abandoned animal;
(6) Animals which are not vaccinated for rabies in accordance with the requirements of this Title;
(7) Any animal to be held for quarantine; or
(8) Any vicious animal not properly confined as required by herein.

**(Ord. No. 98-61 Amended 08/25/1998)**

## 23-6-103. IMPOUND RECORDS TO BE KEPT.

The impounding facility shall keep a record of each animal impounded which includes the following information:

(1) Complete description of the animal, including tag numbers.
(2) The manner and date of impound.

(3) The location of the pick-up and name of the Officer picking up the animal.
(4) The manner and date of disposal.
(5) The name and address of the redeemer or purchaser.
(6) The name and address of any person relinquishing an animal to the impound facility.
(7) All fees received.
(8) All expenses accruing during impoundment.

## 23-6-104. DISPOSITION OF IMPOUNDED ANIMALS.

(1) Domesticated animals shall be impounded for a minimum of three full calendar days before further disposition, except as otherwise provided herein. Reasonable effort shall be made to notify the owner of any animal wearing a license or other identification during that time. Notice shall be deemed given when sent to the last known address of the listed owner. Any animal voluntarily relinquished to the Animal Control facility by the owner thereof for destruction or other disposition need not be kept for the minimum holding period before release or other disposition as herein provided.
(2) Domesticated animals, except for those quarantined or confined by court order, held longer than the minimum impound period, and all animals voluntarily relinquished to the impound facility, may be destroyed or sold as the Animal Control Administrator shall direct. Any healthy domesticated animal, unless prohibited or restricted by law, may be sold to any person or to any institution engaged in scientific research and desiring to purchase such animal for a price to be determined by the Administrator, but not to exceed $30 per animal, plus license and rabies vaccination, if required.
(3) Any licensed animal impounded and having or suspected of having serious physical injury or contagious disease requiring medical attention may, in the discretion of the Animal Control Administrator, be released to the care of a veterinarian with the consent of the owner.
(4) When, in the judgment of the Animal Control Administrator, it is determined that an animal should be destroyed for humane reasons or to protect the public from imminent danger to persons or property, such animal may be destroyed without regard to any time limitations otherwise established herein, and without an order from a court or administrative hearing officer.

**(Ord. No. 98-61 Amended 08/25/1998)**

## 23-6-105. REDEMPTION OF IMPOUNDED ANIMALS.

(1) The owner of any impounded animal, or the owner's authorized representative, may redeem an impounded animal prior to disposition, provided that the owner may legally possess the animal and provided that the owner complies with the following:
    a. Payment of all applicable fees, including, but not limited to, impound fees, boarding fees, veterinary and vaccination costs, and license fees;
    b. Provision of satisfactory evidence of an appointment with a licensed veterinarian to provide for the spaying or neutering of the animal, and payment of a sterilization deposit, unless already altered; and
    c. For animals subject to licensing and cats, return of proof of spaying or neutering to the Animal Control Division within 30 days of the date the owner receives custody of the animal. Failure to return such proof within 30 days of redemption shall be a Class C misdemeanor, and the Animal Control Division may immediately impound the animal.

(2) The spay/neuter requirements of this section do not apply to any animal subject to licensing or cat that is certified to be altered at the time of redemption.
    a. The Animal control Administrator may, for good cause shown, waive the spay/neuter requirement for pure-breed, registered dogs or cats which are actually used for breeding, and which are redeemed by the owner.
    b. The animal Control Administrator may impose reasonable conditions for the waiver.
        i. A waiver granted under this subsection does not exempt the owner from payment of any other fines or fees imposed by the City.
(3) All redeemed animals are redeemed as is, and the redeeming owner is responsible for the animal, its actions, and its care once the owner has taken custody of the animal.
(4) Redemption of dogs under this section is subject to the provisions of this Title relating to the regulation of vicious dogs.

**(Ord. No. 94-78 Rep & Reen, 08/15/1994; Ord. No. 98-61 Amended 08/25/1998; Ord. No. 99-18 Amended 05/21/1999; Ord. No. 05-26 Amended 06/07/2005)**

## 23-6-106. ADOPTION OF DOMESTICATED ANIMALS.

(1) Any domesticated animal impounded or relinquished by its owner to the City may be made available to the public for adoption, at the discretion of the Animal Control Administrator. Adoptions shall meet the following minimum requirements:
    a. If the animal was impounded, it must be held for a minimum of three working days prior to being eligible for adoption. Animals that have been signed over to the City by their owners are eligible for adoption immediately.
    b. The animal must be of a suitable age, type, and temperament for adoption, as determined by the Animal Control Administrator.
    c. The animal must be free from signs of illness, serious injury, or aggressive behavior.
    d. The person desiring to adopt the animal shall complete an adoption questionnaire provided by the Animal Control Division, and shall be interviewed by a member of the Division regarding the adoption process and fees, responsible household pet owner practices, and Animal Control ordinances. The interview may include an inspection of the animal's proposed living area and conditions. The adoption may be refused if, based upon the information supplied in the questionnaire and interview process, the Animal Control Administrator believes that the adoption would not be in the best interests of the adopting person or the animal.
    e. The decision of the Animal Control Administrator may be appealed to the City Community Preservation Director. The Director shall issue a written decision within 30 days of the appeal. The decision of the Community Preservation Director may be appealed to District Court.
    f. Prior to receiving custody of the animal, the adopting person must pay any applicable fees, which may include an adoption fee and license fee.
    g. If, at the end of the impoundment period, the individual or entity against whom the decision and order of the Community Preservation Director was issued has not complied with the order or petitioned District Court for a review of said order, the Animal Control Division shall cause the dog to be destroyed in a humane manner.
    h. Except as provided in Subsection (i), all animals subject to licensing and cats must be spayed or neutered prior to adoption. The spay/neuter requirements of this Section do

not apply to any animal subject to licensing or cat that is certified to be altered at the time of adoption.

i. An animal subject to licensing, or cat that has not been sterilized, may be adopted only if:
    i. The person adopting the animal agrees in writing to be responsible for ensuring that the animal will be sterilized within 30 days after the agreement is signed, if the animal is six months of age or older; or within 30 days after the animal becomes six months of age; and
    ii. The person adopting the animal pays the sterilization deposit, as provided in Section 23-6-107.
j. If the person adopting the animal fails to comply with the sterilization agreement provided for in this Subsection:
    i. The animal shall be immediately seized and impounded;
    ii. The person relinquishes all ownership rights to the animal, and also any claim for expenses incurred for care and maintenance of the animal;
    iii. The person forfeits the sterilization deposit of Section 23-6-107; and
    iv. The person may be subject to any penalties established by this Title.
k. All animals are adopted as is, and the adopting person is responsible for the animal, its actions, and its care once the adopting person has taken custody of the animal.
l. The Animal Control Administrator may implement a policy for the exchange of sick or undesirable animals within 30 days of the date the animal was adopted.

**(Ord. No. 99-18 Amended 05/21/1999; Ord. No. 09-22 Amended 07/08/2009; Ord. No. 14-19 Amended 04/26/2014)**

## 23-6-107. STERILIZATION DEPOSITS.

(1) A sterilization deposit shall be required for the adoption/redemption of any animal subject to licensing, and any cat. The person paying the deposit has sole responsibility to provide proof of sterilization within the time period provided.
    a. A portion of the deposit shall be refunded if proof of sterilization is presented to the Animal Control Administrator not more than three months after the date the animal is sterilized.
    b. The deposit shall be forfeited if proof of sterilization is not presented to the Animal Control Administrator within three months after the date the animal is sterilized. Any deposit that is forfeited shall be retained by the Animal Control Division, and may only be used for the purposes set forth in Section 23-6-108(4).
(2) The sterilization deposit shall be included in the Consolidated Fee Schedule and shall reflect the average reduced cost of sterilization of an animal, based on the gender and weight of the animal, that is reasonably available in Salt Lake County.
(3) If a female dog or cat and her litter are adopted by any person, a sterilization deposit is required only for the adult female.

**(Ord. No. 99-18 Added 05/21/1999; Ord. No. 03-37 Amended 05/13/2003; Ord. No. 05-26 Amended 6/07/2005)**

## 23-6-108. PENALTIES.

(1) Any person who commits one of the following acts is subject to the civil penalties of this Section:
    a. Falsifying any proof of sterilization submitted for the purpose of claiming compliance with the sterilization requirements of this Chapter;
    b. Providing to the animal shelter or a licensed veterinarian inaccurate or false information regarding ownership of any animal subject to the sterilization requirements of this Chapter;
    c. Submitting to the animal shelter false or inaccurate information regarding sterilization fees or fee schedules; or
    d. Issuing a check for insufficient funds for any sterilization deposit required under this Chapter.
(2) The Animal Control Administrator shall enforce these penalties and impose all fines pursuant to Title 10 of the West Valley City Municipal Code, "Administrative Code Enforcement."
(3) The penalties for the violations in Subsection (1) shall be:
    a. $250 for the first violation; and
    b. $500 for each subsequent violation.
(4) All penalties collected under this Section shall be retained by the Animal Control Division, to be used solely for one or more of the following purposes:
    a. A program to sterilize animals, including a sliding scale fee program;
    b. A public education program to reduce and prevent overpopulation of animals and the related costs to the City;
    c. A follow-up program to assure that animals transferred by the animal shelter are sterilized in accordance with a sterilization agreement; or
    d. Any additional costs incurred by the Animal Control Division in the administration of Section 23-6-105.
(5) Nothing in this Section shall limit the right of the City to prosecute and enforce violations of this Title and to seek any other remedy available at law, including criminal prosecution for the acts listed in Subsection (1).

**(Ord. No. 99-18 Added 05/21/1999)**

## 23-6-109. BOND FOR IMPOUNDMENT REQUIRED.

(1) A bond shall be required for the impoundment of neglected, cruelly treated, quarantined, vicious, and/or animals being held for revocation of license. Any owner whose animal(s) are impounded for a period exceeding three calendar (3) days shall be required to post a bond with the City. The cost of the bond will include the costs incurred and associated with the holding of said animal. The fees and bond must be paid in full within 3 days of notification of impoundment. Failure to consent to the City's impoundment of said animal(s), failure to deliver payment of the bond and/or fees, or failure to release ownership of said animal(s) shall constitute abandonment. Upon the occurrence of abandonment, the animal(s) will become property of the City and decisions regarding the future disposition and/or adoptability of the animals will be the sole responsibility of the City. Circumstances requiring animal owners to post the payment of a bond will include, but not be limited to:
    a. All known shelter fees owing on quarantined animals at the time of impound;

b. Animals impounded for pending Vicious Dog and/or Revocation hearings will be required to pay all accrued shelter fees and secure a 30 day bond covering the cost of boarding until the hearing;
c. All other fees, including but not limited to veterinary care and medication will be due at the time of service;

(2) Any such payment received by the City in excess of the amount determined by the City to be due for the board and care of the animal shall be refunded by the City upon expiration of the order of impoundment. Notwithstanding the foregoing, if the owner or custodian of the animals is found not guilty of animal neglect or cruelty, the dog is not deemed vicious, or the Request for Revocation of the license is denied, the owner or custodian shall only be required to pay the veterinary expenses and one-half of the boarding and care fees owed to the City.

**(Ord. No. 07-56 Added 08/28/2007)**

# CHAPTER 23-7
# PERMITS

Sections:
23-7-101. Regulatory Permits.

## 23-7-101. REGULATORY PERMITS.

(1) It shall be unlawful for any person to operate or maintain a kennel, cattery, pet shop, groomery, riding stable, or any similar establishment unless such person first obtains a regulatory permit from the Animal Control Division, in addition to all other required licenses. All applications for permits to operate such establishments shall be submitted, together with the required permit fee, on a printed form provided by the Animal Control Division to that Division. Before the permit is issued, approval shall be granted by the Health Department, the Planning and Zoning Division, and the Animal Control Division.

(2) Sportsman's permit:
   a. Where permitted by the City Council, owners of pure-bred dogs may obtain a permit to keep up to five dogs in a residential area provided:
      i. Such dogs are individually licensed;
      ii. Such dogs are registered with a national registry (AKC, UKC, Field Dog);
      iii. Approval is granted by the Planning and Zoning Division, Health Department, and the Animal Control Division;
      iv. Adequate runs (not necessarily concrete) are provided; and
      v. Other provisions of this Title and the City Code are complied with, and no dog or premises is deemed to be a nuisance.
   b. The holder of a permit issued under this subsection may keep one litter intact until the dogs reach six months of age; one animal from the litter may be retained until it reaches 12 months of age. At no time may the holder of the permit retain more than six dogs over six months of age nor more than five dogs over one year of age.

(3) A valid permit shall be posted in a conspicuous place in each establishment, and said permit shall be considered as appurtenant to the premises and not transferable to another location. The permittee shall notify the Animal Control Division within 30 days of any change in the permittee's establishment or operation which may affect the status of the permit. In the event of a change in ownership of the establishment, the permittee shall notify the Animal Control Division immediately. Permits shall not be transferable from one owner to another.

(4) Any permit issued pursuant to this Chapter shall automatically expire on the December 31st immediately following date of issue. Within two months prior to the expiration of the permit, the permittee shall apply for a renewal of the permit and pay the required fee.

(5) Notice provided for under this chapter shall be deemed to have been properly served when the original of the inspection report form or other notice has been delivered personally to the permit holder or person in charge, or such notice has been sent by mail to the last known address of the permit holder, or the property owner's address as it appears on the records of the Salt Lake County Assessor. A copy of such notice shall be filed with the records of the Animal Control Division.

**(Ord. No. 98-61 Amended 08/25/1998)**

# CHAPTER 23-8
# REGULATION OF VICIOUS DOGS

Sections:

23-8-101. Requirements for Registration.
23-8-102. Control of Vicious Dog
23-8-103. Offending Vicious Dogs.
23-8-104. Penalties for Violation
23-8-105. Determination, Seizure, Impoundment, and Disposition of Vicious Dogs.

## 23-8-101. REQUIREMENTS FOR REGISTRATION.

(1) A vicious dog, as determined by this chapter, shall not be licensed in the City unless the owner or keeper of such vicious dog shall meet the following requirements:
   a. The owner or keeper shall present to the Animal Control Division proof that the owner or keeper has procured liability insurance in the amount of at least Twenty-Five Thousand Dollars ($25,000), covering any damage or injury which may be caused by such vicious dog during the 12-month period for which licensing is sought, which policy shall contain a provision requiring the City to be named as additional insured for the sole purpose of the City to be notified by the insurance company of any cancellation, termination, or expiration of the liability insurance policy.
   b. The owner or keeper shall, at his own expense, have the licensing number assigned to such vicious dog, or such other identification number as the City shall determine, tattooed upon such vicious dog by a licensed veterinarian or person trained as a tattooist and authorized as such by statute. The tattoo shall be placed either on the upper inner lip or upper left rear thigh of the vicious dog. The Animal Control Division may designate the particular location of the tattoo. The number shall be noted on the City licensing files for such vicious dog, if it is different from the dog's license number. For the purposes of this section, "tattoo" shall be defined as any permanent numbering of a vicious dog by means of indelible or permanent ink with the number designated by the licensing authority, or any other permanent, acceptable method of tattooing.
   c. The owner or keeper shall display a sign on his or her premises warning that there is a vicious dog on the premises. Said sign shall be visible and capable of being read from the public highway.
   d. The owner or keeper shall sign a statement attesting that:
      i. The owner or keeper shall maintain and not voluntarily cancel the liability insurance required by this section during the 12-month period for which licensing is sought, unless the owner or keeper shall cease to own or keep the vicious dog prior to expiration of such license.
      ii. The owner or keeper shall, on or prior to the effective date of such license for which application is being made, have an enclosure for the vicious dog on the property where the vicious dog will be kept or maintained. Such enclosure shall be securely enclosed and locked and designed with secure sides, top, and bottom, and shall be designed to prevent the animal from escaping from the enclosure.

iii. The owner or keeper shall notify the Animal Control Division immediately if a vicious dog is on the loose, is unconfined, has attacked another animal, or has attacked a human being. If the vicious dog has died, been sold, or given away, the owner or keeper shall notify the Animal Control Division by the end of the next business day and shall also provide the Animal Control Division with the name, address, and telephone number of the new owner of the vicious dog.

e. The owner or keeper shall at all times cause the vicious dog to wear a collar of a color and type designated by the Animal Control Division so that the dog is readily identifiable as a vicious dog.

(2) The Animal Control Division is hereby empowered to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this chapter, and any Animal Control Officer or peace officer is hereby empowered to seize and impound any vicious dog whose owner or keeper fails to comply with the provisions hereof.

**(Ord. No. 98-61 Amended 08/25/1998)**

## 23-8-102. CONTROL OF VICIOUS DOG

(1) All vicious dogs shall be confined in a locked enclosure. It shall be unlawful for any owner or keeper to maintain a vicious dog upon any premises which does not have a locked enclosure.

(2) It shall be unlawful for any owner or keeper to allow any vicious dog to be outside of the dwelling of the owner or keeper or outside of the enclosure, unless the vicious dog shall be securely muzzled and restrained with a chain having a minimum tensile strength of 300 pounds and not exceeding three feet in length, and shall be under the direct control of a person capable of completely restraining the dog and under the direct supervision of the owner or keeper of the vicious dog.

**(Ord. No. 98-61 Amended 08/25/1998)**

## 23-8-103. OFFENDING VICIOUS DOGS.

If any vicious dog shall, when unprovoked, kill or wound, or assist in the killing or wounding of, any sheep, lamb, cattle, dog, cat, horse, hog, swine, fowl, or other animal, or shall, when unprovoked, attack, assault, bite, or otherwise injure any human being or assist in attacking, assaulting, biting, or otherwise injuring any human being while out of or within the enclosure of the owner or keeper of such vicious dog, or while otherwise, on or off the property of the owner or keeper, whether or not such vicious dog was on a leash and securely muzzled or whether the vicious dog escaped without fault of the owner or keeper, the owner or keeper of such dog shall be strictly liable to the person aggrieved as aforesaid, for all damage sustained. It shall not be necessary, in order to sustain any nuisance action, to prove that the owner or keeper of such vicious dog knew that such vicious dog possessed the propensity to cause such damage or that the vicious dog had a vicious nature. Upon such attack or assault, the Animal Control Division or Police Department is hereby empowered to impound the vicious dog.

**(Ord. No. 98-61 Amended 08/25/1998)**

## 23-8-104. PENALTIES FOR VIOLATION

(1) Any vicious dog which does not have a valid license in accordance with the provisions of this chapter; or
    a. Whose owner or keeper does not secure the liability insurance coverage required in accordance with Section 23-8-101; or
    b. Which is not properly controlled or confined in an enclosure, as required by Section 23-8-102; or
    c. Which is found to be outside of the dwelling of the owner or keeper, or outside of an enclosure except as provided in this chapter; or
    d. Which is found not wearing the collar required by Section 23-8-101(1)(e) of this chapter; or
    e. Which is not tattooed;

(2) shall be impounded by an Animal Control Officer or Police Officer, and the owner or keeper shall be guilty of a Class B misdemeanor.

(3) If any dog that has been declared vicious pursuant to the provisions of this chapter shall, when unprovoked, kill, wound, or worry or assist in killing or wounding or worrying any animal, the Animal Control Division or Police Department is empowered to impound and, after the expiration of a ten-day appeal period, exclusive of weekends and holidays, shall destroy the vicious dog, if an appeal of the violation has not been made. Appeals shall be made in writing to the Animal Control Division, and shall be made pursuant to Section 23-3-105 of this Code.

(4) If any dog that has been declared vicious pursuant to the provisions of this chapter shall, when unprovoked, attack, assault, wound, bite, or otherwise injure or kill a human being, the Animal Control Division or Police Department is empowered to impound and, after the expiration of a ten-day appeal period, exclusive of weekends and holidays, shall destroy the vicious dog, if an appeal of the violation has not been made. Appeals shall be made in writing to the Animal Control Division, and shall be made pursuant to Section 23-3-105 of this Code.

**(Ord. No. 98-61 Amended 08/25/1998)**

## 23-8-105. DETERMINATION, SEIZURE, IMPOUNDMENT, AND DISPOSITION OF VICIOUS DOGS.

(1) The City Council hereby determines that owning, keeping, or harboring vicious dogs is a nuisance, and that strict controls of vicious dogs are necessary to protect the health, safety, and welfare of the citizens of West Valley City.

(2) The Animal Control Division, in the discretion of the Animal Control Administrator or upon receipt of a complaint alleging that a particular dog is a vicious dog, as defined herein, may initiate proceedings to declare such dog a vicious dog. All proceedings to determine whether or not a dog is vicious, or a proceeding on a violation alleged to have been committed by a dog previously determined to be vicious, shall be conducted by an Administrative Code Enforcement Hearing Officer pursuant to the procedures of Title 10 of the City Code, in addition to the procedures set forth in this section. In determining whether or not a dog shall be declared a vicious dog, the Hearing Officer may consider, as a mitigating factor, that the actions of the dog were provoked, as defined in this chapter. A hearing on the matter shall be conducted if requested in writing. The person owning, keeping, sheltering, or harboring the dog in question shall be given written notice of the time and place of the hearing, pursuant to Section 10-2-504 of the City Code. Said notice shall set forth the description of the dog in question and the basis

for the allegation of viciousness. The notice shall also set forth that if the dog is determined to be vicious, the owner will be required to register and restrain it in accordance with this chapter, remove it from the City, or allow it to be destroyed. The notice shall state that if the owner or keeper of the dog fails to request a hearing in writing, a default order will be entered deeming the dog vicious. The notice shall be served upon any adult residing at the premises where the dog is located, or may be posted on those premises if no adult is present to accept service.

(3) If, after the hearing, the Hearing Officer determines that a dog is vicious, as defined in this chapter, the Hearing Officer shall order the person owning, sheltering, harboring, or keeping the dog to register the dog in compliance with this chapter; to remove it from the City; or to cause it to be destroyed in a humane manner. The order shall immediately be served upon the individual or entity against whom issued in the same manner as the notice of hearing. If the order is not complied with within three days of its issuance, the Animal Control Division is authorized to order the seizure and impoundment of the dog. A dog so seized shall be impounded for a period of ten days from the date the order is served upon the owner or keeper. If, at the end of the impoundment period, the person against whom the order was issued has not appealed such order to the District Court, the Animal Control Division shall cause the dog to be destroyed.

(4) The order issued by the Hearing Officer, declaring a dog vicious, or in violation of this chapter, and ordering the owner or keeper to register, remove, or destroy the dog, may be appealed to the District Court. In order to appeal the order, written notice of appeal must be filed with the Court within ten days after receipt of the order to remove, register, or destroy the vicious dog. Failure to file such written notice of appeal shall constitute a waiver of the right to appeal the order of the Hearing Officer. The order issued by the Hearing Officer shall state the appeal process established by this section.

   a. The District Court shall review the record of the Hearing Officer's decision or the allegations that led to the default order, and shall uphold the decision unless it was arbitrary, capricious, or illegal.
   b. If the appeal is from an order finding that a dog previously determined to be vicious is in violation of this chapter, then the Court shall review the order concerning the violation only, and not review the prior determination that the dog is vicious.
   c. While the appeal is pending, the dog shall be confined in a manner consistent with the requirements of this chapter, as approved by the Animal Control Administrator, and at the sole expense of the owner or keeper.

(5) If the District Court upholds the decision of the Hearing Officer, the owner or keeper of the vicious dog shall comply with the Hearing Officer's order within three days of receiving notice of the Court's decision. If the order is not complied with, the Animal Control Division is authorized to seize and impound the vicious dog, at the owner's or keeper's expense. The dog will be impounded for seven days, during which the owner or keeper may redeem the animal by paying all reasonable costs associated with the impoundment, and by showing, to the satisfaction of the Animal Control Administrator, that the owner or keeper will fully comply with the order of the Hearing Officer.

(6) Failure to comply with an order of the Hearing Officer issued pursuant hereto and not appealed, or upheld by the District Court after appeal, shall constitute a Class B misdemeanor.

(7) Any dog found at large which displays vicious tendencies may be processed as a vicious dog pursuant to the foregoing.

(8) All costs of such impoundment or quarantine shall be paid by the owner if the dog is determined to be vicious. If collection of expenses is pursued, the City shall file suit and receive a judgment for all expenses, together with reasonable attorneys' fees, interest, and court costs. If the dog is

not determined to be vicious, all costs of such impoundment or quarantine shall be paid by the City.

**(Ord. No. 98-61 Amended 08/25/1998)**

# TITLE 24
# HEALTH ORDINANCE

Chapters:

24-1 Salt Lake City-County Health Dept. Health Regulations
24-2 Solid Waste Management (Regulation #1)
24-3 Reserved (Regulation #2)
24-4 Reserved (Regulation #3)
24-5 Reserved (Regulation #4)
24-6 Reserved (Regulation #5)
24-7 Landscape, Property, and Building Maintenance
24-8 Cleaning of Real Property, Weed Control and Graffiti Removal
24-9 Reserved
24-10 Kennels, Catteries and Groomeries
24-11 Reserved (Regulation #10)
24-12 Reserved (Regulation #11)
24-13 Reserved (Regulation #12)
24-14 Reserved (Regulation #13)
24-15 Reserved (Regulation #14)
24-16 Reserved (Regulation #15)
24-17 Reserved (Regulation #16)
24-18 Reserved (Regulation #17)
24-19 Reserved (Regulation #18)
24-20 Reserved (Regulation #19)
24-21 Reserved (Regulation #20)
24-22 Noise Control (Regulation #21)
24-23 Air Pollution
24-24 Smoking in Hotels

# CHAPTER 24-1
# SALT LAKE CITY-COUNTY HEALTH DEPT. HEALTH REGULATIONS

Sections:

24-1-101. Short Title.
24-1-102. Enactment of Salt Lake City-County Health Department Health Regulations.

## 24-1-101. SHORT TITLE.

This Title shall be known as the "West Valley City Health Ordinance." This Title shall also be known as Title 24, West Valley City Code. It may be cited and plead under either designation.

## 24-1-102. ENACTMENT OF SALT LAKE CITY- COUNTY HEALTH DEPARTMENT HEALTH REGULATIONS.

Those reserved sections set forth below are Salt Lake City-County Health Department health regulations that are not applicable to the City or that are purposely left to the direction and enforcement of the Salt Lake City-County Health Department. **Where a section of the health regulations has been changed or amended to better reflect the power, authority and rules utilized in the City, an asterisk mark follows the section heading.**

Title 24 has been renumbered to conform with the other titles of the West Valley City Municipal Code. Numbers in parenthesis at the end of any heading or section indicate those originally assigned by the Salt Lake City-County Health Department.

Peace officers and ordinance enforcement officers are hereby authorized to enforce this Title.

# CHAPTER 24-2
# SOLID WASTE MANAGEMENT
# (REGULATION #1)

Sections:

24-2-101. Definitions.* (Section 1.0)
24-2-102. Purpose. * (Section 2.0)
24-2-103. Jurisdiction of the Department. (Section 3.0)
24-2-104. Powers and Duties. (Section 4.0)
24-2-105. Scope. (Section 5.0)
24-2-106. Prohibited Acts. (Section 6.0)
24-2-107. Emergency Orders. (Section 7.0)
24-2-108. Condemning or Closing a Facility or Site. (Section 8.0)
24-2-109. Permits. (Section 9.0)
24-2-110. Bonds Required. (Section 10.0)
24-2-111. Accumulation of Solid Waste and Littering.* (Section 11.0)
24-2-111a. Abandoned, Junked, or Inoperable Vehicles.* (Section 11.2)
24-2-112. Storage of Solid Waste.* (Section 12.0)
24-2-113. Residential Solid Waste Collection.*
24-2-114. Collection and Transportation of Waste.* (Section 13.0)
24-2-115. Processing Facilities. (Section 14.0)
24-2-116. Disposal Sites.* (Section 15.0)
24-2-117. Notice.* (Section 16.0)
24-2-118. Enforcement. (Section 17.0)
24-2-119. Right to Appeal. (Section 18.0)
24-2-120. Penalty. (Section 19.0)
24-2-121 Severability. (Section 20.0)
24-2-122. Effective Date. (Section 21.0)

## 24-2-101. DEFINITIONS.* (SECTION 1.0)

For the purpose of these regulations and unless defined in other sections, the terms, phrases and words shall have the following meanings:

(1) Agricultural waste: The manure or crop residues from various agricultural pursuits, including, but not limited to, dairies and the raising of livestock and poultry. (1.1)
(2) Bulky waste: Large items of residential solid waste, including, but not limited to, appliances, furniture, trees, branches, and stumps. (1.2)
(3) Collector: Any person who collects or transports solid waste. (1.3)
(4) Compaction: The volume reduction of material under load. (1.4)
(5) Compost: Organic waste material that has biologically decomposed or is in the process of biologically decomposing under controlled conditions. (1.5)
(6) Composting: The biological decomposition of organic waste under controlled conditions. (1.6)
(7) Compost plant: Any place or facility where composting occurs, except as provided in Section 24-2-111(5) of these regulations. (1.7)

(8) Construction and demolition waste: Waste building materials and rubble resulting from construction, remodeling, repair, or demolition operations on houses, commercial buildings, structures, or pavements. (1.8)
(9) Container: Department and collection agency approved metal, heavy-duty paper, or plastic receptacles used for storage or disposal of solid waste. (1.9)
(10) Cover material: Soil or other material used to cover compacted solid waste, which is free of objects that hinder compaction and free of content conducive to vector harborage, feeding, or breeding. (1.10)
(11) Department: The Salt Lake City-County Health Department, the West Valley City Police Department, the West Valley City Public Works Department, or the West Valley City Ordinance Enforcement Division. (1.11)
(12) Director: The Chief Ordinance Enforcement Officer or his authorized representative. (1.12)
(13) Disposal site: Any location, place, tract of land, or area, including any structure where solid waste is finally deposited. (1.13)
(14) Dust: Any particulate matter capable of being suspended in air. (1.14)
(15) Facility: Any structure, machinery, equipment, or recycling, reclamation resource recovery, or processing facility, system, or process used in the storage, collection, transfer, incineration, pyrolization, consolidation, segregation, treatment, conversion, utilization, processing, classification, volume reduction, or disposal of solid waste. (1.15)
(16) Garbage: The animal and vegetable waste or food refuse resulting from handling, preparing, cooking, or consumption of food. (1.16)
(17) Ground water: Water occurring in the zone of saturation in any aquifer or soil. (1.17)
(18) Hazardous waste:
    a. Any solid waste or combination of solid wastes that because of its quantity, concentration, physical, chemical, or infectious characteristics may:
        i. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
        ii. Pose a substantial present or potential hazard to human health or the environment if improperly treated, stored, transported, disposed, or otherwise managed.
    b. Any waste exempted or that does not meet the criteria as a hazardous waste under state or federal regulations shall be exempted as a hazardous waste under these regulations. (1.18)
(19) Household: The association of persons who live in the same dwelling, sharing its furnishings, facilities, accommodations, and expenses.
(20) Household income: All income received by all persons of a household in the calendar year next preceding the year in which a claim is filed.
(21) Incineration: The controlled burning of solid, liquid, or gaseous combustible waste for volume or weight reduction or both or for the salvaging of material. (1.19)
(22) Incinerator: A device used for the destruction, volume or weight reduction, or salvaging of waste material by burning. (1.20)
(23) Income: The sum of federal adjusted gross income as defined in the Internal Revenue Code and all nontaxable income, including, but not limited to, the amount of capital gains excluded from adjusted gross income, alimony, support money, nontaxable strike benefits, cash public assistance, and relief, the gross amount of any pension or annuity, including Railroad Retirement Act benefits and veterans disability pensions, all payments received under the Federal Social Security and state unemployment insurance laws, nontaxable interest received from the federal government or any of its instrumentalities, workman's compensation, and the gross amount of

"loss of time" insurance. "Income" does not include gifts from nongovernmental sources or surplus foods or other relief in kind supplied by a public or private agency.

(24) Industrial waste: Any waste, either liquid, solid, or gas or any combination of these, resulting from any process of industry, manufacturing, trade, business, mining, agriculture, or the development of a natural resource. (1.21)

(25) Inoperable vehicle: Any automobile, truck, motor home, or bus not currently registered and licensed in this state or another state, or in any of the following conditions that shall be considered unsightly or deleterious: dismantled; broken windows; flat or no tires; missing doors, fenders, hood, or trunk; won't start; isn't driveable; or any other condition that would result in the vehicle's failure to pass state inspection.

(26) Junk: Any salvaged or scrap copper; brass; iron; steel; metal; rope; rags; batteries; paper; wood; trash; plastic; rubber; tires; waste; dismantled, wrecked, or inoperable motor vehicles or parts; or other articles or materials commonly designated as junk.

(27) Leachate: Liquid that has percolated through or drained from solid waste and contains extracted, dissolved, or suspended material. (1.22)

(28) Litter: Any quantity of uncontainerized paper, metal, plastic, glass, or miscellaneous solid waste. (1.23)

(29) Littering: The willful or negligent throwing, dropping, placing, depositing, or sweeping of solid waste on any premises other than in approved storage containers and sites. (1.24)

(30) Nuisance: Unlawfully doing an act that annoys, injures, or endangers the comfort, repose, health, or safety of any person, or that renders a person insecure in life or the use of property. (1.25)

(31) Open burning: A fire whose products of combustion are emitted directly into the open air without passing through a stack or chimney. (1.26)

(32) Open dump: Any disposal site that does not comply with these regulations. (1.27)

(33) Operator: A person who owns, leases, or manages a site or facility. (1.28)

(34) Owner: Any person who alone, jointly, or severally with others:

a. has legal title to any premises, dwelling, or dwelling unit, with or without accompanying actual possession thereof; or

b. has charge, care, or control of any premises, dwelling, or dwelling unit, as legal or equitable owner, agent of the owner, lessee, or is an executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner. (1.29)

(35) Person: Any individual, public or private corporation and its officers, partnership, association, firm, trustee, executor of an estate, the State or its departments, institution, bureau, agency, county, city, political subdivision, or any legal entity recognized by law. (1.30)

(36) Processing facility: Transfer station, compost or pyrolysis plant, incinerator, recycling, reclamation or resource recovery facility, or location where solid wastes are temporarily stored, classified, consolidated, baled, shredded, composted, salvaged, treated, or handled prior to final disposal. (1.31)

(37) Pyrolysis: The chemical decomposition of material by heat in an oxygen-deficient atmosphere. (1.32)

(38) Pyrolysis plant: A place or facility where pyrolysis occurs. (1.33)

(39) Reclamation facility: A facility where solid wastes are stored, dismantled, segregated, or reprocessed to recover salvageable materials for sale or reuse. (1.34)

(40) Recycling: The reuse of all or part of recovered solid waste by resource recovery for manufacturing, agriculture, power or heat production, or any other process. (1.35)

(41) Recycling facility: Any place, plant, or equipment designed and operated to store, collect, redistribute, and return processed materials to market. (1.36)

(42)Refuse: Garbage, rubbish, and other discarded material. (1.37)
(43)Residential solid waste: Refuse produced by or resulting from the normal activities of residential households, and excluding asphalt, concrete, dirt, rocks, or other similar materials not normally associated with day-to-day residential household activities.
(44)Residue: All solids that remain after incineration, including grate siftings, ash, and fly ash. (1.38)
(45)Resource recovery: The processing of solid waste to produce materials or energy that may be used or in manufacturing, agriculture, power or heat production, or any other process. (1.39)
(46)Resource recovery facility: Any place, plant, equipment, or device designed and operated to separate or process solid or liquid waste into useable material, including, but not limited to, fuel, heat, and other energy. (1.40)
(47)Rubbish: All solid waste except garbage and hazardous waste, including, but not limited to, ashes, bedding, cardboard, paper, wood, cans, metal, glass, crockery, rubber, plastic, leather, rags, and yard trimmings. (1.41)
(48)Salvaging: The controlled removal of waste materials for utilization. (1.42)
(49)Scavenge: The uncontrolled removal of solid wastes from a site or facility. (1.43)
(50)Sewage: Liquid or water carried wastes, or both, produced by any person, animals, or fowl from residences, business buildings, institutions, industrial establishments, or agricultural, recreational, or other locations, including but not limited to septic tanks, privy vaults, and cesspools, together with ground water, surface water and storm water. (1.44)
(51)Site: Any place, tract of land, or facility used for the storage, collection, transfer, conversion, utilization, processing, treatment, incineration, pyrolization, handling, or disposal of solid waste. (1.45)
(52)Sludge: Any solid, semisolid, or liquid waste having similar characteristics and effects, generated from municipal, commercial, industrial waste water and water supply treatment plants, or air pollution control facilities. (1.46)
(53)Solid waste: Garbage, junk, inoperable vehicles, refuse, trash, rubbish, residential solid waste, hazardous waste, special waste, industrial waste, construction and demolition waste, dead animals, manure or feces, sludge, liquid or semi-liquid waste, asphalt other than that being used for hard surfacing, organic materials, and waste concrete or rocks larger than 12 inches in diameter; other spent, useless, worthless, or discarded materials or materials stored or accumulated for the purpose of discarding; materials that have served their original intended purpose; or waste material resulting from industrial, manufacturing, mining, commercial, agricultural, residential, institutional, recreational, or community activities. It does not include solid or dissolved materials in domestic sewage or in irrigation return flows or discharges for which a permit is required under Chapter 11, Title 26, Utah Code Annotated, 1953 (as amended), or under the Federal Water Pollution Control Act, 33 U.S.C., Section 1251, et. seq. (1.47)
(54)Special waste: Those wastes that are not considered hazardous but may require complex or special management due to characteristics such as high moisture content or bulk. (1.48)
(55)Transfer station: A facility where solid waste is transferred from collection to haulage vehicles for transportation to another facility or site. (1.49)
(56)Trash: Materials including, but not limited to, garbage, construction or demolition debris, clothing, rags, yard trimmings, or other refuse resulting from the conducting of any business, trade, or industry. (1.50)
(57)Used Oil: Oil which has been refined from crude oil, used, and as a result of that use, contaminated by physical or chemical impurities. (1.51)

(58)Used Oil Collector: Any person who has obtained, from the State of Utah, a permit allowing the collection of used oil for resale to oil refining facilities or disposal by other methods approved by law. (1.52)
(59)Waste contractor: A person(s) engaged in the business of collecting, hauling, or transporting garbage, refuse, agricultural or hazardous waste, sewage, sludge, dead animals, bones, or other solid waste. (1.53)
(60)Water table: The upper surface of the zone of saturation, if unconfined by an impervious formation, and that can be referred to in terms of elevation. (1.54)
(61)Working face: Any part of a disposal site where solid waste is being disposed and compacted prior to placement of cover material. (1.55)

**(Ord. No. 94-58 Amended 06/22/1994; Ord. No. 94-65 Amended 06/30/1994; Ord. No. 00-12 Amended 02/24/2000)**

## 24-2-102. PURPOSE. (SECTION 2.0)

It is the purpose of these regulations to regulate the accumulation, storage, collection, transportation, processing, treatment, handling and disposal of solid wastes in a way that will:
(1) Protect and promote the public health, safety and welfare; (2.1)
(2) Prevent damage to property; (2.2)
(3) Prevent the spread of disease; (2.3)
(4) Prevent the creation of nuisances; and (2.4)
(5) Prevent air and water pollution. (2.5)

## 24-2-103. JURISDICTION OF THE DEPARTMENT. (SECTION 3.0)

All solid waste management enumerated in Section 24-2-102 shall be subject to the direction and control of the Department.

## 24-2-104. POWERS AND DUTIES. (SECTION 4.0)

The Department, by the Director, shall be responsible for the administration of these rules and regulations and any other powers vested in it by law and shall:
(1) Require the submission of reports, plans and specifications for public or private facilities or sites as necessary to implement the provisions, requirements and standards of these regulations; (4.1)
(2) Issue permits and charge fees as necessary to implement the provisions, requirements and standards of these regulations. (4.2)
(3) Make inspections of any facilities or sites and issue orders as necessary to effect the purposes of these regulations. (4.3)
(4) Take samples and make analyses of any solid waste or require the sampling and analysis of any such materials. (4.4)
(5) Review and comment on any proposed contract or agreement between any district, city, county, governmental unit, or person for the handling, treatment, processing, or disposal of any solid waste within Salt Lake County. (4.5)
(6) Do any and all acts permitted by law that are necessary for the successful enforcement of these regulations. (4.6)

## 24-2-105. SCOPE. (SECTION 5.0)

It shall be unlawful for any person not to comply with any rule or regulation promulgated by the Department, unless expressly waived by these rules and regulations.

## 24-2-106. PROHIBITED ACTS. (SECTION 6.0)

Except as otherwise provided by law, it shall be unlawful for any person:

(1) To dispose of any solid waste in any place except at a facility or site that has been approved by the Department. (6.1)
(2) To operate a facility or site or engage in the business of waste contractor without a valid permit from the Department, unless specifically exempted elsewhere in these regulations. (6.2)
(3) To deposit any solid waste upon any public or private property without the consent of the owner and approval of the Department. (6.3)
(4) To construct, alter, operate or change the operating procedures of a site or facility without the corresponding permit or approval from the Department. (6.4)
(5) To scavenge at a site. (6.5)
(6) To feed farm or domestic animals on an existing site, unless approved by the Department. (6.6)
(7) To dispose of any solid waste in a way prohibited by any applicable laws. (6.7)
(8) To open burn, except as provided by law. (6.8)
(9) To create or operate an open dump. (6.9)
(10) To accumulate, litter, store, collect, transport, transfer, treat, process, utilize, reclaim, recover, recycle, consolidate, incinerate or dispose of any solid waste contrary to these regulations or orders of the Department. (6.10)
(11) To create, cause or allow insect or rodent propagation, conditions for transmission of disease, any unsanitary condition, or any other safety or public health hazards. (6.11)
(12) To accumulate, litter, store, collect, transport, transfer, treat, process, utilize, reclaim, recover, recycle, incinerate or dispose of any solid waste in such a way that a nuisance is created. (6.12)
(13) To dispose of used oil, except through a used oil collector. (6.13)
(14) To discharge used oil into sewers, drainage systems, surface waters, ground waters or watercourses or deposit used oil on land, unless authorized under other provisions of law. (6.14)
(15) To mix or commingle used oil with solid waste that is to be disposed of in landfills or otherwise by trash collection. (6.15)
(16) To use used oil for road oiling, dust control, weed abatement or other similar uses that have the potential to release used oil into the environment. (6.16)

## 24-2-107. EMERGENCY ORDERS. (SECTION 7.0)

(1) Whenever the Department finds that an emergency exists requiring immediate action to protect the public health, safety or well-being, the Director may issue an order declaring the existence of an emergency and requiring that remedial action be taken. The order shall be effective immediately, but on application to the Department, the recipient of the order shall be granted a hearing within 48 hours before the Director. On the basis of the hearing, and not more than 24 hours after adjournment of the hearing, the Director shall revoke, modify or continue such order in effect. (7.1)
(2) The Director shall prohibit a specific waste from being accepted at any site or facility if there is a threat to the health, safety or welfare of the employees, the users of the site or facility, or the public. (7.2)

## 24-2-108. CONDEMNING OR CLOSING A. FACILITY OR SITE. (SECTION 8.0)

(1) Any facility or site that fails to meet the requirements of these regulations and has been found to be a threat to the public health, safety or welfare, may be condemned and closed by the Department and designed by a placard posted in a conspicuous place. (8.1)
(2) The Department shall give notice in writing to the owner or operator of the facility or site condemned and closed. (8.2)
(3) No facility or site that has been condemned, closed and placarded shall accept solid waste or be used for the accumulation, storage, treatment, handling, processing or disposal of solid waste until written approval is received from the Department. The Department shall remove the placard whenever the violation(s) upon which condemnation, closing and placarding were based has been remedied. (8.3)
(4) No person shall deface or remove a placard from any facility or site that has been condemned and closed by the Department. (8.4)
(5) Any owner or operator affected by the condemning, closing and placarding of a facility or site may request and be granted a hearing as provided in Section 24-2-118. (8.5)

## 24-2-109. PERMITS. (SECTION 9.0)

(1) Department approval and permits required.
    a. No construction building permit for a facility or site shall be issued without approval from the Department.
    b. No business license for the operation of a facility, site or waste contractor shall be issued except upon the presentation of a signed inspection report from the Department indicating that all facilities, sites and vehicles to be used in handling solid waste have been inspected and approved by the Department and a permit has been issued to the applicant for each vehicle to be used in such handling or hauling of solid waste.
    c. No person shall operate a facility or site without a corresponding valid permit from the Department.
    d. The Department may exempt a hazardous waste facility or site from the permit requirements if the facility or site is permitted under a hazardous waste program authorized by the State of Utah or the United States Government or both. (9.1)
(2) Application requirements for approval and permit.
    a. Application for approval for construction of a facility or site or a permit for operating a facility or site or engaging in the business of a waste contractor shall be in writing setting forth the plans, specifications, and reports as required in the applicable sections of these regulations. The Department may prescribe the form on which the information required under these regulations shall be submitted. Application shall be made within the following time periods:
        i. For approval for construction of a new facility, site or business, at least 60 calendar days prior to the start of construction;
        ii. For a permit to operate a new facility, site or business, prior to commencement of operation of the facility, site or business; and
        iii. For a permit to operate an existing facility, site or business, no later than 180 calendar days after the effective date of these regulations.
    b. Upon approval of the permit application and receipt of the bond, the Department shall issue a permit. Such permit shall expire on January 1 of each year following issuance and be renewable within 60 calendar days prior to the expiration date. (9.2)

(3) Permit fees.
    a. The fee for each permit shall be based on the reasonable expenses incurred by the Department to review plans and specifications, conduct inspection and act upon the permit application.
        i. For a facility or site, the fee shall be:
            1. 0-15 tons/day max. design capacity - $50
            2. 16-200 tons/day max. design capacity - $100
            3. 201-700 tons/day max. design capacity - $150
            4. 701 or more tons/day max. design capacity - $200
        ii. For a waste contractor, the fee shall be 85 per vehicle.
    b. A late fee of $825 shall be charged in addition to the permit fee for every business applying subsequent to the time periods specified in Section 9.2.
    c. No permit fee is refundable for any reason.
    d. The following exemptions shall be made to the permit fee requirement:
        i. Governmental agencies applying for a permit may be exempted from paying the fee unless there is some rule or policy of that agency allowing for the payment of a fee.
        ii. With the approval of the Director, a volunteer special recycling collection center or resource recovery activity including, but not limited to, paper, bottle and can drives or sites for disposal of inert wastes may be issued a permit without cost or bond requirement or both. Any approval provision shall not be construed as an exemption from complying with the requirements of these rules and regulations. (9.3)

(4) Permits nontransferable. No permit shall be transferable from one person to another, one site or facility to another, or one vehicle to another. (9.4)

(5) Suspension or revocation of approval or permit.
    a. Causes: Construction approval or any permit issued pursuant to these regulations may be denied, suspended or revoked by the Director for any of the following reasons:
        i. Failure of the reports, plans or specifications to show that the facility or site will be constructed, operated or maintained in accordance with the requirements and standards of these rules and regulations.
        ii. Submission of incorrect or false information in the application, reports, plans or specifications.
        iii. Failure to construct, operate or maintain the facility, site or vehicles in accordance with the application, reports, plans and specifications approved by the Department.
        iv. Operation of the facility, site or business in a way that causes or creates a nuisance or hazard to the public health, safety or welfare.
        v. Violation of any rules and regulations, restrictions or requirements adopted by the Department.
        vi. Violation of any condition upon which the permit was issued.
        vii. Failure to pay the permit fee or post the surety bond.
        viii. Failure to pay any deficiency in the required bond.
        ix. Failure of the owner or operator of a facility or site to permit or allow the Department to conduct inspections to determine compliance with these regulations.
    b. Hearing: If any permit is denied, suspended or revoked, the applicant may request a hearing within 10 calendar days of such action. The hearing shall be held before the

Director within 10 calendar days after the request. Within 10 calendar days after the hearing, the Department shall send written notice to all parties of the decision of the Director and the reasons therefor. (9.5)

## 24-2-110. BONDS REQUIRED. (SECTION 10.0)

(1) Prior to the issuance of a permit, the applicant shall file with the Department a surety bond in favor of the Department to ensure operation, maintenance and closure of the facility or site in accordance with Sections 24-2-115(6) and 24-2-115(7) of these regulations.
    a. Surety bonds submitted for sanitary landfills, land disposal sites and processing facilities shall be:
        i. 0-15 tons/day max. design capacity - $5,000
        ii. 16-200 tons/day max. design capacity - $10,000
        iii. 201-700 tons/day max. design capacity - $15,000
        iv. 701 or more tons/day max. design capacity - $20,000
    b. Each bond shall provide assurance for the operation or maintenance of a finished sanitary landfill, land disposal site or processing facility for a period of two years after the landfill, disposal site or processing facility is completed or closed as provided in Sections 4-2-115(7) and 24-2-15(8) of these regulations. (10.1
(2) Government-operated facilities and sites are exempted from the surety bond requirement. (10.2) (3) The Department may exempt a hazardous waste facility or site from the bond requirements if the facility or site is bonded under a hazardous waste program authorized by the State of Utah or the United States Government or both. (10.3)

## 24-2-111. ACCUMULATION OF SOLID WASTE AND LITTERING.* (SECTION 11.0)

(1) Accumulation of solid waste and littering prohibited. It shall be unlawful for any person to accumulate, throw, discard, deposit, place, sweep, dump, conduct or allow any person to accumulate, throw, discard, deposit, place, sweep, dump or conduct any solid waste or litter into or upon any public place, private premises, street, road, alley, property abutting any alley, stream, well, spring, canal, ditch, gutter, lot or any other property or place, above or below ground level, except:
    a. This section shall not apply to waste thrown, deposited or placed in containers meeting the requirements of these regulations and provided for the person's use, or a facility or site approved by the Department.
    b. This section shall not apply to Department-approved spreading of manure or other materials upon the land for fertilizing or conditioning the soil, provided a nuisance or health hazard is not created.
    c. This section does not preclude solid waste from being temporarily accumulated for immediate removal, if approved by the Department.
    d. This section does not preclude the construction or operation of a compost pile, as provided in (5) of this Section.
    e. This section does not apply to junk and scrap metal accumulated on the premises of a business enterprise lawfully situated and licensed for the same, if a nuisance or health hazard is not created. (11.1)
(2) Repealed.

(3) Cleaning required for vacated premises. Any person vacating a dwelling, storeroom, or any other structure or the immediate grounds shall remove all garbage, trash and refuse and leave the property in a sanitary condition within 24 hours after vacating. (11.3)

(4) Removal of dead animals. It shall be unlawful for any person to knowingly permit any dead animal to remain upon the premises, or for the owner of any dead animal to knowingly permit it to remain upon any public street or property or private premises. If the owner of the dead animal does not remove and properly dispose of it himself or cause it to be properly removed and properly disposed within 24 hours after receipt of notice from the Department, the Department may cause it to be removed and disposed and shall assess against the owner the actual costs of removal and disposal. The Department may avail itself of all remedies in law to enforce removal, disposal and recovery of cost. If ownership of the dead animal cannot be determined, the owner of the property on which the dead animal is located shall be responsible for proper removal and disposal of the animal, and the assessing and recovering of costs shall apply to the property owner. (11.4)

(5) Compost. A person may keep or maintain compost on his property for home gardening if the following requirements are complied with:
   a. The compost shall be located and maintained to prevent the spread of disease, the propagation or harborage of insects or rodents, the creation of any odor or nuisance, or any other condition that might affect the public health, safety or welfare.
   b. The compost shall not be used or sold as a commercial product or used in any licensed business operation unless the requirements of approval, permits, and operation given in Sections 24-2-109 and 24-2-115 of these regulations are complied with. (11.5)

(6) Handbills and leaflets. It shall be unlawful for any person or business to post, place, deposit, or otherwise affix, or cause to be posted or otherwise affixed, any handbills, leaflets, flyers, advertising devices, notices, unsolicited newspapers, papers, information material, or circulars on vehicles, utility poles, signs, fences, doors, trees, or any public property. If any of the above items are found upon public property contrary to the provisions of this section, the item may be removed by any City employee. This ordinance shall not apply to official government documents, election materials, or materials specifically allowed in other City Code sections. (11.6)

(7) Containers provided to prevent litter. To facilitate proper disposal of litter by pedestrians and motorists, public establishments and institutions shall provide adequate containers that are emptied and maintained in good condition and meet the prescribed standards in these regulations. The requirements shall be applicable, but not limited to, fast-food outlets, shopping centers, convenience stores, supermarkets, service stations, commercial parking lots, mobile canteens, motels, hospitals, schools and colleges. (11.7)

(8) Construction and demolition projects.
   a. It shall be unlawful for the owner, agent or contractor in charge of any construction or demolition project to cause, maintain, permit or allow to be caused, maintained or permitted the accumulation of any litter on the site before, during or after completion of the construction or demolition project.
   b. It shall be the duty of the owner, agent or contractor to have on the site adequate containers for the disposal of litter and to make appropriate arrangements for its collection or final disposition at an authorized facility.
   c. It shall be unlawful for the owner, agent, or contractor in charge of any construction or demolition project to place, for City-furnished bulky waste collection, waste from construction and demolition projects.

d. The owner, agent or contractor may be required by the Department to show proof of appropriate collection, or if personally transported, of final disposition at an authorized facility. (11.8)

(9) Loading and unloading operations.
   a. Any owner or occupant of an establishment or institution where litter is attendant to the packing or unpacking or loading or unloading of materials at exterior locations shall provide suitable containers for the disposal and storage of such litter.
   b. It shall be the duty of such owner or occupant to remove at the end of each working day any litter that has not been containerized at exterior locations. (11.9)

(10) Keeping property clean.
   a. It shall be the duty of the owner or occupant to keep property free of litter. This requirement applies not only to removal of loose litter, but to materials that are or become trapped at fence and wall bases, grassy and planted areas, borders, embankments or other lodging points.
   b. The owner or occupant whose property faces on municipal sidewalks, strips between streets and sidewalks, or strips between such properties and streets shall be responsible for keeping those sidewalks and strips free of litter.
   c. It shall be unlawful to sweep or push litter from sidewalks and steps into streets. Sidewalk and step sweepings shall be picked up and put into household or commercial solid waste containers. (11.10)

**(Ord. No. 94-58 Amended 06/22/1994; Ord. No. 94-65 Amended 06/30/1994; Ord. No. 95-60 Amended 01/12/96; Ord. No. 96-01 Amended 02/28/1996)**

## 24-2-111A. ABANDONED, JUNKED, OR INOPERABLE VEHICLES.* (SECTION 11.2)

(1) It shall be unlawful for any person to abandon a vehicle upon any highway or public or private property without the express or implied consent of the owner or person in lawful possession or control of the property. For the purpose of this section, a vehicle shall be presumed to be abandoned if it is left unattended on a highway for a period in excess of 24 hours, or on any public or private property for a period in excess of seven calendar days without the express or implied consent of the owner or person in lawful possession or control of the property.

(2) It shall be unlawful for any person to cause or permit any scrap metal, dismantled, junk, wrecked, abandoned, or inoperable vehicle(s) or vehicle parts to remain on any property or premises, unless in connection with a lawfully situated and licensed business, or in an enclosed accessory structure, such as a garage or barn, provided such building does not impose a threat to life safety or a nuisance or health hazard and is constructed in accordance with all municipal ordinances and state building code and zoning regulations at the time of the original building construction. Carports are not considered "enclosed" for the purpose of this ordinance.

(3) Any abandoned or inoperable vehicle(s) on a person's private property and not owned by him may be removed upon the property owner's request, provided that proper departmental authorization has been granted the wrecker. (11.2)

**(Ord. No. 95-60 Renumbered 01/12/1996, 24-2-111(2))**

## 24-2-112. STORAGE OF SOLID WASTE.* (SECTION 12.0)

(1) Sanitary storage of waste materials required. The owner or occupant of any premises, residence, business establishment, institution, industry or recreation area shall ensure that all solid waste generated by such premises or establishment is stored to prevent the attraction, harborage, or breeding of insects or rodents or both and eliminate conditions harmful to public health or that create safety hazards, odors or nuisances. (12.1)

(2) Sufficient containers required. Except as otherwise provided herein, each premises, residence, business establishment, institution, industry, construction or demolition project, or recreation area shall provide a sufficient number of containers meeting the requirements in Sections 24-2-112(4), 24-2-112(5), 24-2-112(6), and 24-2-112(7) of these regulations, suitable for the type of material accumulated. The containers shall be sufficient to prevent overflowing and to accommodate all waste and litter accumulated between scheduled collections. (12.2)

(3) Automated-collection residential solid waste containers.
   a. All single-family and duplex residential dwellings units shall utilize the City-furnished automated-collection residential solid waste containers.
   b. It shall be unlawful to deface or otherwise damage City-furnished automated-collection residential solid waste containers.
   c. The City may supply additional automated-collection residential solid waste containers to residential dwelling units, upon written request, at the fees set forth in the Consolidate Fee Schedule and for minimum time periods established by the Department.

(4) Containers provided by contractors.
   a. No waste contractor shall supply to customers solid waste storage containers that do not meet the requirements of these regulations.
   b. The name and phone number of the waste contractor shall be legibly written on the container in letters at least one inch high.
   c. If a waste contractor furnishes storage containers, the contractor shall be responsible for maintaining the containers in clean and good condition unless they are furnished under other terms, conditions or agreements. The waste contractor shall plan and work with the property owner or occupant or both for placement of the storage containers to minimize traffic and other problems on the property and for the general public. (12.3)

(5) Loading of containers.
   a. Automated-collection residential solid waste containers shall not be packed tightly with solid waste such that the waste will not easily slide out of the container when emptied.
   b. Automated-collection residential solid waste containers shall not be filled with residential solid waste weighing more than 200 pounds.

(6) Containers to be kept closed. Containers shall be kept securely closed at all times except when placing waste in or emptying waste from the container. All containers, including nonreusable containers, shall be stored and securely closed to prevent insects, rodents and other animals from gaining access to the contents and to prevent littering. The Department may exempt containers used for the storage of rubbish from the cover requirements of this section. (12.4)

(7) Standards for storage containers. Containers used for the storage of solid waste shall meet the following minimum requirements:
   a. Reusable type containers shall be:
      i. Constructed of metal, plastic or rubber; durable; rust and corrosion resistant; water tight; and insect and rodent proof;
      ii. Kept clean and sanitary;

iii. Outfitted with tight-fitting lids or covers;
iv. Provided with handles or devices sufficiently strong and accessible that the container may be easily lifted and handled conveniently;
v. Constructed with wide necks and mouths and tapered sides to prevent clogging and littering, if the containers are emptied manually; and
vi. Capable of being emptied without the collector coming into physical contact with the solid waste.

b. Containers that are broken, worn out, rusted, or that have jagged edges or any other defect capable of hampering collection or causing injury or that otherwise fail to meet the requirements of these regulations shall not be used, but shall be replaced promptly.
c. Nonreusable containers shall be constructed of reinforced weather-resistant kraft paper or plastic designed specifically for the storage and collection of solid waste and have a holding strength capable of withstanding stress until after collection. Plastic bags used for the storage and collection of solid waste shall have a thickness of 2.0 mils or more.
    i. Pasteboard boxes may be used for the storage and collection of waste material if the boxes:
        1. Can be easily handled and placed in the collection vehicle;
        2. Weigh no more than 50 pounds (23 kilograms) when filled;
        3. Are filled with dry waste;
        4. Are dry when collected; and
        5. Are tightly covered to prevent littering.
    ii. Wooden boxes, barrels and similar containers may he used if they have tight-fitting covers.
d. Other types of containers shall meet the requirements of these regulations and be approved by the Department and collection agency. (12.5)

(8) Storage of bulky waste.
    a. Bulky waste or waste too large or otherwise unsuitable for storage containers shall be stored temporarily in a way that does not create a health hazard, nuisance, fire hazard, rodent harborage or litter.
    b. No person shall store or leave outside any unattended or discarded ice box, refrigerator, freezer or other similar bulky waste without first sealing it or removing any door or latch attached thereto and otherwise prevent it from being a hazard to children. (12.7)
(9) Storage of agricultural waste.
    a. Agricultural waste shall be stored to prevent insect or rodent production or sustenance, conditions for transmission of disease to man or animals, water and air pollution, and to minimize odors and nuisance conditions.
    b. No person having charge of any stable, stall, shed, coop, apartment or yard where any animal is kept, or in any place where manure or liquid discharges of any animal accumulate or collect, shall permit such stable, stall, shed, coop, apartment or yard to be kept unclean or unsanitary. Manure stacks shall be constructed or established and maintained to prevent run-off and leachate from entering surface or ground water. (12.8)
(10) Provision for solid waste disposal and storage facilities at a new building. Before a building permit(s) is issued for construction of a commercial building(s) or multiple-dwelling units, plans for the adequacy, location and accessibility of solid waste containerization and storage facilities shall be approved by the Department of Public Works or other appropriate agency. (12.9)
(11) Storage rooms.

a. Storage houses, rooms or areas used to store solid waste shall be of rodent-proof construction, readily cleanable, and have proper drainage. Storage rooms or buildings not refrigerated shall be adequately vented and all openings screened to prevent entrance or egress of insects or rodents.
b. Storage houses, rooms or areas used to store solid waste shall be kept in good repair, free from rodent or insect production, and any nuisance or unsanitary condition. (12.10)

(12) Location of containers. Solid waste and containers used for the storage of solid waste shall be stored at least three feet (.91 meter) from the property line of another person and located in places convenient for authorized users. No container shall be placed where it creates a nuisance. (12.11)

(13) Unauthorized use of container.
a. No person shall tamper, modify, remove or deposit solid waste in any container that has not been provided for his use, without the permission of the container owner.
b. No person shall deposit solid waste from any business, apartment house, multiple dwelling or public building in any receptacle for disposal of litter by pedestrians. (12.12)

**(Ord. No. 94-65 Amended 06/30/1994)**

## 24-2-113. RESIDENTIAL SOLID WASTE COLLECTION.*

(1) Residential solid waste and recycling collection fees. The owner of every single-family dwelling property and duplex property shall be responsible and liable for the monthly charges enumerated in the Consolidated Fee Schedule for residential solid waste collection services and recycling collection services. An alternate billing agreement may be entered into which will allow the bill to be sent to an alternate party, however, the property owner retains all obligations for full payment of solid waste and recycling collection fees.

(2) Right to Revoke Recycling Services. When a customer has contaminated the recycling waste stream with items not included in the City's list of acceptable items for recycling, the City may revoke the right to recycling services at the address of violation.
a. Before revoking the right to recycling services, the City will notify the customer and issue a warning that the customer has been contaminating the recycling waste stream.
b. If, after receiving the warning, the customer continues to contaminate the recycling waste stream, the City may revoke the customer's right to participate in the recycling program and remove the recycling container from said customer's address.
c. Revocation of the customer's right to participate in the recycling program shall not affect the fee the customer pays for Residential Solid Waste Collection, which shall be determined by the West Valley City Consolidated Fee Schedule.
d. Where the City has revoked the right of a customer to participate in the Recycling Services program, the customer may appeal that decision pursuant to Section 24-2-119 of this Title.

(3) Billing and delinquency.
a. Billings for residential solid waste collection services will be in accordance with rates and schedules declared in the Consolidated Fee Schedule, as approved by the City Council.
b. Fees and charges levied in accordance herewith shall be a debt due to the City. Failure to pay as set forth on the customer's billing statement shall result in the imposition of the late fees set forth in the City's Consolidated Fee Schedule. Delinquent accounts are subject to recovery through civil action, including the payment of reasonable legal fees.

c. The City reserves the right to recover sanitation cans for non-payment of fees; where the bill is delinquent beyond 90 days, cans will not be returned until debt has been paid.

(4) Requirement for sending bill to non-property owners. Alternate billing agreements allow the City to bill someone other than the property owner; however, the property owner retains all obligations for full payment of fees. The alternate billing agreement must be signed by the property owner and the party to receive the bill. A deposit of $50.00 or two months assessment whichever is greater, is required. The deposit will be held by the City Treasurer until such time as the agreement is canceled or the deposit is consumed to pay for fees unpaid by the alternately billed party.

(5) Indigent abatement.

a. Any tenant or real property owner of any residential single-family dwelling unit or duplex dwelling unit shall be granted a 100 percent annual abatement of the above charges for residential solid waste collection services in any given year, subject to the following:

i. The applicant shall file with the City an application for abatement, in a form approved by the City, which shall set forth sufficient facts to support the applicant's eligibility to receive the abatement.

ii. The application shall include an affidavit setting forth the eligibility of the applicant for the abatement. The affidavit shall be signed by both husband and wife, if they seek abatement on a dwelling unit in which they both reside.

iii. The applicant shall reside for not less than ten months of each year in the residence for which the abatement is requested.

iv. The applicant's total household income for the year in which a claim for abatement has been filed shall not exceed the maximum income allowable for a residential solid waste collection abatement fee as set forth in the Consolidated Fee Schedule.

b. Any decision by the Finance Department relative to the abatement of residential solid waste collection fees may be appealed to the City Manager by filing a written notice of appeal with the City Manager within ten business days following the written decision of the Finance Department. Any decision of the City Manager may be appealed to the City Council by filing a written notice of appeal with the City Council within ten days following the written decision of the City Manager. The decision of the City Council shall be final.

c. No abatement of fees for residential solid waste collection services shall be applied retroactively. The charges for any person applying for an abatement shall be abated only from the date the application is approved by the City, forward. Such abatement shall be effective only for the next succeeding 12-month period.

**(Ord. No. 94-65 Enacted 06/30/1994; Ord. No. 07-66 Amended 10/23/2007; Ord. No. 12-25 Amended 06/28/2012; Ord. No. 15-32 Amended 10/15/2015)**

## 24-2-114. COLLECTION AND TRANSPORTATION OF WASTE.* (SECTION 13.0)

(1) Approved collection and transportation required. Solid waste shall be collected and transported to prevent public health and safety hazards, unsanitary conditions and nuisances. (13.1)

(2) Removal of waste required. All solid waste not collected and hauled by a governmental entity in its regular waste collections shall be collected, hauled and disposed by the owner, occupant or

licensed waste contractor as required by these regulations. Arrangements for licensed waste contractor service are the responsibility of the owner or occupant of the premises where waste materials are produced or located. (13.2)

(3) Frequency of collection.
    a. Solid waste, except bulky waste, shall be removed from the storage containers on residential premises and disposed at least once a week.
    b. Waste of every kind shall be removed from commercial, industrial, institutional, residential and recreational properties as often as necessary to prevent a nuisance, overfilling of storage containers, rodent harborage, or the creation of a fire hazard or unsanitary conditions, and at minimum once a week to prevent other adverse health or nuisance conditions.

(4) Placement of containers for collection. The Department may designate the time and place of solid waste collected and hauled by a governmental entity or a waste contractor. Containers of solid waste shall not be set out upon the street prior to the evening of the day before scheduled collection and shall be set out before 7 a.m. on the scheduled collection day. All empty containers shall be removed from the street the same day they are emptied. (13.4)

(5) Uncontained waste. No person shall place or cause to be placed upon any street or alley for collection any loose paper, yard trimmings, or other solid waste. All such waste shall be properly contained, baled or securely tied before collection is made.

(6) Bulky waste collection.
    a. The Department may designate the time and place for collection of bulky waste, as defined in Section 24-2-101(2).
    b. Bulky waste items placed for collection shall not exceed 75 pounds in weight or five feet in length or width.
    c. No bulky waste shall be placed on any curbside or roadside earlier than one day prior to the scheduled collection date.
    d. Bundles of small limbs, twigs, and shrubs too large for containers shall be securely tied before being placed for bulky waste collection.
    e. It shall be unlawful to place on any curbside or roadside any of the following materials: construction and demolition waste, commercial waste, car bodies, tires, used oil, batteries, hazardous materials, rocks, brick, broken concrete, or dirt.

(7) Burning or hot waste.
    a. No person shall place smoking, smoldering or burning waste for collection and no collector or hauler shall provide service if waste materials show evidence of smoking, smoldering or burning.
    b. All waste in transmit that must be dumped in an emergency due to smoking, smoldering or burning shall be cleaned up by the collector or hauler. The operator of the vehicle shall immediately notify the police and fire departments having jurisdiction. (13.7)

(8) Spillage from container. No person, waste contractor, or any employee of a governmental entity engaged in the collection and transportation of solid waste shall permit, allow or cause any solid waste to fall and remain on any property, place, building, premises, street, road or highway. If spillage occurs, the material shall be picked up immediately by the collector and returned to the vehicle or container and the area properly cleaned. If the waste was not properly contained pursuant to the requirements of these regulations, the waste shall be cleaned by the person responsible for the improper containerization of the waste. (13.8)

(9) Transportation of waste material. The waste collector shall be responsible for the satisfactory transportation of all solid waste to an approved site or facility. No person, waste contractor or any employee of a governmental entity engaged in waste collection and transportation shall:

a. Permit or allow any vehicle loaded with manure, slops, swill, refuse, solid waste, or any other type of waste material to remain standing upon any public street any longer than necessary for loading and transporting.
b. Haul, convey, or transport any manure, tree limbs, brush, clippings, solid waste, or any other type of waste material in any open truck, transfer vehicle, open trailer, or other open conveyances for a distance of five blocks or more without making a waste collection stop, unless covered completely or secured to prevent littering. The duties and responsibilities imposed by this Section shall be applicable to both the owner of the vehicle and the operator.
c. Operate any vehicle used for the collection and transportation of solid waste in a way that the contents fall, leak or spill. If spillage occurs, the material shall be picked up immediately by the collector or transporter and returned to the vehicle and the area properly cleaned.
d. Convey, transport or haul any swill, sewage, sludge, fecal material or other similar solid waste, except in a sanitary receptacle or vehicle especially constructed for that purpose and with a current permit from the Department.
e. Carry or haul any sewage or contents of any grease trap between the hours of 11 p.m. and 5 a.m. from May 1 to October 30 and between the hours of 10 p.m. and 6 a.m. from November 1 to April 30, unless authorized by the Department. (13.9)

(10)Unloading of waste material.
a. All solid waste shall be unloaded only within a facility or site approved by the Department and all unloading shall be done according to the requirements of the approved site and the Department.
b. Unless warranted by an emergency, such as severe weather conditions, equipment breakdown, or accident, no solid waste shall be allowed to remain or be stored in any collection or haulage vehicle in excess of 24 hours. (13.10)

(11)Inspection of vehicle required for permit. Vehicles used by waste contractors to haul or transport solid waste shall be inspected and approved by the Department. Upon making application for the required permit or license or both, each vehicle used in such business shall be made available to the Department for inspection. If the vehicle meets the requirements of Section 24-2-114(12) and is approved, the following documents shall be issued:
a. An inspection report signed by the Director stating that the vehicle identified by the report has passed inspection.
b. Two permit stickers that shall be placed on the vehicle by the Director to identify the vehicle as having been inspected for the current year. Such stickers shall not be removed, except by the Department, so long as the vehicle is used for hauling.
c. A receipt showing payment of the permit fee. (13.11)

(12)Vehicle requirements. Each vehicle to be used by a waste contractor in the collection or transportation of solid waste shall meet the following requirements:
a. The vehicle body shall be clean, easily cleanable and in good condition and repair.
b. The body shall be metal-lined with steel and welded at all seams or constructed of other materials approved by the Department.
c. The size capacity of the vehicle body or tank shall be certified by the manufacturer or a size certification company approved by the Department.
d. The vehicle shall be easily loaded and emptied.
e. The tailgate or hopper of the vehicle shall be constructed so that the contents of the body will not spill or blow from the vehicle while in motion.

f. A heavy-duty canvas or other acceptable heavy-duty cover that is adequate in size to cover the open body of the vehicle shall accompany the vehicle.
g. The outside of the body shall be painted and identified by the name and telephone number of the person(s) or company owning the vehicle and the size capacity of the truck body or tank in letters and numbers that are legible and at least three inches (7.6 centimeters) in height.
h. All equipment attached to a vehicle hauling liquid or hazardous waste, including, but not limited to, pumps, hoses, valves and the containers or tanks or both used to contain the waste shall be water-tight and in good repair.
i. The vehicle shall comply with all applicable air pollution and noise control ordinances and regulations. (13.12)

(13) Report required. At the request of the Department, a waste contractor or other person collecting and hauling solid waste shall report to the Department the names and addresses of all places of business or persons where collection of solid waste is made and where such waste is hauled or deposited. The report shall be made as required by the Department. (13.13)

(14) Continuing compliance required.
a. A collection vehicle that fails to meet the requirements of these regulations shall be repaired or corrected within the time specified in the notice of violation. If the corrections are not made to the collection vehicle within the time specified in the notice of violation, its use shall be discontinued and the permit issued the owner of the vehicle shall be revoked pursuant to the revocation provision of Section 24-2-109(5) of these regulations.
b. All equipment used for the collection and transportation of solid waste shall be maintained in good condition and cleaned with a frequency and method determined by the Department to prevent the propagation or attraction of flies, rodents or other vectors and prevent the creation of a nuisance.
c. A vehicle shall be used to collect and transport only that type of solid waste for which it was approved when the permit was issued. (13.14)

**(Ord. No. 94-65 Ren & Amd, 06/30/1994, 24-2-113)**

## 24-2-115. PROCESSING FACILITIES. (SECTION 14.0)

(1) General requirements: Processing facilities shall be designed, constructed, operated and maintained:
a. To protect the public health, safety and welfare;
b. To prevent the creation of a nuisance, unsanitary condition, or potential public health hazard;
c. To conform to the requirements of these regulations; and
d. To conform to all applicable air, noise and water pollution control regulations of the Department, the state, county and other governmental entities. (14.1)

(2) Department approval required. Construction and operation of a processing facility shall not be initiated prior to the approval of the Department, and no significant modification, change or alteration shall be made in the construction or operation of a processing facility without the approval of the Department. No person shall operate a processing facility without first obtaining a permit from the Department and posting a bond if required in Sections 24-2-109 and 24-2-110 of these regulations. (14.2)

(3) Report required for approval and permit. Before approval to construct is given and before a permit to operate a processing facility is issued, a report for each proposed processing facility shall be submitted to the Department for review and approval. The plans for a processing facility shall be prepared by a registered professional engineer, except this requirement may be waived by the Department if justified by the size and simplicity of the facility. Unless otherwise directed by the Department, the report shall include:

a. The name of the owner(s) of the processing facility and the person(s) responsible for the facility operations.
b. The present and future population and area to be served by the facility.
c. A legal description and site boundaries.
d. A map or aerial photograph of the area showing the specific location of the processing facility and the land use and zoning within one-quarter mile (402 meters) of the facility. The map or aerial photograph shall be of sufficient scale and shall show all homes, industrial buildings, roads, topography and other applicable details. Boundaries of the processing facility and all such details shall be identified and indicated on the map or aerial photograph.
e. A plot plan of the plant site, including:
    i. The means of limiting access, including but not limited to, fencing, gates and natural barriers;
    ii. The method of acceptably screening the facility from the surrounding area;
    iii. A general layout of equipment and flow pattern;
    iv. Road access; and
    v. The location of existing and proposed utilities servicing the processing facility.
f. Detailed drawings and specifications of all structures, equipment, the storage area and the site plan.
g. Design criteria, rated capacities and expected performance and emission data.
h. Appurtenances and procedures intended:
    i. To handle heavy or bulky waste;
    ii. To store solid waste beyond the end of the working day;
    iii. To control or prevent dust, odors, fire, explosions, noise and wind-blown materials; and
    iv. To handle solid waste if there is a major processing plant breakdown.
i. The number and types of vehicles used to transport solid waste into and out of the facility.
j. The anticipated present and future type, quantity and sources of waste, including moisture content of waste to be handled in the processing facility.
k. Methods of volume reduction, treating or processing, including, but not limited to, composting, compaction, compression, baling, shredding, grinding, tamping, separating and classifying.
l. The names and locations of solid waste disposal sites where solid waste from the processing facility will be hauled.
m. Methods of treating or disposing of any liquid waste resulting from the operation of the processing facility.
n. The daily quantity of residue and the disposal location for all residue, including, but not limited to, by-products resulting from air pollution control devices and quench water.
o. Salvaging, recycling, resource recovery or reclamation activities operated in conjunction with the facility, either on the incoming solid waste or the outgoing residue.

p. A proposed plan for disposition or utilization of the processed compost or waste material, including copies of signed contracts for utilization or other evidence of assured utilization of composted or processed waste materials.
q. The availability of shelter and sanitary facilities for operating personnel.
r. Daily cleanup procedures.
s. Any other information specifically requested by the Department to determine compliance with these regulations. (14.3)

(4) Inspection required on completion. Upon completion of construction and prior to initial operation, the Department shall be notified so that an inspection may be made of the facility to determine conformance with the approved plan and with the applicable provisions of these requirements. Performance tests of the processing facility may be required by the Department. A report covering the results of any performance tests shall be prepared by the design engineer of the project and submitted to the Department with a copy of all supporting data. (14.4)

(5) Minimum facility requirements. Unless otherwise ordered or approved by the Department, each processing facility and site shall be designed, operated, and maintained to meet the following minimum requirements:
a. The processing facility and site shall be situated, equipped, operated and maintained to minimize interference with other community activities.
b. Any processing facility located less than 500 feet (152.5 meters) from a residence shall be obscured by a fence at least eight feet (2.4 meters) high with 75 percent screening, whether the residence is established before or after installation of the facility. This rule may be modified or an exemption granted in writing by the Department if the Director is satisfied that the public health or welfare will not be adversely affected.
c. All-weather roads negotiable by loaded vehicles shall be provided from the public highway or roads to and within the facility, and designed and maintained to prevent traffic congestion, traffic hazards, and air and noise pollution.
d. A sign shall be posted at the entrance to the processing facility that indicates the name, permit number and hours of use; penalty for unauthorized use; necessary safety precautions; types of waste accepted or prohibited; and any other pertinent information that will ensure the health and safety of the public and employees.
e. A building that is roofed and enclosed on at least three sides or otherwise enclosed shall be provided to satisfactorily control dust, litter and other solid waste.
f. Scales shall be provided for accurately weighing all quantities of solid waste delivered to the processing facility.
g. The unloading area shall be adequate in size and design to facilitate the rapid unloading of solid waste from collection vehicles with minimum delay or confusion.
    i. Unloading of solid waste shall take place only within the enclosed structure and approved designated areas. Solid waste shall be confined to the approved unloading, loading and handling areas.
    ii. Dust, odor and noise resulting from the unloading of solid waste and the operation of the processing facility shall be controlled at all times and comply with applicable laws.
h. Transfer vehicles or trailers shall be loaded and operated to prevent dropping, leaking, sifting, blowing, or other escapement of solid waste.
i. A processing facility shall only be used to process the type(s) of solid waste approved by the Department.
    i. Solid waste that is burning or at a temperature likely to cause fire shall not be accepted in the processing facility.

ii. Any large, heavy or bulky items that cannot be handled in the routine operation shall be excluded from the facility unless special provision is made for handling.
iii. Hazardous waste shall not be accepted at a processing facility unless the facility has received approval from the Department and meets the requirements of Sections 24-2-109 and 24-2-110.

j. A sufficient number of transfer vehicles or trailers shall be available to preclude excessive storage of solid waste. Transfer vehicles or trailers containing garbage shall be removed or emptied as often as necessary to maintain good sanitation, but at least every 24 hours. Transfer vehicles and trailers shall be cleaned frequently to prevent a nuisance or insect breeding.

k. All residue from the processing facility, including all solid waste remaining at the end of the working day, shall be promptly disposed at an approved site or properly stored in a way consistent with the applicable provisions of these regulations. Accumulations of garbage and refuse shall be controlled to minimize odors and prevent infestation by insects or rodents. Supplemental effective vector control measures shall be initiated immediately by the operator if necessary to prevent or eliminate insects and rodents.

l. Provisions shall be made to effectively collect, treat and dispose leachate or drainage from the processing operation. Floor surfaces shall be constructed of impervious materials; readily cleanable by flushing; and equipped with floor drains or a sump pump(s) connected to a sanitary sewer system or its equivalent, approved by the Department to facilitate the removal of moisture. A site shall be designed so that surface drainage will be diverted around or away from the operational area of the site. All waste water from the facility shall be discharged into a sanitary sewer or other system approved by the Department.

m. Salvaging shall be conducted in a way that it prevents injury and interference with required facility operation and prevents the creation of an unsightly condition, nuisance or vector harborage. Salvaged material shall be removed from the facility within 24 hours, unless confined to an approved storage area(s). Drugs, cosmetics, foods, beverages, hazardous wastes, poisons, pesticides, pathogenic or medical wastes, syringes, needles or other similar materials capable of impairing public health shall not be salvaged unless this is approved by the Department.

n. Materials resulting from composting or similar processes and offered for sale to or use by the general public:
    i. shall contain no pathogenic organisms;
    ii. shall not reheat upon standing;
    iii. shall be innocuous;
    iv. shall be relatively odor-free;
    v. shall contain no sharp particles that would cause injury to persons handling the compost; and
    vi. shall not otherwise endanger the public health or safety.

o. Adequate provisions shall be made for routine operational maintenance of the processing facility and all appurtenances.
    i. Processing facilities, including access roads, shall be cleaned as often as necessary to prevent conditions creating a health hazard or nuisance.
    ii. All plumbing shall be properly maintained and the floors well-drained and free of standing water.
    iii. Repair or replacement of operational equipment shall be made efficiently and quickly.

p. If, for any reason the processing facility is rendered inoperable, an approved alternate method shall be used for solid waste processing or disposal.
q. Equipment shall be provided to control accidental fires and arrangements made with the local fire protection agency to immediately receive services, if needed.
r. Methods of communication shall be provided for emergency purposes, and all utility services properly maintained.
s. Adequate shelter and sanitary facilities shall be available for facility or site personnel, including, but not necessarily limited to, protection from cold and wet weather, hand washing and toilet facilities and drinking water.
t. The processing facility shall be operated under the close supervision of responsible individuals who are familiar with the requirements and operational procedures of the facility. Qualified personnel shall be at the site to supervise activities during all hours of scheduled operation. Public access to the facility shall be limited to times when an operations employee is on duty. Visitors, users and employees of a site shall have restricted access to operations where explosion hazards exist or where hazardous waste is stored or handled.
u. Reports or records shall be kept and submitted to the Department as requested describing:
    i. The types and amounts of solid waste handled, composted, processed or treated;
    ii. The amount of fuel, compost or other recovered or recyclable material produced from refuse;
    iii. The amount and composition of by-products or residue removed;
    iv. The disposition of by-products or residue;
    v. Combustion temperatures and residence times; and
    vi. Other information on the operation of the processing facility. (14.5)

(6) Termination of operation. Upon termination of the operation of a processing facility, the owner or operator shall notify the Department at least 30 calendar days prior to the termination date and submit any further information as deemed necessary by the Department. Following closure, an inspection shall be made by the Department and corrective repair done as directed by the Department. (14.6)

**(Ord. No. 94-65 Renumbered 06/30/1994, 24-2-114)**

## 24-2-116. DISPOSAL SITES.* (SECTION 15.0)

(1) Sanitary disposal required. Solid waste shall be disposed in a way that will protect the public health, safety and welfare and prevent air and water pollution. (15.1)
(2) Disposal of waste restricted. No person, city, town, municipality, county, or other governmental unit shall dispose of any solid waste at any place except at a disposal site approved by the Department, which is operated and maintained in accordance with the requirements of these regulations. (15.2)
(3) Department approval and bond required.
    a. No construction or operation of a disposal facility or site shall be initiated before plans and specifications are approved in writing by the Department.
    b. No significant modifications shall be made in any disposal site or its operations without the approval of the Department.

c. No person shall operate a disposal site without first obtaining a valid permit from the Department and posting a bond, if required in Sections 24-2-109 and 24-2-110 of these regulations. (15.3)

(4) Report and approval required for permit. Before issuance of approval to construct or a permit to operate a disposal site, a report shall be submitted to the Department for review and approval. The report shall be prepared by a registered professional engineer, except this requirement may be waived by the Department if justified by the size, simplicity or location of the disposal site. Unless otherwise directed by the Department, the report shall include the following information:

a. The names of persons responsible for actual operation and maintenance of the site and the number of personnel to be employed at the site.
b. The present and future population and area to be served by the proposed site.
c. Evidence of land ownership or lease agreements.
d. The total area of the proposed site.
e. A plat, map, or aerial photograph that accurately shows the exact location of the proposed disposal site, current land use and zoning within one-quarter mile (402 meters) of the site. The map or aerial photograph shall be of sufficient scale to show all homes, industrial buildings, airports, wells, watercourses, surface drainage channels, rock outcroppings, roads, general topography, and other applicable details. All such details shall be identified and indicated on the plat, map or aerial photograph.
f. A soil description to a depth of at least five feet (1.5 meters) below the proposed site or proposed excavations and a general description of geology of the area. Data shall be obtained by soil borings, trenching or other method(s) approved by the Department.
g. A description of surface water within one-quarter mile (402 meters) of the land disposal site, including seasonal variations; a description of minimum and maximum groundwater elevations throughout the site; groundwater flow patterns; and groundwater quality and quantity. In addition, the Department may require groundwater monitoring wells and a water quality sampling and analysis program of ground and surface waters prior to construction and operation of a site, during operation of a site, and after closure of a site. If the program is required, the following provisions of the program shall be submitted for Departmental approval:
    i. The number, location and depth of the wells;
    ii. Methods of construction of the wells;
    iii. The name of the person(s) to perform the sampling, the sampling frequency, and sampling period;
    iv. The type of analysis that is to be performed;
    v. The method(s) of analysis; and
    vi. The name of the laboratory performing the analysis.
h. The availability, source, and characteristics of cover material.
i. Potential leachate and decomposition gas generation, including the amount and physical and chemical characteristics; proposed leachate and decomposition gas control systems, if necessary, including the method(s) of monitoring, collection, treatment, and necessary disposal.
j. The anticipated type, quantity, and source of solid waste to be deposited at the site.
k. The intended operating program and procedures, including:
    i. The hours and days of operation;
    ii. Existing and proposed utilities;
    iii. The method and plan of landfilling;

iv. The type and availability of equipment for efficient excavating, earth moving, spreading, compaction and other needs;
v. Fencing for control of access and the prevention of scattering of waste material by wind;
vi. Provisions for fire control;
vii. Provisions for handling special or hazardous wastes or both;
viii. Employee facilities; and
ix. Any other pertinent information that clearly indicates the orderly development, operation and completion of the sanitary landfill.

l. Evidence of year-round accessibility, including an all-weather road to the site.
m. The expected life span of the site, the anticipated use of the land following completion as a disposal site, and the program for maintaining the site following closure, as required in Section 24-2-116(7) of these regulations.
n. Any other information specifically requested by the Department to ensure compliance with these regulations. (15.4)

(5) Basis and procedure for plan approval. The following conditions and procedures of plan approval shall be followed:
a. Plan approval will depend, in part, upon adequate isolation, avoidance of excessively irregular topography, groundwater elevations, extremely pervious soil formations, surface rock formations and outcroppings, and close proximity to natural drainage channels. There shall be at least five feet (1.5 meters) of separation between the bottom of disposal trenches and the highest groundwater elevation. Exceptions to this requirement will be considered on a case-by-case basis, but only if the site can be modified to demonstrably preclude any wetting of deposited waste by groundwater.
b. Upon approval of the plans and supporting information, persons concerned will be notified in writing by the Department. Approval will include appropriate limitations on types of solid waste to be accepted.
c. The Department may revise its approval or disapproval to construct or operate a site in order to make it compatible with new regulations that are adopted by the Department. (15.5)

(6) Minimum site requirements. Unless otherwise ordered or approved by the Department, each sanitary landfill or land disposal site shall be designed, constructed, operated and maintained to meet the following minimum requirements:
a. Only waste for which the site has been designed and for which the Department has given approval shall be accepted at the site.
b. The site shall be designed, constructed, operated and maintained in a way that will protect the health and safety of individuals employed at the site, users of the site, and the public.
i. A safety manual shall be available for use by employees and they shall be instructed in application of the manual's procedures.
ii. Personal safety devices, including, but not limited to, hard hats, gloves, safety glasses and footwear, shall be required for site employees.
iii. Safety devices, including, but not limited to, rollover protective structures, seat belts, audible reverse warning devices and fire extinguishers, shall be provided on all equipment used to spread and compact solid wastes or cover material.
iv. Communications equipment shall be available on site for emergency situations.
c. Qualified personnel shall be at the site to supervise activities during all hours of scheduled operation.

d. The site shall not allow uncontrolled public access, and the site shall be accessible only when operating personnel are on duty.
e. A sign shall be posted at the entrance to the site that indicates the name, permit number, hours of use, penalty for unauthorized use, necessary safety precautions, types of waste accepted or prohibited, and any other pertinent information to ensure the safety and health of the public and employees. Signs shall be posted to direct traffic in an orderly manner, to show general discharge areas, restrictions and access to hazardous waste or special waste disposal areas, and to maintain efficient operating conditions.
f. The supervisor or other responsible person shall keep records of amounts and types of solid waste accepted. This may be done by weighing the material brought to the site, measuring the volume of waste deposited, or estimating the area filled on the site. The amount and location of area completed shall be recorded and kept on file. Such records shall be made available to the Department upon request.
g. Dust shall be controlled at the site and along access roads as necessary to maintain the comfort and health of employees and users of the site and to comply with applicable air pollution control ordinances and regulations.
h. Access roads and the site shall be cleaned as often as necessary to prevent unsightly conditions caused by blowing papers and other misplaced refuse.
i. All solid waste shall be unloaded and deposited only in those areas of the site designated by site personnel and as authorized by the Department in the plan approval.
j. Adequate equipment for trenching, compacting and covering shall be available.
k. All solid waste shall be compacted to the greatest degree practical. The working face shall be limited to the smallest area practical to confine the amount of exposed waste without interfering with effective operation procedures.
l. At least six inches (15.2 centimeters) of cover material shall be placed daily over all solid waste received each day or as often as directed by the Department, after compaction to the smallest practical volume. Cells that will not have additional solid waste placed on them for three months or more shall be covered with 12 inches (30.5 centimeters) of cover material. A minimum of two feet (61 centimeters) of cover material shall be placed over any completed segment of the site.
m. Salvaging shall be conducted in a way that it prevents injury, interference with required site operation, and the creation of a health hazard, nuisance or vector harborage. Drugs, cosmetics, foods, beverages, hazardous chemicals, poisons, pesticides, pathogenic or medical wastes, syringes, needles, or other similar materials capable of impairing public health shall not be salvaged unless approved by the Department. Scavenging shall be prohibited.
n. Insects and rodents or other disease or nuisance vectors shall be controlled at the site through minimization of food and harborage and through initiation of additional control programs if vector populations become established.
o. No open burning shall be permitted. Provisions shall be made to extinguish any fires in solid waste being delivered to the site or that occur at the working face or within equipment or personnel facilities.
p. A disposal site shall not cause:
    i. A discharge of pollutants into the waters of the United States that is in violation of the requirements of the National Pollutant Discharge Elimination System (NPDES) under Section 402 of the Clean Water Act as amended.

ii. A discharge of dredged material or fill material into waters of the United States that is in violation of the requirements under Section 404 of the Clean Water Act as amended.
iii. Nonpoint source pollution of waters of the United States that violates applicable legal requirements implementing an area-wide water quality management plan that has been approved by the Administrator of the United States Environmental Protection Agency under Section 208 of the Clean Water Act as amended.

q. Surface water runoff shall be controlled at the site by the following measurers:
i. Final grading of the site shall promote rapid surface runoff without excessive erosion.
ii. The site shall be equipped with suitable channeling devices, including, but not limited to, ditches, berms or dikes, to divert surface runoff from the land area contiguous to the site.
iii. Final cover material shall be well-compacted to enhance runoff while minimizing infiltration.
iv. Runoff not contaminated by solid waste or by leachate shall be routed to a settling basin or by other equally effective control measures to remove sediment before discharge to a receiving stream.
v. The final soil cover on any completed portion of the site shall be seeded or otherwise vegetated to minimize erosion and maximize evapotranspiration.

r. A disposal site shall not contaminate an underground drinking water source or the groundwater beyond the boundary of the disposal site as established in the plan approved by the Department. For the purpose of this section, "contaminate" means the introduction of a substance that would cause the concentration of that substance in the groundwater to exceed the maximum contaminant level specified by state or federal law or the Department, or the introduction of a substance that would cause an increase in the concentration of that substance in the groundwater if the existing concentration of that substance exceeds the maximum contaminate level specified by state or federal law or the Department.

s. Surface water, groundwater, and decomposition gases shall be monitored to determine when remedial action plans are to be implemented:
i. Monitoring wells or other monitoring devices shall be installed and maintained as approved or directed by the Department.
ii. Samples from the monitoring wells or other monitoring devices for surface and groundwater shall be collected and analyzed prior to disposal of solid waste in order to obtain baseline data.
iii. Samples shall be collected from all monitoring wells or devices and analyzed at least once a year and more often if directed by the Department. Copies of the required analysis shall be submitted to the Department within 30 calendar days after sampling, unless otherwise directed by the Department.
iv. Monitors or suitable probes shall be used to enable detection of gases migrating from the site. Explosive gases shall be monitored for their presence above the lower explosive limit. Toxic or asphyxiating gases shall be monitored periodically on a schedule approved by the Department.

t. If required by the Department, leachate control shall be accomplished by one or more of the following practices:

i. The bottom of the disposal site shall be five feet (1.5 meters) or more above the seasonal high groundwater table.
ii. Leachate monitoring devices shall be appropriately placed to monitor the passage of leachate from the site to the groundwater.
iii. The water table shall be lowered.
iv. There shall be no uncontrolled hydraulic connection between the site and standing or flowing surface water.
    1. Surface runoff diversion structures shall be constructed surrounding the landfill that are capable of diverting away from the landfill all of the surface water runoff from upland drainage areas.
    2. Disposal sites located in the 100-year floodplain shall have a dike of sufficient structural strength and height to prevent inundation.
v. If natural hydrogeologic conditions are unable to eliminate the impact of the total quantity of leachate upon underlying groundwater, the bottom of the site shall be lined with low permeability soil or other approved material. If natural hydrogeologic conditions are virtually incapable of eliminating the impact of any leachate upon the underlying groundwater, the escape of leachate from the bottom and sides of the site shall be prevented by the placement of liners and constant drainage systems. Such liners shall have:
    1. A permeability of 1 x 10 (to the minus 7th degree) centimeters per second (one inch or 2.54 centimeters per year) or less.
    2. The ability to resist physical and chemical attack by leachate.
    3. The capability of maintaining integrity for the design life.
    4. A minimum thickness of 12 inches (30.5 centimeters) for natural soil liners and a minimum thickness of twenty mils for synthetic membrane liners, unless otherwise approved by the Department.
vi. Leachate collection, treatment and disposal shall be:
    1. Discharged into a municipal or industrial wastewater treatment system if the discharge does not impede the operation of the wastewater treatment system;
    2. Disposed by controlled application onto the surface of land if sufficient acreage is available and hydrology, soil type, vegetation, topography and climate for leachate disposal are suitable and groundwater contamination will not occur;
    3. Recirculated onto active or completed sections of the site; or
    4. Accomplished using other methods approved by the Department.

u. Decomposition gases shall be prevented from migrating to other property or from concentrating in such volume that a danger of explosion or toxicity hazard is created. The concentration of explosive gases generated by the site shall not exceed 25 percent of the lower explosive limit for the gases in a site structure, except for gas control or recovery system components. Explosive gases shall not exceed the lower explosive limit for the gases at the property line. For the purpose of this section "lower explosive limit" shall mean the lowest percentage by volume for mixture of explosive gases that will produce a flame in the air at 76.8 degrees F (25 degrees C) and atmospheric pressure using a testing method approved by the Department. Gas control shall be accomplished:

i. By restricting from disposal at the site volatile solid waste materials with a known high potential for release of harmful gases as a result of chemical reaction;
ii. By construction barriers of natural or artificial materials to prevent the horizontal migration of gases;
iii. By constructing venting or exhaust systems consisting of gravel-filled trenches, or perforated pipe or both;
iv. By providing a combination of barriers or venting systems; or
v. By using other methods approved by the Department.

v. Water treatment plant and digested wastewater treatment plant sludges containing no free moisture shall be placed on the working face and covered with municipal solid waste.
w. Bulky wastes, including, but not limited to, automobile bodies, furniture, appliances and similar items shall be crushed and deposited on the working face near the bottom of the cell or in a separate disposal area. Other bulky items, including, but not limited to, demolition and construction debris, tree trunks, stumps and large timbers shall be deposited on the working face near the bottom of the cell or in a separate disposal area.
x. Dead animals received at the site shall be deposited on the working face at or near the bottom of the cell with other solid waste or in a separate disposal area, provided they are covered immediately with at least six inches (15.2 centimeters) of cover material to prevent odors and the attraction, propagation and harborage of rodents and insects.
y. Any land disposal site disposing of garbage that may attract birds and that exists within 10,000 feet (3,048 meters) of any airport runway used by turbo-jet aircraft or within 5,000 feet (1,524 meters) of any airport runway used by only piston-type aircraft shall ensure there is not a bird hazard to aircraft.
z. In addition to the requirements given in these regulations, a disposal site located in the 100-year floodplain shall not:
    i. Restrict the flood that has a one percent or greater chance of recurring in any year or a flood of a magnitude equaled or exceeded once in 100 years on the average over a significantly long period;
    ii. Reduce the temporary water storage capacity of the floodplain; and
    iii. Result in solid waste being washed out or carried away by the waters of a flood.
        1. Adequate shelter and sanitary facilities shall he available for facility or site personnel, which shall include, but not necessarily be limited to, protection from cold and wet weather, hand washing and toilet facilities and drinking water. (15.6)

(7) Closing of land disposal sites:
a. Any person owning or operating a disposal site shall, prior to closure of the site, furnish the Department at least a 30-calendar day written notice.
b. If directed by the Department, a maintenance program shall be initiated immediately following closure of a completed site and continued by the owner or operator for as long as deemed necessary by the Department. The maintenance program may include, but not necessarily be limited to, the following:
    i. Monitoring and analysis of surface water, groundwater and decomposition gases;
    ii. Leachate and decomposition gas management, including collection, storage, transportation and treatment;

iii. Land surface care, including proper drainage, erosion prevention, settlement and vegetation. (15.7)

(8) Closing of existing or abandoned open dumps. Existing or abandoned open dumps shall be closed within two years following the effective date of these regulations, or sooner if ordered by the Department and in accordance with the following requirements:
   a. Absence of rats and other vermin shall be positively established. If rats or other vermin are present, an extermination procedure shall be established and carried out by qualified individuals prior to closing.
   b. All fires shall be extinguished before final cover of earth is applied.
   c. All solid wastes shall be consolidated, compacted and covered with at least two feet (61 centimeters) of suitable cover material.
   d. The final grading shall be accomplished to provide proper surface drainage and to avoid ponding.
   e. If feasible, the area should be planted with grass or other vegetation.
   f. Any other corrective measures to protect the public health, safety or welfare shall be made as directed by the Department. (15.8)

**(Ord. No. 94-65 Renumbered 06/30/1994, 24-2-115)**

## 24-2-117. NOTICE.* (SECTION 16.0)

(1) Department to notify owners or others of violations. If the Director has inspected any property and has found and determined that the property is in violation of these regulations or has reasonable grounds to believe that there has been a violation of any part of these regulations, he shall give notice of the violation(s) to the owner(s) or other responsible person(s) thereof. (16.1)

(2) Department to issue written notice of violation(s). Prior to initiating a court complaint for the violation of these rules and regulations, the Director shall issue a notice pursuant to Section 24-2-117(1) and shall:
   a. Describe the property;
   b. Give a statement of the cause for its issuance;
   c. Set forth an outline of the remedial action that complies with the provisions of these regulations; and
   d. Set a reasonable time for the performance of any required remedial act. (16.2)

(3) Department to serve notice. The Director shall serve notice upon the owner(s) of the property or other responsible person(s) pursuant to Sections 24-2-117(1) and 24-2-117(2) of these rules and regulations. Service shall be deemed complete if the notice is served in one of the following ways:
   a. Served in person;
   b. Sent by certified mail to the last known address of the owner(s) or other responsible person(s); or
   c. Published in a newspaper of general circulation. (16.3)

**(Ord. No. 94-65 Ren & Amd, 06/30/1994, 24-2-116)**

## 24-2-118. ENFORCEMENT. (SECTION 17.0)

(1) Department to ensure compliance. It shall be the duty of the Director upon the presentation of proper credentials, to make inspections of any property where solid waste is accumulated, stored, or where a facility or site is located or will be located as is necessary to ensure compliance with these regulations. (17.1)
(2) Inspection made with consent. Departmental inspections may be made with the consent of the owner(s) or other responsible person(s). If consent is not granted, a search may be made pursuant to an administrative search warrant issued by a court of competent jurisdiction. (17.2)
(3) Owners may request a factual report of inspections. Upon request, the owner(s) or other responsible person(s) of any property shall receive a report setting forth all facts found that relate to his compliance status. (17.3)

**(Ord. No. 94-65 Renumbered 06/30/1994, 24-2-117)**

## 24-2-119. RIGHT TO APPEAL. (SECTION 18.0)

Within 10 calendar days after the Department has given a notice of violation(s), any person(s) aggrieved by the notice may request in writing a hearing before the Department. The hearing shall take place within 10 calendar days after the request is received. A written notice of the Director's final determination shall be given within 10 calendar days after adjournment of the hearing. The Director may sustain, modify or reverse the action or order.

**(Ord. No. 94-65 Renumbered 06/30/1994)**

## 24-2-120. PENALTY. (SECTION 19.0)

(1) Any person who is found guilty of violating any of the provisions of these rules and regulations, either by failing to do those acts required herein or by doing a prohibited act, is guilty of a class "B" misdemeanor, pursuant to Section 26-24-22, Utah Code Annotated 1953, as amended. If a person is found guilty of a subsequent similar violation within two years, he is guilty of a class "A" misdemeanor, pursuant to Section 26-24-22, Utah Code Annotated 1953, as amended. (19.1)
(2) Each day such violation is committed or permitted to continue shall constitute a separate violation. (19.2)
(3) The city attorney or, if appropriate, the county attorney, may initiate legal action, civil or criminal, requested by the Department to abate any condition that exists in violation of these rules and regulations. (19.3)
(4) In addition to other penalties imposed by a court of competent jurisdiction, any person(s) found guilty of violating any of these rules and regulations shall be liable for all expenses incurred by the Department in removing or abating any nuisance, source of filth, cause of sickness or infection, health hazard or sanitation violation. (19.4)

**(Ord. No. 94-65 Renumbered 06/30/1994)**

## 24-2-121. SEVERABILITY. (SECTION 20.0)

If any provision, clause, sentence or paragraph of these rules and regulations or the application thereof to any person or circumstances shall be held to be invalid, such invalidity shall not affect the other provisions or applications of these rules and regulations. The valid part of any clause, sentence or paragraph of these regulations shall be given independence from the invalid provisions or application and to this end, the provisions of these regulations are hereby declared to be severable.

**(Ord. No. 94-65 Renumbered 06/30/1994)**

## 24-2-122. EFFECTIVE DATE. (SECTION 21.0)

These rules and regulations shall become effective fifteen days after their enactment by the Salt Lake City-County Board of Health.

**(Ord. No. 94-65 Renumbered 06/30/1994)**

# CHAPTER 24-3
# RESERVED (REGULATION #2)

# CHAPTER 24-4
# RESERVED (REGULATION #3)

# CHAPTER 24-5
# RESERVED (REGULATION #4)

# CHAPTER 24-6
# RESERVED (REGULATION #5)

# CHAPTER 24-7
# LANDSCAPE, PROPERTY, AND BUILDING MAINTENANCE

Sections:

24-7-101. Definitions.
24-7-102. Purpose.
24-7-103. Real Property; Required Landscaping; Maintenance Requirements.
24-7-104. Real Property Maintenance.
24-7-105. Maintenance of Structures.
24-7-106. Parkway Maintenance
24-7-107. Failure to Properly Maintain Landscaping Property or Structures.

## 24-7-101. DEFINITIONS.

For the purpose of these regulations, the following terms, phrases and words shall have the meaning herein expressed:

(1) Department: means the West Valley City Community Preservation Department.

(2) Director: means the West Valley City Community Preservation Director or his authorized representatives.

(3) Eradicate or Eradication: means the complete elimination or destruction of all ordinance violations relating to landscape, property or buildings.

(4) "Landscape or Landscaping" means the improvement of property through the addition of plants and the eradication of weeds and other deleterious material. Landscaping includes trees and may also include a combination of shrubbery, lawn, and vegetative or non-vegetative permeable groundcover. These may be further complemented with earth berms, walls and fences, all harmoniously combined to produce an aesthetic effect appropriate for the intended use. Landscaping may be designed to enhance and preserve natural features of a site, to make land more attractive for residential or other uses, to screen unattractive uses, or to act as buffers to visually separate different types of uses.

(5) Landscape or Landscaping Maintenance: means maintaining or keeping any landscaping or any area required to be landscaped:

   a. in a live condition, with consideration for common growth and water needs;
   b. free from weeds, disease, pests, litter and all other nuisances;
   c. fertilized, trimmed, edged, mulched and in a clean and living condition in compliance with regionally accepted horticultural practice.

(6) Maintain or Maintenance means when an object, structure, or other ordinance requirement is kept in working order or generally acceptable appearance by conducting necessary or ordinary repairs from time to time to keep such object, structure or ordinance requirement in working order.

(7) Owner: Any person, who alone or jointly or severally with others:

   a. Has legal title to any premises, dwelling or dwelling unit, with or without accompanying actual possession thereof; or
   b. Has charge, care or control of any premises, dwelling or dwelling unit, as legal or equitable owner, agent of the owner, lessee, or is an executor, administrator, trustee or guardian of the estate of the owner.

(8) Parkway: means the area, which is within a public street right of way, that is located between the back of the curb (or edge of pavement if there is no curb) and the sidewalk or, if there is no sidewalk, the edge of the right of way. Parkways are often referred to as park strips.

(9) Person: Any individual, public or private corporation and its officers, partnership, association, firm, trustee, executor of an estate, the state or its departments, institution, bureau, agency, municipal corporation, county, city, political subdivision, or any legal entity recognized by law.

(10) Solid Waste:

   a. Garbage, refuse, trash, rubbish, hazardous waste, dead animals, sludge, liquid or semi-liquid waste, and other spent, useless, worthless or discarded materials;
   b. Materials stored or accumulated for the purpose of discarding;
   c. Materials that have served their original intended purpose; or
   d. Waste material resulting from industrial, manufacturing, mining, commercial, agricultural, residential, institutional, recreational, or community activities.

e. Materials resulting from unmaintained landscaping or buildings whether in a residential, commercial or other zone.
f. Except it does not include solid or dissolved materials in domestic sewage or in irrigation return flows or discharges for which a permit is required under Chapter 11, Title 26, Utah Code Annotated 1953, as amended, or under the Federal Water Pollution Control Act, 33 U.S.C., Section 1251, et seq. (1.6)

**(Ord. No. 05-20 Enacted 04/19/2005; Ord. No. 05-56 Amended 12/20/2005)**

## 24-7-102. PURPOSE.

It is the purpose of these regulations to provide for the cleaning of real property, securing, maintenance or removal of structures, control of weeds and maintenance, removal or eradication of unmaintained landscaping, property or structures in City, in a way that will:

(1) Prevent fire hazards; (2.1)
(2) Prevent insect, rodent and other vermin harborage;
(3) Prevent induction of hazardous pollens into the air;
(4) Prevent further spreading of vegetation that threatens the public health, safety or welfare;
(5) Abate the existence or condition of objects, structures or solid waste that threaten the public health, safety, or welfare or that create a public nuisance; or negatively affects the City's image, property values or neighborhood success.
(6) Prevent the continued existence of unsightly or deleterious objects and structures upon property resulting from lack of maintenance, repair or cleaning.
(7) Enhance the appearance of property, increase property values and encourage neighborhood creation and maintenance within the City.
(8) Protect property values and improve the health and safety and appearance of the City by requiring that all landscaping and areas required to be landscaped be maintained in an appropriate and effective manner.
(9) Protect property values and improve the health and safety and appearance of the City by requiring that all Property to include all physical structures be maintained in an appropriate and effective manner.

**(Ord. No. 05-20 Enacted 04/19/2005)**

## 24-7-103. REAL PROPERTY; REQUIRED LANDSCAPING; MAINTENANCE REQUIREMENTS.

(1) All developed residential parcels in the City shall have and maintain the following landscaping:
    a. Landscaping shall be installed in front yards between the front line of the house and the sidewalk on the entire width of the lot excluding the driveway. On corner lots, landscaping shall be installed in all areas between the sidewalk and the side line of the house between the front property line and the rear property line which are visible from the public right-of-way.
    b. Landscaping shall include at least one tree and a combination of lawn, shrubs or groundcover. Deciduous trees shall be a minimum size of 2- inch caliper. Conifer trees shall be at least six feet in height. Groundcover may include vegetative vines, low-spreading shrubs, or annual or perennial flowering or foliage plants. Groundcover may also include mineral or nonliving organic permeable material in not more than 50

percent of the net landscaped area. Mineral groundcover may include such materials as rocks, boulders, gravel, or brick over sand. Species, size, and placement of landscape elements shall be determined by the homeowner; however, low-water use landscaping is encouraged.

c. At the time the water supply line to a house is installed, the builder shall furnish and install a stop-and-waste valve with an access sleeve and capped mainline to the surface to facilitate future sprinkler system installation. The stop-and-waste valve may also be located inside the home with a mainline extended to the exterior of the foundation wall and capped.

d. On lots over one-half acre in size, landscaping shall only be required on 80 feet of street frontage to the depth of the front yard setback. On corner one-half acre lots, 80 feet of frontage shall be landscaped on each street. The 80-foot frontage may include customary access drives.

(2) All developed non-residential lots shall acquire and maintain landscaping as set forth in Title 7 of the West Valley City Municipal Code.

(3) It shall be unlawful for any person owning or occupying real property within West Valley City, to fail:

a. To provide landscaping in all areas where landscaping exists or is required to exist. This shall apply to all real property throughout the City regardless of age of development, zone or status.

b. To install, maintain, replace or repair landscaping in all areas where it is required to exist or does exist.

**(Ord. No. 05-20 Enacted 04/19/2005)**

## 24-7-104. REAL PROPERTY MAINTENANCE.

It shall be unlawful for any person owning or occupying real property within West Valley City, to fail:

(1) To properly maintain real property including but not limited to concrete, fencing, lighting, non-attached structure items, retaining walls, sheds, or mailboxes.

(2) To maintain, repair or replace fencing and to clear any weeds or other noxious plant material that is growing through around, under or up into fences.

(3) To maintain any fencing that is falling down, hazardous, being used as a retaining wall or is unsightly.

(4) To park any motorized or non motorized vehicle, camper, trailer or boat on an ordinance approved location as set forth in Title 7 of the West Valley City Municipal Code.

**(Ord. No. 05-20 Enacted 04/19/2005)**

## 24-7-105. MAINTENANCE OF STRUCTURES.

It shall be unlawful for any person owning or occupying real property within West Valley City, to fail to:

(1) Maintain all buildings and other structures to the minimum standards required by the International Property Maintenance Code, the Uniform Housing Code, and the Uniform Code for Abatement of Dangerous Buildings.

(2) Maintain each exterior window of a building with an intact and unbroken window pane with an appropriate screen that shall remain in place at all times.

(3) Provide each exterior doorway with an appropriate door as required by the International Property Maintenance Code, the Uniform Housing Code, and the Uniform Code for Abatement of Dangerous Buildings.

(4) Provide and maintain weatherproofing on all exterior surfaces that protect the building such as paint, masonry, siding, stucco, roof coverings, rain gutters, garage doors, and carports as required by the International Property Maintenance Code, the Uniform Housing Code, and the Uniform Code for Abatement of Dangerous Buildings.

**(Ord. No. 05-20 Enacted 04/19/2005)**

## 24-7-106. PARKWAY MAINTENANCE.

(1) Landscaping or concrete shall be installed in all parkways. A permit is required to install concrete in parkways as required in Section 19-2-701.
(2) When a parcel is adjacent to a street that includes a parkway, the owner of such parcel shall be responsible for:
    a. The landscaping or concrete installation within the parkway and
    b. The maintenance of the parkway unless the City has agreed through a development agreement to maintain the parkway.

**(Ord. No. 05-56 Enacted 12/20/2005)**

## 24-7-107. FAILURE TO PROPERLY MAINTAIN LANDSCAPING PROPERTY OR STRUCTURES.

(1) If the responsible person(s) fail to comply with this Ordinance, the Department may, in addition to other legal action:
    a. Undertake or cause the required maintenance;
    b. Repair, replace or maintain landscaping that exists or is required to exist.
(2) The Department, upon approved completion of the work, shall:
    a. Prepare an itemized statement of all costs, including administrative expenses.

**(Ord. No. 05-20 Enacted 04/19/2005; Ord. No. 05-56 Renumbered 12/20/2005)**

# CHAPTER 24-8
# CLEANING OF REAL PROPERTY, WEED CONTROL AND GRAFFITI REMOVAL

Sections:

24-8-101. Definitions.** (Section 1.0)
24-8-102. Purpose.* (Section 2.0)
24-8-103. Jurisdiction.* (Section 3.0)
24-8-104. Scope. (Section 4.0)
24-8-105. Real property to be kept clean and secured.* (Section 5.0)
24-8-106. Standards for Weed Control.* (Section 6.0)
24-8-107. Notice. (Section 7.0)
24-8-108. Enforcement. (Section 8.0)
24-8-109. Department authority to clean and secure property and remove graffiti upon responsible person failure to comply.* (Section 9.0)
24-8-110. Alternate Methods of Compelling Payment.* (Section 10.0)
24-8-111. Collection by Lawsuit.* (Section 11.0)
24-8-112. Collection through Taxes.* (Section 12.0)
24-8-113. Examination and Investigation.* (Section 13.0)
24-8-114. Right to Appeal.* (Section 14.0)
24-8-115. Penalty.* (Section 15.0)

## 24-8-101. DEFINITIONS.* (SECTION 1.0)

For the purpose of these regulations, the following terms, phrases and words shall have the meaning herein expressed:

(1) Department means the West Valley City Community Preservation Department. (1.1)
(2) Director means the West Valley City Community Preservation Department Director or his authorized representatives. (1.2)
(3) Eradication: The complete destruction of weeds by chemicals, root removal or any other method approved by the Department. (1.3)
(4) Owner: Any person, who alone or jointly or severally with others:
    a. Has legal title to any premises, dwelling or dwelling unit, with or without accompanying actual possession thereof; or
    b. Has charge, care or control of any premises, dwelling or dwelling unit, as legal or equitable owner, agent of the owner, lessee, or is an executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. (1.4)
(5) Person: Any individual, public or private corporation and its officers, partnership, association, firm, trustee, executor of an estate, the state or its departments, institution, bureau, agency, municipal corporation, county, city, political subdivision, or any legal entity recognized by law. (1.5)
(6) Solid Waste:
    a. Garbage, refuse, trash, rubbish, hazardous waste, dead animals, sludge, liquid or semi-liquid waste, and other spent, useless, worthless or discarded materials;
    b. Materials stored or accumulated for the purpose of discarding;
    c. Materials that have served their original intended purpose; or
    d. Waste material resulting from industrial, manufacturing, mining, commercial, agricultural, residential, institutional, recreational or community activities.
    e. Except it does not include solid or dissolved materials in domestic sewage or in irrigation return flows or discharges for which a permit is required under Chapter 11, Title 26, Utah Code Annotated 1953, as amended, or under the Federal Water Pollution Control Act, 33 U.S.C., Section 1251, et seq. (1.6)
(7) Weeds:
    a. Vegetation that has become a fire hazard;
    b. Vegetation that is noxious, a nuisance or dangerous, as determined by the Director;
    c. Grasses, stubble, brush, tumbleweeds, clippings and cuttings that endanger the public health and safety by creating a fire hazard; insect, rodent or other vermin harborage, or other nuisance;
    d. Poison ivy; and
    e. Plants specified as weeds in the Utah Noxious Weed Act, Title 4, Chapter 17, Utah Code Annotated, and its subsequent regulations. (1.7)
(8) Abate means to put an end to any condition which is considered a violation of this Chapter. (1.8)
(9) Deleterious means anything injurious to the health, safety or welfare of other persons. (1.9)
(10) Property means any form of real property, including a habitable structure or any structure that is appurtenant thereto, object, or anything that is visible or tangible. Specifically including, but not limited to, hedges, automobiles, etc. (1.10)
(11) Structure means anything constructed or erected which requires location on or below the ground, specifically including, but not limited to, fences, wells, poles, buildings or sheds. (1.11)

(12)Unsightly means offensive to the visual senses as reasonably determined by the Department. (1.12)

(13)Graffiti means the unauthorized spraying of paint or marking of ink, chalk, dye or other similar substances on public and private structures. For the purposes of Section 10-11-1, et seq., Utah Code Annotated, graffiti is deleterious and unsightly.

**(Ord. No. 05-35 Amended 08/16/2005)**

## 24-8-102. PURPOSE.* (SECTION 2.0)

It is the purpose of these regulations to provide for the cleaning of real property, securing, maintenance or removal of structures, control of weeds and removal or obliteration of graffiti from structures within West Valley City, in a way that will:

(1) Prevent fire hazards; (2.1)
(2) Prevent insect, rodent and other vermin harborage; (2.2)
(3) Prevent induction of hazardous pollens into the air; (2.3)
(4) Prevent further spreading of vegetation that threatens the public health, safety or welfare; (2.4)
(5) Abate the existence or condition of objects, structures or solid waste that threaten the public health, safety, or welfare or that create a public nuisance; (2.5)
(6) Prevent the continued existence of unsightly or deleterious objects and structures upon property resulting from lack of maintenance, repair or cleaning.
(7) Enhance the appearance of property and reduce communication between criminal elements by elimination of graffiti on structures within the City. (2.6)

## 24-8-103. JURISDICTION.* (SECTION 3.0)

All cleaning, maintenance or removal of property, weed control and graffiti removal or obliteration enumerated in this Chapter shall be subject to the direction and control of the Department.

## 24-8-104. SCOPE. (SECTION 4.0)

It shall be unlawful for any person not to comply with any rule or regulation promulgated by the Department, unless expressly waived by these rules and regulations.

## 24-8-105. REAL PROPERTY TO BE KEPT CLEAN AND SECURED.* (SECTION 5.0)

It shall be unlawful for any person owning or occupying real property within West Valley City, after receiving written notice from the Department to fail:

(1) To maintain the height of weeds on the property, including adjacent parking strip(s), alley(s) and street edge(s) as required in Section 24-8-106. (5.1)
(2) To remove from the property and lawfully dispose of all cuttings from weeds or solid waste. (5.2)
(3) To effectively secure any vacant structure. (5.3)
(4) To maintain or repair any unsightly or deleterious objects or structures, as defined in this Chapter. (5.4)
(5) To remove from the property and lawfully dispose of any unsightly or deleterious objects or structures. (5.5)

(6) To remove or obliterate any graffiti from or on any structure located upon any real property within the City, when the graffiti is visible from the street or other public or private property.

## 24-8-106. STANDARDS FOR WEED CONTROL.* (SECTION 6.0)

Weeds shall be maintained at a height of not more than six inches (15.2 cm) at all times, and the cuttings shall be promptly cleared and removed from the premises.

(1) Weeds must be eradicated by chemicals, cutting, or other acceptable method so they do not exceed six inches (15.2 cm) in height. (6.1)
(2) Weeds that are rototilled, disked, or removed by the root must be buried under the soil, removed from the property, or composted as allowed by law. (6.2)
(3) If the Department determines that the large size of the property makes the cutting of all weeds impractical, the Department may issue an order limiting the required removal of weeds as described in subsection (2) to create a firebreak of not less than 25 feet in width around any structures and around the complete perimeter of the property. (6.3)
(4) Except that real property not in close proximity to buildings or not creating a serious nuisance or fire hazard may be exempted by the Department from the weed control requirements. (6.4)

**(Ord. No. 94-88 Amended 08/15/1994; Ord. No. 96-29 Amended 05/20/1996)**

## 24-8-107. NOTICE. (SECTION 7.0)

(1) Department to notify owner(s) or other(s) of violations. If the Department has inspected any premises and has found and determined that the property is in violation of these regulations or has reasonable grounds to believe that there has been a violation of any part of these regulations, or has determined that graffiti exists on a structure which is visible from the street or other public or private property, he shall give notice of the violation(s) to the owner(s) or other responsible person(s) thereof. (7.1)
(2) Department to issue written notice of violation(s). Prior to initiating a court complaint for the violation of these rules and regulations, the Department shall issue a notice pursuant to Section 24-8-107(1) and shall:
    a. Describe the property;
    b. Give a statement of the cause for its issuance;
    c. Set forth an outline of the remedial action that complies with the provisions of these regulations; and
    d. Set a reasonable time for the performance of any required remedial act. However, in the case of graffiti removal or obliteration, the time shall not exceed 10 days from the date of the notice. (7.2)
(3) Department to serve notice. The Department shall serve notice upon the owner(s) of the property or other responsible person(s) pursuant to Sections 24-8-107(1) and 24-8-107(2) of these rules and regulations. Service shall be deemed complete if the notice is served in one of the following ways:
    a. Served in person;
    b. Sent by mail, postage prepaid, to the last known address of the owner(s) or other responsible person(s); or
    c. Published in a newspaper of general circulation. (7.3)
(4) One written notice sufficient for each calendar year. Only one notice need be served upon the person(s) during any calendar year directing the cutting and removal of weeds. (7.4)

**(Ord. No. 96-29 Amended 05/20/1996)**

## 24-8-108. ENFORCEMENT. (SECTION 8.0)

(1) Department to ensure compliance. It shall be the duty of the Department, upon the presentation of proper credentials, to make inspections of any property as is necessary to ensure compliance with these regulations. (8.1)
(2) Inspection made with consent. Departmental inspections may be made with consent of the owner(s) or other responsible person(s). If consent is not granted, a search may be made pursuant to an administrative search warrant issued by a court of competent jurisdiction. (8.2)
(3) Owner(s) may request a factual report of inspections. If requested, the owner(s) or other responsible person(s) of any property shall receive a report setting forth all facts found that relate to his compliance status. (8.3)

**(Ord. No. 96-29 Amended 05/20/1996)**

## 24-8-109. DEPARTMENT AUTHORITY TO CLEAN AND SECURE PROPERTY AND REMOVE GRAFFITI UPON RESPONSIBLE PERSON FAILURE TO COMPLY.* (SECTION 9.0)

(1) If the responsible person(s) fail to clean and secure his or their property or fails to remove or obliterate graffiti after a notice has been issued by the Department pursuant to Sections 24-8-107(1) and 24-8-107(2), the Department may, in addition to other legal action:
    a. Undertake or cause the cutting, eradicating
(2) The Department, upon approved completion of the work, shall:
    a. Prepare an itemized statement of all costs, including administrative expenses of cutting, eradicating and removing of weeds, securing, maintaining or removing any structure(s) on the property or removing or obliterating graffiti.
    b. Mail a copy of an itemized statement of costs to the responsible person(s) demanding payment to the Department or to the City Treasurer within 20 days of the date of mailing. Notice to the owner shall be deemed served if accomplished pursuant to Section 24-8-107(3). (9.2)

**(Ord. No. 96-29 Amended 05/20/1996)**

## 24-8-110. ALTERNATE METHODS OF COMPELLING PAYMENT.* SECTION 10.0)

If the owner fails to make payment within twenty days of the date of mailing, of the amount set forth in the itemized statement of costs, payable to the City Treasurer, the Department may either cause suit to be brought in an appropriate court of law or refer the matter to the City Treasurer, as provided by Section 24-8-112.

**(Ord. No. 96-29 Amended 05/20/1996)**

## 24-8-111. COLLECTION BY LAWSUIT.* (SECTION 11.0)

If collection of expenses is pursued through the court, the City shall file suit and receive a judgment for all expenses, together with reasonable attorney's fees, interest and court costs. The City may execute on such judgment in the manner provided by law.

## 24-8-112. COLLECTION THROUGH TAXES.* (SECTION 12.0)

If the Department elects to refer the collection of expenses to the city treasurer for inclusion in the tax notice of the property owner, the Department shall make an itemized statement of all expenses incurred and shall deliver four copies of the statement to the city treasurer, who shall deliver three copies of said statement to the county treasurer within ten days after the completion of the work for collection by the county treasurer pursuant to state law.

**(Ord. No. 96-29 Amended 05/20/1996)**

## 24-8-113. EXAMINATION AND INVESTIGATION.* (SECTION 13.0)

The Department is hereby authorized to make examinations and investigations of all real property within West Valley City, to determine whether owners of such property are complying with these rules and regulations, and to enforce their provisions. The Department is authorized to obtain an administrative warrant to allow entry onto private property for the purpose of enforcement of this Chapter or carrying out its duties under this Chapter.

**(Ord. No. 96-29 Amended 05/20/1996)**

## 24-8-114. RIGHT TO APPEAL.* (SECTION 14.0)

Within 10 calendar days after the Department has given a notice of violation(s), any person(s) aggrieved by the notice may request in writing a hearing before the Department. The hearing shall take place within 10 calendar days after the request. A written notice of the Department's final determination shall be given within 10 calendar days after adjournment of the hearing. The Department may sustain, modify or reverse the action or order.

**(Ord. No. 96-29 Amended 05/20/1996)**

## 24-8-115. PENALTY.* (SECTION 15.0)

(1) Any person who is found guilty of violating any of the provisions of these rules and regulations, either by failing to do those acts required herein or by doing a prohibited act, is guilty of a class "B" misdemeanor. (15.1)
(2) Each day such violation is committed or permitted to continue shall constitute a separate violation. (15.2)
(3) The city attorney may initiate legal action, civil or criminal, requested by the Department to abate any condition that exists in violation of these rules and regulations. (15.3)
(4) In addition to other penalties imposed by a court of competent jurisdiction, any person(s) found guilty of violating any of these rules and regulations shall be liable for all expenses incurred by

the Department in removing or abating any nuisance, source of filth, cause of sickness or infection, health hazard, sanitation violation or graffiti. (15.4)

# CHAPTER 24-9
# RESERVED

# CHAPTER 24-10
# KENNELS, CATTERIES AND GROOMERIES

Sections:

24-10-101. Definitions. (Section 1.0)
24-10-102. Purpose. (Section 2.0)
24-10-103. Jurisdiction of the Department. (Section 3.0)
24-10-104. Powers and Duties of the Health Department. (Section 4.0)
24-10-105. Scope. (Section 5.0)
24-10-106. General Requirements for Owners and Harborers of Animals. (Section 6.0)
24-10-107. General Requirements for Kennels, Catteries and Groomeries. (Section 7.0)
24-10-108. Facility Approval. (Section 8.0)
24-10-109. Plans Submission and Approval for Commercial Facilities. (Section 9.0)
24-10-110. Minimum Requirements for Commercial Facilities. (Section 10.0)
24-20-111. Additional Requirements for Groomeries. (Section 11.0)
24-10-112. Notice. (Section 12.0)
24-10-113. Enforcement. (Section 13.0)
24-10-114. Condemning or Closing a Facility. (Section 14.0)
24-10-115. Right to Appeal. (Section 15.0)
24-10-116. Penalty. (Section 16.0)

## 24-10-101. DEFINITIONS. (SECTION 1.0)

For the purpose of these Rules and Regulations, the following terms, phrases and words shall have the meanings herein expressed:

(1) Animal: A dog or cat. (1.1)
(2) Animal Control Division: The Salt Lake County Department of Animal Control or the appropriate division of animal control within a municipality of Salt Lake County. (1.2)
(3) Cage: A structure or enclosure that does not contain space for an animal to exercise. (1.3)
(4) Cattery: Premises on which three or more cats more than four months old are fed or given harborage. (1.4)
(5) Commercial Cattery: A cattery designated commercial by Salt Lake County or a municipality within the County, including, but not limited to receiving a business license for a kennel. (1.5)
(6) Commercial Kennel: A kennel designated commercial by Salt Lake County or a municipality within the county, including, but not limited to, receiving a business license for a kennel. (1.6)
(7) Communal Cage: A cage that contains two or more animals. (1.7)
(8) Department: The Salt Lake City-County Health Department. (1.8)
(9) Director: The Salt Lake City-County Health department Director of Health or his authorized representative. (1.9)
(10) Facility: A kennel, cattery or groomery. (1.10)
(11) Groomery: Premises where an animal(s) is bathed, clipped, sheared, combed, plucked or otherwise groomed for hire. (1.11)
(12) Hot Water: Water heated to a temperature of at least 120 degrees F (49 degrees C) at the outlet. (1.12)
(13) Kennel: Premises on which three or more dogs more than four months old are fed or given harborage. (1.13)
(14) Nuisance: Unlawfully doing any act or omitting to perform any duty, which act or omission either:
    a. Seriously annoys or injures or endangers the comfort, repose, health, or safety of any person;
    b. Seriously renders a person insecure in life or the use of property; (1.14)
(15) Owner: Any person who alone, jointly or severally with others:
    a. Has legal title to any premises, dwelling or dwelling unit, with or without accompanying actual possession thereof; or
    b. Has charge, care or control of any premises, dwelling or dwelling unit, as legal or equitable owner, agent of the owner, lessee, or is an executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. (1.15)
(16) Person: Any individual, public or private corporation and its officers, partnership, association, form, trustee, executor of an estate, the state or its departments, institution, bureau, agency, county, city, political subdivision, or any legal entity recognized by law. (1.16)
(17) Run: A structure or enclosure that contains an exercise area for the animal(s). (1.17)

## 24-10-102. PURPOSE. (SECTION 2.0)

These rules and regulations establish minimum standards for proper sanitation, nuisance control and for the construction, operation and maintenance of kennels, catteries and groomeries as they relate to:

(1) Protection of public health; (2.1)

(2) Prevention of injury to animals and humans; (2.2)
(3) Prevention of the spread of disease; and (2.3)
(4) Prevention of public nuisance within Salt Lake County, including its municipalities. (2.4)

## 24-10-103. JURISDICTION OF THE DEPARTMENT. (SECTION 3.0)

All areas enumerated in Section 24-10-102 shall be subject to the direction and control of the Health Department.

## 24-10-104. POWERS AND DUTIES OF THE HEALTH DEPARTMENT. (SECTION 4.0)

The Department, by the Director, shall be responsible for the administration of these rules and regulations and, in addition to any other powers vested in it by law, shall:

(1) Require the submission of reports, plans and specifications for facilities as necessary to implement the provisions of these regulations and the requirements and standards adopted pursuant to them. (4.1)
(2) Issue permits and charge fees as are necessary to implement the provisions of the regulations and requirements and standards adopted pursuant to them. (4.2)
(3) Make inspections of any facility or facilities and issue orders as necessary to effect the purpose of these rules and regulations. (4.3)
(4) Examine animal(s) or require their professional examination, if necessary, for enforcement of these rules and regulations. (4.4)
(5) Do any and all acts permitted by law necessary for the successful enforcement of these rules and regulations. (4.5)

## 24-10-105. SCOPE. (SECTION 5.0)

(1) It shall be unlawful for any person not to comply with any rule or regulation promulgated by the Department, unless expressly waived by these rules and regulations. (5.1)
(2) Veterinary hospitals and municipal and county shelters shall be exempt from the provisions of these rules and regulations that apply to commercial facilities, except that any area of a veterinary hospital serving as a commercial kennel, cattery or groomery shall not be exempt. (5.2)
(3) Sections 24-10-108 through 24-10-111 shall apply only to commercial facilities. (5.3)
(4) Any exceptions allowed by the Department to the requirements of these regulations shall be only by written approval of the Department. (5.4)

## 24-10-106. GENERAL REQUIREMENTS FOR OWNERS AND HARBORERS OF ANIMALS. (SECTION 6.0)

(1) An owner(s) or other person(s) harboring any animal shall remove droppings, spoiled food, and other wastes from the premises as often as necessary, and at least every seven days, to prevent odor, insect or rodent attraction or breeding or both, or any other nuisance. (6.1)
(2) A dog(s) shall not be allowed to leave the premises except under the direct control of the owner(s) or other responsible person(s). (6.2)
(3) An owner(s) or other person(s) harboring any dog shall prevent the dog(s) from defecating on any other private property. (6.3)

(4) An owner(s) or other person(s) harboring any dog shall immediately remove the dog's fecal matter deposited on other property. (6.4)
(5) The animal food storage or feeding area(s) shall be secure from insect, rodent or other vermin attraction or harborage or both. (6.5)

## 24-10-107. GENERAL REQUIREMENTS FOR KENNELS, CATTERIES AND GROOMERIES. (SECTION 7.0)

(1) All parts of a facility shall be maintained in good repair. (7.1)
(2) Provisions shall be made to effectively collect, treat and dispose solid waste, including dead animals and liquid waste. Solid waste shall be stored, collected and disposed to minimize vermin infestation, odors and health hazards. (7.2)
(3) Chemicals, medications and other supplies shall be stored away from animal contact and from unauthorized persons. (7.3)
(4) All buildings, cages and runs shall be built to reasonably prevent the escape of any animal. A security fence or wall shall protect animals from trespassers. (7.4)
(5) The building(s), storage areas and waste handling facilities shall be secure from rodents, insects and other vermin. (7.5)
(6) Outside runs of facilities constructed after the effective date of these regulations shall be at least ten feet (3.05 meters) from the property line and at least 50 feet (15.25 meters) from all dwellings on adjacent property. (7.6)
(7) Outside runs of facilities in existence prior to the effective date of these regulations shall not create a nuisance or health hazard because of their proximity to abutting premises. (7.7)
(8) Animal and food waste, bedding, hair, dead animals and other waste material shall be disposed in accordance with Section 6.1, and at a frequency and location established in the Department Solid Waste Regulations. (7.8)
(9) The facility and premises shall be clean and free of litter, trash and garbage. (7.9)
(10) Runs using gravel shall be cleaned and sanitized by removing the soiled gravel. Disinfectants or deodorizers or both shall he used to control odors, if necessary. (7.10)
(11) All feed shall be free from contamination and adequately stored to protect against infestation or contamination by vermin. (7.11)
(12) All food products shall be stored on racks or shelves high enough above the floor that cleaning can be done efficiently and that rodent harborage shall be prevented. (7.12)
(13) All fencing shall be maintained in good repair and shall be of sufficient strength to protect the animals from injury, prevent escape and restrict the entrance of other animals. (7.13)
(14) Any broken sections or any areas in the fencing that may cause injury to the enclosed animals or allow them to escape shall be repaired immediately. (7.14)
(15) Noise beyond the property line of any facility shall not exceed legal limits. (7.15)
(16) All dogs shall be enclosed in a building(s) or shelter(s) between the hours of 10 p.m. and 7 a.m. (7.16)
(17) Enclosures housing cats shall be provided with a receptacle(s) containing at least three inches (7.62 centimeters) deep of clean litter. (7.17)

## 24-10-108. FACILITY APPROVAL. (SECTION 8.0)

(1) Construction or significant modification of a commercial facility shall not be initiated prior to written approval of the Health Department. (8.2)

(2) At the time a facility becomes commercial, if these regulations have taken effect, it shall meet all requirements for a commercial facility. (8.2)

## 24-10-109. PLANS SUBMISSION AND APPROVAL FOR COMMERCIAL FACILITIES. (SECTION 9.0)

(1) Person(s) desiring to construct or modify a commercial facility shall initiate action by written application to the Department. (9.1)
(2) The application to construct or modify the facility shall contain two copies of plans and specifications that include:
    a. Address of the proposed facility;
    b. The facility owner's name, address and telephone numbers;
    c. The name of the proposed facility;
    d. The name, address and telephone number of all other persons associated with the facility's operations;
    e. Zoning of the facility's premises and the zoning of all other premises within 1,320 feet (402.6 meters) of the facility;
    f. Breed and number of animals for which the facility is designed;
    g. Renderings of the structure and design of the shelters, cages, runs, isolation areas, storage areas, ventilation, heating, lighting, drainage, sewage disposal and fencing.
    h. Description of methods for storing and disposing solid and liquid waste; cleaning and sanitizing the facility; storing feed and chemicals; providing water and bedding; and protecting animals from each other and from unauthorized people; and
    i. Other applicable information if requested. (9.2)

## 24-10-110. MINIMUM REQUIREMENTS FOR COMMERCIAL FACILITIES. (SECTION 10.0)

In addition to the requirements of Sections 24-10-106 and 24-10-107 and unless ordered or approved by the Department, each commercial facility shall be designed, operated and maintained to meet the following minimum requirements:

(1) Buildings.
    a. All runs or areas where animals are kept shall be constructed of smooth impervious material to a height of at least four feet (1.22 meters) high, and shall be easily cleanable, and shall not restrict proper sanitation. The floor of the runs shall be constructed of concrete or of pea gravel to a depth of at least two inches (5.08 cm).
    b. All facility buildings, shelters, runs and cages shall provide adequate protection from inclement weather and drafts. Sufficient shade shall be provided to allow all animals to protect themselves from the direct rays of the sun. Bedding shall be provided that is clean and protects the animal(s) from cold weather.
    c. Ventilation shall be adequate to maintain the health and comfort of the animals at all times.
    d. Indoor facilities shall be sufficiently heated when necessary to keep the animals healthy and comfortable.
    e. Sufficient lighting shall be provided throughout the facility to permit routine inspection and cleaning during all hours of operation.
    f. Running water from a source approved by the Department shall be available for use at all times.

g. The facility shall be designed so surface drainage is diverted around and away from the runs and cages. Drain gutters shall be sloped to prevent standing pools of water and shall be located outside the runs. (10.1)

(2) Minimum Size Requirements. Each size is a minimum requirement per animal.
   a. Dogs over 50 pounds (22.7 kilograms) in weight shall not be kept in runs with floor space of less than 24 square feet (2.23 square meters).
   b. Dogs 15 to 50 pounds (6.8 to 22.7 kilograms) in weight shall not be kept in runs with floor space less than 12 square feet (1.12 square meters).
   c. Dogs less than 15 pounds (6.8 kilograms) in weight shall not be kept in runs with floor space of less than four square feet (.37 square meters).
   d. Cats shall not be kept in runs with less than four square feet (.37 square meters) of floor space and less than two feet (.61 meters) in height.
   e. Communal cages for cats more than four months old shall be as large as the total for all cages, if the cats had been housed separately.
   f. All animals kept in a communal cage shall be either from the same litter or belong to the same owner unless written permission is given by the animal's owner.
   g. All cages for cats in boarding catteries shall have a litter box or tray, bed, feeding bowl and water container that are easily sanitizable.
   h. All cages for animals shall have sufficient space for the animal(s) to freely and easily stand, sit, lie or turn around without touching the sides or top of the cage.
   i. Cages and runs for cats shall contain a shelf upon which the cat can comfortably perch. (10.2)

(3) Bedding.
   a. Bedding shall be disposable and removed and replaced as necessary to maintain the facility clean and sanitary.
   b. Materials that absorb moisture shall be replaced daily and the areas underneath such materials shall be cleaned and disinfected daily.
   c. Cage floors and runs shall have a resting board or bedding adequate to comfortably hold all the animals at the same time and shall be maintained clean and sanitary. Any exception to this shall be approved in writing by the Department. (10.3)

(4) Cleaning.
   a. All cages and runs, including resting boards, shall be thoroughly cleaned and disinfected at least daily.
   b. Prior to the introduction of an animal into a cage or run previously occupied by another animal, such cages or runs shall be cleaned and disinfected.
   c. All cages, litter boxes, gutters, aisles and general areas shall be cleaned daily to prevent accumulations of excreta or other waste material.
   d. Cleaning agents or chemicals that are harmful to animal tissues shall not be used if there is a possibility of contact or ingestion of the agent or chemical by an animal.
   e. An effective program shall be used to control insects, parasites and other vermin as needed and as directed by the Department. (10.4)

(5) Feed and Feeding.
   a. All feed shall be wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for the breed, condition, size and age of the animal(s).
   b. Feed receptacles shall be accessible to all animals and located to minimize contamination by excreta.
   c. Animals more than 12 months old shall be fed at least once each day.

d. Puppies shall be fed three times each day and kittens four times each day if between 6 and 12 weeks old. Kittens shall be fed three times each day if between 12 weeks and six months old, and two times a day if between six and 12 months old. Puppies shall be fed twice a day if between 12 weeks and 12 months old.
e. All perishable feed shall be kept refrigerated at 40 degrees F (8 degrees C) or lower until used.
f. Individual feeding receptacles shall be cleaned and sanitized daily and after each use. Continuous feeders shall be cleaned and sanitized at least after each occupancy and as often as necessary to maintain them clean and sanitary. (10.5)

(6) Drinking Water.
a. All animals within cages or runs or both shall have drinking water available at all times. The water shall be approved by the Department and of sufficient quality to maintain the health of the animals and prevent the spread of disease.
b. Water containers shall be anchored to prevent tipping and shall be removable for cleaning, be kept clean and be sanitized at least daily. (10.6)

(7) Isolation, Illness, Injury and Veterinary Practice.
a. Each animal at the facility shall be observed daily by the owner of the facility. Sick, diseased, injured, lame or blind animals shall be properly isolated from other animals or the public to prevent further exposure to disease, illness or injury, and shall be provided with proper medical care. The owner who observes an animal that he suspects of being rabid shall immediately notify the Animal Control Division and the Health Department.
b. Any animal that is ill or injured shall receive immediate medical attention.
c. First-aid equipment shall be kept in a convenient location within the facility and available at all times for both animal and human use. The equipment shall be properly maintained and used as needed. The facility owner and his employee shall be properly trained to use the equipment.
d. Veterinary medicine, as defined in Title 50-2, Utah Code Annotated, 1953 as amended, shall not be performed on any animal, except by a veterinarian licensed by the State of Utah.
e. If the Director observes a disease or condition within a facility that is an apparent serious violation of the regulations, he may call in a veterinarian as a consultant. If there was, in fact, a violation, the cost of the consultant shall be borne by the facility owner. (10.7)

(8) Employees and Customers.
a. A sufficient number of persons shall be employed or utilized to maintain the facility according to the requirements of these regulations.
b. Customers shall be informed of the procedures and care their animal(s) will receive while at the facility and the emergency procedures that will be taken in case of illness, injury or refusal to eat. (10.8)

## 24-10-111. ADDITIONAL REQUIREMENTS FOR GROOMERIES. (SECTION 11.0)

In addition to the other requirements given in these regulations, all groomeries shall comply with the following requirements:

(1) Groomers shall know proper grooming techniques for each breed of animal accepted for grooming. (11.1)

(2) Only equipment designed and constructed for the purpose of grooming shall be used. Equipment used including, but not necessarily limited to, clippers, shears and combs shall be cleaned and sanitized after use with each animal. (11.2)
(3) Hot and cold water shall be available at all times. (11.3)
(4) Bathing equipment or areas shall be large enough to comfortably accommodate the animals. Animal bathing equipment or areas shall be used only for animal bathing purposes and not be used by humans. (11.4)
(5) All towels or rugs used in the bathing or cage areas shall be clean and sanitary and sanitized following use by an animal. (11.5)
(6) Dryers shall not be too hot for an animal's comfort and shall be operated to prevent any injury or harm to the animal. (11.6)

## 24-10-112. NOTICE. (SECTION 12.0)

(1) Department to notify owners or others of violations. If the Director has inspected any facility and has found and determined that the facility is in violation of these regulations or has reasonable grounds to believe that there has been a violation of any part of these regulations, he shall give notice of the violations) to the owner(s) or other responsible person(s) thereof. (12.1)
(2) Department to issue written notice of violation(s). Prior to initiating a court complaint for the violation of these rules and regulations, the Director shall issue a notice pursuant to Section 24-10-112(1) and shall:
    a. Describe the property;
    b. Give a statement of the cause for its issuance;
    c. Set forth an outline of the remedial action that complies with the provisions of these regulations; and
    d. Set a reasonable time for the performance of any required remedial act. (12.2)
(3) Department to serve notice. The Director shall serve notice upon the owner(s) of the property or other responsible person(s) pursuant to Sections 24-10-112(1) and 24-10-112(2) of these Rules and Regulations. Service shall be deemed complete if the notice is served in one of the following ways:
    a. Served in person; or
    b. Sent by certified mail to the last known address of the owner(s) or other responsible person(s) of the facility. (12.3)

## 24-10-113. ENFORCEMENT. (SECTION 13.0)

(1) Department to ensure compliance. It shall be the duty of the Director, upon the presentation of proper credentials, to make inspections of all facilities as is necessary to ensure compliance with these regulations. (13.1)
(2) Inspection made with consent. Departmental inspections may be made with the consent of the owner(s) or other responsible person(s). If consent is not granted, a search may be made pursuant to an administration search warrant issued by a court of competent jurisdiction. (13.2)
(3) Owners may request a factual report of inspections. If requested, the owner(s) or other responsible person(s) of any facility shall receive a report setting forth all the facts that relate to his compliance status. (13.3)

## 24-10-114. CONDEMNING OR CLOSING A FACILITY. (SECTION 14.0)

(1) Any facility that fails to meet the requirements of these regulations and has been found to be a threat to the public health, safety or welfare may be condemned and closed by the Department and shall be designated by a placard posted in a conspicuous place. (14.1)
(2) The Department shall give notice in writing to the owner(s) or operator(s) of the facility condemned and closed. (14.2)
(3) No facility that has been condemned, closed and placarded shall be used for the feeding, grooming or harborage of any animal(s) until written approval is received from the Department. (14.3)
(4) No person shall deface or remove a placard from any facility that has been condemned and closed by the Department. (14.4)
(5) Any owner or operator affected by the condemning, closing and placarding of a facility may request and be granted a hearing as provided in Section 24-10-115. (14.5)
(6) The Department shall remove the placard whenever the violation(s) upon which condemnation was based has been remedied. (14.6)

## 24-10-115. RIGHT TO APPEAL. (SECTION 15.0)

Within 10 calendar days after the Department has given a notice of violation(s), any person(s) aggrieved by the notice may request in writing a hearing before the Department. The hearing shall take place within 10 calendar days after the request. A written notice of the Director's final determination shall be given within 10 calendar days after adjournment of the hearing. The director may sustain, modify or reverse the action or order.

## 24-10-116. PENALTY. (SECTION 16.0)

(1) Any person who is found guilty of violating any of the provisions of these rules and regulations, either by failing to do those acts required herein or by doing a prohibited act, is guilty of a class "B" misdemeanor. If a person is found guilty of a subsequent similar violation within two years, he is guilty of a class "A" misdemeanor. (16.1)
(2) Each day such violation is committed or permitted to continue shall constitute a separate violation. (16.2)
(3) The city attorney, or where appropriate, the county attorney may initiate legal action, civil or criminal, requested by the Department to abate any condition that exists in violation of these rules and regulations. (16.3)
(4) In addition to other penalties imposed by a court of competent jurisdiction, any person(s) found guilty of violating any of these rules and regulations shall be liable for all expenses incurred by the Department in removing or abating any nuisance, source of filth, cause of sickness or infection, health hazard or sanitation violation. (16.4)

# CHAPTER 24-11
# RESERVED (REGULATION #10)

# CHAPTER 24-12
# RESERVED (REGULATION #11)

# CHAPTER 24-13
# RESERVED (REGULATION #12)

# CHAPTER 24-14
# RESERVED (REGULATION #13)

# CHAPTER 24-15
# RESERVED (REGULATION #14)

# CHAPTER 24-16
# RESERVED (REGULATION #15)

# CHAPTER 24-17
# RESERVED (REGULATION #16)

# CHAPTER 24-18
# RESERVED (REGULATION #17)

# CHAPTER 24-19
# RESERVED (REGULATION #18)

# CHAPTER 24-20
# RESERVED (REGULATION #19)

# CHAPTER 24-21
# RESERVED (REGULATION #20)

# CHAPTER 24-22
# NOISE CONTROL (REGULATION #21)

Sections:

24-22-101. Definitions and Standards. (Section 1.0)
24-22-102. Reserved. (Section 2.0)
24-22-103. Reserved. (Section 3.0)
24-22-104. Reserved. (Section 4.0)
24-22-105. Reserved. (Section 5.0)
24-22-106. Reserved. (Section 6.0)
24-22-107. General Prohibition of Noise.* (Section 7.0)
24-22-108. Specific Noise Prohibitions.* (Section 8.0)
24-22-109. Use District Noise Levels. (Section 9.0)
24-22-110. Sound Level Measurement. (Section 10.0)
24-22-111. Exemptions. (Section 11.0)
24-22-112. Waivers. (Section 12.0)
24-22-113. Motor Vehicle Noise. (Section 13.0)
24-22-114. Enforcement Responsibility. (Section 14.0)
24-22-115. Reserved. (Section 15.0)
24-22-116. Reserved. (Section 16.0)
24-22-117. Reserved. (Section 17.0)
24-22-118. Reserved. (Section 18.0)
24-22-119. Penalty. (Section 19.0)
24-22-120. Reserved. (Section 20.0)
24-22-121. Additional Remedies. (Section 21.0)

## 24-22-101. DEFINITIONS AND STANDARDS. (SECTION 1.0)

All terminology used in this ordinance, and not defined below, shall be in conformance with applicable American National Standards Institute publications including, but not limited to, to Sl. 1-1960, R 1971, or those from its successor publications or bodies. For the purposes of this ordinance, certain words and phrases used herein are defined as follows:

(1) A-Weighted Sound Pressure Level: The sound pressure level as measured with a sound level meter using the A-weighting network. The standard notation is dB(A) or dBA. (1.1)
(2) Ambient Sound Pressure Level: 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 exceeding 90 percent of the time based on a measurement period, which shall not be less than 10 minutes. (1.2)
(3) Continuous Sound: Any sound that exists, essentially without interruption, for a period of 10 minutes or more. (1.3)
(4) Cyclically Varying Noise: Any sound that varies in sound level so that the same level is obtained repetitively at reasonable uniform intervals of time. (1.4)
(5) Decibel: Logarithmic and dimensionless unit of measure often used in describing the amplitude of sound. Decibel is abbreviated dB. (1.5)
(6) Reserved. (1.6 and 1.7)
(7) Reserved. (1.6 and 1.7)
(8) Device: Any mechanism that is intended to produce, or that actually produces noise when operated or handled. (1.8)
(9) Dynamic Braking Device: A device used primarily on trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes, commonly referred to as a "Jacob's Brake." (1.9)
(10) Emergency Work: Work required to restore property to a safe condition following a public calamity or to protect persons or property from an imminent exposure to danger. (1.10)
(11) Emergency Vehicle: A motor vehicle used in response to a public calamity or to protect persons or property from an imminent exposure to danger. (1.11)
(12) Impulsive Noise: A noise containing excursions usually less than one second or sound pressure level using the fast meter characteristics. (1.12)
(13) Motor Vehicle: Any vehicle that is self-propelled by mechanical power including, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, motorcycles, minibikes, go-carts, snowmobiles and racing vehicles. (1.13)
(14) Muffler: An apparatus consisting of a series of chambers or baffle plates designed to transmit gases while reducing sound. (1.14)
(15) Reserved. (1.15)
(16) Noise Disturbance: Any sound that annoys or disturbs a reasonable person(s) with normal sensitivities or that injures or endangers the comfort, repose, health, hearing, peace or safety of another person(s). (1.16)
(17) Noise: Any sound that is unwanted and causes or tends to cause an adverse psychological or physiological effect on human beings. (1.17)
(18) Reserved. (1.18)
(19) Person: Any individual, public or private corporation, partnership, association, firm, trust, estate, the state or any of its departments or political subdivisions, institution, bureau or agency thereof, county, city or any legal entity that is recognized by the law. (1.19)
(20) Plainly Audible Noise: Any noise for which the information content of that noise is unambiguously transferred to the listener including, but not limited to, the understanding of

spoken speech, comprehension of whether a voice is raised or normal, or comprehension of musical rhythms. (1.20)

(21)Property Boundary: An imaginary line at the ground surface and its vertical extension that separates the real property owned by one person from that owned by another person. (1.21)

(22)Public Right-of-way: Any street, avenue, boulevard, highway, alley or similar place that is owned or controlled by a public governmental entity. (1.22)

(23)Pure Tone: Any sound that can be distinctly heard as a single pitch or a set of single pitches. For the purposes of measurement, a pure tone shall consist 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 500 Hz and above, by eight dB for frequencies between 160 and 400 Hz, and by 15 dB for frequencies less than or equal to 125 Hz. (1.23)

(24)Repetitive Impulsive Noise: Any noise that is composed of impulsive noises that are repeated at sufficiently slow rates such that a sound level meter set at "fast" meter characteristic will show changes in sound pressure level greater than 10 dB(A). (1.24)

(25)Sound: A temporal and spatial oscillation in pressure, or other physical quantity with interval forces that causes compression and rarefaction of the medium, and that propagates at finite speed to distant points. (1.25)

(26)Sound Level Meter: An instrument, including a microphone, amplifier, RMS detector and integrator, time averager, output meter or visual display or both, and weighting networks, that is sensitive to pressure fluctuations. The instrument reads sound pressure level if properly calibrated and is of type two or better as specified in American National Standards Institute Publication 81. 4-1971 or its successor publications. (1.26)

(27)Sound Pressure: The instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space due to sound. (1.27)

(28)Sound Pressure Level: Twenty times the logarithm to the base 10 of the ratio of the RMS sound pressure to the reference pressure, which shall be 20 micropascals and abbreviated LP or SPL. (1.28)

(29)Stationary Noise Source: Any device, fixed or movable, that is located or used on property other than a public right-of-way. (1.29)

(30) Steady Noise: A sound pressure level that remains essentially constant during the period of observation and does not vary more than 6 dB(A) when measured with the "slow" meter characteristic of a sound level meter. (1.30)

(31)Percentile Sound Pressure Level:

a. Tenth Percentile Noise Level: The A-weighted sound pressure level that is exceeded 10 percent of the time in any measurement period (such as the level that is exceeded for 1 minute in a 10-minute period) and is denoted LlO.
b. Ninetieth Percentile Noise Level: The A-weighted sound pressure level that is exceeded 90 percent of the time in any measurement period (such as the level that is exceeded for nine minutes in a 10-minute period) and is denoted L90. (1.31)

(32)Reserved. (1.32)

## 24-22-102. RESERVED. (SECTION 2.0)

## 24-22-103. RESERVED. (SECTION 3.0)

## 24-22-104. RESERVED. (SECTION 4.0)

## 24-22-105. RESERVED. (SECTION 5.0)

## 24-22-106. RESERVED. (SECTION 6.0)

## 24-22-107. GENERAL PROHIBITION OF NOISE.* (SECTION 7.0)

In addition to the specific prohibitions outlined in Sections 24-22-108, 24-22-109, and 24-22-113 of these rules and regulations, it shall be unlawful for any person to produce, continue or cause to be produced or continued any noise disturbance within the limits of West Valley City.

**(Ord. No. 94-36 Amended 04/08/1994)**

## 24-22-108. SPECIFIC NOISE PROHIBITIONS.* (SECTION 8.0)

The following acts are declared to be in violation of these rules and regulations if they occur between the hours of 10 p.m. and 7 a.m. and are plainly audible at the property boundary of the source; or if they occur at any time so as to be plainly audible at 50 feet from the source of the noise disturbance. A permit may be obtained pursuant to Section 24-22-112 to allow relief from the noise restrictions in these ordinances.

(1) Horns and Signaling Devices. The sounding of any horn or signaling device on any truck, automobile, motorcycle, emergency vehicle or other vehicle, except as a danger warning signal as provided in the motor vehicle code of the State of Utah, or the sounding of any such signaling device for an unnecessary and unreasonable period of time. (8.1)

(2) Radios, Television Sets, Musical Instruments and Similar Devices. 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. (8.2)

(3) Public Loudspeakers. The use or operation of 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, easement or public property for the purpose of commercial advertising, giving instructions, directions, talks, addresses, lectures or transmission of music to any persons or assemblages of persons. (8.3)

(4) Hawkers and Peddlers. Selling anything by outcry within the City in areas zoned primarily for residential uses. (8.4)

(5) Animals. Owning, keeping, possessing or harboring any animal or animals that cause a noise disturbance by frequent or habitual noisemaking. (8.5)

(6) Loading Operation. Loading, unloading, opening or otherwise handling boxes, crates, containers, garbage containers or other objects. (8.6)

(7) Construction Work. Operating, or causing to be used or operated, any equipment, machinery or vehicle used in construction, repair, alteration or demolition work on buildings, structures, streets, alleys or appurtenances thereto, irrespective of whether such construction actually occurs within the corporate limits of West Valley City:

a. In any zone where such operation exceeds the sound level limits for a manufacturing zone as set forth in Section 24-22-109.
b. The provision listed above for noise disturbances that are plainly audible at 50 feet from the source shall not apply to this subsection. (8.7)

(8) Domestic Power Equipment. Operating or permitting to be operated any power equipment rated five horsepower or less used for home or building repair, grounds maintenance, or residential power generation including, but not limited to, power saw, sanders, lawn mower, garden equipment or snow removal equipment:
a. Any such power equipment which emits a sound pressure level in excess of 74 dB(A) measured at a distance of 50 feet (15.25 meters).
b. The provision listed above for noise disturbances that are plainly audible at 50 feet from the source shall not apply to this subsection. (8.8)
c. Except that use of residential power generation equipment during power outage or routine maintenance of such generator shall not constitute a violation of this Chapter so long as the sound pressure level does not exceed 80 dB (A).

(9) Commercial Power Equipment. 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 or powered hand tools:
a. In any zone if such equipment emits a sound pressure level in excess of 82 dB(A) measured at a distance of 50 feet (15.25 meters) from the source.
b. The provision listed above for noise disturbances that are plainly audible at 50 feet from the source shall not apply to this subsection. (8.9)

(10) Enclosed Places of Public Entertainment.
a. In addition to the above requirements, it is a violation if the maximum sound pressure levels of 100 dB(A), as read with the slow response on a sound level meter, is produced inside any enclosed place of public entertainment, that is normally occupied by a customer, unless a conspicuous and legible sign at least 225 square inches in area is posted near each public entrance stating in large letters "WARNING: SOUND LEVELS MAY CAUSE HEARING IMPAIRMENT."
b. This provision shall not be construed to allow the operation of any loudspeaker or other source of sound in violation of this Section. (8.10)

(11) Fireworks or Explosives. The use of explosives, fireworks or discharge guns or other explosive devices. This provision shall not be construed to permit conduct prohibited by other statutes, ordinances or regulations governing such activity. (8.11)

(12) Racing Events. Racing or permitting any motor vehicle racing event. (8.12)

(13) Powered Model Mechanical Devices. Flying a model aircraft, car, boat or other such device powered by internal combustion engines, whether tethered or not, or the firing or the operation of model rocket vehicles or other similar noise-producing devices. (8.13)

(14) Dynamic Braking Devices. Operating any motor vehicle with a dynamic braking device engaged, except for the avoidance of imminent danger. (8.14)

(15) Refuse Compacting Vehicles. Operating or causing or permitting the operation or use of any refuse compacting vehicle that creates a sound pressure level in excess of 74 dB(A) at 50 feet (15.25 meters).
The provision listed above for noise disturbances that are plainly audible at 50 feet from the source shall not apply to this subsection. (8.16)

(16) Garbage Collection. Collecting garbage, waste or refuse between the hours of 9 p.m. and 7 am. the following day:

a. In any area zoned residential or agricultural or within 300 feet of an area zoned residential or agricultural.
b. In any zone so as to cause a noise disturbance.
c. The provision listed above for noise disturbances that are plainly audible at 50 feet from the source shall not apply to this subsection. (8.17)

(17) Standing Motor Vehicles. The operating or causing or permitting to be operated any motor vehicle or any auxiliary equipment attached thereto that causes a noise disturbance for a consecutive period longer than 15 minutes during which such vehicle is stationary in a residential or agricultural zone. (8.18)

(18) Quiet Zones. Creating noise in excess of the residential/agricultural standard, as defined in Section 24-22-109, 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. (8.19)

(19) Bells and Alarms. Sounding, operating or permitting the sounding or operation of an electronically-amplified signal from any burglar alarm, bell, chime or clock including, but not limited to, bells, chimes or clocks in schools, houses of religious worship or governmental buildings that fail to meet the standards in Section 24-22-109 for longer than five minutes in any hour. (8.20)

(20) Fixed Siren, Whistles and Horns. 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, for longer than 5 minutes in any hour. (8.21)

(21) Recreational Vehicles and Snowmobiles.
a. Operating a recreational vehicle or snowmobile.
b. Selling or operating within West Valley City any recreational vehicle or snowmobile built after model year 1977 unless the vehicle produces no more than a maximum sound level of 82 dB(A) at 50 feet (15.25 meters) from the source. (8.22)

**(Ord. No. 94-36 Amended 04/08/1994; Ord. No. 05-39 Amended 09/06/2005)**

## 24-22-109. USE DISTRICT NOISE LEVELS. (SECTION 9.0)

(1) Maximum Permissible Sound Levels.
a. It shall be a violation of these rules and regulations for any person to operate or permit the operation of any stationary source of sound creating a ninetieth percentile sound pressure level (L90) for any measurement period (not less than 10 minutes unless otherwise provided in these regulations) that exceeds the limits set forth for the following zones when measured at the boundary or at any point within the property affected by the noise:

| Zone | 10 p.m. – 7 a.m. | 7 a.m. – 10 p.m. |
|---|---|---|
| Residential / Agricultural | 50 dB(A) | 55 dB(A) |
| Commercial (including Research Business Park Zone and Professional Office Zone) | 55 dB(A) | 60 dB(A) |
| Manufacturing | 75 dB(A) | 80 dB(A) |

b. When a noise source can be identified and its noise measured in more than one land use category, the limits of the most restrictive use shall apply at the boundaries between different land use categories. (9.1)

(2) Correction for Duration of Sound.

a. It shall be a violation of these rules and regulations for any person to operate or permit the operation of any stationary source of sound within any zones that creates a tenth percentile sound pressure level (LlO) of 15 dB(A) greater than the levels set forth for the receiving zones in Section 24-22-109(1) for any measurement period. Such period shall not be less than 10 minutes.

b. Notwithstanding the requirements of Section 24-22-109(2)(a), it shall be a violation of these rules and regulations for any person to operate or permit the operation of any stationary source of sound within any land use district that creates a tenth percentile sound pressure level (LlO) greater than 15 dB(A) above the ambient sound pressure level (L90) of any measurement period. Such period shall not be less than 10 minutes. (9.2)

(3) Correction for Character of Sound.

a. For any stationary source of sound that emits a pure tone, cyclically varying sound, or repetitive impulsive sound, the limits set forth in Section 9.1 shall be reduced by five dB(A).

b. Notwithstanding compliance with Section 24-22-109(3)(a), it shall be a violation of these rules and regulations for any person to operate or permit the operation of any stationary source of sound that emits a pure tone, cyclically varying sound, or repetitive impulsive sound that creates a noise disturbance. (9.3)

**(Ord. No. 05-14 Amended 04/05/2005)**

## 24-22-110 SOUND LEVEL MEASUREMENT. (SECTION 10.0)

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 Salt Lake City-County Health Department. Measurements shall be taken on a "per occurrence" basis unless otherwise specified herein.

## 24-22-111. EXEMPTIONS. (SECTION 11.0)

The following uses and activities shall be exempt from noise level regulations:

(1) Noise of safety signals, warning devices and emergency pressure relief valves. (11.1)
(2) Noise resulting from any authorized emergency vehicle when responding to an emergency call or in time of emergency. (11.2)
(3) Noise resulting from emergency work. (11.3)
(4) Noise resulting from lawful fireworks and noisemakers used for celebration of an official holiday or any other celebration at which the use of fireworks and noise makers has been approved by the City. (11.4)
(5) Any noise resulting from activities of temporary duration permitted by law for which a license or permit has been approved by the City Council in accordance with Section 24-22-112. (11.5)

## 24-22-112. WAIVERS. (SECTION 12.0)

(1) The Director of the Salt Lake Valley Health Department has the authority to waive the requirements and restrictions of this Ordinance on the basis of undue hardship or for a temporary event. The Director may prescribe any reasonable conditions or requirements upon a waiver deemed necessary to minimize adverse effects upon a community or the surrounding neighborhood.

**(Ord. No. 94-36 Amended 04/08/1994; Ord. No. 10-11 Amended 04/22/2010)**

## 24-22-113. MOTOR VEHICLE NOISE. (SECTION 13.0)

(1) No person shall drive, or move, or cause, or knowingly permit to be driven or moved a motor vehicle or combination of vehicles at any time in such a manner as to exceed the following noise limits for the category of motor vehicle shown below. Noise shall be measured at a distance of at least 25 feet (7.5 meters) from the near side of the nearest lane(s) being monitored and at a height of at least four feet (1.2 meters) above the immediate surrounding surface. All measurements shall be made on a "per occurrence" basis. Any single occurrence of noise in excess of the below-stated limits shall constitute a separate violation of this ordinance. (13.1)
(2) Section 24-22-113 shall apply to the total noise from a vehicle or combination of vehicles and shall not be construed as limiting or precluding the enforcement of any other provisions of these rules and regulations concerning motor vehicle mufflers for noise control. (13.2)
(3) No person shall operate or cause to be operated any motor vehicle unless the exhaust system of the vehicle is:
    a. Free from defects that affect sound reduction;
    b. Equipped with a muffler or other noise dissipative device; and
    c. Not equipped with any cut-out, by-pass or similar device. (13.3)

## 24-22-114. ENFORCEMENT RESPONSIBILITY. (SECTION 14.0)

The Salt Lake Valley Health Department and the West Valley City Police Department shall have enforcement responsibility for this Ordinance.

**(Ord. No. 10-11 Amended 04/22/2010)**

## 24-22-115. RESERVED. (SECTION 15.0)

## 24-22-116. RESERVED. (SECTION 16.0)

## 24-22-117. RESERVED. (SECTION 17.0)

## 24-22-118. RESERVED. (SECTION 18.0)

## 24-22-119. PENALTY. (SECTION 19.0)

Any person violating any provision of this Ordinance is guilty of a class "B" misdemeanor. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

**(Ord. No. 94-36 Amended 04/08/1994)**

## 24-22-120. RESERVED. (SECTION 20.0)

## 24-22-121. ADDITIONAL REMEDIES. (SECTION 21.0)

Violations of Sections 24-22-102 through 24-22-107 of this Ordinance are deemed and declared to be a nuisance, and as such, may be subject to summary abatement by means of a restraining order to injunction issued by a court of competent jurisdiction.

# CHAPTER 24-23
# AIR POLLUTION

Sections:
24-23-101. Fugitive Dust.
24-23-102. Odor Control.

## 24-23-101. FUGITIVE DUST.

(1) No person shall cause, suffer, allow or permit the emission of fugitive particulate matter from any process, including any material handling or storage activity, that is visible beyond the property line of the emission source.
(2) No person shall cause, suffer, allow or permit a building or its appurtenances or open areas to be used, constructed, repaired, altered or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Dust and other types of particulates shall be kept to a minimum by such measures as wetting down, covering landscaping, paving, treating, or by other reasonable means.
(3) No person shall cause, suffer, allow or permit the repair, construction or reconstruction of a roadway or an alley without taking reasonable precautions to prevent particulate matter from becoming airborne. Dust and other particulates shall be kept to a minimum by employing temporary paving, dust palliatives, wetting down, detouring, or by other reasonable means. Earth or other material shall be promptly removed which has been transported onto paved streets by trucking or earth moving equipment, erosion by water, or by other means.
(4) The owner or operator of a commercial establishment or industrial plant shall maintain control of the establishment premises or plant premises and establishment or plant owned, leased or controlled access roads by paving, oil treatment or other suitable measures.
(5) No person shall cause, suffer, allow or permit crushing, screening, drying, handling, conveying of materials, stockpiling, or other operations likely to give rise to airborne dust without taking reasonable precautions to prevent particulate matter from becoming airborne. Dust and other types of particulates shall be kept to a minimum by such means as spray bars, wetting agents, enclosure, structural barriers, or other suitable means.
(6) No person shall cause, suffer, allow, or permit sandblasting or related abrasion operations unless sufficient containment measures are taken to prevent the sand and/or abrasive material from traveling beyond the property line where the operation is being conducted.
(7) No owner, operator, or lessee of any real property located or situated within the City shall, after the topsoil has been disturbed or the natural cover removed, allow the same to remain unoccupied, unused, vacant, or undeveloped, without taking all reasonable precautions to prevent fugitive dust from becoming airborne. Dust and other particulates shall be controlled by compacting, chemical sealers, resin sealers, asphalt sealer, planting or vegetation or other reasonable means.

## 24-23-102. ODOR CONTROL.

(1) No person shall cause, suffer, allow or permit, at any time, any emission from those processes listed in (a) through (j) below unless the emissions are incinerated at a temperature of not less than 1200 degrees Fahrenheit for a period of not less than 0.3 seconds, or processed in a

manner acceptable to the Air Quality Section to be equally or more effective for the purpose of air pollution control.

a. Animal blood dryers.
b. Meat processing.
c. Animal reduction and rendering cookers.
d. Meat smoke houses.
e. Asphalt roofing manufacturing.
f. Varnish cookers.
g. Paint bake ovens.
h. Plastic curing ovens.
i. Fiberglassing.
j. Sources of hydrogen sulfide and mercaptans.

(2) A person incinerating or processing gases, vapors, or gas-entrained effluents pursuant to this Regulation shall provide properly-installed and maintained, in good working order and in operation, devices acceptable to the Salt Lake City-County Health Department for indicating temperature, pressure or other operation conditions.

(3) Whenever dust, fumes, gases, mist, odorous matter, vapors, or any combination thereof escape from a building used for any process, including those mentioned hereinabove in such a manner and amount as to cause a violation of this Regulation, the Salt Lake City-County Health Department may order that the building or buildings in which the processing, handling or storage are done be tightly closed and ventilated in such a way that all air and gasses and air or gas-borne materials leaving the building are treated by incineration or other effective means for removal or destruction of odorous matter or other air contaminants before discharging into the open air.

# CHAPTER 24-24
# SMOKING IN HOTELS

Sections:
24-24-101. Smoking in Hotels.

## 24-24-101. SMOKING IN HOTELS.

Smoking is prohibited in Hotels, as defined in Section 17-1-101(34) of the West Valley City Municipal Code, with more than 160 guest rooms.

**(Ord. No. 12-09 Enacted 03/01/2012)**

# TITLE 25
# FLOOD DAMAGE PREVENTION

Chapters:

25-1 Statutory Authorization, Findings of Fact, Purpose and Methods
25-2 Definitions.
25-3 General Provisions
25-4 Administration
25-5 Provisions for Flood Hazard Reduction

# CHAPTER 25-1
# STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

Sections:

25-1-101. Findings of Fact.
25-1-102. Statement of Purpose.
25-1-103. Methods of Reducing Flood Losses.

## 25-1-101. FINDINGS OF FACT.

(1) The flood hazard areas of West Valley 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.
(2) These flood loses are created by the cumulative effect of obstructions in flood plains 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.

**(Ord. No. 09-30 Enacted 10/10/2009)**

## 25-1-102. STATEMENT OF PURPOSE.

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:

(1) Protect human life and health;
(2) Minimize expenditure of public money for costly flood control projects;
(3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
(4) Minimize prolonged business interruptions;
(5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in flood plains;
(6) 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
(7) Insure that potential buyers are notified that property is in a flood area.

**(Ord. No. 09-30 Enacted 10/10/2009)**

## 25-1-103. METHODS OF REDUCING FLOOD LOSSES.

In order to accomplish its purposes, this ordinance uses the following methods:

(1) 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;

(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
(3) Control the alteration of natural flood plains, stream channels, and natural protective barriers, which are involved in the accommodation of flood waters;
(4) Control filling, grading, dredging and other development which may increase flood damage; Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

**(Ord. No. 09-30 Enacted 10/10/2009)**

# CHAPTER 25-2
# DEFINITIONS

Sections:
25-2-101. Definitions.

## 25-2-101. 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) **APPEAL BOARD:** Will consist of the Public Works Director and the City Manager

(4) **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.

(5) **AREA OF SPECIAL FLOOD HAZARD -** is the land in the flood plain 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.

(6) **BASE FLOOD -** means the flood having a one percent chance of being equaled or exceeded in any given year.

(7) **BASEMENT -** means any area of the building having its floor sub-grade (below ground level) on all sides.

(8) **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.

(9) **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.

(10) **ELEVATED BUILDING -** means a non-basement building (i) 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 (ii) 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.

(11)**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."

(12)**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 flood plain management regulations adopted by a community.

(13)**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).

(14)**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.

(15)**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.

(16)**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.

(17)**FLOOD PLAIN OR FLOOD-PRONE AREA -** means any land area susceptible to being inundated by water from any source (see definition of flooding).

(18)**FLOOD PLAIN 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 flood plain management regulations.

(19)**FLOOD PLAIN MANAGEMENT REGULATIONS -** means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a flood plain 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.

(20)**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.

(21)**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.

(22)**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.

(23)**FUNCTIONALLY DEPENDENT 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.

(24)**HIGHEST ADJACENT GRADE -** means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

(25)**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.

(26)**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.

(27)**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.

(28)**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.

(29)**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".

(30)**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.

(31)**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.

(32)**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 flood plain management purposes, "new construction" means structures for

which the "start of construction" commenced on or after the effective date of a flood plain management regulation adopted by a community and includes any subsequent improvements to such structures.

(33)**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 flood plain management regulations adopted by a community.

(34)**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.

(35)**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.

(36)**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.

(37)**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.

(38)**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."

(39)**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 regulations.).

(40)**VIOLATION -** means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in Section 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.

(41)**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 flood plains of coastal or riverine areas.

**(Ord. No. 09-30 Enacted 10/10/2009)**

# CHAPTER 25-3
# GENERAL PROVISIONS

Sections:

25-3-101. Lands to which this Ordinance Applies.
25-3-102. Basis for Establishing the Areas of Special Flood Hazards.
25-3-103. Establishment of a Development Permit.
25-3-104. Compliance.
25-3-105. Abrogation and Greater Restrictions.
25-3-106. Interpretation.
25-3-107. Warning and Disclaimer of Liability.

## 25-3-101. LANDS TO WHICH THIS ORDINANCE APPLIES.

The ordinance shall apply to all areas of special flood hazard within the jurisdiction of West Valley City.

**(Ord. No. 09-30 Enacted 10/10/2009)**

## 25-3-102. BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARDS.

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 West Valley City," dated September 25, 2009, with an 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 part of this ordinance. The Flood Insurance Study and FIRM and FBFM are on file in the office of the West Valley City Public Works Department. West Valley City shall automatically adopt effective FEMA Flood Insurance Rate Maps and effective FEMA Flood Insurance Studies.

**(Ord. No. 09-30 Enacted 10/10/2009)**

## 25-3-103. ESTABLISHMENT OF A DEVELOPMENT PERMIT.

A Development Permit shall be required to ensure conformance with the provisions of this ordinance.

**(Ord. No. 09-30 Enacted 10/10/2009)**

## 25-3-104. COMPLIANCE.

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.

**(Ord. No. 09-30 Enacted 10/10/2009)**

## 25-3-105. ABROGATION AND GREATER RESTRICTIONS.

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.

**(Ord. No. 09-30 Enacted 10/10/2009)**

## 25-3-106. INTERPRETATION.

In the interpretation and application of this ordinance, all provisions shall be:

(1) Considered as minimum requirements;
(2) Liberally construed in favor of the City; and
(3) Deemed neither to limit nor repeal any other powers granted under state statutes.

**(Ord. No. 09-30 Enacted 10/10/2009)**

## 25-3-107. WARNING AND DISCLAIMER OF LIABILITY.

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. 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 City, any official, or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

**(Ord. No. 09-30 Enacted 10/10/2009)**

# CHAPTER 25-4
# ADMINISTRATION

Sections:

25-4-101. Designation of City Engineer as Flood Plain Administrator.
25-4-102. Duties and Responsibilities of the Flood Plain Administrator.
25-4-103. Permit Procedures.
25-4-104. Variance Procedures.

## 25-4-101. DESIGNATION OF CITY ENGINEER AS FLOOD PLAIN ADMINISTRATOR.

The City Engineer is hereby appointed the Flood plain Administrator to administer and implement the provisions of this ordinance and other appropriate sections of 44 CFR (National Flood Insurance Program Regulations) pertaining to flood plain management.

**(Ord. No. 09-30 Enacted 10/10/2009)**

## 25-4-102. DUTIES AND RESPONSIBILITIES OF THE FLOOD PLAIN ADMINISTRATOR.

Duties and responsibilities of the Flood plain Administrator shall include, but not be limited to, the following:

(1) Maintain and hold open for public inspection all records pertaining to the provisions of this ordinance.
(2) Review permit application to determine whether proposed building site, including the placement of manufactured homes, will be reasonably safe from flooding.

(3) Review, approve or deny all applications for development permits required by adoption of this ordinance.
(4) 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.
(5) 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 Flood plain Administrator shall make the necessary interpretation.
(6) Notify, in riverine situations, adjacent communities and the State Coordinating Agency which the National Flood Insurance Program Coordinator, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
(7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.
(8) When base flood elevation data has not been provided in accordance with Section 25-3-103, the

Flood plain 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 Chapter 25-5.

(9) When a regulatory floodway has not been designated, the Flood plain 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.

(10) 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).

**(Ord. No. 09-30 Enacted 10/10/2009)**

## 25-4-103. PERMIT PROCEDURES.

Application for a Development Permit shall be presented to the City Engineer 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:

(1) Elevation (in relation to mean sea level), of the lowest floor (including basement) of all new and substantially improved structures;
(2) Elevation in relation to mean sea level to which any nonresidential structure shall be flood-proofed;
(3) A certificate from a registered professional engineer or architect that the nonresidential flood-proofed structure shall meet the flood-proofing criteria of Section 25-5-102(2);
(4) Description of the extent to which any watercourse or natural drainage will be altered or relocated as a result of proposed development.
(5) Maintain a record of all such information in accordance with Chapter 4, Section 25-4-102(1).

Approval or denial of a Development Permit by the Flood plain Administrator shall be based on all of the provisions of this ordinance and the following relevant factors:

(1) The danger to life and property due to flooding or erosion damage;
(2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
(3) The danger that materials may be swept onto other lands to the injury of others;
(4) The compatibility of the proposed use with existing and anticipated development;
(5) The safety of access to the property in times of flood for ordinary and emergency vehicles;
(6) 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;
(7) 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;
(8) The necessity to the facility of a waterfront location, where applicable;
(9) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
(10) The relationship of the proposed use to the comprehensive plan for that area.

**(Ord. No. 09-30 Enacted 10/10/2009)**

## 25-4-104. VARIANCE PROCEDURES.

(1) The appeal Board as established by the community shall hear and render judgment on requests for variances from the requirements of this ordinance.
(2) 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 Flood plain Administrator in the enforcement or administration of this ordinance.
(3) Any person or persons aggrieved by the decision of the Appeal Board may appeal such decision in the courts of competent jurisdiction.
(4) The Flood plain Administrator shall maintain a record of all actions involving an appeal and shall report variances to the Federal Emergency Management Agency upon request.
(5) 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.
(6) 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 25-4-103(2) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
(7) 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 25-1-102).
(8) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
(9) 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.
(10) Prerequisites for granting variances:
    a. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
    b. Variances shall only be issued upon:
        i. showing a good and sufficient cause;
        ii. a determination that failure to grant the variance would result in exceptional hardship to the applicant, and
        iii. 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.
    c. Any application to whom 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.

(11) 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:

a. the criteria outlined in Section 25-4-104 (1)-(9) are met, and
b. 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. No. 09-30 Enacted 10/10/2009)**

# CHAPTER 25-5
# PROVISIONS FOR FLOOD HAZARD REDUCTION

Sections:

25-5-101. General Standards.
25-5-102. Specific Standards.
25-5-103. Standards for Subdivision Proposals.
25-5-104. Standards for areas of Shallow Flooding (AO/AH zones).
25-5-105. Floodways.

## 25-5-101. GENERAL STANDARDS.

In all areas of special flood hazards the following provisions are required for all new construction and substantial improvements:

(1) 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;
(2) All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage;
(3) All new construction or substantial improvements shall be constructed with materials resistant to flood damage;
(4) 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.
(5) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
(6) 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,
(7) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

**(Ord. No. 09-30 Enacted 10/10/2009)**

## 25-5-102. SPECIFIC STANDARDS.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 25-3-102; Section 25-4-102(8); or Section 25-5-103(3). The following provisions are required:

(1) Residential Construction - new construction and substantial improvement of any residential structure shall have the lowest floor (including basement), elevated to a minimum of one foot above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the Flood plain Administrator that the standard of this subsection

as proposed in Section 25-4-103(1), is satisfied.

(2) 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 a minimum of one foot 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 flood-proofed shall be maintained by the Flood plain Administrator.

(3) 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:
    a. 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.
    b. The bottom of all openings shall be no higher than one foot above grade.
    c. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(4) Manufactured Homes:
    a. 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.
    b. Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) 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 a minimum of one foot the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
    c. 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:
        i. the lowest floor of the manufactured home is a minimum of one foot above the base flood elevation, or

ii. the manufactured home chassis is 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.

(5) Recreational Vehicles - Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either:
   a. be on the site for fewer than 180 consecutive days,
   b. be fully licensed and ready for highway use, or
   c. meet the permit requirements of Section 25-4-103(1), and the elevation and anchoring requirements for "manufactured homes" in paragraph (4) 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.

**(Ord. No. 09-30 Enacted 10/10/2009)**

## 25-5-103. STANDARDS FOR SUBDIVISION PROPOSALS.

(1) All subdivision proposals including the placement of manufactured home parks and subdivisions shall be consistent with Chapter 25-1 of this ordinance.
(2) All proposals for the development of subdivisions including the placement of manufactured home parks and subdivisions shall meet Development Permit requirements of Section 25-3-103, Section 25-4-103, and the provisions of Chapter 25-5 of this ordinance.
(3) Base flood elevation data shall be generated for subdivision proposals and other proposed development including the placement of manufactured home parks and subdivisions which is greater than 50 lots or 5 acres, whichever is lesser, if not otherwise provided pursuant to Section 25-3-102 or Section 25-4-102(8) of this ordinance.
(4) All subdivision proposals including the placement of manufactured home parks and subdivisions shall have adequate drainage provided to reduce exposure to flood hazards.
(5) 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.

**(Ord. No. 09-30 Enacted 10/10/2009)**

## 25-5-104. STANDARDS FOR AREAS OF SHALLOW FLOODING (AO/AH ZONES).

Located within the areas of special flood hazard established in Section 25-3-102, 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:

(1) 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).
(2) All new construction and substantial improvements of non-residential structures;

a. 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;
b. 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.

(3) A registered professional engineer or architect shall submit a certification to the Flood plain Administrator that the standards of this Section, as proposed in Section 25-4-103(1), are satisfied.
(4) Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

**(Ord. No. 09-30 Enacted 10/10/2009)**

## 25-5-105. FLOODWAYS.

Floodways - located within areas of special flood hazard established in Section 25-3-102, 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:

(1) 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.
(2) If Section 25-5-105(1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Chapter 25-5.
(3) Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance 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.

**(Ord. No. 09-30 Enacted 10/10/2009)**

# TITLE 26
# ANTI-DISCRIMINATION

Chapters:

26-1 General Provisions
26-2 Employment Discrimination
26-3 Housing Discrimination
26-4 Offenses, Investigation and Enforcement

# CHAPTER 26-1
# GENERAL PROVISIONS

Sections:

26-1-101. Purpose.
26-1-102. Administration.
26-1-103. Anti-Discrimination Board.
26-1-104. No Private Right of Action; No Special Rights.
26-1-105. Severability.
26-1-106. Definitions.

## 26-1-101. PURPOSE.

(1) Every individual in the City has the right to work and earn wages through gainful employment. Discriminatory employment practices are detrimental because they impede the social and economic progress of the City by preventing all of the City's citizens from contributing to or fully participating in the cultural, spiritual, social and commercial life of the community, which is essential to the growth and vitality of the City's neighborhoods and businesses. The Utah Antidiscrimination Act, Utah Code Section 34A-5-101 et seq., addresses employment related discrimination based on race; color; sex; pregnancy; childbirth, or pregnancy-related conditions; religion; national origin; age (if 40 years of age or older); and disability, but does not address discrimination based on sexual orientation or gender identity.

(2) Every individual in the City has the right to seek housing. Discriminatory housing practices are detrimental because they impede the social and economic progress of the City by preventing all of the City's citizens from contributing to or fully participating in the cultural, spiritual, social and commercial life of the community, which is essential to the growth and vitality of the City's neighborhoods and businesses.

(3) The Utah Fair Housing Act, Utah Code Section, 57-21-1 et seq., addresses housing related discrimination based on race; color; religion; sex; national origin; familial status; source of income; and disability, but does not address discrimination based on sexual orientation or gender identity.

(4) The City has found that discrimination in employment and housing on the basis of sexual orientation and gender identity must be addressed. The denial or deprivation of employment rights and access to housing because of an individual's sexual orientation or gender identity is detrimental to the health, safety, and welfare of the City's citizens and damages the City's economic well-being. The purpose of this Title is to provide a clear and comprehensive mandate for the prevention and elimination of discrimination in employment and housing in the City against individuals based upon sexual orientation or gender identity and this Title shall be liberally construed to achieve that purpose.

**(Ord. No. 10-16 Enacted 6/11/2010)**

## 26-1-102. ADMINISTRATION.

The City Manager is responsible for administering and implementing this chapter.

**(Ord. No. 10-16 Enacted 6/11/2010)**

## 26-1-103. ANTI-DISCRIMINATION BOARD.

(1) The City Manager is authorized to establish the Anti-Discrimination Board and to appoint the three members of the Board.
(2) The term of each Board member shall be determined by the City Manager.
(3) Any member of the Board may be removed by the City Manager at any time. The City Manager shall select the chair of the Board.
(4) The Board may adopt rules of policy and procedure for the governing of meetings, its members, and the performance of its duties.

**(Ord. No. 10-16 Enacted 6/11/2010)**

## 26-1-104. NO PRIVATE RIGHT OF ACTION; NO SPECIAL RIGHTS.

This Title does not create a private cause of action, nor does it create any right or remedy that is the same or substantially equivalent to the remedies provided under federal or state law. This Title does not create any special rights or privileges which would not be available to all of the City's citizens because every person has a sexual orientation and a gender identity.

**(Ord. No. 10-16 Enacted 6/11/2010)**

## 26-1-105. SEVERABILITY.

If any section, sentence, paragraph, term, definition or provision of this Title is for any reason determined to be illegal, invalid, superseded by other authority or unconstitutional by any court of competent jurisdiction or by any state or federal regulatory authority having jurisdiction thereof, such portion shall be deemed a separate, distinct, and independent provision and such determination shall have no effect on the validity of any other section, sentence, paragraph, term, definition or provision of this chapter, all of which will remain in full force and effect.

**(Ord. No. 10-16 Enacted 6/11/2010)**

## 26-1-106. DEFINITIONS.

In this Title:
(1) "Anti-Discrimination Board" or "Board" means the Board comprised of three persons appointed by the City Manager and operating as set forth in this Title.
(2) "City" means West Valley City, Utah.
(3) "City Attorney" means the duly appointed West Valley City Attorney and includes the City Attorney's designated subordinate attorneys.
(4) "City Manager" means the duly appointed City Manager of West Valley City and includes the City Manager's designated representatives.

(5) "Complainant" means a person, including the Board or a member of the Board, who files a complaint under this chapter.
(6) "Conciliation" means the attempted resolution of issues raised in a complaint filed under this chapter, or raised in the investigation of the complaint, through informal negotiations involving the Complainant, the Respondent, and the Board.
(7) "Conciliation Agreement" means a written agreement setting forth the resolution of issues by conciliation under this chapter.
(8) "Discrimination" means any direct or indirect exclusion, distinction, segregation, limitation, refusal, denial, or other differentiation in the treatment of a person because of a person's actual or perceived sexual orientation or gender identity or because of a person's association with any such person. Discrimination shall not be interpreted to require or to grant or accord preferential treatment to any person because of that person's sexual orientation or gender identity.
(9) "Dwelling" means any building or structure, or a portion of a building or structure, occupied as, or designed or intended for occupancy as, a residence of one or more families inside the City and vacant land that is offered for sale or lease for the construction or location of a dwelling inside the City
(10) "Employee" means any individual applying with or employed by an employer. The term does not include an elected official.
(11) "Employer" means any person employing fifteen (15) or more employees in the City for each working day in each of twenty (20) or more calendar weeks in the current or preceding calendar year, and includes any agent of such a person.
(12) "Employment Agency" means any person, and any agent of a person, undertaking to procure employees or opportunities to work for any other person in the City or holding itself out to be equipped to procure employees or opportunities to work for any other person in the City.
(13) "Gender Identity" means a person's actual or perceived gender identity, appearance, mannerisms, or other characteristics of an individual with or without regard to the person's sex at birth.
(14) "Labor Organization" means any organization that exists for the purpose in whole or in part of collective dealing with Employers concerning grievances, terms or conditions of employment; or other mutual aid or protection in connection with employment.
(15) "Otherwise Qualified" means a person who possesses the following required by an employer for any particular job, job classification, or position:
    a. education;
    b. training;
    c. ability;
    d. moral character;
    e. integrity;
    f. disposition to work;
    g. adherence to reasonable rules and regulations; and
    h. other job related qualifications required by an employer.
(16) "Person" means one or more individuals, partnerships, associations, corporations, legal representatives, trusts or trustees, receivers and the City.
(17) "Real Estate Broker or Salesperson" means a principal real estate broker, an associate real estate broker, or a real estate sales agent as those terms are defined in Utah Code Section 61-2-2 or any successor provision.

(18)"Religious Organization" means a religious corporation, association, educational institution, society, trust or any entity or association which is a wholly owned or controlled subsidiary or agency of any religious corporation, association, society, trust or corporation sole.
(19)"Rent" means to lease, sublease, let, or otherwise grant for a consideration the right to occupy premises not owned by the occupant.
(20)"Residential Real Estate Related Transaction" means the making or purchasing loans or providing other financial assistance for purchasing, constructing, improving, repairing, or maintaining a dwelling; or secured by residential real estate; or selling, brokering, or appraising residential real property inside the City.
(21)"Respondent" means a person identified in a complaint as having committed an unlawful practice under this chapter.
(22)"Sexual Orientation" means a person's actual or perceived orientation as heterosexual, homosexual, or bisexual.
(23)"Unlawful Practice" means a discriminatory act or practice relating to employment or housing that is prohibited under this chapter.

**(Ord. No. 10-16 Enacted 6/11/2010)**

# CHAPTER 26-2
# EMPLOYMENT DISCRIMINATION

Sections:

26-2-101. Unlawful Employment Practices.
26-2-102. Exemptions.
26-2-103. Unlawful Intimidation, Retaliation, And Coercion.
26-2-104. Procedures For Filing Complaints.

## 26-2-101. UNLAWFUL EMPLOYMENT PRACTICES.

(1) Employers. An employer may not refuse to hire, promote, discharge, demote, or terminate any person, and may not retaliate against, harass, or discriminate in matters of compensation or in terms, privileges, and conditions of employment against any person otherwise qualified because of a person's sexual orientation or gender identity.
(2) Employment agencies. An employment agency may not refuse to list and properly classify for employment, or refuse to refer a person for employment, in a known available job for which the person is otherwise qualified because of a person's sexual orientation or gender identity.
(3) Labor organizations. A labor organization may not exclude any person otherwise qualified from full membership rights in the labor organization, expel the person from membership in the labor organization, or otherwise discriminate against or harass any of the labor organization's members in full employment of work opportunity, or representation, because of a person's sexual orientation or gender identity.
(4) Training programs. An employer, labor organization, joint apprenticeship committee, or vocational school, providing, coordinating, or controlling apprenticeship programs, or providing, coordinating, or controlling on-the-job-training programs, instruction, training, or retraining programs may not deny to, or withhold from, any qualified person, the right to be admitted to, or participate in any apprenticeship training program, on-the-job-training program, or other occupational instruction, training or retraining program because of a person's sexual orientation or gender identity.
(5) Notices and advertisements. Unless based upon a bona fide occupational qualification, or required by and given to an agency of government for security reasons, an employer, employment agency, or labor organization may not print, or circulate, or cause to be printed or circulated, any statement, advertisement, or publication, use any form of application for employment or membership, or make any inquiry in connection with prospective employment or membership that expresses, either directly or indirectly any limitation, specification, or discrimination because of a person's sexual orientation or gender identity.
(6) It is unlawful for a joint labor-management committee controlling apprenticeship or other training or retraining (including on-the-job training programs) to print or publish, or cause to be printed or published, any notice or advertisement relating to admission to, or employment in, any program established to provide apprenticeship or other training by the joint labor-management committee that indicates any preference, limitation, specification, or discrimination based on sexual orientation or gender identity.
(7) Nothing in this chapter prohibits a notice or advertisement from indicating a preference, limitation, specification, or discrimination based on sexual orientation or gender identity when sexual orientation or gender identity is a bona fide occupational qualification for employment.

(8) No Preferential Treatment. Nothing in this chapter shall be interpreted to require any employer, employment agency, labor organization, vocational school, joint labor-management committee, or apprenticeship program subject to this chapter to grant preferential treatment to any person because of the person's sexual orientation or gender identity on account of an imbalance which may exist with respect to the total number or percentage of persons of any sexual orientation or gender identity employed by any employer, referred or classified for employment by an employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to or employed in, any apprenticeship or other training program, in comparison with the total number or percentage of persons of that sexual orientation or gender identity available in the City's available work force.

**(Ord. No. 10-16 Enacted 6/11/2010)**

## 26-2-102. EXEMPTIONS.

This chapter does not apply to:

(1) a religious organization;

(2) an expressive association whose employment of a person protected by this chapter would significantly burden the association's rights of expressive association under Boy Scouts of America v. Dale, 530 U.S. 640 (2000); the United States government, any of its departments or agencies, or any corporation wholly owned by it; or

(3) the United States government, any of its departments or agencies, or any corporation wholly owned by it; or the State of Utah or any of its departments, agencies, or political subdivisions except for the City.

**(Ord. No. 10-16 Enacted 6/11/2010)**

## 26-2-103. UNLAWFUL INTIMIDATION, RETALIATION, AND COERCION.

It is unlawful for any person to discriminate against, harass, threaten, harm, damage, or otherwise penalize another person for opposing an unlawful practice, for filing a complaint, or for testifying, assisting, or participating in any manner in an investigation, proceeding, or hearing under this chapter.

**(Ord. No. 10-16 Enacted 6/11/2010)**

## 26-2-104. PROCEDURES FOR FILING COMPLAINTS.

Any person who claims to have been injured by an unlawful employment practice subject to the City's jurisdiction under this Chapter may file a complaint in accordance with the provisions of Chapter 4 of this Title.

**(Ord. No. 10-16 Enacted 6/11/2010)**

# CHAPTER 26-3
# HOUSING DISCRIMINATION

Sections:

26-3-101. Unlawful Housing Practices.
26-3-102. Exemptions.
26-3-103. Unlawful Intimidation, Retaliation, And Coercion.
26-3-104. Procedures For Filing Complaints.

## 26-3-101. UNLAWFUL HOUSING PRACTICES.

(1) It is a discriminatory housing practice to do any of the following:
   a. refuse to sell or rent after the making of a bona fide offer, refuse to negotiate for the sale or rental, or otherwise deny or make unavailable any dwelling from any person because of the person's sexual orientation or gender identity;
   b. discriminate against any person in the terms, conditions, or privileges of the sale or rental of any dwelling or in providing facilities or services in connection with the dwelling because of the person's sexual orientation or gender identity;
   c. represent to any person that any dwelling is not available for inspection, sale, or rental when in fact the dwelling is available;
   d. to make a representation orally or in writing or make, print, circulate, publish, post, or cause to be made, printed, circulated, published, or posted any notice, statement, or advertisement, or to use any application form for the sale or rental of a dwelling, that directly or indirectly expresses any preference, limitation, or discrimination based on sexual orientation or gender identity, or expresses any intent to make any such preference, limitation, or discrimination;
   e. to induce or attempt to induce, for profit, any person to buy, sell, or rent any dwelling by making representations about the entry or prospective entry into the neighborhood of persons of a particular sexual orientation or gender identity;
   f. engage in any discriminatory housing practices because of sexual orientation or gender identity based upon a person's association with another person.

(2) It is a discriminatory housing practice for a real estate broker or salesperson to do any of the following because of a person's sexual orientation or gender identity:
   a. to discriminate against any person in making available a residential real estate transaction, or in the terms or conditions of the transaction, inside the City, because of a person's sexual orientation or gender identity;
   b. to deny any person access to, or membership or participation in, any multiple-listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting dwellings inside the City or to discriminate against any person in the terms or conditions of access, membership, or participation in the organization, service, or facility inside the City because of a person's sexual orientation or gender identity; or
   c. engage in any discriminatory housing practices inside the City because of sexual orientation or gender identity based upon a person's association with another person.

(3) Exceptions. This chapter does not apply to the following:
   a. The sale or rental of any single-family dwelling, if the owner:

i. does not own an interest in or title to four or more single-family dwellings held for lease or sale at one time located inside the City;
ii. has not sold two or more single-family dwellings inside the City in which the owner did not reside in the dwelling within the 24-month period preceding the sale or rental of the dwelling; and
iii. does not use the services or facilities of any real estate broker, agent, or salesperson, or of any other person in the business of selling or renting dwellings, in connection with the sale or rental of the dwelling inside the City.

b. The rental of a dwelling that is occupied or intended to be occupied by no more than four families living independently of each other, when the owner actually maintains and occupies part of the dwelling as a residence.
c. Nothing in this section prohibits conduct against a person because of the person's conviction by a court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance under state or federal law.

**(Ord. No. 10-16 Enacted 6/11/2010)**

## 26-3-102. EXEMPTIONS.

(1) This chapter does not apply to a temporary or permanent residence facility operated by a nonprofit organization; a charitable organization; or a person in conjunction with a religious organization, association, or society, including any dormitory operated by a public or private educational institution, if the discrimination is based on sexual orientation or gender identity for reasons of personal modesty or privacy or in the furtherance of a religious organization's sincerely held religious beliefs.
(2) This chapter does not prohibit or restrict a religious organization or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization from limiting the sale, rental, or occupancy of dwellings it owns or operates for primarily noncommercial purposes to persons of the same religion, or from giving preference to such persons.
(3) This chapter does not prohibit distinctions based on a person's inability or failure to fulfill the terms and conditions, including financial obligations, of a lease, rental agreement, contract of purchase or sale, mortgage, trust deed, or other financing agreement.
(4) This chapter does not apply to: 1) the United States government, any of its departments or agencies, or any corporation wholly owned by it; or 2) the government of the State of Utah or any of its departments, agencies, or political subdivision, except for the City.

**(Ord. No. 10-16 Enacted 6/11/2010)**

## 26-3-103. UNLAWFUL INTIMIDATION, RETALIATION, AND COERCION.

It is unlawful for any person to discriminate against, harass, threaten, harm, damage, or otherwise penalize another person for opposing an unlawful practice, for filing a complaint, or for testifying, assisting, or participating in any manner in an investigation, proceeding, or hearing under this chapter.

**(Ord. No. 10-16 Enacted 6/11/2010)**

## 26-3-104. PROCEDURES FOR FILING COMPLAINTS.

Any person who claims to have been injured by an unlawful housing practice may file complaint in accordance with the provision of Chapter 4 of this Title.

**(Ord. No. 10-16 Enacted 6/11/2010)**

# CHAPTER 26-4
# OFFENSES, INVESTIGATION AND ENFORCEMENT

Sections:

26-4-101. Offenses and Penalties.
26-4-102. Complaint.
26-4-103. Investigation.
26-4-104. Conciliation.
26-4-105. Enforcement.

## 26-4-101. OFFENSES AND PENALTIES.

(1) A person commits an unlawful practice and violates this Title if the person intentionally or knowingly violates a provision of this Title or if the person intentionally or knowingly obstructs or prevents compliance with this Title.
(2) An unlawful practice committed under this Title by a Respondent owning or operating twenty (20) or fewer dwellings or employing 50 or fewer employees is punishable by a fine of not more than $500.00.
(3) An unlawful practice committed under Title by a Respondent owning or operating twenty-one (21) or more dwellings or employing 51 or more employees or by a Real Estate Broker or Salesperson is punishable by a fine of not more than $1,000.00.

**(Ord. No. 10-16 Enacted 6/11/2010)**

## 26-4-102. COMPLAINT.

(1) Any person who claims to have been injured by an unlawful practice may file a complaint with the Board. A complaint may also be filed by the Board if the Board has reasonable cause to believe that a person has committed an unlawful practice under this Title. A complaint must be filed within 180 calendar days after an alleged unlawful practice has occurred.
(2) A complaint must be in writing on a form provided by the Board, made under oath or affirmation, and contain the following information:
    a. The Complainant's name, address, and signature;
    b. The date the alleged unlawful practice occurred;
    c. A statement of the facts upon which the allegation of an unlawful practice are based; and
    d. The Respondent's name and address.
(3) Promptly after the filing of a complaint, the Board shall:
    a. provide the Respondent named in the complaint written notice that a complaint alleging the commission of an unlawful practice has been filed against the Respondent;
    b. furnish a copy of the complaint to the Respondent; and
    c. advise the Respondent of the Respondent's procedural rights and obligations, including the right to file a written, signed, and verified informal answer to the complaint within 15 calendar days after service of notice of the complaint.
(4) Not later than the 15th day after service of the notice and copy of the complaint, a Respondent may file an answer to the complaint. The answer must be in writing, made under oath or affirmation, and contain the following information:

a. The Respondent's name, address, telephone number, and signature of the Respondent or the Respondent's attorney, if any; and
b. A concise statement of facts in response to the allegations in the complaint, including facts of any defense or exception.

**(Ord. No. 10-16 Enacted 6/11/2010)**

## 26-4-103. INVESTIGATION.

(1) Upon the filing of a complaint, the Board shall commence an investigation to determine the facts behind the complaint and whether there is reasonable cause to believe the Respondent committed an unlawful practice, except that no investigation may commence if, after reviewing the allegations of the complaint, the Board determines that the complaint does not come within the scope of this chapter. Upon determining that a particular complaint does not come within the scope of this chapter, the Board shall dismiss the complaint, notify the Complainant and the Respondent and take no further action.
(2) In connection with any investigation of a complaint filed under this chapter, the Board shall seek the voluntary cooperation of any person to:
    a. obtain access to premises, records, documents, individuals, and any other possible source of information;
    b. examine, record, and copy necessary materials; and
    c. take and record testimony or statements of any person reasonably necessary for the furtherance of the investigation.
(3) The Board may dismiss a complaint during the investigation and prior to referral to the City Attorney if the Board determines that:
    a. the complaint was not filed within the required time period;
    b. the location of the alleged unlawful practice is not within the City's jurisdiction;
    c. the alleged unlawful practice is not a violation of this chapter;
    d. the Complainant refuses to cooperate with the Board in the investigation of the complaint or enforcement of an executed conciliation agreement;
    e. the Complainant cannot be located after the Board has performed a reasonable search; or
    f. a conciliation agreement has been executed by the Complainant and Respondent.

**(Ord. No. 10-16 Enacted 6/11/2010)**

## 26-4-104. CONCILIATION.

(1) During or after the investigation, but subsequent to the mailing of the notice of the complaint to the Respondent, the Board shall, if it appears that the Respondent has committed an unlawful practice, attempt to conciliate the complaint. In conciliating a complaint, the Chair of the Board, or a member of the board designated by the Chair, shall try to achieve a just resolution and obtain assurances that the Respondent will satisfactorily remedy any violation of the Complainant's rights and take action to ensure the elimination of both present and future unlawful practices. A conciliation agreement may include: sensitivity training for the Respondent and/or the Respondent's employees; the Respondent's agreement to adopt and pursue a policy of non-discrimination in its practices; and the Respondent's agreement to not engage in discriminatory practices in the future.

(2) A conciliation agreement executed under this section must be in writing in a form approved by the City Attorney and must be signed and verified by the Respondent and the Complainant, subject to approval of the Chair of the Board who shall indicate approval by signing the agreement.
(3) If a Respondent voluntarily enters into a conciliation agreement, the Board shall immediately dismiss the complaint.

**(Ord. No. 10-16 Enacted 6/11/2010)**

## 26-4-105. ENFORCEMENT.

(1) If, upon completion of an investigation of a complaint, the Board determines that an unlawful practice has occurred and is unable to secure an acceptable conciliation agreement from the Respondent, then the Board shall refer the case to the City Attorney.
(2) The Board shall refer the entire file to the City Attorney, who shall determine how best to pursue further action, if any, on the complaint.
(3) If the City Attorney determines that cause exists that an unlawful practice occurred and the facts are sufficient to warrant the initiation of an action through the West Valley Administrative Code Enforcement Hearing Program set forth in Title 10 of this Code, then the City Attorney shall provide written notification to the Respondent and the Complainant that an action to enforce this Title will be initiated. The enforcement process and proceedings shall be in compliance with the rules and provisions set forth in Title 10 of this Code.
(4) If the City Attorney determines that there is no cause that an unlawful practice occurred or that the facts are insufficient to warrant the initiation of an action in justice court, the City Attorney shall provide written notification to the Respondent and the Complainant and notify the Board who shall then dismiss the complaint.

**(Ord. No. 10-16 Enacted 6/11/2010)**