# Salt Lake City,
# City Code

This code was last updated by ordinance 61-12 passed September 4, 2012.

**Disclaimer:**
This web version of the code is provided for informational purposes only and may not reflect all of, or the most current, legislation that has been passed. The formatting and pagination of this web version varies from the official hard copy of the code -- especially charts. The official hard copy should be consulted prior to any action being taken. In the case of any discrepancy between this version and the official hard copy, the official hard copy will prevail.

## PREFACE

The city code of Salt Lake City, originally published by Book Publishing Company in 1987, has been kept current by regular supplementation. In 1999, Sterling Codifiers began providing supplement service for the city code.

This city code of the city of Salt Lake City, as supplemented, contains ordinances up to and including ordinance 61-12, passed September 4, 2012. Ordinances of the city adopted after said ordinance supersede the provisions of this city code to the extent that they are in conflict or inconsistent therewith. Consult the city office in order to ascertain whether any particular provision of the code has been amended, superseded or repealed.

Sterling Codifiers
Coeur d'Alene, Idaho

# Title 0 - FEE SCHEDULE Click on the link listed below to access the city\'s fee schedule Fee Schedule

# Title 1 - GENERAL PROVISIONS

## CHAPTER 1.01
## CODE ADOPTION

### 1.01.010: SALT LAKE CITY CODE ADOPTED:

Pursuant to the provisions of sections 10-3-707 through 10-3-711, Utah Code Annotated, 1953, as amended, and successor sections, there is hereby adopted the "Salt Lake City code", as compiled, edited and published by Book Publishing Company, Seattle, Washington. (Ord. 24-88 § 1, 1988)

## 1.01.020: TITLE; CITATION; REFERENCE:

This code shall be known as the *SALT LAKE CITY CODE*. It shall be sufficient to refer to this code as the "Salt Lake City code" in any prosecution for the violation of any provision thereof, or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of this code. Further reference may be had to the titles, chapters, sections and subsections of this code, and such references shall apply to that numbered title, chapter, section and subsection as it appears in the code. (Ord. 24-88 § 2, 1988)

## 1.01.030: CODIFICATION AUTHORITY:

This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the city of Salt Lake City, codified pursuant to the provisions of sections 10-3-707 through 10-3-711 of the Utah Code Annotated, 1953, as amended, and successor sections. (Ord. 24-88 § 3, 1988)

## 1.01.040: REFERENCE APPLIES TO ALL AMENDMENTS:

Whenever a reference is made to this code as the "Salt Lake City code", or to any portion thereof, or to any ordinance of the city of Salt Lake City, Utah, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Ord. 24-88 § 6, 1988)

## 1.01.050: TITLE, CHAPTER AND SECTION HEADINGS:

Title, chapter and section headings contained in this code 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 or section hereof. (Ord. 24-88 § 7, 1988)

## 1.01.060: REFERENCES TO SPECIFIC ORDINANCES:

The provisions of this code shall not in any manner affect matters which have heretofore been made of record and which refer to ordinances specifically designated by number. Any such reference shall be construed to apply to the corresponding provisions contained within this code. (Ord. 24-88 § 8, 1988)

## 1.01.070: EFFECT OF CODE ON ORDINANCES NOT REPEALED:

The adoption of this code shall in no way affect the validity or enforceability of any ordinance not contained in this code which is not specifically repealed hereby. (Ord. 24-88 § 9, 1988)

## 1.01.080: EFFECT OF CODE ON PAST ACTIONS AND OBLIGATIONS:

Neither the adoption of this code nor the repeal or amendments hereby of any ordinance or part or portion of any ordinance of the city shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date of such adoption. The adoption of this code shall not be construed as a waiver of any license, fee or penalty at such effective date due and unpaid under such ordinance. No bonds or cash deposits in lieu thereof required to be posted, filed or deposited pursuant to any ordinance shall in any way be made invalid by this code adoption. (Ord. 24-88 § 10, 1988)

## 1.01.090: ORDINANCES PASSED BEFORE CODE ADOPTION:

The last ordinance included in the initial code is ordinance 13 of 1988, passed February 2, 1988, except that ordinance 87 of 1987 is not included in the initial code. Ordinance 87 of 1987 and the following ordinances, passed subsequent to ordinance 13-88, but prior to the adoption of this code, are hereby adopted and made a part of this code: ordinances 14-88, 15-88, 16-88, 17-88, 18-88, 19-88, 20-88, 21-88, 22-88 and 23-88. (Ord. 24-88 § 4, 1988)

## 1.01.100: AMENDMENTS TO ORDINANCE 88-86:

This code includes various changes, alterations and modifications to city ordinance 88 of 1986, passed November 18, 1986, which ordinance is incorporated in this code in its amended form. (Ord. 24-88 § 11, 1988)

## 1.01.110: SPECIFIC AMENDMENTS AND REPEALERS:

In addition to correction of errors, inconsistencies, repetitions and ambiguities, this code, as adopted in this chapter, includes amendments and repealers to specific titles, chapters and sections of the former revised ordinances of Salt Lake City, Utah, 1965, as set forth in exhibit A, attached to the ordinance codified herein and made a part hereof by this reference. (Ord. 24-88 § 12, 1988)

## 1.01.120: EFFECTIVE DATE:

The effective date of ordinance 24-88, adopting this code, shall be May 1, 1988, at the time of one minute past twelve o'clock (12:01) A.M. (Ord. 24-88 § 13, 1988)

## 1.01.130: TECHNICAL CORRECTIONS:

Book Publishing Company, Seattle, Washington, as the compiler of this code, or such other editor or publisher as hereafter appointed by the mayor, is authorized to assign numbers and headings to titles, chapters and sections, and to make technical corrections to this code. (Ord. 24-88 § 5, 1988)

# CHAPTER 1.04
# GENERAL PROVISIONS

## 1.04.010: DEFINITIONS AND INTERPRETATION OF LANGUAGE:

A. Rules Of Construction: In the construction of this code and all ordinances amendatory thereof, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the legislative body or repugnant to the context of the ordinance.

B. Interpretation Of Language:

1. The singular number includes the plural.

2. Words used in the present tense include the future.

3. Words used in the masculine gender comprehend, as well, the feminine and neuter.

C. Definitions:

BRIBE: Means and signifies any money, goods, rights in action, property, thing of value, or advantage, present or prospective, or any promise or undertaking to give any, asked, given, or accepted, with a corrupt intent to influence unlawfully the person to whom it is given in his action, vote, or opinion in any public or official capacity.

CITY: The city of Salt Lake City, Utah.

CORRUPTLY: Means and imports a wrongful design to acquire or cause some pecuniary or other advantage to the person guilty of the act or omission referred to, or to some other person.

HIGHWAY AND ROAD: Means and includes public bridges, and may be held equivalent to the words "county way", "county road", "common road" and "state road".

KNOWINGLY: Imports only a knowledge that the facts exist which bring the act or omission within the provisions of this code. It does not require any knowledge of the unlawfulness of such act or omission.

LAND, REAL ESTATE AND REAL PROPERTY: Means and includes land, tenements, hereditaments, water rights, possessory rights and claims.

MALICE AND MALICIOUSLY: Means and imports a wish to vex, annoy or injure another person, or an intent to do a wrongful act, established either by proof or by presumption of law.

MAYOR: The duly elected or appointed mayor of Salt Lake City, Utah, and shall include any person or persons designated by the mayor to act in his/her stead, unless the context clearly indicates that the mayor, as an individual person, is intended.

MONTH: A calendar month unless otherwise expressed, and the word "year" or the abbreviation "A.D." is equivalent to the expression "year of our Lord".

NEGLECT, NEGLIGENCE, NEGLIGENT AND NEGLIGENTLY: Means and imports a want of such attention to the nature or probable consequences of the act of omission as

a prudent man ordinarily bestows in acting in his own concern.

OATH: Means and includes "affirmation", and the word "swear" includes the word "affirm". Every mode of oral statement under oath or affirmation is embraced in the term "testify" and every written one in the term "dispose".

OFFICER: Means and includes officers and boards in charge of departments and the members of such boards.

OWNER: Applied to a building or land means and includes any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of a part of such building or land.

PERSON: Means and includes bodies politic and corporate, partnerships, associations and companies.

PERSONAL PROPERTY: Means and includes every description of money, goods, chattels, effects, evidences of rights in action, and all written instruments by which any pecuniary obligation, rights or title to property is created, acknowledged, transferred, increased, defeated, discharged or diminished, and every right or interest therein.

PROPERTY: Means and includes both real and personal property.

SIGNATURE: Means and includes any name, mark or sign written with the intent to authenticate any instrument or writing.

STATE: The state of Utah.

STREET: Means and includes alleys, lanes, courts, boulevards, public ways, public squares, public places and sidewalks.

TENANT OR OCCUPANT: Applied to a building or land, means and includes any person who occupies the whole or any part of such building or land either alone or with others.

WILFULLY: When applied to the intent with which an act is done or omitted, means and implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law, or to injure another, or to require any advantage.

WRITING: Means and includes printing, writing and typewriting. (Amended during 1/88 supplement; prior code § 26-1-3)

### 1.04.020: TIME:

When any time is specified in this code, it shall mean standard time, as distinguished from solar time, and the words "midnight" or "noon" shall be taken to be midnight or noon standard time. (Prior code § 26-1-3)

### 1.04.030: ENACTING STYLE OF ORDINANCES:

The enacting style of all ordinances of the city shall be "Be it ordained by the city council of Salt Lake City, Utah". (Prior code § 26-1-3)

### 1.04.040: PUBLICATION OR POSTING OF ORDINANCES:

All ordinances, before taking effect, shall be deposited in the office of the city recorder and a short summary of the ordinance published at least once in a newspaper published

within the city, and shall become effective twenty (20) days after publication or posting or thirty (30) days after final passage by the city council, whichever is closer to the date of final passage, but ordinances may become effective at an earlier or later date after publication or posting if so provided in the ordinance. (Amended during 1/88 supplement; prior code § 26-1-9)

### 1.04.050: POWERS OF OFFICERS:

Words prohibiting anything being done, except in accordance with a license or permit or authority from a board or officer, shall be construed as giving such board or officer power to license or permit or authorize such thing to be done. (Prior code § 26-1-3)

### 1.04.060: DELEGATION OF AUTHORITY BY ORDINANCE:

Whenever the language of the ordinance codified in this code purports to grant discretionary authority to any city officer, employee or board, such person's or board's power shall be limited to determining factually whether or not the conditions required by said ordinances exist or have been complied with. (Prior code § 26-1-10)

### 1.04.070: CONSTITUTIONALITY:

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The council hereby declares that it would have passed this code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases have been declared invalid or unconstitutional, and if for any reason this code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect. (Ord. 24-88 § 14, 1988: prior code § 26-1-11)

# CHAPTER 1.08
# CITY SEAL

### 1.08.010: FORM:

The corporate seal of the city shall be circular in form, not to exceed one and three-fourths inches ($1\frac{3}{4}$") in diameter, and shall contain in the center of its impression a facsimile of the joint city and county building, and underneath it, the words "Corporate Seal", the whole thereof shall be surrounded by a scroll and the words "Salt Lake City, Utah". (Prior code § 24-7-1)

### 1.08.020: CUSTODY:

The seal of the city shall be kept in the custody of the city recorder and used for official purposes only. (Prior code § 24-7-2)

# CHAPTER 1.12
# CODE VIOLATIONS AND GENERAL PENALTY

### 1.12.010: INTENT TO DEFRAUD:

Whenever by any of the provisions of this code, an intent to defraud is required in order to constitute any offense, it is sufficient if an intent appears to defraud any person, association or body politic or corporate whatever. (Prior code § 26-1-4)

### 1.12.020: LIABILITY OF EMPLOYERS AND AGENTS:

When the provisions of this code prohibit the commission or omission of an act, not only the person actually doing the prohibited thing or omitting the directed act, but also the employer and all other persons concerned or aiding or abetting therein shall be guilty of the offense described and liable to the penalty prescribed for the offense. (Prior code § 26-1-5)

### 1.12.030: ESSENTIALS OF CRIME:

In every crime or public offense, there must exist a union or joint operation of act and intent, or criminal negligence. (Prior code § 26-1-6)

### 1.12.040: CONTINUING OFFENSES DEEMED DAILY VIOLATION:

In all instances where the violation of this code is a continuing violation a separate offense shall be deemed committed upon each day during or on which the violation occurs or continues. (Prior code § 26-1-7)

### 1.12.050: VIOLATION; PENALTY:

Any person convicted of violating any provision of the city ordinances codified, shall be guilty of a class B misdemeanor, unless otherwise specified in such ordinance or interpreted by the court as a class C misdemeanor, infraction, or civil violation, and such violations shall be punished as follows:

A. In the case of a class B misdemeanor, by a fine in any sum not exceeding one thousand dollars ($1,000.00) or by imprisonment for a term not longer than six (6) months, or by both such fine and imprisonment;

B. In the case of a class C misdemeanor, by a fine in any sum not exceeding seven hundred fifty dollars ($750.00) or by imprisonment for a term not longer than ninety (90) days, or by both such fine and imprisonment;

C. In the case of an infraction, by a fine in any sum not exceeding seven hundred fifty dollars ($750.00);

D. In the case of a civil penalty violation, by a total assessment not in excess of one thousand dollars ($1,000.00);

E. The sentence to pay a fine or civil penalty, when imposed upon a corporation, association or partnership, for a class B misdemeanor or civil penalty violation, shall be in any sum not exceeding five thousand dollars ($5,000.00);

F. The sentence to pay a fine, when imposed upon a corporation, association or partnership, for a class C misdemeanor or infraction, shall be in any sum not exceeding one thousand dollars ($1,000.00);

G. A prosecution of a corporation, association or partnership, as an entity, shall not preclude prosecutions of individuals responsible for the actions of such entities and shall not preclude a separate fine or imprisonment or both, or civil penalty, for those individuals, as well as a separate fine, or civil penalty, for the business entity.

H. The foregoing penalties for criminal violations shall be in addition to any surcharges imposed by state law. (Ord. 23-03 § 4, 2003: Ord. 29-02 § 3, 2002: Ord. 80-87 § 1, 1987: Ord. 88-86 § 57, 1986: Ord. 75-86 § 1, 1986: Ord. 74-80, 1980: prior code § 26-1-8)

# Title 2 - ADMINISTRATION AND PERSONNEL

# CHAPTER 2.02
# GOVERNMENTAL ORGANIZATION

### 2.02.010: PURPOSE:

It is the intent and purpose of this title to establish and clarify the organization and operation of city departments and to provide for an orderly means of conducting the operations of city government. Pursuant to title 10, chapter 3 of the Utah code, this chapter and chapters 2.04, 2.06, and 2.08 of this title, or their successoral chapters, provide for the division of administrative services into departments, divisions and bureaus and define the duties and functions of each. These chapters constitute the administrative code of the city. (Prior code § 24-1-1)

### 2.02.020: ESTABLISHMENT OF BRANCHES:

The municipal government of the city is divided into separate, independent and equal branches of government:

A. The executive branch, which consists of the elected mayor of the city, and the administrative departments of the city, together with department heads, officers and employees; and

B. The legislative branch, which consists of a municipal council and their staff. The mayor shall be elected at large by the voters of the municipality and shall exercise the executive powers of the government. The council shall consist of seven (7) members, who are residents of and elected from their respective council districts. (Prior code § 24-1-2)

# CHAPTER 2.04
# OFFICE OF THE MAYOR

### 2.04.010: POWERS AND DUTIES:

The mayor shall be the chief executive officer of the city and its official head for all ceremonial purposes. The mayor shall be responsible for the proper administration of all affairs of the city with which the office is charged. The mayor's powers and duties include, but are not limited to, the following:

A. Supervising the administration and enforcement of all laws and ordinances of the city;

B. Administering and exercising control of all departments of the city;

C. Supervising the administrative functions of other departments and agencies which are related to or affect city operations, to the extent requested or delegated by the officers or bodies having primary responsibility for the operation of such departments or agencies;

D. Authorizing the issuance of such administrative rules and regulations and outlining general administrative procedures applicable to areas of operation and departments

confided to the mayor's supervision, which are not in conflict with the laws of the state or of city ordinances;

E. Supervising the office of policy and budget and the city's budget director, who may be appointed pursuant to section 10-36-202(1)(d)(viii), Utah code or its successor statute;

F. Preparing the city budget and submitting the same to the city council;

G. Keeping the city council informed as to the financial condition of the city on a quarterly basis or such longer time as the council shall request;

H. Recommending to the council for adoption such measures as may be deemed necessary or proper for the efficient and proper operation of the city;

I. Attending city council meetings;

J. Preparing and submitting to the council:

1. A state of the city report during January of each year, and

2. An annual report of the city's financial affairs, within one hundred eighty (180) days following the close of the city's fiscal year;

K. Subject to the requirements of statutes and ordinances now or hereafter lawfully enacted, supervising the purchase of materials or services and otherwise authorizing expenditures of funds on behalf of the city;

L. Making all appointments to all city committees, boards, commissions and other advisory bodies in the city, after having received the advice and consent of the council on each separate prospective appointment, as provided or required in state law, and removing the same;

M. Hiring and making all appointments regarding all executive department employees, officers and agents (subject to the advice and consent of the council where required by state law), and disciplining or terminating the same;

N. Performing such other duties as may be prescribed or permitted by law, including issuing proclamations; vetoing ordinances, tax levies and appropriations, subject to council veto override as provided by state law; and establishing job descriptions, job functions, job classifications or reclassifications and compensation therefor, within the budgeted appropriations and consistent with state law. (Ord. 39-10, 2010)

## 2.04.020: DELEGATION AND ASSIGNMENT OF DUTIES:

A. Chief Administrative Officer: The mayor may appoint a chief administrative officer, with the advice and consent of the council, to exercise such powers of administration and perform such duties as the mayor shall prescribe which are not inconsistent with law. The officer may be removed at the sole discretion of the mayor and may also be known as and designated by the title of "city administrator". The chief administrative officer shall be appointed on the basis of professional competence.

B. Office Of The Mayor: Subject to the limitations and requirements of applicable budget appropriations, the mayor shall have assistants and officers who shall perform such functions and duties as may be assigned to them by the mayor. In order to provide proper staff and administrative services to the city and its departments, the mayor is authorized to establish within the office of the mayor such divisions or sections as may seem necessary or proper for the purposes aforesaid.

C. Office Of Internal Audit: There shall be created an office of internal audit which shall be independent of all other programs or departments of the city and shall be directed by an internal audit committee. Audit assignments from the committee may include audits of internal controls, compliance, efficiency, program results and operational audits for all areas of city government. Internal auditors shall assist management by determining whether internal controls are operating as intended and by identifying weaknesses.

D. Delegation And Assignment Of Duties: From time to time the mayor may:

1. Abolish, change or reorganize or to transfer functions, duties and services;

2. Assign or reassign personnel between any section or division of the office of the mayor; and

3. Transfer functions, duties, services and assign or reassign personnel from, to or between any section or division of the mayor's office and between and among any of such departments and sections or divisions of the administrative organization of the city; provided, however, that no such mayoral action may be inconsistent with chapter 2.08 of this title, or its successor chapter. (Ord. 30-09 § 1, 2009: Ord. 16-92 § 3, 1992: prior code § 24-2-2)

## 2.04.030: PROCLAMATION OF EMERGENCY; POWERS:

(Rep. by Ord. 76-08 § 1, 2008)

## 2.04.040: RELATIONSHIP WITH CITY COUNCIL:

A. The mayor, or departments designated by the mayor, shall provide such information concerning city finances, operations and procedures, as requested by the council and necessary for the council to fulfill its statutory duties, which are not privileged, private or confidential.

B. No council member shall interfere in any way with the performance of officers, employees or agents working for the administrative branch of government; give orders to any subordinate of the mayor; or request any person to be appointed to or removed from office, except in writing to the mayor. (Prior code § 24-2-3)

## 2.04.050: ESTABLISHMENT OF COMMITTEES AND BOARDS:

A. The mayor may administratively establish, from city personnel and private individuals, committees to assist and provide counsel.

B. Various boards, committees and other organizations of or from the community, not otherwise provided for in these administrative ordinances, shall report to, coordinate with or have city liaison with the executive branch of city government through the mayor or the mayor's designee. These organizations include the sister city committee, Salt Lake library board, Salt Lake Valley board of health, Salt Lake council of governments (COG) and the Wasatch regional front council. (Ord. 1-06 § 30, 2005: prior code § 24-2-4)

### 2.04.055: BOARD APPOINTMENTS; TERMS OF OFFICE:

A. No person shall be confirmed by the council to any body, for which the mayor has the power of appointment, if that appointment would result in service by the appointee of more than two (2) consecutive terms or eight (8) years, whichever is greater, unless it is demonstrated to the satisfaction of the council that a longer period of service of an appointee is necessary to prevent a significant disruption of or prejudice to the body for which the appointment is sought.

B. A record of all appointments, including the name of the appointee, the board, committee, panel or body to which the appointment pertains and the term for which the appointment is made, shall be maintained by the city recorder and made available for public inspection. (Ord. 17-90 § 1, 1990: Ord. 1-89 § 1, 1989)

### 2.04.060: VACANCIES; APPOINTMENT OF SUCCESSOR:

A. Determination And Filling Of Vacancies: If the duly elected mayor shall die, resign, terminate legal domicile within the corporate limits of the city as determined by a court of competent jurisdiction or be judicially removed from office, the office of mayor shall become vacant. The council shall pursuant to Utah code section 20A-1-510 (midterm vacancies in municipal offices), or its successoral provisions, and within thirty (30) days after such vacancy appoint a resident of the city, who is otherwise qualified to be elected mayor to fill such vacancy. The person so appointed shall serve as mayor until the next municipal election and until a successor shall be duly qualified, elected and sworn into office.

B. Council Chairperson, Acting Mayor: Until a successor mayor is appointed by the council as provided in subsection A of this section or its successor, the chairperson of the council shall be the acting mayor.

C. Absence Or Incapacity Of Mayor: The absence of the mayor from the city or the temporary physical or mental incapacity of the mayor shall not be deemed to cause a vacancy in the office of the mayor. However, if the mayor shall judicially be determined to be totally and permanently incapacitated (either physically or mentally) to an extent that the such elected or appointed mayor cannot perform the mayoral functions for the remainder of the unexpired term, the office of the mayor shall be deemed vacant and shall be filled, as provided in subsection A of this section or its successor. (Ord. 76-08 § 4, 2008: prior code § 24-2-5)

# CHAPTER 2.06

# CITY COUNCIL

## 2.06.010: DISTRICTS AND MEMBERSHIP:

A. District Division And Terms: The city shall be divided into seven (7) council districts of substantially equal population. One nonpartisan candidate shall be from each council district. Council members elected shall serve four (4) year terms; however, council members inaugurated January 7, 1980, from districts 1, 3, 5 and 7 shall initially serve a term of two (2) years. After the initial terms commencing January 7, 1980, have been completed, all subsequent terms shall be for four (4) years.

B. District Boundaries: The legislative districts of the city are as provided on the map duly approved by the council. The districts shall be enlarged by subsequent contiguous city annexations and shall be reapportioned following each federal decennial census to maintain substantially equal populations. The council shall by resolution or ordinance adopt such district boundary modifications and may, also, by resolution or ordinance adopt maps and/or metes and bounds descriptions of the districts. A current copy of all such maps, resolutions and ordinances shall be on file with the city recorder and available for public inspection. (Prior code § 24-4-1)

## 2.06.020: ORGANIZATION AND RULES:

The council shall elect a chairperson from its number and shall determine by resolution its order, rules, procedure and organization from time to time as it deems prudent and appropriate. (Prior code § 24-4-5)

## 2.06.030: MEETINGS OF COUNCIL:

A. Regular Meetings: The council is a part time legislative body, but shall meet not less than twice monthly.

B. Special Meetings: Special meetings may be called by order of the chairperson of the council, by a majority of the council members or by the mayor. The order signed by the party calling the meeting shall be filed with the city recorder and entered in the minutes of the council. Notice of such special meeting shall be given to the mayor and all council members who have not joined in the order, not less than forty eight (48) hours before the special meeting. The notice shall be served personally or a copy thereof left at the council member's or mayor's place of abode, either by leaving it with a person of suitable age and discretion or taping a copy thereof to the front door by the city recorder or his/her designee.

C. Emergency Meetings: Emergency meetings of the council may be called by order of the mayor or by a majority vote of the council, to consider unforeseen matters of an emergency or urgent nature. Such meetings may be held without any specific advance notice, but shall be had at a time so as to give the mayor and all council members the most opportunity to be present, considering the exigencies requiring the emergency meeting. However, notice of such meeting shall be attempted by the best means practical under the circumstances to the mayor and each council member, not joining in the order.

D. Open Meetings: All official meetings of the council shall be open to the public as required by the Utah open and public meetings act or its successor; provided, however, that executive sessions may be closed by a two-thirds ($^2/_3$) majority vote of the council members present at an open meeting, for discussions of appropriate matters as provided in the Utah open and public meetings act or its successor. No final decisions shall be made in closed meetings.

E. Electronic Meetings: For purposes of the Utah open and public meetings act, the council may hold an electronic meeting only if a majority of a quorum of the council is physically present at the physical location from which the electronic meeting originates or from which the council members are connected to the electronic meeting. However, if a proclamation of local, state or national emergency is in effect, a majority of a quorum of the council need not be physically present at the physical location from which the electronic meeting originates or from which the council members are connected to the electronic meeting in order for an electronic meeting to be held. (Ord. 76-08 § 3, 2008: Ord. 78-02 § 1, 2002: prior code § 24-4-3)

## 2.06.040: MEETING SCHEDULES, AGENDAS AND MINUTES:

A. The city recorder will publish in a newspaper of general circulation in the city the annual meeting schedule of the city council, stating the date, time and place of such regular meetings. The publication shall be made at least once each calendar year before May 15 and within thirty (30) calendar days following a change thereof. The schedule shall include the following meetings:

1. Council briefing sessions: On the first, second, and third Tuesdays of each month, at three o'clock (3:00) P.M. in the city council offices, city hall; however, it is anticipated that such meeting will not be scheduled on the third, fourth or fifth Tuesday of the months of June, July, August and December. The council may occasionally meet at this time as the board of directors for the redevelopment agency of Salt Lake City pursuant to its bylaws. It is anticipated that this will be on the second Tuesday of each month. On such days, the council briefing session will commence after the termination of the meeting as the board of directors.

2. Regular council meetings:

a. On the first, second and third Tuesdays of each month, at seven o'clock (7:00) P.M. in the city council chambers, third floor, city hall; however, it is anticipated that such meetings will not be scheduled on the third, fourth or fifth Tuesday of the months of June, August and December.

b. Actual meetings of the city council may occasionally vary from the foregoing schedule, as circumstances require.

B. In addition to the foregoing notice, the council shall cause an agenda to be prepared for each regular or special meeting of the council, which agenda shall be reasonably specific and sufficient to identify the matters to be considered by the council; it shall also state the date, time and place of the meeting. A copy of such agenda shall be posted in the office of the city recorder and a copy given to a local media correspondent or posted in the pressroom located in the city hall, not less than twenty four (24) hours before such special or regular meeting. Notices of emergency meetings shall be given in the best practicable manner, under the circumstances, to the public and a member of the local news media.

C. Minutes shall be kept of all open or closed meetings and shall contain a record of those matters required by the Utah open and public meetings act or its successor. The minutes shall be public records, filed with the city recorder and required to be kept by state law and shall be recorded and available for public inspection, within a reasonable time after the conclusion of such meeting(s). (Ord. 9-08 § 1, 2008: Ord. 53-94 § 1, 1994: amended during 1/88 supplement: Ord. 22-83 § 1, 1983: prior code § 24-4-4)

## 2.06.050: VACANCY FILLING:

In the event of a vacancy in the council, it shall within thirty (30) days of the occurrence and declaration of such vacancy, by majority vote of the remaining council members, appoint a qualified elector of the city to fill the unexpired term. The appointee shall serve with all of the rights and powers of a duly elected council member, until the next election and the date a successor is duly elected, qualified and sworn into office. A vacancy shall occur if a council member shall die, resign, terminate legal domicile within the corporate

limits of the city and the appropriate council district boundaries, or be judicially removed from office. (Prior code § 24-4-6)

### 2.06.060: POWERS AND DUTIES:

The council shall exercise the legislative powers of city government, including the adoption of ordinances and resolutions; setting appropriate tax levies; adopting the city budget; establishing sewer and water rates and setting other general tax and service rates. The council shall supervise, appoint and direct its own staff and establish job descriptions, job functions, job classifications or reclassifications and compensation therefor, within the budgeted appropriations and consistent with state law. It may also review and monitor the municipal administration, conduct public hearings and perform all other duties and responsibilities authorized or required by state law. The council shall consider and give, where appropriate, its advice and consent to the mayor on all proposed appointments to city boards, commissions, committees or other bodies established to provide advice or assistance to the operation of city government, except as may otherwise be specified by law. (Prior code § 24-4-2)

# CHAPTER 2.08
# ADMINISTRATIVE ORGANIZATION

### 2.08.010: ADMINISTRATIVE ORGANIZATION ESTABLISHED:

Subject to the limitations and requirements of applicable budget and appropriations, the city's administrative organization shall consist of operating departments, offices and divisions or bureaus. Each department shall be identified and have the duties, functions and responsibilities as hereafter generally designated and as assigned by the mayor. Each shall be organized into such divisions as may be determined by the mayor to be appropriate to carry out its functions. (Ord. 8-86 § 1, 1986: prior code § 24-3-1)

### 2.08.020: DEPARTMENT OF THE CHIEF ADMINISTRATIVE OFFICER:

(Rep. by Ord. 39-10, 2010)

### 2.08.025: DEPARTMENT OF FINANCE:

A. Functions: The department of finance shall have charge of and be responsible for all financial services, the office of the city treasurer, the purchasing and contracts division, the financial reporting and budget division, the accounting division, and the revenue audits and business licensing division.

B. City Auditor: The director of the department of finance or the mayor's designee shall be the city auditor, within the meaning of the uniform fiscal procedures act of the state.

C. City Treasurer: The functions of city treasurer shall be assigned to the department under the administrative direction of the director. In addition to those duties designated by the director, the city treasurer shall have charge of and be responsible for the collection and disposition of city revenues, the keeping of an accurate and detailed account of all matters within the treasurer's charge as provided in the uniform fiscal procedures act, or any successor statutes, and shall perform all other duties required by law. (Ord. 39-10, 2010)

## 2.08.027: DEPARTMENT OF HUMAN RESOURCES:

A. The department of human resources shall have charge of, and be responsible for all programs relating to the personnel of the city, and the civilian review board. (Ord. 39-10, 2010)

## 2.08.029: DEPARTMENT OF INFORMATION MANAGEMENT SERVICES:

A. Functions: The department of information management services shall be responsible for all central support services required for city operations, and for GIS consolidation. (Ord. 39-10, 2010)

## 2.08.030: DEPARTMENT OF AIRPORTS AND AIRPORT BOARD:

A. Functions: The department shall have charge of and be responsible for the planning, design, construction, operation, maintenance, administration and management of all airport properties and attendant facilities under jurisdiction of the city, including any required satellite operating or support facilities.

B. Airport Board: The airport board created under and functioning pursuant to the provisions of chapter 2.14 of this title, or its successor chapter, shall provide citizen assistance and direction to the director of airports and shall coordinate, report and receive direction on administrative and executive functions from the mayor. It shall coordinate and report legislative matters through the mayor to the city council. (Ord. 86-98 § 2, 1998: Ord. 8-86 § 1, 1986: prior code § 24-3-3)

## 2.08.040: OFFICE OF CITY ATTORNEY:

A. Functions:

1. The city attorney shall be the chief legal officer of the city and shall be responsible to the mayor and city council for the proper administration of the legal affairs of the executive and legislative branches of city government.

2. The executive and legislative branches of government shall enjoy equal and independent access to the services of the office of the city attorney with reference to their respective functions and duties. It shall be the responsibility of the city attorney to administer the office of the city attorney in a manner which will enable the mayor and city council to fulfill their respective duties in a timely fashion.

3. The foregoing notwithstanding, the city attorney shall not in any instance, either personally, or by his or her deputies, act as both prosecutor and advocate before (and at the same time advisor to) any board, commission, agency, officer, official or body of the city. In cases where such a conflict shall arise, special counsel may be employed who shall not be subject to the control or direction of the city attorney in such matter, and who shall provide the legal service to or before such board, commission, agency, officer, official or body.

4. Supervise the office of the city recorder.

B. Separate Executive Or Legislative Counsel: Nothing in this chapter shall be construed to prohibit either the city council or mayor from retaining separate counsel from appropriated funds, as either may from time to time deem appropriate.

C. City Recorder:

1. The city recorder shall be assigned to the office of the city attorney and be under the administrative direction of the city attorney; however, the recorder shall be responsible to the city council, which shall have equal and independent access for services with respect to legislative functions.

2. The city recorder shall keep the corporate seal, the official papers and records of the city, as required by law; the record of the proceedings of the city, as required by law; and shall attest legal documents of the city and do those other matters prescribed by law. (Ord. 39-10, 2010)

## 2.08.050: DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT:

A. Functions: The department of community and economic development shall have charge of and be responsible for:

1. Land use planning;

2. Business regulation;

3. Housing;

4. Building and housing codes;

5. City engineering;

6. Transportation engineering;

7. Nonparking civil enforcement, including enforcement of the sidewalk entertainers and artists ordinance, and enforcement of snow removal;

8. Economic development; and

9. Capital asset management.

B. City Engineer: The position of city engineer shall be assigned to the department of community and economic development under the administrative direction of the director of community and economic development. The city engineer shall be a registered professional engineer of the state and shall be responsible for the review, supervision and acceptance of all engineering and architectural design, and construction work required by or for the city, except as assigned in this code to other departments or offices of the city; the coordination and supervision of all construction work done within the public rights of way of the city; and the records of public improvements as prescribed by state statute. The duties may be delegated by the city engineer as deemed prudent and appropriate; such delegation may include the department of public utilities (for recording and maintaining engineering records relating to the water and sewer systems and its engineering functions) and the department of airports. (Ord. 39-10, 2010)

## 2.08.070: FIRE DEPARTMENT:

A. Functions: The fire department shall be responsible throughout the city for the protection of life and property from damage or loss due to fire, through measures including, but not limited to:

1. The development and administration of public education and fire prevention programs;

2. Fire safety;

3. Fire and safety inspections of buildings and proposed building plans;

4. Fire rescue and emergency medical and other emergency services, except that 911 communication and dispatch services shall be provided by the 911 communications bureau as provided in section 2.08.110 of this chapter;

5. Hazardous material investigation;

6. Fire suppression; and

7. Postinvestigation of fires for possible arson.

B. Duties: The chief of the fire department shall be the appointing power and have the command over all the officers, members and employees of the department. It shall be the duty of the chief of the fire department, subject to the approval of the mayor, to make and adopt such rules and regulations for the administration and operation of the department as in his/her judgment shall be necessary for the good of the service. (Ord. 47-12, 2012: Ord. 16-92 § 2, 1992: amended during 1/88 supplement: Ord. 8-86 § 1, 1986: prior code § 24-3-7)

## 2.08.080: DEPARTMENT OF PUBLIC SERVICES:

A. Functions: The department of public services shall have charge of and be responsible for the sustainability division; the division of parks and public lands; the division of youth and family programs; and fleet management:

1. The general supervision, maintenance, upkeep and control of the city's parks, playgrounds, athletic fields, golf courses, pools and other recreational areas and facilities;

2. The city's cemetery;

3. Recreational activities and public event planning;

4. Maintenance and upkeep of shade trees and other plantings;

5. The operation and maintenance of streets, parkways, sidewalks, street lighting, traffic signals, and similar public ways and facilities;

6. The collection and disposal of all solid waste generated within the city as provided for in city ordinances;

7. Maintenance and repair of all city owned buildings within the city; and

8. Enforcement of parking ordinances and regulations. (Ord. 39-10, 2010)

## 2.08.090: POLICE DEPARTMENT:

A. Functions: The police department, by and through its sworn officers, shall be responsible for preserving the public peace, preventing crime, detecting and arresting criminal offenders, protecting the rights of persons and property, regulating and controlling motorized and pedestrian traffic, training sworn personnel, providing and maintaining police records and communications systems, except that 911 communications and dispatch services shall be provided by the 911 communications bureau as provided in section 2.08.110 of this chapter. Emergency management shall be housed in the police department.

B. Duties: The chief of the police department shall be the appointing power and have command over all the officers, members and employees in the department. It shall be the duty of the chief, subject to the approval of the mayor, to make and adopt such rules and regulations for the operation and administration of the department, as, in the chief's judgment, shall be necessary for the good of the service.

C. Early Warning System: The chief of the police department, taking into account the recommendations of the civilian review board and the civilian review board's administrator pursuant to chapter 2.72 of this title, shall develop an early warning system whereby the police department administration shall be notified by the police department's internal affairs unit if a police officer has exhibited a pattern of generating complaints with the internal affairs unit. This early warning system shall be activated regardless of the subsequent disposition of such complaint. When the early warning system is activated for a particular police officer, the chief of police shall review the circumstances and, where appropriate in his or her judgment, require such officer to receive counseling, testing, or training. The police department shall document the pattern of behavior of the police officer, the review by the chief of police, and the assigned counseling, testing, or training of such officer. (Ord. 47-12, 2012: Ord. 39-10, 2010: Ord. 52-03 § 2, 2003: Ord. 45-02 § 2, 2002: Ord. 8-86 § 1, 1986: prior code § 24-3-9)

## 2.08.100: DEPARTMENT OF PUBLIC UTILITIES:

A. Functions: The department of public utilities shall have charge of and be responsible for:

1. The acquisition, transportation, storage, treatment and distribution of all irrigation, raw and potable water for the city and its designated service areas, including, but not limited to:

a. All farms and watershed lands, so far as the same affect the water supply of the city;

b. All water sources from which the domestic supply is or may be taken;

c. All reservoirs, conduits, tanks, and water mains, city fire hydrants located within the city, and appurtenant equipment and properties;

d. All irrigation gates, dams, flumes, ditches, canals, reservoirs and related facilities necessary for the proper control and distribution of irrigation water for which the city is acting as distributing agent, or in connection with any water exchange agreements to which the city is a party; and

2. Keeping records of the location of all principal gates, dams, flumes, ditches, canals and reservoirs and water rights owned by the city, which records shall show the nature of construction, the length and capacity of the principal canals and ditches, and such other information as may be necessary to enable a proper understanding of the city's rights from an examination thereof; and

3. The ownership, operation and maintenance of a sanitary sewer utility system for the collection, treatment, and disposal of wastewater generated within the city, including the facilities necessary therefor; and

4. The ownership, operation and maintenance of a stormwater sewer utility system for the collection and disposal of stormwater and floodwaters generated or collected within the city.

B. Water Boards, Miscellaneous: The director of the department of public utilities shall represent the city, if consistent with law, on the various water or sewer boards, commissions and similar administering bodies on which the city is entitled to sit by virtue of state law, contractual agreement or bylaws of such bodies.

C. Enterprise Funds: The water, sanitary sewer and stormwater sewer divisions of the department of public utilities shall be operated as separate enterprise funds. The collection, accounting and expenditure of each shall be in accordance with existing fiscal policies of the city. (Ord. 53-07 § 1, 2007: Ord. 48-90 § 1, 1990: Ord. 8-86 § 1, 1986: prior code § 24-3-10)

## 2.08.110: 911 COMMUNICATIONS BUREAU:

A. Functions: The 911 communications bureau shall have charge of and be responsible for operating as a primary public safety answering point 911 center for the city and dispatching the appropriate agencies for response. The 911 communications bureau shall be staffed twenty four (24) hours per day every day of the year.

B. Administration: Pursuant to Utah code section 10-3b-202(1)(d)(i)(B), the mayor may create the administrative offices for the 911 communications bureau. (Ord. 47-12, 2012)

# CHAPTER 2.09
# EMERGENCY PROCLAMATION, EMERGENCY INTERIM SUCCESSION, AND EMERGENCY POWERS

## 2.09.010: PURPOSE:

The purpose of this chapter is to enable the city to respond quickly and effectively to emergencies threatening lives, property, public health, welfare and/or safety within the city's jurisdiction. This chapter is to be liberally construed to achieve that purpose to the full extent of statutory and constitutional authority. (Ord. 76-08 § 2, 2008)

## 2.09.020: DEFINITIONS:

DISASTER: A situation causing, or threatening to cause, widespread damage, social disruption, or injury or loss of life, or property, resulting from attack, internal disturbance, natural phenomenon or technological hazard.

EMERGENCY INTERIM SUCCESSOR: A person designated to exercise the emergency powers and discharge the emergency duties of an office when the person legally exercising those powers and duties of the office is unavailable.

LOCAL EMERGENCY: A condition which requires that emergency assistance be provided by the city to save lives and protect property within its jurisdiction in response to an emergency or disaster, or to avoid or reduce the threat of a disaster.

PLACE OF GOVERNANCE: The physical location where the powers of an office are being exercised.

TECHNOLOGICAL HAZARD: Any hazardous material accident, mine accident, train derailment, truck wreck, or crash, radiation incident, pollution, structural fire or explosion.

UNAVAILABLE: Either: a) not physically present at the place of governance or not able to be communicated with for two (2) hours or b) mentally or physically impaired, during a disaster that seriously disrupts normal government operations, provided that if a vacancy exists in the office of the mayor pursuant to section 2.04.060 of this title, the provisions of section 2.04.060 of this title shall prevail over the provisions of this chapter. "Unavailable" does not include a person who is reachable by telephone, radio or any electronic means. (Ord. 76-08 § 2, 2008)

## 2.09.025: DETERMINATION OF UNAVAILABILITY:

A. In the event of a dispute as to whether the mayor is unavailable for purposes of this chapter, a determination shall be made by the city attorney (or the city attorney's emergency interim successor). In the case of all other executive branch officials for whom emergency interim successors have been designated, the determination of unavailability in the case of dispute shall be made by the mayor (or the mayor's emergency interim successor). The decision by the mayor or the city attorney or their emergency interim successors, as the case may be, shall be final. A determination of unavailability shall be promptly filed with the city recorder.

B. All other factual disputes arising under this chapter concerning an executive branch official shall be adjudicated by the mayor (or the mayor's emergency interim successor) except those factual disputes concerning the mayor (or the mayor's emergency interim successor), which shall be adjudicated by the city attorney (or the city attorney's emergency interim successor). The decision by the mayor or the city attorney or their emergency interim successors, as the case may be, shall be final. Any such decision shall be promptly filed with the city recorder. (Ord. 76-08 § 2, 2008)

## 2.09.030: LOCAL EMERGENCY PROCLAMATION:

A. The mayor (or the mayor's emergency interim successor as provided in section 2.09.060 of this chapter) may declare a local emergency by proclamation. The proclamation shall state: 1) the nature of the local emergency; 2) the area or areas of the city that are affected or threatened; and 3) the conditions which caused the local emergency.

B. If the mayor is not personally present to sign the proclamation of local emergency and the mayor orally or by electronic message directs another person to sign the proclamation on his or her behalf, such person shall sign the proclamation with the mayor's name followed with the notation "By Direction of the Mayor" and the other person's signature and printed name. (Ord. 76-08 § 2, 2008)

## 2.09.040: EFFECTIVENESS AND CONTINUATION OR RENEWAL OF LOCAL EMERGENCY:

A proclamation of local emergency is effective upon signature and continues in effect until it expires by its terms or is rescinded, continued, or renewed. A local emergency shall not be adopted, continued, or renewed for a period in excess of thirty (30) days except by or with the consent of the city council expressed by resolution. Any proclamation or resolution adopting, rescinding, continuing, or renewing a local emergency shall be filed promptly with the city recorder. Public notice shall be given by the best practicable means under the circumstances. (Ord. 76-08 § 2, 2008)

## 2.09.050: POWERS IN A LOCAL EMERGENCY:

In conjunction with a proclamation of local emergency and while a proclamation of local emergency is in effect, the mayor (or the mayor's emergency interim successor) may exercise the following powers by proclamation:

A. Issue such orders as are imminently necessary for the protection of life and property, including those authorized in chapter 4 of title 63K, Utah Code Annotated or any successor provisions;

B. Utilize all available resources of the city as reasonably necessary to manage the local emergency;

C. Employ measures and give direction to local officers and agencies which are reasonable and necessary to secure compliance;

D. If necessary for the preservation of life, order the evacuation of people from any stricken or threatened part of the city, provided that if the mayor or his or her emergency interim successor is unavailable the city's police chief (or the police chief's emergency interim successor) may issue an urgent order for evacuation, if the evacuation is necessary for the preservation of life and does not exceed thirty six (36) hours. Once the mayor (or the mayor's emergency interim successor) becomes available, the mayor (or the mayor's emergency interim successor) may ratify, modify or revoke the order given by the chief of police (or the chief's emergency interim successor);

E. Control ingress and egress to and from any part of the city, including controlling the movement of persons within an emergency or disaster area and ordering the occupancy or evacuation of premises in such area;

F. Clear or remove debris or wreckage that is an immediate threat to public health, public safety, or private property;

G. Invoke the provisions of any mutual aid agreements entered into by the city;

H. Request assistance of political subdivisions participating in the statewide mutual aid system, pursuant to the statewide mutual aid act, Utah Code Annotated sections 53-2-501 to 53-2-510 or any successor provisions;

I. Adopt a curfew upon all or any portion of the city thereby requiring all persons in designated curfew areas to forthwith remove themselves from the public streets, alleys, parks or other public places during the specified times; provided, however, that physicians, nurses and ambulance operators performing medical services, utility personnel performing essential public services, firefighters and city authorized or requested law enforcement officers and personnel may be exempted from such curfew;

J. Close any business establishment anywhere within the city for the period of the emergency, which businesses may include, but are not limited to, those selling or dispensing intoxicating liquors or beer; gasoline or other flammable liquids or combustible products; or other products creating a potential of personal harm or property damage, except as prohibited by Utah Code Annotated section 63K-4-405, or any successoral provision with respect to firearms and ammunition;

K. Close all private clubs or taverns or portions thereof where the consumption of intoxicating liquor and/or beer is permitted;

L. Discontinue the sale of intoxicating liquor and/or beer;

M. Designate any public street, thoroughfare, alley, park or vehicle parking areas closed to motor, bicycle, and pedestrian traffic;

N. Call upon regular and auxiliary fire or law enforcement agencies and organizations, within or without the city, to assist in preserving and keeping the peace within the city;

O. Suspend temporarily specific provisions of Salt Lake City ordinances, policies, or executive orders, during the local emergency, if compliance with such provisions would prevent, hinder, or delay action necessary to cope with the local emergency, subject to superior state and federal constitutions, laws, or regulations. (Ord. 76-08 § 2, 2008)

## 2.09.055: PRICE CONTROLS DURING LOCAL EMERGENCY:

A. Definitions: For purposes of this section:

CONSUMER: A person who acquires a good or service for consumption.

EMERGENCY TERRITORY: The geographical area:

1. For which there has been a state of local emergency declared; and

2. That is directly affected by the events giving rise to the state of local emergency.

"Emergency territory" does not include a geographical area that is affected by the events giving rise to a state of local emergency only by economic market forces.

EXCESSIVE PRICE: A price for a good or service that exceeds by more than ten percent (10%) the average price charged by that person for that good or service in the thirty (30) day period immediately preceding the day on which the state of emergency is declared.

GOOD: Any personal property displayed, held, or offered for sale by a merchant that is necessary for consumption or use as a direct result of events giving rise to a state of emergency.

RETAIL: The level of distribution where a good or service is typically sold directly, or otherwise provided, to a member of the public who is an end user and does not resell the good or service.

SERVICE: Any activity that is performed in whole or in part for the purpose of financial gain including, but not limited to, personal service, professional service, rental, leasing, or licensing for use that is necessary for consumption or use as a direct result of events giving rise to a state of emergency, provided that "service" shall not include the rental of private residential property.

B. Excessive Price Prohibited: Excessive prices are prohibited as follows:

1. Except as provided in subsection B2 of this section, if a state of local emergency exists, a person may not charge a consumer an excessive price for goods or services sold or provided at retail during the time period for which a state of local emergency declared by the city exists within the emergency territory.

2. A person may charge an excessive price if:

a. That person's cost of obtaining the good or providing the service exceeds the average cost to the person obtaining the good or providing the service in the thirty (30) day period immediately preceding the day on which the state of local emergency is declared; and

b. The price charged for the good or service does not exceed the sum of:

(1) Ten percent (10%) above the total cost to that person of obtaining the good or providing the service; and

(2) The person's customary markup.

3. Upon request of the business licensing division or the city attorney's office, a person allegedly charging an excessive price under this subsection B shall provide documentation to the city attorney's office that the person is in compliance with this section.

4. If a good or service has not been sold by a person during the thirty (30) day period immediately preceding the day on which the state of local emergency is declared, a price is not excessive if it does not exceed thirty percent (30%) above the person's total cost of obtaining the good or providing the service.

C. Enforcement; Penalty: Enforcement shall be as follows:

1. To enforce this section, business licensing may commence a proceeding following the procedures set forth in section 5.02.260 of this code.

2. In determining whether to issue a cease and desist order; suspend or revoke a business license; or impose civil penalties against a person who violates this section, the hearing examiner shall consider:

a. The person's cost of doing business not accounted for in the cost to the person of the good or service, including costs associated with a decrease in the supply available to a person who relies on a high volume of sales;

b. The person's efforts to comply with this chapter;

c. Whether the average price charged by the person during the thirty (30) day period immediately preceding the day on which the date of local emergency is declared is artificially deflated because the good or service was on sale for lower price than the person customarily charges for the good or service; and

d. Any other factor that the hearing examiner considers appropriate; and

e. In the case of a suspension or revocation of a business license, whether such suspension or rejection shall begin after the state of local emergency has ended.

3. a. If the hearing examiner finds that a person has violated, or is violating, subsection B of this section the hearing examiner may:

(1) Issue a cease and desist order; and/or

(2) Subject to subsection C3b of this section, either impose an administrative fine of up to one thousand dollars ($1,000.00) for each violation of subsection B of this section or revoke or suspend the person's business license.

b. Each instance of charging an excessive price under subsection B of this section constitutes a separate violation, but in no case shall any administrative fine imposed under subsection C3a of this section exceed ten thousand dollars ($10,000.00) per day.

4. The city may sue in a court of competent jurisdiction to enforce an order under subsection C3 of this section.

5. In a suit brought under subsection C3 of this section, if the city prevails, the court may award the city:

a. Court costs;

b. Attorney fees; and

c. The city's costs incurred in the investigation of the violation of this section.

D. Nonapplicability: The provisions of this section shall not apply to any part of the city encompassed by a state of emergency declared by the governor of Utah or the president of the United States of America while such state of emergency declared by the governor or the president remains in effect. (Ord. 76-08 § 2, 2008)

## 2.09.060: EMERGENCY INTERIM SUCCESSION:

Notwithstanding any other provision of law except section 2.04.060 of this title, if the mayor is unavailable, an emergency interim successor shall exercise the powers and duties of the mayor according to the order of succession designated by the mayor. If the mayor or any other city government officer has not designated an emergency interim successor, the order of succession shall be: a) the mayor, b) the mayor's chief of staff, c) the chair of the city council, and d) the city's police chief. An emergency interim successor shall exercise the powers of the mayor only until the mayor or a person earlier in the order of succession is no longer unavailable. If any other city official is unavailable, an emergency interim successor shall exercise such official's powers as provided by Utah Code Annotated section 63K-1-401 or any successoral provision. (Ord. 39-10, 2010)

### 2.09.070: EFFECTIVE DATE, FILING AND PUBLIC NOTICE:

All orders, rules and regulations promulgated pursuant to section 2.09.050 of this chapter shall become effective immediately upon filing with the city recorder. Public notice shall be given by the best practicable means available under the circumstances. (Ord. 76-08 § 2, 2008)

### 2.09.080: TEMPORARY EMERGENCY LOCATION FOR THE PRINCIPAL OFFICE:

A. Whenever, due to emergency resulting from the effects or imminent threat of a disaster, it becomes imprudent, inexpedient or impossible to conduct the affairs of the city government or any individual office, department, division, or public body of city government at its current principal office or place of governance, the mayor (or the mayor's emergency interim successor) may, by proclamation declare an emergency temporary location for the principal office of such office or place of governance, department, division or public body, either within or without the jurisdiction of the city, but within Utah.

B. Any proclamation of temporary emergency location of the principal office of the city council shall remain in effect until such time as a new location is established by the city council.

C. During the time that any proclamation of temporary emergency location of the principal office or place of governance remains in effect, all official acts required by law to be performed at the principal office or place of governance by any official or authority of the city, including the convening and meeting of the city council in regular, extraordinary, emergency or special session, shall be as valid and binding as when performed at the normal location of the principal office or place of governance. (Ord. 76-08 § 2, 2008)

### 2.09.090: PENALTY FOR VIOLATION OF EMERGENCY PROCLAMATION, RULE OR ORDER:

Except as provided with respect to violations of section 2.09.055 of this chapter, the violation of a proclamation declaring a local emergency, a subsequent proclamation exercising emergency powers, or any order or rule issued pursuant to this chapter, or an order or directive given by police, fire or other emergency services personnel pursuant to authority resulting from this chapter is a class B misdemeanor and punishable as provided by section 1.12.050 of this code or any successor provision. (Ord. 76-08 § 2, 2008)

# CHAPTER 2.10
# POLICE DEPARTMENT

## Article I. General Provisions

### 2.10.010: MISCELLANEOUS FEES:

A. The chief of police shall charge and collect in advance fees, as shown on the Salt Lake City consolidated fee schedule, set by the mayor and not to exceed the amount shown on the Salt Lake City consolidated fee schedule for the following services:

1. Fingerprinting;

2. ID cards (for other than city employees); and

3. Theft reports.

B. Any person sixty five (65) years of age or over shall be exempt from the payment of the fees required by this section. (Ord. 24-11, 2011)

# Article II. Criminal Records

### 2.10.030: DISSEMINATION OF CRIMINAL RECORD HISTORY INFORMATION:

The chief of police or his/her designated agent shall have authority to disseminate nonconviction criminal history record information as defined by federal regulations 28 CFR part 20 subpart A section 20.3, or its successor, to such persons and agencies within the limits set forth by state and federal statutes and regulations. (Prior code § 30-1-27)

### 2.10.040: AUTHORIZED AGENCIES:

The chief of police or his/her designated agent shall have authority to require state criminal and noncriminal justice agencies and private noncriminal justice agencies to enter into a user's security and privacy nondisclosure agreement prior to the police department's dissemination of any criminal history record information to such agencies and to comply with such other regulations as required by the state and federal governments. (Prior code § 30-1-28)

### 2.10.050: FEES:

A. Any individual seeking access and review of his or her own personal criminal history record shall be charged a service fee, as shown on the Salt Lake City consolidated fee schedule, per record search. Any nonstate noncriminal justice agency or other person entering into a user's security and privacy nondisclosure agreement with Salt Lake City Corporation or its designated agent shall be charged a service fee, as shown on the Salt Lake City consolidated fee schedule, set by the mayor, not to exceed the amount shown on the Salt Lake City consolidated fee schedule.

B. Any person sixty five (65) years of age or over shall be exempt from the payment of the fees required by this section. (Ord. 24-11, 2011)

### 2.10.060: UNLAWFUL DISSEMINATION; PENALTY:

It is unlawful for any person or agency to violate the terms of this chapter or the terms of the user's security and privacy nondisclosure agreement. Any person violating the terms of this chapter or the terms of the user's security and privacy nondisclosure agreement shall be subject to immediate temporary or permanent loss of dissemination privileges and criminal prosecution. (Prior code § 30-1-30)

## Article III. Visa Letters

### 2.10.070: DUTIES OF CHIEF:

When a request is received for a search of the criminal records, it shall be the duty of the chief of police to make the search and to prepare a letter for the applicant setting forth his or her findings. (Prior code § 30-6-1)

### 2.10.080: FEE:

There shall be a fee, as shown on the Salt Lake City consolidated fee schedule, in an amount to be determined by the mayor or his/her designee but not in excess of the amount shown on the Salt Lake City consolidated fee schedule, to the applicant for the search and letter, which fee is to be collected by the chief of police in advance of the preparation of the letter and which is to be credited to budget no. 32-J-41. (Ord. 24-11, 2011)

### 2.10.090: EXEMPTION:

A. In cases where the application is received by mail from persons residing outside the state and it appears that requiring the fee provided for in the preceding section in advance would be unreasonably inconvenient and time consuming to the applicant, it shall be within the discretion of the chief of police to waive the fee.

B. Any person sixty five (65) years of age or over shall be exempt from the payment of the fee required by section 2.10.080 of this chapter or its successor. (Prior code § 30-6-3)

## Article IV. Disposition Of Custodial And Unclaimed Property; Rationale

### 2.10.100: DEFINITIONS:

CUSTODIAL PROPERTY: Tangible and intangible property that comes into possession of Salt Lake City employees through criminal procedures such as, but not limited to, executing a search warrant, arresting a person or obtaining evidence in connection with a public offense.

PUBLIC INTEREST USE: Use by a governmental agency; use by a bona fide charity; or in the case of bicycles only, use for an individual child under sixteen (16) years of age where the need is apparent and the use meets community needs, as defined by the mayor's executive order.

UNCLAIMED PROPERTY: Tangible and intangible property that comes into possession of Salt Lake City employees through circumstances not involving criminal procedures in which the owner is either unknown or unavailable to take possession of property. (Ord. 22-96 § 2, 1996)

## 2.10.110: DISPOSITION OF CUSTODIAL PROPERTY:

A. Custodial property shall be returned to the lawful owner in accordance with section 77-24-2, Utah Code Annotated, or its successor statute.

B. If the custodial property had been held for a minimum of ninety (90) days and is not claimed by the owner before the expiration of thirty (30) calendar days following date of mailing of notice, as provided in section 2.10.130 of this chapter, and no claim of ownership has been made, the city may:

1. Appropriate the custodial property for public interest use, as provided in this chapter; or

2. Sell the property by competitive sealed bid or at public auction, with the proceeds being deposited into the general fund. (Ord. 25-99 § 1, 1999: Ord. 22-96 § 2, 1996)

## 2.10.120: DISPOSITION OF FOUND UNCLAIMED PROPERTY TO FINDER:

Property, which has been surrendered to the city by one who found the property and for which no owner has been identified, shall be released to the finder on the following conditions:

A. There has expired not less than ninety (90) calendar days from date of surrender to the city;

B. The finder signs a statement containing:

1. An explanation as to how the property came into the finder's possession, including the time, date and place,

2. An affirmation that the finder does not know who is the owner of the property,

3. A statement that the finder's possession of the property is lawful,

4. Such other information known to the finder that may lead to an identification of the owner, and

5. Other information the department receiving the property may request that will reasonably lead to discovering the true owner;

C. The true owner has not been determined from information provided by the finder or known to the city from other sources, after reasonable efforts by the city;

D. The intent to dispose of property has been advertised by the procedure set forth in section 2.10.130 of this chapter, and the finder pays a proportional share of the costs of advertising and storage.

No city employee working for or assigned to the police department may claim or receive unclaimed property as a finder. (Ord. 22-96 § 2, 1996)

## 2.10.130: DISPOSITION OF UNCLAIMED PROPERTY BY SALE OR APPROPRIATION TO PUBLIC USE:

Property unclaimed by the true owner within ninety (90) calendar days following the receipt of the property by the city, or released to the finder pursuant to section 2.10.120 of this chapter, shall be disposed of by sale or appropriated for public use as follows:

A. Procedure:

1. Public Notice: After the expiration of ninety (90) calendar days from receipt of the property, the city shall:

a. Publish at least one notice of intent to dispose of the unclaimed property in a newspaper of general circulation within Salt Lake County; and

b. Post a similar notice in a public place designated by the mayor or his/her designee for posting of notices within the city.

2. Notice Contents: The published and posted notice shall contain a general description of the items to be sold. Items may be listed by categories or other general groupings and shall state the date of intended disposition.

3. Waiting Period: The property shall be held by the city and not disposed of for a minimum of eight (8) calendar days, after the date of posting and publication of the notice. (Ord. 22-96 § 2, 1996)

## 2.10.140: TRANSFER OF OWNERSHIP:

If the finder does not claim the property, pursuant to section 2.10.120 of this chapter, the city may appropriate the item for public interest use, as provided in section 2.10.150 of this chapter; or sell the item by competitive sealed bid or at a public auction, with the proceeds being deposited in the general fund. (Ord. 22-96 § 2, 1996)

## 2.10.150: PUBLIC INTEREST USE:

A. Executive Procedural Order: Subject to Utah Code Annotated section 10-8-2, or its successor, the mayor, by executive order, may specify the procedure to be used by the chief of police to dispose of property for public interest use, which procedure shall include the following:

1. Bona Fide Charity Use: The mayor's order shall contain the minimum requirements to qualify as a "bona fide charity"; contain a limit on how many items and/or the total value of items that may be given to a "bona fide charity" in any one calendar year; the criteria for allowing a bicycle to be given to a needy child without going through a "bona fide charity", if the mayor so chooses to include such a procedure; and shall set forth the community needs that are to be accomplished by public interest usage.

2. City Usage: The mayor's executive order shall contain the procedure city departments must follow to obtain approval to employ items for public interest use. Approval for city department usage must be requested by a department head and approved by the mayor or the mayor's designee. All such property shall be assigned a number on the fixed asset system or its successor method of inventory control to facilitate tracking and reporting disposition of property. Upon approval of the mayor or the mayor's designee, the chief of police will transfer the item to the requesting department.

B. Council Report: The mayor shall report to the city council annually, during the budget process, and provide an accounting of the property disposed of for public interest use. The report shall identify how the public benefited from the public interest use. (Ord. 1-06 § 1, 2005: Ord. 22-96 § 2, 1996)

# CHAPTER 2.11
# RESIDENCY REQUIREMENTS FOR POLICE OFFICERS

(Rep. by Ord. 53-01 § 1, 2001)

# CHAPTER 2.12
# FIRE PREVENTION BUREAU

### 2.12.010: DEFINITIONS:

As used in this chapter:

BOARD OF APPEALS: The board of appeals and examiners of the city described and defined in this chapter, in title 18, chapter 18.44 and in title 18 of this code, or their successors.

BUILDING CODE: The uniform building code as adopted and amended by title 18, chapter 18.32 of this code, or its successor.

CHIEF OF THE BUREAU OF FIRE PREVENTION: The fire marshal.

CHIEF OR FIRE CHIEF: The chief of the fire department.

JURISDICTION: As used in the international fire code, means Salt Lake City, Utah.

THESE ORDINANCES: The Salt Lake City code. (Prior code § 15-1-2)

### 2.12.020: ESTABLISHMENT, POWERS AND DUTIES:

A. There is established a fire prevention bureau of the fire department of the city, sometimes referred to as the "bureau", which shall be under the supervision of the chief of the fire department. The chief may delegate administration of the fire prevention bureau and the enforcement of the fire code adopted by this code to one of his/her subordinates, who for purposes of this title shall be referred to as the fire marshal. The fire marshal shall be the chief's duly authorized representative to administer the bureau and the international fire code.

B. The fire marshal shall be appointed by the chief of the fire department on the basis of the candidate's fitness for the position.

C. The chief of the fire department may detail such members of the fire department as inspectors as shall from time to time be necessary. The chief of the fire department shall recommend to the mayor the employment of fire prevention specialists, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. (Ord. 68-02, 2002: prior code § 15-1-1)

### 2.12.030: ADMINISTRATIVE RULEMAKING:

The fire marshal may recommend to the chief of the fire department and the chief may adopt, subject to review by the mayor, such rules and regulations for the operation of the bureau and the administration of the fire code as adopted by title 18, chapter 18.44 of this code or its successor, as in his/her judgment shall be necessary and appropriate; provided, such rules are not in conflict with state law or city ordinance. Three (3) copies of such rules and regulations after approval by the mayor shall be on file in the offices of the chief and the bureau. (Ord. 68-02, 2002: prior code § 15-1-6)

### 2.12.040: BUSINESS PERMIT FEES:

The city shall collect the permit fees shown on the Salt Lake City consolidated fee schedule for each business activity regulated by the fire prevention bureau under the international fire code or other authority. (Ord. 24-11, 2011)

# CHAPTER 2.14
# AIRPORT BOARD

### 2.14.010: DEFINITIONS:

For the purpose of this chapter the following words shall have the meanings as given in this section:

AIRPORT: The city's department of airports, including the Salt Lake City International Airport, Salt Lake City Airport II, Tooele Valley Airport, and any other airport owned or operated by the city.

BOARD: The city airport board.

BOARD MEMBER: A person appointed by the mayor of the city, with the advice and consent of the city council, who is duly qualified and an acting, voting member of the board.

CITY: Means and has reference to Salt Lake City, a municipal corporation of the state.

COUNCIL: The city council.

DIRECTOR OF AIRPORTS: The city's director of its department of airports.

MAYOR: The duly elected or appointed, and qualified mayor of the city. (Ord. 86-98 § 1, 1998)

## 2.14.020: CREATION OF BOARD:

There is created the city airport board, hereinafter referred to as "board" which body shall consist of nine (9) appointed voting board members, no more than four (4) of whom may reside outside the boundaries of Salt Lake City. The mayor, each council member, the director of airports, the city attorney and the city engineer, or their designees, shall be ex officio nonvoting board members. (Ord. 86-98 § 1, 1998)

## 2.14.030: ELIGIBILITY FOR MEMBERSHIP:

To be eligible to be appointed as a board member a person must be:

A. Not less than twenty one (21) years of age;

B. A resident of the state; and

C. Not actively engaged or employed in commercial aeronautics. (Ord. 86-98 § 1, 1998)

## 2.14.040: APPOINTMENT; OATH OF OFFICE:

All appointments of board members shall be made by the mayor, with the advice and consent of the city council. All appointments shall be made for a four (4) year term, except when the appointment is to fill the unexpired term of a resigning or deceased board member, in which case, such appointment shall be for the unexpired term. Each board member's term of office shall expire on the applicable third Monday in January.

Board members shall sign the oath of office required by law to be signed by city officials and file the same in the office of the city recorder. Every board member who shall fail within ten (10) days after notification of his/her appointment to file with the city recorder his/her oath of office to perform faithfully, honestly and impartially the duties of his/her

office, shall be deemed to have refused such appointment, and thereupon another person shall be appointed in the manner prescribed in this code. (Ord. 86-98 § 1, 1998)

### 2.14.050: REMUNERATION:

Board members may be reimbursed for reasonable and authorized out of pocket expenses they may incur as board members. (Ord. 86-98 § 1, 1998)

### 2.14.060: BOARD MEMBERS' ETHICS:

Board members shall be subject to and bound by the provisions of the applicable city and state laws pertaining to ethics. Any violation of the provisions of such laws shall be grounds for removal from office. (Ord. 86-98 § 1, 1998)

### 2.14.070: REMOVAL FROM OFFICE:

Any board member may be removed from office by the mayor, for cause, prior to the normal expiration of the term for which such board member was appointed. (Ord. 86-98 § 1, 1998)

### 2.14.080: ELECTION OF BOARD OFFICERS:

Each year the board, at its first regular meeting after the third Monday in January, shall select one of its board members as chairperson, and another of its board members as vice chairperson who shall perform the duties of the chairperson during the absence or disability of the chairperson. The director of airports may make available a secretary from his/her staff to the board when such appears to the director of airports to be needed. (Ord. 86-98 § 1, 1998)

### 2.14.090: MEETINGS:

A. Meetings: The board shall convene for regular meetings to be held not less than monthly throughout the year except when a regular meeting is canceled with the concurrence of the director of airports and board chair. The board shall give no less than forty eight (48) hours' written notice of such a cancellation in a manner consistent with providing notice under the Utah open and public meetings act. The board shall keep its meetings open to the public, consistent with the Utah open and public meetings act. Special meetings may be ordered by a majority of the board, or its chairperson, the mayor or the city council. Meetings shall be held at the office of the director of airports, or at such other public place as may be designated by the board. Five (5) board members shall constitute a quorum for the transaction of business. The board may act officially by an affirmative vote of any five (5) of the board members.

B. Record Of Meetings: The board shall cause a written record of its proceedings to be kept which shall be available for public inspection in the office of the director of airports. The board shall record the yea and nay votes on any action taken by it.

C. Meeting Procedural Rules: The board shall adopt a system of rules of procedure under which its meetings are to be held. The board may suspend the rules of procedure by unanimous vote of the board members who are present at the meeting. The board shall not suspend the rules of procedure beyond the duration of the meeting at which the suspension of the rules occurs. (Ord. 53-02 § 1, 2002: Ord. 86-98 § 1, 1998)

## 2.14.100: COMMITTEES:

The board may designate such committee or committees as it desires to study, consider and make recommendations on matters which are presented to the board. Committee members may be board members but the board shall have the power to appoint such committee members as it deems appropriate and advisable even though they may not be board members. (Ord. 86-98 § 1, 1998)

## 2.14.110: ATTORNEY AND ENGINEER DUTIES:

The city attorney and the city engineer shall be the attorney and engineer, respectively, for the board, and the airport shall reimburse the city for all charges, costs and expenses incurred by the city therefor. (Ord. 86-98 § 1, 1998)

## 2.14.120: POWERS AND DUTIES:

Subject to the provisions of section 2.14.130 of this chapter, the board shall have the following powers and duties:

A. The power to determine and establish such rules and regulations for the conduct of the board as the board members shall deem advisable. Such rules and regulations shall not be in conflict with this chapter or other applicable city, state or federal law;

B. To adopt and alter all rules and regulations which it shall from time to time deem in the public interest and most likely to advance, enhance, foster and promote air transportation at city airports, for the conduct of the business of, and the use and operation of, the airport and the facilities thereof, and for the purpose of carrying out the objects of this chapter; but such rules and regulations shall not be in conflict with the terms of this chapter or any other city ordinance, state or federal law;

C. To recommend the appointment and/or removal of the director of airports, and also to recommend the appointment and/or removal of the deputy director of airports and any project manager hired by the city. All other personnel shall be processed through the city personnel department with final recommendations to come from the director of airports and with appointment by the board;

D. To plan, establish and approve all construction and expansion projects for the airport. The approval required in this section shall be in addition to all other approval of other city departments required by law;

E. To determine broad matters of policy regarding the operation and management of the airport, which shall include, but not in limitation thereof, the following:

1. Expansion of the airport,

2. Timing of such expansion,

3. Determining the method of establishing and establishing rate structures for services or facilities furnished by the airport to the public or to any person, firm or corporation, public or private, and for leasing of space or facilities, or for granting rights, privileges, or concessions at the airport,

4. The duration which will be allowed for each particular class of leases or granting of rights at the airport,

5. To establish any other general provisions of agreements or leases which may be brought before the board,

6. To make determinations when required as to the public need and for additional concessionaires, services or facilities at the airport,

7. To fix and determine exclusively the uses to which any of the airport land shall be put; provided, that any use shall be necessary or desirable to city, airport or the aviation industry,

8. Review and establish policy on all operations or activities that are major in nature and require policy determinations,

9. Review and establish policy regarding the improvement program of the master plan study as related to income and revenue so that the staging of major capital improvement projects are within the anticipated airport revenues and income projected, in a conservative manner,

10. Review and adopt matters of policy on all major problems which require broad policy considerations, including rules and regulations, commercial operations and general aviation,

11. Review and decide policy matters regarding problems of general public concern affecting the airport,

12. Decide matters of policy regarding all matters which are properly brought before the board;

F. To annually prepare a budget for the operating and maintenance expenditures for the airport and to calculate the revenue necessary to provide funds for the operating and maintenance expenditures of the airport. The budget shall be prepared and filed at such time as the board shall designate and shall contain a full and detailed estimate of the revenue required during the ensuing year for the maintenance and operation of the airport, showing therein the number of employees, classification, and the amount of salary and wages. The expenditures for the maintenance and operation of the airport shall be limited to the extent of specific appropriations of money made in advance by the board upon estimates furnished. The city council has final approval authority;

G. Review not less often than annually with the airport administration, the income from all sources, the expenditures for all purposes, and the relationship of anticipated revenues to anticipated expenditures, including debt retirement;

H. Assist the director of airports in every way possible for the continuing orderly development and promotion of the airport in order to best serve the local and regional requirements for airport service. (Ord. 86-98 § 1, 1998)

## 2.14.130: REVIEW OF ACTION; VETO POWER OF MAYOR:

All actions taken by the board shall constitute recommendations to the mayor and shall not constitute official action. All recommendations to the mayor shall be reduced to writing and submitted to the mayor. The mayor shall have the power to review, ratify, modify or reject any action submitted by the board. The mayor shall promptly notify the board in writing of the action taken. No action shall be implemented until the board is notified in writing that it has been ratified by the mayor or that the action was modified and adopted by the mayor and in such event it shall be implemented as modified. In the event the mayor shall desire to hold any matter for further study, the chairperson of the board shall be notified. Actions will take effect only upon ratification by the mayor. (Ord. 86-98 § 1, 1998)

# CHAPTER 2.16
# CIVIL SERVICE COMMISSION

## 2.16.010: APPOINTMENT:

The mayor shall appoint a civil service commission to be composed of three (3) members, one of whom shall serve until June 30, 1986, another to serve to June 30, 1988, and another member to serve until June 30, 1990. In the month of June 1984, and every second year thereafter, one member shall in like manner be appointed for the term of six (6) years to take the place of the member whose term shall next expire. In case of a vacancy, appointment shall be made in like manner for the unexpired term. (Prior code § 24-10-1)

## 2.16.020: QUALIFICATIONS:

No member of the civil service commission shall, during his tenure of office, hold any other public office, nor shall such member be a candidate for any other public office. Not more than two (2) members of the civil service commission shall at any one time be of the same political party. (Prior code § 24-10-2)

## 2.16.030: COMPENSATION:

Each member of the civil service commission shall receive twenty five dollars ($25.00) for each meeting of the commission which he/she shall attend, provided that such member shall not receive more than one hundred dollars ($100.00) in any one month or such larger sum as may hereafter be provided in section 10-3-1004 of the Utah code or any successor section. (Prior code § 24-10-3)

## 2.16.040: REMOVAL:

Any member of the civil service commission may be removed from office by the mayor for cause, including misconduct, inability or wilful neglect of duty. Such member shall have opportunity to be heard in his/her defense in a hearing meeting the minimum standards of due process of law. (Prior code § 24-10-4)

### 2.16.050: DUTIES:

The civil service commission shall have full charge of all examinations and establishing the classified civil service list, from which appointments and promotions shall be made for positions in the police and fire departments by the appointing power thereof. Further, the commission shall make such rules and regulations as it may deem necessary for the carrying out of the powers conferred upon it by law. This section shall not, however, prohibit police and fire department participation in such testing and recruiting as is otherwise allowed by law. (Prior code § 24-10-5)

### 2.16.060: EMPLOYMENT OF ATTORNEY:

The civil service commission with the advice and consent of the mayor may employ an attorney to act as counsel for the commission to perform such duties and at such compensation as the mayor may fix. (Prior code § 24-10-7)

### 2.16.070: EMPLOYMENT OF EXAMINERS:

The civil service commission may employ such examiners as it may deem necessary at such compensation as the mayor may fix. (Prior code § 24-10-6)

# CHAPTER 2.18
# SALT LAKE VALLEY BOARD OF HEALTH

### 2.18.010: CREATION OF BOARD OF HEALTH:

There is created a board of health which shall be known as the "Salt Lake Valley board of health". (Ord. 1-06 § 30, 2005: prior code § 17-1-1)

### 2.18.020: MEMBERSHIP AND ORGANIZATION:

A. The Valley board of health shall consist of a member of the county commission, appointed by the county commission, the mayor of the city or the mayor's designee, and of eleven (11) other members appointed by the board of county commissioners. Three (3) of the eleven (11) members shall be appointed by the county commission from recommendations submitted by the mayor of the city with the approval of the city council.

B. Board members shall be appointed by the board of county commissioners from the following areas of the county, except that incorporated cities and towns in each area to be submitted, may submit a list of at least three (3) and not more than five (5) names of recommended board members for membership on the board to be appointed and from which the county commission shall select the representative for that area. In the event that any or all of the municipalities in an area to be represented do not adopt this chapter, the board of county commissioners may appoint a member of the board of health as a member at large:

1. One member from Murray;

2. One member from the South Salt Lake-Granger area;

3. One member from the Hunter-Kearns-Magna area;

4. One member from the Bingham-Draper-Riverton-South Jordan area;

5. One member from the Midvale-Sandy-Union area;

6. Three (3) members to be appointed at large;

7. Three (3) members from the city, in addition to the mayor or the mayor's designee. (Ord. 1-06 § 30, 2005: prior code § 17-1-2)

## 2.18.030: DIRECTOR OF HEALTH; APPOINTMENT; QUALIFICATIONS; POWERS AND DUTIES:

A. The Valley director of health shall be appointed by the Valley board of health.

B. The director of health shall be a full time physician who is a graduate of a legally chartered and legally constituted medical school, licensed to practice medicine and surgery in all branches in the state. License may be secured within six (6) months from the date of appointment, and his/her employment will be subject to such other requirements as is set out by the state and the county merit systems.

C. The director of health shall have and exercise the following powers and duties in addition to all other powers and duties required of him/her by state law, federal law and local ordinance:

1. To be the chief executive and administrative officer of the Valley department of health, and the secretary and executive officer of the board;

2. Succeed to all powers and discharge all duties and perform all functions which by existing and continuing law are conferred upon or required to be discharged or performed by the Valley health director, or the board of health;

3. With the approval of the board of health, to designate a member of the staff of the department of health as acting director of health to act for and perform all the duties and functions of the director of health during his absence or disability;

4. To prescribe regulations not inconsistent with the law for the direction of the department, the conduct of its employees, the distribution and performance of its business, and the custody, use and preservation of the records, papers, books, documents and property pertaining to the department of health;

5. To approve travel and subsistence expenses necessary for employees of the department as actually and necessarily incurred in the performance of their official duties

when absent from their places of residence;

6. Wherever the director of health is responsible for the performance of any act, he or she may authorize an appropriate employee of the department to act for him;

7. On a nonpartisan merit basis, similar to that established by the state merit system, prescribe the qualifications, duties and powers of all personnel, as may be necessary in the performance of the duties of the department, fix the rate of pay according to the compensation plan established by the board of health, and appoint, promote and separate such employees, and perform such other personnel actions as are needed;

8. Serve, without additional compensation or payment of fees provided by law, as local registrar of vital statistics for the area over which the department has jurisdiction with respect to enforcement of state health laws;

9. To promote and enforce all public health federal, state and local health laws, ordinances, codes, rules and regulations in the department's areas of jurisdiction;

10. Serve as official health consultant to, and official health spokesperson for, elected officials in the county, cities and towns in which the department has jurisdiction. (Ord. 1-06 § 30, 2005: prior code § 17-1-2)

### 2.18.040: ADDITIONAL POWERS AND AUTHORITY:

The Valley board of health is empowered to enforce all ordinances of the county and all applicable ordinances of the participating municipalities and the laws of the state, now in force or that may hereafter be enacted, which relate to the health and sanitation of the county. (Ord. 1-06 § 30, 2005: prior code § 17-1-3)

### 2.18.050: ADOPTION OF RULES AND REGULATIONS:

The board of health shall make such rules and regulations, not contrary to law and not in conflict with rules and regulations of the state department of health or the state department of agriculture, as may be deemed necessary for the protection and preservation of the public health and to prevent the outbreak or spread of infectious or contagious diseases and the enforcement of the quarantine laws against any or all persons afflicted with or that have been exposed to any contagious or infectious diseases. (Prior code § 17-1-4)

# CHAPTER 2.20
# PLANNING AND ZONING COMMISSION

### 2.20.010: PURPOSE:

A. It is the intent of this chapter that a city planning commission be provided which will represent the concerns of diverse citizen groups, as well as the broad interests of the

community as a whole; that membership of this commission provide balanced representation in terms of geographic, professional, neighborhood and community interests; and that a wide range of expertise relating to the development of a healthy and well planned community be sought when establishing or altering the composition of the membership of the commission. Suggested interests from which expertise might be selected are as follows: banking, development, contracting, engineering, geology and seismology, law, ecology, the behavioral sciences, historical preservation, architecture and landscape architecture. It is not, however, intended that the composition of the commission be limited to professionals, but rather, that it represent a cross section of the community.

B. It is further the intent of this chapter to provide that the activities of the commission and of its subcommittees be conducted with convenience and accessibility to the general public of the municipality. (Prior code § 51-29-1)

## 2.20.020: APPOINTMENT:

The planning commission of the city shall be comprised of fifteen (15) members. The planning commission shall be composed of the following:

A. Four (4) ex officio nonvoting members, including the mayor, the city engineer, the city transportation engineer and a building official, or their respective designees;

B. Eleven (11) voting members, who shall be appointed by the mayor, with the advice and consent of the city council, from among the qualified electors of the city as follows:

1. Upon the effective date of this chapter, no member of the planning commission shall serve more than two (2) terms; however, a term with less than two (2) years remaining may be assumed by an appointee without regard to the two (2) term restriction. All voting members of the current planning commission shall serve the remainder of their six (6) year terms; however, no commission member currently serving a second or greater number term shall be eligible for reappointment.

2. As the six (6) year terms of the current members of the planning commission expire, members shall be reappointed or a replacement appointed; provided, however, that upon the expiration of the current member terms in 1985, members or replacement shall be appointed or reappointed for a term of three (3) years to expire in 1988. Thereafter, terms of all appointees shall be for four (4) years.

3. Three (3) additional appointees may be appointed on the effective date of this chapter. The appointees shall serve initial terms which shall expire in 1982 and may be reappointed for only two (2) additional full terms. Except as provided above, all planning commission members appointed after January 1, 1981, shall serve for a term of four (4) years, and commencing January 1, 1981, no member of the planning commission shall serve more than two (2) terms. (Prior code § 51-29-2)

## 2.20.030: COMPENSATION:

The members of the planning and zoning commission shall serve without compensation except for reasonable expenses. (Prior code § 51-29-4)

## 2.20.040: REMOVAL AND VACANCIES:

Members of the planning commission may be removed for cause by the mayor, including, but not limited to, violations of those standards provided by the city's conflict of interest ordinance and the Utah municipal officers and employees disclosure act, section 1-3-1301 et seq., Utah Code Annotated, 1953, as amended, or its successor. Any vacancy occurring on the commission other than that of the ex officio members by reason of death, resignation or removal, shall be promptly filled by the mayor with the advice and consent

of the city council for the unexpired term of such member. (Prior code § 51-29-3)

### 2.20.050: OFFICERS:

The planning commission shall annually elect a chairman and such other officers it deems advisable from among the appointive members of the commission and also a secretary, who need not be a member of such commission. The chairman and such other officers elected from the planning commission shall serve for a term of one year and shall not succeed in the office. (Prior code § 51-29-6)

### 2.20.060: QUORUM:

Six (6) voting members of the planning commission shall constitute a quorum. (Prior code § 51-29-7)

### 2.20.070: POWERS AND DUTIES:

The planning and zoning commission shall have the duty to exercise all powers and functions conferred upon it by the statutes of the state and the ordinances of the city, relating to planning and zoning. (Prior code § 51-29-8)

### 2.20.080: MEETINGS:

A. The planning commission shall meet at least once each month, as designated by the commission. Public hearings of the planning commission may be held at such meetings, however, all public hearings shall be held after the regular working hours of the city, upon proper notice, to consider any matters within the scope of the commission's duties as provided by ordinance or state statute.

B. All meetings and public hearings of the planning commission shall be held in a public place designated by the commission and shall be of sufficient size to ensure public access to the operations of the commission. The proceedings of each meeting and public hearing shall be sound recorded. The recording of each meeting shall be kept for a minimum of sixty (60) days. Upon the written request of any interested person, such recording shall be kept for a reasonable period of time beyond the sixty (60) day period, as determined by the planning official. Copies of the tapes of such proceedings may be provided, if requested, at the expense of the requesting party.

C. The planning staff shall, within five (5) days of each regularly scheduled planning commission meeting, supply each member of the commission sufficient materials and documents to advise the commission members of the issues to be discussed at the meeting. (Ord. 11-10 § 2, 2010: prior code § 51-29-9)

### 2.20.090: APPOINTMENT OF SUBORDINATES, CONTRACTING POWER AND SUBCOMMITTEES:

A. The planning commission may recommend to the mayor or the director of development services the appointment of such employees and staff as it may deem necessary for its work, and may also recommend to the mayor or the director of development services contracts with city planners and other consultants for such services as it requires; provided, however, that any expenditure of the commission, shall be first approved by the mayor, as being within the amount budgeted for such purposes by the city for that year.

B. The mayor may also appoint, with the advice and consent of the city council, such individuals to serve on compatibility review subcommittees of the planning commission. The committees shall review proposed developments within design overlay zones according to the criteria set forth by city ordinance pertaining to such zone. Upon creation of such committees, a written recommendation from such overlay committee shall be required to be submitted to the planning commission for review before the project may be acted upon by the planning commission. (Prior code § 51-29-5)

# CHAPTER 2.21
# HOUSING ADVISORY AND APPEALS BOARD

### 2.21.010: CREATION AND MEMBERSHIP:

A. The city creates a housing advisory and appeals board ("HAAB").

B. HAAB shall be comprised of ten (10) members, appointed by the mayor, with the advice and consent of the city council from among the qualified electors of the city in a manner providing balanced geographical, professional, neighborhood and community representation.

C. HAAB shall annually elect a chair and a vice chair each of whom shall serve for a term not to exceed two (2) years. The chair or vice chair may not be elected to serve consecutive terms in the same office. The secretary of HAAB shall be designated by the building official.

D. HAAB members may serve a maximum of two (2) consecutive terms of from one to four (4) years each, to be determined by the mayor. Subject to the processes of subsection B of this section, or its successor, the mayor shall appoint a new HAAB member to fill any vacancy that might arise. If such appointment is for less than one year, the partial term shall not be included in the determination of any person's eligibility to serve two (2) consecutive full terms.

E. The expiration of terms shall be staggered with no more than three (3) terms expiring in any one year. Expiration of terms shall be on December 31. (Ord. 84-96 § 1, 1996: Ord. 55-95 § 2, 1995)

## 2.21.020: POWERS AND AUTHORITY:

HAAB shall have the power and authority to:

A. Interpret the provisions of title 18, chapter 18.50 of this code;

B. Hear and decide appeals as specified in title 18, chapter 18.50 of this code;

C. Modify the impact of specific provisions of title 18, chapter 18.50 of this code, where strict compliance with the provisions is economically or structurally impracticable and any approved alternative substantially accomplishes the purpose and intent of the requirement deviated from;

D. Conduct housing impact and landscape hearings pursuant to title 18, chapter 18.64 of this code;

E. Recommend new procedures to the building official and new ordinances regarding housing to the city council; and

F. Conduct abatement hearings pursuant to title 18, chapter 18.48 of this code. (Ord. 55-95 § 2, 1995)

## 2.21.030: POLICIES AND PROCEDURES:

HAAB shall adopt policies and procedures for the conduct of its meetings, the processing of applications, and for any other purposes considered necessary for its proper functioning. (Ord. 55-95 § 2, 1995)

## 2.21.040: HAAB PANELS:

Unless otherwise determined appropriate by the chair, HAAB may exercise any of its responsibilities under title 18, chapter 18.50 of this code in panels of five (5) voting members appointed by the chair. (Ord. 55-95 § 2, 1995)

## 2.21.050: RECORD OF PROCEEDINGS:

The proceedings of each meeting of HAAB and any panel of HAAB and all public hearings shall be recorded on audio equipment. Records of confidential executive sessions shall be kept in compliance with the government records access and management act. The audio recording of each meeting shall be kept for a minimum of six (6) months. Upon the written request of any interested person, such audio recording shall be kept for a reasonable period of time beyond the six (6) month period, as determined by HAAB. Copies of the tapes of such proceedings may be provided, if required, at the expense of the requesting party. HAAB shall keep written minutes of its proceedings and records of all its examinations and official actions. (Ord. 84-96 § 1, 1996: Ord. 55-95 § 2, 1995)

### 2.21.060: QUORUM AND VOTE:

A. No business of the full HAAB shall be conducted at a meeting without at least a quorum of six (6) voting members. No action of a HAAB panel shall be taken without the presence of four (4) of the five (5) members of the panel.

B. All actions of the full HAAB shall be represented by a vote of the membership. A simple majority of the voting members present at a full HAAB meeting at which a quorum is present, or at least three (3) members of a HAAB panel, shall be required for any action taken.

C. Any decision by a HAAB panel shall be effective immediately.

D. A decision of the full HAAB shall become effective upon approval of the minutes. By a two-thirds ($^{2}/_{3}$) vote of the members present, HAAB may make any decision effective immediately upon adoption. (Ord. 55-95 § 2, 1995)

### 2.21.070: CONFLICTS OF INTEREST:

No member of HAAB shall participate in or be present at the hearing or disposition of any matter in which that member has any conflict of interest prohibited by chapter 2.44 of this title. HAAB may, by majority vote of the members present, allow a member who would otherwise be required to leave due to a conflict, to be present if required by special or unusual circumstances. (Ord. 55-95 § 2, 1995)

### 2.21.080: REMOVAL OF A MEMBER:

Any member of HAAB may be removed by the mayor for violation of title 18 of this code or any policies and procedures adopted by HAAB following receipt by the mayor of a written complaint filed against the member. If requested by the member, the mayor shall provide the member with a public hearing conducted by a hearing officer appointed by the mayor. (Ord. 55-95 § 2, 1995)

# CHAPTER 2.22
# TRACY AVIARY BOARD

(Rep. by Ord. 74-00 § 1, 2000)

# CHAPTER 2.23
# TRANSPORTATION ADVISORY BOARD

## 2.23.010: PURPOSE:

A. The mayor and the Salt Lake City council, hereinafter council, declare it to be a policy of the city that the citizens of Salt Lake City be provided input opportunity into significant transportation decisions and issues affecting neighborhoods and the city as a whole. (Ord. 16-99 § 1, 1999)

## 2.23.020: DEFINITIONS:

For the purpose of this chapter the following terms, phrases, words, and their derivations shall have the meanings given in this section:

BOARD: The Salt Lake City transportation advisory board created under this chapter.

CITY: Means and refers to Salt Lake City, a municipal corporation of the state of Utah.

COUNCIL: The Salt Lake City council.

MAYOR: The duly elected or appointed, and qualified mayor of Salt Lake City.

MEMBER: A person appointed by the mayor who is a duly qualified member of the board.

TRANSPORTATION DIRECTOR: The person appointed by the director of the department of community and economic development to serve as the director of the transportation division within the department of community and economic development. (Ord. 38-08, 2008: Ord. 6-04 § 3, 2004: Ord. 16-99 § 1, 1999)

## 2.23.030: BOARD CREATED:

There is created the Salt Lake City transportation advisory board, hereinafter referred to as "board", which body shall consist of up to fifteen (15) appointed members. Membership shall consist of one resident from each of the eight (8) city planning districts who will represent the transportation interests of said planning district as well as those of the city as a whole. The foregoing notwithstanding, since the northwest quadrant planning district has no citizen population at present, an at large representative shall be selected to represent this district. Membership shall also consist of one representative of college level transportation academia, one representative of a business oriented organization actively involved in transportation issues affecting Salt Lake City, and a representative of the Salt Lake City School District. Other individuals, representing organizations with continuing interest and involvement in city transportation issues, may be appointed members, including, for example, but not limited to, the League of Women Voters, the Downtown Alliance, the Utah transit authority, the Downtown Retail Merchants Association, the mayor's bicycle advisory committee, and the University of Utah. The transportation director and a representative of the Salt Lake City police department shall be ex officio members of the board with no voting privileges. (Ord. 41-99 § 1, 1999: Ord. 16-99 § 1, 1999)

## 2.23.040: APPOINTMENT OF MEMBERS; OATH OF OFFICE:

A. All appointments of members of the board shall be made by the mayor with the advice and consent of the city council. In making appointments to fill positions formerly held by nonvoting members, the mayor shall, with the advice and consent of the council, designate two (2) members to serve two (2) years and three (3) members to serve three (3) years. Any fraction of a year in the initial appointment shall be considered a full year. Thereafter, all appointments shall be made for a three (3) year term. Each member's term of office shall expire on the applicable last Monday in September. Members shall be limited to no more than two (2) consecutive three (3) year terms each. Each person shall perform service on a voluntary basis without compensation and on such basis shall be immune from liability with respect to any recommendation or action taken during the course of those services as provided by Utah Code Annotated, section 63-30-1 et seq., as amended, or successor sections. Vacancies occurring in the membership of the board shall be filled by appointment by the mayor with the advice and consent of the city council for the unexpired term.

B. Members shall sign the oath of office required by law to be signed by city officials and file the same in the office of the city recorder. Every member who shall fail within ten (10) days after notification of his or her appointment to file with the city recorder his or her oath of office to perform faithfully, honestly and impartially the duties of the office, shall be deemed to have refused such appointment, and thereupon another person shall be appointed in the manner prescribed in this section. (Ord. 16-99 § 1, 1999)

## 2.23.050: REMOVAL FROM OFFICE:

Any member may be removed from office by the mayor, prior to the normal expiration of the term for which such member was appointed. Any member with three (3) unexcused absences or more than six (6) excused absences from board meetings in one calendar year shall forfeit membership of the board. Board members who are appointed as a resident of a planning district shall forfeit membership of the board upon moving their primary residence out of said planning district. (Ord. 16-99 § 1, 1999)

## 2.23.060: MEMBERS' ETHICS:

Members shall be subject to and bound by the provisions of the city's conflict of interest ordinance, chapter 2.44 of this title, or its successor chapter. Any violations of the provisions of said chapter, or its successor, shall be grounds for removal from office. (Ord. 16-99 § 1, 1999)

## 2.23.070: ELIGIBILITY FOR MEMBERSHIP:

In addition to the requirements set forth in section 2.23.030 of this chapter, a person, to be eligible to be appointed as a member of the board, shall meet the following prerequisites:

A. Be not less than twenty one (21) years of age;

B. Be a resident of the state. (Ord. 86-01 § 1, 2001: Ord. 16-99 § 1, 1999)

## 2.23.080: MEETINGS:

A. The board shall convene for regular meetings to be held approximately monthly throughout the year. To the extent that meetings of the board are governed by chapter 4 of title 52, Utah Code Annotated, 1953, as amended, or its successor, said meetings shall be conducted in compliance with said state law. Meetings shall be held at the city and county building, or at such other public place as may be designated by the board. A simple majority of members of the board shall constitute a quorum for the purpose of conducting business.

B. The board shall cause a written record of its proceedings to be kept which shall be available for public inspection in the office of the transportation director. The board shall record the yea and nay votes of any action taken by it. The transportation director shall make available a secretary to the board when required.

C. The board shall adopt a system of rules of procedure under which its meetings are to be held. The board may suspend the rules and procedures by unanimous vote of the members of the board who are present at the meeting. The board shall not suspend the rules of procedure beyond the duration of the meeting at which suspension of the rules occurs. (Ord. 16-99 § 1, 1999)

## 2.23.090: ELECTION OF OFFICERS:

Each year the board at its first regular meeting after the last Monday in September shall select one of its members as chairperson and another of its members as vice chairperson, who shall perform the duties of the chairperson during the absence or disability of the chairperson. No member shall serve more than two (2) consecutive terms as chairperson. (Ord. 16-99 § 1, 1999)

## 2.23.100: REVIEW OF ACTION; POWERS OF MAYOR:

All actions taken by the board shall constitute recommendations to the transportation director, the mayor, the city council, and to other city commissions and boards and shall not constitute official action. The transportation director and/or mayor shall have the power to review, ratify, modify or disregard any recommendation submitted by the board, and the mayor may refer the matter to the city council, if appropriate. (Ord. 16-99 § 1, 1999)

## 2.23.110: COMMITTEES:

The board may, by vote, designate such committee or committees as it desires to study, consider and make recommendations on matters which are presented to the board. In the event the board desires nonboard members to serve on such a committee, the board may make such appointments; but shall include at least one board member on such committee. Nonboard members of such committees shall serve without compensation. (Ord. 16-99 § 1, 1999)

## 2.23.120: POWERS AND DUTIES:

The board shall have the following powers and duties:

A. Determine and establish such rules and regulations for the conduct of the board as the members shall deem advisable; provided, however, that such rules and regulations shall not be in conflict with this chapter or its successor, or other city, state or federal law;

B. Recommend the adoption and alteration of all rules, regulations and ordinances which it shall from time to time deem in the public interest and for the purposes of carrying out the objects of this chapter; provided, however, that such rules and regulations shall not be in conflict with this chapter or its successor, or other city, state or federal law;

C. Monitor the progress and assist in the updating of the action plan of the city's transportation master plan;

D. Review regional, citywide and significant local transportation issues as appropriate and provide recommendations to the transportation director and/or mayor and council on same as deemed by the board to be in the best interest of the city and its citizens;

E. Assist in the development, implementation and ongoing updating of the city's traffic calming program;

F. Monitor the city's crossing guard program and provide recommendations regarding its policies on guard placement criteria;

G. Develop travel demand management strategies and encourage use of nonautomotive transportation modes;

H. Promote public education of transportation issues affecting the city and its citizens;

I. Provide recommendations to the mayor, council, transportation director and other city commissions and boards regarding priority and funding of transportation related capital improvement projects and programs as appropriate and deemed by the board to be in the best interest of the city and its citizens;

J. Serve as a coordination body and resource for organizations interested in transportation issues affecting the city. (Ord. 16-99 § 1, 1999)

# CHAPTER 2.24
# EMPLOYEE APPEALS BOARD

### 2.24.010: PROMULGATION OF PROCEDURES:

The mayor's designee shall promulgate procedures to provide for the creation and function of an employee appeals board within the parameters set out in this chapter. (Ord. 67-09 § 1, 2009)

## 2.24.020: BOARD COMPOSITION:

The mayor shall appoint at least eleven (11) current city employees to serve as board members. Before appointing an employee to the board, the mayor shall consider any recommendations made by employee representatives and/or department directors and shall ensure that the board members are representative of the city's workforce. (Ord. 67-09 § 1, 2009)

## 2.24.030: TERMS OF OFFICE:

Board members shall serve a three (3) year term, unless the term is terminated by disability, resignation, or for reasons relating to cause. The initial terms of office of the board members shall commence January 1, 2010.

The mayor's designee shall coordinate with the mayor regarding the appointment of board members so that the initial terms of the appointed board members will commence January 1, 2010. Thereafter, the mayor shall appoint board members every three (3) years. In the event of a vacancy created by the resignation or removal of an appointed board member, the mayor shall appoint a new person to fill the remaining term of the person who has resigned or otherwise been removed from the board. (Ord. 67-09 § 1, 2009)

## 2.24.040: DUTIES:

It shall be the duty of the employee appeals board to conduct hearings related to an employee's appeal from a discharge or termination, suspension without pay for more than two (2) days, involuntary transfer to a position with less remuneration or designation for layoff as outlined in this chapter. The employee appeals board may not hear an appeal filed by:

A. An employee appointed by the mayor;

B. An employee employed by the city council;

C. An employee in an at-will position;

D. An hourly employee;

E. A seasonal employee;

F. A probationary employee;

G. An employee in the police department; or

H. An employee in the fire department. (Ord. 67-09 § 1, 2009)

## 2.24.050: BOARD PANEL:

Each impaneled employee appeals board shall consist of three (3) members. The mayor's designee shall select three (3) of the eleven (11) appointed members to serve as the panel to hear any appeal. (Ord. 67-09 § 1, 2009)

## 2.24.060: STANDARDS OF REVIEW:

The panel of the employee appeals board designated to hear an appeal shall review a department head's decision using the following standards of review.

If an appeal is based upon a disciplinary decision, the designated panel shall determine if the employee has demonstrated that the department head's decision to impose discipline was clearly erroneous in light of the record viewed in its entirety including the employee's entire employment history with the city. The designated panel cannot substitute its own judgment for the department head's judgment, but can only overturn a disciplinary decision if it is clearly erroneous.

If an appeal is based upon a layoff designation, the review by the designated panel shall be limited to whether the city substantially followed its layoff procedures when it designated the employee for layoff.

If an appeal is based upon a termination decision for nondisciplinary reasons, the review by the designated panel shall be limited to whether the city followed its procedures when it terminated the employee. (Ord. 67-09 § 1, 2009)

## 2.24.070: RIGHTS OF APPELLANT:

An appellant may appear in person before the panel designated to hear the employee's appeal and be represented by a person of his or her choice. The appellant may also: a) have a hearing held in compliance with Utah's open and public meetings act; b) confront any witness whose testimony is to be considered; and c) examine the evidence the designated panel will consider in making its decision. (Ord. 67-09 § 1, 2009)

## 2.24.080: DISCOVERY:

Discovery shall be limited to that information which was actually considered in making the decision which is being appealed. If the employee or the city introduces information which was not considered in making the decision being appealed, the designated panel shall remand the matter to the department head or designee who made the decision. The department head or designee shall consider the new evidence, reconsider the decision being appealed and issue a written decision within seven (7) calendar days. If the mayor's designee determines the modified decision is within the board's duties, the panel originally designated to hear an appeal shall reconvene and hear the employee's appeal. (Ord. 67-09 § 1, 2009)

### 2.24.090: REMEDY:

If the designated panel determines that discipline should not have been imposed, the city will revoke the discipline and reimburse the employee for any lost wages. If the designated panel determines that an employee was erroneously designated for layoff, the city will reinstate the employee and reimburse the employee for any lost wages. If the designated panel determines that employee should not have been terminated for the stated nondisciplinary reason, the city will revoke the termination and reimburse the employee for any lost wages. The employee appeals board may not provide any remedy beyond that described in this chapter. (Ord. 67-09 § 1, 2009)

# CHAPTER 2.26
# URBAN FORESTRY

### 2.26.010: PURPOSE:

The city council and mayor of the city recognize the importance of the urban forest to the quality of life in the city. The city council and mayor declare it to be a policy of the city that city property be landscaped to enhance the natural beauty of the city; that the responsibilities of city departments be coordinated to encourage quality landscaping; that landscaped city property be effectively managed; that the street environment be made hospitable through landscaping; and that residents of the city be encouraged to participate in beautification efforts through installing and maintaining quality landscaping on private property. To fulfill this policy, this chapter is enacted and intended to establish a Salt Lake City urban forestry ordinance. This chapter may be referred to as the *SALT LAKE CITY URBAN FORESTRY ORDINANCE*. (Ord. 75-88 § 1, 1988: prior code § 25-29-1)

### 2.26.020: DEFINITIONS:

For the purpose of this chapter the following terms, phrases, words, and their derivations shall have the meanings given in this section:

PARKING/PLANTING STRIP: The area between the curb and sidewalk and the area between sidewalk and private property line that is city owned property; unpaved streetside city property; or an area inside the private property line where an easement is given to the city for the purpose of planting trees.

PRIVATE TREES: Any and all trees growing on private property within the city limits as of or after the effective date of the ordinance from which this section or successor sections derives and which are not defined or designated in this chapter as street trees, park trees or public trees.

PUBLIC RIGHT OF WAY: A portion of property reserved for public use and accepted for such use by the city to provide circulation and travel to abutting properties, including, but not limited to, streets, alleys, sidewalks, provisions for public utilities, cut and fill slopes, and open public spaces.

PUBLIC TREES: All trees growing on any street, park, or any public place owned and/or managed by Salt Lake City as of or after the effective date of this chapter or its successor ordinances.

PUBLIC UTILITY: Any public, private or cooperatively owned line, facility or system for producing, transmitting or distributing communications, power, electricity, light, heat, gas, oil products, water, waste or storm water, which directly or indirectly serves the public or any part thereof within the corporate limits of the city.

TREE TOPPING: The specific reduction in the overall size of a tree and/or the severe cutting back of branches or limbs to such a degree so as to remove the normal canopy and disfigure the tree.

URBAN FORESTER: The city urban forester who is selected by the director of the department of public services to that position in the department of public services.

URBAN FORESTRY PROGRAM: The program which is a part of the department of public services and which is responsible for the care and maintenance of the urban forest resources located on city property. (Ord. 45-93 § 4, 1993: Ord. 75-88 § 1, 1988: prior code § 25-29-2)

### 2.26.030: CREATION OF BOARD[2]:

(Rep. by Ord. 59-09 § 2, 2009)

### 2.26.040: ELIGIBILITY FOR MEMBERSHIP:

(Rep. by Ord. 59-09 § 2, 2009)

### 2.26.050: APPOINTMENTS:

(Rep. by Ord. 59-09 § 2, 2009)

### 2.26.060: OATH OF OFFICE:

(Rep. by Ord. 59-09 § 2, 2009)

### 2.26.070: COMPENSATION:

(Rep. by Ord. 59-09 § 2, 2009)

### 2.26.080: VACANCIES:

(Rep. by Ord. 59-09 § 2, 2009)

### 2.26.090: REMOVAL FROM OFFICE:

(Rep. by Ord. 59-09 § 2, 2009)

### 2.26.100: MEMBERS' ETHICS:

(Rep. by Ord. 59-09 § 2, 2009)

### 2.26.110: MEETINGS:

(Rep. by Ord. 59-09 § 2, 2009)

### 2.26.120: ELECTION OF BOARD OFFICERS:

(Rep. by Ord. 59-09 § 2, 2009)

### 2.26.130: COMMITTEES:

(Rep. by Ord. 59-09 § 2, 2009)

### 2.26.140: ATTORNEY DUTIES:

(Rep. by Ord. 59-09 § 2, 2009)

### 2.26.150: POWERS AND DUTIES:

(Rep. by Ord. 59-09 § 2, 2009)

## 2.26.160: CREATION OF URBAN FORESTER POSITION:

The city shall employ a person to be known as the "urban forester", whose specified duties, responsibilities and authority are specified in this chapter. (Ord. 75-88 § 1, 1988: prior code § 25-29-13)

## 2.26.170: POWERS AND DUTIES OF URBAN FORESTER:

The urban forester shall be the supervisor of the urban forestry program of the department of public services and shall be responsible to the director of the department of public services in carrying out the duties of this position. The urban forester shall initiate an urban forest management plan. (Ord. 45-93 § 7, 1993: Ord. 75-88 § 1, 1988)

## 2.26.180: RULES AND REGULATIONS:

The urban forester may recommend, and the mayor may adopt, additional regulations to be known as the urban forestry standards and specifications proper and necessary to effectuate the urban forest management plan within the city providing reasonable guidance for planting and maintaining public trees. Such rules and regulations shall not be in conflict with any other law or ordinance. (Ord. 75-88 § 1, 1988)

## 2.26.190: STREET TREES; PRIVATE PROPERTY OWNER RESPONSIBILITIES:

Any owner of private property, abutting city parking/planting strips upon which street trees are located, shall have the following responsibilities:

A. Periodic watering and fertilization of street trees when necessary to maintain good health and vigor;

B. Protection of street trees against damage caused by lawn mowers, weed trimmers, snowblowers and similar equipment. (Ord. 75-88 § 1, 1988)

## 2.26.200: STREET/PUBLIC TREES; PRIVATE PROPERTY OWNER REQUESTS:

Where an owner of private real property abutting city property, or tenant thereon, requests city action on street trees or public trees, the requester shall pay the city, at the rate then prevailing under a city contract for such services, for the following:

A. Removal of trees, limbs or roots preventing house moving or other construction activities;

B. Removal of trees, limbs or roots for the alteration of tree or abutting property appearance where no hazard or nuisance exists;

C. Spraying, fertilizing or treatment other than may be regularly conducted on a citywide basis by the city.

Financial responsibility does not eliminate the requirement of obtaining necessary permits required by this chapter. (Ord. 47-93 § 1, 1993: Ord. 75-88 § 1, 1988)

## 2.26.210: LANDSCAPE PERMIT FOR PUBLIC RIGHT OF WAY:

It is unlawful for any person to plant, prune or remove any public tree, without first obtaining a permit from the department of public services. Permits shall not be required for work performed by city personnel.

A. Planting And Maintaining Public Trees: The Salt Lake City urban forestry standards and specifications shall be used as a guideline for planting and pruning public trees.

B. Removing Trees: The urban forester must approve any permit for removal of public trees and as a condition, the permittee may be required to compensate the city for the value of the tree(s) removed either by replacement thereof or by monetary assessment.

C. Permit Fee: Commercial companies, public utilities or individuals employed in the landscaping or arboricultural business shall be required to pay a permit fee per job as shown on the Salt Lake City consolidated fee schedule or a permit fee per year as shown on the Salt Lake City consolidated fee schedule. (Ord. 24-11, 2011)

## 2.26.220: CONDITIONAL USE PERMITS:

Where an application for a conditional use is filed with the planning commission on zoning and the planning commission deems it appropriate, the urban forester shall review the landscape improvement design of any conditional use application and make recommendations to the commission. (Ord. 8-12, 2012)

## 2.26.230: PUBLIC NUISANCE DEFINED AND DESIGNATED:

The following are defined and declared to be public nuisances under this chapter:

A. Any tree or shrub located on private property having a destructive or communicable disease or other pestilence which endangers the growth, health, life or well being of trees, shrubs or plants in the city or which is capable of causing an epidemic spread of a communicable disease or insect infestation;

B. The roots of any tree or shrub, located on private property, which cause the surface of the public street, curb or sidewalk to be upheaved or otherwise disturbed;

C. Any tree, shrub or portion thereof located on private property which, by reason of location or condition, constitutes an imminent danger to the health, safety or well being of

the general public on city property. (Ord. 75-88 § 1, 1988)

### 2.26.240: RESPONSIBILITY FOR PUBLIC NUISANCE FIXED:

Where a nuisance exists upon property, and is the outgrowth of the usual, natural or necessary use of property, the landlord thereof, or his or her agent, the tenant or his or her agent, and all other persons having control of the property on which such nuisance exists, shall be deemed to be the authors thereof, and shall be equally liable therefor. (Ord. 75-88 § 1, 1988)

### 2.26.250: NUISANCE CREATION AND MAINTENANCE:

It is unlawful for any person, either as owner, agent or occupant, to create, or aid in creating or contributing to, or to maintain a public nuisance. (Ord. 75-88 § 1, 1988)

### 2.26.260: NUISANCE ABATEMENT:

The city shall ascertain and may cause all nuisances declared to be such by this chapter to be abated. (Ord. 75-88 § 1, 1988)

### 2.26.270: NOTICE TO ABATE:

Except as provided in section 2.26.260 of this chapter or its successor, the city may serve a notice in writing upon the owner, occupant or agent of any lot, building or premises in or upon which a nuisance may be found, or upon the person who may be the cause of such nuisance, requiring the person to abate the nuisance within a fourteen (14) day period. Failure to give a notice as provided herein shall not relieve the author of any nuisance from the obligation to abate such nuisance, or from the penalty provided for the maintenance thereof. Notice of appeal may be filed with the public services director within fourteen (14) days of service of notice. Appeals from the public services director's decision shall be heard by a hearing officer designated by the mayor within fourteen (14) days. (Ord. 1-06 § 2, 2005: Ord. 75-88 § 1, 1988)

### 2.26.280: EXPENSE OF ABATEMENT; RESPONSIBILITY OF OFFENDER:

In case of neglect or refusal of any person to abate any nuisance defined by this chapter, after notice in writing has been served upon them, as provided in this chapter, and within the time specified in the notice, the city may abate or procure the abatement thereof, and the expense of such abatement shall be collected from the person so offending. (Ord. 75-88 § 1, 1988)

### 2.26.290: ABUSE OR MUTILATION OF PUBLIC TREES:

It is unlawful for any person to damage, transplant, top, remove or mutilate any tree on public property. (Ord. 75-88 § 1, 1988)

### 2.26.300: PROTECTION OF PUBLIC TREES NEAR CONSTRUCTION ACTIVITIES:

Any tree located on city property in the immediate vicinity of any excavation, demolition or construction site of any building, structure, street or utilities work, which has potential for injury, shall be protected from such injury. (Ord. 75-88 § 1, 1988)

### 2.26.310: TREE TOPPING:

It is unlawful for any person or firm to top, dehorn or pollard any public tree. Trees severely damaged by storms or other causes, or trees creating emergency hazardous situations, are exempt from this section. Trees under utility wires or other obstructions where standard pruning practices are impossible may be exempted from this section with the prior written approval of the director of parks and recreation. (Ord. 75-88 § 1, 1988)

**Footnotes** - Click any footnote link to go back to its reference.
Footnote 1: See chapter 2.94 of this title.
Footnote 2: See chapter 2.94 of this title.

# CHAPTER 2.28
# LIBRARY BOARD

### 2.28.010: PUBLIC LIBRARY ESTABLISHED:

There is established the city public library. (Prior code § 25-23-1)

### 2.28.020: LIBRARY BOARD OF DIRECTORS; APPOINTMENT; MEMBERSHIP; COMPENSATION:

The mayor, with the advice and consent of the council, shall appoint a library board of directors chosen from the citizens of the city at large with reference to fitness for such office. The board of directors shall consist of not less than five (5) members nor more than nine (9) members. Not more than one member of the city council shall be, at any one time, a member of such board. The directors shall serve without compensation, but their actual necessary expenses incurred in the performance of their official duties may be paid from library funds. (Prior code § 25-23-2)

## 2.28.030: LIBRARY BOARD OF DIRECTORS; TERMS; ELECTION OF OFFICERS; REMOVAL AND VACANCIES:

A. Directors shall be appointed for three (3) years. Initial appointments and terms of office shall be those of the current library board. Annually thereafter the board of directors shall, before July 1 of each year, appoint for three (3) year terms directors to take the place of retiring directors. Directors shall not serve for more than two (2) full terms in succession.

B. Following such appointments, the directors shall meet and elect a chairman and such other officers as they deem necessary for one year terms.

C. The mayor may remove any director for misconduct or neglect of duty.

D. Vacancies in the board of directors shall be filled for the unexpired term in the same manner as the original appointments. (Ord. 95-90 § 3, 1990: prior code § 25-23-3)

## 2.28.040: LIBRARIAN AND OTHER PERSONNEL; APPOINTMENT; COMPENSATION:

The library board of directors shall appoint a competent person as the librarian to have immediate charge of the library, to have such duties and compensation for services as it shall fix and determine. The librarian shall act as the executive officer of the library board. The board shall appoint, upon the recommendation of the librarian, other personnel as needed. (Prior code § 25-23-7)

## 2.28.050: COOPERATION WITH OTHER LOCAL LIBRARY BOARDS:

The board of directors of the city library is given authority to cooperate with other local library boards to provide library services. (Prior code § 25-23-9)

## 2.28.060: LIBRARY USE; RULES AND REGULATIONS:

Use of library to be free, subject to rules. The library board of directors shall make and adopt rules and regulations not inconsistent with the law for the governing of the library. The library established under the provisions of this chapter shall be free for the use of the inhabitants of the city subject to the rules and regulations adopted by the board. The board may exclude from the use of the library any and all persons who shall wilfully violate such rules. The board may extend the privileges and use of the library to persons residing outside of the city upon such terms and conditions as it may prescribe by its regulations. (Prior code § 25-23-5)

## 2.28.070: DONATIONS OF MONEY OR PROPERTY:

Any person desiring to make donations of money, personal property or real estate for the benefit of such library shall have the right to vest the title to the money, personal property or real estate so donated in the board of directors of the city library to be held and controlled by such board, when accepted, according to the terms of the deed, gift, devise or bequest of such property and as to such property, the board shall be held and considered to be trustees. (Prior code § 25-23-8)

### 2.28.080: LIBRARY FUND DEPOSITS AND DISBURSEMENTS:

The library board of directors shall have control of the expenditure of the library fund, construction, lease, sale of library buildings and land, and of the operation and care of the libraries and branches. All tax monies received for such libraries shall be deposited in the city treasury to the credit of the library fund and shall not be used for any purpose except that of the city library. The funds shall be drawn upon by the authorized officers of the city upon presentation of properly authenticated vouchers of the library board. All monies collected by the library shall be deposited to the credit of the library fund. The library board shall purchase, lease and sell land and purchase, lease and erect or sell buildings for the benefit of the library. The board shall be responsible for the maintenance and care of the library and shall establish policies for its operation. (Prior code § 25-23-4)

### 2.28.090: ANNUAL REPORTS:

The library board of directors shall make an annual report to mayor and city council on the condition and operation of the library, including financial statements. The board of directors shall also provide for the keeping of such records as shall be required by the state library commission and its request for an annual report from public libraries and shall submit such annual report to the state library commission. (Prior code § 25-23-6)

# CHAPTER 2.30
# SALT LAKE ART DESIGN BOARD

### 2.30.010: PURPOSE:

The mayor and the city council declare it to be a policy of the city that a portion of the city's appropriations for capital expenditures in those construction projects designated be set aside for the acquisition of works of art and ornamentation to be used in and around public facilities. This chapter is enacted and intended also for the purpose of establishing a city art design board, hereinafter design board, the primary objectives of which shall include, but not be limited to, the following:

A. To assist the Salt Lake council for the arts in providing the means and the development of a comprehensive citywide plan to encourage and strengthen artistic and cultural resources;

B. To provide assessment of the artistic needs of future individual city construction projects;

C. To be responsible for recommending the nature and type of acquisition and placement of works of art and ornamentation to be used in and around the construction projects and to implement the decisions of the mayor with respect thereto;

D. To foster cultural development, and creativity of local artists and craftsmen. (Prior code § 25-24-1)

## 2.30.020: DEFINITIONS:

For the purposes of this chapter, unless the context indicates otherwise, words and phrases used in this chapter are defined as follows:

CONSTRUCTION PROJECT: Any capital project designated for inclusion under this chapter by the city council and paid for wholly, or in part, by the city. When other entities contribute funds for such construction that portion of the city's expenditure shall be included together with such additional funds as are authorized by the contributing entities. "Construction project" includes all new construction designated for such an art appropriation under this chapter for city occupancy or public use, or the remodeling of any building, structure, park or any portion thereof. Such expenditures shall be as authorized by the city council within the limits of the city.

COUNCIL FOR THE ARTS: The Salt Lake council for the arts.

ELIGIBLE FUND: The source fund for construction projects designated and appropriated for works of art under this chapter.

WORKS OF ART: All forms of original creations of visual arts, including, but not limited to:

A. Sculpting: Sculpture in the round, bas-relief, high relief, mobile, fountain, kinetic, electronic, etc., in any material or combination of materials;

B. Painting: All media, including portable and permanently affixed works such as murals and frescoes;

C. Graphic arts: Printmaking and drawing;

D. Mosaics;

E. Photography;

F. Crafts: In clay, fiber and textiles, wood, metal, plastics and other material;

G. Calligraphy;

H. Stained glass;

I. Mixed media: Any combination of forms or media, including collage. (Prior code § 25-24-2)

## 2.30.030: ORGANIZATION; MEMBERSHIP; TERM; COMPENSATION:

A. The design board shall consist of the following: five (5) members, all of whom shall be appointed by the mayor with the advice and consent of the city council from a slate of

qualified candidates submitted by the design board in cooperation with the council for the arts. No more than two (2) members shall be professional artists or arts administrators or art teachers involved in the administration or teaching of art at a recognized institution in the city. One member shall be an architect. The remaining members shall be citizens who are actively interested in the visual arts and civic improvement from the city area. Of the members first appointed, two (2) shall be for a term of three (3) years, two (2) shall be for a term of two (2) years and one (the architect) for a term of one year. Thereafter, as terms expire, all appointments shall be made for terms of three (3) years each.

B. The director of the council for the arts shall serve as an ex officio and nonvoting member to coordinate administrative responsibilities. One member shall represent the council for the arts.

C. No member of the design board shall be permitted to receive or authorize any contracts for any work of art, nor shall any member of the design board have any financial interest in or benefits in any way financially from any work of art which is recommended, or from any firm or person which receives any contract for such work of art from the city.

D. The design board may adopt administrative rules, bylaws and procedures necessary to accomplish its purpose.

E. Members of the design board shall receive no compensation for their services, but they may be reimbursed from time to time for proper and necessary expenses incurred in their duties on the design board. The design board shall have such funds, facilities, assistance and employees as may be designated therefor from time to time by the mayor.

F. The recommendations for selection of artists for works of art, by any reasonable method, together with the reviewing of design, execution and placement, and the acceptance of works of art and ornamentation shall be the responsibility of the design board in consultation with the architects or managers for the project, and subject to final written approval in each instance by the mayor or the mayor's designee.

G. Except for works of art donated to the city by a sister city, the design board shall be responsible for the examination and acceptance or rejection of all works of art offered to the city as a donation or gift. All such donations or gifts shall meet the same standards as required for percent for arts selection. (Ord. 34-99 § 1, 1999: prior code § 25-24-4)

## 2.30.040: MEETINGS; ABSENCES AND REMOVAL FROM MEMBERSHIP:

The design board shall hold regular monthly meetings to review the business of the board and such meeting shall be held at a time and place to be established by the board. A board member missing three (3) unexcused meetings, shall be removed from membership. (Prior code § 25-24-7)

## 2.30.050: JURISDICTION:

The design board's jurisdiction shall be limited to:

A. Making recommendations to the mayor with regard to the foregoing purposes with the final decision concerning such recommendations and disbursements of all funds resting with the mayor;

B. Making operating expenditures subject to prior approval by the mayor;

C. Recommending that the city contract, as needed, with individuals, businesses, agencies, organizations or other groups, to render services to the design board or city relating to the board's purposes.

D. Recommending a redesignation of funds to a different project or projects when the design board determines that, in its opinion, the available funds for a specific improvement project are insufficient or that a particular site is inappropriate for public art. (Ord. 34-99 § 2, 1999: prior code § 25-24-8)

## 2.30.060: FUNDS FOR WORKS OF ART; REQUESTS FOR APPROPRIATIONS:

A. When so designated by the city council, in its appropriation for capital improvements, all city agencies and departments shall expend, as a nondeductible item out of any monies appropriated for the planning, design and construction of construction projects, an amount equal to one percent (1%) of such appropriations for the acquisition and installation of works of art and ornamentation. All requests for appropriations for planning, design and construction of construction projects from eligible funds except projects solely for water or sewer main installation or street improvements, shall include an amount equal to one percent (1%) of the estimated cost of such project for such works of art, and shall be accompanied by a request and specific recommendations from the design board for authorization to expend such funds. When the city council denies any such request, the appropriations for such construction projects shall not include the appropriation of funds for works of art. Such funds shall be expended by the city upon recommendation of the design board.

B. In addition to the cost of works of art, such appropriation shall be used to provide administration costs and expenses for the design board in administering individual projects. The administration costs shall not exceed ten percent (10%) of each such appropriation for works of art.

C. If artwork for a capital project is denied by the city council as a construction project eligible for inclusion under this section, and the design board believes such capital project should be so designated, the design board may submit a recommendation to the council outlining the reasons why the capital project should be so designated. The council shall then decide whether such project shall be designated and such decision shall be final. (Ord. 34-99 § 3, 1999: prior code § 25-24-3)

## 2.30.070: PERCENT FOR ART FUND; ESTABLISHED:

There is established in the city treasury a special fund designated "percent for art fund" into which shall be deposited funds and appropriations as contemplated by section 2.30.060 of this chapter, or its successor. Separate accounts shall be established within the percent for the arts funds to segregate receipts by source or when so directed by the mayor for specific works of art. Disbursement from such funds shall be made in connection with projects approved by the design board on vouchers approved by the mayor, and the city finance director shall draw and the city treasurer shall pay the necessary warrants and make the necessary transfers of funds. (Prior code § 25-24-6)

## 2.30.075: PARTICIPATION OF ARTISTS:

It is the intent of the city to involve artists at the earliest appropriate stage of a city improvement project. The design board shall establish the artist selection process and, in

collaboration with the applicable city department, make recommendations regarding the scope of work on a case by case basis. The city may include artists in a broad range of projects including:

A. Planning: Artists may be selected to assist in the evaluation of options, strategies, limitations and opportunities for art and aesthetic design in capital projects before the scope, quality, schedule, and budget are fixed.

B. Collaboration With Project Design Team: Artists may be selected as consultants on construction or project work in which the creation, documentation, and construction of the project is collaboratively developed with the city's project managers, design team, and the public. This is pursuant to the goal of improving the aesthetics of the entire project.

C. Site Specific Artwork: Artists may be selected to design artwork for a specific location.

D. Individual Works Of Art: Artists may be commissioned to create a work of art, or existing works of art may be purchased. (Ord. 34-99 § 4, 1999)

### 2.30.080: PLACEMENT OF WORKS OF ART:

Works of art selected and implemented pursuant to the provisions of this chapter, and any amendment to this chapter, may be placed in, on or about any such project. They may be attached or detached within or about such property and may be either temporary or permanent. Placement of such works of art shall be authorized by the design board, and city officers responsible for the design and construction of such projects shall make appropriate space available for the placement of such works of art. The design board shall advise the department responsible for the particular construction project of the mayor's or his/her designee's decision regarding the design, execution and/or placement of works of art in connection with such project. For any proposed work of art or ornamentation requiring extraordinary operation or maintenance expense, the design board shall obtain prior written approval of the department head responsible for such operation or maintenance before submitting a proposal for such to the mayor for approval. (Prior code § 25-24-5)

# CHAPTER 2.32
# SALT LAKE COUNCIL FOR THE ARTS

### 2.32.010: PURPOSE:

This chapter is enacted and intended for the purpose of establishing the Salt Lake council for the arts, whose primary objectives shall include, but not be limited to, the following:

A. To promote and encourage public artistic programs;

B. To further the development and public awareness of and interest in the fine and performing arts;

C. To provide for the assessment of the artistic needs of the community;

D. To provide the means for the development of a comprehensive citywide plan to encourage and strengthen artistic and cultural resources;

E. To develop programs in the arts which shall seek to introduce the visual and performing arts to city residents who have previously not participated in such activities and encourage existing organizations to develop new ways of reaching the community;

F. To provide a forum of communication between representatives of the community and the city council;

G. To act as an advisory body to the city in all matters pertaining to the arts and the cultural development of the city. (Prior code § 25-20-1)

## 2.32.020: CREATION AND COMPOSITION:

The mayor may establish and/or terminate a council for the arts, hereinafter referred to as "council", which shall advise and counsel the mayor in matters pertaining to the arts within the boundaries of the city. The council shall consist of not less than fifteen (15) nor more than twenty five (25) members, to be appointed by the mayor with the approval of the city council. In making such appointments, the mayor may request and consider recommendations submitted by the council's executive director. The council shall include, but need not be limited to, representatives from the three (3) following broad categories:

A. Community organizations such as ethnic groups, business organizations, labor unions, neighborhood councils, volunteer groups and churches;

B. The arts which shall include the professional field of the arts as well as amateur art organizations, artists and art administrators;

C. The community at large. (Prior code § 25-20-2)

## 2.32.030: ORGANIZATION; MEETINGS, COMMITTEES:

The council shall consist of the following:

A. An executive committee comprised of a chairman, appointed by the mayor, one vice chairman and three (3) additional members who shall be appointed by the executive director and council chairman. The executive committee shall have representation from the categories listed above and shall serve for one year. The executive committee may carry out council business between regular council meetings, with their action subject to ratification or rejection by the council.

B. More than fifty percent (50%) of the council present shall constitute a quorum for conducting business of the council and action can be had upon the vote of a majority present.

C. The council may organize committees, adopt administrative rules and bylaws and procedures necessary to accomplish its purposes. (Prior code § 25-20-3)

## 2.32.040: EXECUTIVE DIRECTOR; APPOINTMENT; DUTIES AND RESPONSIBILITIES; STAFF SUPPORT:

A. The council shall have an executive director, who shall be appointed by the mayor, upon consultation with the council and with approval of the mayor, and shall be a paid city employee receiving the same fringe benefits as other city employees.

B. The director's responsibilities shall include, but not be limited to, the following:

1. To act as liaison between the mayor, the city council and the Salt Lake council for the arts;
2. To act as a resource to the council in all matters within its jurisdiction;
3. To be a nonvoting member of the council executive committee;
4. To plan and coordinate council meetings, with the council chairman, and to perform such duties relating to those meetings;
5. To conduct business and carry out all action approved by the council and its executive committee;
6. To represent the mayor and city council and the Salt Lake council for the arts, upon request, at city, business, community or art functions;
7. To undertake any project assigned by the mayor or city council;
8. To maintain an office, files, correspondence, records, etc., for the council.

C. The director shall be assisted, upon city council approval, by such staff as may be necessary.

D. The director and the staff may be terminated by the mayor upon failure to responsibly perform established duties or by a decision of the city council to discontinue funding for the positions. (Amended during 1/88 supplement: prior code § 25-20-4)

## 2.32.050: TERM; COMPENSATION; VACANCIES:

All members of the council shall serve for a period of one year, after which at least one-third ($^1/_3$) may be appointed for a period of one year, the second one-third ($^1/_3$) for a period of two (2) years and the third one-third ($^1/_3$) for a period of three (3) years; thereafter, all appointments shall be for a term of three (3) years. Vacancies may be filled by the mayor

with the approval of the city council by appointment to any unexpired term or for the full term as the case may be, however, it is understood that the membership of the council may fluctuate anywhere between a minimum of fifteen (15) and a maximum of twenty five (25) members. Council members shall serve without compensation. (Prior code § 25-20-5)

### 2.32.060: JURISDICTION:

The council's jurisdiction shall be limited to:

A. The purposes set forth in this chapter, and it shall only make recommendations to the mayor;

B. Making operating expenditure subject to prior approval by the mayor;

C. Recommending that the city contract, as needed, with individuals, businesses, agencies, organizations or other groups, to render services to the council or city relating to the council's purposes. (Prior code § 25-20-6)

### 2.32.070: MEETINGS:

The council shall hold regular meetings, at least once monthly, to review the business of the council, and the meeting shall be held at a time and place to be established. The council meetings shall be open to the public. (Prior code § 25-20-7)

### 2.32.080: FUNDING:

The council's activities shall be funded for the first year (April 1976 through March 1977) by a city spirit grant in the amount of twenty five thousand dollars ($25,000.00) from the National Endowment for the Arts, and a twenty five thousand dollar ($25,000.00) matching city fund. Subsequent funding shall be determined by the city council. (Prior code § 25-20-8)

# CHAPTER 2.33
# COMMUNITY DEVELOPMENT AND CAPITAL IMPROVEMENT PROGRAMS ADVISORY BOARD

### 2.33.010: DEFINITIONS:

For the purpose of this chapter the following words shall have the meaning as given in this section:

BOARD: The community development and capital improvement programs advisory board created under this chapter.

CITY: Means and refers to Salt Lake City, a municipal corporation of the state of Utah.

COUNCIL: The Salt Lake City council.

MAYOR: The duly elected or appointed and qualified mayor of the city.

MEMBER: A person appointed by the mayor who is duly qualified and acting as a member of the board.

PERSON: An individual. (Ord. 77-06 § 1, 2006)

### 2.33.020: BOARD CREATED:

There is created the board, which body shall consist of not less than nine (9) members nor more than eleven (11) members who reside in the city. (Ord. 77-06 § 1, 2006)

### 2.33.030: PURPOSE:

The purpose of the board is to provide citizens with an ample opportunity to participate, in an advisory role, in the city's planning, assessment and allocation of its community development grants and capital improvement programs. Although board members serve in an advisory role only, their involvement is necessary in obtaining the opinions of persons who live and/or work in various neighborhoods to aid the city in identifying the needs within those areas and the programs and projects to be completed as part of the city's community development and capital improvement programs. (Ord. 77-06 § 1, 2006)

### 2.33.040: APPOINTMENT; OATH OF OFFICE:

A. All appointments of board members shall be made by the mayor, with the advice and consent of the city council. In making initial appointments, the mayor shall designate three (3) members to serve one year, four (4) members to serve two (2) years, and four (4) members to serve three (3) years. Thereafter, all appointments shall be made for a three (3) year term. Each member's term of office shall expire on the applicable first Monday in June. Each member shall perform service on a voluntary basis without compensation and on such basis shall be immune from liability with respect to any decision or action taken during the course of these services, as provided by Utah Code Annotated, section 63-30b-1 et seq. (1953) as amended, or successor sections. Members shall sign the oath of office required by law to be signed by city officials and file the same in the office of the city recorder. Every member who shall fail within ten (10) days after notification of his or her appointment to file with the city recorder his or her oath of office to perform faithfully, honestly and impartially the duties of the office, shall be deemed to have refused such appointment, and thereupon another person shall be appointed in the manner prescribed in this chapter, or its successor. Vacancies occurring in the membership of the board shall be filled by appointment by the mayor with the advice and consent of the council for the unexpired term.

B. Of the appointments to be made by the mayor, at least one member shall be appointed from each council district. In making such appointments and those of the remaining members of the board, the mayor should include representatives of low and moderate income, ethnic minorities, persons with disabilities, elderly persons, female headed

households and persons who represent business or commercial interests of the city. (Ord. 77-06 § 1, 2006)

### 2.33.050: REMOVAL FROM OFFICE:

Any member may be removed from office by the mayor prior to the normal expiration of the term for which such member was appointed. (Ord. 77-06 § 1, 2006)

### 2.33.060: MEMBERS' ETHICS:

Members shall be subject to and bound by the provisions of the city's conflict of interest ordinance, chapter 2.44 of this title. Any violations of the provisions of said act shall be grounds for removal from office. (Ord. 77-06 § 1, 2006)

### 2.33.070: ELIGIBILITY FOR MEMBERSHIP:

A person, to be eligible to be appointed as a member of the board, shall meet the following prerequisites:

A. Be at least eighteen (18) years of age;

B. Be a resident of the city. (Ord. 77-06 § 1, 2006)

### 2.33.080: MEETINGS:

The board shall convene meetings as needed throughout the year. The board shall hold its meetings in compliance with the Utah open and public meetings act and shall be held in a public place. Six (6) members of the board shall constitute a quorum for the transaction of business. The board shall cause a written record of its final proceedings to be available for public inspection in the office of the city recorder. The board shall adopt a system of rules and procedure under which its meetings are to be held. The board may suspend the rules of procedure by unanimous vote of the members of the board who are present at the meeting. The board shall not suspend the rules of procedure beyond the duration of the meeting at which the suspension of rules occurs. (Ord. 77-06 § 1, 2006)

### 2.33.090: ELECTION OF OFFICERS:

Each year the board, at its first regular meeting, shall select one of its members as chairperson and another of its members as vice chairperson, who shall assume the duties of the chairperson during the absence or disability of the chairperson. (Ord. 77-06 § 1, 2006)

## 2.33.100: SUBCOMMITTEES:

The board may designate such subcommittees or committees as it desires to study, consider and make recommendations on matters which are presented to the board. (Ord. 77-06 § 1, 2006)

## 2.33.110: RESPONSIBILITIES:

The board shall have the following responsibilities:

A. To serve solely in an advisory role on decisions relating to the city's community development grants and capital improvement programs;

B. To coordinate with the housing and neighborhood development division of the city on review and evaluation of current strategic plans, goals and policies of the community development and capital improvement programs;

C. To review all eligible annual project proposals submitted by various individuals, neighborhood groups, community organizations and city departments, and make recommendations to the mayor on such request for funds;

D. To discuss program and project monitoring information prepared by the city to ensure that the projects are implemented as planned;

E. To assure that the community development grants and capital improvement program goals are consistent with the strategic plans and goals of the city;

F. To evaluate the overall effectiveness of the community development and capital improvement program activities;

G. To be responsible for establishing and maintaining communications with the Salt Lake City community councils. (Ord. 77-06 § 1, 2006)

## 2.33.120: ATTORNEY:

Any legal advice or assistance desired shall be obtained only from the office of the city attorney. (Ord. 77-06 § 1, 2006)

## 2.33.130: BOARD ACTIONS SHALL NOT BIND THE MAYOR OR CITY COUNCIL:

The recommendations of the board shall not be deemed to bind the mayor and the city council in their determinations. Nothing in this chapter shall be construed to be a delegation

of the mayor's and the city council's responsibility and authority regarding the community development grants or capital improvement programs. (Ord. 77-06 § 1, 2006)

### 2.33.140: SUNSET:

Should the community development grants program and funds being appropriated by the U.S. department of housing and urban development terminate, the board shall cease to function in an advisory role for the community development program, but it shall continue to function as provided herein with regard to the role of the board under the capital improvement program. (Ord. 77-06 § 1, 2006)

# CHAPTER 2.34
# CBD NEIGHBORHOOD DEVELOPMENT PLAN

### 2.34.010: DESIGNATION OF REDEVELOPMENT AGENCY:

The city council is designated as the redevelopment agency of the city and shall have the power to transact the business and exercise all the powers provided for in the "Utah neighborhood development act", section 11-19-1 et seq., Utah Code Annotated 1953, as amended, or its successor. (Ord. 44-82 § 1, 1982: prior code § 24-8-9)

### 2.34.020: NEIGHBORHOOD DEVELOPMENT PLAN:

It has become necessary and desirable to adopt a redevelopment plan entitled, "CBD neighborhood development plan", dated May 1, 1982, adopted June 15, 1982, in certain respects as provided by section 11-19-23, Utah Code Annotated 1953, as amended, or its successor. The redevelopment plan shall be entitled, "CBD neighborhood development plan", dated May 1, 1982. (Ord. 44-82 § 1, 1982: prior code § 24-8-1)

### 2.34.030: PROJECT BOUNDARIES:

The legal description of the boundaries of the project area covered by the redevelopment plan entitled, "CBD neighborhood development plan", dated May 1, 1982, is as follows:

Commencing at the Southwest Corner of the intersection of Second West Street and Fifth South Street; thence North along the West right-of-way line of Second West Street to the Southwest Corner of the intersection of Second West Street and Fourth South Street; thence West along the South right-of-way line of Fourth South Street to the Southwest Corner of the intersection of Fourth South Street and Fourth West Street; thence North along the West right-of-way line of Fourth West Street to the Northwest Corner of the intersection of Fourth West Street and North Temple Street; thence East along the North right-of-way line of North Temple Street to the Northeast Corner of the intersection of North Temple Street and Second West Street; thence South along the East right-of-way line of Second West Street to the Northeast Corner of the intersection of Second West Street and South Temple Street; thence East along the North right-of-way line of South Temple Street to the Northwest Corner of the intersection of South Temple Street and Main

Street; thence North along the West right-of-way line of Main Street 265 feet; thence East 132 feet to the East right-of-way line of Main Street; thence East 340.25 feet; thence South 79 feet; thence East 14.5 feet; thence South 60 feet; thence West 15.75 feet; thence South 126 feet to the North right-of-way line of South Temple Street; thence East along the North right-of-way line of South Temple Street to the Northeast Corner of the intersection of South Temple Street and State Street; thence South along the East right-of-way line of State Street to the Northeast Corner of the intersection of State Street and Second South Street; thence East along the North right-of-way line of Second South Street to the Northeast Corner of the intersection of Second South Street and Second East Street; thence South along the East right-of-way line of Second East Street to the Northeast Corner of the intersection of Second East Street and Fourth South Street; thence East along the North right-of-way line of Fourth South Street to the Northeast Corner of the intersection of Fourth South Street and Third East Street; thence South along the East right-of-way line of Third East Street to the Southeast Corner of the intersection of Third East Street and Fifth South Street; thence West along the South right-of-way line of Fifth South Street to the Southwest Corner of the intersection of Fifth South Street and State Street; thence North along the West right-of-way line of State Street to the Southwest Corner of the intersection of State Street and Fourth South Street; thence West along the South right-of-way line of Fourth South Street to the Southwest Corner of the intersection of Fourth South Street and Main Street; thence north along the west right-of-way line of Main Street to the Southwest Corner of the intersection of Third South Street and Main Street; thence West along the South right-of-way line of Third South Street to the Southeast Corner of the intersection of Third South Street and West Temple Street; thence South along the East right-of-way line of West Temple Street to the Southeast Corner of the intersection of West Temple Street and Fifth South Street; thence West along the South right-of-way line of Fifth South Street to the place of beginning; all in Salt Lake City, Salt Lake County, Utah, containing all of Blocks 37, 38, 41, 48, 49, 50, 52, 53, 56, 57, 58, 59, 60, 61, 66, 67, 68, 69, 70, 75, 76, 77, 78, 79, 84, 85, and part of Block 88, Plat A, Salt Lake City Survey. (Ord. 44-82 § 1, 1982: prior code § 24-8-2)

## 2.34.040: PURPOSES OF REDEVELOPMENT PLAN:

The purpose and intent of the city council with respect to the project area, is to accomplish the following purposes by adoption of the redevelopment plan entitled, "CBD neighborhood development plan", dated May 1, 1982:

A. Removal of structurally substandard buildings to permit the return of the project area land to economic use and new construction;

B. Removal of impediments to land disposition and development through assembly of land into reasonable sized and shaped parcels serviced by improved public utilities and new community facilities;

C. Rehabilitation of buildings to assure sound long term economic activity in the core area of the city;

D. Elimination of environmental deficiencies, including among other small and irregular lot subdivision, overcrowding of the land and inadequate off street parking;

E. Achievement of an environment reflecting a high level of concern for architectural and urban design principles, developed through encouragement, guidance, appropriate controls and professional assistance to owner participants and redevelopers;

F. Implement the tax increment financing provisions of the Utah neighborhood act, Utah Code Annotated section 1119-29 et seq., 1973, or its successor, which is incorporated in this chapter by reference and made a part of this chapter;

G. Strengthening of the tax base and economic health of the entire community and of the state;

H. Provisions for improvements to public streets, curbs and sidewalks, other public rights of way, streetlights, landscaped areas, public parking and other public improvements. (Ord. 44-82 § 1, 1982: prior code § 24-8-3)

## 2.34.050: PLAN INCORPORATED BY REFERENCE:

The redevelopment plan entitled, "CBD neighborhood development plan", dated May 1, 1982, together with supporting documents is incorporated in this chapter by reference, is attached to the ordinance codified herein, and made a part of this chapter. Three (3) copies of the plan shall be filed and maintained in the office of the city recorder for public inspection. (Ord. 44-82 § 1, 1982: prior code § 24-8-4)

## 2.34.060: PLAN OFFICIALLY DESIGNATED:

The "CBD neighborhood development plan", dated May 1, 1982, is designated as the official redevelopment plan of the project area. (Ord. 44-82 § 1, 1982: prior code § 24-8-5)

## 2.34.070: CITY COUNCIL FINDINGS:

The city council determines and finds as follows:

A. The project area comprising the major portion of the central business district of the city as above described as a "blighted area" as defined in section 11-19-2, Utah Code Annotated 1953, as amended, or its successor, and that the redevelopment of such area is necessary to effectuate the public purposes set forth in the Utah neighborhood development act and public purposes intended by the establishment of the redevelopment agency of the city.

B. The redevelopment plan would redevelop the above described area in conformity with the Utah neighborhood development act and is in the best interests of the public peace, health, safety and welfare of the area and the community.

C. The adoption and carrying out of the plan is feasible and economically sound.

D. The redevelopment plan conforms to and is compatible with the master plan of the city.

E. The carrying out of the redevelopment plan will promote the public peace, health, safety and welfare of the community and will effectuate the purposes and policy of the Utah neighborhood development act.

F. The condemnation of the real property, as provided for in the redevelopment plan, is necessary to the execution of the redevelopment plan and adequate provisions have been made for the payment of such property to be acquired as required by law.

G. The redevelopment agency of the city has a feasible plan for the relocation of persons, if any, to be temporarily or permanently displaced from housing facilities in the project area.

H. Persons displaced from the project area, if any, are able to find or will be able to find either in the project area or in areas not generally less desirable in regard to public utilities and public and commercial facilities, and at rents or prices within their financial means and available to them, decent, safe and sanitary dwellings equal in number to the number of dwellings displaced and reasonably accessible to their places of employment. (Ord. 44-82 § 1, 1982: prior code § 24-8-6)

## 2.34.080: HOUSING FACILITIES:

The city council is satisfied that permanent housing facilities will be available within three (3) years from the time occupants of the project area, if any, are displaced, and that pending the development of such facilities, temporary housing at comparable rents to those existing at the time of the displacement will be available in the general area. (Ord. 44-82 § 1, 1982: prior code § 24-8-7)

## 2.34.090: TAX INCREMENT FINANCING:

This chapter, adopting the redevelopment plan entitled "CBD neighborhood development plan", dated May 1, 1982, specifically incorporates the provisions of tax increment financing permitted by section 11-19-29, Utah Code Annotated, 1953, as amended, or its successor, which provides the following: Any redevelopment plan may contain a provision that taxes, if any, levied upon taxable property in a redevelopment project each year by or for the benefit of the state, any city, county, city and county, district or other public corporation (hereinafter sometimes called "taxing agencies") after the effective date of the ordinance approving the redevelopment plan, shall be divided as follows:

A. That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of the taxing agencies upon the total sum of the assessed value of the taxable property in the redevelopment project as shown upon the assessment roll used in connection with the taxation of such property by such taxing agency, last equalized prior to the effective date of such ordinance, shall be allocated to and when collected shall be paid into the funds of the respective taxing agencies as taxes by or for such taxing agencies on all other property are paid (for the purpose of allocating taxes levied by or for any taxing agency or agencies which did not include the territory in a redevelopment project on the effective date of such ordinance but to which such territory has been annexed or otherwise included after such effective date, the assessment roll of the county last equalized on the effective date of the ordinance shall be used in determining the assessed valuation of the taxable property in the project on the effective date); and

B. That portion of the levied taxes each year in excess of such amount shall be allocated to and when collected shall be paid into a special fund of the redevelopment agency to pay the principal of and interest on loans, monies advanced to, or indebtedness (whether funded, refunded, assumed or otherwise) incurred by such redevelopment agency to finance or refinance, in whole or in part, such redevelopment project. Unless and until the total assessed valuation of the taxable property in a redevelopment project exceeds the total assessed value of the taxable property in such projects as shown by the last equalized assessment roll referred to in subsection A of this section, all of the taxes levied and collected upon the taxable property in such redevelopment projects shall be paid into the funds of the respective taxing agencies. When such loans, advances and indebtedness, if any, and interest thereon, have been paid, all monies thereafter received from taxes upon the taxable property in such redevelopment project shall be paid into the funds of the respective taxing agencies as taxes on all other property are paid. (Ord. 44-82 § 1, 1982: prior code § 24-8-8)

# CHAPTER 2.35
# CITIZENS' COMPENSATION ADVISORY COMMITTEE

## 2.35.010: PURPOSE OF PROVISIONS:

The purpose of this chapter is to create the citizens' compensation advisory committee (the "committee") and provide for its duties and responsibilities in making recommendations regarding the total compensation of the city's elected officials, executives and employees. (Ord. 16-12, 2012)

## 2.35.020: APPOINTMENT OF MEMBERS; QUALIFICATIONS:

A. The committee shall be comprised of seven (7) members appointed as follows:

1. Three (3) members shall be appointed by the mayor.

2. Three (3) members shall be appointed by the city council.

3. One member shall be appointed by the other six (6) appointed members.

B. In appointing the members to the committee, the mayor and the city council shall give consideration to achieving representation from a broad cross section of persons with compensation and/or benefits expertise. No member of the committee shall be deemed an employee of the city. (Ord. 16-12, 2012)

## 2.35.030: MEMBERS OF THE COMMITTEE DEEMED VOLUNTEERS:

Members of the committee shall perform their services on the committee without pay or other compensation, except expenses actually and reasonably incurred as approved by the mayor and the city council. Members shall be deemed volunteers as defined in section 67-20-1 et seq., Utah Code Annotated, and successor sections, and as such shall be immune from any liability with respect to any decision and action taken in the performance of their duties and responsibilities on the committee as provided by section 63-30b-1 et seq., Utah Code Annotated. (Ord. 16-12, 2012)

## 2.35.040: TERMS OF OFFICE:

All members appointed to the committee shall each serve for a term of four (4) years, limited to two (2) consecutive terms. (Ord. 16-12, 2012)

## 2.35.050: ORGANIZATION AND OFFICERS; VACANCY FILLING:

The committee shall select a chair and a vice chair. Any vacancy on the committee shall be filled for the unexpired term of the vacated member in the same manner as the vacated member was appointed. Four (4) members of the committee shall constitute a quorum. The committee shall take no action or make any determination without the concurrence of the majority of its members being present. (Ord. 16-12, 2012)

## 2.35.060: POWERS AND DUTIES:

A. With the purpose of evaluating the total compensation levels of the city's elected officials, executives and employees and making recommendations to the human resources department, mayor and the city council, the committee shall:

1. Determine a comparable market, comprised of public and private employers, which, if surveyed, would provide reliable, competitive compensation comparisons to the pay practices of the city;

2. Recommend survey parameters to determine wages and benefits paid by surveyed employers to their employees;

3. Recommend the total compensation strategy;

4. Evaluate the total compensation of the city's elected officials, executives and employees relative to the survey data;

5. Propose other studies as the committee deems necessary to perform its duties and formulate the recommendations required herein;

6. On or before March 1 of each year, prepare and submit a written report to the mayor and the city council containing the following:

a. A list of public and private employers the committee relied upon for its compensation comparisons and the factors the committee used to select the comparable employers,

b. A summary of the committee's findings based on the survey data,

c. Recommendations, based on the survey data, of the appropriate competitive position for the city relative to the compensation practices of comparable employers,

d. Recommendations regarding the wages and benefits of the city's elected officials, executives and employees,

e. General recommendations regarding the mix of compensation for city employees, e.g., base salary, benefits, incentives,

f. Recommendations regarding revisions, modifications or changes, if any, which should be made to the compensation practices of the city;

7. Provide other advice and recommendations, or perform other studies related to the total compensation of the city's elected officials, executives and employees as may, from time to time, be requested by the mayor and the city council;

8. Unless otherwise directed by the mayor and the city council, the committee shall make no recommendations or studies regarding working conditions, grievance processes or other noncompensation matters. (Ord. 16-12, 2012)

### 2.35.070: MEETINGS:

Meetings may be ordered by the majority of the committee, its chairperson, the mayor or the city council. Notice shall be provided as required in the open and public meetings act, section 52-4-101 et seq., Utah Code Annotated, and successor sections. The committee may close the meeting if allowed under section 52-4-5, Utah Code Annotated, upon affirmative vote of two-thirds ($^2/_3$) of the members of the committee in an open meeting for which notice is given provided a quorum is present. The meeting shall be closed if the discussions relate to records which are defined as protected or private under the government records access and management act, section 63-2-201 et seq., Utah Code Annotated or any ordinance adopted by the city council pursuant to said act. (Ord. 16-12, 2012)

### 2.35.080: STAFF SUPPORT FROM THE DEPARTMENT OF HUMAN RESOURCES:

The department of human resources shall provide staff support to the committee to assist the committee in the performance of its duties. (Ord. 16-12, 2012)

### 2.35.090: COMMITTEE ACTIONS SHALL NOT BIND THE MAYOR OR CITY COUNCIL:

The recommendations of the committee shall not be deemed to bind the mayor and the city council in their determination of total compensation levels for their employees. Nothing herein shall be construed to be a delegation of the mayor's and the city council's responsibility and authority to establish the total compensation levels for their employees. (Ord. 16-12, 2012)

# CHAPTER 2.36
# CENTRAL BUSINESS IMPROVEMENT DISTRICT ADVISORY BOARD

### 2.36.010: DEFINITIONS:

For the purpose of this chapter the following words shall have the meaning as given in this section:

BOARD: The central business improvement district advisory board created under this chapter.

CITY: Means and has reference to Salt Lake City, a municipal corporation of the state of Utah.

COUNCIL: The city council.

DIRECTOR: A person appointed by the mayor, with the advice and consent of the council, who is duly qualified and an acting, voting member of the board.

DISTRICT: The central business improvement district created by resolution of the council dated February 2, 1982.

MAYOR: The duly elected or appointed, and qualified mayor of the city.

PERSON: An individual. (Prior code § 8-2-1)

## 2.36.020: CREATED; MEMBERSHIP:

A. There is created the board, which body shall consist of nine (9) voting directors, two (2) to be appointed from the citizens at large and one to be appointed from each of the following groups:

1. City chamber of commerce;

2. Retail Merchants' Association;

3. Property Managers' Association;

4. Parking lot operators;

5. Professional service groups;

6. The mayor or the mayor's designated representative from city government;

7. Financial institutions.

B. The mayor (in the event the mayor shall not be a voting director), one member of the city council, the city attorney and the city engineer shall be ex officio nonvoting directors. (Prior code § 8-2-2)

## 2.36.030: APPOINTMENT; OATH OF OFFICE:

All appointments of directors of the board shall be made by the mayor with the advice and consent of the council. In making initial appointments, the mayor shall designate two (2) directors to serve one year, two (2) to serve two (2) years, two (2) to serve three (3) years, and two (2) to serve four (4) years. Any fraction of a year in the initial appointment shall be considered a full year. Thereafter, all appointments shall be made for a four (4) year term. Each director's term of office shall expire on the applicable third Monday in January. Each director shall perform service on a voluntary basis without compensation. Directors shall sign the oath of office required by law to be signed by city officials and file the same in the office of the city recorder. Every director who shall fail, within ten (10) days after notification of appointment, to file with the city recorder the required oath of office, shall be deemed to have refused such appointment, and thereupon another person shall be appointed in the manner prescribed in this code. Vacancies occurring in the membership of the board shall be filled for the unexpired term by appointment by the mayor. (Ord. 95-90 § 4, 1990: prior code § 8-2-3)

## 2.36.040: ELIGIBILITY FOR MEMBERSHIP:

A person to be eligible to be appointed as a director of the board shall meet the following prerequisites:

A. Be not less than twenty one (21) years of age;

B. Be a resident of the state. (Prior code § 8-2-6)

### 2.36.050: DIRECTORS' ETHICS:

Directors shall be subject to and bound by the provisions of the Utah municipal officers and employees disclosure act, section 10-3-1301, Utah Code Annotated, 1953, as amended, or its successor, and the conflict of interest ordinance of the city, section 2.44.010 of this title, or its successor. Any violation of the provisions of said act shall be grounds for removal from office. (Prior code § 8-2-5)

### 2.36.060: REMOVAL FROM OFFICE:

Any director may be removed from office by the mayor for cause, prior to the normal expiration of the term for which such director was appointed. (Prior code § 8-2-4)

### 2.36.070: ELECTION OF BOARD OFFICERS:

Each year the board at its first regular meeting after the third Monday in January shall select one of its directors as chairperson, and another of its directors as vice chairperson who shall perform the duties of the chairperson during the absence or disability of the chairperson. The mayor shall make available a secretary from his staff to the board when required. (Prior code § 8-2-8)

### 2.36.080: ATTORNEY AND ENGINEER APPOINTED TO BOARD:

The city attorney and the city engineer shall be the attorney and engineer, respectively, for the board. (Prior code § 8-2-14)

### 2.36.090: MEETINGS; RULES OF PROCEDURE:

A. The board shall convene for regular meetings to be held not less than monthly throughout the year.

B. The board shall comply with the provisions of section 10-3-601 et seq., Utah Code Annotated, 1953, as amended, or its successor.

C. Special meetings may be ordered by a majority of the board, the chairperson, the mayor or the council member of the board. The order for a special meeting must be signed by the director calling such meeting and, unless waived in writing, each director not joining in the order for such special meeting must be given not less than three (3) hours' notice. The notice shall be served personally or left at the director's residence or business office.

D. Meetings shall be held at such public place as may be designated by the board.

E. The board shall adopt a system of rules of procedure under which its meetings are to be held. The board may suspend the rules of procedure by two-thirds ($^2/_3$) vote of the directors of the board who are present at the meeting. The board shall not suspend the rules of procedure beyond the duration of the meeting at which the suspension of the rules occurs. (Prior code § 8-2-7)

## 2.36.100: COMMITTEE:

The board may designate such committee or committees as it desires to study, consider and make recommendations on matters which are presented to the board. Committee members may be directors, but the board shall have the power to appoint such committee members as it deems appropriate and advisable even though they may not be directors. (Prior code § 8-2-12)

## 2.36.110: QUORUM:

Five (5) directors of the board shall constitute a quorum for the transactions of business. The board may act officially by an affirmative vote of any five (5) of the directors. (Prior code § 8-2-9)

## 2.36.120: POWERS AND DUTIES:

The board shall have the following powers and duties:

A. The power to determine and establish such rules and regulations for the conduct of the board as the directors shall deem advisable; provided, however, that such rules and regulations shall not be in conflict with this chapter or other city, state or federal law;

B. To recommend to the mayor the adoption and alteration of all rules and regulations which it shall from time to time deem in the public interest and most likely to advance, enhance, foster and promote the general business activities within the district for the benefit of the businesses assessed within the district and for the purposes of carrying out the objects of this chapter; but such rules and regulations shall not be in conflict with the provisions of this chapter or any other city ordinance, state or federal law;

C. To recommend broad matters of policy regarding the operation and management of the district;

D. The board shall annually review and make recommendations to the mayor on a proposed budget for the purpose of operating the district. The budget shall be prepared and filed at such time as the mayor shall designate and shall contain a full and detailed estimate of the revenue required during the ensuing year for the maintenance and operation of the district. The proposed budget shall be submitted to the council to be adopted in the same manner as the budget for general purposes. The expenditures for the maintenance and operation of the district shall be limited to the extent of specific appropriations of money made in advance by the council upon estimates furnished and to the extent taxes are levied therefor;

E. Review not less often than annually, with the mayor, the income from all sources, the expenditures for all purposes, and the relationship of anticipated revenues to anticipated expenditures. (Prior code § 8-2-13)

### 2.36.130: REVIEW OF ACTION; VETO POWER OF MAYOR OR COUNCIL:

All actions taken by the board shall constitute recommendations to the mayor and shall not constitute official action. All actions shall be reduced to writing and submitted to the mayor. The mayor, or the mayor's designated representative, shall have the power to review, ratify, modify or veto any action submitted by the board, or refer the matter to the council, if appropriate. The board shall be promptly notified in writing of the action taken by the mayor, or, if referred to the council, the action taken by the council. No action shall be implemented until the board is notified in writing that it has been ratified by the mayor or that the council has adopted an ordinance implementing the recommendation of the board, or that the action was modified and adopted by the mayor or council, as appropriate, and in such event it shall be implemented as modified. (Prior code § 8-2-11)

### 2.36.140: RECORD KEEPING:

The board shall cause a written record of its proceedings to be kept which shall be available for public inspection in the office of the city recorder. The board shall record in the record the yea and nay votes on the voting of any action taken by it. (Prior code § 8-2-10)

# CHAPTER 2.37
# YOUTH AND FAMILY RECREATION AND PROGRAMS ADVISORY BOARD

### 2.37.010: PURPOSE:

A. The mayor and the Salt Lake City council declare it to be a policy of the city that the city be a provider and coordinator of youth and family recreation, programs, and facilities in Salt Lake City, under the direction of the Salt Lake City department of public services, either through its own resources or by contract. The department shall coordinate all youth and family recreation, programs, and facilities that are operationally funded by the city. In addition, the department will cooperate with and supplement other entities providing youth and family recreation, programs, and facilities, including, but not limited to, Salt Lake City School District, Salt Lake County, religious, civic, and volunteer organizations.

B. The mayor and city council recognize and believe in the importance of preparing the youth of the city to be proactive in our representative democratic form of government and be better informed and prepared to be leaders in the American free enterprise system. The mayor and city council declare it to be in the city's interests to prepare young people to be future leaders, to provide positive role models, and to provide opportunities for youth to play an active role in promoting solutions to community problems.

C. The department may provide the following services, among others, in Salt Lake City:

1. Community Events: Activities for youth and families to promote community unity and involvement. Such activities include special events, festivals, sporting events, and youth activities.

2. Recreation Programs: Facilitate youth and family recreation programs for all city residents, including leagues, clinics, tournaments, and events. Collaborate with Salt Lake County recreation, Salt Lake City School District, and community based youth sports organizations that use city facilities. Coordinate reservations for all athletic fields owned by Salt Lake City.

3. Facilities: Own, operate, use, or lease out facilities that provide youth and family recreation and programs. Coordinate with the Salt Lake City School District on the use of the Salt Lake sports complex for high school swimming and other athletic programs.

4. Youth Programs: Design and provide youth and family programs after school and during the summertime. Activities may include youth city government, employment, performing and visual arts, technology, and sports.

D. This chapter is enacted and intended for the purpose of establishing a Salt Lake City youth and family recreation and programs advisory board for the general purpose of establishing criteria and guidelines for assessing the city's youth and family recreation and program needs and to recommend program priorities, as well as to monitor any joint agreements between the city and other entities/providers. The more specific powers and duties of the board shall be as set forth in section 2.37.120 of this chapter or its successor. (Ord. 94-04 § 1, 2004)

## 2.37.020: DEFINITIONS:

BOARD: The Salt Lake City youth and family recreation and programs advisory board created under this chapter.

CITY: Salt Lake City, a municipal corporation of the state of Utah.

COUNCIL: The Salt Lake City council.

COUNTY: The parks and recreation division of Salt Lake County, a governmental entity organized under the laws of the state of Utah.

DEPARTMENT: The Salt Lake City public services department.

DIRECTOR OF YOUTH AND FAMILY PROGRAMS DIVISION: A person appointed by the mayor with the advice and consent of the council who is duly qualified and acting head of the youth and family programs division.

MAYOR: The duly elected or appointed and qualified mayor of Salt Lake City.

MEMBER: A person appointed by the mayor who is duly qualified and an acting, voting member of the board.

PERSON: An individual.

SCHOOL BOARD: Salt Lake City board of education. (Ord. 94-04 § 1, 2004)

## 2.37.030: BOARD CREATED:

There is created the Salt Lake City youth and family recreation and programs advisory board, hereinafter referred to as "the board", which body shall consist of fourteen (14) appointed voting members. The director of youth and family programs division, director of public services, the city attorney, and the chief of police shall be ex officio nonvoting members.

The voting members shall consist of the following:

A. Seven (7) members representing the seven (7) council districts, one member for each district.

B. One member representing the Salt Lake City school board.

C. One member representing the Salt Lake City School District community education program.

D. One member representing the communities served by the Salt Lake City sports complex and Fairmont park swimming facility.

E. One member representing the communities served by the Northwest Community Center and the Sorenson Multicultural Center.

F. One member representing the communities served by the Central City Community Center and Kiwanis Boys and Girls Center.

G. Two (2) high school age members representing the youth of the city. (Ord. 94-04 § 1, 2004)

## 2.37.040: APPOINTMENT OF MEMBERS; OATH OF OFFICE:

A. Appointments: All appointments of members of the youth and family recreation and programs advisory board shall be made by the mayor with the advice and consent of the council. The seven (7) council district members shall be appointed to a term of office for four (4) years. All other board members shall be appointed to a term of office for two (2) years. In making initial appointments of the seven (7) council district members, the mayor shall, with the advice and consent of the council, designate three (3) members to serve two (2) years, two (2) members to serve three (3) years, and two (2) members to serve four (4) years. Any fraction of a year in the initial appointment shall be considered a full year. Thereafter, all of said appointments shall be made for a four (4) year term. In making initial appointments of the other seven (7) board members, the mayor shall, with the advice and consent of the council, designate four (4) members to serve two (2) years and three (3) members to serve one year. Thereafter, all of said appointments shall be made for a two (2) year term. Any fraction of a year in the initial appointment shall be considered a full year. Each member's term of office shall expire on the applicable third Monday in January, but he or she shall continue to hold that office until his or her successor is appointed and qualified.

B. Compensation; Immunity From Liability: Each member shall perform service on a voluntary basis without compensation and on such basis shall be immune from liability with respect to any decision or action taken during the course of those services as provided by Utah Code Annotated, section 63-30-1 et seq., 1953, as amended, or successor sections. However, this shall not restrict the payment of reasonable compensation to a member when he or she renders authorized administrative, professional, or other bona fide services to the board pursuant to written contract in a capacity other than as a board member.

C. Vacancies: Midterm vacancies occurring in the membership of the board shall be filled by appointment by the mayor with the advice and consent of the council for the unexpired term. In exercising his or her discretion in making appointments to the board, the mayor shall, where advisable, take into consideration the geographic diversity within the city.

D. Oath Of Office: Members shall sign the oath of office required by law to be signed by city officials and file the same in the office of the city recorder. Every member who shall fail within ten (10) days after notification of his or her appointment to file with the city recorder his or her oath of office to perform faithfully, honestly and impartially the duties of the office, shall be deemed to have refused such appointment, and thereupon another person shall be appointed in the manner prescribed in this chapter. (Ord. 94-04 § 1, 2004)

## 2.37.050: REMOVAL FROM OFFICE:

Any member may be removed from office by the mayor for cause, prior to the normal expiration of the term for which such member was appointed. If any member of the board engages in conduct that, in the opinion of the board, is prejudicial to the best interests of the board, the board may recommend removal of such member to the mayor. Any member of the board who shall be absent for one-half ($^1/_2$) of the meetings of the board in any consecutive twelve (12) month period may be removed from the board by the mayor. (Ord. 94-04 § 1, 2004)

## 2.37.060: MEMBERS' ETHICS:

Members shall be subject to and bound by the provisions of chapter 2.44, "Conflict Of Interest", of this title, or its successor. Any violations of the provisions of said chapter, or its successor, shall be grounds for removal from office. (Ord. 94-04 § 1, 2004)

## 2.37.070: ELIGIBILITY FOR MEMBERSHIP:

A person, to be eligible to be appointed as a member of the board, shall meet the following prerequisites:

A. Be not less than eighteen (18) years of age, except for the two (2) high school student representatives referred to below;

B. Be a resident of the state of Utah and of Salt Lake City;

C. No person shall be eligible to serve on the board as a member while actively engaged or employed in any commercial recreational venture;

D. The two (2) high school student representatives shall be attending a high school in the Salt Lake City boundaries and are not held to the age restriction. (Ord. 94-04 § 1, 2004)

## 2.37.080: MEETINGS:

A. The board shall convene for regular meetings to be held every other month, but not less than six (6) throughout the year. The annual meeting schedule will be set at the first regular meeting after the third Monday in January of each year. To the extent that the meetings of the board are governed by chapter 4 of title 52, Utah Code Annotated, 1953, as amended, or its successor, said meetings shall be conducted in compliance with said state law. Special meetings may be called by a majority of the board, the chairperson, or the mayor. The call for a special meeting must be signed by the member calling such meeting and, unless waived in writing, each member not joining in the order for such special meeting must be given not less than twenty four (24) hours' notice. Said notice shall be served personally or left at the member's residence or business office. Meetings shall be held at the city and county building, room 138, or at such other public place as may be designated by the board. A majority of the board positions filled shall constitute a quorum for the transaction of business. The board may act officially by an affirmative vote of the quorum.

B. The board shall cause a written record of its proceedings to be kept which shall be available for public inspection in the office of the city recorder. The board shall record the yea and nay votes on any action taken by it.

C. The board shall adopt a system of rules of procedure under which its meetings are to be held. The board may suspend the rules and procedures by unanimous vote of the members of the board who are present at the meeting. The board shall not suspend the rules of procedure beyond the duration of the meeting at which suspension of the rules occurs. (Ord. 94-04 § 1, 2004)

## 2.37.090: ELECTION OF OFFICERS:

Each year the board at its first regular meeting after the third Monday in January shall select one of its members as chairperson and another of its members as vice chairperson, who shall perform the duties of the chairperson during the absence or disability of the chairperson. No member shall serve more than two (2) consecutive terms as chairperson. The youth and family programs division director shall make available a secretary to the board when required. (Ord. 94-04 § 1, 2004)

## 2.37.100: REVIEW OF ACTION; POWERS OF MAYOR:

All actions taken by the board shall constitute recommendations to the mayor and shall not constitute official action. The mayor shall have the power to review, ratify, modify or disregard any recommendation submitted by the board, or to refer the matter to the council, if appropriate. No action shall be implemented until the board is notified in writing that it has been ratified by the mayor, or, if referred to the council, that the council has adopted an ordinance implementing the recommendation of the board, or that the recommendation was modified and adopted by the mayor or council, as appropriate, and in such event it shall be implemented as modified. (Ord. 94-04 § 1, 2004)

## 2.37.110: COMMITTEES:

The board may designate such committee or committees as it desires to study, consider and make recommendations on matters which are presented to the board. In the event the board desires nonboard members to serve on such a committee, the board may request the director of public services to make such appointments. Members of such committees shall also serve without compensation. (Ord. 94-04 § 1, 2004)

## 2.37.120: POWERS AND DUTIES:

The board shall have the following powers and duties:

A. Determine and establish such rules and regulations for the conduct of the board as the members shall deem advisable; provided, however, that such rules and regulations shall not be in conflict with this chapter or its successor, or other city, state or federal law;

B. Recommend the adoption and alteration of all rules, regulations and ordinances which it shall from time to time deem in the public interest and most likely to advance, enhance, foster and promote youth and family activities, for the conduct of the business of, and the use and operation of recreation, youth and family services facilities within the city and for the purposes of carrying out the objectives of this chapter; provided, however, that such rules and regulations shall not be in conflict with this chapter or its successor, or other city, state or federal law;

C. Recommend planning, establishment and approval of all construction and expansion projects for city recreational programs and facilities. The approval required in this section shall be in addition to all other approval of other city departments required by law or city policy;

D. Recommend broad matters of policy regarding the operation and management of city youth and family recreation, programs, and facilities, which may include, but need not be limited to, the following:

1. Construction or expansion of city recreational facilities,

2. Timing and progress of such construction or expansion,

3. Establishment of rate structures for services or facilities furnished by city youth and family recreation facilities to the public or to any person, firm or corporation, public or private, and for leasing of space or facilities, or for granting rights, privileges or concessions at city recreational facilities,

4. Determination of the number and type of concessionaires, services, or facilities at city recreational facilities;

E. Review and make recommendations annually on the budget for the division of youth and family programs within the department;

F. Facilitate fundraising as needed to provide for the sustainability of all youth and family recreation, programs, and facilities;

G. Coordinate with Salt Lake County, Salt Lake City School District, and other citizen boards, nonprofit groups, and other service delivery organizations that work with the city in delivering recreation programs and other youth programs;

H. Annually recommend program evaluation, performance oversight, and use and development of facilities throughout the city;

I. Meet and communicate with community constituency, elected officials, and any interested parties about available programs;

J. Respond to special requests as identified by the mayor's office or council;

K. Review city park use policies and practices, and make recommendations on how park resources can better support the recreation needs of the city;

L. Assist the director of public services in the continuing orderly development and promotion of city youth and family recreation, programs, and facilities in order to best serve the citizens of the city. (Ord. 94-04 § 1, 2004)

### 2.37.130: CONTRACTS:

Neither the board nor any member nor officer of the board shall have power or authority to bind the city by any contract or engagement or to render it liable pecuniarily for any purpose or for any amount. (Ord. 94-04 § 1, 2004)

### 2.37.140: STAFF:

A. Attorney For The Board: The Salt Lake City attorney or his designee shall serve as the attorney for the board and shall be an ex officio nonvoting member.

B. Board Staff: The division of youth and family programs staff shall serve as staff of the board and shall be available to keep minutes or to provide routine services. (Ord. 94-04 § 1, 2004)

# CHAPTER 2.38
# WEST CAPITOL HILL REDEVELOPMENT PLAN

### 2.38.010: REDEVELOPMENT PLAN:

It has become necessary and desirable to adopt a redevelopment plan, as corrected by the errata sheet attached to the ordinance codified herein, entitled "West Capitol Hill

redevelopment plan", dated April 4, 1996. (Ord. 51-96 § 1, 1996)

## 2.38.020: PROJECT BOUNDARIES:

The legal description of the boundaries of the project area covered by the redevelopment plan entitled, "West Capitol Hill neighborhood development plan", dated April 4, 1996, is as follows:

Beginning at the Southwest Corner of the intersection of 400 West Street and 300 North Street; thence East along the South boundary line of 300 North Street to the Southeast Corner of the Intersection of 300 North Street and 200 West Street; thence North along the East boundary line of 200 West Street to a point where the North boundary line of 200 West Street intersects the North boundary line of Wall Street; thence Northwesterly along the North boundary line of Wall Street to the Northeast Corner of the Intersection of Wall Street and 800 North Street; thence West along the North boundary line of 800 North Street to the Northwest Corner of the intersection of 800 North Street and 400 West Street; thence South along the West boundary line of 400 West Street to the point of Beginning.

The project area contains all of blocks 114, 115, 120, 121, 132, 133, 138, 139, 150 and 151, plat "A" Salt Lake City survey, containing approximately ninety (90) acres of privately owned property. (Ord. 51-96 § 1, 1996)

## 2.38.030: PURPOSES OF REDEVELOPMENT PLAN:

The purpose and intent of the city council with respect to the project area, is to accomplish the following purposes by adoption of the redevelopment plan entitled, "West Capitol Hill redevelopment plan", dated April 4, 1996:

A. Removal of structurally substandard buildings to permit the return of the project area land to economic use and new construction;

B. Removal of impediments to land disposition and development through assembly of land into reasonably sized and shaped parcels serviced by improved public utilities and new community facilities;

C. Rehabilitation of buildings to assure sound long term economic activity in this neighborhood of the city;

D. Elimination of environmental deficiencies, including among others, small and irregular lot subdivision, overcrowding of the land and inadequate off street parking;

E. Achievement of an environment reflecting a high level of concern for architectural and urban design principles, developed through encouragement, guidance, appropriate controls and professional assistance to owner participants and redevelopers;

F. Implement the tax increment financing provisions of the Utah neighborhood development act, Utah Code Annotated, section 17A-2-1247.5 et seq., or its successor, which is incorporated herein by reference and made a part of this chapter;

G. Strengthening of the tax base and economic health of the entire community and of the state of Utah;

H. Provisions for improvements to public streets, curbs and sidewalks, other public rights of way, streetlights, landscaped areas, public parking, and other public improvements. (Ord. 51-96 § 1, 1996)

## 2.38.040: PLAN INCORPORATED BY REFERENCE:

The redevelopment plan entitled, "West Capitol Hill redevelopment plan", dated April 4, 1996, together with supporting documents is incorporated in this chapter by reference, is attached hereto, and made a part of this chapter. Copies of said redevelopment plan shall be filed and maintained in the office of the city recorder for public inspection. (Ord. 51-96 § 1, 1996)

## 2.38.050: PLAN OFFICIALLY DESIGNATED:

The "West Capitol Hill redevelopment plan", dated April 4, 1996 is designated as the official redevelopment plan of the project area. (Ord. 51-96 § 1, 1996)

## 2.38.060: CITY COUNCIL FINDINGS:

The city council determines and finds as follows:

A. The project area, as above described, is a "blighted area" as defined in section 17A-2-1202, Utah Code Annotated 1953, as amended.

B. The redevelopment of the project area is needed to effectuate a public purpose.

C. The redevelopment plan would redevelop the area in conformity with the Utah neighborhood development act and is in the interests of the public peace, health, safety and welfare of the area and the community.

D. The adoption and carrying out of the redevelopment plan is economically sound and feasible.

E. The redevelopment plan conforms to the master plan or general plan of Salt Lake City.

F. The carrying out of the redevelopment plan will promote the public peace, health, safety and welfare of the community.

G. The acquisition of real property by the power of eminent domain or condemnation is provided for in the redevelopment plan and is necessary to the execution of the redevelopment plan. Adequate provisions have been made for payment for property to be acquired as provided by law.

H. The redevelopment agency of Salt Lake City has a feasible method or plan for the relocation of families and persons displaced from the project area, if the redevelopment plan may result in the temporary or permanent displacement of any occupants in the project area.

I. There are or are being provided in the project area or in other areas not generally less desirable in regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and persons displaced from the project area, decent, safe and sanitary dwellings equal in number and available to such displaced families and persons and reasonably accessible to their places of employment. (Ord. 51-96 § 1, 1996)

## 2.38.070: HOUSING FACILITIES:

Section 17A-2-1227(7) provides that:

...the legislative body is satisfied that permanent housing facilities will be available within three years from the time occupants of the project area are displaced and that pending the development of these housing facilities, there will be available to the displaced occupants adequate temporary housing facilities at rents comparable to those in the community at the time of their displacement.

The city council is satisfied that permanent housing facilities will be available within three (3) years from the time occupants of the project area are displaced and that pending the development of these housing facilities, there will be available to the displaced occupants adequate temporary housing facilities at rents comparable to those in the community at the time of their displacement. (Ord. 51-96 § 1, 1996)

## 2.38.080: TAX INCREMENT FINANCING:

The ordinance adopting the redevelopment plan entitled, "West Capitol Hill redevelopment plan", dated April 4, 1996, specifically incorporates the provisions of tax increment financing permitted by section 17A-2-1247.5, Utah Code Annotated 1953, as amended.

(4)(a) An agency may collect tax increment from all or a part of a project area. The tax increment shall be paid to the agency in the same manner and at the same time as payments of taxes to other taxing agencies to pay the principal of and interest on loans, monies advanced to, or indebtedness, whether funded, refunded, assumed, or otherwise, to finance or refinance, in whole or in part, the redevelopment or economic development project according to the limits established by majority consent of the taxing agency committee.

(b) The agency may elect the tax increment alternative to receive 100% of annual tax increment to be paid to the agency for a period not to exceed twelve years commencing from the first tax year an agency accepts tax increment from a project area.

(c) An agency may receive a greater percentage of tax increment or receive tax increment for a longer period of time than that specified in this subsection if the agency obtains the majority consent of the taxing agency committee.

(5)(a) The redevelopment plan contains a provision that provides that the portion of the taxes, if any, due to an increase in the tax rate by a taxing agency after the date the project area budget is approved by the taxing agency committee may not be allocated to and when collected paid into a special fund of the redevelopment agency according to the provisions of subsection (4) unless the taxing agency committee approves the inclusion of the increase in the tax rate at the time the project area budget is approved. If approval of the inclusion of the increase in the tax rate is obtained, the portion of the taxes attributable to the increase in the rate shall be distributed by the county to the agency. If approval of the inclusion of the increase in the tax rate is not obtained, the portion of the taxes attributable to the increase in the rate shall be distributed by the county to the taxing agency imposing the tax rate increase in the same manner as other property taxes.

The redevelopment agency intends to request that the taxing agency committee as formed pursuant to the provisions of section 17A-2-1247.5, Utah Code Annotated 1953, as amended, adopt a project area budget that provides that the redevelopment agency may collect one hundred percent (100%) of the tax increment from all of the project area for a

period not to exceed twenty five (25) years commencing from the first tax year a redevelopment agency accepts tax increment from the project area. (Ord. 51-96 § 1, 1996)

# CHAPTER 2.39
# BUILDING CONSERVANCY AND USE COMMITTEE

## 2.39.010: DEFINITIONS:

For the purpose of this chapter the following words shall have the meanings as given in this section:

ALTERATIONS: Changes over the course of time which have acquired significance in their own right evidencing the history and development of the building, structure, or site and its environment.

BUILDING: The city and county building.

CITY: Means and has reference to Salt Lake City Corporation, a municipal corporation of the state of Utah.

COMMITTEE: The city and county building conservancy and use committee.

COMMITTEE MEMBER OR MEMBER: A person who is a duly qualified, acting and voting member of the committee.

COUNCIL: The city council.

HISTORICAL FABRIC: Materials and features of the property which are significant in defining its historic, architectural, and cultural character including the plan (sequence of spaces and circulation patterns); spaces (rooms and volumes); architectural features, finishes, and detailing; construction techniques and examples of craftsmanship. These materials and features include original and replacement components, and alterations.

MANAGER: The manager of support services or the successor to that position.

MAYOR: The duly elected or appointed, and qualified mayor of the city.

ORIGINAL COMPONENTS: Materials and finishes original to the building.

REPLACEMENT COMPONENTS: Distinctive features compatible to the original features in scale, design, color, texture, materials and other visual qualities. (Ord. 67-91 § 1, 1991)

## 2.39.020: CREATION OF COMMITTEE:

A. There is created the city and county building conservancy and use committee which body shall consist of eight (8) appointed voting members. The mayor, the city attorney, the support services manager and the city engineer, or their designees, shall be ex officio nonvoting members.

B. Members of the committee shall be as follows:

1. One licensed architect;

2. One member of the Utah Heritage Foundation;

3. One member of the Salt Lake arts council;

4. One landscape architect;

5. One member of the Utah Historical Society;

6. One licensed engineer; and

7. Two (2) at large representatives. (Ord. 67-91 § 2, 1991)

### 2.39.030: PURPOSE:

Inasmuch as the city and county building is an historical and architecturally significant structure, the committee, in conjunction with the manager, will advise the mayor regarding the use, maintenance, preservation and modification of the building, its historical fabric, and its corresponding furnishings and landscape elements. (Ord. 67-91 § 3, 1991)

### 2.39.040: APPOINTMENTS; OATHS:

All appointments of committee members shall be made by the mayor, with the advice and consent of the city council. All appointments shall be made for a four (4) year term, except that four (4) initial appointments shall be for a term of two (2) year appointments to fill the unexpired term of a resigning or deceased member shall be for the unexpired term. Each member's term of office shall expire on the applicable third Monday in July. Members shall sign the oath of office required by law to be signed by city officials and file the same in the office of the city recorder. Any member who shall fail within ten (10) days after notification of his/her appointment to file with the city records his/her oath of office to perform faithfully, honestly and impartially the duties of his/her office, shall be deemed to have refused such appointment, and thereupon another person shall be appointed in the manner prescribed in this code. (Ord. 67-91 § 4, 1991)

### 2.39.050: ETHICS:

Members shall be subject to and bound by the provisions of the applicable state laws pertaining to ethics. Any violation of the provisions of such laws shall be grounds for removal from office. (Ord. 67-91 § 5, 1991)

### 2.39.060: REMOVAL:

Members may be removed from office by the mayor, for cause, prior to the normal expiration of the term for which such member was appointed. (Ord. 67-91 § 6, 1991)

## 2.39.070: ELECTION OF OFFICERS:

Each year the committee, at its first regular meeting after the third Monday in July, shall select one of its members as chairperson, and another as vice chairperson who shall perform the duties of the chairperson during the absence or disability of the chairperson. The manager shall make a secretary available to the committee when required. (Ord. 67-91 § 7, 1991)

## 2.39.080: MEETINGS:

A. The committee shall convene for regular meetings to be held not less than twice during the year. The committee shall keep its meetings open to the public. Special meetings may be ordered by a majority of the committee, or its chairperson, the mayor, or the manager. The order for a special meeting must be signed by the chairperson, mayor, or manager, and, unless waived in writing, each member not joining in the order for such special meeting must be given not less than twenty four (24) hours' notice. Such notice shall be served personally or left at the member's residence or business office. Meetings shall be held at the building. Five (5) members of the committee shall constitute a quorum. The committee may take action by a majority vote of a quorum.

B. The committee shall adopt a system of rules of procedure under which its meetings are to be held. The committee may suspend the rules of procedure by unanimous vote of the members who are present at the meeting. The committee shall not suspend the rules of procedure beyond the duration of the meeting at which the suspension of the rules occurs. (Ord. 67-91 § 8, 1991)

## 2.39.090: POWERS AND DUTIES:

The committee shall have the following powers and duties:

A. Develop, and recommend to the mayor, policies and procedures for review of public use requests; provided however the manager shall have the exclusive responsibility for authorizing the following uses of the building:

1. An event of three (3) days' or less duration or one reasonably anticipated to attract fewer than five hundred (500) persons per day;

2. An event sponsored, in whole or in part, by the city;

3. An activity that takes place wholly on the grounds of Washington Square (block 38) subject, however, to the approval of the police and parks departments;

4. Public tours;

5. Filming; and

6. Other events specifically authorized in writing by the mayor.

B. Develop, and recommend to the mayor, guidelines to ensure the historic preservation of the building.

C. Review and advise the mayor regarding improvements and alterations which affect the historic fabric, furnishings and landscape elements of the building and Washington Square. The committee shall consider the policies and conservation standards established in the city and county building operations and maintenance manual, however, for good cause stated in writing the committee may submit recommendations contrary to such policies and standards.

D. Review and advise the mayor regarding the following:

1. The effectiveness and proposed revisions to the city and county building operations and maintenance manual;

2. The prequalification of potential contractors; and

3. The results and recommendations of an annual inspection of the architectural finishes, structural elements, and mechanical systems of the building. (Ord. 67-91 § 9, 1991)

# CHAPTER 2.40
# PUBLIC UTILITIES ADVISORY COMMITTEE

## 2.40.010: DEFINITIONS:

For the purpose of this chapter the following words shall have meaning as given in this section:

CITY: Means and has reference to Salt Lake City, a municipal corporation of the state of Utah.

CITY COUNCIL: A duly elected legislative body of the city.

COMMITTEE: The city public utilities advisory committee.

COMMITTEE MEMBER OR MEMBERS: A person or persons appointed by the city council of the city who is a duly qualified and acting voting member of the committee.

MAYOR: The duly elected or appointed and qualified mayor of the city.

PERSON: An individual. (Prior code § 49-10-1)

## 2.40.020: CREATED; COMPOSITION:

There is created the city public utilities advisory committee, hereinafter referred to as "committee", which body shall consist of nine (9) appointed voting members. The mayor, the public utilities director and the city attorney shall be ex officio, nonvoting members. (Prior code § 49-10-2)

## 2.40.030: APPOINTMENT; TERM; OATH OF OFFICE:

All appointments and removals of members of the committee shall be made by the mayor, with the advice and consent of the city council. In making initial appointments, the council shall designate one member to serve one year, three (3) to serve two (2) years, two (2) to serve three (3) years, and three (3) to serve four (4) years. At least three (3) members, at the time of their appointment, must reside outside of the corporate limits of the city; provided, however, their place of residence shall be within the county and within the service districts supplied by the city water department. Any fraction of a year in the initial appointment shall be considered a full year. Thereafter, all appointments shall be made for a four (4) year term. Each member's term of office shall expire on the applicable third Monday in January. Each member shall perform service on a voluntary basis without compensation, and on such basis shall be immune from liability with respect to any decision or action taken during the course of those services, as provided by section 63-306-2, Utah Code Annotated, 1953, as amended, or its successor. Members of the committee shall sign the oath of office required by law to be signed by city officials and file the same in the office of the city recorder. Every member who shall fail within ten (10) days after notification of such member's appointment to file with the city recorder such member's oath of office to perform faithfully, honestly and impartially the duties of his or her office, shall be deemed to have refused such appointment, and thereupon another person shall be appointed in the manner prescribed in this code. Vacancies occurring in the membership of the committee shall be filled by appointment by the city council for the unexpired term. (Ord. 95-90 § 7, 1990: amended during 1/88 supplement: prior code § 49-10-3)

## 2.40.040: MEMBERSHIP ELIGIBILITY REQUIREMENTS:

A person to be eligible to be appointed as a member of the committee shall meet the following prerequisites:

A. Be not less than twenty one (21) years of age;

B. Be a resident of the state; and

C. No person shall be eligible to serve on the committee as a member while actively engaged or employed in any commercial activity which sells goods or services directly to the public utilities of the city. (Prior code § 49-10-6)

## 2.40.050: MEMBERS' ETHICS:

Members shall be subject to and bound by the provisions of the municipal officers and employees disclosure act, section 10-3-1301 et seq., Utah Code Annotated, 1953, as amended, or its successor. Any violation of the provisions of such act, or as the act shall be from time to time amended, shall be grounds for removal from office. (Prior code § 49-10-5)

## 2.40.060: REMOVAL FROM OFFICE:

Any member of the committee may be removed from office by the board for cause, prior to the normal expiration of term for which such member was appointed. (Prior code § 49-10-4)

## 2.40.070: ELECTION OF COMMITTEE OFFICERS:

Each year the committee at its first regular meeting after the third Monday in January shall select one of its members as chairperson and another of its members as vice chairperson, who shall perform the duties of chairperson during the absence or disability of the chairperson. The director of public utilities shall make available a secretary from his or her staff to the committee when required. (Prior code § 49-10-8)

## 2.40.080: ATTORNEY AND ENGINEER APPOINTED TO BOARD:

The city attorney and the public utilities director shall be the attorney and engineer, respectively, for the committee and the public utilities department shall reimburse the city for all charges, costs and expenses incurred by the city therefor. (Prior code § 49-10-12)

## 2.40.090: MEETINGS:

A. The committee shall convene for regular meetings to be held not less than monthly throughout the year. The committee shall keep its meetings open to the public. Special meetings may be ordered by a majority of the committee, the chairperson or the mayor. The order for a special meeting must be signed by the members, chairperson, mayor or council person calling such meeting and, unless waived in writing, each member not joining in the order for such special meeting must be given not less than three (3) hours' notice. The notice shall be served personally or left at the member's residence or business office. The committee may also hold executive sessions, for the purpose of discussing sensitive matters such as negotiations or personalities, at such time as the committee shall determine, which may not be open to the public; provided, however, no resolution, rule or regulation shall be finally approved at such executive session and such sessions shall be held infrequently as it is recognized that almost all issues are to be discussed in public. Meetings shall be held at the office of the director of public utilities or at such other public place as may be designated by the committee. Five (5) members of the committee shall constitute a quorum for the transaction of business. The committee may act officially by an affirmative vote of any of the five (5) members.

B. The committee shall cause a written record of its proceedings to be kept which shall be available for public inspection in the office of the director of public utilities. The committee shall record in the record the yea and nay votes on the voting of any action taken by it.

C. The committee shall adopt a system of rules of procedure under which its meetings are to be held. The committee may suspend the rules of procedure by unanimous vote of the members of the committee who are present at the meeting. The committee shall not suspend the rules of procedure beyond the duration of the meeting at which the suspension of the rules occurs. (Prior code § 49-10-7)

## 2.40.100: COMMITTEES:

The committee may designate such subcommittee or subcommittees as it desires to study, consider and make recommendations on matters which are presented to the committee. Subcommittee members may be members, but the committee shall have the power to appoint such subcommittee members as it deems appropriate and advisable even though they may not be members. (Prior code § 49-10-10)

## 2.40.110: POWER AND DUTIES:

The committee shall have the following powers and duties:

A. To annually review the department's water and sewer system capital improvements program;

B. To review annually the department's operations and maintenance budget and expenditures;

C. Annually review the water and sewer revenue requirements and recommend to the mayor any rate adjustments as they deem necessary;

D. Review and make recommendations on proposed legislation relating to water and sewer;

E. Consult with the mayor relative to water resources and sewage reclamation requirements;

F. The power to determine and establish such rules and regulations for the conduct of the committee as the members shall deem advisable; provided, however, that such rules and regulations shall not be in conflict with this chapter or any other city, state or federal law;

G. To adopt and alter all rules and regulations which it shall from time to time deem in the public interest and most likely to advance, enhance, foster and promote the public utility systems of the city and for the purposes of carrying out the objects of this chapter; but such rules and regulations shall not be in conflict with the terms of this chapter or any other city ordinance, state or federal law;

H. Assist the public utilities director in every way possible for the continuing orderly development and operation of the public utility systems of the city in order to best serve the users thereof;

I. Hear and decide appeals arising from decisions granting or denying a riparian protection permit. (Ord. 3-08 § 1, 2008: amended during 1/88 supplement: prior code § 49-10-11)

## 2.40.120: REVIEW OF ACTION; VETO POWER OF THE MAYOR:

Except for appeals regarding riparian protection permits, all action taken by the committee shall constitute recommendations to the mayor and shall not constitute official action. All action shall be reduced to writing and submitted to the city recorder's office for presentment to the mayor. The city recorder shall present the same to the mayor. The mayor shall have the power to review, ratify, modify or veto any action submitted by the committee. The city recorder shall promptly notify the committee in writing of the action taken by the mayor. No action shall be implemented until the committee is notified in writing that it has been ratified by the mayor, or that the action was modified and adopted by the mayor and in such event it shall be implemented as modified. In the event the mayor shall desire to hold any matter for further study, the chairperson of the committee shall be notified. Action will take effect only upon ratification by the mayor. (Ord. 3-08 § 2, 2008: amended during 1/88 supplement: prior code § 49-10-9)

# CHAPTER 2.41
# COMMUNITY DEVELOPMENT ADVISORY COMMITTEE

(Rep. by Ord. 77-06 § 2, 2006)

# CHAPTER 2.42
# OFFICERS' OATHS AND BONDS

### 2.42.010: ELECTED AND APPOINTED OFFICERS REQUIRING OATHS:

The following elected and appointed officers, before entering upon the duties of their respective offices shall take and subscribe the constitutional oath of office, which shall be filed with the city recorder:

A. Mayor;

B. City council members;

C. City attorney;

D. Director of each city department;

E. City treasurer;

F. City engineer;

G. City recorder;

H. Peace officer;

I. Firefighters;

J. Such other officers or employees designated by the mayor by executive order who hold positions of trust or unique responsibility. (Amended during 1/88 supplement: prior code § 24-6-1)

## 2.42.020: ELECTED AND APPOINTED OFFICERS REQUIRING BONDS:

A. Each of the following elected and appointed officers and employees shall execute a bond with good and sufficient sureties in an amount to be approved by the mayor, made payable to the city in the penal sum thus specified, conditioned on the faithful performance of the duties of his/her office or employment and the proper accounting for and the payment of all monies received by him/her, according to state law and city ordinances:

1. Bail commissioners;

2. Council members;

3. City attorney;

4. Assistant and deputy city attorney;

5. Director of airports;

6. Director of finance;

7. Director of public utilities;

8. Director of public services;

9. Fire chief;

10. License supervisor;

11. Mayor;

12. Parking enforcement hearing examiner;

13. Chief of police;

14. Chief procurement officer;

15. City recorder;

16. Deputy city recorder;

17. Treasurer and deputy treasurer.

B. The amounts of the bonds for each person listed in subsection A of this section, except for the finance director, city treasurer, deputy city treasurer, and city treasurer's secretary, shall not be less than two thousand five hundred dollars ($2,500.00), and may be in such greater amount as the mayor may require by executive order. In lieu of individual bonds, the mayor may cover all such officers and employees, except the finance director, city treasurer, deputy city treasurer, and city treasurer's secretary and employees with employee blanket bonds. The employee blanket bond shall be not less than seven hundred fifty thousand dollars ($750,000.00) and may be in such greater amount as the mayor may establish by executive order.

C. The bond of the finance director, city treasurer, deputy city treasurer, and city treasurer's secretary shall not be less than that required by the state money management council, as provided in section 10-3-821, Utah Code Annotated, 1953, or any successor statute, and may be in any greater amount as the mayor may establish by executive order.

D. All other city officers and employees into whose hands any public funds may come in the regular discharge of the duties of their employment shall furnish bonds in such penal sum as the mayor may establish by executive order. These other officers and employees may also be included within the coverage of the blanket bond authorized in subsection B of this section. (Ord. 39-10, 2010: Ord. 45-93 § 16, 1993: Ord. 22-91 § 1, 1990: prior code § 24-6-2)

### 2.42.030: BOND FILING AND RECORDING:

All bonds given by officers or employees of the city, except as otherwise provided by law, shall be filed with the city recorder, except the bond of the city recorder, which shall be filed with the city treasurer. (Prior code § 24-6-3)

# CHAPTER 2.43
# GOLF ENTERPRISE FUND ADVISORY BOARD

### 2.43.010: PURPOSE:

A. The mayor and the Salt Lake City council, hereinafter city council, declare it to be a policy of the city that the city be a provider of golf course facilities and golf programs in Salt Lake City, under the direction of the golf division of the Salt Lake public services department. The division shall coordinate all golf related activities funded by the city's golf

enterprise fund.

B. The golf division may direct, operate and maintain all golf courses maintained by Salt Lake City.

C. This chapter is enacted and intended for the purpose of establishing a Salt Lake City golf enterprise fund advisory board for the general purpose of establishing criteria and guidelines for assessing the city's golf program needs, and to recommend priorities or the golf program, as well as to monitor any joint golf agreements between the city and other entities. The more specific powers and duties of the board shall be set forth in section 2.43.120 of this chapter, or its successor. (Ord. 77-96 § 2, 1996)

## 2.43.020: DEFINITIONS:

BOARD: The Salt Lake City golf enterprise fund advisory board created under this chapter.

CITY: Means and refers to Salt Lake City, a municipal corporation of the state of Utah.

COUNCIL: The Salt Lake City council.

DIRECTOR OF THE DEPARTMENT OF PUBLIC SERVICES: A person appointed by the mayor with the advice and consent of the council who is duly qualified and acting head of the department of public services.

FUND OR GOLF ENTERPRISE FUND: The golf enterprise fund referred to in this chapter or its successor.

GOLF DIRECTOR: A person appointed by the director of the department of public services to serve as the director of the division of golf within the department of public services.

MAYOR: The duly elected or appointed, and qualified mayor of Salt Lake City.

MEMBER: A person appointed by the mayor who is duly qualified and an acting, voting member of the board.

PERSON: An individual. (Ord. 77-96 § 2, 1996)

## 2.43.030: BOARD CREATED:

There is created the Salt Lake City golf enterprise fund advisory board, hereinafter referred to as "board", which body shall consist of seven (7) appointed voting members. The mayor, the golf director, the city attorney, and the city engineer shall be ex officio members. (Ord. 77-96 § 2, 1996)

## 2.43.040: APPOINTMENT OF MEMBERS; OATH OF OFFICE:

All appointments of members of the golf enterprise fund advisory board shall be made by the mayor with the advice and consent of the city council. In making initial appointments, the mayor shall, with the advice and consent of the council, designate two (2) members to serve two (2) years, three (3) members to serve three (3) years, and two (2) members to serve four (4) years. Any fraction of a year in the initial appointment shall be considered a full year. Thereafter, all appointments shall be made for a four (4) year term. Each member's term of office shall expire on the applicable third Monday in July. Each member shall perform service on a voluntary basis without compensation, and on such basis shall

be immune from liability with respect to any decision or action taken during the course of those services as provided for by Utah Code Annotated, section 63-30-1 et seq. (1953), as amended, or successor sections. Vacancies occurring in the membership of the board shall be filled by appointment by the mayor with the advice and consent of the city council for the unexpired term. (Ord. 77-96 § 2, 1996)

### 2.43.050: REMOVAL FROM OFFICE:

Any member may be removed from office by the mayor for cause, prior to the normal expiration of the term for which such member was appointed. (Ord. 77-96 § 2, 1996)

### 2.43.060: MEMBERS' ETHICS:

Members shall be subject to and bound by the provisions of the city's conflict of interest ordinance, chapter 2.44 of this title, or its successor. Any violations of the provisions of said chapter, or its successor, shall be grounds for removal from office. (Ord. 77-96 § 2, 1996)

### 2.43.070: ELIGIBILITY FOR MEMBERSHIP:

A person, to be eligible to be appointed as a member of the board, shall meet the following prerequisites:

A. Be not less than twenty one (21) years of age;

B. Six (6) of the seven (7) members of the board must be residents of the state of Utah and of Salt Lake City;

C. One member of the board must be a resident of the sate of Utah and of Salt Lake County; and

D. No person shall be eligible to serve on the board as a member while actively engaged or employed in any commercial venture on or with Salt Lake City golf courses.

E. It is the intent of the city to have membership on the board to provide business oversight and insights into the operation of the golf courses (banking, finance, marketing, merchandising, etc.). (Ord. 77-96 § 2, 1996)

### 2.43.080: MEETINGS:

A. The board shall convene for regular meetings to be held not less than monthly throughout the year. To the extent that the meetings of the board are governed by chapter 4 of title 52, Utah Code Annotated, 1953 as amended, or its successor, said meetings shall be conducted in compliance with state law. Special meetings may be called by a

majority of the board, the chairperson, or the mayor. The call for a special meeting must be signed by the member calling such meeting and, unless waived in writing, each member not joining in the order for such special meeting must be given not less than three (3) hours' notice. Said notice shall be served personally or left at the member's residence or business office. Meetings shall be held at the Forest Dale golf course clubhouse, community room, or at such other public place as may be designated by the board. Four (4) members of the board shall constitute a quorum for the transaction of business. The board may act officially by an affirmative vote of any four (4) of the members.

B. The board shall cause a written record of its proceedings to be kept which shall be available for public inspection in the office of the city recorder. The board shall record the yea and nay votes on any action taken by it.

C. The board shall adopt a system of rules of procedure under which its meetings are to be held. The board may suspend the rules and procedures by unanimous vote of the members of the board who are present at the meeting. The board shall not suspend the rules of procedure beyond the duration of the meeting at which suspension of the rules occurs.

D. Unless otherwise advised in writing, the meeting place for the golf enterprise fund advisory board will be Forest Dale Golf Course Club House, 2375 South 900 East, Salt Lake City, Utah. (Ord. 77-96 § 2, 1996)

## 2.43.090: ELECTION OF OFFICERS:

Each year, the board at its first regular meeting after the third Monday in July, shall select one of its members as chairperson and another of its members as vice chairperson, who shall perform the duties of the chairperson during the absence or disability of the chairperson. No member shall serve more than two (2) consecutive terms as chairperson. The golf director shall make available a secretary to the board when required. (Ord. 77-96 § 2, 1996)

## 2.43.100: REVIEW OF ACTION; POWERS OF MAYOR:

All actions that are motioned and voted upon by the board shall constitute recommendations to the golf director and shall not constitute official action. The mayor shall have the power to review, ratify, modify or disregard any recommendation submitted by the board, or refer the matter to the city council, if appropriate. No action shall be implemented until the board is notified in writing that it has been ratified by the mayor, or, if referred to the council, that the council has adopted an ordinance implementing the recommendation of the board, or that the recommendation was modified and adopted by the mayor or council, as appropriate, and in such event it shall be implemented as modified. (Ord. 77-96 § 2, 1996)

## 2.43.110: COMMITTEES:

The board may designate such committee or committees as it desires to study, consider and make recommendations on matters which are presented to the board. In the event the board desires nonboard members to serve on such a committee, the board may request the golf director to make such appointments. Members of such committees shall also serve without compensation. (Ord. 77-96 § 2, 1996)

## 2.43.120: POWERS AND DUTIES:

The board shall have the following powers and duties:

A. Determine and establish such rules and regulations for the conduct of the board as the members shall deem advisable; provided, however, that such rules and regulations shall not be in conflict with this chapter or its successor, or other city, state or federal law;

B. Recommend the adoption and alteration of all rules, regulations, procedures and ordinances which it shall from time to time deem in the public interest and most likely to advance, enhance, foster, and promote activities, for the conduct of the business of, and the use and operation of golf facilities within Salt Lake City and for the purposes of carrying out the objects of this chapter; provided, however, that such rules and regulations shall not be in conflict with this chapter or its successor, or other city, state or federal law;

C. Recommend planning, establishment and approval of all construction and expansion projects for city golf programs and facilities. The approval required in this section shall be in addition to all other approval of other city departments required by law or city policy;

D. Recommend broad matters of policy regarding the operation and management of city golf programs and facilities which may include, but need not be limited to, the following:

1. Expansion of city golf facilities,

2. Timing of such expansion,

3. Establishing rate structures for golf fees to the public or to any person, firm or corporation, public or private, and for leasing of space or facilities, or for granting rights, privileges or concessions at city golf facilities, and

4. Determination of the number or type of concessionaires, services, or facilities at city golf facilities;

E. Review and make recommendation annually on the budget for the division of golf within the department of public services;

F. Assist the golf director in the continuing orderly development and promotion of city golf facilities in order to best serve the citizens of Salt Lake City. (Ord. 77-96 § 2, 1996)

## 2.43.130: ATTORNEY; ENGINEER:

The city attorney and the city engineer shall be the attorney and engineer, respectively, for the board. (Ord. 77-96 § 2, 1996)

# CHAPTER 2.44
# CONFLICT OF INTEREST

## 2.44.010: PURPOSE:

The purpose of this chapter is to prevent improper influence, avoid the appearance of impropriety, and prohibit public servants from receiving unjust financial gain from public service. It also seeks to increase public confidence by assuring that governmental actions are taken ethically and in compliance with all applicable procedures. It is the objective of this chapter to promote these goals by establishing ethical standards of conduct for all officers and employees of the city, including volunteers. (Ord. 11-11, 2011)

## 2.44.020: DEFINITIONS:

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

ASSIST: To act, or offer or agree to act, in such a way as to help, represent, aid, advise, furnish information to, or otherwise provide assistance to a person or business entity, believing that such action is of help, aid, advice, or assistance to such person or business entity and done with the intent to so assist such person or business entity.

BLIND TRUST: An independently managed trust in which the public servant-beneficiary or volunteer public servant-beneficiary has no management rights and in which the public servant-beneficiary or volunteer public servant-beneficiary is not given notice of alterations in, or other dispositions of, the property subject to the trust.

BUSINESS ENTITY: A sole proprietorship, partnership, association, joint venture, corporation, limited liability company, firm, trust, foundation, or other organization or entity used in carrying on a business.

CITY REGULATED BUSINESS ENTITY: Any business entity for which the city issues a license or regulates pursuant to any city ordinance or statute.

COMPENSATION: Anything of economic value, however designated, which is paid, loaned, granted, given, donated, or transferred to any person or business entity by anyone other than the city for or in consideration of personal services, materials, property, or any other consideration whatsoever, including any forbearance.

COMPLAINT: Any complaint filed against any public servant or volunteer public servant which alleges that the public servant or volunteer public servant violated this chapter.

CORRUPTLY: Any act done with wrongful intent and for the purpose of obtaining or receiving any financial or professional benefit or detriment resulting from some act or omission of a public servant or volunteer public servant that is inconsistent with the proper performance of his or her public duties.

ECONOMIC BENEFIT TANTAMOUNT TO A GIFT: Includes:

A. Any loan at an interest rate that is substantially lower than the commercial rate then currently prevalent for similar loans; or

B. Compensation received for private services rendered at a rate substantially exceeding the fair market value of the services.

ELECTED OFFICER: Any person elected or appointed to hold the office of mayor or city council member.

FINANCIAL INTEREST: A. To possess a substantial interest, or

B. To hold a position in a business entity as an officer, director, trustee, partner, or employee or hold any position of management in a business entity.

GIFT: Any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, economic benefit tantamount to a gift, or other item having monetary value, unless consideration of equal or greater value is received. The term does not include a parking pass or free parking: a) for a parking lot if the parking lot is owned by the city; or b) for a parking lot that is not owned by the city, when used for official city business. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred. The term "gift" is subject to the following:

A. Gifts To Relatives Or Others, Attributable To Elected Officer Or Municipal Employee: A gift to a relative of an elected officer or municipal employee, or a gift to any other individual based on that individual's relationship with the elected officer or municipal employee, shall be considered a gift to the elected officer or municipal employee, if: 1) given with the knowledge and acquiescence of the elected officer or municipal employee, and 2) the elected officer or municipal employee knows, or with the exercise of reasonable care should know, that it was given because of the official position of the elected officer or municipal employee.

B. Food Or Refreshment Provided To Dependents: If food or refreshment is provided at the same time and place to both a public servant or volunteer public servant and the spouse, adult designee or dependent thereof, only the food or refreshment provided to the public servant or volunteer public servant shall be treated as a gift for purposes of this chapter.

GOVERNMENTAL ACTION: Any official action on the part of the city, including, but not limited to:

A. Any decision, determination, finding, ruling, or order;

B. Any grant, payment, award, license, contract, subcontract, transaction, decision, sanction, or approval, or the denial thereof, or the failure to act in respect thereto; or

C. Any legislative, administrative, appointive or discretionary act of any public servant or volunteer public servant.

GRANT OF HOSPITALITY OR GESTURE OF FRIENDSHIP: Any grant of lodging, food, or travel expenses, including the grant of gifts and remembrances such as birthday, holiday, or anniversary presents, given on the basis of personal friendship.

LEADERSHIP EXPENSE FUND: Any fund of money established to pay expenses of an elected officer incurred or to be incurred in connection with the elected officer's official duties, including expenditures for:

A. Travel, lodging, food, or entertainment of a spouse, adult designee or other personal companion of the elected officer, if accompanying the elected officer on travel involving official city business;

B. Flowers, cards, or remembrances for funerals, holidays or similar events; or

C. Charitable or eleemosynary gifts or activities clearly disclosed by the elected officer.

LEGAL DEFENSE FUND: Any fund of money established to pay legal expenses of an elected officer which arise in connection with:

A. The elected officer's candidacy for or election to city office;

B. The elected officer's official duties or position in the city;

C. A threatened or actual criminal prosecution of the elected officer; or

D. A civil action bearing on the elected officer's reputation or fitness for office. In no event shall monies in a legal defense fund be spent for a matter that is primarily personal in nature.

MUNICIPAL EMPLOYEE: Any person who is not an elected or appointed officer who is employed by the city as an employee on a full or part time, at will or merit basis.

OUTSIDE EMPLOYMENT: Any employment, activity, or enterprise for compensation, including self-employment, performed by a public servant apart from his or her official

assigned duties for the city.

PROFESSIONAL INTEREST: Any interest which:

A. Results in a direct or immediate professional benefit or detriment to a public servant; or

B. Creates a fiduciary duty with respect to a professional interest and is distinguishable from the professional benefit or detriment to the public generally or the public servant's profession, occupation, or association generally. Professional interest provisions do not apply to a public servant's relative.

PUBLIC BODY: Any branch, system, department, division, institution, agency, commission, board, bureau, tribunal, entity, or other unit of government or any quasi-governmental unit of the city.

PUBLIC SERVANT: Any elected officer, any municipal employee, or any other person in a position of employment with the city, whether or not such person is compensated for his or her services, but does not include any volunteer public servant.

REGULATED: Subject to the city's regulatory licensing, permitting, or approval procedures.

RELATIVE: Any spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle, or first cousin of a public servant or of the spouse of a public servant or volunteer public servant, including any step relationship. Any adult designee is considered to be a relative for purposes of this chapter, including the extended familial relationships provided herein.

SELL: The act to sign a bid, proposal, or contract; negotiate a contract; contact any public servant or volunteer public servant for the purpose of obtaining, negotiating, or discussing changes in specifications, price, cost allowances, or other terms of a contract; settle disputes concerning performance of a contract; or engage in any other lawful liaison with a view toward the ultimate consummation of a sale even if the actual contract therefor is subsequently negotiated by another person.

SUBSTANTIAL INTEREST: The ownership, either legally or equitably, by a public servant or volunteer public servant, or his or her spouse or minor child, of at least ten percent (10%) of the outstanding shares of a corporation or a ten percent (10%) interest in any other business entity.

TRANSACTION: Any deal, contract, agreement, arrangement, undertaking, or other matter, including any permit approval, lease, franchise, sale, or purchase.

VOLUNTEER PUBLIC SERVANT: Any appointed person, other than an elected officer, serving on a special, regular, or full time committee, commission, authority, agency, or board of the city, who is not paid a salary or an hourly wage by the city for his or her services thereon.

WAIVER: Any act to grant a waiver of any provision of this chapter which exempts any public servant, including any elected officer, municipal employee, city attorney or volunteer public servant pursuant to section 2.44.180 of this chapter. (Ord. 11-11, 2011)

## 2.44.030: DISCLOSURE AND DISQUALIFICATION:

A. If the performance of a public servant or volunteer public servant constitutes any governmental action on any matter involving the public servant's or volunteer public servant's financial or professional interest and it is reasonably foreseeable that the decision will have an individualized material effect on such interest, distinguishable from its effect on the public generally, the public servant or volunteer public servant shall publicly disclose such matter:

1. To the city council, in the case of the mayor's disclosure;

2. To the mayor and the city council, in the case of the city council member's disclosure; or

3. In all other cases, to the mayor and to the members of the public body, if any, of which the public servant or volunteer public servant is a member.

B. The disclosure shall be made in the manner prescribed in section 2.44.050 of this chapter and shall identify the nature and extent of such interests.

C. The public servant or volunteer public servant who has a financial interest shall disqualify himself or herself from participating in any deliberation as well as from voting on such matter. The public servant or volunteer public servant who has only a professional interest need not disqualify himself or herself.

D. The disclosure statement shall be entered in the minutes of the meeting of the public body. (Ord. 11-11, 2011)

## 2.44.040: PROHIBITED ACTS DESIGNATED:

A. A public servant or volunteer public servant may not:

1. Unless otherwise allowed by law, disclose confidential information acquired by reason of the public servant's or volunteer public servant's official position or in the course of official duties or use such information in order to: a) substantially further the public servant's or volunteer public servant's financial or professional interest or the financial or professional interest of others; or b) secure special privileges or exemptions for the public servant or volunteer public servant or others.

2. Corruptly use or attempt to use the public servant's or volunteer public servant's official position to: a) further substantially the public servant's or volunteer public servant's financial or professional interest or the financial or professional interest of others; or b) secure special privileges for the public servant or volunteer public servant or others.

B. A public servant may not have a financial or professional interest in an entity that is doing business with the city department in which the public servant is employed. A volunteer public servant may not have a financial or professional interest in an entity that is doing business with the city department or division to whom the city committee, commission, authority, agency, or board of which the volunteer public servant is a member primarily provides direct assistance or direction. For purposes of this subsection, the city department of a member of the city council shall be deemed to be the city council office, and the city department of the mayor shall be deemed to be all city departments.

C. The following may not apply for or receive a loan or grant of money from the city: any elected officer, any relative of any elected officer, or any business entity in which any elected officer has a substantial interest. (Ord. 11-11, 2011)

## 2.44.050: DISCLOSURE OF SUBSTANTIAL INTEREST:

A. Disclosure To City: Any public servant or volunteer public servant who is also an officer, director, agent, employer, or employee of any business entity, or the owner of a substantial interest in any business entity, including any business entity subject to city regulation, shall disclose any such position or employment and the nature and value of such position or employment as provided herein.

B. Time Of Disclosure: Any public servant or volunteer public servant shall make the disclosure within thirty (30) days:

1. After being appointed or elected or otherwise commencing employment or public service; and

2. During January of each year if such public servant's or volunteer public servant's position in the business entity has changed or if the value of such public servant's or volunteer public servant's interest in the entity has materially increased since the last disclosure. The disclosure shall be made in a sworn written statement in a form prescribed by the city and shall be filed with the mayor, or, in the case of disclosure by the mayor or by the city council staff, with the city council. Unless otherwise provided by the law, the statements are public records and shall be made available for inspection by members of the city council and the public upon request.

C. Value Of Interest: Unless otherwise required by law, where the value of an interest is required to be disclosed pursuant to this section, it shall be sufficient to report whether the value is less than fifteen thousand dollars ($15,000.00) or is fifteen thousand dollars ($15,000.00) or more. This section does not apply to instances where the value of the interest does not exceed two thousand dollars ($2,000.00). Life insurance policies and annuities are not included in this disclosure requirement and shall not be considered in determining the value of any such interest. (Ord. 11-11, 2011)

## 2.44.060: OUTSIDE EMPLOYMENT:

A. Incompatible Employment: No public servant or volunteer public servant shall engage in any outside employment that is inconsistent, incompatible, or in conflict with his or her duties as a public servant or volunteer public servant, or with the duties, functions, or responsibilities of the city. Such prohibited outside employment includes, but is not limited to, employment:

1. Involving the use for private gain or advantage of his or her city working time or city facilities, equipment, or supplies, except as permitted under section 2.44.180 of this chapter;

2. Involving the receipt or acceptance by the public servant or volunteer public servant of any compensation from anyone, other than the city, for the performance of an act that the public servant or volunteer public servant would be required or expected to perform in the regular course of his or her city employment or as part of his or her duties as a public servant or volunteer public servant;

3. Involving the performance of an act that may later be subject, directly or indirectly, to the control, inspection, review, audit, or enforcement of the public servant or any other servant of the city. Such outside employment may only be engaged in after procedures have been adopted by the public servant's assigned department to ensure that all work done by the public servant is subject to direct review by the public servant's immediate supervisor; or

4. Involving such time demands as would render such public servant's performance of public duties demonstrably less efficient.

5. Subsections A3 and A4 of this section shall not apply to volunteer public servants.

B. Applicability: This section shall not apply to part time employees and seasonal employees of the city. Members of the city council are not part time employees for purposes of this section.

C. Disclosure: Before engaging in any outside employment that is permissible under this chapter:

1. Any elected officer shall disclose such outside employment as provided in section 2.44.050 of this chapter;

2. Any staff of the city council shall disclose such outside employment to the chair of the city council;

3. Any department head of the city shall disclose such outside employment to the mayor; and

4. Any other public servant shall disclose such outside employment to his or her department head.

D. Denial: Outside employment shall not be denied unless it is in violation of the provisions of subsection A of this section. No public servant shall have the power to deny an elected officer his or her right to outside employment which is not prohibited under subsection A of this section.

E. Department Rules And Regulations: Any department head shall adopt rules and regulations for his or her department regarding outside employment, including the denial thereof, to clarify the application of this chapter to the unique operations of that department, if such rules or regulations are consistent with the intent of this chapter and no less stringent.

F. Advisory Opinion: If a public servant's outside employment is denied under subsection E of this section, the public servant may seek an advisory opinion from the city attorney regarding the matter. The city attorney shall issue such an opinion, but the city attorney shall not have the power to overrule the discretionary decision of the person who denied the consent.

G. Certain Travel, Lodging, And Food Expenses And Cash Honoraria Are To Be Considered Outside Employment And Not Gifts: Any payment for travel, food, lodging, or entertainment expenses, or reimbursement therefor, or any other compensation or cash honorarium, made to a public servant in connection with a public event, appearance, or ceremony unrelated to official city business or not furnished by the sponsor of such public event, appearance, or ceremony, shall be considered outside employment under this section, and not a gift under section 2.44.080 of this chapter. This subsection shall apply to any volunteer public servant, but only to the extent of requiring disclosure of such outside employment to his or her department head.

H. Reports To Mayor: Within fifteen (15) working days following each February 1, May 1, August 1 and November 1, each department that has issued a denial of outside employment to a public servant shall file with the mayor copies of all such denials given during the previous yearly quarter. (Ord. 11-11, 2011)

## 2.44.070: TRANSACTIONS INVOLVING THE CITY:

A. Disclosure Required: No public servant or volunteer public servant shall receive or agree to receive compensation from anyone other than the city for assisting any person or business entity in any transaction involving the city, unless he or she shall file a sworn written statement giving the information required by this section and disclose that information in an open meeting to the members of the affected body, if any, of which he or she is a member. Said disclosure shall be made in writing prior to the discussion on the matter and include the following information:

1. The name and address of the public servant or volunteer public servant involved;

2. The name and address of the person or business entity being or to be so assisted; and

3. A brief description of the transaction as to which service is rendered or is to be rendered and of the nature of the service performed or to be performed.

This section shall not be construed to allow actions which are otherwise prohibited by city ordinances or state law.

B. Time And Location Of Disclosure Filing: The statement required to be filed by this section shall be filed within ten (10) days before the date of any agreement between the public servant or volunteer public servant and the person or business entity to be assisted or the public servant's or volunteer public servant's receipt of compensation, whichever time is earlier: 1) with the city recorder; 2) with the affected public body of which the public servant or volunteer public servant is a member; 3) in the case of disclosure by the mayor, with the chair of the city council; and 4) in the case of disclosure by a city council member, with the mayor.

C. Disclosure Is Public Record: The statement shall be deemed public information and shall be available for examination by the public. (Ord. 11-11, 2011)

## 2.44.080: ACCEPTING OR MAKING GIFTS PROHIBITED:

A. In General: No public servant or volunteer public servant shall knowingly receive, accept, take, seek, or solicit, directly or indirectly, for himself or herself or another, a gift that the public servant or volunteer public servant knows, or with the exercise of reasonable care should know: 1) would influence the recipient to depart from the faithful and impartial discharge of his or her public duties; or 2) is primarily for the purpose of rewarding the public servant or volunteer public servant for governmental action taken or not taken.

B. No Solicitation Of Gifts For Personal Matters: Except for gifts described as exceptions in section 2.44.090 of this chapter, no public servant shall seek or solicit, or receive directly or indirectly, any gift for the purpose of addressing or dealing with personal matters or other matters not involving official city business. (Ord. 11-11, 2011)

## 2.44.090: GIFT PROHIBITION EXCEPTIONS:

Except as otherwise provided in this section, section 2.44.080 of this chapter does not prohibit accepting:

A. Campaign Contributions: A political campaign contribution covered or regulated by chapter 2.46 of this title.

B. Gifts From Relatives: A bona fide gift from a relative, not given in violation of section 2.44.080 of this chapter, provided it is not given in exchange for, as consideration for, or as a reward for the recipient taking or refraining from taking any official city action, past, present, or future.

C. Grants Of Hospitality; Gestures Of Friendship: An occasional grant of hospitality or gesture of friendship, not given in violation of section 2.44.080 of this chapter, if provided to an individual on the basis of personal friendship, and if it is from a friend who has not, does not and has no immediate plans to do business with the city or be regulated by it, either individually or through a business entity in which the giver or a relative of the giver has more than a ten percent (10%) interest.

D. De Minimis Nonpecuniary Gifts: An occasional nonpecuniary gift having a value of less than fifty dollars ($50.00), or any other amount provided in the municipal officers' and employees' ethics act, title 10, chapter 3, part 13, of the Utah code, or any successor section.

E. De Minimis Remembrances; Items Of Nominal Value: Any occasional noncash remembrance, not given in violation of section 2.44.080 of this chapter, with a value less than one hundred dollars ($100.00), given for use by, or shared by the recipient of the gift with, the entire office or working group of which the recipient is a member; a plaque,

trophy, or other item that is substantially commemorative in nature; or an item of nominal value, such as a greeting card, baseball cap, or T-shirt.

F. Travel, Lodging, And Food Expenses Incurred In Connection With Official City Business: Reasonable expenses for food, travel, lodging, or scheduled entertainment of a public servant or volunteer public servant incurred in connection with public events, appearances, ceremonies, or other activities related to official city business, not given in violation of section 2.44.080 of this chapter, if furnished by the sponsor of such public event, appearance, ceremony, or other activity.

G. Death Transfers: Subject to section 2.44.100 of this chapter, bequests, inheritances, and other transfers at death.

H. Legal Defense Fund Contributions: Any contribution may be made to a legal defense fund which is not violative of section 2.44.080 of this chapter.

1. Any elected officer may establish a legal defense fund. Any such legal defense fund shall be a trust, administered and accounted for by an independent trustee of the elected officer's choosing. The elected officer may not solicit or receive contributions for legal defense fund purposes until such a trust has been created. The elected officer shall be solely responsible for raising funds for and directing the trustee to make expenditures from such fund, consistent with the provisions of this chapter.

2. In no event shall any elected officer simultaneously maintain more than one legal defense fund. Annually, the elected officer shall file a disclosure with the city recorder which provides an accounting and identities of contributors consistent with title 52, chapter 5, part 2 of the Utah code.

3. The trustee shall not accept more than seven thousand five hundred dollars ($7,500.00) for the mayor or one thousand five hundred dollars ($1,500.00) for any city council member in contributions to a legal defense fund from any one individual or organization. No person shall make a contribution to a legal defense fund in the name of another person or make a contribution with another person's funds in his or her own name, and no elected officer shall knowingly accept any such contribution.

4. During such time as any monies remain in a legal defense fund, the beneficiary of such fund shall comply with the reporting requirements of title 52, chapter 5 of the Utah code, or any successor sections.

5. Within ninety (90) days after determining that there are no related legal proceedings threatened or pending against him or her for which such funds would be eligible for use, the beneficiary thereof shall notify the trustee, in writing, of such determination. Such determination and notification may occur before or after the beneficiary leaves elective office with the city. Within ninety (90) days after receipt of such notification, the trustee shall, as directed by the beneficiary in such notification, or, if the beneficiary does not so direct, in the trustee's sole discretion, either: a) return such monies to the donors thereof on a pro rata basis; b) transfer such monies to the general fund of the city; or c) donate such monies to a tax exempt charity.

6. In no event shall monies in a legal defense fund be transferred to a campaign finance fund of any person.

7. On or before the next January 5 after the distribution of monies described in subsection H5 of this section, the elected officer shall file the report required by section 52-5-201 of the Utah code, or any successor section, and shall file a copy of such report with the city recorder.

I. Leadership Expense Fund Contributions: Any contribution may be made to a leadership expense fund which is not violative of section 2.44.080 of this chapter.

1. Any elected officer may establish a leadership expense fund. Any such leadership expense fund shall be a trust, administered and accounted for by an independent trustee of the elected officer's choosing. The elected officer may not solicit or receive contributions for leadership expense fund purposes until such a trust has been created. The elected officer shall be solely responsible for raising funds for and directing the trustee to make expenditures from such fund, consistent with the provisions of this chapter.

2. In no event shall any elected officer simultaneously maintain more than one leadership expense fund. If any monies are in a leadership expense fund, the beneficiary of such fund shall comply with the reporting requirements of title 52, chapter 5 of the Utah code, or any successor sections. Annually, the elected officer shall file a disclosure with the city recorder which provides an accounting and identities of contributors consistent with title 52, chapter 5, part 2 of Utah code.

3. The trustee shall not accept more than seven thousand five hundred dollars ($7,500.00) for the mayor or one thousand five hundred dollars ($1,500.00) for any city council member in contributions to a legal defense fund from any one individual or organization. No person shall make a contribution to a legal defense fund in the name of another person or make a contribution with another person's funds in his or her own name, and no elected officer shall knowingly accept any such contribution.

4. During such time as any monies remain in a legal defense fund, the beneficiary of such fund shall comply with the reporting requirements of title 52, chapter 5 of the Utah code, or any successor sections.

5. Within ninety (90) days after the beneficiary of a leadership expense fund leaves elective office with the city, the trustee shall distribute any monies remaining in such fund by either: a) returning such monies to the donors thereof on a pro rata basis; b) transferring such monies to the general fund of the city; or c) donating such monies to a tax exempt charity. The beneficiary of such a fund may, by providing written notice to the trustee within ninety (90) days after leaving elective office with the city, direct the trustee as to which of such distribution methods to use. In the event that the beneficiary does not so direct the trustee, the trustee shall, in its sole discretion, select the method of and make such distribution.

6. In no event shall monies in a leadership expense fund be transferred to a campaign finance fund of any person.

7. On or before the next January 5 after the distribution of monies described in subsection I5 of this section, the elected officer shall file the report required by section 52-5-201 of the Utah code, or any successor section, and shall file a copy of such report with the city recorder.

J. Determinations Of Nonapplicability: Any gift is subject to determination of nonapplicability which is made pursuant to subsection 2.44.180B of this chapter. (Ord. 11-11, 2011)

## 2.44.095: GROUNDS FOR GIFT ACCEPTANCE OR REJECTION:

A. A gift may be accepted pursuant to subsections 2.44.090A, B, C, E, G, H and I of this chapter and:

1. In the case of a de minimus nonpecuniary gift pursuant to subsection 2.44.090D of this chapter, if valued at less than fifty dollars ($50.00); or

2. In the case of a sponsor gift pursuant to subsection 2.44.090F of this chapter, if received in connection with official city business in the form of travel, lodging, food or scheduled entertainment.

B. Notwithstanding subsection A of this section, a gift shall not be accepted if:

1. In violation of section 2.44.080 of this chapter; or

2. Pursuant to subsection 2.44.090D of this chapter, if valued at fifty dollars ($50.00) or more, unless the public servant pays from personal funds to the donor the amount in excess so the gift is reduced in value to be less than fifty dollars ($50.00). (Ord. 11-11, 2011)

## 2.44.100: GIFTS IN ANOTHER'S NAME PROHIBITED:

No person shall make, for the direct benefit of an elected officer or municipal employee, a gift in the name of another person or a gift with another person's funds in his or her own

name, or a gift made on behalf of another person. No elected officer or municipal employee shall knowingly receive, accept, take, seek, or solicit, directly or indirectly, for his or her direct benefit, any such gift. (Ord. 11-11, 2011)

## 2.44.110: RESERVED:

(Ord. 11-11, 2011)

## 2.44.120: REJECTION AND RETURN OF GIFTS; RECORDS:

A. Perishable Gifts: With respect to gifts not receivable under subsection 2.44.090E of this chapter, when it is not practicable to return a tangible item because it is perishable or cannot practicably be returned, the item may, at the discretion of the recipient, be given to an appropriate charity or destroyed.

B. Records Of Rejected, Destroyed Or Donated Gifts: No reporting is required for rejected or returned gifts or for gifts donated to charity. However, written documentation of such acts shall be maintained by the recipient of the gift for five (5) years and shall be made available for inspection as a public document upon written request. (Ord. 11-11, 2011)

## 2.44.130: PUBLIC CONTRACTS; PROCUREMENT:

A. Conflict Of Interest:

1. Conflict Of Interest Generally: No public servant or volunteer public servant shall participate directly or indirectly in making, recommending, preparing, or performing a discretionary function with respect to any contract with the city, including, without limitation, a procurement contract, when the public servant or volunteer public servant has actual knowledge that:

a. The public servant or volunteer public servant or a relative of the public servant or volunteer public servant has a financial interest pertaining to such contract;

b. The public servant or volunteer public servant or a relative of the public servant or volunteer public servant has a financial interest in a business entity that has a financial interest pertaining to such contract; or

c. Any other person or business entity with whom the public servant or volunteer public servant or any relative of the public servant or volunteer public servant is negotiating or has an arrangement concerning prospective employment is involved in such contract.

2. Financial Interest In A Blind Trust: A public servant or volunteer public servant or any relative of the public servant or volunteer public servant who holds a financial interest in a blind trust and its corpus shall not be deemed to have a conflict of interest with regard to matters pertaining to that "financial interest" as defined herein, provided that disclosure of the existence of the blind trust has been made affirmatively in writing to the: a) city council, in the case of the mayor; b) mayor, in the case of city council members and department heads; or c) applicable department head, in the case of any other public servant or volunteer public servant.

3. Bidding And Procurement:

a. Any elected officer, and any business entity in which such elected officer has a financial interest, may not submit a bid or proposal regarding, or renew the term of, a contract within the official responsibility of that elected officer. A member of a city board, commission, committee, authority, or agency, and any business entity in which such member has a financial interest, may not submit a bid or proposal regarding, or renew the term of, a contract within the official responsibility of that board, commission, committee, authority, or agency.

b. Any public servant or volunteer public servant who serves on a city procurement committee must cease to serve on such committee if he or she has, or within the past year had, a financial interest in an entity that submits a bid or proposal that will be evaluated by that committee.

c. No public servant or volunteer public servant who serves on a city procurement committee may, during the two (2) years immediately following the date the related contract is awarded by the city, seek or accept employment or remuneration of any kind from a person or entity that submitted a bid or proposal that was evaluated by that committee.

4. Discovery Of Actual Or Potential Conflict Of Interest; Disqualification And Waiver: Upon discovery of an actual or potential conflict of interest, any public servant or volunteer public servant shall promptly file a written statement of disqualification and shall withdraw from further participation in the transaction or matter involved. The public servant or volunteer public servant may, at the same time, apply to the city attorney for an advisory opinion as to what further participation, if any, the public servant or volunteer public servant may have in the transaction or matter.

B. Public Servant Or Volunteer Public Servant Disclosure Requirements:

1. Disclosure Of Benefit Received From Contract: Any public servant or volunteer public servant who has or obtains any benefit from any city contract with a business entity in which the public servant or volunteer public servant has a financial interest, shall report such benefit to the: a) city council, in the case of the mayor; b) mayor, in the case of city council members and department heads; or c) applicable department head, in the case of any other public servant or volunteer public servant, within thirty (30) days after the public servant or volunteer public servant has actual or constructive knowledge of a benefit received or to be received. However, this subsection shall not apply to a contract with a business entity in which the public servant's or volunteer public servant's interest in the business entity has been placed in a disclosed blind trust. Disclosure pursuant to this subsection shall not exonerate any public servant or volunteer public servant from any violation of this chapter.

2. Failure To Disclose Benefit Received: Any public servant or volunteer public servant who knows or should have known of such benefit, and fails to report such benefit as provided in subsection B1 of this section, is in breach of the ethical standards of this chapter.

C. Gifts And Payoffs Related To Procurement:

1. Gifts: It shall be illegal for any person to offer, give, or agree to give to any public servant or volunteer public servant or former public servant or former volunteer public servant, or for any public servant or volunteer public servant or former public servant or former volunteer public servant to solicit, demand, accept, or agree to accept from another person, a gift or an offer of employment in connection with any decision, approval, disapproval, recommendation, preparation of any part of a procurement requirement or a purchase request, action to influence the content of any specification or procurement standard, rendering of advice, investigation, auditing, request for ruling, determination, claim or controversy, or other particular matter, pertaining to any procurement requirement or a contract or subcontract, or to any solicitation or proposal therefor.

2. Payoffs: It shall be illegal for any payment, gift, or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or a higher tier subcontractor or any person associated therewith, as an inducement for the award of a subcontract or order. This prohibition applies whether a payment, gift, or offer is made before or after the award of a city contract or order.

D. Prohibition Against Contingent Fees: It shall be illegal for a person to be retained, or to retain a person, to solicit or secure a city contract upon an agreement or understanding for a commission, percentage, or brokerage or contingent fee, except for retention of bona fide employees or bona fide established commercial selling agencies for the purpose of securing business. (Ord. 11-11, 2011)

## 2.44.140: EMPLOYMENT OF CURRENT AND FORMER PUBLIC SERVANTS:

A. Contemporaneous Employment Prohibited: Except as provided in section 2.44.180 of this chapter, no public servant or volunteer public servant shall participate directly or indirectly on behalf of the city in the procurement or contracting process with respect to a city contract while such public servant or volunteer public servant is the agent or employee of any other party to such contract or any other person who has a financial interest in such contract.

B. Restriction On Former Public Servants Regarding Their Former Duties:

1. Permanent Disqualification Of Former Public Servant Personally Involved In A Particular Matter: No former public servant shall knowingly act as a principal or as an agent for anyone other than the city in connection with any of the following matters in which the city is a party or has a direct interest: a) a judicial or other proceeding, application, request for a ruling, or other determination; b) a contract; c) a claim; or d) a charge or controversy; in which the public servant participated personally and substantially through decision, approval, disapproval, recommendation, rendering of advice, investigation, or otherwise while a public servant.

2. One Year Restriction Regarding Matters In Which A Former Public Servant Was Officially Responsible: With respect to matters that were within a former public servant's official responsibility while he or she was a public servant, but in which such public servant did not participate personally or substantially, the restrictions set forth in subsection A of this section shall apply, but only for a period of one year after cessation of the former public servant's official responsibility.

C. Disqualification Of Business Entity In Which A Public Servant Or Volunteer Public Servant Has A Financial Interest: No business entity in which a public servant or volunteer public servant has a financial interest shall knowingly act as a principal or as an agent for anyone other than the city in connection with any of the following matters in which the city is a party or has a direct interest: 1) a judicial or other proceeding, application, request for a ruling, or other determination; 2) a contract; 3) a claim; or 4) a charge or controversy; in which the public servant or volunteer public servant participates personally and substantially through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise.

D. Selling To The City After Termination Of Employment Is Prohibited: No former public servant, unless the former public servant's last annual salary did not exceed thirty thousand dollars ($30,000.00), shall engage in selling or attempting to sell supplies, services, or construction to the city for one year following the date his or her employment by the city ceased. The foregoing sentence shall not apply to sales or attempted sales pursuant to a contract awarded through an open and public bidding process. This subsection is not intended to preclude a former public servant from accepting employment with private industry solely because the former public servant's employer is a contractor with the city, nor shall a former public servant be precluded from serving as a consultant to the city. (Ord. 11-11, 2011)

## 2.44.150: NEGOTIATING EMPLOYMENT:

Any public servant or volunteer public servant shall not perform his or her official duties with respect to governmental action that involves a person or business entity which has a financial interest in such governmental action while the public servant or volunteer public servant is negotiating prospective employment with such person or business entity. (Ord. 11-11, 2011)

## 2.44.160: COERCION OF BUSINESS OR CONTRIBUTIONS:

No public servant shall in any manner intimidate or coerce a public servant or volunteer public servant subordinate to him or her to do business with him or her or to make any financial contribution. (Ord. 11-11, 2011)

## 2.44.170: ACQUIRING INTEREST IN A BUSINESS ENTITY:

No public servant or volunteer public servant shall acquire any interest in a business entity at a time when such public servant or volunteer public servant believes or has reason to believe, based on information not available to the general public, that such business entity will be substantially and directly affected by any contract, transaction, zoning decision, or other governmental action of the city. (Ord. 11-11, 2011)

## 2.44.180: WAIVERS; DETERMINATIONS OF NONAPPLICABILITY:

A. Except with respect to the restrictions on gifts in section 2.44.080 of this chapter, the city council, in the case of the mayor; the mayor, in the case of city council members; the mayor and the chairperson of the city council, jointly, in the case of the city attorney; and the city attorney, in the case of any other public servants or volunteer public servants, may grant a waiver from the provisions of this chapter upon making a written determination that:

1. The public servant or volunteer public servant will be able to perform his or her official functions without actual bias or favoritism; and

2. The granting of the waiver will not be detrimental to the interests of the city.

B. A determination of nonapplicability of the restrictions on gifts in section 2.44.080 of this chapter may be given by the mayor, in the case of the city council; by the city council, in the case of the mayor; by the mayor and the chairperson of the city council, jointly, in the case of the city attorney; or by the city attorney, in the case of any other public servant or volunteer public servant. A determination of nonapplicability shall be in writing and shall be given only upon a determination that:

1. The gift was not given with the intent to influence governmental action;

2. There exists no substantial likelihood that the gift will influence governmental action; and

3. The giving of the determination of nonapplicability will not be detrimental to the interests of the city.

C. Any determination of nonapplicability under this section shall include a description of the gift, its estimated value, and the reasons justifying its receipt which shall be filed as a public document with the city recorder. (Ord. 11-11, 2011)

## 2.44.190: CLAUSE IN CONTRACTS:

A. In every contract, bid, proposal, or other offer involving the city made by a nongovernmental entity, such nongovernmental entity shall make the following representation:

*REPRESENTATION REGARDING ETHICAL STANDARDS FOR CITY OFFICERS AND EMPLOYEES AND FORMER CITY OFFICERS AND EMPLOYEES*

*The bidder, offeror, or contractor represents that it has not: (1) provided an illegal gift or payoff to a city officer or employee or former city officer or employee, or his or her relative or business entity; (2) retained any person to solicit or secure this contract upon an agreement or understanding for a commission, percentage, or brokerage or contingent fee, other than bona fide employees or bona fide commercial selling agencies for the purpose of securing business; (3) knowingly breached any of the ethical standards set forth in the city's conflict of interest ordinance, Chapter 2.44, Salt Lake City Code; or (4) knowingly influenced, and hereby promises that it will not knowingly influence, a city officer or employee or former city officer or employee to breach any of the ethical standards set forth in the city's conflict of interest ordinance, Chapter 2.44.*

B. The city attorney may waive the representation requirement as provided in this section for certain state master contracts, bids, proposals or other offers upon a written determination that it is in the best interest of the city to waive the representation requirement. (Ord. 11-11, 2011)

## 2.44.200: INDUCEMENT TO VIOLATE PROHIBITED:

No person shall induce or seek to induce any public servant or volunteer public servant to violate any of the provisions of this chapter. (Ord. 11-11, 2011)

## 2.44.210: ADVISORY POWERS OF THE CITY ATTORNEY:

A. Request For Advisory Opinion By Public Servants Or Volunteer Public Servants: Any public servant or volunteer public servant may request of the city attorney an advisory opinion concerning the application to him or her of the provisions of this chapter. The city attorney shall accept and process these advisory opinion requests in accordance with the procedures set forth in this section.

B. Advisory Opinion Upon City Attorney's Own Initiative: The city attorney on his or her own authority may render advisory opinions whenever he or she deems it in the public interest.

C. Time For Decision; Public Review: As soon as practicable, but not later than thirty (30) days after he or she receives a request for an advisory opinion, the city attorney shall render a written opinion to the person who requested the opinion, and shall provide a copy of the opinion to the mayor and the city council. All advisory opinions shall be available for public review, but may be in such form and with such deletions as may be necessary to prevent the disclosure of the identity of the persons involved or to protect personal privacy interests. (Ord. 11-11, 2011)

## 2.44.220: JUSTIFIABLE RELIANCE:

Any advisory opinion rendered by the city attorney, until amended or revoked by the city attorney, shall be a defense in any action brought under this chapter and shall be binding on the city in any subsequent proceedings concerning the person who requested the opinion and who acted in good faith reliance upon it, unless material facts were omitted or misstated by the person requesting the opinion. (Ord. 11-11, 2011)

## 2.44.230: TRAVEL, LODGING, OR ENTERTAINMENT EXPENSES; REPORTING:

If someone other than the city pays for travel, lodging, or entertainment expenses of an elected official incurred in connection with official city business, such elected official shall, within thirty (30) business days after such expenses are incurred, file with the city recorder a public report detailing the amount and nature of such expenses and the name of the person or entity that paid for such expenses. Notwithstanding the foregoing, an elected official shall not be required to file a public report pursuant to this section detailing the cost of food or meals provided to the elected official. (Ord. 11-11, 2011)

## 2.44.240: SANCTIONS:

A. Persons Who Are Not Public Servants Or Volunteer Public Servants: The city may impose any one or more of the following sanctions on a person who is not a public servant or a volunteer public servant for violations of the ethical standards in this chapter:

1. Written warnings or reprimands;

2. Termination of contracts; or

3. Debarment or suspension from contracting with the city.

B. Right Of The City To Debar Or Suspend: Debarment or suspension may be imposed by the city for violations of the ethical standards of this chapter, provided that such action may not be taken without the concurrence of the city attorney.

C. Due Process: All procedures under this section shall be in accordance with due process requirements, including, but not limited to, a right to notice and an opportunity for a hearing prior to imposition of any termination, debarment, or suspension from being a contractor or subcontractor under a city contract.

D. Recovery Of Value Transferred Or Received In Breach Of Ethical Standards:

1. General Provisions: The value of anything transferred or received in violation of the ethical standards of this chapter by a public servant, volunteer public servant, or other person may be recovered from both the public servant or volunteer public servant and the other person through judicial action.

2. Recovery Of Payoffs By The City: Upon a showing that a subcontractor made a payoff to a prime contractor or a higher tier subcontractor in connection with the award of subcontract or order thereunder, the amount of the payoff will be recoverable by the city hereunder from the recipient. In addition, that amount may also be recovered from the subcontractor making such payoff. Recovery from one offending party shall not preclude recovery from any other offending party. (Ord. 11-11, 2011)

## 2.44.250: APPEALS:

Notwithstanding any other provision of this chapter, a public servant under the career or civil service system who is found to have violated any of the provisions of this chapter and has had discipline imposed, may have such discipline reviewed in accordance with and as provided by law regarding such systems. (Ord. 11-11, 2011)

### 2.44.260: VOIDABLE TRANSACTION:

Any contract or transaction that was the subject of governmental action by the city and that involved the violation of a provision of this chapter is voidable at the option of the city. (Ord. 11-11, 2011)

### 2.44.270: VIOLATION; PENALTY:

In addition to any penalty provided herein, any person who knowingly and intentionally violates any provision of this chapter is guilty of a misdemeanor and may be dismissed from employment or removed from office as provided by law. (Ord. 11-11, 2011)

### 2.44.280: MISDEMEANOR TO KNOWINGLY FILE FALSE COMPLAINT:

Any person who files a complaint against a public servant or volunteer public servant pursuant to this chapter, knowing that such complaint is frivolous, malicious, false, or otherwise without merit, shall be guilty of a misdemeanor. (Ord. 11-11, 2011)

### 2.44.290: PROCEDURE FOR COMPLAINT INVESTIGATION:

Any complaint alleging a violation of this chapter which is filed against a public servant or volunteer public servant shall be filed with the mayor. The mayor shall investigate the complaint and refer the matter to the city attorney who may prosecute the violations consistent with section 10-3-928 of Utah code. If the city attorney in his or her professional judgment has a conflict of interest, he or she shall refer the matter to the county attorney, district attorney or office of the attorney general who may investigate or prosecute the alleged violation. (Ord. 11-11, 2011)

# CHAPTER 2.46
# CAMPAIGN FINANCING DISCLOSURE

### 2.46.010: DEFINITIONS:

For the purpose of this chapter the following words shall have the meanings as defined in this chapter:

BUMPER STICKER: A sign not exceeding four inches (4") in height or thirteen inches (13") in length affixed to any part (including the interior) of a motor vehicle.

CANDIDATE: Any person who:

A. Files a declaration of candidacy for an elected office of the city;

B. Receives contributions, makes expenditures, or consents to another person receiving contributions or making expenditures with a view to bringing about such person's nomination or election to such office; or

C. Causes, on his or her behalf, any written material or advertisement to be printed, published, broadcast, distributed or disseminated which indicates his or her intention to seek such office.

CONTRIBUTION: A. A gift, subscription, donation, loan, advance, or deposit of money or anything of value, including nonmonetary contributions such as in-kind contributions and contributions of tangible things, except a loan of money by a financial institution made in accordance with the applicable financial institution laws and regulations and in the ordinary course of business, made for political purposes;

B. A contract, promise or agreement, express or implied, whether or not legally enforceable, to make a contribution described in subsection A of this definition;

C. A transfer of funds between a political committee and a candidate's personal campaign committee;

D. Compensation paid by a person other than the candidate's personal campaign committee for personal services of another person rendered without charge to the candidate or such candidate's personal campaign committee;

E. A coordinated expenditure; but

F. "Contribution" shall not include personal services provided without compensation by individuals volunteering their time on behalf of a candidate or such candidate's personal campaign committee.

COORDINATED EXPENDITURE: Except as provided in the next sentence, an expenditure made by any person in cooperation, consultation, or concert, with, or at the request or suggestion of, a candidate, his or her personal campaign committee, or their agents. Coordinated expenditures include, but are not limited to, coordinated advertising on billboards and on taxicabs or other ground transportation vehicles as defined in section 5.71.010 of this code, but do not include a lawn sign, a sign on residential property, a bumper sticker, a handheld sign, a sign on the body of a person, a sign on a motor vehicle other than a "taxicab" or other "ground transportation vehicle" as defined in section 5.71.010 of this code, or a sign in a part of a building that is not normally used for commercial advertising by a third party. An in-kind coordinated expenditure shall be valued at the usual and normal value of such expenditure, such as the value of the use of the advertising space on a billboard or "taxicab" or other "ground transportation vehicle" as defined in section 5.71.010 of this code. In the case of a "taxicab" or other "ground transportation vehicle" as defined in section 5.71.010 of this code, if a sign is located in a space that is not usually or normally used for advertising, the sign shall be treated as if it were rooftop advertising on a "taxicab" or other "ground transportation vehicle" as defined in section 5.71.010 of this code, and its value shall be determined in the same manner that the value of such rooftop advertising is determined.

ELECTION: A general, special or primary election conducted by the city, including elections limited to referendums or bond issues.

ELECTION CYCLE: A. With respect to a general city election or a city primary election for an elective position, the four (4) year period that ends on the February 15 immediately following the next general city election for such elective position; and

B. With respect to an election to fill an unexpired term of office, the period that begins on the earlier of: 1) the day the vacancy occurs, or 2) the day the impending vacancy is publicly announced, and ends on the February 15 immediately following the next general city election for such elective position.

ELECTION YEAR: A calendar year during which a primary or general election is held or is scheduled to be held.

EXPENDITURE: A. A purchase, payment, donation, distribution, loan, advance, deposit, or gift of money or anything of value made for political purposes;

B. A contract, promise or agreement, express or implied, whether or not legally enforceable, to make an expenditure described in subsection A of this definition; or

C. A transfer of funds by a political committee to another political committee or to a candidate's personal campaign committee.

INDEPENDENT EXPENDITURE: An expenditure on behalf of, or opposing the election of, any candidate, when such expenditure is made independently of the candidate or the candidate's personal campaign committee, or their agents, and when such expenditure is made without the prior consent or the collusion or cooperation of, and not at the request or suggestion of, the candidate or the candidate's personal campaign committee or their agents.

ISSUE: Any question other than the election of a candidate to city office placed upon any municipal ballot to be affirmed or defeated by popular vote including, but not limited to, bond issues and referendums.

PARTY COMMITTEE: Any committee organized by or authorized by the governing body of a registered political party.

PERSON: Both natural and legal persons including, but not limited to, individuals, business organizations, personal campaign committees, political committees, party committees, labor unions, labor organizations and any other organized group of individuals.

PERSONAL CAMPAIGN COMMITTEE: The committee appointed by a particular candidate to act for such candidate as hereinafter provided.

POLITICAL COMMITTEE: A group of persons cooperating to aid or promote the success or defeat of a candidate or issue, including the making of donations to a personal campaign committee. "Political committee" does not mean an individual, a personal campaign committee, individuals who are related and who make contributions from a joint checking account, an entity that provides goods or services to a candidate or committee in the regular course of its business at the same price that would be provided to the general public, or a business entity using its own funds, except a business entity whose intended purpose is to act as a political committee.

POLITICAL PURPOSE: An act done with intent or in such a way as to influence or tend to influence, directly or indirectly, the nomination or election of a candidate or the passage or defeat of any issue on the ballot at a municipal election.

PRIMARY ELECTION: Any primary election held pursuant to title 20A, Utah Code Annotated, or its successor.

REPORTING DATE: A. Ten (10) days before the election, for a campaign finance statement required to be filed not later than seven (7) days before a primary or general election conducted by the city;

B. The day of filing, for a campaign finance statement required to be filed not later than thirty (30) days after a primary or general election conducted by the city; and

C. Three (3) days before the filing date, for any other campaign finance statement required to be filed pursuant to this chapter. (Ord. 15-07 § 1, 2007: Ord. 56-05 §§ 1, 2, 2005: Ord. 43-05 § 1, 2005: Ord. 24-05 § 1, 2005: Ord. 1-01 § 2, 2001: Ord. 77-98 § 1, 1998)

## 2.46.020: PERSONAL CAMPAIGN COMMITTEE REQUIRED:

A candidate shall appoint a personal campaign committee consisting of one or more persons; or such candidate alone may constitute such a committee. No candidate shall appoint more than one personal campaign committee and no candidate shall solicit or receive contributions or authorize expenditures in furtherance of his or her candidacy except through such candidate's personal campaign committee. Each personal campaign committee shall appoint a secretary. If the personal campaign committee consists of only one person, such person is deemed the secretary. If the candidate acts as the personal campaign committee, the candidate is deemed the secretary. (Ord. 77-98 § 1, 1998)

## 2.46.030: REGISTRATION WITH CITY RECORDER:

Before a personal campaign committee or a political committee solicits or receives its first contribution, or makes its first expenditure, such committee shall file a written statement with the city recorder, which filing shall constitute registration with the city by such candidate or committee:

A. The written statement of a personal campaign committee shall be personally signed by the candidate and shall set forth:

1. That the personal campaign committee is appointed; and

2. The name and address of each member of such committee and of its secretary.

B. The written statement of a political committee shall be signed by the chairperson of such committee, shall state that committee exists, and shall list the name and addresses of its officers. (Ord. 15-07 § 2, 2007: Ord. 1-01 § 2, 2001: Ord. 77-98 § 1, 1998)

## 2.46.040: CHANGES IN OR WITHDRAWAL FROM A PERSONAL CAMPAIGN COMMITTEE:

A. Any candidate may revoke the selection of any member of such candidate's personal campaign committee by: 1) revoking that person's appointment in writing; 2) personally serving the written revocation on the person whose appointment is revoked; and 3) filing a copy of the written revocation with the city recorder.

B. Any individual may voluntarily withdraw from a personal campaign committee by filing a written notice of withdrawal with the city recorder. The date of withdrawal is the date the notice is received by the city recorder.

C. A candidate may select a replacement to fill any vacancy on the candidate's personal campaign committee. In the case of a vacancy in the office of secretary of a personal campaign committee, the candidate shall be deemed the secretary until a replacement secretary is appointed.

D. A candidate may appoint additional persons to the personal campaign committee. The candidate shall file with the city recorder a written notice containing the name and address of any additional or replacement members of the personal campaign committee. (Ord. 77-98 § 1, 1998)

## 2.46.050: CONTRIBUTIONS TO CANDIDATES; LIMITATIONS:

A. No person shall make contributions in coin or currency during any election cycle, as set forth in this chapter, to any candidate or such candidate's personal campaign committee, or to any political committee with respect to any election for city office, that exceed, in the aggregate, fifty dollars ($50.00).

B. No person shall make contributions during any election cycle, as set forth in this chapter, to any candidate or his or her personal campaign committee, or to any political committee with respect to any election for city office, that, in the aggregate, exceed the following amounts:

| Office | Amount |
|---|---|
| | |
| Mayor | $7,500.00 |
| City council | 1,500.00 |

C. The acceptance of anonymous contributions is prohibited. Any anonymous contributions received by a candidate or a personal campaign committee or a political committee shall be transmitted to the city treasurer for deposit in the general fund of the city. Each contributor of a contribution shall disclose to the personal campaign committee or political committee the name and address of such contributor.

D. The limitations imposed by subsections A through C of this section shall not apply to contributions by a candidate of the candidate's own resources to the candidate's own campaign.

E. Each candidate or the candidate's personal campaign committee shall deposit each contribution received in one or more separate campaign accounts in a financial institution and may not deposit or mingle any contributions received into a personal or business account.

F. The candidate or the candidate's personal campaign committee may use the monies in campaign accounts only as follows:

1. For political purposes;

2. For expenses incurred in connection with duties of the individual as a holder of a city office;

3. For contributions to an organization described in section 170(c) of the internal revenue code of 1986 (26 USCS section 170(c));

4. For transfers to a national, state, or local committee of a political party;

5. For donations to federal, state, or local candidates; or

6. For any other lawful purpose unless prohibited by subsection G of this section.

G. A contribution shall not be converted by any person to personal use. For purposes of this subsection, a contribution or donation shall be considered to be converted to personal use if the contribution or donation is used to fulfill any commitment, obligation, or expense of a person that would exist irrespective of the candidate's election campaign or the individual's duties as an elected official of the city. For purposes of this subsection, it shall not be considered a conversion to personal use for a candidate or elected official of the city to use a contribution or donation to pay for the attendance of one guest at a social, entertainment, or other event related to political purposes or to the duties of the person as an elected official of the city. (Ord. 24-05 § 2, 2005: Ord. 1-01 § 2, 2001: Ord. 77-98 § 1, 1998)

## 2.46.060: RESPONSIBILITY FOR POLITICAL COMMUNICATIONS REQUIRED:

Every advertisement or communication made for a political purpose which is broadcast or published by means of television, radio, newspaper, billboards, direct mailings, automatic

telephone equipment, paid telephonists, leaflets, fliers, posters, bumper stickers or other printed matter shall contain a disclosure of the name of the personal campaign committee or political committee responsible for its broadcast or publication. (Ord. 15-07 § 3, 2007: Ord. 77-98 § 1, 1998)

## 2.46.070: CONTRIBUTIONS IN THE NAME OF ANOTHER PROHIBITED:

No person shall make a contribution in the name of another person or make a contribution with another person's funds in his or her own name, and no personal campaign committee or political committee shall knowingly accept any such contribution. (Ord. 15-07 § 4, 2007: Ord. 77-98 § 1, 1998)

## 2.46.080: VOLUNTARY LIMITATION ON CONTRIBUTIONS AND EXPENDITURES:

A. Declaration To Limit: A candidate may sign a written declaration pursuant to which the candidate agrees: 1) not to make contributions during the current election cycle to his or her own personal campaign committee in an amount exceeding, in the aggregate, three thousand dollars ($3,000.00), in the case of candidates for the city council, and seventy five thousand dollars ($75,000.00), in the case of candidates for mayor; and 2) to limit total campaign expenditures during the current election cycle by his or her personal campaign committee to an amount not exceeding, in the aggregate, fifteen thousand dollars ($15,000.00), in the case of candidates for the city council, and three hundred seventy five thousand dollars ($375,000.00), in the case of candidates for mayor. Except as provided in subsection B of this section, the city recorder shall require that each candidate either make such a declaration or sign a written statement declining to make such declaration, on the earliest of the following: 1) the day the candidate establishes a personal campaign committee pursuant to section 2.46.030 of this chapter; or 2) the day the candidate files a declaration of candidacy with the city. Except as provided in the next sentence, declarations by candidates shall be deemed terminated on the February 15 next following the general election. If, before the effective date of this amendment, a candidate entered into a contract with the city to limit campaign contributions and expenditures, such contract shall be deemed terminated on the effective date hereof.

B. Existing Committees: With respect to any personal campaign committee which exists prior to the effective date hereof, on February 15, 2001, the city recorder shall require the candidate for whom such committee exists to either make the declaration described in subsection A of this section or sign a written statement declining to make such a declaration.

C. Declaration Following Election: On the February 15 following any general election conducted by the city, any candidate for elective office at such general election or at the primary election preceding such general election, whose personal campaign committee has not been terminated before such date, shall notify the city recorder in writing whether or not such committee shall remain in existence after that date. Any candidate whose personal campaign committee shall remain in existence after that date shall, on such February 15, either make the written declaration described in subsection A of this section, or sign a written statement declining to make such a declaration.

D. Form Of Declaration: The city, with the approval of the city attorney, shall prepare a form of declaration, containing in substance the requirements set forth in subsection A of this section, for use by candidates and the city in complying with this section.

E. Reversal Of Decision:

1. If a candidate for an office has made the declaration described in subsection A of this section, and thereafter another candidate for the same office declines to make such a declaration, the candidate may, within fifteen (15) days after the city recorder provides public notice of such other candidate's decision not to make a declaration, void his or her declaration.

2. If a candidate has made the declaration described in subsection A of this section, and thereafter such candidate determines that a person is making independent expenditures in opposition to the candidate's candidacy, the candidate may, at any time after making such determination, by a written document provided to the city recorder, void his or her declaration.

3. If a candidate for an office has declined to make the declaration described in subsection A of this section, and thereafter another candidate for the same office makes such a declaration, within fifteen (15) days after the city recorder provides public notice of such other candidate's declaration the candidate may, unless he or she has already exceeded the contribution or expenditure limit, make such a declaration.

F. Publicity By City: Within forty eight (48) hours after any candidate either makes a declaration or signs a written statement declining to make such a declaration pursuant to subsection A of this section, the city recorder shall make available to the public a report stating whether or not such candidate made such a declaration. The city recorder shall also promptly make available to the public: 1) any reversal of a declaration to exceed or not to exceed the contribution or expenditure limits set forth in subsection A of this section, other than a reversal pursuant to subsection E1 of this section; and 2) any violation of a declaration entered into pursuant to subsection A of this section. (Ord. 1-01 § 2, 2001: Ord. 77-98 § 1, 1998)

## 2.46.090: FINANCIAL REPORTING:

A. Personal Campaign Committees:

1. Each personal campaign committee shall file with the city recorder a campaign finance statement containing the information required in this section, on the following dates:

a. June 1 of any election year;

b. August 1 of any election year;

c. Except as provided in subsection A2 of this section, seven (7) days prior to the date of any general or primary election conducted by the city;

d. Not later than thirty (30) days after the date of the general election; and

e. On February 15 of every year unless a termination report has been filed with the city recorder as provided by subsection A8 of this section or its successor subsection.

Notwithstanding the foregoing provisions of this subsection A1, the personal campaign committee for a candidate shall be required to file a campaign finance statement on the dates specified in this subsection only during an election year in which the elective office that such candidate seeks is open for election.

2. The personal campaign committee for each candidate who is eliminated at a primary election shall file with the city recorder a campaign finance statement not later than thirty (30) days after the date of the primary election. Personal campaign committees for candidates who lose at a primary election need not file a campaign finance statement seven (7) days prior to the general election pursuant to subsection A1c of this section.

3. During the seven (7) day period before any election, each personal campaign committee shall file with the city recorder a verified report of each contribution over five hundred dollars ($500.00) within twenty four (24) hours after receipt of each such contribution. Such report shall contain the information required by subsection A4b(2)(A) of this section.

4. Each campaign finance statement shall:

a. Contain a summary of contributions and expenditures reported in previously filed campaign finance statements during the calendar year in which the statement is due;

b. Except as provided in subsection A4c of this section:

(1) Report all of the committee's or candidate's itemized and total:

(A) Contributions during the election cycle received before the close of the reporting date; and

(B) Expenditures during the election cycle made through the close of the reporting date; and

(2) Identify:

(A) For each contribution in excess of fifty dollars ($50.00), the amount of the contribution, the name and address of the donor, and the date the contribution was made;

(B) The aggregate total of all contributions that individually do not exceed fifty dollars ($50.00); and

(C) For each expenditure, the amount of the expenditure, the name of the recipient of the expenditure, the date the expenditure was made, and the purpose of the expenditure; or

c. Report the total amount of all contributions and expenditures if the committee or candidate receives five hundred dollars ($500.00) or less in contributions and spends five hundred dollars ($500.00) or less on the candidate's campaign.

5. Each campaign finance statement shall contain a statement by the secretary or by the chairperson of the committee to the effect that:

a. All contributions and expenditures not theretofore reported have been reported;

b. There are no bills or obligations outstanding and unpaid except as set forth in the campaign finance statement;

c. The campaign finance statement represents a good faith effort by the committee to comply with the provisions of this chapter; and

d. The information contained in the campaign finance statement is, to the best knowledge of the committee, true, accurate and complete.

6. In the event the personal campaign committee had no contributions or expenditures during the calendar year, the campaign finance statement shall state that no contributions were received and no expenditures were made during that calendar year.

7. Within thirty (30) days after distribution of any surplus campaign funds and/or the payment or compromise of all debts, a personal campaign committee shall file a campaign finance statement with the city recorder. The campaign finance statement shall state the amount of such surplus and the name and address of any recipient of such surplus, and shall identify any debt which was paid or compromised and the name and address of any person to whom any debt was paid or compromised.

8. In the event a personal campaign committee has permanently ceased operations, the secretary or chairperson of the committee shall file a termination report with the city recorder certifying that the personal campaign committee has permanently ceased operations.

9. The requirements of this chapter shall not be construed to abrogate the necessity of making any other reports or disclosure required by law.

10. With respect to contributions received and expenditures made prior to the effective date hereof, the first campaign finance statement filed pursuant to this section need only contain the information required by this section to the extent such information is known by the personal campaign committee that files such campaign finance statement.

B. Political Committees:

1. Each political committee that has received contributions or made expenditures that total at least seven hundred fifty dollars ($750.00) during a calendar year shall file a verified financial statement with the city recorder on:

a. June 1;

b. August 1;

c. Seven (7) days before any primary or general election conducted by the city; and

d. January 31, reporting contributions and expenditures as of December 31 of the previous year.

2. The political committee shall report:

a. A detailed listing of all contributions received and expenditures made since the filing of the last financial statement; and

b. For financial statements filed on August 1 and before the general election, all contributions and expenditures as of three (3) days before the required filing date of the financial statement.

3. If the political committee had no contributions or expenditures since the filing of the last financial statement, the financial statement shall state that no contributions were received and no expenditures were made since the filing of the last financial statement.

4. The verified financial statement shall include:

a. The name and address of any individual that makes a contribution to the reporting political committee, and the amount of the contribution;

b. The identification of any publicly identified class of individuals that makes a contribution to the reporting political committee, and the amount of the contribution;

c. The name and address of any political committee, group, or entity that makes a contribution to the reporting political committee, and the amount of the contribution;

d. The name and address of each candidate, personal campaign committee, party committee, or political committee that received an expenditure from the reporting political committee, and the amount of each expenditure;

e. The total amount of contributions received and expenditures disbursed by the reporting political committee;

f. A statement by the political committee's secretary or chairperson to the effect that:

(1) All contributions and expenditures not theretofore reported have been reported;

(2) There are no bills or obligations outstanding and unpaid except as set forth in the financial statement;

(3) The financial statement represents a good faith effort by the committee to comply with the provisions of this chapter; and

(4) The information contained in the financial statement is, to the best knowledge of the committee, true, accurate and complete; and

g. A summary page in the form required by the city recorder that identifies:

(1) Beginning balance;

(2) Total contributions during the period since the last financial statement;

(3) Total contributions to date;

(4) Total expenditures during the period since the last financial statement; and

(5) Total expenditures to date.

5. Contributions received by a political committee that have a value of fifty dollars ($50.00) or less need not be reported individually, but shall be listed in the financial as an aggregate total.

6. Two (2) or more contributions from the same source that have an aggregate total of more than fifty dollars ($50.00) may not be reported in the aggregate, but shall be reported separately.

7. Within thirty (30) days after distribution of any surplus campaign funds and/or the payment or compromise of all debts, a political committee shall file a verified financial statement with the city recorder. The financial statement shall state the amount of such surplus and the name and address of any recipient of such surplus, and shall identify any debt that was paid or compromised and the name and address of any person to whom any debt was paid or compromised.

8. In the event a political committee has permanently ceased operations, the secretary or chairperson of the committee shall file a termination report with the city recorder certifying that the political committee has permanently ceased operations.

9. The requirements of this chapter shall not be construed to abrogate the necessity of making any other reports or disclosure required by law.

10. With respect to contributions received and expenditures made prior to the effective date hereof, the first financial statement filed pursuant to this section need only contain the information required by this section to the extent such information is known by the political committee that files such financial statement.

C. Filing Time: A campaign finance statement or other report required under this chapter shall be considered filed if it is received by the city recorder or the recorder's office by five o'clock (5:00) P.M. on the date it is due. (Ord. 15-07 § 5, 2007: Ord. 56-05 § 3, 2005: Ord. 24-05 § 3, 2005: Ord. 1-01 § 2, 2000: Ord. 77-98 § 1, 1998)

## 2.46.100: FORMS OF STATEMENTS ON FILE WITH CITY RECORDER; AVAILABLE FOR PUBLIC INSPECTION; NOTICE FROM CITY RECORDER:

A. The city recorder shall prepare forms for all campaign finance and financial statements required by this chapter and shall furnish copies thereof, together with a copy of this chapter, to the secretary of every political committee or personal campaign committee, to every candidate, and to all others who make a request therefor.

B. 1. At the time a candidate files a declaration of candidacy and again fourteen (14) days before each election, the city recorder shall inform the candidate in writing or, if requested by the reporting entity, by electronic mail:

a. Of the provision of this chapter governing the disclosure of campaign contributions and expenditures; and

b. The dates when the candidate's campaign finance statements are required to be filed.

c. That if the campaign finance statement due seven (7) days before the general election is not received in the city recorder's office by five o'clock (5:00) P.M. on the due date due, if practicable the candidate's name will be removed from the ballot by blocking out the candidate's name before the ballots are delivered to the voters, or, if removing the candidate's name is not practicable, the voters will be informed that the candidate has been disqualified and that any votes cast for the candidate will not be counted.

d. That if any campaign finance statement or verified financial statement is not filed when due, the entity or candidate may be guilty of an infraction.

C. All statements and reports required by this chapter shall be available for public inspection and copying at the office of the city recorder during normal business hours and no later than one business day after the statement or report is filed.

D. The city recorder shall inspect all campaign finance statements, verified financial statements, and reports within one day after the same are filed. In addition, the city recorder shall inspect any filed campaign finance statement, verified financial statement, or report within one day after receiving a complaint from a candidate or a voter that such campaign finance statement, verified financial statement, or report does not comply with this chapter. If it appears to the city recorder that any political committee or personal campaign committee has failed to file a campaign finance statement, verified financial statement, or report required by this chapter, or that a campaign finance statement, verified filed financial statement, or report does not comply with this chapter, the city recorder shall notify in writing the delinquent political committee or personal campaign committee, requesting compliance with this chapter. Such notification may be given by United States mail, hand delivery, facsimile transmission, or overnight delivery service. (Ord. 24-05 § 4, 2005: Ord. 1-01 § 2, 2000: Ord. 77-98 § 1, 1998)

## 2.46.110: FAILURE TO FILE FINANCIAL STATEMENTS:

A. If a candidate or the candidate's personal campaign committee fails to file a campaign finance statement due seven (7) days before the general election, the city recorder shall inform the appropriate election official who:

1. Shall:

a. If practicable, remove the candidate's name from the ballot by blacking out the candidate's name before the ballots are delivered to voters; or

b. If removing the candidate's name from the ballot is not practicable, inform the voters by any practicable method that the candidate has been disqualified and that votes cast for the candidate will not be counted; and

2. May not count any votes for that candidate.

B. Notwithstanding subsection A of this section, a candidate who files a campaign finance statement seven (7) days before a general election is not disqualified if:

1. The statement details accurately and completely the information required under subsection 2.46.090A4 of this chapter, except for inadvertent omissions or insignificant errors or inaccuracies; and

2. The omissions, errors, or inaccuracies are corrected in an amended report or in the next scheduled report.

C. If a political committee or personal campaign committee or person fails to file or correct a financial statement within two (2) days after receiving notice under subsection

2.46.100D of this chapter, or its successor, or if any filed financial statement or report discloses a violation of this chapter, the city recorder shall notify the city attorney and shall furnish the city attorney copies of all papers and other information in the city recorder's possession relating thereto. (Ord. 24-05 § 5, 2005: Ord. 1-01 § 2, 2001: Ord. 77-98 § 1, 1998)

### 2.46.120: UNLAWFUL ACTS DESIGNATED; VIOLATION; PENALTY:

A. It shall be an infraction, punishable as provided by title 1, chapter 1.12 of this code, or its successor: 1) for any person to fail to file when due any required campaign finance statement, verified financial statement, or report specified in this chapter or to knowingly or wilfully falsify or omit any information required by any of the provisions of this chapter, or 2) for any candidate, either personally or through a personal campaign committee, to receive a contribution in violation of the limits set forth in subsections 2.46.050A and B of this chapter.

B. The city recorder shall monitor compliance with this chapter, or its successor, and shall report any violations thereof to the mayor, the city council, and the city attorney.

C. A private party in interest may bring a civil action in district court to enforce the provisions of this chapter. In accordance with section 10-3-208, Utah Code Annotated, in such a civil action, the court may award costs and attorney fees as to the prevailing party. (Ord. 24-05 § 6, 2005: Ord. 1-01 § 2, 2001: Ord. 77-98 § 1, 1998)

### 2.46.130: FORM OF FILINGS; ELECTRONIC FILING AND RECORD STORAGE:

Any filing of statements, reports or other information with the city pursuant to this chapter may be made either in written form on paper or by electronic media consistent with the city's electronic filing system. The city shall retain any filed statements, reports or other information pursuant to this chapter in accordance with its adopted retention schedule. (Ord. 24-05 § 7, 2005: Ord. 77-98 § 1, 1998)

### 2.46.140: COMPUTATION OF TIME:

In computing any period of time prescribed or allowed by this chapter, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, a Sunday, or a legal holiday, in which event the period runs until the end of the next day which is not a Saturday, a Sunday, or a legal holiday. When the period of time prescribed or allowed is ten (10) days or less, intermediate Saturdays, Sundays, and legal holidays shall be excluded from the computation. (Ord. 56-05 § 5, 2005: Ord. 77-98 § 1, 1998)

# CHAPTER 2.48

# POLITICAL COERCION

### 2.48.010: COERCING CONTRIBUTIONS UNLAWFUL:

It is unlawful for any elected official, or any representative of an elected official, of the city to in any manner intimidate or coerce any officer or employee of the city to make, or refrain from making, any contribution in money or in services to any candidate for political office, city or otherwise, or to any political party. (Prior code § 25-19-1)

### 2.48.020: DEDUCTION OF WAGES OR SALARY FOR POLITICAL PURPOSES UNLAWFUL:

It is unlawful for any officer or employee of the city to require or authorize the deduction from his or her wages or salary of any sum to be turned over to any other person or organization or political party to be used for political purposes. (Prior code § 25-19-2)

### 2.48.030: COERCING POLITICAL ACTIVITY OR INACTIVITY UNLAWFUL:

It is unlawful for any elected official, or any representative of any elected official, of the city, to in any manner intimidate or coerce an officer or employee of the city to engage, or refrain from engaging in any political activity on behalf of such official, or any other official, or on behalf of any political party. (Prior code § 25-19-3)

# CHAPTER 2.50
# BAIL COMMISSIONERS

### 2.50.010: APPOINTMENT; POWERS:

The mayor may appoint one or more discreet persons, to be known as bail commissioners, who shall have and exercise all the powers which are now, or hereafter may be, conferred by law upon justices of the peace or judges of the circuit court in respect to the fixing of bail of persons arrested within the corporate limits of the city for misdemeanors under the laws of the state, or for violation of this code, and to take, approve or declare forfeited any bail. Any person who has been ordered by any such bail commissioners to give bail may deposit the amount thereof in money with such bail commissioner. (Prior code § 30-2-1)

### 2.50.020: OATH AND BOND; FILING:

Commissioners appointed under this title shall serve at the pleasure of the mayor. Before entering upon their duties, bail commissioners shall take and subscribe an oath to faithfully and impartially discharge the duties of their office and shall give a bond to the city, with two (2) good and sufficient individual sureties, or with a single corporate surety, to

be approved by the mayor, which bond shall be in the sum of two thousand five hundred dollars ($2,500.00), conditioned on the faithful performance of their duties as bail commissioners, and that they will well and truly account for and turn over to the clerk of the circuit court, or to the city treasurer, as the case may be, at such times as may be designated by the mayor, all monies, bonds, property and records coming into their hands as such commissioners, and that, at the expiration of their term of office, they will surrender and turn over as aforesaid all funds, bonds, property, papers and records pertaining to their respective offices, then in their hands. Suit upon any such bond may be brought by the city or person injured. The oaths and bonds of said commissioners shall be filed with the city recorder. (Prior code § 30-2-3)

### 2.50.030: MONIES; COLLECTION AND ACCOUNTING:

In addition to their duties in respect to the fixing of bail, bail commissioners shall have power to collect and receipt for monies tendered in payment of the fine of any person serving sentence in default of the payment of such fine. All monies collected by bail commissioners shall be accounted for daily to the clerk of the circuit court. (Prior code § 30-2-2)

# CHAPTER 2.51
# MILITARY LEAVES OF ABSENCE

### 2.51.010: BENEFITS WHEN AN EMPLOYEE DEPARTS ON MILITARY LEAVE[1]:

A. Use Of Vacation And Personal Leave Time: A full time employee who requests a military leave of absence from city employment and who receives orders to serve with a uniformed service may request compensation for all or any portion of the employee's unused vacation and personal leave time accrued prior to departing for military service. Upon request by a full time employee taking a military leave of absence, the city will compensate the employee based on the employee's hourly rate of pay for each hour of unused vacation time. Upon request by a full time employee taking a military leave of absence, the city will compensate the employee at a rate of fifty percent (50%) of the hourly rate for each hour of unused personal leave time.

B. Use Of Unused Holiday Time: A full time employee who requests a military leave of absence from city employment and who receives orders to serve with a uniformed service may request compensation for all or any portion of the employee's unused holiday time accrued within the twelve (12) months prior to departing for a military leave of absence. Upon request the city shall compensate the employee based on the employee's hourly rate of pay for each hour of holiday time requested.

C. Life Insurance And Healthcare Benefits: A full time employee who requests a military leave of absence from city employment and who receives orders to serve with a uniformed service may, as the employee departs, request limited continued enrollment in the city's healthcare or life insurance programs. The city will pay the premium for the employee's basic term life insurance benefit, to allow continuous coverage while the employee is on military leave. The employee shall be responsible for all other premium costs of such programs for the period the employee is in an unpaid status on a military leave of absence. (Ord. 22-03 § 1, 2003)

## 2.51.020: BENEFITS WHILE AN EMPLOYEE IS ON MILITARY LEAVE[2]:

A. Military Leave Pay: A full time employee who requests a military leave of absence from city employment and who receives orders to serve with a uniformed service shall receive his or her military leave pay, as provided in the relevant labor agreement or compensation plan. Such military leave pay shall be paid each year to a full time employee on a military leave of absence as set forth in the relevant labor agreement or compensation plan. In the event an employee dies while on a military leave of absence, the city shall pay any unpaid military leave pay to the employee's beneficiary or beneficiaries.

B. Benefits During A Military Leave Of Absence: Except for benefits under section 2.51.010 of this chapter and subsection A of this section, an employee on a military leave of absence is not eligible for any other city compensation during his or her service with the uniformed services. (Ord. 22-03 § 1, 2003)

## 2.51.030: BENEFITS UPON REEMPLOYMENT[3]:

A. Benefits Set Forth Under Federal And State Law: Full time employees returning from a military leave of absence shall receive all benefits required by federal and state law, including city contributions to the employee's pension benefit plans for the period of time the employee served with a uniformed service.

B. Additional Benefits For Employee Returning From Military Leaves Of Absence: Full time employees who return from a military leave of absence and who qualify for reemployment benefits under federal law shall receive the following additional benefits. The city shall calculate the amount of vacation, holiday, sick leave, and personal leave hours the employee would have earned had the employee remained with the city for the period of one year from the date the military service began, prorated if the employee's military leave of absence is less than one year. After calculation, the resulting additional vacation, sick leave, holiday, or personal leave time will be added to the employee's leave accounts upon reemployment with the city. At the discretion of the mayor, the city may within a reasonable period of time after an employee returns from a military leave of absence compensate the employee for the value of the employee's vacation and holiday leave that is added to the employee's leave account. If the addition of these added leaves to an employee's leave accounts would cause the employee, by labor agreement or city policy, to forfeit or lose any portion of the added leave the employee shall have at least one additional year after his or her return from a military leave of absence to use such added leave before being subject to the forfeit or loss provisions of applicable policy or labor agreement. In the event an employee dies while on a military leave of absence, the city shall pay the value of any previously accrued and unused vacation and holiday leave, plus the additional vacation and holiday leave the city would have added to the employee's leave accounts upon a return to city employment at the time of the employee's death, to the employee's beneficiary or beneficiaries. (Ord. 22-03 § 1, 2003)

**Footnotes** - Click any footnote link to go back to its reference.

Footnote 1: Those benefits not required by federal law or limited by insurance providers shall be made retroactive to January 1, 2003.

Footnote 2: Those benefits not required by federal law or limited by insurance providers shall be made retroactive to January 1, 2003.

Footnote 3: Those benefits not required by federal law or limited by insurance providers shall be made retroactive to January 1, 2003.

# CHAPTER 2.52

# PERSONNEL SYSTEM

## Article I. Compensation And Staffing

### 2.52.010: COMPENSATION PROGRAM ADOPTED:

A. The amended compensation plan for Salt Lake City Corporation 300 series and executive employees and elected officials is adopted as the official compensation plan for said employees (hereinafter referred to as the "plan"). Three (3) copies of said plan or any amendment thereto shall be maintained in the city recorder's office for public inspection.

B. The plan herein adopted and any amendment or modification thereto shall not apply to employees whose employment terminated prior to publication of the ordinance codified in this chapter or to the adoption of any amendment or modification to the plan. (Ord. 7-94 § 1, 1994: Ord. 78-93 § 1, 1993: Ord. 37-93 § 1, 1993: Ord. 12-93 § 1, 1993: Ord. 81-92 § 1, 1992: Ord. 33-92 § 1, 1992: Ord. 23-92 § 1, 1992: Ord. 1-92 §1, 1992: Ord. 54-91 § 1, 1991: Ord. 39-91 § 1, 1991: Ord. 52-90 § 1, 1990: Ord. 41-89 § 1, 1989: Ord. 35-89 § 1, 1989: Ord. 44-88 § 1, 1988: Ord. 38-87 § 1, 1987: Ord. 62-86 § 1, 1986: Ord. 45-85 § 1, 1985: prior code § 25-1-1)

### 2.52.020: STAFFING DOCUMENT ADOPTED:

A. An employment staffing document shall be adopted as an element of the city's budget, or otherwise, as the city council may require. Three (3) copies of such document shall be filed for use and examination of the public in the office of the recorder of the city prior to its adoption.

B. Without the express approval of the city council:

1. The number of persons on the authorized payroll of the city shall not exceed the total number of positions approved in the employment staffing document; and

2. During the fiscal year for which the staffing document is applicable, each of the approved positions shall not exceed the general job classifications approved by the council for that position. (Ord. 45-01 § 4, 2001: Ord. 51-86 § 1, 1986: Ord. 44-85 § 1, 1985: Ord. 45-84 § 1, 1984: prior code § 25-1-2)

## Article II. Rules And Regulations

### 2.52.030: SCOPE OF CHAPTER:

It is the purpose of this chapter to establish uniform rules and regulations governing personnel administration in all departments of city government; provided, however, that the provisions of this chapter shall not apply to elective officials, their administrative assistants, their personal secretaries, heads of departments, nor to civil service personnel of the police and fire departments. (Ord. 1-06 § 5, 2005: prior code § 25-11-1)

## 2.52.040: STATEMENT OF POLICY:

No employee covered by this chapter shall be discharged or transferred to a position with less remuneration because of such employee's politics or religious belief, or incident to, or through changes, either in the elective officers, governing body or heads of departments. (Prior code § 25-11-2)

## 2.52.050: SALARY PAYMENT:

All regular full time employees shall be paid monthly salaries. Part time and seasonal employees shall be paid on an hourly basis. No employee on an hourly basis shall receive a wage in excess of the minimum rate of pay for a similar job under the wage structure for regular full time employees. (Prior code § 25-11-13)

## 2.52.060: PROBATIONARY PERIOD:

All persons employed by the city in regular full time employment shall be deemed to be on probation for at least one hundred eighty (180) days following the date of initial employment; except for civil service employees whose probationary period may be established by the Salt Lake City civil service commission. During such period, the employee shall be subject to immediate discharge or dismissal with or without cause, and during such period, the employee shall have no formal grievance rights, but in all other respects, such employee during such period shall be considered a regular, full time employee of the city. For vacation purposes, time worked during a probationary period will be counted towards vacation eligibility. (Ord. 1-06 § 5, 2005: prior code § 25-11-11)

## 2.52.070: SENIORITY:

Seniority according to these rules shall consist of the continuous full time paid service of the employee with the city. An employee's earned seniority shall not be lost because of absence due to illness, authorized leaves of absence or temporary layoffs. (Ord. 1-06 § 5, 2005: prior code § 25-11-14)

## 2.52.080: UNION MEMBERSHIP ALLOWED:

No employee shall be discriminated against because of affiliation or membership with any labor union, nor shall any employee be compelled, coerced or intimidated to join or refrain from joining any such organization. (Prior code § 25-11-7)

## 2.52.090: PROMOTIONS BY JOB BID:

A. Bid Policy: The purpose of the bid system provided under this chapter is to assure that qualified career service employees are given proper consideration when a position vacancy exists while avoiding the inefficiencies likely to result from advancing employees inexperienced, incompetent or otherwise lacking in employment skills.

B. Nonexecutive Level Bids:

1. When a department deems it advisable to fill a vacancy in a nonexecutive level position on a permanent basis, the department head shall request the human resource management office to post job bids at work locations within each department. The notice containing the vacant job title, pay range and requirements of the job, shall remain posted for five (5) working days during which time employees may bid for an appointment to fill the vacancy. The director of human resource management or recruiting representative shall review the job bids and applicants' personnel files, and certify all persons who meet minimum qualifications to the department head. Appointment to the vacancy shall be made from those qualified employees from the same department where the vacancy exists. If applicants from the department where the vacancy exists are not sufficiently competent or experienced, the department head shall select from qualified employees from other departments. If there are not suitable applicants from the other city departments, the department head may select from qualified hourly or seasonal employees. If no suitable applicants are selected under the foregoing procedures, the department head may fill the vacancy by a person outside of city employment.

2. Notification of position vacancies shall be posted under the foregoing procedure prior to recruitment outside of city employment except in the case of emergency or where it appears unlikely that the position will be filled by a qualified city employee.

C. Executive And Professional Level Bids: Job bids will be posted for five (5) working days for vacancies that exist in all executive and professional level positions and all eligible career service employees may bid on such vacant positions during that time period. However, the department head is not obligated to select anyone who is certified on the bidding list of eligibles for any executive or professional level vacancies.

D. Bids By Probationary Employees: All probationary employees newly hired under career service shall obtain authorization to bid in writing from their respective department heads before they can be considered for an appointment to fill other position vacancies. A copy of this authorization to bid shall be furnished to human resource management with the employee's job bid.

E. Recruitment Summary: Department heads shall furnish human resource management a written summary of general qualities lacking in city career service employees certified under the bid system which led to their request to post the vacancy for interested applicants not employed under the career service. This written summary by the department head shall be used for recruitment purposes only and be so designed as to assist human resource management to accurately recruit and screen applicants not employed under the career service.

F. Probationary Period: A successful applicant for a job bid shall be on probation for a period of not to exceed ninety (90) calendar days, during which time he or she shall receive the same rate of pay he was receiving when he or she entered on said job. The probationary period may be extended, if necessary, for training purposes if agreed upon by applicant and supervisor or department head. During the probationary period an applicant shall not be eligible to apply for any other job vacancy. If retained in the job applied for at the expiration of such probationary period, the applicant shall be ineligible to apply for another job opening for a period of nine (9) months, after the expiration of such probationary period, unless authorization to apply is given by his or her supervisor or department head. If the applicant is not retained in such job so applied for, after the expiration of the probationary period, he or she shall be returned to the position held prior to being accepted in the job applied for. (Amended during 1/88 supplement: prior code § 25-11-15)

## 2.52.100: BENEFITS FOR DEPENDENTS OF EMPLOYEES:

A. The city shall provide for the participation of an employee's spouse and children in the employee benefit programs for medical, dental, life, accidental death and dismemberment, long term care, home, auto, or legal insurance, and employee assistance and for the continuation of such benefits. In addition, an unmarried employee may designate one "adult designee" and the "child" or "children" of the adult designee. The option to designate an "adult designee" (and the adult designee's children) shall not apply to retirement benefit programs under the state retirement system, to benefits provided under the federal family medical leave act or to medical and dependent care flex

accounts programs established under federal law.

An "adult designee" is an individual who is not the spouse of the employee and meets all of the following criteria:

1. Has resided in the same domicile with the eligible employee for at least the past consecutive twelve (12) months and intends to remain so for a period of time;

2. Is at least eighteen (18) years of age; and

3. Is directly dependent upon, or interdependent with, the employee, sharing a common financial obligation. Acceptable documentation shall include:

a. Any internal revenue service ("IRS") form defining the adult designee as a dependent; or

b. Any three (3) of the following five (5) documents:

(1) A joint loan obligation, mortgage, lease, or joint ownership of a vehicle;

(2) A life insurance policy, retirement benefits account, or will designating the adult designee as beneficiary thereto, or will of the city employee or the adult designee which designates the other as executor;

(3) A mutually granted power of attorney for purposes of healthcare or financial management;

(4) Proof showing that the city employee or adult designee is authorized to sign for purposes of the other's bank or credit account;

(5) Proof of a joint bank or credit account.

4. The employee agrees to sign a notarized statement with attached documentation listed in subsection A3a or A3b of this section which shall be filed with human resources and shall attest to the authenticity and truthfulness of the documents and the statements as set forth in subsections A1 and A2 of this section.

B. Section 2.52.030 of this chapter notwithstanding, this section shall apply to elective officials, their administrative assistants, their personal secretaries, and heads of departments. This section shall also apply to civil service personnel of the police and fire departments through the applicable agreements of their certified bargaining representatives with the city. (Ord. 4-06 § 1, 2006)

## 2.52.115: COMPENSATION PLAN ADOPTED; 400 SERIES EMPLOYEES:

A. The compensation plan for Salt Lake City Corporation 400 series employees dated July 1, 1990, is adopted as the official compensation plan for said employees. Three (3) copies of said plan, or any amendment thereto, shall be maintained in the city recorder's office for public inspection. The provisions of said plan shall be effective under the terms thereof, commencing July 1, 1990, and ending June 30, 1991, except as they may be amended by the city council by resolution or ordinance, or upon approval of a memorandum of understanding between the city and the recognized employee bargaining unit prior to June 30, 1990.

B. The plan adopted in this section, and any amendment or modification thereto, shall not apply to employees whose employment terminated prior to the effective date of the ordinance codified herein, or to the adoption of any amendment or modification to the plan. (Ord. 51-90 § 2, 1990: Ord. 42-88 § 1, 1988: Ord. 52-87 § 1, 1987: Ord. 39-87 § 1, 1987: prior code § 25-1-1.3)

## 2.52.116: COMPENSATION PLAN ADOPTED; 500 SERIES EMPLOYEES:

A. The compensation plan for city corporation 500 series employees dated July 1, 1988, is hereby adopted as the official compensation plan for such employees. Three (3) copies of the plan, or any amendment thereto, shall be maintained in the city recorder's office for public inspection. The provisions of the plan shall be effective under the terms thereof, commencing July 1, 1988, and ending June 30, 1989, except as they may be amended by the city council or upon approval of a memorandum of understanding between the city and the recognized employee bargaining unit.

B. The plan herein adopted, and any amendment or modification thereto, shall not apply to employees whose employment terminated prior to the effective date hereof, or to the adoption of any amendment or modification to the plan. (Ord. 43-88 § 1, 1988)

## 2.52.117: COMPENSATION PLAN ADOPTED; 100 SERIES EMPLOYEES:

A. The compensation plan for city corporation 100 series employees dated July 1, 1990, is adopted as the official compensation plan for said employees. Three (3) copies of the plan, or any amendment thereto, shall be maintained in the city recorder's office for public inspection. The provisions of the plan shall be effective under the terms thereof, commencing July 1, 1990, and ending June 30, 1991, except as they may be amended by the city council or upon approval of a memorandum of understanding between the city and the recognized employee bargaining unit prior to June 30, 1990.

B. The plan adopted in this section, and any amendment or modification thereto, shall not apply to employees whose employment terminated prior to the effective date hereof, or to the adoption of any amendment or modification to the plan. (Ord. 49-90 § 2, 1990: Ord. 41-88 § 1, 1988)

## 2.52.118: COMPENSATION PLAN ADOPTED; 200 SERIES EMPLOYEES:

A. The compensation plan for city corporation 200 series employees dated July 1, 1990, is adopted as the official compensation plan for said employees. Three (3) copies of the plan, or any amendment thereto, shall be maintained in the city recorder's office for public inspection. The provisions of the plan shall be effective under the terms thereof, commencing July 1, 1990, and ending June 30, 1991, except as they may be amended by the city council or upon approval of a memorandum of understanding between the city and the recognized employee bargaining unit.

B. The plan adopted in this section, and any amendment or modification thereto, shall not apply to employees whose employment terminated prior to the effective date hereof, or to the adoption of any amendment or modification to the plan. (Ord. 50-90 § 2, 1990: Ord. 40-88 § 1, 1988)

## 2.52.120: LAYOFFS:

If the city concludes that it should reduce the number of city employees, it should attempt to reduce the impact of layoffs through reorganization, job restructuring or placement of employees in vacant positions. Employees will be laid off according to the provisions of any applicable memorandum of understanding or city policy or procedure. (Ord. 66-09 § 1, 2009)

### 2.52.130: DISCHARGE, SUSPENSION OR TRANSFER:

In all cases where any employee, except: a) those employees set forth in section 10-3-1105(2), Utah Code Annotated, 1953, or its successor, and b) at-will employees, is discharged, suspended for more than two (2) days without pay (2 shifts for employees who work shifts longer than 8 hours), or involuntarily transferred from one position to another with less remuneration, the employee shall have the right to appeal such action in accordance with sections 10-3-1105 and 10-3-1106, Utah Code Annotated, 1953, or its successor. (Ord. 62-05 § 2, 2005: prior code § 25-11-3)

### 2.52.140: GENERAL REEMPLOYMENT LISTS:

For each class of position the city shall maintain a general reemployment list, consisting of the names of persons who have occupied positions in such class in the classified service with permanent status and who have been separated from the service by resignation or otherwise without misconduct on their part, and have made written application to the city to have their names placed on such an appropriate reemployment list. Names shall be placed on reemployment lists in order of seniority of service. The duration of names on reemployment lists shall expire individually at the conclusion of one year unless extended by action of the city. But eligibility of persons on reemployment lists shall not be extended for a total period of more than three (3) years from their separation from the service. (Prior code § 25-11-17)

### 2.52.150: REMOVAL FROM LISTS:

The name of any person appearing on a reemployment list may be removed by the director of human resource management, if such person fails to respond to an offer of reemployment, if such person declines employment without reason satisfactory to the city, or if such person fails to appear within ten (10) days after being notified by first class mail at his or her last known address. In cases of such removal, the director of human resource management shall notify in writing the former employee affected at his or her last known address. The name of a person so removed may be reinstated only by the director of human resource management upon good cause. (Amended during 1/88 supplement: prior code § 25-11-18)

### 2.52.160: EMPLOYEE ORGANIZATIONS:

All employees in the career service shall have the right to organize, join and participate or to refuse to organize, join or participate in any employee organization without fear of penalty or reprisal. (Prior code § 25-11A-12)

## Article III. Unlawful Activities

## 2.52.170: EMPLOYEES NOT TO PARTICIPATE IN STRIKES:

Every employee of the city, by accepting or retaining his or her position under this chapter, agrees that he or she will not engage in, threaten to engage in, encourage or plan any strike, whether it be in the nature of an immediate walkout or resignation after notice. Any general or mass resignation shall be regarded as a strike when more than one-tenth ($^1/_{10}$) of the total employees in any city department having more than fifty (50) such employees resign within any period of thirty (30) days, and when more than one-fourth ($^1/_4$) of the total employees in any other city department resign within any period of thirty (30) days. Any violation of this section shall be grounds for removal from employment, forfeiture of all rights of seniority, and shall also be grounds for refusal of reinstatement or employment in any other city department. (Prior code § 25-11A-14)

## 2.52.180: EMPLOYEES UNDER CIVIL SERVICE NOT TO PARTICIPATE IN STRIKES:

A. No member of a city department under civil service may join, have membership in or affiliation with any organization or society, the object, purpose, practice or operation of which shall either directly or indirectly seek to interfere with or challenge the discipline or conduct of members of such departments or the authority of exclusive control of such departments by the lawfully constituted officers thereof, or that exact priority of allegiance of its members over that of such lawful authority.

B. Since the fire, health and police departments are maintained to protect the lives and property of the community in case of fire, law violation and other hazards, it is definitely understood that each person in each of such departments, by accepting or retaining his or her position, agrees that he or she will not engage in, threaten to engage in, encourage or plan any strike, whether it be the nature of an immediate walkout or resignation after notice. Any general or mass resignation or walkout will be regarded as a strike when more than one-tenth ($^1/_{10}$) of the total membership of either department resigns within any period of thirty (30) days. Any violation of this section shall be grounds for removal from position or employment, forfeiture of all rights of seniority and pensions and shall also be grounds for refusal of reinstatement or employment in any other city department. (Prior code § 25-1-9)

## 2.52.190: ACTS PROHIBITED:

A. No person shall wilfully make any false statement, certificate, mark, rating or report in regard to an employee's application, test, certification, evaluation or appointment held or made under the personnel system established, or in any manner commit any fraud or other act for the purpose of preventing a proper or impartial execution of the personnel system.

B. No person seeking employment or promotion shall give or pay any money or any other thing of value, or render services to any other person for, or on account of, or in connection with his or her test, appointment, proposed appointment, promotion, proposed promotion, or for any other advantage in a position of the employment with the city. (Prior code § 25-11A-9)

## 2.52.200: PROHIBITING EMPLOYMENT OF RELATIVES:

A. Definitions: For purposes of sections 2.52.210 through 2.52.240 of this chapter:

APPLICANT: An individual who has applied for an employment position with the city.

EMPLOYEE: Any elected official, person paid on an hourly or salaried basis by the city or a volunteer of the city. Independent contractors are not employees.

RELATIVE: A father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, grandparent, grandchild, half brother, half sister, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law. (Ord. 21-97 § 1, 1997: prior code § 25-11A-16)

## 2.52.210: RECOMMENDING OR HIRING RELATIVES PROHIBITED:

No city employee may hire or recommend the hiring of an applicant, who is also a relative to the employee, to any position of employment with the city, if the applicant will be directly supervised by the employee or the employee has direct authority to process, review or affect the salary or other compensation and benefits of the applicant, except as follows:

A. The applicant is subject to the civil service laws which cover employment in the police and fire departments; or

B. The applicant is an unpaid volunteer. (Ord. 21-97 § 1, 1997)

## 2.52.220: DIRECT SUPERVISION OR DIRECT INVOLVEMENT REGARDING COMPENSATION AND BENEFITS OF RELATIVES PROHIBITED:

A. Applicants/Employees: No applicant for a position of employment with the city and no employee may accept or retain employment or a position with the city if the applicant or employee will be under the direct supervision of a relative or a relative has direct authority to process, review or affect salary or other compensation and benefits of the applicant or employee except as follows:

1. The applicant or employee is subject to the civil service laws which cover employees in the police or fire departments; or

2. The applicant or employee is an unpaid volunteer.

B. Direct Supervision Of Relatives Or Direct Involvement Regarding Relatives' Compensation And Benefits: No employee may directly supervise another employee who is a relative or have direct authority to process, review or affect the salary or other compensation and benefits of an applicant or employee who is a relative except as follows:

1. The employee to be supervised or whose compensation may be affected is subject to the civil service laws which cover employment in the police and fire departments; or

2. The employee to be supervised or whose benefits may be affected is an unpaid volunteer. (Ord. 21-97 § 1, 1997)

## 2.52.230: RELATIVES INVOLVED IN CITY FINANCIAL CONTROL PROCEDURES:

Applicants or employees may not be hired, promoted or reassigned to a position with the city if the applicant or employee would, as a result of the hiring, promotion, or

reassignment, be directly involved in financial control procedures of the city with an employee who is a relative. (Ord. 21-97 § 1, 1997)

## 2.52.240: APPLICATIONS CONTAIN DISCLOSURE:

The application for employment or promotion or reassignment with the city shall require the disclosure of the relationship of the applicant to any employee of the city. (Ord. 21-97 § 1, 1997)

## 2.52.250: PROHIBITION AGAINST POLITICAL ACTIVITY:

A. No nonelected officer and no employee of the city shall hold elective or full time appointive public office during his or her employment except as an assigned part of that employment. This section shall not apply to voting district officers and delegates, members of the Utah state legislature, or other part time elective or appointive public office; provided, however, no nonelected officer and no employee shall hold the office of city council. No city employee or official shall solicit orally, or by letter, or be in any other manner concerned in obtaining any assessments, contributions, or services for any political party from any city employee.

B. Nothing contained in this chapter shall be construed to restrict the right of the employee to hold membership in, and support, a political party, to vote as he or she chooses, to express his or her personal opinions on all political subjects and candidates, to maintain political neutrality, and to attend political meetings after working hours; provided, no such actions shall unreasonably disrupt the operations of the city, undermine the authority of any city employee or officer, or destroy working relationships within the city.

C. Any nonelected officer and any employee who wishes to seek election to the Salt Lake City council, or to full time elective public office, may request and obtain a leave of absence without pay from city employment or use available vacation benefits: 1) between the primary election and the earlier of the general election for such office and the date the person ceases to be a candidate for that office, and 2) during the person's term of office on the city council or full time elective public office. Such a nonelected officer or employee who does not request a leave of absence remains subject to any applicable prohibition against the use of city time or equipment for political activity. (Ord. 49-09 § 1, 2009)

## 2.52.260: VIOLATION; PENALTY:

A. Violation of the provisions of this chapter shall be grounds for suspension or discharge.

B. Any person who has violated any provision under this chapter shall, for a period of five (5) years, be ineligible for employment with the city. If such person is an appointed officer or employee of the city government such person shall forfeit his or her office or position. (Prior code § 25-11A-10)

# CHAPTER 2.53
# EMPLOYMENT PRACTICES

## 2.53.010: PURPOSE:

The purpose of this chapter is to: a) prohibit employment practices and decisions relating to Salt Lake City government's classified career and civil service that are contrary to state and federal law; and b) require employment decisions regarding employees in these systems to be made based on merit, a job applicant's or employee's abilities and qualifications, or on other job related criteria. (Ord. 87-98 § 1, 1998)

## 2.53.020: COVERED EMPLOYEES AND APPLICANTS:

This chapter covers employment practices and decisions relating to Salt Lake City government's classified career and civil service systems. "Classified career and civil service systems" means those job positions in Salt Lake City government lawfully included in the classified career and civil service, as defined in title 10, chapter 3 of the Utah Code Annotated, the city ordinances and city policies enacted pursuant thereto. (Ord. 87-98 § 1, 1998)

## 2.53.030: PROHIBITED EMPLOYMENT DECISIONS AND PRACTICES:

A. Employment decisions and practices in Salt Lake City government's classified civil or career service systems that are contrary to state or federal law are prohibited.

B. Employment decisions and practices in Salt Lake City's classified career service and civil service system shall be based on job related criteria.

1. The term "job related criteria" as used in this chapter means those criteria necessary or desirable to perform successfully the job held or sought. The term includes the personal and professional attributes, qualifications, experience, character, interpersonal skills, education and training, and those qualifications and skills identified in a written job description.

2. The following are not "job related criteria" and shall not be used as a basis for an employment decision or disciplinary action: a) the status of having a lifestyle which is irrelevant to successful job performance; and b) the status of being in or outside of an adult interpersonal relationship or a family relationship.

3. Nothing in this section shall prevent the city from taking disciplinary action with respect to classified career service or civil service employees where there exists a reasonable nexus between an act or failure to act that: a) adversely affects job performance; b) disrupts the workplace; c) undermines the authority of management; d) impairs close working relationships essential to the efficiency of the workplace; or e) otherwise impedes a safe, efficient or effective work environment. (Ord. 87-98 § 1, 1998)

## 2.53.035: NONDISCRIMINATION IN CITY EMPLOYMENT:

A. Salt Lake City Corporation employees shall not discriminate against an otherwise qualified employee or applicant based on race, color, national origin, sex, religion, age, honorable or general service in the United States uniformed services, sexual orientation, or disability.

B. All city employees will be held accountable for maintaining a productive, nondiscriminatory work environment.

C. If they believe they have been victims of discrimination under this section, under city policy, or under federal guidelines, employees may file grievances with the city compliance officer in human resources or with the city attorney's office. Complaints will be promptly investigated. The complainant will be notified as soon as possible regarding the disposition of the complaint. (Ord. 5-07 § 1, 2007)

## 2.53.040: PERMITTED PRACTICES:

It is not a prohibited practice under this chapter to observe the terms and conditions of any bona fide employment benefit plan, such as a retirement, pension or insurance plan. (Ord. 87-98 § 1, 1998)

## 2.53.050: RETALIATION OR HARASSMENT:

Retaliation or harassment against a person because a person filed a claim or participated in an investigation under this chapter is prohibited. (Ord. 87-98 § 1, 1998)

## 2.53.060: REMEDIES AND RELIEF:

A. If there has been a violation of this chapter, corrective, curative, or preventive action shall be taken to ensure that violations of this chapter, similar to those found, will not recur.

B. If an applicant for a position or an employee in the Salt Lake City government's classified career and civil service systems has been the subject of an employment decision or practice done in violation of this chapter, the applicant or employee shall be provided relief, which may include the following:

1. The applicant may be offered the position the applicant would have occupied absent the violation or, if justified by the circumstances, a substantially equivalent position, unless the evidence indicates that the applicant would not have been selected even absent the violation;

2. Cancellation of an unwarranted employment action;

3. Restoration of the employee to the position the employee would have occupied absent the violation; and

4. Adverse matters relating to an employment decision or practice in violation of this chapter shall be expunged from the applicant's or employee's personnel records. (Ord. 87-98 § 1, 1998)

# CHAPTER 2.54
# CITY OWNED MOTOR VEHICLES

## 2.54.020: DESIGNATION OF OWNERSHIP; INSIGNIA REQUIRED:

All motor vehicles owned and operated by the city shall, in a conspicuous place on both sides of the vehicle, display an identification mark designating the vehicle as the property of the city, under conditions and as required by section 41-1a-407 of the Utah code. Nothing in this chapter shall be construed to require such a display on any vehicle exempt from such requirements under state law. (Ord. 54-06 § 1, 2006)

## 2.54.030: USE POLICY AND RESTRICTIONS:

A. Except as provided in subsection B of this section, no motor vehicle owned by the city may be taken home by any city employee except under the following circumstances:

1. Authorization to regularly take home a city owned vehicle is granted by the department director and approved by the mayor, the mayor's chief of staff or his or her designee based on a demonstrated need for such vehicle to be taken home to serve the public interest; or

2. Due to an isolated incident of use when, because of the lateness of the hour or other peculiar circumstances, it is impractical or impossible to return such vehicle to city custody at the end of a duty shift.

B. Authorization to regularly take home a city owned vehicle may be granted to a full time employee for a "demonstrated need" based on at least one of the following criteria:

1. The employee has been designated as the director of a city department.

2. The vehicle is assigned to a sworn and certified law enforcement officer of the Salt Lake City police department or an employee of the Salt Lake City fire department (in either case, a "public safety officer"), pursuant to their department's take home car program requirements. For public safety officers who live within Salt Lake City, off duty use of the vehicle is available within Salt Lake City. For public safety officers who live outside Salt Lake City: a) off duty use of the vehicle is available only while the officer is already within Salt Lake City on official city business, and b) limited personal use of the vehicle is allowed outside Salt Lake City only when incidental to the officer's commute to or from his or her residence. Travel to and from secondary employment in a city vehicle is prohibited except with respect to police officers and in that case only if the secondary employer pays a fuel surcharge of six dollars ($6.00) per work shift of the police officer. The amount of personal use shall be established by police department or fire department policy, as the case may be, and shall be a reasonable amount that, as described in that policy, shall not accumulate excessive miles on the vehicle. Fleet management shall provide to the police chief and the fire chief a monthly report detailing usage and mileage of city vehicles, thus enabling the police chief and the fire chief to monitor vehicle usage and to determine what constitutes a reasonable accumulation of miles on vehicles.

3. The employee must respond to at least five (5) emergency situations or callbacks to work per month.

4. The nature of the employee's work requires immediate response to emergency situations, regardless of frequency, that require the use of specific safety or emergency equipment that cannot be reasonably carried in the employee's personal vehicle.

C. 1. Employees who have a demonstrated need as set forth in subsection B of this section may use city owned motor vehicles on a voluntary basis to travel to and from their homes only with the knowledge and consent of the appropriate department head, and only if such employees, beginning October 1, 2006, make biweekly payments to the city for such use according to the following fee schedule:

| **Distance (In Miles) From The Intersection Of I-80 And Redwood Road** | **Biweekly Payment** |
|---|---|
| Public safety employees who live in the city | $ 0 .00 |
| Employees (other than public safety employees) who live in the city | 0 .00 |
| 5 or less | 10 .40 |
| 10 or less | 20 .80 |
| 15 or less | 31 .20 |
| 20 or less | 41 .60 |
| 25 or less | 52 .00 |
| 30 or less | 62 .40 |
| 35 or less | 72 .80 |
| More than 35 | 72 .80 |

The city council shall reevaluate the fee schedule each year in conjunction with its adoption of the annual city budget. For employees whose use of vehicles is grandfathered pursuant to subsection D of this section, the biweekly fee shall increase by twenty percent (20%) in the third year of the grandfather period, by an additional twenty percent (20%) in the fourth year of the grandfather period, and by an additional twenty percent (20%) in the fifth year of the grandfather period. Prior to October 1, 2006, employees who use city owned motor vehicles as described in this subsection C shall make payment to the city according to the written fee schedule for such use adopted by the mayor or the mayor's designee that was in effect in July 2006. Notwithstanding anything herein to the contrary, department heads, including the chief of the police department and the chief of the fire department, shall not be required to pay the fees imposed by this subsection C.

2. The mayor shall, by written policy, set forth liability insurance coverage to such employees, which coverage shall be not less than two hundred thousand dollars ($200,000.00) per incident, shall cover bodily injury, death, and property damage and shall be in addition to that required by Utah code sections 31A-22-304 and 63G-7-802.

D. Except as otherwise provided in this subsection, under no circumstances shall a city owned vehicle be authorized for take home use for an employee who resides farther than thirty five (35) miles from the intersection of I-80 and Redwood Road, regardless of the department in which the employee is employed. Public safety officers qualifying for a take home vehicle as of August 1, 2006, will be grandfathered from this limitation for a period of five (5) years beginning August 1, 2006.

E. Except as provided in subsection B2 of this section, under no circumstances shall a city vehicle be used for any purpose other than city business, to promote a city interest, or for any use authorized by the mayor or the mayor's designee.

F. The distance of an employee's residence from the intersection of I-80 and Redwood Road may be established by evidence generated by any commonly available internet or computer software program that estimates distances using driving directions. An employee who disagrees with the determination of the city regarding that distance calculation may appeal that determination to the employee's department head or the department head's designee, pursuant to a process established by departmental policy. Any department's policy shall require the employee to: 1) provide documentation supporting any disagreement with the distance determination of the city, and 2) describe any action taken by the department regarding the matter. The department shall maintain records regarding the appeal and shall make those records available for audit purposes. (Ord. 39-10, 2010: Ord. 33-09 § 1, 2009)

## 2.54.040: MAINTENANCE AND UPKEEP:

A. It shall be the duty and responsibility of the driver or operator of a city vehicle to see that it is properly serviced, maintained, and cleaned. This includes, but is not limited to, having the appropriate servicing performed on the vehicle at all designated intervals as set forth by the public services department. A sticker will be affixed to the vehicle in a conspicuous place indicating time of usage and service due for the vehicle.

B. If the driver or operator of the city vehicle fails to have the vehicle properly serviced or maintained as prescribed by the public services department within ten (10) working days or two hundred (200) miles of the required service or maintenance time, such failure may result in loss of use of the vehicle to the user or department as well as possible disciplinary action. (Ord. 54-06 § 1, 2006)

## 2.54.050: ACCIDENT INVOLVEMENT OR DAMAGE REPORTING REQUIREMENTS:

A. If a city vehicle is involved in an accident or is otherwise damaged, the police department and public services department must be notified immediately. A written report shall be prepared by the driver or operator of such vehicle relating to the accident or damage on forms prescribed by the public services department, and forwarded to the public services department. Additional copies shall be made available to all departments requiring a copy of such report.

B. If the driver or operator of the city vehicle fails to submit the report to the public services department within a reasonable period of time, the city department which has been assigned the vehicle may lose the use of it, and the driver or operator may be subject to disciplinary action.

C. In the event any person is injured in an accident involving the operation of a city vehicle, the driver or operator of the vehicle must notify the city attorney and risk manager. (Ord. 54-06 § 1, 2006)

## 2.54.060: VIOLATION; PENALTY:

Any violation of the provisions of this chapter shall be grounds for suspension or dismissal from employment, but shall not be considered a criminal offense. (Ord. 54-06 § 1, 2006)

# CHAPTER 2.56
# CITY OWNED PERSONAL PROPERTY

## 2.56.010: CHIEF PROCUREMENT OFFICER; DUTIES:

It shall be the duty of the city "chief procurement officer", as defined by section 3.24.030 of this code, or its successor section, to maintain a complete record and valuation of all permanent personal property belonging to the city, and he/she shall, subject to the approval of the director of finance, devise appropriate methods and prescribe the forms of records to be kept and the operating procedure to be followed in maintaining the proper accounts pertaining thereto. He/she shall also keep a record of all new or used permanent personal property acquired by the city and of its disposition. (Amended during 1/88 supplement: Ord. 88-86 § 62, 1986: prior code § 33-2-1)

## 2.56.020: PROPERTY RECORDS; VERIFICATION AND REPORTS:

Within the first quarter of each fiscal year and at such other times as it is deemed advisable or necessary, the proper accounting for personal property shall be verified by means of a physical inventory of all personal property which shall be checked against the personal property records. The director of finance shall establish, in writing, internal guidelines which shall be available to all departments stating the month in which the annual inventory shall be conducted. A report of all items which are unaccounted for by physical check shall be compiled for each department, together with a statement of observations regarding the orderliness and adequacy of storage facilities and the care and use of property. A copy of this report shall also be submitted to the director of finance. (Amended during 1/88 supplement: Ord. 88-86 § 62, 1986: prior code § 33-2-2)

## 2.56.030: CITY PROPERTY SUBJECT TO INSPECTION:

The chief procurement officer or his/her duly authorized agent shall have access to all offices, laboratories, storerooms, shops, lockers, storage cabinets and all other places where property belonging to the city is kept, for the purpose of locating, inspecting and labeling city property. (Ord. 88-86 § 62, 1986: prior code § 33-2-3)

## 2.56.040: DEPARTMENTAL STAFF TO ASSIST IN VERIFICATION OF RECORDS:

It shall be the duty of the department heads and designated employees to cooperate with the designated property agents in the location, identification, marking and maintaining required property records for new acquisitions and during periodic spot audits. (Ord. 88-86 § 62, 1986: prior code § 33-2-4)

## 2.56.050: DEPARTMENT HEADS RESPONSIBLE FOR PROPERTY:

Each department head shall be held responsible for the receipt, proper custody, appropriate labeling, use, and disposition of all personal property purchased for or used by his or

her department, in accordance with the property accounting procedure. He or she shall be held responsible for such exercise of due care and proper use of property within his or her department as is consistent with the powers of his or her office and with city facilities available for its protection. Department heads may designate members of their department to assist them in caring for departmental property. (Ord. 88-86 § 62, 1986: prior code § 33-2-9)

## 2.56.060: PERSONAL PROPERTY; DECLARATION OF OWNERSHIP:

All persons who, for their personal use and convenience, bring personally owned property to their place of employment, shall declare to their respective department heads the ownership of such property and shall file with the department head a statement of all such personally owned property used on the premises. In addition, the ownership of such personally owned property should be clearly indicated on each item. The record kept on file with the department head, together with the name of the owner appearing on the item, shall be deemed sufficient evidence to overcome the presumption that all property on the premises is property of the city. Small personal effects which are not usually provided by the city and which are not likely to be confused with similar items belonging to the city shall not be subject to this regulation. (Ord. 88-86 § 62, 1986: prior code § 33-2-12)

## 2.56.070: PERSONAL PROPERTY; IDENTIFICATION AND CONTROL:

The use on the premises of personal property belonging personally to employees of the city, though not prohibited, shall nevertheless be subject to regulation in an effort to facilitate identification of personally owned property as distinguished from city property and in order to allow for the movement of personally owned property to and from the premises in contradistinction to such movement of city property, which is prohibited. (Ord. 88-86 § 62, 1986: prior code § 33-2-11)

## 2.56.080: PERSONAL PROPERTY; INSURANCE PROTECTION:

The city, except by written agreement, will not provide insurance protection against loss of personally owned property, nor will the city be otherwise responsible for loss in case of fire, theft or destruction; nor will the city be responsible for the use or misuse of personally owned property by its officers or employees. (Ord. 88-86 § 62, 1986: prior code § 33-2-13)

## 2.56.090: FIRE DEPARTMENT PROPERTY; AUTHORIZATION AND LOAN PROCEDURES:

Notwithstanding any provision of this chapter to the contrary, the fire department is authorized to lend items of personal property belonging to the city when such loan is made for the purpose of saving or preserving life and/or property in emergency situations. Whenever practical, the fire department shall obtain a signed receipt for and an agreement to return any item of personal property so loaned. (Ord. 88-86 § 62, 1986: prior code § 33-2-14)

## 2.56.100: ACQUISITION OF PROPERTY BY DIRECT PURCHASE:

The acquisition of permanent property by the city shall be ascertained from the finance records of the city. A record thereof shall be kept in appropriate form by the city purchasing and property management division for each department of the city. Upon receipt of the invoice and payment therefor, all property shall be permanently identified and labeled by the receiving department, and shall be subject to inspection and verification by purchasing and property management division personnel. (Ord. 88-86 § 62, 1986: prior code § 33-2-5)

## 2.56.110: ACQUISITION OF PROPERTY BY METHODS OTHER THAN PURCHASE:

The acquisition of permanent property in some manner other than by direct purchase, e.g., fabrication by departments, donations, gifts and the like, shall be reported to the chief procurement officer by the head of the department receiving the property. Appropriate acknowledgment and acceptance of donations and gifts should be made and a copy of the memorandum of the acceptance should be filed with the chief procurement officer, and also in the files of the department head. (Ord. 88-86 § 62, 1986: prior code § 33-2-6)

## 2.56.120: USE OF PROPERTY:

The use of property for institutional and departmental purposes shall not be impeded by the use of property for matters personal to city employees or by removal from the building for other than recognized activities of the city. (Ord. 88-86 § 62, 1986: prior code § 33-2-7)

## 2.56.130: SURPLUS PERSONAL PROPERTY; IDENTIFICATION AND REVIEW:

Department heads shall periodically identify surplus personal property within the possession of their departments and report such property to the chief procurement officer for consideration. The chief procurement officer shall also periodically review such reports to determine whether excess properties are on hand which need to be disposed of. (Ord. 88-86 § 62, 1986: prior code § 33-2-15)

## 2.56.140: SURPLUS PERSONAL PROPERTY; METHODS OF DISPOSITION:

Personal property determined to be surplus under the criteria set forth in this chapter may be disposed of by one or more of the following means:

A. Interdepartmental Transfer: The chief procurement officer shall maintain a system for determining whether interdepartmental transfers of property shall be made and the means by which transfers are to be effected.

B. Trade In: The chief procurement officer may authorize surplus personal property to be traded for other property or equipment being purchased.

C. Sale Or Irrevocable Transfer: The chief procurement officer shall adopt specific written guidelines establishing requirements for notice, bidding or other conditions of sale or other transfer of personal property.

D. Salvage, Discard Or Destruction: Inventoried city personal property shall not be salvaged, discarded or destroyed without the express written authorization of the chief procurement officer or a designated representative. (Ord. 88-86 § 62, 1986: prior code § 33-2-16)

## 2.56.150: CONVEYANCE FOR VALUE:

A. Every transfer of inventoried, city owned, personal property shall be conducted by the chief procurement officer, or under his/her express written authority. All conveyances of such property shall be based upon the highest and best economic return to the city, except that consideration for property conveyed may be based on other public policy factors when conveyed to units of government or other public or quasi-public organizations, or to nonprofit corporations which meet each of the following criteria:

1. Have obtained an exemption pursuant to section 501(c)(3), internal revenue code, from the internal revenue service;

2. Exist primarily to serve the needs of the public; and

3. The property is used for bona fide public purposes with only incidental benefit to the nonprofit entity.

B. The highest and best economic return to the city, as referred to in this chapter, shall be estimated by one or more of the following methods:

1. Sealed competitive bid;

2. Public auction;

3. Evaluation by qualified and disinterested consultant;

4. Other professional publications and valuation services; or

5. An informal market survey by the chief procurement officer in the case of items of personal property possessing readily discernible market value.

C. Sales of city personal property shall be based, whenever possible, upon competitive sealed bids or at public auction. The chief procurement officer may, however, waive this requirement when the value of the property has been estimated by an alternate method specified under this section, and:

1. The value of the property is considered negligible in relation to the costs of sale by bid or at public auction;

2. Sale by bidding procedures or at public auction are deemed unlikely to produce a competitive offer; or

3. Circumstances indicate that bidding or sale at public auction will not be in the best interests of the city. (Ord. 39-90 § 1, 1990: Ord. 88-86 § 62, 1986: prior code § 33-2-17)

## 2.56.160: VALIDITY OF ACTIONS:

No provision of this chapter shall be construed to require or to invalidate any conveyance by the city nor to vest rights or action of any kind against the city, its officers, agents or employees. (Ord. 88-86 § 62, 1986: prior code § 33-2-18)

### 2.56.170: DISPOSITION OF PROCEEDS:

All monies derived from the sales of personal property shall be credited to the general fund of the city, unless the property was purchased with monies derived from an enterprise fund or an internal service fund, in which case the monies shall be deposited in the general revenue account of the enterprise or internal service fund which made the original purchase. (Ord. 11-91 § 1, 1991: Ord. 88-86 § 62, 1986: prior code § 33-2-19)

### 2.56.180: REMOVAL OF PROPERTY; RESTRICTIONS:

A. The removal of personal property from the building for recognized activities shall be restricted to those situations in which employees shall be personally responsible for and shall have custody and exercise immediate supervision over the property at all times, or, in the absence of custody and immediate supervision, it shall be limited to occasions where due precautions have been taken to ensure its protection.

B. The removal of property from the building for any purpose whatsoever which is inconsistent with the recognized activities of the city and its departments is strictly prohibited unless special permission is given by the mayor.

C. Any removal of property shall be subject to the procedure prescribed by the chief procurement officer and approved by the director of finance. (Ord. 88-86 § 62, 1986: prior code § 33-2-8)

### 2.56.190: NEGLIGENCE OR MISUSE; INVESTIGATION; LIABILITY:

Failure of the department head to account properly for all personal property charged to a given department or to make satisfactory explanation as to the use and disposition of any item shall be deemed cause for investigation by the purchasing and property management division staff. If investigation determines that the loss is due to negligence or misapplication on the part of the department head, or some employee in his department, then those persons acting negligently or malfeasantly shall be held personally liable for all loss resulting therefrom. (Ord. 88-86 § 62, 1986: prior code § 33-2-10)

# CHAPTER 2.58
# CITY OWNED REAL PROPERTY

### 2.58.010: SURPLUS REAL PROPERTY; IDENTIFICATION AND REPORTING REQUIREMENTS:

Department heads shall periodically identify potential surplus property within the possession of their departments and report such property to the "chief procurement officer", as defined in title 3, chapter 3.24 of this code, or its successor chapter, for consideration. The chief procurement officer shall also periodically review such reports to determine

whether excess properties are on hand which need to be disposed of. (Ord. 88-86 § 61, 1986: prior code § 33-1-1)

## 2.58.020: SURPLUS REAL PROPERTY; METHODS OF DISPOSITION:

Real property determined to be surplus under the criteria set forth in this chapter may be disposed of by one or more of the following means:

A. Trade: The chief procurement officer, under the direction of the director of finance, may authorize surplus property to be traded for other property.

B. Sale, Lease Or Irrevocable Transfer: The chief procurement officer shall adopt specific written guidelines establishing requirements for notice, bidding or other conditions of sale, lease or other transfer of real property.

C. Revocable Transfers: Permits, licenses, easements, franchises and other transfers of real property which are, by the terms of conveyance, revocable by the city, shall be permitted under the provisions of this chapter.

D. Salvage, Discard Or Destruction: Inventoried city property shall be salvaged, discarded or destroyed only upon authorization of the city procurement officer or a designated representative. (Ord. 86-06 § 1, 2006: amended during 1/88 supplement: Ord. 88-86 § 61, 1986: prior code § 33-1-2)

## 2.58.030: CONVEYANCE FOR VALUE:

A. Every sale of city owned real property shall be conducted by the chief procurement officer, or under his/her express written authority. All other conveyances for value, including leases, permits, rights of way, revocable permits and easements, shall be conducted in a manner designated in writing by the mayor. All conveyances or encumbrances of such property shall be based on the highest and best economic return to the city, except that consideration for property conveyed may be based on other public policy factors: 1) when conveyed to units of government or other public or quasi-public organizations; or 2) when an encroachment on the public way, within the corporate limits of Salt Lake City, involves a beautification project which furthers specific goals and objectives set forth in the city's strategic plan, master plans, or other official documents including decorative street lighting, building facade lighting, flower and planter boxes, and landscaping.

B. The highest and best economic return to the city, as referred to in this chapter, shall be estimated by one or more of the following methods:

1. Sealed competitive bid;

2. Evaluation by qualified and disinterested appraiser;

3. Other professional publications and valuation services; or

4. An informal market survey conducted by the chief procurement officer in the case of items of real property possessing readily discernable market value.

C. Sales of city real property shall be based, whenever possible, on competitive sealed bids. The chief procurement officer, in consultation with the director of finance, may,

however, waive the competitive bidding requirement when the value of the property has been estimated by an alternate method specified under subsection B of this section, and:

1. The value of the property is considered negligible in relation to the costs of sale by bid; or

2. Sale by bidding procedure is deemed unlikely to produce a competitive offer; or

3. Circumstances indicate that bidding on the property will not be in the best interests of the city. (Ord. 10-96 § 1, 1996: Ord. 59-90 § 1, 1990: amended during 1/88 supplement: Ord. 88-86 § 61, 1986: prior code § 33-1-3)

## 2.58.035: SIGNIFICANT PARCEL OF REAL PROPERTY:

In connection with any proposed sale, lease, conveyance or other disposition of real property owned by the city, the following real property is deemed to be "significant":

A. Any property where the conveyance of the property would result in a request to amend the city budget;

B. Any property where the conveyance of the property would result in a request for a change of zoning of that property;

C. Any property that is specifically referenced in a master plan or where the proposed use of the land following its conveyance would conflict with the master plan for the area; and

D. Any property designated as significant on table 2.58.035D, "Table Of Significant Parcels Of Real Property", of this section.
EXHIBIT A

TABLE 2.58.035D
TABLE OF SIGNIFICANT PARCELS OF REAL PROPERTY

| | Transactions Granting Fee Title | | Transactions Granting An Interest | | | | |
|---|---|---|---|---|---|---|---|
| | | | | | | Revocable Permits | |
| Type Of Property[1] | Property Sales | Property Exchanges | Lease Or Temporary Use Agreements | Easements | Utility Permits[5] | Commercial | Residential |
| Airport | Y | Y | N | N | N | N | n/a |
| Golf courses | Y | Y | Y[4] | Y | Y | Y | Y |
| Open space[2] | Y | Y | Y | Y | Y | Y | Y |
| Public buildings (except airport property) | Y | Y | N | N | N | N | N |
| Public utilities properties: | | | | | | | |
| Canal properties | Y | Y | N | N | N | N | N |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Sewer facilities | Y | Y | N | N | N | N | N |
| Storm drain facilities | Y | Y | N | N | N | N | N |
| Water facilities | Y | Y | N | N | N | N | N |
| Watershed | Y | Y | N | N | N | N | N |
| Streets and alleys: | | | | | | | |
| Aerial rights | Y | Y | N | N | N | n/a | n/a |
| Subsurface rights | Y | Y | N | N | N | n/a | n/a |
| Surface rights[3] | Y | Y | Y[4] | N | N | N | N |

Notes:
n/a= Not applicable
1.To the extent that the property falls into more than 1 category, the more restrictive process will apply.
2.Includes all open space property within or without city boundaries, as defined in chapter 2.90 of this title and title 21A of this code.
3.To the extent that any surface use involves a street or alley closure, such use would also be subject to the street or alley closure process.
4.More than 10 years' initial term or more than 30 years total with option terms.
5.Includes telecommunications franchises and telecommunications right of way permits.

(Ord. 86-06 §§ 2, 3 (Exh. A), 2006)

## 2.58.040: SALE OF REAL PROPERTY; NOTICE AND HEARING:

A. A significant parcel of real property owned by the city or any legal interest therein shall not be sold, traded, leased or otherwise conveyed or encumbered until the city has provided reasonable notice to all interested parties and held at least one public hearing on the proposed conveyance as set forth herein.

B. Reasonable notice of the proposed conveyance of a significant parcel of city owned real property shall be interpreted to require the following:

1. Notice of the proposed conveyance shall be mailed to all abutting property owners.

2. Notice of the proposed conveyance shall be delivered to the office of the city council, posted in the office of the city recorder, delivered to a local media representative, and posted on the city's website.

C. No significant parcel of city owned real property, as identified on table 2.58.035D of this chapter, may be conveyed until after a public hearing has been held before either the Salt Lake City planning commission, the airport advisory board, or the public utilities advisory board.

D. In addition to the public hearing required above, the Salt Lake City council may also request a public hearing prior to the conveyance of any significant parcel of city owned real property. Any request for a hearing before the city council must be delivered to the office of the mayor no less than fifteen (15) days after delivery of the notice to the office of the city council pursuant to subsection B2 of this section. If no request for a hearing is made within that time period, the city council shall be deemed to have waived any right to request a hearing.

If a written call for hearing has been made by the council, the mayor or his or her designee shall meet thereafter to hear and consider comments upon proposals to convey the

city property specified in the notice. Such hearing shall take place before, after or in conjunction with a regularly scheduled city council meeting, as determined by the mayor.

E. Any notice of a proposed conveyance of a significant parcel of city owned real property shall specify the following:

1. A description of the property to be conveyed or encumbered;

2. The nature of the proposed conveyance or encumbrance, whether the property is to be sold, traded or encumbered, including the nature of the conveyance if the property is to be sold, or if a trade or lease of property is contemplated, a brief summary of the proposed transaction;

3. Persons to whom interests are to be conveyed;

4. Any consideration tendered;

5. The name of the person, department or entity requesting such action;

6. The basis upon which the value of the interest has been determined by the city;

7. The date, time and location of the public hearing to be held. The notice shall further state that interested persons may appear and comment upon the proposal.

F. The conveyance or encumbrance of real property of the city may be finalized as follows:

1. By the mayor, at his/her discretion following notice and/or public hearing, as required by this section; or

2. If the transfer is revocable and the mayor has determined that an unanticipated combination of facts and conditions of pressing necessity has emerged which requires that action be taken prior to a city council hearing. Such conditions shall not be deemed to arise, unless it appears that delay from notice or a hearing would produce:

a. Great or irreparable injury to persons seeking the conveyance or encumbrance, with negligible impact upon city interests,

b. Serious detriment to the social or economic interest of the community as whole; or

3. Substantial economic loss to the city.

G. Any decision by the mayor to forego the city council hearing provisions of this section shall be made in writing to the city council, stating the specific reasons upon which the decision was based. (Ord. 86-06 § 4, 2006: Ord. 88-86 § 61, 1986: prior code § 33-1-4)

## 2.58.050: VALIDITY OF ACTIONS:

No provision of this chapter shall be construed to require or to invalidate any conveyance or encumbrance by the city nor to vest rights or action of any kind against the city, its officers, agents or employees. (Ord. 88-86 § 61, 1986: prior code § 33-1-5)

### 2.58.060: DISPOSITION OF PROCEEDS:

All proceeds or revenue from the sale of any real property sold by the city, including real property declared surplus by an internal service fund of the city, shall be deposited in a surplus property account within the capital improvements fund of the general fund. However, if the property was purchased with monies from an enterprise fund, or from properties attributable by the mayor to use by an existing enterprise fund, then the proceeds or revenue shall be deposited in a surplus property account within that fund's capital improvements fund. Funds within surplus property accounts may not be expended without prior appropriation or approval of the city council. (Ord. 11-91 § 2, 1991: Ord. 88-86 § 61, 1986: prior code § 33-1-6)

# CHAPTER 2.59
# CITY SUBPOENAS

### 2.59.010: PURPOSE:

It is the purpose of this chapter to provide for the issuance of city subpoenas for any reason to the full extent authorized by state law, including, but not limited to, section 10-3-610, Utah Code Annotated. (Ord. 88-99 § 1, 1999: Ord. 29-90 § 1, 1990)

### 2.59.020: EXECUTIVE BRANCH SUBPOENAS:

The executive branch may authorize subpoenas to compel the attendance of witnesses located within the state to give testimony or to produce records and documents or other items.

A. A subpoena may be authorized upon signature of the mayor or his or her designee or by a department head.

B. All executive subpoenas must also be endorsed by the city attorney, deputy city attorney, or any assistant city attorney. The attorney's signature shall be an affirmation the subpoena is an appropriate exercise of administrative power prior to the recorder issuing the subpoena. (Ord. 29-90 § 1, 1990)

### 2.59.030: LEGISLATIVE BRANCH SUBPOENAS:

The city council may authorize a subpoena upon a majority vote of the council. Such subpoenas shall be signed by any member of the council voting to authorize the subpoena. Upon such vote and signature, the subpoena shall be reviewed and approved "as to form" by the city attorney, deputy city attorney or any assistant city attorney and shall then be issued by the city recorder. (Ord. 29-90 § 1, 1990)

## 2.59.035: ADMINISTRATIVE LAW JUDGE SUBPOENAS:

(Rep. by Ord. 29-02 § 4, 2002[2])

## 2.59.040: ISSUANCE OF SUBPOENAS:

A. All city subpoenas shall be issued by the city recorder's office. The recorder's office shall keep a record containing: 1) the date of issuance, 2) the matter for which the subpoena was issued, 3) returns of all subpoenas, and 4) at whose request the subpoena was issued.

B. All subpoenas shall be issued with an original and a copy. The original, together with proof of service, shall be returned to the recorder's office and a copy left with the person upon whom it is served.

C. The subpoena shall be issued in the name of the city and shall be entitled "city subpoena" and shall state whether it is before the legislative branch or the executive branch. The subpoena shall state the title of the matter being heard and shall command each person to whom it is directed to attend and give testimony and/or produce records or documents at a time and place specified in the body of the subpoena.

D. Nothing in this section shall limit the city's authority to issue subpoenas in criminal matters as provided by law. (Ord. 29-02 § 5, 2002[3]: Ord. 88-99 § 3, 1999: Ord. 29-90 § 1, 1990)

## 2.59.050: PRODUCTION OF RECORDS OR DOCUMENTS:

Any party may subpoena public records or documents from the city. No party, including the city, may require documents to be produced which are confidential in accordance with state law, or city policy or procedure, or which are private papers of the government. Police internal affairs files are confidential and private files and may not be produced. Ongoing criminal investigations are also confidential and private files and may not be produced. (Ord. 29-90 § 1, 1990)

## 2.59.060: SERVICE OF CITY SUBPOENAS:

A. Service of city subpoenas may be made by any city employee or by any person who meets the requirements of rule 4 of the Utah rules of civil procedure.

B. Service shall be in accord with rule 4 of the Utah rules of civil procedure. (Ord. 29-90 § 1, 1990)

## 2.59.070: SUBPOENAS BY OTHER PARTIES:

Any person who is subject to an administrative hearing before the city may, upon the payment of the costs of the recorder for issuing subpoenas, have the city recorder's office issue subpoenas to compel the attendance of persons or the production of nonprivileged and/or nonconfidential documents at the hearing. The person shall make his/her own arrangements for service of the subpoena. (Ord. 29-90 § 1, 1990)

## 2.59.080: PAYMENT OF SUBPOENA COSTS:

A. Cost Of Subpoenas Issued On Behalf Of The City: All costs of service and witness fees for subpoenas issued on behalf of the city shall be paid by the department (including the mayor's office or the city council) on whose behalf the subpoena was issued, unless or until a fund is created to pay for these costs. These costs shall include witness fees and mileage.

B. Subpoenas Issued On Behalf Of Other Parties: All costs of service and witness fees for subpoenas issued on behalf of any person other than the city shall be paid by the person requesting issuance of the subpoena.

C. City Documents: Any party requesting city production of city documents shall pay all the costs of producing the documents, including, but not limited to, the search costs, employee salary costs and cost of reproduction of the documents. Each department required to furnish the documents shall collect its own costs.

D. Witness Fees: Witness fees shall be the same as authorized in section 21-5-4, Utah Code Annotated, as amended from time to time or its successor statutes. (Ord. 29-90 § 1, 1990)

## 2.59.090: ENFORCEMENT OF SUBPOENAS:

A. Any party who wilfully fails to comply with the subpoena, or who, having appeared, refuses to answer any question pertinent to the matter under inquiry, except in accord with privileges granted by law, shall be guilty of a misdemeanor and punished in accord with the punishments set by the state for class B misdemeanors.

B. In addition to criminal penalties, the subpoenaing party may also have the right of access to the court for judicial enforcement of administrative subpoenas. (Ord. 29-90 § 1, 1990)

**Footnotes** - Click any footnote link to go back to its reference.

Footnote 1: Ordinance 29-02 shall take effect July 1, 2002.

Footnote 2: Ordinance 29-02 shall take effect July 1, 2002.

Footnote 3: Ordinance 29-02 shall take effect July 1, 2002.

# CHAPTER 2.60
# SLACC AND NEIGHBORHOOD BASED ORGANIZATION RECOGNITION

## 2.60.010: PURPOSE:

It is the policy of Salt Lake City to recognize neighborhood based community organizations for the purpose of providing citizen input and information to various city planning and administrative services. This chapter provides a process for such recognition. (Ord. 63-90 § 1, 1990)

## 2.60.020: RECOGNITION OF SLACC AND NEIGHBORHOOD BASED ORGANIZATIONS:

A. All organizations recognized pursuant to this chapter shall comply with the following conditions:

1. Only properly registered not for profit corporations in good standing with the state of Utah may be recognized;

2. To obtain recognition any community based organization shall submit to the city recorder the following information:

a. The articles of incorporation and bylaws of the community based organization.

(1) The bylaws shall contain a provision against discrimination and encouraging representation and participation from all qualified members.

b. A list of officers, directors or trustees of the organization together with their addresses and the address to which any notice to the organization should be sent.

c. No later than January 31 of each year any recognized organization seeking continuing recognition shall submit to the city recorder any changes in the information specified in subsections A2a and A2b of this section and a list of each meeting held by the organization in the preceding year and a description of the election procedure for officers, directors or trustees of the organization.

B. The Salt Lake Association of Community Councils (SLACC), or its legal successor, is recognized as the citywide organization in which community councils, neighborhood councils and neighborhood associations participate by sending representation in accordance with SLACC bylaws.

C. Neighborhood and community organizations representing the neighborhoods and communities defined on the list and map attached as exhibit A to the ordinance codified herein and maintained on file with the city recorder are hereby recognized. Membership in any neighborhood or community based organization must be open to anyone residing within or owning property within the boundaries of the organization. The number, name or boundaries of any community or neighborhood organization may be amended by the city council upon petition from a city council member, or any neighborhood or community organization recognized under this chapter. All neighborhood or community organizations affected by such a petition shall hold a public hearing on the amendment request not less than fifteen (15) nor more than forty five (45) days after written notice of the request is received. Within thirty (30) days after the hearings before the affected community or neighborhood organization the city council shall hold a public hearing on the amendment request. The council shall act on the amendment petition by majority vote.

D. All organizations recognized pursuant to this chapter shall comply with the provisions of the open meeting laws of the state of Utah and Salt Lake City. (Ord. 63-90 § 1, 1990)

### 2.60.030: PARTICIPATION:

Recognized organizations are encouraged to make recommendations to the city on all matters affecting the city or the organizations' particular community or neighborhood. Recognized organizations shall be part of the city's notification process provided by chapter 2.62 of this title. (Ord. 63-90 § 1, 1990)

### 2.60.040: OPEN PARTICIPATION:

This chapter shall not preclude the participation in any public hearing by individuals or entities on their own behalf. All citizens of Salt Lake City affected by a decision to be considered by the city council or the mayor are encouraged and invited to participate whether through their recognized organization or individually. (Ord. 63-90 § 1, 1990)

### 2.60.050: VOLUNTEER STATUS AND PARTIAL INDEMNIFICATION:

Recognized organization members shall be considered volunteers and not employees, officials or officers of Salt Lake City. Recognized organizations and their officers, trustees and directors shall be indemnified by the city pursuant to the Utah governmental immunity act in any civil action which may arise from determinations and recommendations made within the scope of performance of their duties under this chapter or under chapter 2.62 of this title. This defense and indemnification obligation on behalf of the city shall be limited to only those determinations and recommendations and shall not extend to any physical activities of the recognized organizations or their members such as driving, inspecting property or other similar activities. This provision shall not be deemed a waiver of any claim for immunity from suit on behalf of the volunteer. (Ord. 63-90 § 1, 1990)

# CHAPTER 2.62
# RECOGNIZED OR REGISTERED ORGANIZATION NOTIFICATION PROCEDURES

### 2.62.010: PURPOSE:

It is the policy of Salt Lake City to notify recognized or registered organizations of activities concerning the organizations and obtain input from these organizations concerning various city planning and administrative services. This chapter provides a process for such notification and obtaining such input. (Ord. 64-90 § 1, 1990)

## 2.62.020: ORGANIZATIONS ENTITLED TO NOTICE:

A. Recognized Organizations: Organizations recognized pursuant to chapter 2.60 of this title shall receive the notices and may participate in the processes established pursuant to this chapter.

B. Registered Organizations: Any other entity, organization or person may register on an annual basis with the department of community and economic development to receive the notices specified in this chapter. (Ord. 38-08, 2008: Ord. 6-04 § 4, 2004: Ord. 64-90 § 1, 1990)

## 2.62.030: REQUIRED NOTICES:

A. The planning and zoning division shall submit to each recognized or registered organization copies of the planning commission public meeting agendas and shall also submit to neighborhood and community organizations recognized pursuant to subsection 2.60.020C of this title, or its successor subsection, applications for changes to zoning ordinances, planned developments or conditional use applications pertaining to territory located within, or within six hundred feet (600') of the border of such recognized organizations.

B. Appeals hearing officer agendas shall be sent to all organizations recognized pursuant to subsection 2.60.020C of this title or its successor.

C. Other city administrative departments shall take reasonable steps to notify affected recognized organizations of any significant activities pertaining specifically to the recognized organization's geographic area.

D. The failure to give any notice under this section shall not affect the validity of any act or decision and shall not give rise to any private right of action for such lack of notice. (Ord. 8-12, 2012: Ord. 23-10 § 23, 2010: Ord. 64-90 § 1, 1990)

## 2.62.040: PARTICIPATION IN PLANNING PROCESS:

A. Recognized and registered organizations are encouraged to make recommendations concerning matters of which they are given notice pursuant to this chapter. In making such recommendations the spokesperson for the organization shall specify the following:

1. The nature of the meeting at which the organization's recommendation was obtained (i.e., executive committee, board, general membership, or otherwise);

2. The notice procedure for the meeting at which such recommendation was made;

3. The vote on such recommendation;

4. Any dissenting reports.

B. The Salt Lake City planning division staff shall encourage all zoning petition, planned development and/or conditional use applicants to meet with affected recognized organizations to discuss and receive input on the petition or application proposal prior to scheduling the matter for consideration by the planning commission. A report of the discussions with the affected recognized organizations and the applicant shall be contained in the planning commission staff report.

C. The mayor may, by executive order, establish certain classes of applications which can be delayed for additional consideration by organizations recognized pursuant to subsection 2.60.020C of this title or its successor. Upon request of the chairperson or authorized designee of such organization given in writing, prior to the meeting at which the application is to be considered, the city body considering the application shall continue the application for a period not to exceed four (4) weeks from the first meeting such application is heard to allow the recognized organization to consider the application at its own meeting. The mayor or the mayor's designee may notify the considering body that immediate action is necessary for the best interests of the city, in which case a request for delay shall not be granted. (Ord. 23-10 § 24, 2010: Ord. 64-90 § 1, 1990)

### 2.62.050: OPEN PARTICIPATION:

The notification and participation process specified in this chapter is not intended to preclude the participation in any public hearing by individuals or entities on their own behalf. All citizens of Salt Lake City affected by the decision to be considered at a public hearing are invited and encouraged to participate, whether through their recognized organization or individually. (Ord. 64-90 § 1, 1990)

# CHAPTER 2.64
# CITY RECORDS

### 2.64.010: PURPOSE:

A. The purpose of this chapter is to provide, consistent with the Utah government records access and management act (the "act"), and other state and federal law, criteria and procedures relating to the records practices of the city including:

1. Classification and designation of city records pursuant to the act;

2. Procedures to access public city records;

3. Procedures to deny requests for access to nonpublic city records;

4. Process to appeal decisions regarding city records;

5. Management and retention of city records; and

6. Amendment to city records.

B. It is the intent of the city to:

1. Maintain and preserve accurate records;

2. Provide, on request, access, within a reasonable time and at a reasonable cost, to city records which are defined by law as open to the public; and

3. Retain the security of city records which are "private", "protected", "controlled"; and records to which access is restricted pursuant to a court rule, Utah statute, federal statute, or federal regulation. (Ord. 85-94, 1994)

## 2.64.020: DEFINITIONS:

As used in this chapter, the following definitions shall be applicable:

ACT: Shall refer to the government records access and management act, section 63-2-101 et seq., of the Utah Code Annotated.

CHRONOLOGICAL LOGS: The regular and customary summary records of city law enforcement and public safety divisions that show the time and general nature of police, fire and paramedic calls, and any arrests or jail bookings made.

CITY COUNCIL RECORDS APPEALS BOARD: The board established under section 2.64.140 of this chapter, or its successor.

CLASSIFICATION, CLASSIFY (And Their Derivative Forms): Determining whether a record series, record or information within a record is "public", "private", "controlled", "protected" or "limited".

COMPUTER SOFTWARE PROGRAM: A series of instructions or statements that permit the functioning of a computer system in a manner designed to provide storage, retrieval and manipulation of data from the computer system, and any associated documentation and source material that explain how to operate the computer program. "Computer software program" does not mean:

A. The original data, including numbers, text, voice, graphics and images;

B. Analysis, compilation and other manipulated forms of the original data produced by use of the program; or

C. The mathematical or statistical formulas (excluding the underlying mathematical algorithms contained in the program) that would be used if the manipulated forms of the original data were to be produced manually.

CONTRACTOR: A. Any person who contracts with the city to provide goods or services directly to the city; or

B. Any private, nonprofit organization that receives funds from the city.

"Contractor" does not mean a private provider. "Private provider" is any person or entity who contracts with the city to provide services directly to the public.

CONTROLLED RECORDS: Those records defined as controlled under the provisions of this chapter and the act.

DATA: Shall refer to individual entries in the records.

DEPARTMENT OR DEPARTMENTS: The separate administrative departments in the city as defined in this code.

DESIGNATE OR DESIGNATION: To give an initial or primary classification to a record or record series indicating the likely classification that a majority of such records or record series would be given if classified.

GOVERNMENTAL ENTITY: The state of Utah and its political subdivisions including their boards, commissions, departments and advisory committees.

LIMITED RECORDS: Records whose access is limited by a specific state or federal statute, court rule or federal regulation.

MAYOR'S RECORDS APPEALS BOARD: The board established under section 2.64.140 of this chapter, or its successor.

NONPUBLIC RECORDS: Those records defined as "private", "controlled", "protected", or those records limited by a state and federal statute, federal and state regulations or court rules.

PRIVATE RECORDS: Those records classified as "private" under the provisions of this chapter and the act.

PROTECTED RECORDS: Those records classified as "protected" under the provisions of this chapter and the act.

PUBLIC RECORDS: Those records which have not been defined as nonpublic in accordance with the provisions of this chapter and the act.

RECORD: All books, letters, documents, papers, maps, plans, photographs, films, cards, tapes, recordings, or other documentary materials, and electronic data, regardless of physical form or characteristics, prepared, owned, received or retained by the city where information in the original is reproducible by photocopy or other mechanical or electronic means. "Record" does not mean:

A. Daily calendars and other personal notes, temporary drafts or similar materials prepared for the originator's personal use or prepared by the originator for the personal use of an individual for whom the originator is working;

B. Materials that are legally owned by individuals in their private capacity;

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

D. Proprietary software;

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

F. Notes or internal memoranda prepared, as part of the deliberative process, by any city employee, or members of boards and commissions acting in a quasi-judicial process; or

G. Software programs, as defined herein, that are developed or purchased by the city for its own use.

RECORDS COMMITTEE: The city's records committee established in section 2.64.160 of this chapter, or its successor. (Ord. 85-94, 1994)

## 2.64.030: ACCESS TO PUBLIC RECORDS:

A. Persons shall have the right to inspect, review, examine and take copies of city records designated as "public" under this chapter, upon compliance with the procedures

provided in this chapter.

B. The city has no obligation to create a new record or record series in response to a request from a member of the public, if the record requested is not otherwise regularly maintained or kept. (Ord. 85-94, 1994)

## 2.64.040: PUBLIC RECORDS:

All city records are considered public unless they are designated or classified otherwise in accordance with procedures established by this chapter consistent with the act, or made nonpublic by other applicable law, including records for which access is governed or restricted as a condition of participation in a state or federal program or for receiving state or federal funds. Public records include those records listed in section 301 of the act and shall be made available to any person. (Ord. 85-94, 1994)

## 2.64.050: PRIVATE RECORDS:

A. "Private" records shall include the following:

1. City records defined as "private" in section 63-2-302 of the act;

2. City records classified or designated as private in accordance with procedures established in this chapter and the act;

3. As provided in section 63-2-302 of the act, private records include records containing data on individuals the disclosure of which constitutes a clearly unwarranted invasion of personal privacy.

B. Private records shall be made available to the following persons:

1. The subject of the record;

2. The parent or legal guardian of an unemancipated minor who is the subject of a record;

3. The legal guardian of a legally incapacitated individual who is the subject of the record; or

4. Any person who has a power of attorney or notarized release, dated not more than ninety (90) days prior to the request, from the subject of the record or the subject's legal representative; or

5. Any person presenting an order issued by a court of competent jurisdiction. (Ord. 85-94, 1994)

## 2.64.060: CONTROLLED RECORDS:

A. "Controlled" records shall be those city records defined as "controlled" in section 63-2-303 of the act or as classified or designated as "controlled" pursuant to procedures established in this chapter consistent with the act.

B. Controlled records shall be made available to a physician, psychologist or certified social worker who submits a notarized release, dated not more than ninety (90) days prior to the request, from the subject of the record or any person presenting an order issued by a court of competent jurisdiction. (Ord. 85-94, 1994)

## 2.64.070: PROTECTED RECORDS:

A. Protected records shall be:

1. City records defined as "protected" in section 63-2-304 of the act;

2. City records designated or classified as "protected" according to the procedures established in this chapter consistent with the act;

3. "Drafts", as provided in section 63-2-304(21) of the act, which may include records of the mayor's office or the city council relating to budget analysis and fiscal notes of proposed budgets before issuance of their final recommendations;

4. As provided in section 63-2-304(8) of the act, records which, if released, could reasonably be expected to interfere with investigations undertaken for discipline purposes including city records pertaining to internal investigation of city employees such as investigations by the internal affairs division of the city's police department;

5. a. As provided in section 63-2-304(8) of the act, records created or maintained for discipline purposes against city employees unless:

(1) All available remedies have been exhausted by the employee, including the internal grievance procedures and proceedings before administrative agencies,

(2) All time periods for appeal have expired, and

(3) The disciplinary action was sustained,

b. Notwithstanding subsection A5a(1), A5a(2) and A5a(3) of this section, a record or parts of a record maintained for discipline purposes shall not be disclosed if the release of the record or part of the record:

(1) Reasonably could be expected to interfere with investigations undertaken for discipline or enforcement purposes,

(2) Reasonably could be expected to disclose the identity of a source who is not generally known outside of government or disclose information furnished by a source not generally known outside of government if disclosure would compromise the source,

(3) Reasonably could be expected to disclose investigative techniques, procedures, policies or orders not generally known outside of government if disclosure would interfere with enforcement or audit efforts, or

(4) Reasonably could be expected to jeopardize the life or safety of an individual.

B. Protected records shall be made available to:

1. The person who submitted the information in the record;

2. A person who has a power of attorney or notarized release, dated not more than ninety (90) days prior to the request, from a person whose interests were sought to be protected by the protected classification or their legal representative; or

3. Any person presenting an order issued by a court of competent jurisdiction. (Ord. 85-94, 1994)

## 2.64.080: LIMITED RECORDS:

Limited records shall be those records whose access is limited by a specific state or federal statute, federal regulations or court rule, including section 10-3-1212 of the Utah Code Annotated, or its successor. Limited records shall be made available as provided in the specific statute, regulation and rule which protects the record. (Ord. 85-94, 1994)

## 2.64.090: SHARING RECORDS:

The city may disclose a record classified as "private", "controlled" or "protected" to another governmental entity if the other governmental entity complies with section 63-2-206 of the act. The city may provide a private, protected or controlled record to another governmental entity if the record is necessary to the performance of the governmental entity's duties and functions; the record will be used for a purpose similar to the purpose for which the information in the record was collected or obtained; and the use of the record produces a public benefit that outweighs the individual privacy right that protects the record. (Ord. 85-94, 1994)

## 2.64.100: PRIVACY INTEREST IN A CITY RECORD:

A. The city recognizes and upholds the personal right of privacy retained by persons who may be the subject of government records. The city also recognizes that the act establishes a presumption that governmental records will generally be considered open and public with certain exceptions. The city may, at its discretion, disclose records that are "private" or "protected" as defined in the act and this chapter to persons other than those specified in sections 2.64.050 and 2.64.070 of this chapter, or successor sections, if the mayor or the city council determines that there is no interest in restricting access to the record, or that the interest favoring access outweighs the interest favoring restriction of access. Public access is favored when countervailing interests are of equal weight. The city shall not release any record when to do so would constitute a clearly unwarranted invasion of privacy in accordance with the act and procedures established in this chapter. Under circumstances and procedures established by this chapter, certain data in a record may be rendered nonpublic, although the record itself may be classified or designated as "public".

B. If the city receives a request for access to a record that contains both information that the requester is entitled to inspect and information the requester is not entitled to inspect under this chapter and the act, the city shall allow access to information in the record that the requester is entitled to inspect under this chapter and the act; and may deny access to information in the record if the information is exempt from disclosure to the requester under this chapter and the act.

C. The city may require that the requester of the private and controlled records, in contested cases, provide a written release, dated not more than ninety (90) days prior to the date of the request, from the subject of the record in question before access to such record is provided. (Ord. 85-94, 1994)

## 2.64.110: CLASSIFICATION, DESIGNATION AND RETENTION OF RECORDS:

All city records and records series shall be evaluated, designated, classified and scheduled for retention consistent with the provisions of the act and this chapter. The city may classify a particular record, record series or information within a record at any time, and is not required to classify a particular record, record series or information until access to the record is requested. The city may redesignate or reclassify records at any time. Any record or record series generated in the future shall also be so designated, classified and scheduled for retention. Records classification, designation and scheduling for retention shall be conducted under the supervision of the city recorder, who shall be assisted, as necessary, by the records committee which is established in section 2.64.160 of this chapter, or its successor. Classification, designation and retention guidelines shall be prepared and promulgated by the records committee. (Ord. 85-94, 1994)

## 2.64.120: RESPONSE TO REQUEST FOR RECORDS:

A. Requests, either verbal or written, for a city record shall be made to the department or the city council office, if applicable, maintaining the record in question. The department or the city council office, if applicable, may respond to a verbal request consistent with the provisions of this chapter. The department or the city council office, if applicable, may require the requester to fill out and present a written request. The written request may be on forms prepared by the records committee. The written request shall include the name, mailing address, daytime telephone number, if available, of the requester, and a description of the records requested that identifies the record with reasonable specificity. Requesters of nonpublic records shall adequately identify themselves and, if applicable, their status when requesting access to nonpublic records. The date and time of the request shall be included on the written request and all time frames provided under this chapter shall commence from that time and date. Request for records shall, to the extent possible, be responded to within ten (10) business days after receipt of the written request or within five (5) business days after receiving a written request if the requester demonstrates that an expedited response benefits the public rather than the person. Any person who requests a record to obtain information for a story or report for publication or broadcast to the general public is presumed to be acting to benefit the public rather than a person. If the department, or the city council office, if applicable, does not have custody of the record, it shall request the appropriate department or the office of the city council, if applicable, to respond.

B. The appropriate department or the city council office, if applicable, shall respond to a request for a record by:

1. Approving the request and providing the records;

2. Denying the request;

3. Notifying the requester that the city does not maintain the record;

4. Notifying the requester that it cannot respond to the request within the period of time specified in subsection A of this section or its successor, stating the reason or reasons for the delay as provided in subsection C of this section or its successor; or

5. Such other appropriate response as may be established in the act or this chapter.

C. 1. In most circumstances and excepting those eventualities set out in subsection C2 of this section or its successor, the appropriate department or the city council office, if applicable, shall respond to a written request for a public record within the time period specified in subsection 2.64.120A of this chapter or its successor.

2. The following extraordinary circumstances shall justify the city's failure to respond to a written request for a record within the specified time period and shall extend the time for response thereto to that time reasonably necessary to respond to the request:

a. The department or the city council office or some other governmental entity is currently and actively using the record requested;

b. The record is being used as part of an audit, and returning the record before the completion of the audit would impair the conduct of the audit;

c. The record requested is for either a voluminous quantity of records or requires the appropriate department or the city council office, if applicable, to review a large number of records or perform extensive research to locate the materials requested;

d. The appropriate department or the city council office, if applicable, is currently processing either a large number of records requests or is subject to extraordinary seasonal workloads;

e. The request involves legal issues that require an analysis by legal counsel to determine the proper response to the request;

f. The request involves extensive editing to separate public data in a record from that which is nonpublic; or

g. Providing the information in the format requested, or separating public information from that which is nonpublic, requires computer programming.

3. If the time limits are extended based on extraordinary circumstances provided in this subsection, or its successor, the response to the request shall be made as soon as reasonably possible.

4. When a timely response cannot be made to a record request, the appropriate department or the city council office, if applicable, shall notify the requester that it cannot immediately approve or deny the request because of one or more of the extraordinary circumstances stated in subsection C2 of this section, or its successor, and shall provide the requester with an estimate of the time required to respond to the request. If the appropriate department or the city council office, if applicable, fails to provide the requested record within the estimated time, that failure shall be considered a denial of the request.

5. In response to a request for access, the appropriate department or the city council office, if applicable, may redesignate or reclassify the record or segregate data in the requested record in accordance with this chapter and the act.

D. 1. If the request for records is denied in whole or part, the department or the city council office, if applicable, shall provide a notice of denial to the requester either in person or by sending the notice to the requester's address.

2. The notice of denial shall contain the following information:

a. A description of the record or portions of the record to which access was denied; provided, that the description does not disclose private, controlled, protected, limited or other nonpublic information as defined in the act and this chapter;

b. Citations to the provisions of the act, this chapter, ordinance, state statute, federal statute, federal regulation or court rule that exempts the record or portions of the record from disclosure; provided, that the citations do not disclose private, controlled, protected, limited or other nonpublic information; and

c. A statement that the requester has the right to appeal according to the provisions of section 2.64.140 of this chapter, or its successor, the time limits for filing an appeal, and the name and business address of the city recorder's office.

3. Unless otherwise required by a court of competent jurisdiction, the city may not, during the appeal process, destroy or give up custody of any record to which access was denied.

E. The failure or inability of a department or the city council office, if applicable, to respond to a request for a record within the time frames set out herein, or the department's or city council office's denial of such a request, shall give the requester the right to appeal as provided in section 2.64.140 of this chapter or its successor.

F. The provisions of this section notwithstanding, the parties participating in the proceeding may, by agreement, extend the time periods specified in this section. (Ord. 85-94, 1994)

## 2.64.130: FEES OR CHARGES FOR RECORDS SERVICES:

A. A fee, as shown on the Salt Lake City consolidated fee schedule, may be charged for paper to paper photocopying.

A fee, as shown on the Salt Lake City consolidated fee schedule, may be charged for the following employee's time; however, no charge may be made for the first quarter hour of said time:

1. The staff time incurred for summarizing or compiling the record into an organization or media to meet the person's request;

2. The staff time incurred for search, retrieval, and other direct administrative time incurred for complying with a request; and

3. In the case of a record that is the result of computer output other than word processing, the actual incremental staff time incurred in providing the electronic services and products together with a reasonable portion of the staff time associated with formatting or interfacing the information for particular users, and the administrative time as set forth in subsections A1 and A2 of this section or its successor.

B. 1. A fee, as shown on the Salt Lake City consolidated fee schedule, may be charged for copies of traffic accident reports of not more than the fee charge for similar reports by the state of Utah.

2. A fee, as shown on the Salt Lake City consolidated fee schedule, may be charged for mylar or vellum prints twenty four inches by thirty six inches (24" x 36").

3. A fee, as shown on the Salt Lake City consolidated fee schedule, per square foot may be charged for prints made on mylar or vellum sheets larger than twenty four inches by thirty six inches (24" x 36").

4. A fee, as shown on the Salt Lake City consolidated fee schedule, may be charged for a copy of a size C blueprint.

5. A fee, as shown on the Salt Lake City consolidated fee schedule, may be charged for a copy produced on a microfilm printer which utilizes silver paper.

6. A fee, as shown on the Salt Lake City consolidated fee schedule, may be charged for a copy made from microfilm utilizing a plain paper printer.

7. A fee, as shown on the Salt Lake City consolidated fee schedule, may be charged for a copy from a photograph.

8. A fee, as shown on the Salt Lake City consolidated fee schedule, may be charged to copy recording tapes or, to copy computer readable records to a computer readable form (e.g., disks).

C. The city may fulfill a request, without charge, if it determines that:

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

2. The person requesting the record is the subject of the record, or an individual specified in subsection 2.64.050B of this chapter or its successor;

3. The rights of persons requesting the records are directly implicated by the information in the record, and the requester is impecunious.

D. A person who believes that there has been an unreasonable denial of a fee waiver under subsection C of this section or its successor may appeal the denial in the same manner as a person appeals when inspection of a public record is denied under section 2.64.140 of this chapter or its successor.

E. The city may not charge a fee for:

1. Reviewing a record to determine whether it is subject to disclosure; or

2. Inspecting a record. (Ord. 24-11, 2011)

## 2.64.140: APPEALS BY PERSONS AGGRIEVED BY THE CITY'S CLASSIFICATION OF A RECORD OR BY A RESPONSE TO A RECORD REQUEST:

A. Persons aggrieved by the city's classification of a record or by a response to a record request may demand and be granted an administrative appeal of that decision.

1. For records maintained by city departments at the time of the request, the appeal shall be made to a board, known as the mayor's records appeals board, consisting of the city recorder or designee, a member from the public appointed by the mayor and three (3) members of the records committee appointed by the mayor; provided, however, that the member shall not be from the department whose record is the subject of the appeal. The city recorder or designee shall be the chairperson of the board. The mayor shall appoint one alternate member from the public and an alternate member from the records committee who shall serve if an appointed member cannot serve for any reason. The term of the appointment for each member shall be two (2) years.

2. For records maintained by the city council office at the time of the request, the appeal shall be made to a board, known as the city council's records appeals board, consisting of the city recorder or designee, three (3) members of the records committee excluding any member from the city council office and one member of the public appointed by the city council. The city recorder or designee shall be the chairperson of the board. The city council shall appoint one alternate member from the public and an alternate member from the records committee who shall serve if an appointed member cannot serve for any reason. The term of the appointment for each member shall be two (2) years.

B. An appeal under this section shall be brought within thirty (30) calendar days from the date of the city's classification of a record or response to a records request. The notice of appeal must be in writing and filed with the city recorder and shall set forth the relief sought, the nature and date of the request, if applicable, attaching a copy of the request form, if available, and stating the basis and legal authority to support the relief sought.

C. After receiving notice of appeal, the city recorder shall schedule a hearing for the appropriate board to hear the appeal which shall be held within fifteen (15) business days from the date of the filing of the appeal. If the board fails to hear the appeal within the time limits described herein, the appeal shall be deemed denied.

D. The city recorder's office shall send a written notice of the date and location of the hearing to the requester, and notice to members of the appropriate board and the appropriate department director or the director of the office of the city council, if applicable.

E. The hearing shall be conducted in accordance with policies adopted by the city and the Utah open meetings act.

F. At the hearing, the board shall allow the parties to testify, present evidence and comment on the issues. The board may review the disputed records. The review shall be in camera. Members of the board may not disclose any information or record reviewed by the board in camera unless the disclosure is otherwise authorized by this chapter and the act. Discovery by the parties is prohibited. The board may issue subpoenas or other orders to compel production of necessary evidence. No later than five (5) business days after the hearing, the board shall issue a decision.

1. The decision of the board shall include:

a. A statement of the reason for the decision, including citations to this chapter and the act that govern disclosure of the record, provided that the citations do not disclose private, controlled, protected, limited or other nonpublic information;

b. A description of the record or portions of the record to which access was ordered or denied, provided that the description does not disclose private, controlled, protected, limited or other nonpublic information; and

c. A statement that any party to the appeal may appeal the board's decision to the state district court or the state records committee, as provided in section 63-2-403 of the act, within thirty (30) calendar days after the date of the board's written decision.

2. If the board fails to issue a written decision and forward it to the requester within five (5) business days after the hearing, the appeal shall be deemed to be denied.

3. The board may, upon consideration and weighing of the various interests and public policies pertinent to the classification and disclosure or nondisclosure of records, order the disclosure of information properly classified as "private" or "protected" if the interests favoring access outweigh the interests favoring restrictions of access.

G. Any party to the proceeding before the board may petition for review of the board's decision by the state records committee as provided in section 63-2-403 of the act or the state district court. The petition shall be filed no later than thirty (30) calendar days after the date of the board's written decision or upon expiration of the time set forth in subsection F2 of this section or its successor. (Ord. 85-94, 1994)

## 2.64.150: LIMITATION OF LIABILITY:

Neither the city, its employees, boards or commissions shall be liable for damages resulting from the release of a record where the requester has presented evidence of authority to obtain the record, even if it may be subsequently determined that the requester had no such authority or that the release resulted in a clearly unwarranted invasion of privacy. (Ord. 85-94, 1994)

## 2.64.160: CITY'S RECORD COMMITTEE:

A. The city recorder's office shall oversee and coordinate the city's records access and management and archives activities.

B. There is created the records committee, to be chaired by the city recorder or designee. Members of the records committee shall include, but not be limited to, the city recorder or designee, a representative from each department, a representative from the mayor's office and a representative from the city council office. The records committee

shall meet periodically, as determined by the records committee, and the city recorder or designee. Records of the records committee shall be maintained by the city recorder's office.

C. Each department and the city council office shall appoint a records representative to assist with and be directly responsible for the implementation of this chapter regarding their records. Regular training shall be coordinated under the direction of the records committee.

D. The records committee shall develop, as needed, records management and access policies and procedures to govern and implement the provisions of the act and this chapter. Approval and promulgation of records policies and procedures shall be in accordance with the provisions of this chapter and the act. Copies of all rules and policies promulgated under this chapter shall be forwarded to the Utah state division of archives. (Ord. 85-94, 1994)

## 2.64.170: DEVELOPMENT OF POLICIES AND GUIDELINES RELATING TO RETENTION AND MAINTENANCE OF CITY RECORDS:

A. The records committee shall develop policies and guidelines relating to the retention and maintenance of city records. Records maintenance policies and procedures shall be developed to ensure that due care is taken to maintain and preserve city records. Policies and regulations regarding types and formats of papers, inks, electronic media, and other records and information storage media, materials, equipment and techniques shall be developed and promulgated by the records committee.

B. Property rights to city records may not be permanently transferred from the city to any private individual or entity, including those legally disposable as obsolete city records. This prohibition does not include the providing of copies of city records otherwise produced for release or distribution under this chapter. (Ord. 85-94, 1994)

## 2.64.180: RECEIVING, STORING AND PRESERVING CITY RECORDS:

It is the responsibility of the city recorder to receive, store and preserve city records and to store and to provide reasonable access to them in compliance with this chapter and the act. Policies and guidelines regarding the nature of records and record series which are to be received and stored by the city shall be developed and promulgated by the city recorder. The office of the city recorder shall be considered the formal and official repository of city records including historical records. (Ord. 85-94, 1994)

## 2.64.190: COMPUTERIZED RECORDS:

A. The city retains and reserves to itself the right to use any type of nonverbal or nonwritten formats to store, maintain or retrieve city records which are not prohibited by state statute, and does not compromise legal requirements for record storage, retrieval, security and maintenance. All computerized and nonwritten format records and data which are properly designated and classified as "public" in accordance with the act and this chapter shall be made available to a requester as provided in this chapter and the act.

B. The public shall have the right to access records, in accordance with the act and this chapter, contained in nonwritten formats or data processing systems. The method of access to such public records shall be as determined appropriate by the director of the department or the city council office maintaining the records, considering all the circumstances; provided, however, that a director of a department or the city council office shall not use the physical form, electronic or otherwise, in which a record is stored, to deny the right to inspect and receive copies of a record under this chapter and the act. Access may include, but not be limited, to the following:

1. By using a city computer terminal or other viewing or listening device to retrieve data directly from the terminal screen; provided, however, that due regard shall be exercised to ensure that any nonpublic records will not be accessed, retrieved or displayed on the device and that records are not erased or damaged;

2. By providing paper or "hard" copies of record printouts or by providing magnetic tapes, discs or other means of electronic storage containing the computer, data processing or other electronic information system records; or

3. By the use, where appropriate, of remote terminals which have access to city computer, data processing or electronic information systems permitting such remote terminal access and provided that due regard shall be exercised to ensure that nonpublic records will not be available by remote terminal access.

C. All data retained on computer, data processing or electronic information systems shall be kept and maintained with due diligence to protect the security of any record which is considered nonpublic under the act and this chapter. The records committee shall develop policies and regulations regarding the nature and duration of the storage of any public or nonpublic record, contained or stored upon nonwritten formats or data processing systems. (Ord. 85-94, 1994)

## 2.64.200: ACCOMMODATIONS FOR PERSONS WITH DISABILITIES:

Reasonable accommodations regarding access to city records shall be provided to persons with disabilities in accordance with policies developed under this chapter. (Ord. 85-94, 1994)

## 2.64.210: AMENDMENT OR CORRECTION OF RECORD:

Records held by the city may be amended or corrected as needed. Requests for amendments, corrections or other changes shall be made in writing, to the department or the city council office, if applicable, maintaining the record in question, setting forth, with specificity, the amendment or correction requested and the reason for the change. When an amendment or correction of a city record is made, generally only the amended or corrected record shall be retained, unless the nature of the record indicates otherwise or as may be provided by policies and procedures adopted under the provisions of this chapter. (Ord. 85-94, 1994)

## 2.64.220: DISCIPLINARY ACTION FOR KNOWING VIOLATION OF THIS CHAPTER:

A city employee who knowingly refuses to permit access to records in accordance with the act and this chapter, or who permits access to nonpublic records knowing that such access is prohibited, or who knowingly, without authorization or legal authority, disposes of, alters, or removes records or allows other persons to do so in violation of the provisions of the act, this chapter, or other law or regulation, may, in addition to the penalties established in the act, be subject to disciplinary action, including termination. (Ord. 85-94, 1994)

# CHAPTER 2.66
# CONSTITUTIONAL TAKINGS

## 2.66.010: PURPOSE/INTENT:

Private property owners should be treated fairly and should not be unconstitutionally deprived of real property interests without just compensation. This chapter shall be construed to provide for the objective and fair review of claims by persons asserting deprivation of vested real property rights or interests, without just compensation. Nothing contained in this chapter shall be construed to limit the ability of the city to lawfully fulfill its duties and functions. (Ord. 1-95 § 1, 1995)

## 2.66.020: REVIEW OF DECISION BY MAYOR:

Any owner of private real property or a real property right who claims there has been an unconstitutional taking of their property, without just compensation, shall petition for a review of a final decision of any city officer, employee, board, commission, or the council. Consistent with the separation of powers which is integral to the city's form of government, the council designates the mayor to hear and consider such petitions. The mayor may delegate such responsibility to another individual. (Ord. 1-95 § 1, 1995)

## 2.66.030: REVIEW PROCEDURES:

The following procedures for review of a final decision shall be followed:

A. Final Decision: The person petitioning for review shall obtain a final decision before requesting review.

B. Petition For Review: Within thirty (30) days from the date of the final decision, the person requesting the review shall file, in the office of the city recorder, a written petition for review of that decision. A copy shall also be filed with the city attorney.

C. Hearing Date: The mayor, or the mayor's designee, shall set a time to review the decision that gave rise to the petition as soon as reasonably practical. The mayor, or the mayor's designee, shall hear and consider the evidence related to and submitted by the petitioner, the city or other interested parties. In the discretion of the mayor, or the mayor's designee, the hearing may be oral or based upon written submittals.

D. Applicant Information Submittal:

1. Initial Filing Information: In addition to the petition for review, the petitioner shall submit, within seven (7) days prior to the date of the review, the following:

a. The name of the petitioner requesting review;

b. The name and business address of the current owner of the property; the form of ownership, i.e., whether sole proprietorship, for profit or not for profit corporation, partnership, joint venture or other; and if owned by other than a real person, the name and address of all partners or shareholders owning ten percent (10%) or more of the outstanding shares;

c. A detailed description of the factual and legal grounds for the claim that there has been an unconstitutional taking, without just compensation;

d. A legal description of the property allegedly taken and a detailed description of the nature of the property; and

e. A description of the protectable property interest claimed to be affected.

2. Supplemental Information: If the mayor, or the mayor's designee, determines that there may be an unconstitutional taking, and additional information is needed, the mayor, or the mayor's designee, may further require the following to be submitted:

a. The evidence and documentation as to the value of the property interest claimed taken, including the date and cost at the date the property was acquired. This material should include any evidence of the value of that same property before and after the alleged unconstitutional 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;

b. The terms, including sale price, of any previous purchase or sale of a full or partial interest in the property during the three (3) years prior to the date of application;

c. All appraisals of the property prepared for any purpose, including financing, offering for sale, or ad valorem taxation, within the three (3) years prior to the date of application;

d. The assessed value of and ad valorem taxes on the property for the previous three (3) years;

e. All information concerning current mortgages or other loans secured by the property, including the name of the mortgages or lender, current interest rate, remaining loan balance and term of the loan and other significant provisions, including, but not limited to, the right of purchasers to assume the loan;

f. All listings of the property for sale or rent, price asked and offers received, if any, within the previous three (3) years;

g. All studies commissioned by the petitioner or agents of the petitioner within the previous three (3) years concerning feasibility of development or utilization of the property;

h. For income producing property, itemized income and expense statements from the property for the previous three (3) years;

i. Information from a title policy or other source showing all recorded liens or encumbrances affecting the property; and

j. The mayor, or the mayor's designee, may request additional information reasonably necessary, in their opinion, to arrive at a conclusion concerning the nature of and the value of the alleged unconstitutional taking. (Ord. 1-95 § 1, 1995)

## 2.66.040: REVIEWING GUIDELINES:

The mayor, or the mayor's designee, shall review the facts and information presented by the petitioner and determine if the action by the city constitutes an unconstitutional taking. In doing so, the city attorney's office shall serve as legal counsel and shall be consulted. The mayor, or the mayor's designee shall review the facts in light of the applicable state and federal constitutional law. (Ord. 1-95 § 1, 1995)

## 2.66.050: TIME FOR FINAL DECISION:

If the mayor, or the mayor's designee, fails to hear and decide the petition within fourteen (14) days after the filing of the petition, the administrative decision of the city officer, employee, board, commission or the council shall be deemed approved; provided, however, the mayor, or the mayor's designee, may extend the time to reach a decision, not exceeding an additional one hundred twenty (120) days following the receipt of the information required pursuant to this chapter, if prior to the expiration of the fourteen (14) day period, the mayor, or the mayor's designee notifies the petitioner, in writing, of such extension. (Ord. 1-95 § 1, 1995)

### 2.66.060: RESULTS OF REVIEW:

After completing the review, the mayor, or the mayor's designee, shall make a determination regarding the petition and, if determined to be necessary and appropriate, make a recommendation to council or the appropriate officer, employee, board or commission.

After completing the review, the mayor, or the mayor's designee, shall make a determination regarding the petition and, if determined to be necessary and appropriate, make a recommendation to council or the appropriate officer, employee, board or commission. (Ord. 1-95 § 1, 1995)

### 2.66.070: GUIDELINES ADVISORY:

The guidelines adopted and decisions rendered pursuant to the provisions of this chapter are advisory, and shall not be construed to expand or limit the scope of the city's liability for an unconstitutional taking of a vested property interest. The decision rendered pursuant to the provisions of this chapter is not admissible in court for any purpose other than to demonstrate that the petitioner has exhausted the requisite administrative remedies, and in no event shall any recommended compensation be admissible into evidence. (Ord. 1-95 § 1, 1995)

# CHAPTER 2.68
# ELECTIONS

### 2.68.010: DECLARATIONS OF CANDIDACY; SALT LAKE CITY GENERAL ELECTIONS:

A. A person may become a candidate for mayor if the person is a registered voter and:

1. The person has resided within Salt Lake City for the twelve (12) consecutive months immediately before the date of the election; or

2. If the territory in which the person resides was annexed into Salt Lake City, the person has resided within the annexed territory or Salt Lake City for twelve (12) consecutive months immediately before the date of the election.

B. Each person seeking to become a candidate for mayor shall file a declaration of candidacy with the city recorder during office hours and not later than five o'clock (5:00) P. M. between July 1 and July 15 of any odd numbered year and pay the fee shown on the Salt Lake City consolidated fee schedule at the time of filing the declaration. When July 15 is a Saturday, Sunday, or holiday, the filing time shall be extended until five o'clock (5:00) P.M. on the following regular business day. In lieu of the fee, the person may submit to the city recorder, in addition to the declaration of candidacy, a nominating petition signed by forty five (45) residents of each council district, for a total of three hundred fifteen (315) residents, who are at least eighteen (18) years old. Said nominating petition shall be construed as constituting an alternative to payment of the required fee for persons for whom such fee would create a financial hardship.

C. The declaration of candidacy for the office of mayor shall substantially comply with the following form:

*I, (print name)_____, being first sworn, say that I reside at _____ Street, Salt Lake City, County of Salt Lake, State of Utah, Zip Code _____, Telephone Number (if any) _____; that as of the date of the election for mayor on _____I will have resided within Salt Lake City for the 12 consecutive months immediately before such election; that I am a registered voter; and that I am a candidate for the office of mayor. I request that my name be printed upon the applicable official ballots.*

*Signed)*

*Subscribed and sworn to (or affirmed) before me by ____on this _____day of _____, 2__.*

*(Signed)*
*(City Recorder or Notary Public)*

D. A person may become a candidate for council member if the person is a registered voter and:

1. The person has resided within the council district for which such person seeks office for the twelve (12) consecutive months immediately before the date of the election; or

2. If the territory in which the person resides was annexed into Salt Lake City and into the council district for which such person seeks office, the person has resided within the annexed territory or the council district for which such person seeks office for the twelve (12) consecutive months immediately before the date of the election.

E. Each person seeking to become a candidate for council member shall file a declaration of candidacy with the city recorder during office hours and not later than five o'clock (5:00) P.M. between July 1 and July 15 of any odd numbered year together with the fee shown on the Salt Lake City consolidated fee schedule. When July 15 is a Saturday, Sunday, or holiday, the filing time shall be extended until five o'clock (5:00) P.M. on the following regular business day. In lieu of the fee, the person may submit to the city recorder, in addition to the declaration of candidacy, a nominating petition signed by seventy five (75) residents of the council district such person seeks to represent who are at least eighteen (18) years old. Said nominating petition shall be construed as constituting an alternative to payment of the required fee for persons for whom such fee would create a financial hardship.

F. The declaration of candidacy for the office of council member shall substantially comply with the following form:

*I, (print name) _____, being first sworn, say that I reside at _____Street, Salt Lake City, County of Salt Lake, State of Utah, Zip Code _____, Telephone Number (if any) ____; that as of the date of the election for councilmember on _____I will have resided within council district #__ in Salt Lake City for the 12 consecutive months immediately before such election; that I am a registered voter; and that I am a candidate for the office of councilmember for council district #__. I request that my name be printed upon the applicable official ballots.*

*(Signed)_____*

*Subscribed and sworn to (or affirmed) before me by ____on this _____day of _____, 2__.*

*(Signed)_____*
*(City Recorder or Notary Public)*

G. 1. Any registered voter may be nominated for mayor by filing a nomination petition with the city recorder during office hours but not later than five o'clock (5:00) P.M. between July 1 and July 15 of any odd numbered year signed by:

a. Twenty five (25) residents of Salt Lake City who are at least eighteen (18) years old; or

b. Twenty percent (20%) of the residents of Salt Lake City who are at least eighteen (18) years old; and

c. Paying the fee shown on the Salt Lake City consolidated fee schedule.

When July 15 is a Saturday, Sunday, or holiday, the filing time shall be extended until five o'clock (5:00) P.M. on the following regular business day. In lieu of the fee, the nominating petition may be signed by an additional forty five (45) residents of each council district, for a total of three hundred fifteen (315) additional residents, who are at least eighteen (18) years old. Said additional signatures on the nominating petition shall be construed as constituting an alternative to payment of the required fee for persons when such fee would create a financial hardship.

2. a. The petition for mayor shall substantially conform to the following form:

*NOMINATION PETITION*

*The undersigned residents of Salt Lake City being 18 years old or older nominate (name of nominee) to the office of mayor.*

b. The remainder of the petition shall contain lines and columns for the signatures of persons signing the petition and their addresses and telephone numbers.

H. 1. Any registered voter may be nominated for council member by filing a nomination petition with the city recorder during office hours but not later than five o'clock (5:00) P. M. between July 1 and July 15 of any odd numbered year signed by:

a. Twenty five (25) residents of the council district which the candidate seeks to represent who are at least eighteen (18) years old; or

b. Twenty percent (20%) of the residents of the council district which the candidate seeks to represent who are at least eighteen (18) years old; and

c. Paying the fee shown on the Salt Lake City consolidated fee schedule.

When July 15 is a Saturday, Sunday, or holiday, the filing time shall be extended until five o'clock (5:00) P.M. on the following regular business day. In lieu of the fee, the nominating petition may be signed by an additional seventy five (75) residents of the said council district who are at least eighteen (18) years old. Said additional signatures on the nominating petition shall be construed as constituting an alternative to payment of the required fee when such fee would create a financial hardship.

2. a. The petition shall substantially conform to the following form:

*NOMINATION PETITION*

*The undersigned residents of Salt Lake City being 18 years old or older nominate (name of nominee) to the office of councilmember.*

b. The remainder of the petition shall contain lines and columns for the signatures of persons signing the petition and their addresses and telephone numbers.

I. 1. A declaration of candidacy or nomination petition filed under this section is valid unless a written objection is filed with the city recorder within five (5) days after the last day for filing.

2. If an objection is made, the city recorder shall:

a. Mail or personally deliver notice of the objection to the affected candidate immediately; and

b. Decide any objection within forty eight (48) hours after it is filed.

3. If the city recorder sustains the objection, the candidate may correct the problem by amending the declaration or petition within three (3) days after the objection is sustained or by filing a new declaration within three (3) days after the objection is sustained.

4. a. The city recorder's decision upon objections to form is final.

b. The city recorder's decision upon substantive matters is reviewable by a district court if prompt application is made to the district court.

c. The decision of the district court is final unless the supreme court, in the exercise of its discretion, agrees to review the lower court decision.

J. Any person who filed a declaration of candidacy and was nominated, and any person who was nominated by a nomination petition, may, any time up to twenty three (23) days before the election, withdraw the nomination by filing a written affidavit with the city recorder. (Ord. 24-11, 2011)

### 2.68.020: WRITE-IN CANDIDATES:

A. Each person wishing to become a valid write-in candidate for mayor or for city council member shall file a declaration of candidacy with the city recorder and pay the fee shown on the Salt Lake City consolidated fee schedule not later than fourteen (14) days before the municipal general election in which the person intends to be a write-in candidate.

B. 1. The city recorder shall:

a. Read to the candidate the constitutional and statutory requirements for office and the requirements for office under this chapter; and

b. Ask the candidate whether or not the candidate meets the requirements.

2. If the candidate cannot meet the requirements of office, the city recorder may not accept the write-in candidate's declaration of candidacy. (Ord. 24-11, 2011)

# CHAPTER 2.70
# YOUTH CITY GOVERNMENT ADVISORY BOARD

(Rep. by Ord. 93-04 § 1, 2004)

# CHAPTER 2.72
# POLICE CIVILIAN REVIEW BOARD

## 2.72.010: PURPOSE:

The best interests of the city and its residents will be served by civilian oversight of certain complaints and internal police investigations regarding conduct of the police. As such, the police civilian review board will audit and review all cases in which it is claimed that a police officer used excessive force and such other cases as the board in its discretion may request. Such audit and review are intended to foster trust between the community and law enforcement personnel and to assure fair treatment to police officers. (Ord. 52-03 § 1, 2003)

## 2.72.020: DEFINITIONS:

For the purpose of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

ADMINISTRATOR: The independent board investigator/administrator appointed pursuant to section 2.72.060 of this chapter.

BOARD: The police civilian review board created under this chapter.

BOARD ADVISOR: The board advisor appointed pursuant to subsection 2.72.030D of this chapter.

CITY: Salt Lake City Corporation, a Utah municipal corporation.

COUNCIL: The city council of the city.

INTERNAL AFFAIRS UNIT: The internal affairs unit of the police department.

MAYOR: The duly elected or appointed and qualified mayor of the city.

MEMBER OR MEMBER OF THE BOARD: A person appointed by the mayor who is duly qualified and acting as a member of the board.

PANEL OR BOARD REVIEW PANEL: A panel of board members described in section 2.72.180 of this chapter.

PERSON: An individual.

POLICE CHIEF: The chief of police of the city.

POLICE DEPARTMENT: The police department of the city. (Ord. 52-03 § 1, 2003)

## 2.72.030: BOARD APPOINTMENTS; TERM OF OFFICE; BOARD ADVISOR:

A. Creation: The board is hereby created.

B. Appointments By Mayor: The mayor, with the advice and consent of the council, shall appoint fourteen (14) civilians as members of the board. Included in this number shall be two (2) from each council district. The mayor shall make such appointments with a goal of providing geographical, professional, neighborhood, racial, gender and ethnic diversity to the board so that balanced community representation is achieved. Officers or employees of the city shall not be appointed to the board.

C. Term Of Office: All members of the board shall serve for a three (3) year term, provided that the terms of the initial appointees shall be staggered so that not more than seven (7) terms shall expire in any one year. Each member's term of office shall expire on the first Monday in September. A member shall not serve more than two (2) consecutive full terms.

D. Board Advisor: The mayor shall appoint, as board advisor, a person with prior police experience, who is not at the time employed by the police department or any other law enforcement agency, to provide input and advice to the board. The board advisor shall have the same term of office as members of the board and shall not serve for more than two (2) consecutive terms. The board advisor is not a member of the board and does not have a vote on the board. (Ord. 52-03 § 1, 2003)

## 2.72.040: POLICIES AND PROCEDURES:

The board shall adopt policies and procedures, not inconsistent with this chapter, for the conduct of its meetings, for the conduct of meetings of panels, and for any other purposes it considers necessary for its proper functioning. (Ord. 52-03 § 1, 2003)

## 2.72.050: ORGANIZATION:

A. Officers: The board shall annually select from its members a chair and a vice chair.

B. Staff: The mayor shall appoint a full time investigator/administrator for the board, as provided in section 2.72.060 of this chapter. The city shall additionally provide staff to create written minutes from any board and panel meeting recordings.

C. Attorney: The city attorney shall be the attorney for the board. In the event of a conflict of interest, any legal advice or assistance shall be obtained, as directed by the office of the city attorney. (Ord. 52-03 § 1, 2003)

## 2.72.060: INDEPENDENT BOARD ADMINISTRATOR:

A. Appointment; Removal: In the interest of legitimate civilian oversight, the mayor shall appoint a full time independent administrator for the board. In making such appointment, the mayor shall consider any recommendations of the board regarding who should be appointed. The administrator shall operate out of the city's human

resources department. The administrator shall be an at will employee and shall be subject to removal by the mayor, with or without cause, but only after the mayor considers any recommendations of the board regarding such removal.

B. Required Qualifications: The administrator shall have the following qualifications:

1. Experience in public sector labor and employment law (preferably relating to police and firefighters), Utah civil service law, and civil rights law, or the ability to quickly learn applicable legal principles.

2. Strong interpersonal and supervisory skills.

3. Objectivity toward police and community interests.

4. No felony convictions or misdemeanor criminal convictions in cases involving violence or moral turpitude. The administrator shall not be under a pending felony indictment or information when appointed. A felony conviction or indictment or information, or a conviction of a misdemeanor involving violence or moral turpitude after appointment, shall be a basis for removal.

5. Strong writing skills.

6. Verbally articulate.

7. Strong interviewing skills.

8. Strong investigative skills.

C. Desired Administrator Qualifications: If possible, the administrator shall have the following qualifications:

1. Mediation training and mediation experience.

2. History of community involvement and public service.

3. Administrative and management skills.

4. Ability to positively interact with citizens, police officers, and the community.

5. Trial or appellate experience. (Ord. 39-10, 2010: Ord. 38-08 § 4, 2008: Ord. 52-03 § 1, 2003)

## 2.72.070: CRIMINAL CONVICTION OR PENDING INDICTMENT:

No person may be appointed as a member of the board who has: a) any felony convictions, pending indictments or information; or b) misdemeanor criminal convictions, pending indictments or information in cases involving violence or moral turpitude. A felony conviction, or a conviction for a misdemeanor involving violence or moral turpitude after appointment to the board, shall be a basis for removal from the board. (Ord. 52-03 § 1, 2003)

## 2.72.080: VOLUNTARY SERVICE; IMMUNITY FROM LIABILITY:

Board members and the board advisor shall perform their services on or for the board without pay or other compensation, except for payment or reimbursement of expenses actually and reasonably incurred as approved in writing, in advance, by the mayor. Board members and the board advisor shall be deemed volunteers as defined in title 67, chapter 20, Utah Code Annotated, as amended, or any successor statute, and, as such, shall be defended by the city attorney, but shall be immune from any liability with respect to any decision or action taken in the performance of their duties and responsibilities on or for the board as provided by title 63, chapter 30b, Utah Code Annotated, as amended, or any successor statute. (Ord. 19-04 § 1, 2004: Ord. 52-03 § 1, 2003)

## 2.72.090: REMOVAL FROM OFFICE:

Any member of the board or the board advisor may be removed from office by the mayor, for cause, prior to the normal expiration of the term for which such member or advisor was appointed. (Ord. 52-03 § 1, 2003)

## 2.72.100: VACANCY FILLING:

Any vacancy on the board shall be filled for the unexpired term of the vacated member in the same manner as the member whose position has been vacated was appointed. (Ord. 52-03 § 1, 2003)

## 2.72.110: MEMBERS' ETHICS:

Members shall be subject to and bound by the provisions of the city's conflict of interest ordinance, chapter 2.44 of this title, or any successor ordinance. Any violations of the provisions of said chapter shall be grounds for removal from office. (Ord. 52-03 § 1, 2003)

## 2.72.120: ELIGIBILITY FOR MEMBERSHIP; TRAINING:

A. Eligibility: To be eligible to be appointed as a member of the board, a person shall be at least twenty one (21) years of age and shall be a resident of the city.

B. Training: After being appointed to the board, but prior to functioning as a member, each member of the board shall receive the following training regarding the duties of the board and regarding police practices and procedures:

1. A specific training course, as determined by the police chief and the mayor, regarding police practices and procedures, duties of the board, and cultural diversity.

2. At least one 3-hour ride along in each of the city's police sectors.

3. Meetings with selected community groups and persons who have an interest in police oversight, as determined by the police chief and the mayor.

4. Two (2) hours of training provided by the internal affairs division.

5. A supplemental training course containing elements from subsections B1 through B4 of this section, as determined by the police chief and the mayor, within thirty (30) days after commencing the second year of the three (3) year term.

The mayor shall revoke the appointment to the board of any member who fails to complete such training within six (6) months after such member's appointment to the board; provided that the mayor may extend such training deadline if, in the mayor's judgment, such an extension is appropriate. (Ord. 19-04 § 2, 2004: Ord. 52-03 § 1, 2003)

## 2.72.130: MEETINGS OF BOARD:

A. Regular Meetings: The board as a whole shall hold regular meetings at least once every three (3) months.

B. Panel Meetings: Board review panels may meet as necessary to review cases.

C. Open Meeting Law Compliance: Notice of meetings of the board and panels shall be provided, and records of board and panel meetings shall be kept, as required in the open and public meetings act, title 52, chapter 4, Utah Code Annotated, as amended, or any successor statute. The board and panels may close a meeting if allowed under section 52-4-5, Utah Code Annotated, as amended, upon the affirmative vote of two-thirds ($^2/_3$) of the members of the board or panel present in an open meeting for which notice is given, provided a quorum is present. When a meeting of the board or a panel involves the discussion of the character, professional competence, or physical or mental health of an individual, including any police officer, privacy rights are involved, and it is hereby recommended that the board or panel close such meeting under the open and public meetings act unless, in their sound discretion, they determine that such meeting should be open to the public. Subject to the open and public meetings act, the board and panels shall keep written minutes of their meetings, and records of all of their examinations and official actions.

D. Special Meetings; Notice: Special meetings of the board or panels may be ordered by the chairperson of the board, a majority of the members of the board, a majority of the members of the council, or the mayor. The order for a special meeting must be signed by the person or persons calling such meeting and, unless waived in writing, each board member not joining in the order must be given not less than three (3) business days' prior notice of the meeting. Such notice shall be served personally or left at the board member's residence or business office.

E. Location Of Meetings; Record Of Proceedings: Meetings shall be held at such public place as may be designated by the board. The board and panels shall cause any written minutes of their proceedings to be available for inspection in the office of the city recorder, except with respect to matters not subject to public disclosure under the Utah government records access and management act, title 63, chapter 2, Utah Code Annotated, as amended, or any successor statute. The board and panels shall record the yea and nay votes of the board or panel members on any action taken by them. The board and panels may suspend the rules of procedure for their meetings by unanimous vote of the members of the board or panel, as applicable, who are present at the meeting. The board or panel shall not suspend the rules of procedure beyond the duration of the meeting at which the suspension of rules occurs. (Ord. 52-03 § 1, 2003)

## 2.72.140: QUORUM AND VOTE:

A. Quorum: No business of the board as a whole shall be conducted at a meeting without at least a quorum of eight (8) members. No business of a board panel shall be conducted at a meeting without at least a quorum of three (3) members.

B. Vote: All actions of the board shall be represented by a vote of the members. A simple majority of the voting members present at a meeting at which a quorum is present shall be required for any action to be taken. All actions of a board panel shall be represented by a vote of the participating members. A simple majority of the panel members present at each meeting at which a quorum is present shall be required for any action to be taken.

C. Effective Date Of Decision: Any decision of the board or any panel shall become effective immediately upon its adoption. (Ord. 52-03 § 1, 2003)

## 2.72.150: INVESTIGATIONS BY THE BOARD:

A. In General; Notice: The administrator shall have access to all internal affairs unit investigations in which it is claimed that a police officer used excessive force, together with such other investigations as the board in its discretion may request. The police department shall notify the board through the administrator when cases are initiated by the internal affairs unit.

B. Citizen Requested Investigations: Any person who files with the police department a complaint about a police officer, whether or not claiming that the police officer used excessive force, may, within four (4) business days after filing such complaint, file with the board a request that the board investigate the complaint. At the time a person files such a complaint with the police department, the police department shall notify such person orally or in writing of the person's right, within four (4) business days after such filing, to request a board investigation of the complaint. The board, in its discretion, may grant or deny such request, and the board shall promptly notify the person making the request of the board's decision to grant or deny the request. If the board grants the request, it shall promptly notify the internal affairs unit thereof, and the administrator shall have access to the internal affairs unit's investigation of such complaint.

Any person who files a complaint against a police officer under this section, knowing that such complaint is frivolous, malicious or false, shall be guilty of a class C misdemeanor. In addition, any person who files a complaint against a police officer knowing that such complaint is frivolous, malicious or false, shall be civilly liable for all costs and expenses incurred in investigating and otherwise responding to the complaint. A complaint is frivolous if it has no reasonable basis in fact. The board may adopt rules that allow it to dismiss any claim that it deems frivolous, malicious or false.

C. Administrator's Database: When the administrator is notified that a complaint is filed with the internal affairs unit, or when the board agrees to investigate a complaint at the request of a person pursuant to subsection B of this section, the administrator shall ensure that all pertinent data concerning the complaint is collected and entered into a computer database for future analysis.

D. Administrator's Access To Files: The administrator shall have access, via computer database network, to all police department files on its network, except those files that are confidential by law. The administrator shall not discuss with or release the contents of those files to any person other than members of the board, the board advisor, the police chief or his or her designee, the internal affairs unit, the mayor or his or her designee, or the office of the city attorney. A breach of this confidentiality obligation by the administrator or any related staff shall be grounds for removal from office, as well as civil and criminal liability pursuant to any applicable city, state or federal law.

E. Administrator's Access To Internal Affairs Investigation: The administrator shall have unfettered access to the internal affairs unit investigation process. The administrator may inquire of the commander of the internal affairs unit or the applicable assistant police chief about the status of any open case.

F. Administrator; Interviews:

1. Access To Internal Affairs Interviews: The administrator shall have access to all interviews scheduled by the internal affairs unit. The police department shall notify the administrator when interviews related to: a) investigations in which it is claimed that a police officer used excessive force or b) investigations that the board in its discretion has requested to review are scheduled so that the administrator may be present, at his or her discretion. The administrator may participate in questioning the witnesses. The administrator may request that the internal affairs unit interview witnesses or collect evidence, as he or she deems appropriate. If the administrator requests that the internal affairs unit interview a witness and the internal affairs unit denies that request, the administrator may independently interview that witness. In that event the administrator shall invite internal affairs unit personnel to be present at the interview and such personnel, if they choose to attend, may participate in questioning the witness.

2. Disclosure To Witnesses: If the administrator participates in any portion of the interview process, he or she must clearly communicate to all participating witnesses that he or she is an independent investigator/administrator affiliated with the board and not with the police department.

3. Compelling Attendance Of Witnesses And Police Officers: If the administrator desires to interview a witness or a police officer in connection with an open internal affairs unit investigation that the administrator is investigating or reviewing pursuant to this chapter, and if such person declines to be interviewed, the administrator may ask the mayor to compel the witness or police officer to meet with and be interviewed by the administrator pursuant to chapter 2.59 of this title.

4. Presence Of Internal Affairs Unit Investigator: Except as provided in subsection F1 of this section, the administrator shall have no contact with any witness or accused employee, except when an internal affairs unit investigator is present or invited to be present.

5. Forwarding Of Information To Internal Affairs Unit: Any information relevant to internal affairs unit investigations of which the administrator becomes aware shall be forwarded immediately to the commander of the internal affairs unit.

6. Protection Of Constitutional Rights: The administrator is bound to the same extent as the police department and the city to protect the rights of officers and witnesses under the Utah constitution and the United States constitution.

G. No Interviews By Board: The board and panels shall not call or interview witnesses.

H. Completion Of Administrator's Investigation: The administrator shall complete his or her investigation of each case within two (2) days after the completion date of the internal affairs unit's investigation.

I. Report Of Administrator: Within five (5) business days (or such longer period of time approved by the city's director of human resources after consultation with the police chief or his or her designee) after his or her receipt of the case file from the internal affairs unit, the administrator shall provide to the board review panel a written report that summarizes the case and such investigation, and states the administrator's recommendations regarding the case.

J. Board's Access To Administrator's Records: Upon request, the administrator shall provide to the board the administrator's notes and other records regarding cases investigated by the administrator.

K. Administrator's Attendance At Predisciplinary Hearings: The administrator may attend the predisciplinary hearing of a police officer who is the subject of the administrator's report under subsection I of this section. If, after attending the predisciplinary hearing, the administrator decides to prepare a second report that contains a different recommendation regarding the police officer, the administrator shall submit that second report to the board review panel not less than five (5) business days after the end of the predisciplinary hearing.

L. Board's Access To Files: Except as required by law, members of the board shall not discuss with or release the contents of police department files to any person other than members of the board, the board advisor, the administrator, the police chief or his or her designee, the internal affairs unit, the mayor or his or her designee, or the office of the

city attorney. A breach of this confidentiality obligation by a member of the board shall be grounds for removal from office, as well as civil and criminal liability pursuant to any applicable city, state or federal law. (Ord. 39-10, 2010: Ord. 19-04 § 3, 2004: Ord. 52-03 § 1, 2003)

## 2.72.160: OUTSIDE AGENCY CRIMINAL INVESTIGATIONS CONCERNING POLICE USE OF FORCE:

In cases involving the review of police officer actions by the Salt Lake County district attorney's office, the Utah attorney general's office, or the United States department of justice, the administrator shall review the case only after the review by such outside agency is completed, unless: a) the board, in consultation with the applicable outside agency, directs otherwise, and b) if the internal affairs unit determines to commence an investigation before completion of the outside agency review. When the review is completed, the administrator shall have access to all materials provided to the internal affairs unit by the Salt Lake County district attorney's office, the Utah attorney general's office, or the United States department of justice. (Ord. 52-03 § 1, 2003)

## 2.72.170: INTERNAL AFFAIRS UNIT CASE FILE:

At the completion of an internal affairs unit investigation: a) in cases in which it is claimed that a police officer used excessive force, b) in other cases that the board in its discretion has requested to review, or c) in cases in which the board agrees to investigate a complaint at the request of a person pursuant to subsection 2.72.150B of this chapter, a copy of the internal affairs unit case file shall be forwarded immediately to the administrator, who shall make it available to the board review panel. (Ord. 52-03 § 1, 2003)

## 2.72.180: BOARD REVIEW PANELS:

The board shall assign a board review panel to review: a) each internal affairs unit case in which it is claimed that a police officer used excessive force, b) such other cases the board in its discretion may request, and c) cases the board agrees to investigate at the request of a person pursuant to subsection 2.72.150B of this chapter. Each panel shall consist of five (5) randomly chosen members from the full board. A new panel shall be selected for each new case. The panel shall review the administrator's report on the case delivered to the board pursuant to subsection 2.72.150I of this chapter. (Ord. 52-03 § 1, 2003)

## 2.72.190: BOARD REVIEW PANEL REPORTS:

A. Majority Report: At the completion of a panel's review of a case pursuant to section 2.72.180 of this chapter, the panel shall prepare a report and immediately forward a copy of that report to the police chief. The panel's report shall contain, at a minimum, recommendations concerning case disposition and any other recommendations to the police chief in terms of the individual case or general practices or policies. The report shall be filed as promptly as possible, considering the time needed for the filing of minority reports and the police department's deadline for completing its final determination regarding complaints, after the administrator receives the internal affairs unit's case file on the case pursuant to section 2.72.170 of this chapter, but in all cases at least ten (10) business days before the police officer's predisciplinary hearing. After attending the predisciplinary hearing, the administrator may submit to the panel a second report containing a recommendation different than the administrator's initial recommendation. If, after reviewing the administrator's second report, the panel decides to prepare a second majority report that contains a recommendation less favorable to the police officer, the panel shall submit that second majority report to the police chief not less than five (5) business days after receiving the administrator's second report.

B. Minority Report: If less than all of the panel members join in either an initial or a second majority report described in subsection A of this section, any member not joining in the majority report may file with the police chief a minority report, setting forth such person's conclusions regarding the case. Any minority report must be filed within five (5) business days after the filing of the majority report. (Ord. 19-04 § 4, 2004: Ord. 52-03 § 1, 2003)

## 2.72.200: COMMUNICATION OF CASE DISPOSITION:

All reports containing a case disposition or recommended case disposition shall contain the classifications consistent with police department policy: "unfounded"; "exonerated"; "no determination is possible"; and "sustained". In addition to the classification, a definition of each term shall be included in the report. The definitions are as follows: a) "unfounded": the reported incident did not occur; b) "exonerated": the employee's actions were reasonable under the circumstances; c) "no determination is possible": there is insufficient evidence to support a conclusion as to whether or not the employee violated policy; d) "sustained": the employee's action(s) is in violation of policy or procedure of the police department. (Ord. 19-04 § 5, 2004: Ord. 52-03 § 1, 2003)

## 2.72.210: POLICE DEPARTMENT RESPONSE TO CASE:

Absent exigent circumstances in which the police chief, in his or her sole discretion, determines that a discipline decision must be made before he or she receives a majority and any minority reports pursuant to section 2.72.190 of this chapter, the police chief shall review and consider such majority and minority reports prior to making a discipline decision in the related case. However, the decision to discipline or not to discipline an officer, as well as the appropriate discipline, is within the sole discretion of the police chief. Immediately following a decision of the police chief to discipline or not to discipline a police officer for the alleged use of excessive force and in any other case the board has designated for review or investigation pursuant to section 2.72.150 of this chapter, the police chief shall submit to the board and the administrator a report outlining the case disposition. If the board disagrees with the case disposition, the board may communicate the disagreement to the police chief in written format, with a copy to the mayor. (Ord. 52-03 § 1, 2003)

## 2.72.220: AUDITS BY BOARD:

A. Semiannual Audits: Not less than once every six (6) months, the board shall audit and review the reports of the board review panels with respect to all internal police investigations commenced since the completion of the next preceding audit involving cases in which it is claimed that a police officer used excessive force, together with such other cases as the board in its discretion may request. The board may also obtain and review any records or reports of the administrator or the internal affairs unit.

B. Semiannual Reports:

1. Majority Report: After it finishes each audit, the board shall prepare a semiannual advisory report highlighting the trends in police performance and stating its findings, conclusions and recommendations regarding changes in police policy and procedures. Patterns of behavior, unclear procedures, policy issues, and training needs may be identified for review. A report shall be completed and filed with the mayor, the council, and the police chief within thirty (30) days after each of the board's semiannual audits.

2. Minority Report: If less than all of the members of the board join in the majority report of the board, any member not joining in the majority report may file with the mayor, the council, and the police chief a minority report, setting forth such person's conclusions regarding the audit. Any minority report must be filed within seven (7) business days after the filing of the majority report.

3. Confidentiality Of Reports: No semiannual advisory reports shall contain the names of any individual persons. Except during a closed session of the board, no individuals shall be mentioned by name in any verbal or written statements by the board or the members thereof.

4. Copies Of Semiannual Advisory Reports: Copies of such reports shall be provided to the mayor, each member of the council, and the police chief.

5. Staff Support: The police department and the mayor's office shall cooperate with the administrator to ensure that the board obtains all information and resources necessary to gather information for its reports. (Ord. 52-03 § 1, 2003)

## 2.72.230: CITIZEN REQUESTED REVIEW PROCEDURE:

(Rep. by Ord. 19-04 § 6, 2004)

## 2.72.240: CONFIDENTIALITY OF RECORDS:

Records and reports under this chapter shall be kept in compliance with the government records access and management act, title 63, chapter 2, Utah Code Annotated, as amended, or any successor statute. (Ord. 19-04 § 7, 2004: Ord. 52-03 § 1, 2003)

## 2.72.250: COOPERATION AND COORDINATION:

A. In General: All city officers and employees, including those of the police department, shall provide complete and prompt cooperation to the board in the discharge of its duties. The board and other city officers and employees shall coordinate their activities so that such officers and employees and the board can fully and properly perform their respective duties.

B. Police Department: It is recognized that the memorandum of agreement between the city and the Salt Lake Police Association contains a deadline by which the police department must notify police officers of the disposition of any internal police department disciplinary investigation and of any disciplinary action to be administered. The police department and the police chief are encouraged to complete their internal investigations in such a manner and time that the board and board review panels have sufficient time to perform their duties and issue their majority and any minority reports prior to such deadline in the memorandum of agreement, in order to allow the police chief to consider such reports prior to making a decision regarding case disposition or discipline. (Ord. 19-04 § 8, 2004: Ord. 52-03 § 1, 2003)

## 2.72.260: BOARD ACTIONS SHALL NOT BIND THE MAYOR OR POLICE CHIEF:

The recommendations of the board shall not be deemed to bind the mayor and the police chief in their determinations. Nothing in this chapter shall be construed to be a delegation of the mayor's responsibility and authority regarding the police department. (Ord. 19-04 § 9, 2004: Ord. 52-03 § 1, 2003)

### 2.72.270: NO CREATION OF LEGAL STANDARD OR THIRD PARTY RIGHTS:

Nothing in this chapter shall create any legal standard regarding conduct by the city, the board, the administrator, or the police department, nor create any third party rights whatsoever, except as specifically provided in this chapter. (Ord. 19-04 § 10, 2004: Ord. 52-03 § 1, 2003)

### 2.72.280: PUBLICIZING OF INVESTIGATION AND REVIEW PROCEDURES:

The police department and the mayor's office shall publicize: a) that the board investigates all internal affairs unit investigations in which it is claimed that a police officer used excessive force, and such other investigations as the board in its discretion may request, and b) the availability of the citizen requested investigation procedure described in subsection 2.72.150B of this chapter, and shall educate the public regarding where and when to file requests for review or investigation. In order to publicize the review and investigation procedures, the police department and the mayor's office shall develop brochures and other written publicity materials, and shall provide for dissemination of information through other forms of media, which are not limited to written information, within budgeted appropriations. (Ord. 19-04 § 11, 2004: Ord. 52-03 § 1, 2003)

# CHAPTER 2.73
# INTERMODAL CENTER ENTERPRISE FUND

### 2.73.010: PURPOSE:

The mayor and the city council declare it to be the policy of the city to plan, develop, acquire, construct, own and operate an intermodal transportation center. The intermodal center shall consist of a site acquired by the city, together with certain structures, improvements and facilities to be located thereon, including all necessary railroad and light rail tracks and switches, a station, public parking facilities, ticketing facilities, retain facilities, and certain service and maintenance facilities. It will be designed and operated as a central hub for various modes of public and private transportation. (Ord. 10-99 § 1, 1999)

### 2.73.020: ADMINISTRATION:

The planning, design, acquisition, construction, operation and maintenance of the intermodal center shall be administered by the mayor and such other city officers and personnel as the mayor shall designate. (Ord. 10-99 § 1, 1999)

### 2.73.030: ESTABLISHMENT OF FUND:

The intermodal center shall be administered and financed on an enterprise fund basis. There is hereby established an intermodal center enterprise fund for this purpose. The

intermodal center enterprise fund shall be subject to and administered in accordance with all applicable provisions of the uniform fiscal procedures act for Utah cities, or its successor, and the "Uniform Accounting Manual For Utah Cities". (Ord. 10-99 § 1, 1999)

# CHAPTER 2.75
# ENFORCEMENT OF CIVIL VIOLATIONS

## 2.75.010: DEFINITIONS:

Whenever the following terms are used in this chapter, they shall have the meanings set forth herein:

ASSESSMENTS: Means and includes, but is not limited to, late charges, administrative fees, attorney fees, court costs, and traffic school fees.

CIVIL CITATION (Also Known As CIVIL NOTICE OF VIOLATION OR CIVIL NOTICE): A notice that a civil violation of this code has occurred, issued by an officer or other person authorized to issue such notice consistent with Utah Code Annotated section 10-3-703 or other applicable laws or state statutes or their successors.

CIVIL PENALTY: The fine, forfeitures, assessments or combination thereof imposed by the Salt Lake City justice court.

CIVIL VIOLATION: A noncriminal violation of Salt Lake City ordinances designated as civil violations.

HEARING OFFICER: An individual designated as a hearing officer, violation coordinator or referee, or such other person who has authority to make decisions regarding civil or criminal citations that have been issued by an enforcement officer, before the matter is referred to a justice court judge. (Ord. 25-04 § 2, 2004: Ord. 21-03 § 1, 2003: Ord. 29-02 § 2, 2002)

## 2.75.020: HEARING OFFICER:

A. Duties: Consistent with the policies and procedures promulgated by the justice court, the hearing officer may adjust and set, as authorized, sums due as civil penalties, surcharges, and assessments owed; reduce civil penalties owed; dismiss citations upon payment of fees; enter into agreements for the timely or periodic payment of penalties, surcharges and assessments; and perform such other duties as deemed necessary or desirable by the justice court to carry out the purposes of this chapter in accordance with justice and equity.

B. Accountability: The hearing officer shall serve as staff for the justice court but shall be supervised as an employee, under the direction of the city justice court director or his/her designee. (Ord. 39-10, 2010: Ord. 30-09 § 5, 2009: Ord. 1-06 § 7, 2005: Ord. 62-02 § 1, 2002: Ord. 29-02 § 2, 2002)

## 2.75.030: CIVIL VIOLATIONS:

A. When an enforcement officer determines that a civil violation of this code has occurred, the officer shall issue a civil citation, the matter shall be handled by the justice court, and the penalty for such civil violation shall be as provided in section 1.12.050 of this code, or its successor.

B. Any person having received a civil citation shall, within twenty (20) days, either pay the civil penalty as contained in the default penalty schedule or file a written request for a hearing before the justice court.

C. Any person receiving a civil citation who requests a hearing shall discuss the matter with a hearing officer for informal resolution prior to the hearing before the justice court.

D. If the matter is resolved by the hearing officer, the hearing request shall be dismissed.

E. If the civil penalties payable to the city remain unsatisfied and no written request for a hearing has been filed after twenty (20) days from the issuance of the civil citation, the city may use such lawful means as are available to collect such penalties, including late charges, administrative and court costs and attorney fees. Any additional penalties are stayed upon filing the request for hearing, until judgment is rendered in the matter. (Ord. 1-06 § 8, 2005: Ord. 29-02 § 2, 2002)

# CHAPTER 2.76
# BUSINESS ADVISORY BOARD

## 2.76.010: PURPOSE:

The mayor and the Salt Lake City council, hereinafter "council", declare it to be a policy of the city that the businesses of Salt Lake City be provided opportunity to have input regarding significant decisions and issues affecting businesses and the city as a whole. (Ord. 90-99 § 1, 1999)

## 2.76.020: DEFINITIONS:

For the purpose of this chapter the following terms, phrases, words, and their derivations shall have the meanings given in this section:

BOARD: The Salt Lake City business advisory board created under this chapter.

BUSINESS: A for profit commercial enterprise.

CITY: Means and refers to Salt Lake City, a municipal corporation of the state of Utah.

COUNCIL: The Salt Lake City council.

DIRECTOR: The person appointed by the mayor to serve as the director of the department of community and economic development.

MAYOR: The duly elected or appointed, and qualified mayor of Salt Lake City.

MEMBER: A person appointed by the mayor who is a duly qualified voting or nonvoting member of the board.

NONVOTING MEMBER: A person appointed by the mayor who is duly qualified and a participating, but nonvoting member of the board.

VOTING MEMBER: A person appointed by the mayor who is duly qualified and a participating, voting member of the board. (Ord. 38-08, 2008: Ord. 6-04 § 5, 2004: Ord. 90-99 § 1, 1999)

## 2.76.030: BOARD CREATED:

There is created the Salt Lake City business advisory board, which body shall consist of eleven (11) appointed voting members and up to five (5) nonvoting members. Voting membership shall consist of residents of the city or of nonresidents who have an ownership interest in a business within the city. No more than two (2) members of the board shall be from the same profession or occupation. Other individuals, representing organizations with continuing interest and involvement in business within the city may be appointed nonvoting members, including, for example, but not limited to, the Salt Lake area chamber of commerce, the Downtown Alliance, and the Downtown Retail Merchants Association. The director of community and economic development, or his/her designee, shall be an ex officio member of the board with no voting privileges. (Ord. 38-08, 2008: Ord. 6-04 § 6, 2004: Ord. 90-99 § 1, 1999)

## 2.76.040: APPOINTMENT OF MEMBERS; OATH OF OFFICE:

A. All appointments of voting members of the board shall be made by the mayor with the advice and consent of the city council. In making initial appointments, the mayor shall, with the advice and consent of the council, designate four (4) voting members to serve two (2) years, four (4) voting members to serve three (3) years and three (3) voting members to serve four (4) years. Any fraction of a year in the initial appointment shall be considered a full year. Thereafter, all appointments shall be made for a four (4) year term. Each member's term of office shall expire on the applicable last Monday in December. Voting members shall be limited to no more than two (2) consecutive terms each. Each person shall perform service on a voluntary basis without compensation and on such basis shall be immune from liability with respect to any recommendation or action taken during the course of those services as provided by Utah Code Annotated section 63-30-1 et seq., as amended, or successor sections. Vacancies occurring in the voting membership of the board shall be filled by appointment by the mayor with the advice and consent of the city council for the unexpired term.

B. All appointments of nonvoting members of the board shall be made by the mayor with the advice and consent of the city council for a one year term. Any fraction of a year in the initial appointment shall be considered a full year. Thereafter, all appointments of nonvoting members shall be made for a one year term. Each nonvoting member's term of office shall expire on the applicable last Monday in December. Nonvoting members shall be limited to no more than four (4) consecutive terms. Each person shall perform service on a voluntary basis without compensation. Vacancies occurring in the nonvoting membership of the board may be filled by appointment by the mayor with the advice and consent of the city council for the unexpired term.

C. Voting members shall sign the oath of office required by law to be signed by city officials and file the same in the office of the city recorder. Every member who shall fail within ten (10) days after notification of his or her appointment to file with the city recorder his or her oath of office to perform faithfully, honestly and impartially the duties of the office, shall be deemed to have refused such appointment, and thereupon another person shall be appointed in the manner prescribed in this chapter. (Ord. 90-99 § 1, 1999)

## 2.76.050: REMOVAL FROM OFFICE:

Any member may be removed from office by the mayor for cause, prior to the normal expiration of the term for which such member was appointed. Any member failing to attend three (3) board meetings in one calendar year shall forfeit membership of the board. (Ord. 90-99 § 1, 1999)

## 2.76.060: MEMBERS' ETHICS:

Members shall be subject to and bound by the provisions of the city's conflict of interest ordinance, chapter 2.44 of this title, or its successor chapter. Any violations of the provisions of said chapter, or its successor, shall be grounds for removal from office. (Ord. 90-99 § 1, 1999)

## 2.76.070: ELIGIBILITY FOR MEMBERSHIP:

A person, to be eligible to be appointed as a member of the board, shall meet the following prerequisites:

A. Be not less than twenty one (21) years of age;

B. Be a resident of Salt Lake City or a nonresident of the city who has an ownership interest in a business within the city. (Ord. 90-99 § 1, 1999)

## 2.76.080: MEETINGS:

A. The board shall convene for regular meetings to be held approximately monthly throughout the year. To the extent that meetings of the board are governed by title 52, chapter 4, Utah Code Annotated, 1953, as amended, or its successor, said meetings shall be conducted in compliance with said state law. Meetings shall be held at the city and county building, or at such other public place as may be designated by the board. Six (6) voting members of the board shall constitute a quorum for the purpose of holding meetings. The board may act officially by an affirmative vote of any six (6) or more voting members present.

B. Special meetings may be called by a majority of the board, the chairperson, or the mayor. The call for a special meeting must be signed by the member calling such meeting and, unless waived in writing, each member not joining in the order for such special meeting must be given not less than three (3) hours' notice. Said notice shall be served personally or left at the member's residence or business office. Meetings shall be held at such public place as may be designated by the board.

C. The board shall cause a written record of its proceedings to be kept which shall be available for public inspection in the office of the director. The board shall record the yea and nay votes of any action taken by it. The director shall make available a secretary to the board when required.

D. The board shall adopt a system of rules of procedure under which its meetings are to be held. The board may suspend the rules and procedures by unanimous vote of the voting members of the board who are present at the meeting. The board shall not suspend the rules of procedure beyond the duration of the meeting at which suspension of

the rules occurs. (Ord. 90-99 § 1, 1999)

## 2.76.090: ELECTION OF OFFICERS:

Each year the board, at its first regular meeting after the last Monday in December, shall select one of its voting members as chairperson and another of its voting members as vice chairperson, who shall perform the duties of the chairperson during the absence or disability of the chairperson. No voting member shall serve more than two (2) consecutive terms as chairperson. (Ord. 90-99 § 1, 1999)

## 2.76.100: REVIEW OF ACTION; POWERS OF MAYOR:

All actions taken by the board shall constitute recommendations to the director, the mayor, and the city. The director of the department of community and economic development and/or mayor shall have the power to review, ratify, modify or disregard any recommendation submitted by the board, and the mayor may refer the matter to the city council, if appropriate. (Ord. 38-08, 2008: Ord. 6-04 § 7, 2004: Ord. 90-99 § 1, 1999)

## 2.76.110: COMMITTEES:

The board may, by vote, designate such committee or committees as it desires to study, consider and make recommendations on matters which are presented to the board. In the event the board desires nonboard members to serve on such a committee, the board may make such appointments, but shall include at least one voting board member on such committee. Nonboard members of such committees shall serve without compensation. (Ord. 90-99 § 1, 1999)

## 2.76.120: POWERS AND DUTIES:

The board shall have the following powers and duties:

A. Determine and establish such rules and regulations for the conduct of the board as the members shall deem advisable; provided, however, that such rules and regulations shall not be in conflict with this chapter or its successor, or other city, state or federal law;

B. Recommend the adoption and alteration of all rules, regulations and ordinances which it shall, from time to time, deem in the public interest and for the purposes of carrying out the objects of this chapter; provided, however, that such rules and regulations shall not be in conflict with this chapter or its successor, or other city, state or federal law;

C. Advise and make recommendations to the city administration and the city council on business related issues which may include, but not be limited to:

1. Business license fee rates;

2. Proposed planning and zoning changes;

3. Development of a strategic plan to encourage business growth in the city; and

4. Measures to enhance business activities, such as the downtown economic development study and the neighborhood business master plan;

D. Serve as a coordination body and resource for organizations interested in business issues affecting the city. (Ord. 90-99 § 1, 1999)

# CHAPTER 2.78
# HUMAN RIGHTS COMMISSION[1]

(Rep. by Ord. 15-08 § 2, 2008)

# CHAPTER 2.80
# HOUSING TRUST FUND ADVISORY BOARD

## 2.80.010: PURPOSE:

The mayor and the Salt Lake City council, hereinafter "council", declare it to be a policy of the city to address the health, safety and welfare of its citizens by providing assistance for affordable and special needs housing within the city. The purpose of this chapter is to create the Salt Lake City housing trust fund and the Salt Lake City housing trust fund advisory board to address these concerns for affordable and special needs housing in the city. (Ord. 78-00 § 1, 2000)

## 2.80.020: DEFINITIONS:

For the purpose of this chapter the following terms, phrases, words, and their derivations shall have the meanings given in this section:

AFFORDABLE HOUSING: A. Rental housing for which the annualized rent does not exceed thirty percent (30%) of the annual income of a family whose income equals sixty percent (60%) or less of the median income for Salt Lake City, as determined by the United States department of housing and urban development; or

B. Nonrental housing for which the annualized mortgage payment does not exceed thirty percent (30%) of the annual income of a family whose income equals eighty percent (80%) or less of the median income for Salt Lake City, as determined by the United States department of housing and urban development.

BOARD: The Salt Lake City housing trust fund advisory board created under this chapter.

CDBG: Federal community development block grant.

CITY: Means and refers to Salt Lake City, a municipal corporation of the state of Utah.

COUNCIL: The Salt Lake City council.

DIRECTOR: The person appointed by the mayor to serve as the director of the department of community and economic development, or its successor department.

ESG: Federal emergency shelter grant.

FUND: The Salt Lake City housing trust fund created by this chapter.

HAND: The division of housing and neighborhood development, or its successor.

HOME: Federal HOME grant.

HOPWA: Federal housing opportunities for people with AIDS grant.

HOUSING SPONSOR: Includes, but is not limited to, an entity which constructs, develops, rehabilitates, purchases, owns, or manages a housing project or program that is or will be subject to legally enforceable restrictions and covenants that require that the housing assistance be provided to qualifying individuals as defined herein. A housing sponsor includes:

A. A public entity;

B. A nonprofit, limited profit, or for profit corporation;

C. A limited partnership;

D. A limited liability company;

E. A joint venture;

F. A cooperative;

G. A mutual housing or cohousing organization;

H. A municipal government;

I. A local housing authority;

J. A regional or statewide nonprofit housing or assistance organization.

MAYOR: The duly elected or appointed, and qualified mayor of Salt Lake City.

MEMBER: A person appointed by the mayor who is a duly qualified voting member of the board.

SPECIAL NEEDS HOUSING: Includes, but is not limited to, supportive housing for people who fit one or more of the following categories: homeless, elderly, persons with mental and/or physical disabilities, domestic violence survivors, and the chronically ill. (Ord. 38-08, 2008: Ord. 20-06 § 1, 2006: Ord. 6-04 § 8, 2004: Ord. 78-00 § 1, 2000)

## 2.80.030: FUND CREATED:

There is created a restricted account within the general fund, to be designated as the "Salt Lake City housing trust fund" (the "fund"). The fund shall be accounted for separately within the general fund, and the fund shall be used exclusively to assist with affordable and special needs housing in the city. No expenditures shall be made from the fund without approval of the city council.

A. There shall be deposited into the fund all monies received by the city, regardless of source, which are dedicated to affordable housing and special needs housing including, but not limited to, the following:

1. Grants, loan repayments, bonuses, entitlements, mitigation fees, forfeitures, donations, redevelopment tax increment income, and all other monies dedicated to affordable and special needs housing received by the city from federal, state, or local governments;

2. Real property contributed to or acquired by the city under other ordinances for the purposes of preserving, developing, or restoring affordable housing;

3. Monies appropriated to the fund by the council; and

4. Contributions made specifically for this purpose from other public or private sources.

5. CDBG, ESG, and HOPWA monies only as designated by the city's community development advisory board and approved by the mayor and city council, and HOME monies only as designated by the city's housing advisory and appeals board and approved by the mayor and city council.

B. The monies in the fund shall be invested by the city treasurer in accordance with the usual procedures for such special accounts. All interest or other earnings derived from fund monies shall be deposited in the fund. (Ord. 78-00 § 1, 2000)

## 2.80.040: BOARD CREATED:

There is created the Salt Lake City housing trust fund advisory board (the "board"), which body shall consist of eleven (11) appointed members, at least one of whom has a household income which qualifies such person for affordable housing benefits or programs. Membership shall consist of residents of the city as follows:

A. Seven (7) citizens, one from each city council district, with expertise or experience in affordable and/or special needs housing, which may include a full range of such expertise and/or experience from citizens who are considering purchasing their first home to citizens who have a strong background in affordable housing;

B. Four (4) citizens at large who have experience or expertise in areas of business, real estate, or housing development generally.

The board may also consult with persons who have experience or expertise in areas such as finance, real estate, affordable housing development, and law as well as with representatives from other city boards and commissions in order to solicit advice on specific projects. (Ord. 78-00 § 1, 2000)

## 2.80.050: APPOINTMENT OF MEMBERS; OATH OF OFFICE:

A. All appointments of members of the board shall be made by the mayor with the advice and consent of the city council. In making initial appointments, the mayor shall, with the advice and consent of the council, designate four (4) members to serve one year, four (4) members to serve two (2) years and three (3) members to serve three (3) years. Any fraction of a year in the initial appointment shall be considered a full year. Thereafter, all appointments shall be made for a three (3) year term. Each member's term of office shall expire on the applicable last Monday in December. Members shall be limited to no more than two (2) consecutive terms each. Each person shall perform service on a voluntary basis without compensation and on such basis shall be immune from liability with respect to any recommendation or action taken during the course of those services as provided by Utah Code Annotated section 63-30-1 et seq., as amended, or successor sections. Vacancies occurring in the membership of the board shall be filled by appointment by the mayor with the advice and consent of the city council for the unexpired term.

B. Members shall sign the oath of office required by law to be signed by city officials and file the same in the office of the city recorder. Every member who shall fail within ten (10) days after notification of his or her appointment to file with the city recorder his or her oath of office to perform faithfully, honestly and impartially the duties of the office, shall be deemed to have refused such appointment, and thereupon another person shall be appointed in the manner prescribed in this chapter. (Ord. 78-00 § 1, 2000)

## 2.80.060: REMOVAL FROM OFFICE:

Any member may be removed from office by the mayor for cause, prior to the normal expiration of the term for which such member was appointed. Any member failing to attend three (3) board meetings in one calendar year shall forfeit membership of the board. (Ord. 78-00 § 1, 2000)

## 2.80.070: MEMBERS' ETHICS:

Members shall be subject to and bound by the provisions of the city's conflict of interest ordinance, chapter 2.44 of this title, or its successor. Any violations of the provisions of said chapter, or its successor, shall be grounds for removal from office. Members shall recuse themselves from voting on any decision to which they are a party or which vote may constitute a violation of the city's conflict of interest ordinance. (Ord. 78-00 § 1, 2000)

## 2.80.080: MEETINGS:

A. The board shall convene for regular quarterly meetings to be held at least four (4) times each year. Additional meetings may be held as needed in order to conduct the business of the housing trust fund. To the extent that meetings of the board are governed by title 52, chapter 4, Utah Code Annotated, 1953, as amended, or its successor, said meetings shall be conducted in compliance with said state law. Meetings shall be held at the city and county building, or at such other public place as may be designated by the board. Six (6) members of the board shall constitute a quorum for the purpose of holding meetings. The board may act officially by an affirmative vote of a majority of members present.

B. Special meetings may be called by a majority of the board, the chairperson, or the mayor. The call for a special meeting must be signed by the member calling such meeting and, unless waived in writing, each member not joining in the order for such special meeting must be given not less than three (3) hours' notice. Said notice shall be served personally or left at the member's residence or business office. Meetings shall be held at such public place as may be designated by the board.

C. The board shall cause a written record of its proceedings to be kept which shall be available for public inspection in the office of the director. The board shall record the yea and nay votes of any action taken by it. The director shall make available a secretary to the board when required.

D. The board shall adopt a system of rules of procedure under which its meetings are to be held. The board may suspend the rules and procedures by unanimous vote of the members of the board who are present at the meeting. The board shall not suspend the rules of procedure beyond the duration of the meeting at which suspension of the rules occurs. (Ord. 51-03 § 1, 2003: Ord. 78-00 § 1, 2000)

## 2.80.090: ELECTION OF OFFICERS:

Each year the board, at its first regular meeting after the last Monday in December, shall select one of its members as chairperson and another of its members as vice chairperson, who shall perform the duties of the chairperson during the absence or disability of the chairperson. No member shall serve more than two (2) consecutive terms as chairperson. (Ord. 78-00 § 1, 2000)

## 2.80.100: REVIEW OF ACTION; POWERS OF MAYOR:

All actions taken by the board shall constitute recommendations to the director, the mayor, and the city council. The director and the mayor shall have the power to review, ratify, modify or disregard any recommendation submitted by the board, and the mayor may refer the matter to the city council, if appropriate. (Ord. 78-00 § 1, 2000)

## 2.80.110: COMMITTEES:

The board may, by vote, designate such committee or committees as it desires to study, consider and make recommendations on matters which are presented to the board. In the event the board desires nonboard members to serve on such a committee, the board may make such appointments, but shall include at least one board member on such committee. Nonboard members of such committees shall serve without compensation. (Ord. 78-00 § 1, 2000)

## 2.80.120: POWERS AND DUTIES:

The board shall have the following powers and duties:

A. Determine and establish such rules and regulations for the conduct of the board as the members shall deem advisable; provided, however, that such rules and regulations shall not be in conflict with this chapter or its successor, or other city, state or federal law.

B. Recommend the adoption and alteration of all rules, regulations and ordinances which it shall, from time to time, deem in the public interest and for the purposes of carrying out the objects of this chapter; provided, however, that such rules and regulations shall not be in conflict with this chapter or its successor, or other city, state or federal law.

C. Consult with experts in areas such as finance, real estate, and affordable housing development to obtain advice on specific projects.

D. Advise and make recommendations to the city administration and the city council on affordable housing and special needs housing issues which may include, but not be limited to:

1. The means to implement the policies and goals of this chapter and the city's community housing plan and policies;

2. Criteria by which loans and grants should be made, using the city's consolidated plan as a guide to determine housing gaps;

3. The order in which projects and programs should be funded;

4. The distribution of any monies or assets contained in the fund according to the procedures, conditions, and restrictions placed upon the use of those monies or assets by any government entity;

5. The distribution of all other monies from the fund according to the following guidelines:

a. Sufficient fund monies shall be distributed as loans to assure a reasonable stream of income to the fund from loan repayments. These may range from short term construction loans to long term acquisition loans;

b. Loans shall be recommended in accordance with the borrower's ability to pay, but no more than fifty percent (50%) of the per unit costs shall be recommended;

c. Fund monies and assets not distributed as loans shall be distributed as grants;

d. All fund monies and assets shall be distributed to benefit households earning one hundred percent (100%) or less of the area median income;

e. Not less than one-half ($^1/_2$) of all fund monies and assets shall be distributed to benefit households earning fifty percent (50%) or less of the area median income;

f. The board may recommend that the mayor, with the consent of the council, grant or lend fund monies or assets to housing sponsors. Housing sponsors must assure the term of affordability as follows:

(1) Rental Housing: The term of affordability for rental housing units will be fifty five (55) years.

(2) Home Ownership Housing: The term of affordability for home ownership housing units will be as follows:

(A) Short term financing (less than 5 years) will require that the first homeowner to purchase the housing unit will meet the income requirement of eighty percent (80%) or less of area median income as established by the U.S. department of housing and urban development.

(B) Long term financing (5 or more years) for new construction, rehabilitation or acquisition will be as follows:

| | |
|---|---|
| Under $15,000.00 | 5 years |
| $15,000.00 to $40,000.00 | 10 years |
| Over $40,000.00 | 15 years |

g. Fund monies and assets may be recommended by the board to be used to obtain matching funds from government entities or other sources, consistent with the intent of this chapter.

E. The board may recommend fund monies or assets be provided to any of the following activities:

1. Acquisition, leasing, rehabilitation, or new construction of housing units for ownership or rental, including transitional housing;

2. Emergency home repairs;

3. Retrofitting to provide access for persons with disabilities;

4. Down payment and closing cost assistance;

5. Construction and gap financing;

6. Land acquisition for purposes consistent with the purposes of this chapter;

7. Technical assistance;

8. Other activities and expenses incurred that directly assist in providing the housing for eligible households in the city, consistent with the intent of this chapter.

F. Fund monies shall not be used for administrative expenses.

G. The board shall develop an application process to be recommended to the mayor and council for approval. Said process may be reviewed from time to time by the council.

H. The board and HAND shall review and monitor the activities of recipients of grants and loans issued under this chapter on an annual basis, or more often as may be deemed necessary, to ensure compliance with the terms and conditions imposed on the recipient by the mayor and the council under this chapter and under any and all instruments and documents entered into between the city and the recipient pursuant to this chapter.

1. Entities receiving grants or loans shall provide to the board and HAND an annual accounting of how the monies or assets received from the fund have been used.

2. An annual report shall be prepared by the board and HAND which shall contain information concerning the implementation of this chapter. The report shall include, but is not limited to, information regarding the location and numbers of units developed or preserved, the numbers and incomes of households served, and detailing the income to and assets in the fund, and the expenditures and uses of fund monies and assets.

3. The annual report shall include the board's and HAND's assessment of housing needs in the city, barriers to affordable and special needs housing development and reservation, and barriers to the implementation of this chapter.

4. The annual report shall be submitted to the mayor and the council for review by March 31 of each calendar year.

5. Appropriations by the council to the fund shall be considered as part of the budget process.

I. Serve as a coordination body and resource for organizations interested in affordable and special needs housing issues affecting the city including, but not limited to, the housing authority of Salt Lake City, the Salt Lake City redevelopment agency, the housing and neighborhood development division, and other city departments as appropriate,

as well as nonprofit and for profit housing developers. (Ord. 51-03 § 2, 2003: Ord. 45-01 § 4, 2001: Ord. 78-00 § 1, 2000)

# CHAPTER 2.82
# SALT LAKE CITY SISTER CITIES BOARD

## 2.82.010: DEFINITIONS:

For the purpose of this chapter the following words shall have the meanings as given herein:

ADVISORY COMMITTEE: An advisory committee of the board as defined in section 2.82.090 of this chapter.

BOARD: The Salt Lake City sister cities board created under this chapter.

CITY: Means and refers to Salt Lake City Corporation, a municipal corporation of the state of Utah.

COUNCIL: The Salt Lake City council.

FRIENDSHIP CITY: A city, from another country, being considered as a potential sister city with Salt Lake City.

MAYOR: The duly elected or appointed and qualified mayor of the city.

MEMBER: A member of the Salt Lake City sister cities board.

PROGRAM: The Salt Lake City sister cities program which includes all of Salt Lake City's sister city and friendship city relationships.

SISTER CITY: A partnership between Salt Lake City and another city, from another country, that has been officially established by the appropriate government officials of the other city and by a joint resolution of the mayor and the council. (Ord. 8-09 § 1, 2009)

## 2.82.020: BOARD CREATED:

There is created the Salt Lake City sister cities board, which shall consist of persons and entities who are willing to promote the purposes of the program and to comply with its rules and regulations. (Ord. 8-09 § 1, 2009)

## 2.82.030: PURPOSE:

The purpose of the Salt Lake City sister cities board is to promote peace and unite local and global communities through friendship, economic opportunities and cultural and educational exchange, particularly as between Salt Lake City and selected cities in other countries. (Ord. 8-09 § 1, 2009)

## 2.82.040: BOARD MEMBERS' ETHICS:

Board members shall be subject to and bound by the provisions of the city's conflict of interest ordinance, chapter 2.44 of this title, or its successor. Any violations of the provisions of said act shall be grounds for removal from the board. (Ord. 8-09 § 1, 2009)

## 2.82.050: MEMBERSHIP:

To be eligible to be appointed as a member of the board a person must be at least eighteen (18) years of age and reside in Salt Lake County or adjoining counties. (Ord. 8-09 § 1, 2009)

## 2.82.060: APPOINTMENT AND TERMS:

A. All appointments of members of the board shall be made by the mayor with the advice and consent of the council. Each member's term of office shall be for a period of three (3) years and shall expire on the applicable first Monday in July. Members may be allowed to serve an unlimited number of terms in order to ensure continuity of service and to protect the vitality and stability of the sister city relationships upon agreement by the mayor with the advice and consent of the council as each term expires. Vacancies occurring on the board shall be filled by appointment by the mayor with the advice and consent of the council for the expired term.

B. Each member shall perform service on a voluntary basis without compensation and on such basis shall be immune from liability with respect to any decision or action taken during the course of these services, as provided by Utah Code Annotated, section 63G-7-101 et seq. (1953), as amended, or successor sections.

C. The mayor may remove any member, prior to the normal expiration of the term for which such member was appointed, for misconduct or neglect of duty. (Ord. 8-09 § 1, 2009)

## 2.82.070: MEETINGS AND BOARD QUORUM:

The board shall hold its meetings in compliance with the Utah open and public meetings act. The annual meeting shall be held during the first quarter of each calendar year. The board shall then convene meetings as needed throughout the year. Special meetings may be ordered by a majority of the board, the chairperson, or the mayor. The board shall cause a record of its proceedings to be available for public inspection, including the yea and nay votes of the board on any action taken by it. The board shall adopt a system of rules and procedures under which its meetings are to be held. A majority of members serving on the board at any given time shall constitute a quorum. (Ord. 8-09 § 1, 2009)

## 2.82.080: ELECTION OF OFFICERS:

Each year the board, at its first regular meeting, shall select one of its members as chairperson and another of its members as vice chairperson, who shall assume the duties of the chairperson during the absence or disability of the chairperson. The chairperson and vice chairperson shall serve two (2) year terms with the potential to serve for additional consecutive two (2) year terms if approved by the board.

The city shall provide staff support to the board, which shall encompass secretarial and treasurer responsibilities in order to ensure that meeting minutes are properly recorded and that funds contributed to the board by the city are administered according to city laws and regulations. Budget oversight shall be the responsibility of the board and the city staff. (Ord. 8-09 § 1, 2009)

## 2.82.090: ADVISORY COMMITTEES:

The board may designate such advisory committees as it desires to study, consider and make recommendations on matters that are presented to the board. Board members and their designees will be allowed to serve on advisory committees. (Ord. 8-09 § 1, 2009)

## 2.82.100: REVIEW OF ACTION; POWERS OF THE MAYOR:

All actions taken by the board shall constitute recommendations to the mayor and shall not constitute official action. The mayor shall have the power to review, ratify, modify or disregard any recommendation submitted by the board, or refer the matter to the city council, if appropriate. No action shall be implemented until the board is notified that it has been ratified by the mayor, or, if referred to the council, that the council has adopted a resolution or an ordinance implementing the recommendation of the board, or that the recommendation was modified and adopted by the mayor or council, as appropriate, and in such event it shall be implemented as modified. (Ord. 8-09 § 1, 2009)

## 2.82.110: RESPONSIBILITIES:

The board shall have the following responsibilities:

A. To serve in an advisory role to the mayor on the sister cities program;

B. To coordinate with the mayor and the city council to implement the goals and objectives of the sister cities program;

C. To review all requests for sister city and friendship city partnerships and make recommendations to the mayor;

D. To provide an annual report to the mayor outlining activities and budgetary issues; and

E. To review all requests for sister city partnerships and make recommendations to the mayor. (Ord. 8-09 § 1, 2009)

### 2.82.120: RELATIONSHIP CRITERIA:

A. Individuals or organizations proposing new relationships must be local residents or organizations in the Salt Lake Valley with sufficient community based support to accomplish the objectives of the relationship;

B. Individuals or organizations proposing new relationships must demonstrate that there is a significant amount of community interest in and support for the relationship;

C. Individuals or organizations proposing new relationships must demonstrate a track record of involvement in the community;

D. Individuals or organizations proposing new relationships must identify assets and resources within the community that will foster community building between Salt Lake City and the proposed sister city; and

E. Individuals or organizations proposing new relationships must be prepared to provide the financial and staff support necessary to establish and maintain the relationship. (Ord. 8-09 § 1, 2009)

### 2.82.130: MEMBERS OF THE BOARD DEEMED VOLUNTEERS:

Members of the board shall perform their services on the board without pay or other compensation, except expenses actually and reasonably incurred as approved by the city. Board members shall be deemed volunteers as defined in section 67-20-1 et seq., of the Utah Code Annotated, and successor sections, and as such shall be immune from any liability with respect to any decision and action taken in the performance of their duties and responsibilities on the board as provided by section 63G-7-101 et seq., of the Utah Code Annotated, and successor sections. (Ord. 8-09 § 1, 2009)

### 2.82.140: ATTORNEY:

Any legal advice or assistance desired by the board shall be obtained only from the office of the city attorney. (Ord. 8-09 § 1, 2009)

# CHAPTER 2.84
# JUSTICE COURT

## 2.84.010: ESTABLISHMENT OF JUSTICE COURT:

There is hereby created within the Salt Lake City government a class I municipal court, which shall be known as the "justice court of Salt Lake City". (Ord. 29-02 § 1, 2002[1])

## 2.84.020: ESTABLISHMENT OF JUDGESHIPS:

There is hereby created within the justice court up to five (5) offices of full time and up to three (3) offices of part time municipal justice court judges of said justice court. (Ord. 29-02 § 1, 2002[2])

## 2.84.030: APPOINTMENT AND TERM OF OFFICE:

A judge of the justice court shall be appointed by the mayor and shall be confirmed by the city council in accordance with Utah Code Annotated section 78-5-134, or its successor. The term of office of a judge of the justice court shall be four (4) years, as provided by Utah Code Annotated section 78-5-132, or its successor. (Ord. 29-02 § 1, 2002[3])

## 2.84.040: QUALIFICATIONS FOR OFFICE:

A judge of the justice court shall, in addition to meeting all the qualifications as set forth in Utah Code Annotated section 78-5-137 or its successor, be a member in good standing of the Utah State Bar Association at the time of appointment and at all times while serving the said office. (Ord. 29-02 § 1, 2002[4])

## 2.84.050: COMPENSATION:

The compensation of a judge of the justice court shall be in accordance with the compensation plan of the city, but a judge shall not receive a salary greater than eighty five percent (85%) of the salary of a district court judge, or such other percentage or limitation as prescribed by Utah Code Annotated section 78-5-128 or its successor. The compensation shall be comprised of a monthly salary and shall be computed upon the number of hours, days, or other periods of time that the justice court judge is to be available to perform all judicial functions. (Ord. 52-05 § 1, 2005: Ord. 29-02 § 1, 2002[5])

## 2.84.060: JURISDICTION AND AUTHORITY:

The justice court shall have jurisdiction over all matters as provided by law and state statute, including, but not limited to, jurisdiction and authority provided under Utah Code Annotated sections 78-5-104, 78-5-105, and 78-5-106, or their successors. In accordance with said jurisdiction, the justice court may hear civil violations of Salt Lake City ordinances, including, but not limited to, those civil violations which have been designated as civil penalty matters, having been converted by the city from criminal violations, unless city ordinances provide for a different procedure for handling such violations. Civil penalty matters shall be managed in accordance with simplified rules of procedure and

evidence applicable to small claims courts. (Ord. 29-02 § 1, 2002[6])

## 2.84.070: DEFAULT CIVIL PENALTY SCHEDULE:

A. The justice court may establish a default civil penalty schedule, similar in format to the uniform misdemeanor fine/bail schedule adopted by the judicial council, except that the fees set forth in the city's default civil penalty schedule may be higher or lower than those set forth in the uniform bail schedule. The justice court default civil penalty schedule shall apply only in those instances in which the defendant is not required to appear in court and the defendant's voluntary forfeiture of the penalty fee disposes of the case. The fees set forth in the default civil penalty schedule shall include all penalties, surcharges and assessments provided by law. However, the foregoing authorization does not prohibit the court from, in its discretion, imposing no fine or a fine in any amount up to and including the maximum fine for the offense.

B. The cumulative total of all civil penalties, surcharges and assessments for each citation shall not exceed the total sum prescribed for class B misdemeanors as set forth in Utah Code Annotated sections 76-3-301 and 76-3-303, as amended, or their successors. (Ord. 29-02 § 1, 2002[7])

## 2.84.080: SURCHARGES:

With regard to traffic violations under title 12 of this code, other than parking violations, the justice court shall assess all fees and surcharges required to be assessed by state statute. (Ord. 29-02 § 1, 2002[8])

## 2.84.090: PLEA IN ABEYANCE FEES FOR TRAFFIC OFFENSES:

A. The city conducts a traffic school hearing program for traffic offenses, which is based upon the uniform bail schedule adopted by the Utah judicial council. For matters which qualify for the offer of a plea in abeyance under the traffic school hearing program, the plea in abeyance fee shall be the applicable uniform bail amount plus twenty five dollars ($25.00).

B. Nothing in this section shall be construed to impede or remove the independent discretion of the city prosecutor to resolve a traffic matter differently or reduce a plea in abeyance fee in the interest of justice.

C. The justice court may not hold a plea in abeyance without the consent of both the city prosecutor and the defendant. A decision by the city prosecutor not to agree to a plea in abeyance is final. (Ord. 20-09 § 1, 2009)

**Footnotes** - Click any footnote link to go back to its reference.

Footnote 1: Ordinance 29-02 shall take effect July 1, 2002.

Footnote 2: Ordinance 29-02 shall take effect July 1, 2002.

Footnote 3: Ordinance 29-02 shall take effect July 1, 2002.

Footnote 4: Ordinance 29-02 shall take effect July 1, 2002.

Footnote 5: Ordinance 29-02 shall take effect July 1, 2002.

Footnote 6: Ordinance 29-02 shall take effect July 1, 2002.

Footnote 7: Ordinance 29-02 shall take effect July 1, 2002.

Footnote 8: Ordinance 29-02 shall take effect July 1, 2002.

# CHAPTER 2.86
# ELECTRONIC MEETINGS

### 2.86.010: ELECTRONIC MEETINGS OF CITY BOARDS, COMMISSIONS, AND COMMITTEES:

For purposes of the Utah open and public meetings act, a board, commission, or committee of the city may hold an electronic meeting only if a majority of a quorum of the board, commission, or committee is physically present at the physical location from which the electronic meeting originates or from which the members of the board, commission, or committee are connected to the electronic meeting. (Ord. 78-02 § 2, 2002)

# CHAPTER 2.88
# LAND USE APPEALS BOARD

(Rep. by Ord. 8-12, 2012)

# CHAPTER 2.90
# OPEN SPACE LANDS PROGRAM

## 2.90.010: PURPOSE:

The Salt Lake City open space lands program is established to facilitate the city's acquisition, management, promotion, preservation, protection and enhancement of open space lands and to encourage public and private gifts of land, money, securities or other property to be used to preserve the natural, scenic, historic and important neighborhood open space lands. (Ord. 12-12, 2012)

## 2.90.020: DEFINITIONS:

For the purpose of this chapter the following terms, phrases, words, and their derivations shall have the meanings given in this section:

BOARD: The Salt Lake City parks, natural lands, trails and urban forestry advisory board.

FUND: The Salt Lake City open space lands fund created by this chapter.

OPEN SPACE LAND: A parcel of land in a predominantly open and undeveloped condition that is suitable for any of the following:

A. Natural areas;

B. Wildlife habitat;

C. Important wetlands or watershed lands;

D. Greenway or stream corridors;

E. Small neighborhood parks of the following, or similar, kinds:

1. A small, single purpose play lot designed or used primarily for nonorganized, nonsupervised activities;

2. A children's playground designed or used primarily for nonorganized, nonsupervised activities;

3. Seating areas designed or used primarily for nonorganized, nonsupervised activities;

4. Natural vegetation designed or used primarily for nonorganized, nonsupervised activities;

5. A small open grass area designed or used primarily for nonorganized, nonsupervised activities; or

6. A community garden;

F. Trails for nonmotorized recreational activities.

Open space lands may be preserved, enhanced, and restored in order to maintain the natural, scenic, ecological, cultural, hydrological, or geological values of the property. Open space lands may be located: 1) within Salt Lake City, or 2) outside Salt Lake City if the board determines that such lands further the objectives of this chapter. As used herein, the term "undeveloped" does not include manmade structures of historical significance.

OPEN SPACE LANDS INVENTORY: Those real properties or interests in real properties held by the city that are identified in the inventory and map created and established pursuant to this chapter.

PROGRAM: The Salt Lake City open space lands program created by this chapter. (Ord. 12-12, 2012: Ord. 10-08 § 1, 2008: Ord. 84-04 § 1, 2004)

## 2.90.030: CREATION OF OPEN SPACE LANDS PROGRAM:

In order to provide an administrative structure for the protection, acquisition, management and compatible development of open space lands in Salt Lake City, and to implement the bond measure passed on November 4, 2003, there is hereby established the Salt Lake City open space lands program (hereinafter referred to as the "program"). The purposes of the program shall include, but are not limited to:

A. The acquisition and protection of open space lands by Salt Lake City, or the city in partnership with other public and private entities, through fund purchases of land, conservation easements, or other interests that come within the definition of open space land. In addition, the acquisition and protection of open space lands utilizing funding sources other than the fund, through partnerships, donation, bequest, devise, dedication, or other means available to the program by law.

B. The management, maintenance and preservation of open space lands and associated natural, wildlife, conservation or public use and trail values of any lands, conservation easements or other interests in land acquired by Salt Lake City, or by the city in partnership with other public or private entities.

C. The monitoring of any lands, conservation easements or other interests in land acquired and held by the city, or the city in partnership with other public or private entities, and the enforcement of any terms, conditions, covenants, easements or other provisions pertaining to the protection of any lands, conservation easements or interests in land so acquired and held. (Ord. 84-04 § 1, 2004)

## 2.90.040: CREATION OF FUND:

There is created a designated account within the accounting fund structure of the city, as the "Salt Lake City open space lands fund" ("fund"). The fund shall be used exclusively to acquire, preserve, protect and maintain open space lands. No expenditures shall be made from the fund without prior approval of the city council.

A. Deposits: There shall be deposited into the fund all monies received by the city, regardless of source, together with all interest or other earnings thereon, that are dedicated and restricted to the acquisition, protection and maintenance of open space lands including, but not limited to, the following:

1. Grant, bond proceeds, loan repayments, bonuses, entitlements, mitigation fees, forfeitures, donations, redevelopment tax increment income, and all other monies dedicated to the acquisition and maintenance of open space lands received by the city from federal, state, or local governments;

2. Monies appropriated to the fund by the city council;

3. Contributions made specifically for this purpose from other public or private sources;

4. Any amounts in the city's land-open space matching account or the open space land trust account; and

5. Subject to any restrictions to the contrary in bond documents, any amounts obtained from the sale or transfer of any open space land.

B. Investments: The monies in the fund shall be invested by the city treasurer in accordance with the usual procedures for such special accounts. All interest or other earnings derived from fund monies shall be deposited in the fund.

C. Expenditures: Expenditures from the fund shall be used for the sole purpose of acquisition and/or protection of open space lands. The appropriation of any amounts from the fund for the acquisition of land shall be conditioned upon granting a restrictive covenant or conservation easement in favor of a public entity or nonprofit land conservation entity, in a form sufficient to ensure that any land acquired shall be protected and preserved as open space in perpetuity.

D. Nonprogram Projects: Monies from the fund may be used to partner in, or contribute to, open space land protection projects involving lands, conservation easements, or other interests in open space lands where the city will be a funding participant only, or where lands will be held and managed by an entity other than the city. However, in any such case: 1) the open space land interest being protected must meet the definition of open space lands set forth in this chapter; and 2) the city shall retain a permanent and nonrevocable reversionary or other backup interest in the land, conservation easement, or other interest in the land that enables the city to manage such interest as part of the open space lands program in the event the administering entity ceases to exist or fails to properly administer the open space land concerned.

E. Funding Award Cycle: Disbursements from the fund for open space lands projects shall be made by the mayor, after considering the recommendations of the parks, natural lands, trails, and urban forestry advisory board and the prior approval of a majority vote of the city council on an annual, semiannual or other funding cycle as the city council determines appropriate in consultation with the parks, natural lands, trails and urban forestry advisory board. (Ord. 12-12, 2012: Ord. 84-04 § 1, 2004)

## 2.90.050: CREATION OF INVENTORY AND MAP:

A. The administration with assistance from the board shall, in a timely manner, prepare and maintain a current inventory and map of all open space lands held by the city.

B. The inventory and map shall include:

1. All real property located within the city which is currently zoned as open space;

2. All real property located outside the city which is owned by the city and which would constitute open space lands within the meaning of this chapter;

3. All real property acquired by the city pursuant to this open space lands program; and

4. All real property contributed to or acquired by the city under other ordinances for the purposes of preserving, developing, or restoring open space lands.

C. Properties may only be removed from the inventory and map pursuant to the procedures set forth herein. (Ord. 84-04 § 1, 2004)

## 2.90.060: ADVISORY BOARD:

This program falls under the jurisdiction of the parks, natural lands, trails and urban forestry advisory board. (Ord. 12-12, 2012)

### 2.90.070: REMOVAL FROM OFFICE:

(Rep. by Ord. 12-12, 2012)

### 2.90.080: MEMBERS' ETHICS:

(Rep. by Ord. 12-12, 2012)

### 2.90.090: MEETINGS OF BOARD:

(Rep. by Ord. 12-12, 2012)

### 2.90.100: ELECTION OF OFFICERS:

(Rep. by Ord. 12-12, 2012)

### 2.90.110: POWERS AND DUTIES OF BOARD:

(Rep. by Ord. 12-12, 2012)

### 2.90.120: REMOVAL OF LANDS FROM THE OPEN SPACE LANDS PROGRAM:

A. Lands, conservation easements or other interests in land placed in the open space lands program shall remain in the program in perpetuity unless: 1) they are transferred to a qualified public or nonprofit land conservation entity; or 2) a sale, conversion, exchange, or other transfer of the land, conservation easement or other interest in land is approved by the mayor, subsequent to the following mandatory procedures:

1. Any proposal to sell or transfer open space land must be in writing, signed by the mayor, and must include a description of the land to be sold or transferred, the purpose of the proposed sale or transfer, the proposed purchaser of the land, the amount of the proposed purchase price, the anticipated future use of the land, any anticipated change in zoning that would be required to implement that proposed future use, and a statement by the mayor explaining why the proposed sale or transfer of the open

space land is in the best interest of the city.

2. Holding a public hearing before the mayor and the city council.

3. Providing notice of the proposed sale or transfer and the public hearing by:

a. Publication of a notice for two (2) successive weeks, beginning at least thirty (30) days in advance of the hearing, in a newspaper of general circulation in the city, no less than one-fourth ($^1/_4$) page in size, with type no smaller than eighteen (18) point, surrounded by a one-fourth inch ($^1/_4$") border, in a portion of the newspaper other than where the legal notices and classified advertisements appear, containing the information set forth in the form below;

b. Posting two (2) signs measuring at least two feet by three feet (2' x 3') each, on the land proposed for sale or transfer at least thirty (30) days in advance of the hearing, containing the information set forth in the form below; and

c. Mailing notice, at least thirty (30) days in advance of the hearing, to all property owners of record within one thousand feet (1,000') of the land proposed for sale or transfer, containing the information set forth in the form below.

d. Any notice published, posted or mailed pursuant to this section shall state substantially as follows:

*NOTICE OF PROPOSED SALE OR TRANSFER*
*OF PUBLICLY OWNED OPEN SPACE LAND*

*The Mayor of Salt Lake City is proposing to sell or transfer certain Open Space Lands owned by Salt Lake City located at [street location] for $[proposed amount of sale] to [proposed buyer] for future use as [proposed future use].*

*A public hearing on this proposal will be held before the Mayor and the City Council on [date of hearing] at the Salt Lake City & County Building, 451 South State Street, room 315, Salt Lake City, Utah, at [time of hearing] p.m.*

*Any individual wishing to address this proposal is invited to attend and to express their views to the Mayor and the City Council at that hearing.*

4. Following the public hearing, the city council may elect to conduct an advisory vote as to the proposed sale or transfer of the open space land.

5. No sale or transfer of open space land may occur until at least six (6) months after the conclusion of the public hearing in order to provide an opportunity to explore other alternatives to the proposed sale or transfer of the open space lands.

B. Any lands, conservation easements or other interests in land: 1) acquired by the city in partnership with other entities, units of government, or other parties; or 2) lands, conservation easements or other interests in land received by donation, bequest, devise, or dedication, may only be authorized for sale, conversion, exchange or other transfer if such action is allowed for in the instrument under which the land, conservation easement or other interest in land was conveyed to, or acquired by, the city. Funds derived from the sale, disposition, exchange or removal of land from the open space lands program shall be deposited into the fund for its intended purposes. (Ord. 84-04 § 1, 2004)

# CHAPTER 2.94

# PARKS, NATURAL LANDS, TRAILS, AND URBAN FORESTRY ADVISORY BOARD

## 2.94.010: PURPOSE:

The purposes of parks, natural lands, trails, and urban forestry advisory board shall be as follows:

A. Provide and oversee strong stewardship of the city's parks, natural lands, urban forestry and trails.

B. Educate the public and advocate for the city's parks, natural lands, urban forestry and trails policies.

C. Encourage and facilitate public involvement and input, and the incorporation of that input into the city's parks, natural lands, trails, and urban forestry plans and policies. (Ord. 12-12, 2012)

## 2.94.020: DEFINITIONS:

For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given in this section:

NATURAL LAND: Land in a predominantly open and undeveloped condition that is suitable for any of the following:

A. Aquifer recharge areas.

B. Floodplains.

C. River, stream and riparian corridors.

D. Water bodies.

E. Wetlands.

F. Great Salt Lake wetlands, shorelands and uplands.

G. Geologically unique or sensitive areas.

H. Foothill, buffers and the urban and wildland interface areas.

I. Wildlife habitat.

J. Native plant communities.

K. Natural areas.

L. Conservation areas.

M. Nature preserves.

N. Nonmotorized trail and greenway corridors in natural areas.

O. Nonmotorized trailheads.

PARKS: The areas defined by the parks division in a list that is updated and provided to the board no less than annually. Those areas shall comprise land in a predominantly developed condition that is suitable for any of the following:

A. Recreation areas.

B. Sport courts and fields.

C. Pavilions.

D. Playgrounds.

E. Turf areas.

F. Horticultural gardens.

G. Special events areas.

H. Concessions.

I. Historic parks.

J. Dog parks.

K. Community gardens.

L. Nonmotorized trail and greenway corridors in developed and urban areas.

M. Active recreation uses.

TRAILS: Marked or signed paths within city owned property or easements, maintained and used primarily for walking, hiking, bicycling, or other nonmotorized modes of transportation.

URBAN FORESTRY: Public trees comprising the urban forest owned and/or managed by Salt Lake City on public lands including parks and natural lands, park strips, island mediums and rights of way and trees associated with urban forestry programs.

These definitions shall supplement the definitions set forth in the city's open space lands program and in the city's zoning ordinance. (Ord. 12-12, 2012)

## 2.94.030: CREATION OF BOARD:

A. There is created the city parks, natural lands, trails, and urban forestry advisory board (board). The board shall be comprised of nine (9) to eleven (11) voting members. The members shall be appointed by the mayor with the advice and consent of the city council. Each member shall serve for a term of three (3) years and may not serve more than two (2) consecutive terms. The terms of the initial members shall be staggered for such periods from one to three (3) years so as to provide that the terms of one-third ($^1/_3$) of the board membership expire each year. Members who draw a single year initial term will be eligible for two (2) additional three (3) year terms. One member of the board shall be appointed from each city council district. The remaining members of the board shall be appointed as at large members. No more than three (3) members may live outside of the Salt Lake City boundaries.

B. Nominations to the board should reflect diverse community interests by seeking to find members with geographic, professional, cultural and neighborhood/community diversity.

C. The board shall also include the following ex officio nonvoting members:

1. The chair of the city's transportation advisory board, or his/her designee;

2. The chair of the community development and capital improvements board or his/her designee;

3. The chair of the historic landmark commission or his or her designee; and

4. The mayor or the mayor's designees.

D. Members shall receive no compensation for serving on the board but may be reimbursed for costs reasonably incurred.

E. The board will be located and staffed in the department of public services and will have access to and assistance from the parks director, or his/her designee; the urban forester, or his/her designee; the director of transportation, or his/her designee; the trails coordinator, or his/her designee; the city natural lands program manager, or his/her designee; other city departments and/or divisions; and the city attorney's office as needed. (Ord. 12-12, 2012)

## 2.94.040: VACANCIES:

Vacancies occurring in the membership of the board shall be filled in a manner preserving the designated representation by mayoral appointment, with advice and consent of the city council, for the unexpired term. (Ord. 12-12, 2012)

## 2.94.050: REMOVAL FROM OFFICE:

Any board member may be removed from office by the mayor for cause, prior to the normal expiration for which this member was appointed. Any member failing to attend two (2) board meetings without advance notice in one calendar year shall be subject to forfeiture of membership on the board. (Ord. 12-12, 2012)

## 2.94.060: BOARD MEMBERS' ETHICS:

Members shall be subject to and bound by the provisions of chapter 2.44, "Conflict Of Interest", of this title or its successor. Any violations of the provisions of said chapter, or its successor, shall be grounds for removal from office. Members shall recuse themselves from participating in any decision to which they are a party or which vote may constitute a violation of the city's conflict of interest ordinance. (Ord. 12-12, 2012)

## 2.94.070: MEETINGS OF THE BOARD:

A. The board shall meet on an as needed basis, but at least twice per quarter. All meetings shall be subject to the Utah open and public meetings act, and unless closed pursuant to that act, such meetings shall be open to the public. Meetings may be convened by the call of the chair of the board, a majority of the board, or the mayor.

B. A majority of the sitting board members of the board shall constitute a quorum for the purpose of conducting the business of the board. The board may act at any meeting at which a quorum is present, by an affirmative vote of a majority of the voting members present.

C. The board shall create a written record of its proceedings, except for any executive sessions, which shall be available for public inspection. The board shall record the yea and nay votes of any action by it. The department of public services shall make available a secretary to the board when required.

D. The board shall adopt policies and procedures under which its meetings are to be held. The board may suspend the rules and procedures by unanimous vote of the voting members present at the meeting. The board shall not suspend the rules of procedure beyond the duration of the meeting at which suspension of the rules occurred. Any matter not addressed in the board's policies and procedures shall be handled pursuant to "Robert's Rules Of Order". (Ord. 12-12, 2012)

## 2.94.080: ELECTION OF OFFICERS:

Each year the board, at its first regular meeting of each calendar year, shall select one of its members as chairperson and another of its members as vice chairperson, who shall perform the duties of the chairperson during the absence or disability of the chairperson. The chair and vice chair shall serve for a one year term. No member shall serve more than two (2) consecutive terms as chairperson. (Ord. 12-12, 2012)

## 2.94.090: POWERS AND DUTIES:

The board shall have the following powers and duties:

A. Review and advise the parks, natural lands, urban forestry and trail managers with respect to the annual budget and budget adjustments.

B. Review, rank, prioritize, and make recommendations on capital improvement program funding applications and construction designs pertaining to the parks, natural lands,

urban forestry and trails programs. Recommendations should be reflected in applications submitted to the department of community and economic development and capital improvement programs board for their consideration for review.

C. Review and make recommendations regarding annual financial priorities including budget, capital improvements, fees and concession agreements.

D. Provide recommendations regarding land acquisitions and dispositions as related to the city's disposition processes.

E. Review operation and management policies and standards related to use, special events, facilities, resource protection, best management practices and the implementation of landscaping standards, design standards, and sustainability for the city's parks, natural lands, urban forestry and trails.

F. Advise and provide input on broad policy, management, master plans and development standards related activities, specific goals and direction of the parks, transportation, and urban forestry divisions, as they relate to parks, natural lands, urban forestry and trails related issues.

G. Provide advice and expertise to other boards, such as the historic landmarks commission, planning commission, and transportation advisory board, as requested or deemed appropriate.

H. Advise and provide input on the acquisition or sale of properties within the parks and public lands program.

I. Administer and perform all duties and responsibilities of the open space lands program as set forth in chapter 2.90 of this title.

J. Submit reports, letters, and recommendations to the mayor regarding the foregoing powers and duties. A copy of the material submitted shall be also provided directly to the city council. (Ord. 12-12, 2012)

### 2.94.100: REVIEW OF ACTION AND POWERS OF MAYOR:

All actions taken by the board are advisory and shall constitute recommendations to the mayor, city council, director of public services, parks director, transportation director, urban forester, and other city commissions and boards and shall not constitute official action. Division directors, department directors, and/or the mayor shall have power to review, ratify, modify, reject, or disregard any recommendation submitted by the board, and the mayor may refer the matter to the city council if appropriate. (Ord. 12-12, 2012)

# Title 3 - REVENUE AND FINANCE

# CHAPTER 3.02
# SALT LAKE CITY CONSOLIDATED FEE SCHEDULE

### 3.02.010: CONSOLIDATED FEE SCHEDULE:

A consolidated fee schedule, to be known as the Salt Lake City consolidated fee schedule, may be adopted by ordinance establishing fees charged by the city to offset regulatory and service costs. The consolidated fee schedule may be amended from time to time by the city council. (Ord. 23-11, 2011)

### 3.02.020: FEE CHARGES:

No fee may be imposed by the city except as shown on the Salt Lake City consolidated fee schedule or as otherwise authorized by law. (Ord. 23-11, 2011)

# CHAPTER 3.04
# SALES AND USE TAX

### 3.04.010: SHORT TITLE:

This chapter shall be known as the *UNIFORM LOCAL SALES AND USE TAX ORDINANCE OF THE CITY OF SALT LAKE.* (Prior code § 20-2-1)

### 3.04.020: PURPOSE:

A. The 45th session of the Utah legislature has authorized the counties and municipalities of the state to enact sales and use tax ordinances imposing a seven-eighths of one percent tax thus enabling this municipality to increase its local option sales and use tax from three-fourths of one percent to seven-eighths of one percent.

B. It is the purpose of this chapter to conform the uniform local sales and use tax of the municipality to the requirements of the uniform local sales and use tax law of Utah, chapter 9 of title 11, Utah Code Annotated, 1953, as currently amended, by repealing the previously enacted uniform local sales and use tax ordinance of this municipality and reenacting by this chapter a new uniform local sales and use tax ordinance. (Prior code § 20-2-2)

### 3.04.030: EFFECTIVE DATE; CONTINUANCE OF FORMER STATUTES:

This chapter shall become effective as of one minute after twelve o'clock (12:01) A.M., July 1, 1983. The provisions of the previously enacted uniform local sales and use tax ordinance of the municipality which is repealed by this chapter and which are in conflict with this chapter shall continue effective until twelve o'clock (12:00) midnight, June 30, 1983. The provisions of this chapter 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. (Prior code § 20-2-3)

## 3.04.040: ADMINISTRATION AND OPERATION; CONTRACT WITH STATE TAX COMMISSION:

Heretofore, the municipality 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 municipality. That contract is confirmed and the mayor is authorized to enter into such supplementary agreement with the state tax commission as may be necessary to the continued administration and operation of the local sales and use tax ordinance of the municipality as reenacted by this chapter. (Prior code § 20-2-6)

## 3.04.050: SALES TAX IMPOSED:

A. 1. From and after July 1, 1986, there is levied and there shall be collected and paid a tax upon every retail sale of tangible personal property, services and meals made within the municipality at the rate of fifty eight sixty-fourths of one percent.

2. For the purpose of this chapter, all retail sales shall be presumed to have been consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out of state destination or to a common carrier for delivery to an out of state destination. In the event a retailer has no permanent place of business in the state, or has more than one place of business, the place or places at which the retail sales are consummated shall be as determined under the rules and regulations prescribed and adopted by the state tax commission. Public utilities as defined by title 54, Utah Code Annotated, 1953, or its successor, shall not be obligated to determine the place or places within any county or municipality where public utilities services are rendered, but the place of sale or the sales tax revenues arising from such service allocable to the city shall be as determined by the state tax commission pursuant to an appropriate formula, and other rules and regulations to be prescribed and adopted by it.

B. 1. Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of the uniform local sales and use tax law of utah, all of the provisions of chapter 15, title 59, Utah Code Annotated, 1953, as amended, or its successor, and in force and effect on the effective date of this chapter, insofar as they relate to sales taxes, excepting sections 59-15-1 and 59-15-21 thereof, and excepting for the amount of the sales tax levied therein, are adopted and made a part of this chapter as though fully set forth in this chapter.

2. Wherever, and to the extent that in chapter 15 of title 59, Utah Code Annotated, 1953, or its successor, the state is named or referred to as the taxing agency, the name of this municipality shall be substituted therefor. Nothing in this subsection shall be deemed to require substitution of the name of the municipality for the word "state" when that word is used as part of the title of the state tax commission, or of the constitution of the state, nor shall the name of the municipality 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 state tax commission in performing the functions incident to the administration or operation of this chapter.

3. If an annual license has been issued to a retailer under section 59-15-3 of the said Utah Code Annotated, 1953, or its successor, an additional license shall not be required by reason of this section.

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

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

b. Receipts from the sale of tangible personal property upon which a sales or use tax has become due by reason of the same transaction to any other municipality and any county in the state, under a sales or use tax ordinance enacted by that county or municipality in accordance with the uniform local sales and use tax law of Utah. (Ord. 47-86 § 1, 1986: prior code § 20-2-4)

## 3.04.060: USE TAX IMPOSED:

A. 1. Effective July 1, 1986, an excise tax is imposed on the storage, use or other consumption in the municipality of tangible personal property from any retailer for storage, use or other consumption in the municipality at the rate of fifty eight sixty-fourths of one percent of the sales price of the property.

2. The use tax provided herein shall be collected and distributed pursuant to section 11-9-5(c) of the Utah Code Annotated (1953) as amended, or its successor.

B. 1. Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of the uniform local sales and use tax law of the state, all of the provisions of chapter 16, title 59, Utah Code Annotated, 1953, as amended, or its successor, and in force and effect on the effective date of this chapter, applicable to use taxes, excepting the provisions of sections 59-16-1 and 59-16-25 thereof, and excepting for the amount of the tax levied therein, are adopted and made a part of this section as though fully set forth in this chapter.

2. Whenever and to the extent that in the chapter 16 of title 59, Utah Code Annotated, 1953, or its successor, the state is named or referred to as the taxing agency, the name of this municipality shall be substituted therefor. Nothing in this subsection shall be deemed to require the substitution of the name of the municipality for the word "state" when that word is used as part of the title of the state tax commission, or of the constitution of the state, nor shall the name of the municipality be substituted for that of the state in any section when the results of that substitution would require action to be taken by or against the municipality or any agency thereof, rather than by or against the state tax commission in performing the functions incident to the administration or operation of this chapter.

3. There shall be exempt from the tax due under this section:

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

b. The storage, use or other consumption of tangible personal property, the gross receipts from the sales of or the cost of which has been subject to sales or use tax under a sales or use tax ordinance enacted in accordance with the uniform local sales and use tax law of the state by any other municipality and any county of the state. (Prior code § 47-86 § 2, 1986: prior code § 20-2-5)

## 3.04.070: VIOLATION; PENALTY:

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punishable as set out in section 1.12.050 of this code. (Prior code § 20-2-7)

# CHAPTER 3.06
# MUNICIPAL ENERGY SALES AND USE TAX

## 3.06.010: SHORT TITLE:

This chapter shall be known as the *MUNICIPAL ENERGY SALES AND USE TAX ORDINANCE OF SALT LAKE CITY.* (Ord. 43-97 § 1, 1997)

## 3.06.020: PURPOSE:

It is the purpose of this chapter to conform the municipal energy sales and use tax of Salt Lake City to the requirements of the municipal energy sales and use tax law of the state of Utah, part 3 of chapter 1 of title 10, Utah Code Annotated, 1953, as currently amended. (Ord. 43-97 § 1, 1997)

## 3.06.030: EFFECTIVE DATE; CONTINUANCE OF FORMER STATUTES:

This chapter is effective June 30, 1997. The municipal energy sales and use tax shall be levied beginning one minute after twelve o'clock (12:01) A.M., July 1, 1997. The provisions of the previously enacted utility revenue tax ordinance of Salt Lake City which are repealed by this chapter and which are in conflict with this chapter shall continue effective until twelve o'clock (12:00) midnight, June 30, 1997. The provisions of this chapter which are not in conflict 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. (Ord. 43-97 § 1, 1997)

## 3.06.040: DEFINITIONS:

CONSUMER: A person who acquires taxable energy for any use that is subject to the municipal energy sales and use tax.

CONTRACTUAL FRANCHISE FEE: A. A fee:

1. Provided for in a franchise agreement, and

2. That is consideration for the franchise agreement; or

B. 1. A fee similar to subsection A of this definition, or

2. Any combination of subsection A or B of this definition.

DELIVERED VALUE: The fair market value of the taxable energy delivered for sale or use in the municipality and includes:

A. The value of the energy itself; and

B. Any transportation, freight, customer demand charges, service charges, or other costs typically incurred in providing taxable energy in usable form to each class of customer in the municipality.

"Delivered value" does not include the amount of a tax paid under parts 1 or 2 of chapter 12, title 59 of the Utah Code annotated, or its successor.

ENERGY SUPPLIER: 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.

FRANCHISE AGREEMENT: A franchise or an ordinance, contract, or agreement granting a franchise.

FRANCHISE TAX: A. A franchise tax;

B. A tax similar to a franchise tax; or

C. Any combination of subsections A and B of this definition.

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.

SALE: 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.

STORAGE: Any keeping or retention of taxable energy in this city for any purpose except sale in the regular course of business.

TAXABLE ENERGY: Gas and electricity.

USE: The exercise of any right or power over taxable energy incident to the ownership or the leasing of the taxable energy. "Use" does not include the sale, display, demonstration, or trial of the taxable energy in the regular course of business and held for resale. (Ord. 43-97 § 1, 1997)

## 3.06.050: MUNICIPAL ENERGY SALES AND USE TAX IMPOSED:

There is hereby levied, subject to the provisions of this chapter, a tax on every sale or use of taxable energy made within the city equaling six percent (6%).

A. The tax shall be calculated on the delivered value of the taxable energy to the consumer.

B. The tax shall be in addition to any sales or use tax on taxable energy imposed by the city as authorized by title 59, chapter 12, part 2 of the Utah Code Annotated, the local sales and use tax act, or its successor. (Ord. 43-97 § 1, 1997)

## 3.06.060: EXEMPTIONS FROM THE MUNICIPAL ENERGY SALES AND USE TAX:

A. Notwithstanding the exemptions granted by section 59-12-104 or its successor, of the Utah code, for local sales and use taxes, no exemptions are granted from the municipal energy and sales and use tax except as expressly provided in Utah Code Annotated section 10-1-305(2)(b) or its successor.

B. The following are exempt from the municipal energy sales and use tax, pursuant to Utah Code Annotated section 10-1-305(2)(b):

1. Sales and use of aviation fuel, motor fuel, and special fuels subject to taxation under title 59, chapter 13 or its successor, of the Utah Code Annotated;

2. Sales and use of taxable energy that is exempt from taxation under federal law, the United States constitution, or the Utah constitution;

3. Sales and use of taxable energy purchased or stored for resale;

4. Sales or use of taxable energy to a person, if the primary use of the taxable energy is for use in compounding or producing taxable energy or a fuel subject to taxation under title 59, chapter 13 of the Utah Code Annotated;

5. 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;

6. The sale or use of taxable energy for any purpose other than as a fuel or energy; and

7. The sale of taxable energy for use outside the boundaries of the city.

C. 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:

1. 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, or its successor, of the Utah Code Annotated; and

2. 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. 43-97 § 1, 1997)

## 3.06.070: NO EFFECT UPON EXISTING FRANCHISES; CREDIT FOR FRANCHISE FEES:

A. This chapter shall not alter any existing franchise agreements between the city and energy suppliers nor relieve such energy suppliers from obtaining franchise agreements as a condition precedent to making use of or occupying city streets, rights of way or other public property.

B. There is a credit against the tax due from any consumer in the amount of the franchise agreement fee paid if:

1. The energy supplier pays the franchise agreement fee to the city pursuant to a franchise agreement in effect on July 1, 1997; and

2. The franchise fee is passed through by the energy supplier to a consumer as a separately itemized charge. (Ord. 43-97 § 1, 1997)

## 3.06.080: TAX COLLECTION CONTRACT WITH STATE TAX COMMISSION:

A. On or before the effective date hereof, 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. The mayor is authorized to enter 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.

B. An energy supplier shall pay the municipal energy sales and use tax revenues collected from consumers directly to the city monthly if:

1. The city is the energy supplier; or

2. a. The energy supplier estimates that the municipal energy sales and use tax collected annually from its Utah consumers equals one million dollars ($1,000,000.00) or more, and

b. The energy supplier collects the municipal energy sales and use tax.

C. An energy supplier paying the municipal energy sales and use tax directly to the city may deduct any franchise agreement 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), Utah Code Annotated, or its successor. (Ord. 43-97 § 1, 1997)

## 3.06.090: INCORPORATION OF PART 1, CHAPTER 12, TITLE 59, UTAH CODE, INCLUDING AMENDMENTS:

A. Except as herein provided, and except insofar as they are inconsistent with the provisions of title 10, chapter 1, part 3, municipal energy sales and use tax act, as well as this chapter, all of the provisions of part 1, chapter 12, title 59 of the Utah Code Annotated 1953, as amended, and in force and effect on the effective date hereof, insofar as they relate to sales and use taxes, excepting sections 59-12-101, 59-12-104 and 59-12-119 thereof, and excepting for the amount of the sales and use taxes levied therein, are hereby adopted and made a part of this chapter as if fully set forth herein.

B. Wherever, and to the extent that in part 1, chapter 12, title 59, Utah Code Annotated 1953, as amended, the state of Utah is named or referred to as the "taxing agency", the names 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, Utah Code Annotated 1953, as amended. Nothing in this subsection shall be deemed to require substitution of the name 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.

C. Any amendments made to part 1, chapter 12, title 59, Utah Code Annotated 1953, as amended, which would be applicable to the city for the purposes of carrying out this

chapter are incorporated herein by reference and shall be effective upon the date that they are effective as a Utah statute. (Ord. 43-97 § 1, 1997)

### 3.06.100: NO ADDITIONAL LICENSE TO COLLECT THE MUNICIPAL ENERGY SALES AND USE TAX REQUIRED; NO ADDITIONAL LICENSE OR REPORTING REQUIREMENTS:

No additional license to collect or report the municipal energy sales and use tax levied by this chapter is required, provided the energy supplier collecting the tax has a license issued under section 59-12-106, Utah Code Annotated, or its successor. (Ord. 43-97 § 1, 1997)

### 3.06.110: VIOLATION; PENALTY:

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punishable as set out in section 1.12.050 of this code or its successor. (Ord. 43-97 § 1, 1997)

## CHAPTER 3.09
## MOBILE TELEPHONE SERVICE REVENUE TAX

(Rep. by Ord. 48-04 § 2, 2004)

## CHAPTER 3.10
## MUNICIPAL TELECOMMUNICATIONS LICENSE TAX

### 3.10.010: DEFINITIONS:

As used in this chapter:

CITY: Salt Lake City, Utah.

COMMISSION: The state tax commission.

CUSTOMER: A. Subject to subsections B and C of this definition, "customer" means the person who is obligated under a contract with a telecommunications provider to pay for telecommunications service received under the contract.

B. For purposes of this chapter, "customer" means:

1. The person who is obligated under a contract with a telecommunications provider to pay for telecommunications service received under the contract; or

2. If the end user is not the person described in subsection B1 of this definition, the end user of telecommunications service.

C. "Customer" does not include a reseller:

1. Of telecommunications service; or

2. For mobile telecommunications service, of a serving carrier under an agreement to serve the customer outside the telecommunications provider's licensed service area.

END USER: A. The person who uses a telecommunications service.

B. For purposes of telecommunications service provided to a person who is not an individual, "end user" means the individual who uses the telecommunications service on behalf of the person who is provided the telecommunications service.

GROSS RECEIPTS ATTRIBUTED TO THE CITY: Those gross receipts from a transaction for telecommunications service that is located within the city 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.

GROSS RECEIPTS FROM TELECOMMUNICATIONS SERVICE: The revenue that a telecommunications provider receives for telecommunications service rendered except for amounts collected or paid as:

A. A tax, fee, or charge:

1. Imposed by a governmental entity;

2. Separately identified as a tax, fee, or charge in the transaction with the customer for the telecommunications service; and

3. Imposed only on a telecommunications provider;

B. Sales and use taxes collected by the telecommunications provider from a customer under Utah code 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.

"Gross receipts from telecommunications services" shall include gross receipts from nontelecommunication services within the meaning of, and to the extent authorized by, Utah code section 10-1-410.

MOBILE TELECOMMUNICATIONS SERVICE: As defined in the mobile telecommunications sourcing act, 4 USC section 124.

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:

1. The residential street address of the customer; or

2. The primary business street address of the customer; or

B. For mobile telecommunications service, is as defined in the mobile telecommunications sourcing act, 4 USC section 124.

SERVICE ADDRESS: Notwithstanding where a call is billed or paid, "service address" means:

A. If the location described in this subsection A is known, the location of the telecommunications equipment:

1. To which a call is charged; and

2. From which the call originates or terminates;

B. If the location described in subsection A of this definition is not known but the location described in this subsection B is known, the location of the origination point of the signal of the telecommunications service first identified by:

1. The telecommunications system of the telecommunications provider; or

2. 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 A or B of this definition are not known, the location of a customer's place of primary use.

TELECOMMUNICATIONS PROVIDER: A. Subject to subsections B and C of this definition, "telecommunications provider" means a person that:

1. Owns, controls, operates, or manages a telecommunications service; or

2. Engages in an activity described in subsection A1 of this definition for the shared use with or resale to any person of the telecommunications service.

B. A person described in subsection A of this definition is a telecommunications provider whether or not the public service commission of Utah regulates:

1. That person; or

2. The telecommunications service that the person owns, controls, operates, or manages.

C. "Telecommunications provider" does not include an aggregator as defined in Utah code section 54-8b-2.

TELECOMMUNICATIONS SERVICE: 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:

1. That originates and terminates within the boundaries of one state; and

2. Only to the extent permitted by the mobile telecommunications sourcing act, 4 USC section 116 et seq. (Ord. 48-04 § 1, 2004)

## 3.10.020: LEVY OF TAX:

There is hereby levied a municipal telecommunications license tax on the gross receipts from telecommunications service attributed to the city in accordance with Utah code section 10-1-407. (Ord. 48-04 § 1, 2004)

### 3.10.030: RATE:

The rate of the tax levy shall be 4.0 percent of the telecommunication provider's gross receipts from telecommunications service that are attributed to the city in accordance with Utah code section 10-1-407. If the location of a transaction is determined to be other than the city, then the rate imposed on the gross receipts for telecommunications service shall be determined pursuant to the provisions of Utah code section 10-1-407. (Ord. 48-04 § 1, 2004)

### 3.10.040: RATE LIMITATION AND EXEMPTION THEREFROM:

The rate of this levy shall not exceed four percent (4%) of the telecommunication provider's gross receipts from telecommunication service attributed to the city unless a higher rate is approved by a majority vote of the voters in the city that vote in:

A. A municipal general election;

B. A regular general election; or

C. A local special election. (Ord. 48-04 § 1, 2004)

### 3.10.050: EFFECTIVE DATE OF TAX LEVY:

This tax shall be levied beginning July 1, 2004. (Ord. 48-04 § 1, 2004)

### 3.10.060: CHANGES IN RATE OR REPEAL OF THE TAX:

This chapter is subject to the requirements of Utah code section 10-1-403. If the tax rate is changed or the tax is repealed, then the appropriate notice shall be given as provided in Utah code section 10-1-403. (Ord. 48-04 § 1, 2004)

### 3.10.070: INTERLOCAL AGREEMENT FOR COLLECTION OF THE TAX:

On or before the effective date hereof, the city shall enter into a uniform interlocal agreement with the commission as described in Utah code section 10-1-405 for the collection,

enforcement, and administration of the municipal telecommunications license tax. (Ord. 48-04 § 1, 2004)

### 3.10.080: PROCEDURES FOR TAXES ERRONEOUSLY RECOVERED FROM CUSTOMERS:

Pursuant to the provisions of Utah code section 10-1-408, a customer may not bring a cause of action against a telecommunications provider on the grounds that the telecommunications provider erroneously recovered from the customer the municipal telecommunication license tax except as provided in Utah code section 10-1-408. (Ord. 48-04 § 1, 2004)

### 3.10.090: REPEAL OF INCONSISTENT TAXES AND FEES:

Any tax or fee previously enacted by the city under authority of Utah code section 10-1-203 or Utah code title 11, chapter 26, local taxation of utilities limitation, is hereby repealed.

Nothing in this chapter shall be interpreted to repeal any ordinance or fee which provides that the city may recover from a telecommunications provider the management costs of the city caused by the activities of the telecommunications provider in the rights of way of the city, if the fee is imposed in accordance with Utah code section 72-7-102 and is not related to the city'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 chapter limit the city's right to charge fees or taxes on persons that are not subject to the municipal telecommunications license tax under this chapter and locate telecommunications facilities, as defined in Utah code section 72-7-108, in the city. (Ord. 48-04 § 1, 2004)

# CHAPTER 3.12
# SPECIAL IMPROVEMENTS

### 3.12.010: WORK AUTHORIZED BY STATE STATUTES; ASSESSMENTS:

The city may, from time to time, proceed to make improvements within areas of the city, make assessments therefor, and issue interim warrants and bonds, pursuant to the Utah municipal improvement district act (section 10-16-1 et seq., Utah Code Annotated, 1953), or its successor, the Utah underground conversion of utilities law (section 54-8-1 et seq., Utah Code Annotated, 1953), or its successor, and other appropriate provisions of state or local law. (Prior code § 39-1-1)

# CHAPTER 3.16

# PAYMENT OF DEBTS TO CITY

### 3.16.010: PAYMENT PROCEDURES; RETURNED CHECKS OR DRAFTS; SERVICE CHARGE:

All monies owed to the city under contract, license fees, assessments, fines, forfeitures or any other payments due by any party shall be paid to the city in legal tender of the United States of America; provided, however, that the mayor may authorize city agents and employees to accept checks, drafts or bills of exchange in payment, if the tendering party agrees to pay a service charge on such checks, drafts or bills of exchange which are dishonored or returned to the city for any reason whatsoever, which charge shall be equal to the maximum charge allowed by state statute and shall be in addition to remedies available under state law if suit is commenced. The tendering party shall be deemed to have agreed to the foregoing service charge by issuing such check, draft or bill of exchange. However, where convenient and where such checks or drafts are accepted as a matter of course, the city departments are directed to post a sign or other written notice to advise the other party of such charge at the place where the check, draft or bill of exchange is tendered. All city agents or employees receiving payments on behalf of the city are directed and required to receive payments strictly in accordance with this section. (Ord. 1-03 § 1, 2003: prior code § 24-9-1)

### 3.16.020: SERVICE FEE OR HANDLING CHARGE ON DISCRETIONARY REBATES OR REFUNDS:

The administrative head of each department is authorized to levy a handling charge or service fee, determined reasonable by administrative rules adopted by the mayor, when that department is requested to give an individual or company a refund or rebate, the reason for which was not caused by the error, or neglect of the city and when such refund is not a matter of right. Such fee shall be levied to cover all book work and administrative costs involved in the discretionary city refund or rebate. (Prior code § 24-9-2)

# CHAPTER 3.20
# ACCOUNTING FOR RECEIPTS

### 3.20.010: PROCEDURES AND PRACTICES FOR PROMPT ACCOUNTING OF RECEIPTS:

The director of the department of finance shall establish procedures and practices, based on good and sound accounting principles, to promptly receive, record and account for all money collected by any city office. (Prior code § 24-8-4)

### 3.20.020: OFFICERS ACCOUNTABLE FOR FEES:

All elective and appointive officers shall be strictly accountable for all fees and monies collected by or paid to them or to any deputy or assistant in their respective departments. (Prior code § 24-8-1)

### 3.20.030: RECORD KEEPING; CASH RECORDS REQUIRED FOR COLLECTIONS:

It shall be the duty of every employee or officer who is authorized to receive any fees for official services or who makes any collections, to keep a record such as cash register tape, receipt book or cash ledger, on which shall be entered an exact and full account, in detail, of all fees, commissions, compensations or collections of whatever nature or kind, with the date collected, the name of the payor (except where a cash register tape is used), and the nature of the collection in each case, except where the mayor shall determine that such records or particular informational items are impractical or unnecessary such as parking meter collections. (Prior code § 24-8-2)

### 3.20.040: RECEIPT ISSUANCE FOR PAYMENT:

Receipts or other evidence of payment shall be issued on forms provided or approved by the director of finance or his/her designee for all fees and monies paid into the city treasury, consistent with the provisions of section 10-6-142 Utah Code Annotated, 1953, as amended, or any successor statute. (Prior code § 24-8-3)

# CHAPTER 3.24
# PROCUREMENT

## Article I. General Provisions

### 3.24.010: PURPOSE:

The purposes and policies of this chapter are:

A. To establish procurement processes that are fair and equitable to the city and other persons;

B. To allow the city to meet procurement needs in a simple, flexible and timely manner; and

C. To allow the city to obtain supplies and services that are economical, of the quality specified by the city, and best suited to meet the city's needs. (Ord. 64-97 § 2, 1997)

### 3.24.020: APPLICATION:

A. This chapter applies to all city procurement processes or contracts initiated after October 21, 1997.

B. This chapter does not apply to the procurement of real property or any permanent interest in real property. (Ord. 64-97 § 2, 1997)

### 3.24.030: DEFINITIONS:

CHIEF PROCUREMENT OFFICER: The city employee designated pursuant to subsection 3.24.040A of this chapter, or any successor to that subsection.

CITY ENGINEER: The city employee designated pursuant to subsection 2.08.050B of this code, or any successor to that subsection.

CONSTRUCTION: The process of building, renovating, altering, improving or repairing any city building or public work, but does not include the routine operation or maintenance, or minor repair of, existing city property.

CONSTRUCTION RELATED SUPPLIES AND SERVICES: All supplies and services put to use in the process of construction, including professional services related to construction.

DIVISION: Any division of a city department, or any other agency or subdivision of the city.

OFFEROR: A person who submits a proposal, a response to a request for qualifications, a quote, a bid, or any other offer or submission.

OPERATIONAL SUPPLIES AND SERVICES: All supplies and services put to use in connection with managing and operating the city, including professional services. Operational supplies and services does not include construction related supplies and services.

PERSON: Any individual, group of individuals, entity, group of entities, business, agency, club, committee, union or other organization or organizations, not including the city or any of its employees, officers, departments or divisions.

PROCUREMENT: Buying, purchasing, renting, leasing, leasing with an option to purchase, or otherwise acquiring any supplies or services, and all related acquisition processes.

PROCUREMENT OFFICIAL: The chief procurement officer or city engineer, or a city employee who is authorized to act in the capacity of a procurement official as specifically delegated in the procurement rules.

PROCUREMENT RULES: The administrative rules, policies, executive orders or other rules adopted by the mayor in accordance with subsection 3.24.040A2 of this chapter, or any successor to that subsection.

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, without limitation, accounting, auditing, architecture, court reporting, engineering, experts in a specialized field, finance, law, materials testing, medicine, planning, surveying, and others.

PROPOSAL PACKAGE: All documents, whether attached or incorporated by reference, used for soliciting a proposal, response to a request for qualifications, or other proposal or offer to perform city work, and may include such documents as a notice, scope of work, form contract or other documents.

REQUEST FOR PROPOSALS: Soliciting to receive sealed proposals.

REQUEST FOR QUALIFICATIONS: Soliciting to receive statements describing the qualifications of potential bidders or offerors.

RESPONSIBLE BIDDER OR RESPONSIBLE OFFEROR: A person who has the capability in all respects to fully perform the contract requirements, and who has the integrity, capacity and reliability which will assure good faith performance.

RESPONSIVE BIDDER OR RESPONSIVE OFFEROR: A person who has submitted a bid or offer that conforms in all material respects to the bid package, proposal package, or other request.

SERVICES: The furnishing of labor, time, or effort by any person, and includes professional services.

SUPPLIES: All property, including equipment, materials and printing, but excludes land or a permanent interest in land. (Ord. 64-97 § 2, 1997)

# Article II. Procurement Authority

## 3.24.040: AUTHORIZED OFFICIAL:

A. The mayor shall designate a chief procurement officer, who shall be a person with demonstrated ability in public or comparable private procurement, and who shall serve as the city's officer for the purchase of operational supplies and services except as assigned in this code to other departments or divisions. The chief procurement officer shall have the authority to review all actions taken by the city with respect to the procurement of operational supplies and services, and to determine appropriate procurement actions. In addition, the chief procurement officer shall have the following duties:

1. Procure or supervise the procurement of all operational supplies and services needed by the city or any of its departments or divisions in accordance with this chapter; and

2. Propose rules for adoption by the mayor to govern the management and operation of the city's purchasing function for all kinds of supplies and services, except that rules relating to construction related supplies and services shall be proposed by the city engineer, and shall be approved by both the city engineer and the chief procurement officer prior to adoption by the mayor.

B. The city engineer is the city's officer for the purchase of construction related supplies and services except as assigned in this code to other departments or divisions. The city engineer shall have the authority to review all actions taken by the city with respect to the procurement of construction related supplies and services, and to determine appropriate procurement actions. In addition, the city engineer shall have the following duties under this chapter:

1. Procure or supervise the procurement of construction related supplies and services needed by the city or any of its departments or divisions in accordance with this chapter; and

2. Propose rules relating to the management and operation of the city's purchasing function for construction related supplies and services, which shall be approved by both the city engineer and the chief procurement officer prior to adoption by the mayor. (Ord. 64-97 § 2, 1997)

## 3.24.050: DELEGATION OF AUTHORITY:

With the approval of the mayor, the chief procurement officer and the city engineer, in their respective areas of authority, may each delegate in writing any authority granted under this chapter to designees, or to any department or division, as each shall deem prudent and appropriate. They may also make delegations of authority in case of emergency, absence or incapacity as each shall deem prudent and appropriate. (Ord. 64-97 § 2, 1997)

# Article III. Source Selection And Contract Formation

## 3.24.060: GENERAL REQUIREMENTS:

A. City procurement shall provide for the interest of the city, and shall be consistent with fair and equitable practices.

B. No contract or purchase shall be subdivided to avoid the requirements of this chapter.

C. The procurement rules may prescribe additional requirements consistent with the requirements of this chapter for bidding, proposals, and other procurement matters. (Ord. 64-97 § 2, 1997)

## 3.24.070: GENERAL POWERS:

The city may take any action with respect to procurement that is in the best interest of the city, including the following:

A. Reject any bid, proposal or other offer or submission from a bidder or offeror who is in a position that is adverse to the city in a present, pending or threatened litigation, administrative proceeding, dispute resolution process or similar process relating to a city procurement or contract, or relating to any other matter relevant to the procurement.

B. Reject any bid, proposal or other offer or submission where the same is determined to be nonresponsive, or where the bidder or offeror is determined to be nonresponsible under criteria established in the procurement rules. The city may also notify any person of potential nonresponsibility, and may reject the bid, or other offer or submission of any person so notified unless that person demonstrates to the city's satisfaction that the concerns indicated in the city's notice have been resolved.

C. Reject all bids, proposals or other offers or submissions, or reject parts of all bids, proposals or other offers or submissions, when the city's interest will be served thereby.

D. Waive or modify requirements within a particular bid process, proposal or other solicitation process when advantageous to the city, and when consistent with mandatory applicable legal requirements and fair and equitable practices.

E. Impose reasonable fees or forfeitable deposits for providing city materials or services in connection with a procurement process.

F. Employ all solicitation means appropriate to effectively procure supplies and services so long as such means are not in conflict with the requirements of this chapter. Such means may include requiring prequalifications, maintaining lists of bidders or offerors; soliciting in phases, steps or stages; multiple awards; multistep sealed bidding; notice or solicitation by phone, fax, mail or computer system; requiring demonstrations of competence; creating special processes to meet the needs of a particular procurement; and other means. (Ord. 64-97 § 2, 1997)

## 3.24.080: SPECIFICATIONS:

A. The city or any of its departments or divisions may prepare, file or amend specifications, requisitions or quantity estimates for supplies and services in the manner prescribed in the procurement rules.

B. A procurement official shall have authority to revise specifications, requisitions or estimates as to quantity, quality or estimated cost.

C. All specifications shall seek to promote overall economy and best use for the purposes intended and encourage appropriate competition in satisfying the city's needs. (Ord. 64-97 § 2, 1997)

## 3.24.090: SEALED BID REQUIREMENTS:

A. Contracts shall be awarded by competitive sealed bidding except as otherwise permitted or provided by this chapter.

B. The city may prequalify bidders using a request for qualifications or other process. Notice of such process shall be made public, and such process shall be conducted, in a manner permitted by the procurement rules. The city, in its sole discretion, shall determine which applicants are best qualified to submit a bid.

C. Competitive sealed bidding shall, at a minimum, include the following:

1. Notice of a call or bids shall be made public in a manner permitted by the procurement rules at a reasonable time prior to the time set for bid opening. The bid package will state requirements to which the bidder must respond.

2. No bids delivered to the city after the time established in the notice shall be considered. Timely sealed bids shall be opened publicly in a manner permitted by the procurement rules at the time and place for bid opening established in the notice, and a record of each bid shall be retained.

3. Bids shall be evaluated based on the requirements set forth in the city's invitation, and as provided in this chapter.

4. Bids shall be accepted without alteration or condition except as permitted by the procurement rules. However, no alteration prejudicial to the interest of the city shall be permitted.

5. Any award shall be made in writing to the lowest responsive and responsible bidder whose bid meets or exceeds the requirements of the city's bid package, and meets the requirements of this chapter. (Ord. 64-97 § 2, 1997)

## 3.24.100: COMPETITIVE SEALED PROPOSAL REQUIREMENTS:

A. Contracts for professional services shall be awarded by competitive sealed proposal, except as otherwise permitted by this chapter.

B. Competitive sealed proposals may be used for any procurement when determined to be beneficial to the city by a procurement official in consultation with the procuring department or division.

C. The city may prequalify offerors using a request for qualifications or other process. Notice of such process shall be made public, and such process shall be conducted, in a manner permitted by the procurement rules. The city, in its sole discretion, shall determine which applicants are best qualified to submit a proposal.

D. Competitive sealed proposals shall, at a minimum, include the following:

1. Notice of a request for proposals shall be made public in a manner permitted by the procurement rules at a reasonable time prior to the time when proposals are due. The proposal package shall state the criteria which an offeror's submission must address in order to be considered by the city.

2. No submission delivered to the city after the time established in the notice shall be considered. Timely submissions shall be opened so as to avoid disclosure of contents to competing offerors during the process of negotiation, and a record of each shall be retained.

3. Submissions shall be evaluated based on the criteria set forth in the city's request, and as provided in this chapter. The procurement rules shall include guidance for evaluating proposals and conducting discussions with offerors, and shall provide for the formation of a panel to evaluate and advise regarding all submissions. Submissions may be evaluated on the basis of ability to perform the work, with price to be established by negotiation.

4. Offerors under consideration shall be given fair and equal treatment with respect to opportunity for discussion and revision of proposals, and revisions may be permitted after submissions and before the contract is awarded for the purpose of obtaining best and final offers. No proposal information shall be disclosed to competing offerors prior to award.

5. Any award shall be made by the department director, city council, or other authority responsible for making a determination to the responsive and responsible offeror whose proposal is determined in writing to be the most advantageous to the city based on the criteria for evaluation and the requirements of this chapter. (Ord. 64-97 § 2, 1997)

## 3.24.110: EVALUATION:

A. In addition to the requirements or criteria contained in a bid package or proposal package, or contained in other solicitation documents, any bid, proposal or other offer or submission may be evaluated in accordance with the following:

1. The procurement rules may state criteria by which any submission may be evaluated.

2. The city may inspect, test, and otherwise evaluate any equipment, goods, supplies, services, products, plants, places of business or other items used in or subject to a city procurement process or city contract. The city may reject any supply, service, or other item in connection with such inspection, test, or evaluation.

3. A written determination of nonresponsibility of a bidder or offeror shall be made in accordance with the procurement rules. The unreasonable failure of a bidder or offeror to promptly supply information in connection with an inquiry with respect to responsibility may be grounds for a determination of nonresponsibility.

B. In addition to the requirements contained in a bid package or proposal package, or contained in other solicitation documents, a bid for a building improvement or public works project shall include application of the criteria set forth in section 3.24.115 of this chapter. (Ord. 17-12, 2012)

## 3.24.115: BUILDING IMPROVEMENT OR PUBLIC WORKS PROJECTS:

A. Pursuant to section 11-39-101 et seq., Utah Code Annotated, or its successor:

1. If the city intends to undertake a building improvement or public works project paid for by the city, and

a. The estimated cost of the project exceeds the bid limit (as defined therein); and

b. The city elects to proceed with the project;

2. Then the city shall enter into a contract for the completion of the project with the lowest responsive responsible bidder.

B. 1. In determining the lowest responsive responsible bidder for any project exceeding one hundred fifty thousand dollars ($150,000.00), as determined by a city engineer's estimate, the procurement official shall evaluate the following factors to determine whether the contractor and every subcontractor, if any, has demonstrated to the city's satisfaction that they have and will maintain:

a. An offer of qualified health insurance available to a contractor's and subcontractor's covered employees and the employee's dependents;

b. A drug and alcohol testing policy during the period of the contract that applies to all covered individuals employed or hired by the contractor or any subcontractor and require covered individuals to submit to random testing under the drug and alcohol testing policy;

c. A program to actively recruit and/or employ veterans;

d. A job training program, such as, by way of example and not limitation, a federal, state, and/or city recognized job training program;

e. A safety program; and

f. A formal policy of nondiscrimination as required by federal, state, and local law.

2. A bidder who has and will maintain an offer of qualified health insurance, as set forth in subsection B1a of this section, whose bid is not more than ten percent (10%) higher than another bidder for the same project who does not have such insurance, shall be deemed the more responsive bidder.

3. A contractor and any subcontractor who cannot demonstrate compliance with the factors in subsections B1b to B1f of this section shall be deemed nonresponsive and shall be disqualified.

C. For the purpose of this section, the following definitions shall apply:

CONTRACTOR: A person or entity who is or may be awarded a construction contract for a building improvement or a public works project.

COVERED EMPLOYEE: An individual who provides part time or full time services directly related to a design or construction contract for a contractor or subcontractor, including, but not limited to, an individual in a safety sensitive position such as a design position responsible for the safety of a building improvement or public works project.

DRUG AND ALCOHOL TESTING POLICY: A policy under which a contractor or subcontractor tests a covered individual to establish, maintain, or enforce a prohibition of:

1. The manufacture, distribution, dispensing, possession, or use of drugs or alcohol, except the medically prescribed possession and use of a drug, and

2. The impairment of judgment or physical abilities due to the use of drugs or alcohol.

HEALTH BENEFIT PLAN: An insurance policy that provides healthcare coverage, including major medical expenses, or that is offered as a substitute for hospital or medical expense insurance, such as a hospital confinement indemnity or limited benefit plan. A health benefit plan does not include an insurance policy that provides benefits solely for accidents, dental, income replacement, long term care, a medicare supplement, a specific disease, vision, or a short term limited duration where it is offered and marketed as supplemental health insurance.

LOWEST RESPONSIVE RESPONSIBLE BIDDER: A prime contractor who:

1. Has submitted a bid in compliance with an invitation to bid and within the requirements of the plans and specifications for a building improvement or public works project;

2. Is the lowest bidder that satisfies the requirements of this chapter relating to financial strength, past performance, integrity, reliability, and other factors used to assess the ability of a bidder to perform fully and in good faith the contract requirements;

3. Has furnished a bid bond or equivalent in money as a condition to the award of a prime contract; and

4. Furnishes a payment and performance bond as required by law.

QUALIFIED HEALTH INSURANCE COVERAGE: At the time a contract is entered into or renewed:

1. A health benefit plan (not including dental coverage) and employer contribution level with a combined actuarial value at least actuarially equivalent to the combined actuarial value of the benchmark plan determined by the children's health insurance program under section 26-40-106(2)(a), Utah Code Annotated, as amended or its successor, and a contribution level of fifty percent (50%) of the premiums for the employee and the dependents of the employee who reside or work in the state under which:

a. The employer pays at least fifty percent (50%) of the premium for the employee and the dependents of the employee; and

b. For purposes of calculating actuarial equivalency under this provision, rather than benchmark plan deductibles and the benchmark plan out of pocket maximum based on income levels:

(1) The annual deductible is one thousand dollars ($1,000.00) per individual and three thousand dollars ($3,000.00) per family; and

(2) The annual out of pocket maximum is three thousand dollars ($3,000.00) per individual and nine thousand dollars ($9,000.00) per family; or

2. A federally qualified, high deductible health plan (not including dental coverage) that at a minimum has a deductible which is either:

a. The lowest deductible permitted for a federally qualified, high deductible plan; or

b. A deductible that is higher than the lowest deductible permitted for a federally qualified, high deductible health plan, but includes an employer contribution to a health savings account in a dollar amount at least equal to the dollar amount difference between the lowest deductible permitted for a federally qualified, high deductible plan and the deductible for an employer offered federal qualified, high deductible plan; and

(1) Has an out of pocket maximum that does not exceed three (3) times the amount of the annual deductible; and

(2) The employer pays sixty percent (60%) of the premium for the employee and the dependents of the employee who work or reside in the state of Utah.

RANDOM TESTING: Periodic examination of a covered individual, selected on the basis of chance, for drugs and alcohol in accordance with a drug and alcohol testing policy.

SUBCONTRACTOR: Any person or entity who may be awarded a contract with a contractor or another subcontractor to provide services or labor for the construction of a building improvement or public works project. "Subcontractor" includes a trade, contractor, or specialty contractor but does not include a supplier who provides only materials, equipment, or supplies to a contractor or subcontractor.

VETERAN: An individual who:

1. Has served on active duty in the armed forces of the United States for more than one hundred eighty (180) consecutive days, or

2. Was a member of a reserve component who served in a campaign or expedition for which a campaign medal has been authorized and who has been separated or retired under honorable conditions, or

3. Any individual incurring an actual service related injury or disability in the line of duty, whether or not that person completed one hundred eighty (180) consecutive days of active duty. (Ord. 17-12, 2012)

## 3.24.120: CONTRACTS:

A. The city may use any type of contract permitted by law that will promote the best interests of the city.

B. The procurement rules may provide requirements for modifying, renewing and extending procurement related contracts.

C. Performance under a city contract may be evaluated at any time. Any appropriate methods may be used in such an evaluation, and the city may reject any unsatisfactory performance.

D. Notwithstanding any other provision of this chapter, all contracts shall meet the requirements of chapter 3.25 of this title, or its successor. (Ord. 64-97 § 2, 1997)

## 3.24.130: CONFLICT OF INTEREST:

A. In addition to all federal, state and local requirements, the procurement rules may impose additional requirements relating to ethical conduct and conflicts of interest in city procurement activities.

B. After an appropriate review, any contract which is found to have been entered in connection with a violation of ethics or conflict of interest requirements shall be voidable at the city's option. If such a contract is not declared void, a written statement of the reasons for retaining the contract shall be placed in the contract file. (Ord. 64-97 § 2, 1997)

## 3.24.140: SMALL PURCHASES:

A. Small purchases of supplies and services are most effectively made using minimal procurement processes. In the procurement rules, the chief procurement officer and city engineer, in their respective areas of authority, may define small purchases in various areas of procurement by establishing maximum dollar amounts for these purchases. The procurement rules shall prescribe minimal and expeditious processes to use when making these purchases.

B. Minimal or insignificant purchases of supplies and services are most effectively made without using solicitation processes. In the procurement rules, the chief procurement officer and city engineer, in their respective areas of authority, may define these purchases by establishing maximum dollar amounts for these purchases. The procurement rules shall establish minimal operational procedures to control and account for these purchases. (Ord. 64-97 § 2, 1997)

## 3.24.150: COOPERATIVE PURCHASING:

It is the policy of the city to maximize public benefits and minimize costs, which results are often served by joint purchasing. The chief procurement officer and city engineer may and are encouraged to join with other units of government in cooperative purchasing when the interests of the city would be served thereby. (Ord. 64-97 § 2, 1997)

## 3.24.160: WAIVERS:

A. Except for the requirements set forth in section 3.24.115 of this chapter, waivers from the provisions of this chapter may be given as follows:

1. A procurement official may waive a procurement process required under this chapter for the reasons set forth below. Such waiver shall be approved in advance by the chief procurement officer for operational supplies and services, or by the city engineer for construction related supplies and services, except in case of an emergency. Waivers are permissible when:

a. Supplies or services are available from a sole source, or a solicitation process would be unlikely to produce competition;

b. A particular supply or service is beneficial to the city in order to match or service existing equipment or facilities;

c. The city needs services of a very specialized nature or in connection with confidential matters, and procurement processes would not be beneficial to obtaining them;

d. A waiver would be in the best interest of the city or the convenience of the public; or

e. There is an emergency or unforeseen condition, or a threat to public health, welfare, convenience or safety, as defined in the procurement rules. Such procurements shall be made with as much competition as practicable under the circumstances.

2. The mayor, with cause specified in writing, may waive any or all of the requirements of this chapter for specific contracts, except the requirements set forth in section 3.24.115 of this chapter.

3. For contracts made within the scope of the city council's legislative authority, the city council may, with cause specified in writing, waive any or all of the requirements of this chapter for specific contracts.

B. A written basis for any waiver made under this section shall be placed in the procurement file, and written notice thereof shall be delivered to the chief procurement officer in connection with the procurement of operational supplies and services, or the city engineer in connection with the procurement of construction related supplies and services.

C. Notwithstanding any provision of this chapter to the contrary, no waiver made under this chapter shall violate any mandatory applicable federal, state or local law or regulation. (Ord. 17-12, 2012)

## 3.24.170: EXEMPTIONS:

The following are exempt from the requirements of this chapter:

A. Any matter that is exempt from procurement requirements under state or federal law.

B. Contracts for the following:

1. Contracts with another governmental entity or agency that are solicited in accordance with the rules or requirements of that entity or agency;

2. Contracts for expert witnesses, advisors or outside counsel for the city attorney's office;

3. Contracts for special investigatory or similar services or supplies for the police department where confidentiality is necessary, if approved by the mayor upon recommendation from the chief procurement officer.

C. With the approval of the mayor, and when not in conflict with state or federal law, the chief procurement officer or city engineer, in their respective areas of authority, may exempt an enterprise fund from the requirements of all or any part of this chapter in the procurement rules.

D. With the approval of the mayor, and when not in conflict with state or federal law, the chief procurement officer and city engineer, in their respective areas of authority, may each exempt a type or class of procurement from any or all of the requirements of this chapter in the procurement rules when that exemption is in the best interest of the city, and competitive processes would not be of benefit to the city.

E. When granting a concession in which a person makes use of city property to provide goods or services to the public, or arrangements of similar nature, the city shall make use of this chapter to the extent determined to be practicable by a procurement official in order to provide for the desired concession or arrangements on terms most beneficial to the city. (Ord. 64-97 § 2, 1997)

## 3.24.180: COMPLIANCE WITH OTHER LAW:

Nothing in this chapter shall prevent compliance with any mandatory applicable federal, state or local law or regulation, or the terms and conditions of any grant, gift or bequest that are mandatory, applicable and otherwise consistent with law, and the city shall comply with the same. (Ord. 64-97 § 2, 1997)

# Article IV. Additional Construction Related Requirements

### 3.24.190: REQUIREMENTS IMPOSED ON CONSTRUCTION:

In addition to all other requirements of this chapter, the procurement of construction related supplies and services shall comply with the requirements of mandatory applicable federal, state and local law. (Ord. 64-97 § 2, 1997)

### 3.24.200: CONSTRUCTION CONTRACTING AND MANAGEMENT METHODS:

The procurement rules shall provide for as many alternative methods of construction contracting and management as determined to be practical. The procurement official may select the methods appropriate for a particular project. (Ord. 64-97 § 2, 1997)

# Article V. Protests And Remedies

### 3.24.210: PROCUREMENT PROTESTS:

A. A bidder or offeror may protest in connection with a procurement. Such protest shall be delivered to the procurement official having responsibilities for the procurement in question.

B. All protests must be in writing, and must specify the nature and factual basis of the protest with sufficient detail to permit review.

C. Protests shall be submitted prior to the opening of bids or the closing date for proposals unless the protestor did not know and could not have known of the facts giving rise to the protest prior to such time. In such a case, the protest shall be submitted within five (5) working days after the protestor knows or should have known of the facts giving rise thereto.

D. The procurement official may determine that a protest is without merit, and in such a case, the city may proceed with the procurement and award. If a protest must be reviewed to determine whether it has merit, the city shall not proceed further with the procurement or award until all administrative remedies have been exhausted, or until the procurement official, after consultation with the procuring department or division, makes a written determination that the award of the contract without delay is necessary to protect substantial interests of the city.

E. Notwithstanding any provision of this chapter to the contrary, the chief procurement officer may establish in the procurement rules a minimal process, if any, to review

protests of small purchases, and such process need not provide for an appeal of such review. (Ord. 64-97 § 2, 1997)

### 3.24.220: PROCUREMENT PROTEST DECISIONS AND APPEALS:

A. The procurement official shall consider and decide protests in accordance with the procurement rules. The decision shall be final and conclusive unless appealed as provided under this section.

B. A bidder or offeror may appeal the written decision of the procurement official by specifying in writing the nature and factual basis of the appeal with sufficient detail to permit review. The written appeal shall be delivered within the time permitted and in the manner specified in the procurement rules.

C. A timely written appeal shall be reviewed and decided as specified in the procurement rules. Prior decisions by administrative officials shall not be final or conclusive when a mater is reviewed on appeal. An appeal shall be resolved by a written decision, and the determination of an issue of fact shall be final and conclusive unless arbitrary and capricious or clearly erroneous. Any appeal withdrawn before a decision is made shall be withdrawn with prejudice unless the city consents otherwise.

D. At the discretion of the procurement official, the city may impose reasonable charges to pay the expenses incurred by the city to consider a protest or appeal. (Ord. 64-97 § 2, 1997)

### 3.24.230: REMEDIES FOR ILLEGAL SOLICITATIONS:

A. Prior to bid opening or the closing date for proposals, if the procurement official, after consultation with the city attorney, determines that a solicitation is in violation of law, then the solicitation will be canceled, and any subsequent solicitation shall be made in accordance with law.

B. If after an award it is determined that a solicitation or award was in violation of law, the contract may be ratified and affirmed if the person awarded the contract has not acted fraudulently or in bad faith, and if doing so is in the best interest of the city. The contract may also be terminated, and the person awarded the contract shall be compensated for actual expenses reasonably incurred prior to termination, plus a reasonable profit for the same. If the person awarded the contract has acted fraudulently or in bad faith, the contract may be declared null and void; or the contract may be ratified and affirmed, if such action is in the best interest of the city and without prejudice to the city's rights to any appropriate damages. (Ord. 64-97 § 2, 1997)

### 3.24.240: SUSPENSION OR DEBARMENT:

A procurement official may suspend or debar any person as follows:

A. At the discretion of the procurement official, the city may issue a temporary suspension to any person who is directly or indirectly associated with city procurement processes or contracts in the manner provided in the procurement rules. A temporary suspension shall allow the city to examine the circumstances when the city has reason to

believe that there has been a material violation of a process, legal requirement or contract, or where circumstances raise concerns for the city's interest. The city shall give notice of the temporary suspension to the affected person, and shall specify any terms applicable to the temporary suspension. In connection with the temporary suspension, the city may conduct an investigation, require the correction of any violation, initiate further action under this section, and take all other actions appropriate to protect the city and resolve the matter.

B. At the discretion of the procurement official, the city may issue a suspension pending the outcome of legal processes to any person who is directly or indirectly associated with city procurement processes or contracts in the manner provided in the procurement rules. This suspension may be issued when the person is the subject of an indictment for an activity which has bearing on procurement, contract or ethical matters; when the person is adverse to the city in a litigation, administrative hearing, dispute resolution process, or similar process; or when legal processes raise concern for the city's interest. A suspension pending the outcome of legal processes may remain in effect until after a trial, appeal period, or other process to obtain final resolution.

C. With cause shown, the city may suspend any person from direct or indirect participation in city procurement processes and contracts for any appropriate period of time as provided in the procurement rules. The rules shall provide for notice to the affected person and a reasonable opportunity to be heard. A suspension may be by agreement with the affected person. The city shall state in writing any conditions which the suspended person must demonstrate to the city before the suspension will be removed.

D. With cause shown, the city may debar any person from direct or indirect participation in city procurement processes and contracts for any appropriate period of time which is not less than three (3) years in the manner provided in the procurement rules. The rules shall provide or notice to the affected person and a reasonable opportunity to be heard. The city shall state in writing any conditions which the debarred person must demonstrate to the city before the debarment will be removed. (Ord. 64-97 § 2, 1997)

### 3.24.250: AUTHORITY TO RESOLVE CONFLICTS:

When not in conflict with this chapter, a procurement official has authority to settle and resolve controversies relating to procurement processes, contracts, suspensions and debarments. (Ord. 64-97 § 2, 1997)

# CHAPTER 3.25
# CITY CONTRACTS

### 3.25.010: CONTRACT PROCEDURES:

A. No liability against the city shall or may be created and no expenditure of public funds may be made which is not for a public purpose.

B. No contract may become valid or is binding against the city until:

1. The contract has been reduced to writing;

2. The terms of the contract are approved by the department director or other employee responsible for negotiating the contract;

3. Funds are certified as available under a lawful city budget;

4. The city has complied with any federal contract or grant assurance conditions that are a prerequisite to forming a contract;

5. The documents are approved as to form by the city attorney;

6. The contract has been executed by:

   a. The chairperson of the city council or designee for contracts made within the scope of the city council's legislative authority, or

   b. The mayor or the mayor's designee authorized to sign for contracts in a prior written executive order, except those city council contracts described in subsection B6a of this section; and

7. The signature has been attested by the city recorder.

C. Notwithstanding the requirements of this section, a city purchase order shall become valid and binding against the city when executed by an authorized city official on the city's form, and when not in conflict with any federal, state or local law, including any procurement requirements as set forth in chapter 3.24 of this title or its successor. (Ord. 63-97 § 2, 1997)

## 3.25.020: INSURANCE AND SECURITIES:

A. When directed by the mayor, city council or city attorney, or any of their designees, or when required by state statute or city ordinance, evidence of insurance coverage, and permit, performance, payment or other bonds, or letters of credit or other securities, shall be provided to the recorder in a form and in amounts approved by the city attorney. Such documents, when required, are conditions precedent to the city executing a contract. Such bonds, insurance, or other securities shall:

1. Name the city as an additional insured if an insurance policy, or otherwise appropriately designate the city as the beneficiary of the security;

2. Provide that no cancellation thereof may be made without first giving the city at least thirty (30) days' prior written notice;

3. Be in sums sufficient to protect the city and its interests; and

4. All insurers and corporate guarantors or sureties shall be licensed to do business in the state of Utah and shall be sound and reputable firms, as determined acceptable to the city attorney.

B. The city attorney shall have authority to waive any requirement with respect to insurance, bonds or other securities contained in this chapter and to promulgate rules or adoption by the mayor regarding acceptable requirements for insurance, bonds or other securities. (Ord. 63-97 § 2, 1997)

### 3.25.030: BID, PERFORMANCE AND PAYMENT BONDS:

A. Construction contractors desiring to enter contracts with the city shall be required to post bid, performance and payment bonds at a time and in a form and amount determined by the city engineer or that person's designee. The city engineer, or that person's designee, may require other bonds, securities or insurance in connection with city construction in any form and amount that he or she shall find reasonably necessary to protect the interest of the city.

B. The chief procurement officer, or that person's designee, shall have the authority to require a performance bond or other insurance or security before a contract is entered to purchase or acquire supplies or services, or at any other time, in such amount as he or she shall find reasonably necessary to protect the interest of the city. (Ord. 63-97 § 2, 1997)

## CHAPTER 3.28
## CONTRACTING FOR PROFESSIONAL SERVICES

(Rep. by Ord. 63-97, 1997)

## CHAPTER 3.32
## NO FAULT GOLF CLAIMS

### 3.32.010: SHORT TITLE:

This chapter shall be known as the *NO FAULT GOLF CLAIMS ORDINANCE*. (Ord. 87-86 § 1, 1986: prior code § 27-10-1)

### 3.32.020: PURPOSE:

It is the purpose of this chapter to compensate persons for loss sustained as the result of damages from a golf ball hit from a city owned golf course, regardless of fault, within the restrictions, limitations and other provisions of this chapter. (Ord. 87-86 § 1, 1986: prior code § 27-10-2)

## 3.32.030: DEFINITIONS:

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

CITY: The Salt Lake City Corporation, a political subdivision of the state.

CITY ATTORNEY: The city attorney or his designee.

PERSON OR APPLICANT: Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate or any other legal entity (except the United States government or any of its agencies, the state and any of its political subdivisions) or their legal representatives, agents or assigns.

POLITICAL SUBDIVISION: Any political subdivision of the state, including state departments and agencies, cities, towns, counties and school districts. (Ord. 87-86 § 1, 1986: prior code § 27-10-3)

## 3.32.040: ADMINISTRATION AND ESTABLISHMENT OF REGULATIONS:

The director may establish regulations sufficient to provide for the handling of such claims and disbursement of those funds which are set aside for payment of claims under this chapter. (Ord. 87-86 § 1, 1986: prior code § 27-10-9)

## 3.32.050: REIMBURSEMENT; APPLICATION; TIME LIMITATIONS:

All applications for reimbursement under this chapter must be submitted to the city recorder within ninety (90) days after the incident occurs. (Ord. 87-86 § 1, 1986: prior code § 27-10-4)

## 3.32.060: APPLICATION; INVESTIGATION AND RECOMMENDATION:

Applications received by the city recorder shall be referred to the department of public services for investigation and recommendation. The department's report shall be forwarded to the city attorney for determination under the criteria of this chapter. All payments authorized by the city attorney shall be made by the director of the department of public services solely from funds to be set aside under this chapter. (Ord. 45-93 § 18, 1993: Ord. 87-86 § 1, 1986: prior code § 27-10-5)

## 3.32.070: CRITERIA FOR PAYMENT:

A. The determination as to whether to make payment for loss under this chapter shall be based on the following criteria:

1. Whether an eligible applicant suffered an otherwise uninsured property loss, caused by a golf ball hit from a city owned golf course, under circumstances where the applicant acted responsibly to avoid the loss; and

2. If so, whether the extent of the loss has been adequately substantiated;

3. If there is an unencumbered balance from which to draw.

B. The following shall result in the denial of an application:

1. Application not timely submitted;

2. Loss fully covered by private insurance;

3. Applicant ineligible under the terms of this chapter;

4. Loss caused by irresponsible act of the applicant, applicant's agent, or member of applicant's business or household;

5. Loss or eligibility unsubstantiated.

C. The following shall result in reduction of payment:

1. Loss partially covered by private insurance;

2. Loss exceeds funding limits of this chapter;

3. Verification of loss inadequate or incomplete;

4. Applicant did not cause the problem but failed to act responsibly to minimize the loss. (Ord. 87-86 § 1, 1986: prior code § 27-10-7)

## 3.32.080: MAXIMUM PAYMENTS:

No payment under this chapter shall exceed any of the following:

A. Three hundred dollars ($300.00), per application or location;

B. One thousand dollars ($1,000.00) per incident;

C. The maximum funding limit of ten thousand dollars ($10,000.00) per calendar year for this fund regardless of number of claims involved. (Ord. 87-86 § 1, 1986: prior code § 27-10-6)

## 3.32.090: PAYMENT DOES NOT IMPLY LIABILITY:

A. Any payment made under this chapter shall not be construed as an admission of nor does it imply any negligence or responsibility on the part of the city for such damage. Any payment made under this chapter is strictly voluntary on the part of the city.

B. This chapter shall not in any way supersede, change or abrogate the state governmental immunity act, Utah Code Annotated, section 63-30-1 et seq., as amended, or its successor, and its application to the city, or establish in any person a right to sue the city under this chapter.

C. Any payment made under this chapter and accepted shall constitute a full and complete release of any and all claims against the city, its officers, employees and agents arising from the incident. (Ord. 87-86 § 1, 1986: prior code § 27-10-10)

### 3.32.100: BUDGET EXPENDITURE:

The city department of public services is authorized to provide for and include within its budget within the recreation fund an amount not to exceed ten thousand dollars ($10,000.00) annually from which funds may be drawn to make the foregoing payments. (Ord. 45-01 § 4, 2001: Ord. 45-93 § 19, 1993: Ord. 87-86 § 1, 1986: prior code § 27-10-8)

### 3.32.110: CLAIMS FROM OTHER GOVERNMENTAL AGENCIES:

Notwithstanding any other provisions of this chapter, no application shall be accepted from the United States or any of its departments or agencies, the state or any political subdivision. (Ord. 87-86 § 1, 1986: prior code § 27-10-11)

# CHAPTER 3.36
# NO FAULT UTILITIES CLAIMS

### 3.36.010: SHORT TITLE:

This chapter shall be known as the *NO FAULT UTILITIES CLAIMS ORDINANCE*. (Ord. 23-06 § 2, 2006)

### 3.36.020: PURPOSE:

The purpose of this chapter is to assist in the cleanup of real and personal property, and/or compensate persons for the loss of real or personal property, destroyed or damaged as

the result of a break, leak, backup or other failure of city facilities, regardless of fault, within the restrictions, limitations and other provisions of this chapter. (Ord. 23-06 § 2, 2006)

## 3.36.030: DEFINITIONS:

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

ACTUAL CASH VALUE: The actual, depreciated value of an item, and not the replacement value.

CITY: Salt Lake City Corporation, a political subdivision of the state.

CITY ATTORNEY: The city attorney or his/her designee.

CITY FACILITIES: Any culinary water, sanitary sewer or storm sewer pipeline, any irrigation water canal, and all related appurtenances, which are owned, operated and maintained by the department.

CLEANUP: All activities necessary to reasonably restore destroyed or damaged real and personal property to its pre-event condition, in accordance with cleanup criteria.

CLEANUP CONTRACTOR: An independent disaster cleanup contractor, licensed to do business in the state.

CLEANUP CRITERIA: Cleanup standards, procedures and protocol established by the director pursuant to this chapter.

DEPARTMENT: The city's department of public utilities.

DIRECTOR: The director of the department, or his/her designee.

FORCE MAJEURE: Acts of God; acts of public enemies; insurrection; riots; war; landslides; lightning; earthquakes; fires; storms; floods; washouts; droughts; civil disturbances; explosions; acts of terrorism, sabotage; or any other similar cause or event not reasonably within the city's control.

PERSON OR APPLICANT: Any individual, partnership, firm, company, corporation, association, joint stock company, trust, estate or any other legal entity (except the United States government or any of its agencies, and the state and any of its agencies and political subdivisions) or their legal representatives, agents or assigns.

PRIVATE FACILITIES: Any pipelines and related facilities which are owned and operated by a property owner, and which connect to city facilities.

PROPERTY OWNER: The owner of the premises which has sustained a loss described in this chapter, or any person lawfully in possession of such premises. (Ord. 23-06 § 2, 2006)

## 3.36.040: ESTABLISHMENT OF CLEANUP CRITERIA AND OTHER REGULATIONS:

The director shall, from time to time, establish cleanup criteria which shall constitute the standard for cleanup and payment under this chapter. In establishing such cleanup criteria, the director shall give due consideration to generally available health guidelines, recommendations from industry, governmental and academic experts, and other sources of guidance reasonably deemed by the director to be balanced, unbiased, and protective of health and safety. The director may establish such additional rules, regulations and procedures which are consistent with this chapter, as may be necessary or convenient in effecting the purposes of this chapter. (Ord. 23-06 § 2, 2006)

## 3.36.045: CLEANUP OF REAL AND PERSONAL PROPERTY:

A. The director shall, in accordance with the city's standard procurement procedures, engage the services of one or more cleanup contractors to perform cleanup services at the direction of the director on an as needed basis.

B. Upon discovering a break, leak, backup or other failure of city facilities, or any damage resulting from the same, a property owner shall immediately notify the director of such event.

C. Upon notification of the occurrence of the event, the director shall contact a cleanup contractor under contract with the city pursuant to subsection A of this section, and direct the cleanup contractor to perform all cleanup work at the premises, in accordance with established cleanup criteria.

D. In the event the property owner engages the services of a cleanup contractor prior to notifying the director of the event, the department may reimburse the property owner for actual expenses incurred by the property owner, but only up to the amount the department would have paid its own cleanup contractor under subsection C of this section.

E. In the event the damaged real or personal property cannot, in the judgment of the director, be reasonably restored to its pre-event condition, in accordance with the cleanup criteria, the department may pay to the property owner the estimated actual cash value, at the time of the event, of such property. Such value shall be determined by a professional appraiser engaged by the city for such purpose.

F. In no event shall the department pay, or reimburse the property owner for the payment of, special or consequential damages. (Ord. 23-06 § 2, 2006)

## 3.36.050: APPLICATION; TIME LIMITATIONS:

Any request for cleanup under subsection 3.36.045C of this chapter, reimbursement of cleanup expenses under subsection 3.36.045D of this chapter, or payment of actual cash value under subsection 3.36.045E of this chapter, shall be made by filing a written application in such form as shall be prescribed by the director pursuant to section 3.36.040 of this chapter; provided that the initial request for cleanup may be made by contacting the director by telephone or other means, followed by a written application. Written applications shall be submitted to the city recorder within ninety (90) days after the occurrence of the event. (Ord. 23-06 § 2, 2006)

## 3.36.060: APPLICATION; INVESTIGATION AND RECOMMENDATION:

Applications received by the city recorder shall be referred to the department for investigation and recommendation. The department's report shall be forwarded to the city attorney for determination under the criteria of this chapter. All payments authorized by the city attorney shall be made by the director solely from the appropriate enterprise fund managed by the director. (Ord. 23-06 § 2, 2006)

## 3.36.065: QUALIFICATION FOR ASSISTANCE:

An application or request for assistance or payment under this chapter shall qualify only if the director, after due inquiry or investigation, makes an affirmative determination that the event was the result of a break, leak, backup or other failure of city facilities, and that none of the following circumstances apply:

A. The loss was the result of a force majeure which damaged the city facilities;

B. The loss was caused by either an act or omission of the property owner, the property owner's agent, or a member of the property owner's family or business;

C. The property owner failed to file a claim hereunder in a timely manner, or failed to comply with any other procedural requirements of this chapter;

D. The loss was the result of intentional or negligent acts of third parties;

E. The loss was the result of a break, leak, backup or failure of private facilities; or

F. The loss is wholly covered by private insurance. (Ord. 23-06 § 2, 2006)

## 3.36.070: REDUCTION IN ASSISTANCE:

The city may limit any assistance, or reduce any payment, under this chapter based upon any of the following:

A. The property owner did not act responsibly to prevent, avoid or minimize the loss;

B. The property owner is unable to fully substantiate or document the extent of the loss;

C. The loss is partially covered by private insurance. (Ord. 23-06 § 2, 2006)

## 3.36.080: PAYMENT DOES NOT IMPLY LIABILITY:

A. Any assistance or payment made under this chapter shall not be construed as, and does not imply, an admission of negligence or responsibility on the part of the city or the department for any damage or loss.

B. Any assistance or payment made under this chapter is strictly voluntary on the part of the department. While it shall be the general policy of the city to follow the provisions of this chapter, the city shall not be required to do so. The city may, based on the particular facts and circumstances of an event, elect to reject a request for assistance hereunder. If a request for assistance under this chapter is not approved by the director within ninety (90) days of filing, it is deemed rejected. In the event a request hereunder

is rejected, the property owner's recourse would be to proceed under the provisions of the Utah governmental immunity act and file a notice of claim thereunder. Nothing in this chapter shall be construed as an acknowledgment by the city that the property owner has a meritorious claim under the Utah governmental immunity act, and the city reserves the right to assert any and all available defenses. The ninety (90) day notice period under this chapter shall not operate to extend the one year notice period under the Utah governmental immunity act. This chapter shall not in any way supersede, change or abrogate the Utah governmental immunity act, and its application to the city and the department, or establish in any person a right to sue the city under this chapter.

C. Any assistance or payment made under this chapter and accepted shall constitute a full and complete release of any and all claims against the city (including the department), its officers, employees and agents arising from the incident. (Ord. 23-06 § 2, 2006)

### 3.36.090: BUDGET EXPENDITURES:

The department is authorized to provide for and include within each enterprise fund it manages a separate fund from which amounts may be drawn to make the foregoing assistance or payments. Each such separate fund shall be funded, in amounts deemed by the director to be sufficient for the purpose, from revenues accruing to each respective enterprise fund from all available sources, including regular service charges. The establishment and funding of such funds, and the expenditure of the amounts therein, shall be consistent with applicable law, and all applicable bond covenants of the city. (Ord. 23-06 § 2, 2006)

### 3.36.100: CLAIMS FROM OTHER GOVERNMENTAL AGENCIES:

Notwithstanding any other provisions of this chapter, no application shall be accepted from the United States or any of its departments or agencies, the state or any political subdivision. (Ord. 23-06 § 2, 2006)

# CHAPTER 3.38
# NO FAULT POLICE CLAIMS

### 3.38.010: SHORT TITLE:

This chapter shall be known as the *NO FAULT POLICE CLAIMS ORDINANCE*. (Ord. 66-01 § 1, 2001)

### 3.38.020: PURPOSE:

It is the purpose of this chapter to compensate persons for property damage sustained as a result of lawful police enforcement activities, regardless of fault, within the restrictions

and limitations of this chapter. (Ord. 66-01 § 1, 2001)

### 3.38.030: DEFINITIONS:

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this chapter, shall have the meanings hereinafter designated:

CITY: Salt Lake City Corporation, a political subdivision of the state.

CITY ATTORNEY: The city attorney or his/her designee.

PERSON OR APPLICANT: Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, or any other legal entity (except the United States government or any of its agencies, the state and any of its political subdivisions) or their legal representatives, agents, or assigns.

POLITICAL SUBDIVISION: Any political subdivision of the state, including state departments and agencies, cities, towns, counties, and school districts. (Ord. 66-01 § 1, 2001)

### 3.38.040: ADMINISTRATION AND ESTABLISHMENT OF REGULATIONS:

The city attorney may establish regulations sufficient to provide for the handling of such claims and disbursements of those funds that are set aside for payment of claims under this chapter. (Ord. 66-01 § 1, 2001)

### 3.38.050: REIMBURSEMENT; APPLICATION; TIME LIMITATIONS:

All applications for reimbursement under this chapter must be submitted to the city recorder within one hundred eighty (180) days after the incident occurs. (Ord. 66-01 § 1, 2001)

### 3.38.060: APPLICATION; INVESTIGATION AND RECOMMENDATION:

Applications received by the city recorder shall be referred to the city's risk manager. The risk manager shall then forward the application to the police department for investigation and recommendation. The city attorney shall make a determination as to whether or not to pay, under the criteria of this chapter. All payments authorized by the city attorney shall be made solely from funds to be set aside under this chapter. (Ord. 66-01 § 1, 2001)

### 3.38.070: CRITERIA FOR PAYMENT:

A. The determination as to whether to make payments for loss under this chapter shall be based on the following criteria:

1. The eligible applicant suffered an otherwise uninsured property loss caused by law enforcement activities, under circumstances where the applicant acted responsibly and nonnegligently to avoid the loss; and

2. The loss must be adequately substantiated;

3. There are budgeted and unencumbered funds available to pay the claim.

B. The following shall result in the denial of an application:

1. Application is not timely submitted;

2. Loss is fully covered by private insurance;

3. Applicant is ineligible under the terms of this chapter;

4. Loss was proximately caused by irresponsible or negligent act of the applicant, applicant's agent, or member of applicant's business or household;

5. Loss or eligibility is unsubstantiated;

6. The applicant knew or should have known that illegal activities were taking place on their premises.

C. The following shall result in reduction of payment:

1. Loss partially covered by insurance;

2. Loss exceeds funding limits or payment caps of this chapter;

3. Applicant did not cause the problem, but failed to act responsibly, and nonnegligently to minimize the loss. (Ord. 66-01 § 1, 2001)

## 3.38.080: MAXIMUM PAYMENTS:

Payments under this chapter shall be limited by the following restrictions:

A. One thousand dollars ($1,000.00) per applicant, per incident;

B. One payment per applicant, per year.

C. The maximum funding limit of ten thousand dollars ($10,000.00) per fiscal year, regardless of the number of claims involved. (Ord. 66-01 § 1, 2001)

### 3.38.090: PAYMENT DOES NOT IMPLY LIABILITY:

A. Any payment made under this chapter shall not be construed as an admission of nor does it imply any negligence or legal responsibility on the part of the city for any purpose.

B. This chapter shall not in any way supersede, change, or abrogate the state governmental immunity act, or its successor, and its application to the city or establish in any person a right to sue the city.

C. Any payment made under this chapter and accepted shall constitute a full and complete release of any and all claims against the city, its officers, employees, and agents arising from the incident. (Ord. 66-01 § 1, 2001)

### 3.38.100: ANNUAL BUDGET EXPENDITURE:

The police department is authorized to request the appropriations of sufficient funds, not to exceed ten thousand dollars ($10,000.00), to make the foregoing payments. (Ord. 66-01 § 1, 2001)

### 3.38.110: CLAIMS FROM OTHER GOVERNMENTAL AGENCIES:

Notwithstanding any other provisions of this chapter, no application shall be accepted from the United States or any of its departments or agencies, the state, or any of its political subdivisions. (Ord. 66-01 § 1, 2001)

# CHAPTER 3.40
# ENTERPRISE FUND PAYMENT IN LIEU OF TAXES

### 3.40.010: SHORT TITLE:

This chapter shall be known as the *ENTERPRISE FUND PAYMENT IN LIEU OF TAXES ORDINANCE OF SALT LAKE CITY*. (Ord. 47-04 § 1, 2004)

### 3.40.020: PURPOSE:

The water, golf, sewer, stormwater, and refuse functions of the city are operated as enterprise funds, and the city's general fund receives no revenue from their use of city owned property. The city's objective in enacting this chapter is to fairly and equitably charge an amount in lieu of taxes for each of said enterprise funds' use of city owned property, as if said enterprise funds were operated as private entities and were paying real and personal property taxes as private businesses. (Ord. 47-04 § 1, 2004)

### 3.40.030: PAYMENT IN LIEU OF TAXES:

There is levied upon the city's water, golf, sewer, stormwater, and refuse enterprise funds an annual payment in lieu of taxes based on the calculation of the value of assets within city limits held and used by each of said enterprise funds, using the income method of property evaluation. As suggested by the May 17, 1989, KPMG Peat Marwick report to the mayor and city council on charges for services between funds, for years subsequent to fiscal year 1990-1991, the payment in lieu of taxes shall be calculated using the income method of valuation for each said fund as follows:

A. Net revenue shall be calculated by subtracting operating expenses from operating revenue.

B. The asset value shall be calculated by dividing the net revenue by the capitalization rate of nine and one-half percent ($9^{1}/_{2}$%).

C. The payment in lieu of taxes shall be calculated by multiplying the asset value by the city's property tax rate.

D. The sums due the city's general fund under this chapter for each fiscal year after 1990-1991 shall be determined by the city's finance department following the city's administrative policies and procedures and using audited financial data. Each said enterprise fund shall be notified of the pilot due in the city's budget, with payment due on or before December 30 of each year, beginning in 1990. (Ord. 47-04 § 1, 2004)

# CHAPTER 3.50
# COMMERCIALLY RELATED SPECIAL EVENTS AND FREE EXPRESSION ACTIVITIES

### 3.50.010: PURPOSE:

This chapter intends to protect the rights of citizens to engage in activities protected by the free speech and expression provisions of the constitutions of Utah and the United States subject to lawful time, place and manner regulations necessary to protect the public health, safety and welfare. It is also the purpose and intent of this chapter to establish a process for permitting individuals and groups to use city streets, property, facilities or services for commercially related special events and free expression activities while maximizing the safety of participants, minimizing the inconvenience to the general public and disruption of public services and, providing for cost recovery of city services required for commercially related special events, when such recovery will not unreasonably or unlawfully burden constitutionally protected activities. (Ord. 23-93 § 4, 1993)

## 3.50.020: DEFINITIONS:

As used in this chapter:

BASIC CITY SERVICES: Those services determined in the sole discretion of the city to be necessary to protect the public health, safety and welfare of participants and spectators at any commercially related special event or free expression activity.

CITY COSTS: Any expense incurred by the city, as a result of a commercially related special event or free expression activity except those for basic city services and except for city services specifically budgeted for commercially related special events or free expression activities.

CITY SERVICES: The provision of city employees or equipment for services related to commercially related special events or free expression activities including police, fire and building inspection services other than those which are determined by the city to be basic city services. City services shall also include the city allowing the applicant or sponsor the exclusive use of city property including the exclusive right to sell merchandise on the property.

COMMERCIALLY RELATED SPECIAL EVENT: A. Any organized formation, parade, procession, assemblage of people, animals, vehicles or any combination thereof, which assembles or travels in unison with common purpose upon any public street, highway, alley, sidewalk or other public way and which does not comply with normal or usual traffic regulations or controls; or

B. Any organized assemblage at any public park or other city owned public forum which gathers for a common purpose or event under the discretion and control of a responsible person or entity and which requires more services, facilities or equipment than normally provided to groups which reserve park facilities; and

C. In either circumstance:

1. Which charges a fee of any kind for participation in the event or for viewing any or all of the event, or

2. Which is organized by an individual or entity for the purpose of making a financial return on the event.

D. Commercially related special event shall not include any event or activity of a type specified above which claims to be a "free expression activity" as defined below.

EVENTS COORDINATOR: A city employee designated by the mayor for the purpose of administering the provisions of this chapter.

EVENTS REVIEW COMMITTEE: A committee comprised as follows:

A. Voting members (or their designees):

1. The mayor,

2. The city attorney,

3. The chief of police,

4. The director of public services, and

5. Up to six (6) residents of the city, appointed by the mayor and confirmed by the city council;

B. Nonvoting/ex officio members (or their designees):

1. The director of Salt Lake Valley health department,

2. The chief executive officer of the Utah transit authority,

3. The director of the Salt Lake City chamber of commerce, and

4. The director of the city's downtown business improvement district contractor.

FREE EXPRESSION ACTIVITY: Any formation, procession or assembly upon any public street, park or other public way or other traditional public forum in a manner which does not comply with normal or usual regulations or controls and which claims that it has the purpose of engaging in constitutionally protected speech or assembly.

Free expression activity includes:

A. "Advanced planned free expression activities" where the activity is scheduled sufficiently in advance of its occurrence, such that the city may lawfully require compliance with certain of the permitting requirements as specified below; and

B. "Short notice free expression activities" which arise out of or are related to events or other public issues which cannot be reasonably anticipated far enough in advance of their occurrence to reasonably allow compliance with the requirements for advanced planned free expression activities. (Ord. 1-06 § 30, 2005: Ord. 23-93 § 4, 1993)

## 3.50.030: ADVANCED PLANNED FREE EXPRESSION ACTIVITIES:

A. Permit Requirements: Advanced planned free expression activities shall comply with sections 3.50.050, "Permits Required; Exceptions", 3.50.060, "Permit Application", 3.50.070, "Fee", 3.50.080, "Routes And Locations", 3.50.100, "Insurance For Commercially Related Special Events", 3.50.130, "Standards For Issuance Of Permit; Advanced Planned Free Expression Activities", 3.50.150, "Contents And Possession Of Permit", and 3.50.180, "Permit; Conflicting Applications", of this chapter, except that the requirement for insurance as provided by section 3.50.100 of this chapter shall be waived unless the activity involves the use of fireworks or other similarly extraordinarily hazardous features.

B. Provisions Of Basic City Services: The city shall provide basic city services for advanced planned free expression activities at no cost to the applicant, sponsor or participants. Any city services beyond the basic city services will be provided only if recovery of city costs has been agreed to between the city and the applicant or sponsor. (Ord. 7-02 § 1, 2002: Ord. 23-93 § 4, 1993)

## 3.50.040: SHORT NOTICE FREE EXPRESSION ACTIVITIES:

A. Notification: To the extent reasonably possible, considering the nature of the short notice free expression activity, the organizer or sponsor of such activity shall notify the events coordinator of the information specified in subsection 3.50.060B of this chapter.

B. Permit Issuance: The events coordinator shall promptly issue a permit for the short notice free expression activity unless the events coordinator finds, in writing, that the proposed activity at the proposed location or route unreasonably interferes with the movement of police, fire, ambulance and other emergency vehicles or other provision of

public health, safety and welfare services so as to create an immediate clear and present danger to public health, safety or welfare.

C. Site And Route Limitations: Short notice free expression activity shall not block or impede vehicular or pedestrian travel or violate city ordinances related to parking, vehicular traffic or pedestrian crossings.

D. Unpermitted Short Notice Free Expression Activities: If it is not reasonably possible to obtain a permit in advance of a short notice free expression activity, no permit shall be required providing that the prohibitions of subsections B and C of this section are not violated.

E. Basic City Services: The city shall provide basic city services at no cost to any short notice free expression activity. (Ord. 23-93 § 4, 1993)

## 3.50.050: PERMITS REQUIRED; EXCEPTIONS:

A. Permits Required: It is unlawful to conduct, promote, manage, aid, solicit attendance at or participate in any commercially related special event without first obtaining a permit for the event.

B. Exceptions: A commercially related special event permit shall not be required for the following:

1. Funeral processions by a licensed mortuary;

2. Activities lawfully conducted by a governmental agency within the scope of its authority;

3. Filmmaking activities, if a permit for such activities has been issued by the city;

4. Block parties or other similar activities sponsored by neighborhood based community organizations recognized pursuant to title 2, chapter 2.60 of this code; provided that authorization for such event has been previously obtained from designated city departments. (Ord. 23-93 § 4, 1993)

## 3.50.060: PERMIT APPLICATION:

A. Time: Applications for a commercially related special event permit shall be filed with the events coordinator no less than thirty (30) days prior to the event.

B. Form: The application shall be on a form provided by the city and shall specify the following:

1. Names And Addresses: The name, address and telephone number of:

a. The applicant,

b. The person chiefly responsible for the conduct of the event,

c. The sponsoring organization and its chief officer;

2. Time: The date, place and time of the event, including approximate times for assembly and disbanding;

3. Routes: If the event is not confined to one specific location, the applicant shall also specify, by a map and written narrative:

a. The route of the event,

b. The location of any assembly or disbanding areas, and

c. The location of any reviewing stands and any other areas reserved for observation of the event;

4. Alternatives: Alternative routes, sites or times which may be acceptable to the applicant;

5. Participants And Spectators: An estimate of the approximate number of persons, animals, and/or vehicles which will participate in the event including:

a. A description of the kinds of animals, types of vehicles, number of bands or other musical units,

b. The nature of any sound amplification devices, and

c. An estimate of the approximate number and anticipated physical distribution of spectators along the route expected to view the event;

6. Public Health Facilities: The number and location of portable sanitation facilities and other equipment or services proposed by the applicant to meet public health or safety concerns or legal requirements;

7. Monitors: The number of persons whom the applicant will have at the event to monitor or facilitate the event and to provide spectator or participate control and direction;

8. Emergency Medical Facilities: Arrangements for first aid or other emergency medical services; and

9. Special Requirements: Any special or unusual requirements of the event.

C. Insurance: The applicant shall certify that insurance, as required by section 3.50.100 of this chapter, will be provided prior to the issuance of a permit.

D. Cost Recovery: If the applicant desires any city services beyond the basic city services, the applicant shall certify that prior to the issuance of a permit, the applicant will provide to the city a bond or other evidence of financial responsibility, in a form acceptable to the city attorney, for the payment of city costs.

E. Claim Of Free Expression Activity Exemption: If the applicant claims that its proposed event should be treated as a free expression activity instead of a commercially related special event, the applicant shall specify the basis for such a claim. (Ord. 23-93 § 4, 1993)

## 3.50.070: FEE:

Along with the application for a commercially related special event permit, the applicant shall pay the fee shown on the Salt Lake City consolidated fee schedule as partial reimbursement to the city for administrative and processing expenses related to the application. Along with the application for a free expression activity permit, the applicant shall pay the fee shown on the Salt Lake City consolidated fee schedule as partial reimbursement to the city for administrative and processing expenses related to the application. (Ord. 24-11, 2011)

## 3.50.080: ROUTES AND LOCATIONS:

A. Standard Routes And Locations: The events review committee shall establish and adopt standard routes and locations for commercially related special events and advanced planned free expression activities. Until the events review committee shall have adopted such standard routes and locations, the standard routes and locations previously adopted by the city shall be used.

B. Requests For Nonstandard Routes Or Locations: The committee shall hear requests from applicants for commercially related special events and advanced planned free expression activities permits desiring to use nonstandard routes or locations and shall approve such proposed nonstandard routes or locations if it finds that the requirements of section 3.50.110 of this chapter are met. (Ord. 23-93 § 4, 1993)

## 3.50.090: CITY COST RECOVERY ESTIMATE FOR COMMERCIALLY RELATED SPECIAL EVENTS:

A. The events coordinator shall make an estimate of the city costs for city services for the commercially related special event, based on the application, and promptly notify the applicant of the estimate. (Ord. 23-93 § 4, 1993)

## 3.50.100: INSURANCE FOR COMMERCIALLY RELATED SPECIAL EVENTS:

A. Liability Insurance: The applicant or sponsor of a commercially related special event shall possess or obtain comprehensive general liability insurance to protect the city against loss from liability imposed by law for damages on account of bodily injury or property damage arising from the event. Such insurance shall name, on the policy or by endorsement, Salt Lake City Corporation, its officers, employees and agents, and, as required, any other public entity involved in the event as additional named insureds. Insurance coverage must be maintained for the duration of the event. The policy must provide that notice of cancellation prior to the event must be immediately provided to the city.

B. Limits: Coverage shall be in a combined single limit of one million dollars ($1,000,000.00). (Ord. 23-93 § 4, 1993)

## 3.50.110: STANDARDS FOR ISSUANCE OF PERMIT; COMMERCIALLY RELATED SPECIAL EVENT:

The city shall issue a commercially related special event permit if the events coordinator finds:

A. Arterial Routes: The conduct of the event will not:

1. Substantially interrupt the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area of its route, nor

2. Conflict with construction or development in the public right of way or at public facilities, nor

3. Block traffic lanes or close streets during peak commuter hours on weekdays between seven o'clock (7:00) A.M. to nine o'clock (9:00) A.M. and four o'clock (4:00) P.M. to six o'clock (6:00) P.M. on any primary arterial streets or principal commuter routes designated by the city;

B. Interference With Other Events: The event will not substantially interfere with:

1. Any other commercially related special event,

2. Any other event for which a permit under this chapter has already been granted, nor

3. The providing of city services in support of other scheduled events, including free expression activities and unscheduled governmental functions such as visits of chiefs of state;

C. Movement Of Police And Fire Vehicles: The concentration of persons, animals or vehicles will not unduly interfere with the movement of police, fire, ambulance or other emergency vehicles on the streets nor with the provision of other public health or safety services;

D. General Traffic: The event will not have an unduly adverse impact upon residential or business access and traffic circulation in the same general venue;

E. Police, Fire And Public Service Coverage: The conduct of the event will not require the diversion of so great a number of police, fire or other essential public employees from their normal duties as to prevent reasonable police, fire or other public services protection to the remainder of the city;

F. Danger Of Disorder: The event does not create the immediate danger of disorderly conduct, likely to endanger public safety or to result in significant property damage;

G. Public Health Violations: The event will not violate public health or safety laws or fail to conform to the requirements of law or duly established city policy;

H. Exclusive Use Of Public Property: The event will not require the exclusive use of park or other public areas in a manner which will adversely impact upon the reasonable use or access to those areas by the general public unless such exclusive use has been approved by the department of public services pursuant to the department's published policies;

I. Willingness To Comply With Conditions: The applicant demonstrates an ability and willingness to conduct an event pursuant to the terms and conditions of this chapter and has not repeatedly failed to conduct a previously authorized event in accordance with the law or the terms of a permit, or both;

J. Approval Of Other Public Agencies: The applicant has obtained the approval of any other public agency within whose jurisdiction the event or portion thereof will occur;

K. Sponsors' Duties: The applicant has provided for the following, when applicable:

1. The services of a sufficient number of traffic controllers,

2. Monitors for crowd control and safety,

3. Safety, health or sanitation equipment, services or facilities reasonably necessary to ensure that the event will be conducted with due regard for public health and safety,

4. Adequate off site parking or shuttle service, or both, when required to minimize any substantial adverse impacts on general parking and traffic circulation in the vicinity of the event,

5. Required insurance, financial responsibility for the event or surety bonds, and

6. An adequate first aid or emergency medical services plan, based on event risk factors. (Ord. 23-93 § 4, 1993)

## 3.50.120: PERMIT ISSUANCE:

A. Security For City Costs For Commercially Related Special Events: In the event that the events coordinator determines that a permit for a commercially related special event be issued, the events coordinator shall issue the permit when the applicant provides certificates verifying the insurance required by section 3.50.090 of this chapter and either pays or posts security, in a form approved by the city attorney's office, for the estimated city costs for city services of the commercially related special event.

B. Conditional Issuance: The events coordinator may condition the issuance of a permit upon the applicant's agreeing to correct any deficiencies identified by the committee regarding the standard specified in section 3.50.110 of this chapter. (Ord. 23-93 § 4, 1993)

## 3.50.130: STANDARDS FOR ISSUANCE OF PERMIT; ADVANCED PLANNED FREE EXPRESSION ACTIVITIES:

The events coordinator shall issue an advanced planned free expression activity permit if the events coordinator finds that the provisions of subsections 3.50.110A, "Arterial Routes", B, "Interference With Other Events", and C, "Movement Of Police And Fire Vehicles", of this chapter are met. Not more than twenty eight (28) days after receipt of a fully completed application for a permit for an advanced planned free expression activity, the events coordinator shall either issue or deny the permit, and shall notify, in writing, the applicant of such issuance or denial. If, within that time period, the events coordinator fails to notify the applicant of the denial of the permit, the permit shall be deemed to have been issued. (Ord. 21-02 § 1, 2002: Ord. 23-93 § 4, 1993)

## 3.50.140: ADDITIONAL PERMIT CONDITIONS:

If information or circumstances related to any permit materially changes between the time of the issuance of the permit and the permitted commercially related special event or free

expression activity, the events coordinator may impose, in writing, additional conditions on the permit necessary to meet the standards specified in section 3.50.110 of this chapter. (Ord. 23-93 § 4, 1993)

## 3.50.150: CONTENTS AND POSSESSION OF PERMIT:

A. Contents: Permits for any commercially related special event or advanced planned free expression activity subject to the provisions of this chapter shall contain, if relevant, the following information or conditions:

1. The date, assembly areas, and time for assembly and starting time;

2. The specific route plan;

3. The minimum and maximum speeds of vehicles, entries and participants;

4. The number and types of persons, animals and vehicles, the number of bands, other musical units and equipment capable of producing sound, if any, and limitations thereon pertaining to noise abatement;

5. The maximum interval of space to be maintained between units;

6. The portion of the street, public way or city owned public forum area that is to be occupied by the commercially related special event or advanced planned free expression activity and the location of reviewing or audience stands, if any;

7. The number and location of traffic controllers, monitors, other support personnel and equipment and barricades to be furnished by organizers;

8. The area and time for disbanding;

9. Conditions of the exclusive control or regulation of concessionaires and related sales activity by the sponsor during the commercially related special event;

10. Provisions for any required emergency medical services; and

11. Such other information and conditions as are reasonably necessary for the conduct of the commercially related special event or advanced planned free expression activity and the enforcement of this regulation, including the requirement for the on site presence of the organizer or designated representative of the sponsor or applicant of the commercially related special event or advanced planned free expression activity for all coordination and management purposes.

B. Possession: Permits shall be kept available at the site of the event in the method prescribed by the events coordinator applicable to the particular event and shall be exhibited upon demand of any sworn law enforcement official. (Ord. 23-93 § 4, 1993)

## 3.50.160: PERMIT REVOCATION FOR FRAUD:

The events coordinator may revoke any permit issued pursuant to this chapter if the events coordinator determines that any required information submitted by the applicant was materially incorrect or fraudulently provided. (Ord. 23-93 § 4, 1993)

## 3.50.170: REVOCATION FOR CAUSE; NOTICE TO CURE:

A. Notice To Cure: If the mayor's designee, the events coordinator or any sworn law enforcement officer determines that the conditions of any permit issued pursuant to this chapter are being violated, notice shall be given to the applicant, sponsor or designated organizer's representative of the commercially related special event or free expression activity to cure the violation.

B. Failure To Cure: It is unlawful for the applicant, sponsor or on site organizer's representative of an authorized commercially related special event or free expression activity to fail to take reasonable steps to promptly cure any notice of violation of this chapter. It is also unlawful for any participant or spectator to fail to comply with lawful directions issued by any sworn law enforcement officer or by the applicant, sponsor or on site organizer's representative to cure their violation of this chapter.

C. Clear And Present Danger: If a sworn law enforcement officer determines, after consultation with the chief of police or the chief's designee, that any failure to cure a violation of this chapter creates the clear and present danger of immediate significant harm to life, public safety or property which cannot be reasonably mitigated by increased public safety enforcement and which, on balance, outweighs the constitutionally protected rights of the organizers or participants in the commercially related special event or free expression activity, the applicant, sponsor or on site organizer's representative of the commercially related special event or free expression activity shall be promptly notified that the permit is revoked and that the commercially related special event or free expression activity must immediately cease and desist.

D. Violation Of Cease And Desist Order: If a permit is revoked as specified in subsection C of this section, it shall be unlawful for any person to fail to obey the order to cease and desist from illegal activities. (Ord. 23-93 § 4, 1993)

## 3.50.180: PERMIT; CONFLICTING APPLICATIONS:

A. Conflict Priority Evaluation: When more than one application for a special event or advanced planned free expression activity is received for the same day and time and for conflicting locations or routes, the events administrator shall issue a permit, subject to the other provisions of this chapter, based on the following order of priorities:

1. Events planned, organized or presented by state, federal or city governmental entities or their agents if the governmental request is made in good faith and not with the intent or purpose of improperly chilling constitutionally protected rights of competing applicants;

2. Historic usage commercially related special events or advanced planned free expression activities where the same applicant has been granted use of a particular city forum at a particular date, time, and place for more than three (3) consecutive years;

3. If neither subsection A1 nor A2 of this section are applicable, priority shall be given to a first in time filing.

B. Consideration For Unsuccessful Applicant: After granting the successful applicant's request for the time, place, manner and date, the events administrator shall authorize the unsuccessful applicant to use an appropriate public forum at another suitable time, place, date and manner. (Ord. 84-03 § 1, 2003: Ord. 23-93 § 4, 1993)

## 3.50.190: DETERMINATION OF FREE EXPRESSION ACTIVITY EXEMPTION CLAIM:

A. Initial Determination: Within three (3) days of receipt of a permit application claiming exemption from the commercially related special event requirements as a free expression activity, or such shorter time as may be necessary to allow the activity to proceed, the events coordinator shall determine, in writing, whether the proposed event is a free expression activity, as defined in subsection 3.50.060E of this chapter.

B. Notification Of City Attorney: If the events coordinator denies the claimed free expression activity exemption, the events coordinator shall immediately notify the city attorney.

C. Events Review Committee Consideration: Within five (5) business days, or such other shorter time as may be necessary to allow the event to proceed, the events review committee shall consider any denial of a free expression activity exemption, together with any recommendation regarding the exemption provided by the city attorney.

D. Events Review Committee Determination: Within three (3) business days, or such other shorter period as may be necessary to allow the event to proceed, the events review committee shall issue a decision regarding the claimed exemption and promptly notify the applicant in writing.

E. Appeals: The applicant may appeal the events review committee's denial of a free expression activity exemption pursuant to the provisions of section 3.50.200 of this chapter. (Ord. 23-93 § 4, 1993)

## 3.50.200: REGULAR APPEALS; COMMERCIALLY RELATED SPECIAL EVENTS:

A. Decisions Appealable: Applicants or sponsors of commercially related special events may appeal the following decisions of the events coordinator or events review committee:

1. The denial of any nonstandard route or location;

2. Any conditions imposed upon the permit; or

3. The limits of any insurance required.

B. Procedure: Appeals shall be made subject to the following procedure:

1. Appeals shall be filed with the events coordinator within ten (10) business days after the events coordinator notifies the applicant or sponsor of the decision from which an appeal is taken;

2. Notices shall be deemed to be effective:

a. On the date on which the applicant or sponsor is personally delivered a copy of the decision, or

b. If the decision is mailed, three (3) days after the date of mailing, or

c. If notification is sent by electronic facsimile to the applicant, on the date of transmission, provided that a confirmation of the completed facsimile transmission is sent on the same day to the applicant via first class United States mail, postage prepaid;

3. The appeal shall specify the grounds for the appeal;

4. The events coordinator shall respond to the appeal with a written explanation of the events coordinator's reasons for the appealed decision, within seven (7) business days from the receipt of the appeal;

5. The appeal and the events coordinator's response shall be reviewed by the city attorney who shall, within seven (7) business days, issue a recommendation to the mayor;

6. The mayor or the mayor's designee may schedule a hearing on the appeal or review the appeal based on the written submissions;

7. Any hearing shall be held within ten (10) business days following the city attorney's recommendation;

8. The mayor or the mayor's designee shall issue a decision on the appeal, in writing, within ten (10) days from receipt of the city attorney's recommendation or, in the event of a hearing, within ten (10) days from the hearing.

C. Expedition Of Regular Appeals: If the applicant notifies the events coordinator and demonstrates that the times specified above for the appeals process would unreasonably burden the applicant, the events coordinator shall shorten the times so the applicant may receive the final decision sufficiently in advance of the proposed event. (Ord. 23-93 § 4, 1993)

## 3.50.210: EXPEDITED APPEALS; FREE EXPRESSION ACTIVITIES:

A. Determination On Claims: The following determinations on claims regarding free expression activities may be appealed as provided below:

1. A determination by the events review committee that a proposed event or activity is a commercially related special event and not exempted as a free expression activity;

2. A claim by an applicant that the events review committee's denial of a proposed route or location for an activity constitutes an inappropriate or unlawful restriction of time, place or manner restriction; or

3. Any other claim by an applicant that any action by the city regarding the proposed free expression activity impermissibly burdens constitutionally protected rights of the applicant, sponsor, participants or spectators.

B. Process: The city acknowledges an obligation to process appeals regarding free expression activities promptly so as to not unreasonably inhibit or unlawfully burden constitutionally protected activities. To the extent possible, the appeals process related to free expression activities shall be that specified in section 3.50.190 of this chapter, with the times modified by the events coordinator to allow the necessary expeditious processing. In the event that an applicant for a free expression activity requires even more expeditious processing of an appeal, upon the request of the applicant, the city attorney may advise the mayor or the mayor's designee to make immediate consideration of the appeal. (Ord. 23-93 § 4, 1993)

## 3.50.220: PUBLIC CONDUCT DURING ACTIVITY:

A. Interference With Authorized Event Prohibited: No unauthorized person shall obstruct, impede or interfere with any authorized assembly, person, vehicle or animal participating in an authorized commercially related special event or free expression activity.

B. Vehicle Parking Restrictions: The mayor or designee shall have the authority, when reasonably necessary, to prohibit or restrict the parking of vehicles along streets or highways or parts thereof constituting part of the route of an authorized commercially related special event or free expression activity. The city transportation engineer or other designated city officer shall post signs to such effect, and it shall be unlawful for any person to park or leave unattended any vehicle in violation thereof. (Ord. 23-93 § 4, 1993)

## 3.50.230: DISTRIBUTING ITEMS FROM PARADE VEHICLES:

The city council expressly finds that a number of children have been injured as they have run into the streets to gather items distributed from vehicles in a parade, and it is declared unlawful to dispense items, including candy, from vehicles or by participants engaged in commercially related special events or free expression activities within the corporate limits of Salt Lake City; except that individuals walking safely apart from vehicles may hand items directly to spectators. (Ord. 23-93 § 4, 1993)

## 3.50.240: REGULATIONS FOR PUBLIC PROPERTY ADJACENT TO EVENT ROUTES:

The following shall apply to public property adjoining routes and staging areas for authorized commercially related special events or free expression activities and it shall be unlawful for any person to violate these provisions:

A. Time Restrictions: Before six o'clock (6:00) P.M. of the day before the authorized commercially related special event or free expression activity, no person shall actually claim or attempt to claim, reserve, occupy or otherwise control public property either in person or by the placement of any object. Prohibited claiming activities include, but are not limited to, the placement of ropes, chairs, blankets, banners or vehicles or barriers of any kind.

B. Reserving Public Space: From and after six o'clock (6:00) P.M. of the day before an authorized commercially related special event or free expression activity, a person may physically occupy a position on public property and may use a blanket, sleeping bag or chair to reserve the position for that person only. No person may reserve a space for anyone other than himself or herself. No person may claim or attempt to reserve any public property for himself or herself or others by placement of ropes, tents, barricades or other barriers.

C. Enclosed Shelters Prohibited: No person shall place, erect, use or employ any tent or other enclosed shelters, including vehicles or trailers, on public property along the route or staging areas of any authorized commercially related special event or free expression activity at any time.

D. Obstruction Of Public Rights Of Way: No person shall obstruct public sidewalks, paved portions of streets, or occupy any unsafe position or occupy a position which may cause damage to public or private property.

E. Vehicle Parking Restrictions: From and after six o'clock (6:00) P.M. of the day before an authorized commercially related special event or free expression activity and continuing until the conclusion of the event, no person shall park a motor vehicle, or trailer or tent trailer on the streets designated by the city as a route for an authorized

commercially related special event or free expression activity. Only motor vehicles or trailers which are entries or parts thereof in an authorized commercially related special event or free expression activity are allowed to be in the areas designated as staging areas. Any vehicle, motor vehicle, trailer or tent trailer parked in violation of this section is a public nuisance and may be towed from the prohibited area at the owner's expense.

F. Reserved Spectator Viewing Areas: As part of the permit process, the mayor or the mayor's designee may authorize:

1. The city to reserve places for the observation of an authorized commercially related special event or free expression activity and to erect and control seating on such reserved public property; and

2. The permit holder to reserve areas for observation of an authorized commercially related special event or free expression activity and to erect and control seating in the reserved areas.

G. Dogs Prohibited: From and after six o'clock (6:00) P.M. of the night before an authorized commercially related special event or free expression activity all dogs, except for service animals and dogs who are actually part of the authorized commercially related special event or free expression activity, shall be prohibited on public property along the route and staging areas whether or not such dogs are leashed. This subsection shall not prohibit the owners of dogs who live adjacent to the route from taking their leashed dogs on walks to and from their property using the most direct route away from the route. "Service animals" referred to in this subsection shall mean any dog specially trained to accompany the blind, hearing impaired, or persons with visual or other physical disabilities. (Ord. 52-12, 2012)

### 3.50.250: VIOLATIONS:

Any person who violates any provision of this chapter is guilty of a class B misdemeanor. (Ord. 23-93 § 4, 1993)

# CHAPTER 3.60
# DONATIONS TO CITY

### 3.60.010: PURPOSE:

The purpose of this chapter is to establish policy and guidelines for acceptance of donations to the city. Its provisions are intended to establish a review process that considers the intentions of the donor, the needs and desires of the community, and city benefits and costs associated with proposed donations, including long term costs of maintenance and care of donated property. (Ord. 19-12, 2012)

### 3.60.020: SCOPE:

A. Except as provided in subsection B of this section, the provisions of this chapter shall apply to any donation made, or proposed to be made, to the city.

B. This chapter does not apply to:

1. Receipt of a donation, including a grant, from a government agency;

2. A donation governed by state or federal law; and

3. A sponsorship, naming right, or other similar arrangement concerning city owned property. (Ord. 19-12, 2012)

## 3.60.030: DEFINITIONS:

For the purposes of this chapter the following terms, phrases, and words shall have the meanings given in this section:

COMPENSATORY SERVICE WORKER: A person who performs a public service with or without compensation for an agency as a condition or part of the person's incarceration, plea, sentence, diversion, probation, or parole.

DONATION: Anything contributed to the city by a donor, including, but not limited to, a building or structure, an endowment, a public improvement, land, materials, money, negotiable securities, public art, or volunteer labor, except a donation from a government agency, including a grant, and a donation associated with a sponsorship, naming right, or other similar arrangement.

DONOR: An individual or organization that makes a donation to the city, including, but not limited to, a trust, estate, firm, partnership, joint venture, club, company, joint stock company, corporation, limited liability company, association, society, or any other group of individuals acting together, whether mutual, cooperative, fraternal, nonprofit, or otherwise. "Donor" does not include a compensatory service worker.

EXCESS DONOR FUNDS: Money, or another kind of donation which has been converted to money, contributed by a donor to the city which is unexpended after completion of the purpose for which a donation is made.

PARK AMENITY: An improvement that contributes to the betterment of a park, such as a bench, play structure, picnic table, shelter, sports facility, or trail.

PUBLIC ART: A work of art displayed in a public place including, but not limited to, a painting, print, sculpture, statue, or mural.

PUBLIC IMPROVEMENT: An activity, including volunteer labor, which betters publicly owned property, including, but not limited to, land, a structure, materials and/or equipment, a park amenity, or public art.

VOLUNTEER: A person who donates service without pay or other compensation except expenses actually and reasonably incurred as approved by the city. "Volunteer" does not include a compensatory service worker.

VOLUNTEER LABOR: Work, related to a donation, provided by a volunteer to construct or maintain a public improvement. (Ord. 19-12, 2012)

## 3.60.040: DONATION POLICY:

A. Salt Lake City encourages donations from individuals and entities that support programs and services the city provides to the public. The city shall evaluate whether to accept a proposed donation based on the provisions of this chapter and shall have sole discretion to determine whether to accept or decline a proposed donation. The intent of the city is to help donors reach their intended goals while at the same time taking action consistent with the mission, goals, plans, resources, and limitations of the city as a whole.

B. A person who wishes to make a donation is encouraged to contact the recipient city department to discuss the proposed donation and the process for review and acceptance thereof.

C. Subject to the provisions of this chapter and in compliance with any applicable law, the city may accept a donation for the purpose of providing a public improvement on city property, including an improvement constructed with voluntary labor. Any improvement shall be completed in conformance with applicable city policy and ordinances, development requirements, and other adopted standards.

D. A donation may be used for any public purpose, subject to the provisions of this chapter and any applicable donation agreement.

E. Naming of donated property, if any, shall conform to the city's naming policies.

F. The city may, at its option, request or require an appraisal of real or personal property prior to acceptance of a donation.

G. The provisions of this chapter shall not be construed to create any right for an individual or organization to make a public improvement on city property. (Ord. 19-12, 2012)

## 3.60.050: DONATIONS OF MONEY AND NEGOTIABLE SECURITIES:

A. Donations of money and/or negotiable securities may be accepted by the mayor or the mayor's designee. A donation of negotiable securities may be accepted when in the mayor's judgment, in consultation with the finance director, the proposed donation is in accordance with applicable law and the proposed donation is either:

1. Not subject to conditions, or

2. A conditional donation approved pursuant to applicable provisions of this chapter.

B. Negotiable securities may be held or sold at a marketable rate and the proceeds of such sale used as specified by the donor, consistent with applicable provisions of this chapter.

C. An undesignated and/or unconditional money donation shall be delivered to the finance department and deposited in an account designated by the finance director or the director's designee.

D. Subject to the provisions of this chapter, if a monetary donation is accepted for a public improvement, including a park amenity and public art, the donation shall be deposited and held for its intended purpose in a special donation fund managed by the finance department and shall be dispersed at the time called for by the associated

donation agreement. Once the purposes for the donation have been fulfilled, any remaining funds shall be transferred to the general fund. (Ord. 19-12, 2012)

## 3.60.060: DONATIONS OF REAL PROPERTY:

A. A proposed donation of real property shall be reviewed for:

1. Suitability for the intended use and potential for resale;

2. Any conditions that may be placed upon the use of the property by the donor;

3. Potential environmental problems, including the presence of hazardous waste;

4. Probable maintenance costs;

5. Potential financial liability to the city; and

6. Any other consideration which may affect the suitability of the donation.

B. An appraisal of real property proposed to be donated may be requested from the donor.

C. Except as otherwise provided in subsection D of this section, the mayor may accept a donation of real property which:

1. Is consistent with the policy and objectives of any applicable master plan;

2. Is free of any mortgage or liens against the property;

3. Does not create an unfunded financial liability for the city;

4. Does not have any hazardous waste or condition that would cause the city to become a potentially responsible party as provided in the comprehensive environmental response compensation and liability act of 1980, as amended; and

5. Is located within the city, the city's annexation policy area, or the city's watershed protection area.

D. If the requirements of subsection C of this section cannot be met, the mayor may recommend to the city council that a real property donation be accepted, subject to any conditions the mayor deems prudent. The city council shall thereafter determine whether to accept or reject the proposed donation. (Ord. 19-12, 2012)

## 3.60.070: NONMONETARY DONATIONS (EXCEPT REAL PROPERTY):

A. The mayor or the mayor's designee, may accept a nonmonetary donation for a public improvement (except real property), including, but not limited to, voluntary labor, a park amenity, public art, and materials typically used by a city department.

B. A nonmonetary donation shall be subject to review and a recommendation from a board or commission as may be required by this code or as may be requested by the mayor. (Ord. 19-12, 2012)

## 3.60.080: VOLUNTARY LABOR POLICY; LIABILITY:

A. The city council encourages the acceptance of volunteer labor to provide public improvements and hereby declares its policy that volunteers should be used wherever possible. The city council further declares that in weighing the benefit of using volunteers versus the risk of liability to a volunteer, preference should be given to using volunteers.

B. Volunteers have liability coverage as provided in the volunteer government workers act, title 67, chapter 20 of the Utah Code Annotated, as amended, or its successor.

C. As a risk management measure, the mayor, or the mayor's designee, is encouraged to provide training for volunteers who work on a public improvement project.

D. By October 30 of each year, the mayor shall provide a written report to the city council detailing the type, number, and hours of volunteer activities for the previous twelve (12) months. (Ord. 19-12, 2012)

## 3.60.090: EVALUATION GUIDELINES:

A. The following guidelines shall be used to assess whether acceptance of a proposed donation is in the best interest of the city as well as any other consideration which may be relevant in a particular case:

1. Consistency with the mission, policies, and master plans governing the city and/or a particular department; and

2. Whether the proposed donation:

   a. Improves an area of the city which may be deficient in public amenities;

   b. Promotes conservation of historical and cultural aspects of the community;

   c. Has an educational component;

   d. Promotes conservation of natural areas and open space where such preservation is suitable, is contemplated by plans, or is otherwise desirable;

e. Provides a new or different experience for the public;

f. Promotes use of public spaces for a variety of interests such as special events, sports tournaments, competitions, and other recreational opportunities, including both active and passive recreation in a park or other area where such uses are suitable, are contemplated by plans, or are otherwise desirable;

g. Is suitable for the purpose proposed;

h. Is compatible with the proposed location, if one has been identified, and other users of public space;

i. Complements, or is harmonious with, existing improvements and features in the area;

j. Contributes to, or detracts from, the aesthetic qualities of the surrounding area and other improvements;

k. Is harmonious with the surrounding public or park setting in quality, scale, and character;

l. Replaces aging, outdated, or unsafe infrastructure;

m. Is a traditional park or municipal amenity;

n. Reuses, rehabilitates, or restores an existing park or municipal feature;

o. Is financially feasible based on the cost of the proposed donation or project implementation, including installation and ongoing maintenance, if applicable;

p. Covers all anticipated costs, including reasonably anticipated future costs;

q. Includes donor or other funds for ongoing maintenance and the cost of relocation and removal, if necessary;

r. Is susceptible to wear and vandalism;

s. Is consistent with the technical requirements or design standards for installation of improvements in a public place;

t. Creates any public safety or security issues or a potential danger to public health and safety;

u. Creates a financial or other liability to the city;

v. Complies with applicable codes, including building codes and ADA requirements; and

w. Is restricted or conditioned in any manner and the impact of those restrictions or contingencies.

B. In addition to the above listed guidelines, if a proposed donation is a work of art, the following guidelines shall be also considered as well as any other consideration which may be relevant in a particular case:

1. Recommendations from the Salt Lake council for the arts;

2. Quality of the artwork based upon a professional assessment of the work or a detailed written proposal, drawing, model, or photograph;

3. Suitability of the theme of artwork to a public venue;

4. Appropriateness of the artwork to the site, when a particular site has been requested or identified;

5. Appropriateness of the process for selecting the artist or artwork; and

6. Qualifications of the artist based on documentation of past work and the artist's professional qualifications.

C. The level of maintenance and costs of relocation or removal may vary depending on the nature of the proposed donation. In general, donors will be asked to contribute enough money to cover reasonably anticipated long term maintenance costs, relocation, and removal. These costs shall be estimated and submitted with a donation agreement. The city may agree to take on future maintenance costs and shall consider the following guidelines when making such decision:

1. The community's need or desire for the donation;

2. Whether, and to what extent, the proposed donation provides new or diverse experiences for community members and visitors;

3. The financial capacity of the donor to fund ongoing maintenance activities;

4. Suitability of the donation to the environmental conditions of public display;

5. Ease of maintenance and repair; and

6. Whether the annual maintenance cost is so low as to be negligible. (Ord. 19-12, 2012)

## 3.60.100: REVIEW BY CITY BOARD OR COMMISSION:

A. A proposed donation which requires a recommendation and/or approval from a city board or commission, as provided in this code, shall be referred to such board or commission for action prior to acceptance by the city.

B. A proposed donation shall be reviewed with reference to the evaluation guidelines set forth in section 3.60.090 of this chapter. (Ord. 19-12, 2012)

## 3.60.110: PRIVATE CONSTRUCTION:

A. If construction of a public improvement is coordinated or contracted for by a donor or provided by volunteers, the donor shall be responsible for complying with applicable federal, state, and local laws. The donor shall also bear the cost of necessary permits, approvals, project management, design, installation, and manufacture of the donation unless these costs are specifically accepted or waived by the mayor or the mayor's designee.

B. A contractor shall provide proof of compliance with the city's insurance requirements before work may commence on any public improvement. (Ord. 19-12, 2012)

### 3.60.120: OWNERSHIP OF IMPROVEMENTS:

Any donated improvement made on public property shall become city property and shall be subject to the laws, policies, and procedures of the city. (Ord. 19-12, 2012)

### 3.60.130: DONATION AGREEMENT:

A donation shall not be accepted unless the donor completes a donation agreement, the form of which shall be approved by the city attorney or designee. (Ord. 19-12, 2012)

### 3.60.140: DONATION ACKNOWLEDGMENT:

When required by applicable law or internal revenue service regulations, the mayor, or the mayor's designee, shall provide a letter to each donor that formally acknowledges the donation, identifies its value, and the purpose of the donation. The letter shall include a statement that because the city is subject to the provisions of the government records access and management act, the city cannot guarantee anonymity of a donor. (Ord. 19-12, 2012)

### 3.60.150: TAX LIABILITY:

The city shall make no representation or guarantee as to the tax implications of any donation made to the city. Information provided by the city, its officials, employees, or agents in connection with a donation is intended to be informational only and is not intended to be a substitute for professional advice. Each donor shall be responsible for assigning a monetary value to the donation for tax purposes and should obtain tax and financial advice from appropriate professionals. (Ord. 19-12, 2012)

### 3.60.160: USE OF EXCESS FUNDS:

If the purpose of a donation has been fulfilled by the city, excess funds may be transferred to the city's general fund balance and may be appropriated as the city council may deem appropriate. (Ord. 19-12, 2012)

### 3.60.170: DAMAGED, LOST, STOLEN, OR WORN DONATIONS:

A. The city is not obligated to replace any donation or improvement that is lost, stolen, damaged, or worn.

B. Except as otherwise provided in a donation agreement, the city reserves the right to remove any donated public improvement for safety reasons, deterioration, neglect, or

vandalism, or the city's inability to finance ongoing maintenance or repairs. (Ord. 19-12, 2012)

### 3.60.180: REPORTS TO CITY COUNCIL:

Annually, after the close of the fiscal year, the finance director shall provide a report to the council regarding donations received during the fiscal year. (Ord. 19-12, 2012)

### 3.60.190: CONFLICTS OF LAW:

If any provision of this chapter conflicts with a provision of an applicable state or federal law or regulation, such law or regulation shall supersede the conflicting provision of this chapter. (Ord. 19-12, 2012)

# Title 4 - RESERVED

# Title 5 - BUSINESS TAXES, LICENSES AND REGULATIONS

## CHAPTER 5.02
## BUSINESS LICENSE REQUIREMENTS

### 5.02.005: DEFINITIONS:

For the purpose of this title, the following terms shall have the meanings herein prescribed:

BUSINESS: Means and includes all activities, trades, professions, or callings engaged in within the corporate limits of Salt Lake City carried on for the business of gain or economic benefit, except that the acts of employees rendering service to employers shall not be included in the term "business" unless otherwise specifically prescribed.

EMPLOYEE: The operator, owner or manager of said place of business and any persons employed by such person in the operation of the place of business in any capacity, and also any salesman, agent, leased employee or independent contractor engaged in the operation of said place of business in any capacity.

ENGAGING IN BUSINESS: Means and includes, but is not limited to, the sale of tangible personal property at retail or wholesale, the manufacturing of goods or property, and the rendering of 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 employer under any contract of personal employment.

GROSS SALES: A. Shall not include:

1. The amount of any federal tax, except excise taxes imposed upon or with respect to retail or wholesale sales, whether imposed upon the retailer, wholesaler, jobber or upon the consumer, and regardless of whether or not the amount of federal tax is stated to customers as a separate charge; and

2. The amount of net Utah state sales tax.

B. The term "gross sales" means and includes the amount of any manufacturer's or importer's excise tax included in the price of the property sold, even though the manufacturer or importer is also the wholesaler or retailer thereof, and whether or not the amount of such tax is stated as a separate charge.

NUMBER OF EMPLOYEES: The average number of employees engaged in business at the place of business each regular working day during the preceding calendar year. In computing such number, each regular full time employee shall be counted as one full time employee and each employee which is not a regular full time employee shall be counted as a part time employee.

PERSON: Any individual, receiver, assignee, trustee in bankruptcy, trust, estate, firm, partnership, joint venture, club, company, joint stock company, business trust, corporation, limited liability company, association, society or other group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit or otherwise, or any agent thereof.

PLACE OF BUSINESS: Each separate location maintained or operated by the licensee within the city from which business activity is conducted or transacted. (Ord. 37-99 § 3, 1999: Ord. 88-97 § 1, 1997: Ord. 5-94 § 6, 1994: prior code § 20-3-1)

## 5.02.010: LICENSE REQUIRED TO TRANSACT BUSINESS:

It is unlawful for any person to engage in or carry on any business within Salt Lake City, for the transaction or carrying on of which a license is required, without first taking out or procuring a license required for such business. A license is required for all persons engaged in or carrying on business within Salt Lake City unless exempted from such licensure under these ordinances or under other applicable law. (Ord. 1-06 § 11, 2005: Ord. 37-99 § 3, 1999: prior code § 20-1-1)

## 5.02.020: LICENSE SUPERVISOR; AUTHORITY:

The license supervisor shall have charge of the license department, shall assess and collect all license taxes based upon the rates established by ordinance, shall enforce all the provisions of this title, and shall cause to be filed complaints against all persons violating any of the provisions of this title. (Prior code § 20-1-2)

## 5.02.030: LICENSE SUPERVISOR; POWERS:

The license supervisor, and all license inspectors, in the discharge and performance of their official duties, shall have and exercise the following powers:

A. Citations: To issue citations for the violation of any of the provisions of this title;

B. Inspections: To enter, free of charge, at any reasonable time, any place of business or to stop, in accordance with the law, any vehicle for which license is required, and to demand the exhibition of such license for the current term from any person engaged or employed in the transaction of such business or the operation of such vehicle. (Ord. 37-99 § 3, 1999: prior code § 20-1-6)

## 5.02.040: POLICE OFFICER LICENSE INSPECTION AUTHORITY:

All police officers are hereby appointed ex officio inspectors, and are required to examine all places of business, persons and vehicles for whom a license is required, and shall determine that such places of business, persons and vehicles are properly licensed and that no business other than the one described in and covered by the license is transacted. They shall report to the license supervisor all persons doing business without a proper and valid license for such business. (Prior code § 20-1-7)

## 5.02.050: LICENSE; ACTIVITIES AUTHORIZED:

No license granted or issued under any of the provisions of this chapter, or otherwise, shall be in any manner assignable or transferable; or authorize any person, other than is therein mentioned or named, to do business; or authorize any other business, calling, trade or profession than is therein mentioned or named to be done or transacted; or the business, calling, trade or profession therein mentioned or named to be done or transacted, at any place other than is therein mentioned or named, unless by permission of the mayor. (Prior code § 20-1-16)

## 5.02.060: LICENSE; APPLICATION REQUIREMENTS:

A. Written Application: Applications for licenses and permits required by this title shall be made in writing to the license supervisor in the absence of provision to the contrary, which applications shall be made upon forms provided by the city. The application shall show:

1. Name: The name of the person desiring a license;

2. License Type: The kind of license desired, stating the business to be performed, practiced or carried on;

3. License Class: The class of license desired, if such licenses are divided into classes;

4. Place: The place where such business, calling, trade or profession is to be carried on, giving the street number if such business is to be carried on in any building or enclosure;

5. Term: The period of time for which such license is desired to be issued;

6. Additional Information: The application shall also state such additional information as may reasonably be required by the city as may be needed for the proper guidance of city officials in issuing the permit or license applied for.

a. Such information may specifically include information to show that the applicant:

(1) Meets all requirements of applicable city ordinances including requirements regarding unexpunged criminal convictions;

(2) Is not in default under the provisions of any city ordinance; and

(3) Is not indebted or obligated in any manner to the city, except for current taxes.

b. It may also show that the proposed use of any premises by the applicant will not be in violation of city zoning regulations, that the principals of the applicant's business are properly bonded if bonding is required, and that the applicant will otherwise be in full compliance with all applicable city, state and federal laws and ordinances.

B. Accuracy: The truthfulness, completeness and accuracy of all of said information provided by applicant shall be attested to by the applicant or an authorized representative thereof.

C. Not Misleading: Failure to provide all required information or providing false or misleading information in the application shall constitute grounds for denial of the application or revocation of an existing permit or license, and shall constitute a misdemeanor, if done wilfully with the intent to mislead the city. (Ord. 37-99 § 3, 1999: prior code § 20-1-8)

### 5.02.070: APPLICATION; NUMBERING AND FILING:

The applications, with accompanying statements and bonds, shall be numbered by the license supervisor in the order in which they appear in the license supervisor's office and, after numbering, the bonds shall be filed in the office of the license supervisor, and the applications shall be filed in the office of the license supervisor in the order in which they are recorded in the assessment rolls. Each application shall bear its proper number and shall be filed in said office. (Ord. 5-94 § 1, 1994: prior code § 20-1-9)

### 5.02.080: LICENSE; STATEMENT OF AMOUNT ASSESSED:

After the licensee has made application for a license, as provided by the ordinances, the license supervisor shall furnish to the licensee, either personally, by mail, or leave at the licensee's usual place of business, a bill showing the amount assessed. If any person neglects, fails or refuses to pay the amount assessed when it becomes due, the license supervisor shall proceed to enforce collection as provided by ordinance. (Prior code § 20-1-10)

### 5.02.090: INVESTIGATION; ENGAGING IN BUSINESS PROHIBITED WHEN:

It is unlawful for any person applying for a license which requires investigation by a department of city government to engage in the business for which application is made until such investigation be completed and the license approved and issued. (Prior code § 20-1-11)

### 5.02.100: INVESTIGATION; MAYOR'S POWERS AND DUTIES:

A. Investigation: The mayor or his/her designee may, prior to the issuance of any business license required by this title, investigate any applicant for such license if the mayor has reasonable cause to believe that the applicant:

1. Has filed an application which is incomplete, erroneous, or false in any respect;

2. Fails in any respect to qualify to do business in the city under any federal, state or city law, rule or regulation; or

3. Has committed such act or acts as may be grounds for revocation or denial of a license application under any federal, Utah state, or Salt Lake City law, rule or regulation; or

4. Investigation is provided for by city ordinance.

B. Documents And Witnesses: The mayor or his/her designee may compel the production of documents and witnesses in order to conduct such investigation as provided by this section.

C. Application Denial: Upon a finding by the mayor or the designated hearing examiner that the application is in fact incomplete, erroneous or false in any respect, or that the applicant is not qualified to do business in the city under any federal, Utah state or city law, rule or regulation, or that the applicant has committed an act or acts which would justify denial of the application, such application may be denied by the mayor or the designated hearing examiner after hearing, as provided in this chapter. (Ord. 37-99 § 3, 1999: Ord. 88-86 § 38, 1986: prior code § 20-1-30)

## 5.02.110: LICENSE; ISSUANCE OF CERTIFICATE:

A. Formal Requirements: All certificates of license shall be signed by the mayor, attested by the city recorder under the seal of the city, and shall contain the following information:

1. The name of the person to whom such certificate has been issued;

2. The kind of license, and the class of license, if such licenses are divided into classes;

3. The term of the license, stating the commencing date and the expiration date.

B. Issuance Approval: No new business license certificate which requires inspection or approval of any department of city government, whether new or renewal, shall be delivered or mailed to the licensee until issuance of such license has been approved by the mayor. (Ord. 37-99 § 3, 1999: Ord. 88-97 § 1, 1997: prior code § 20-1-14)

## 5.02.115: TIME LIMITATIONS:

A. License Issuance Limitations: Unless otherwise specified by a specific ordinance, the city has thirty (30) days in which to complete its review and approve or deny a license. If a review cannot be completed within thirty (30) days, a conditional license shall be issued to the applicant subject to completion of the review, verifying the applicant meets all license requirements.

B. Appeal Time Limit: The licensee may appeal the denial of a license by the license supervisor by filing with the license supervisor a written notice of appeal. The notice must be filed within ten (10) days of receipt of notice of denial of the license. (Ord. 8-03 § 1, 2003)

## 5.02.120: LICENSE; TERM; RENEWAL:

Except as provided in subsection B of this section or its successor, all licenses shall be payable annually in advance.

A. Licenses Issued Prior To January 1, 1994: Except for businesses regulated under title 6 of this code, all licenses issued by the city prior to January 1, 1994, shall date from the date of issuance and shall expire on December 31 of each year, so long as the license is renewed annually without interruption.

B. Title 6 Licenses: All licenses issued by the city to businesses regulated under title 6 of this code prior to January 1, 1994, which are renewed without interruption for 1995 shall date from the date of issuance and shall expire on June 30, 1995. Said licenses shall be payable in advance for the period of January 1, 1995, through June 30, 1995. Said licenses shall be renewable on July 1, 1995, and shall expire on June 30 of each year thereafter and shall be issued for one year so long as the license is renewed annually without interruption, except temporary licenses, which shall be issued for a period of not longer than two hundred ten (210) days, and class D, special events licenses, which shall be for a period not to exceed seven (7) days. Annual licenses renewed for the period beginning July 1, 1995, shall be payable annually in advance.

C. Licenses Issued January 1, 1994, Or After: All licenses issued by the city on or after January 1, 1994, shall date from issuance by the city and shall expire the next calendar year on the first day of the same month as the original issuance. (Ord. 37-99 § 3, 1999: Ord. 109-94 § 1, 1994: Ord. 5-94 § 2, 1994: prior code § 20-1-3)

## 5.02.140: INDEX OF LICENSEES:

The license supervisor shall keep a suitable index containing the names of the licensees, and the names of each class of miscellaneous licensees shall be arranged alphabetically in the miscellaneous license roll. (Prior code § 20-1-4)

## 5.02.150: ASSESSMENT ROLLS; AFFIDAVIT:

(Rep. by Ord. 37-99 § 1, 1999)

## 5.02.160: LICENSE; POSTING AND DISPLAY REQUIRED:

Every certificate of license issued shall be posted by the licensee in a conspicuous place upon the wall of the building, room or office of the store or place in which such licensed business, calling, trade or profession is carried on, so that the same may be easily seen, and when such certificate of license shall have expired it shall be removed by the licensee from such place in which it has been posted; and no certificate of license which is not in force and effect shall be permitted to remain posted upon the wall or any part of any room, store, office or place of business after the period of such certificate or license has expired. It shall be the duty of each and every person to whom a certificate of license has been issued to show the same at any proper time when requested so to do by any police officer or license inspector. (Prior code § 20-1-15)

### 5.02.170: LICENSE; FEE REFUND PROHIBITED[4]:

(Rep. by Ord. 37-99 § 3, 1999)

### 5.02.180: BOARD OF EQUALIZATION; CITY COUNCIL POWERS:

(Rep. by Ord. 37-99 § 1, 1999)

### 5.02.190: LICENSE; LATE PAYMENT; PENALTY[5]:

(Rep. by Ord. 37-99 § 3, 1999)

### 5.02.195: NONPAYMENT OF LICENSE RENEWAL FEE:

If any license is not renewed or license renewal fees are not paid, and the former licensee conducts any business for which a license is required during the unlicensed period, the former licensee shall pay all license renewal fees and penalties for the period of time during which no business license was in effect. No license shall be renewed until all such fees are paid. (Ord. 37-99 § 2, 1999)

### 5.02.200: LICENSE; FEE COLLECTION; CIVIL ACTIONS AUTHORIZED[6]:

(Rep. by Ord. 37-99 § 3, 1999)

### 5.02.210: LICENSE; TRANSFER OF NAME OR LOCATION; FEE:

A. Location Transfer: Any person to whom a business license has been issued to transact or carry on some business at a definite location in the city may make application for the transfer of his/her business license for the sole purpose of transacting or carrying on the same business as is therein mentioned at some other definite location in the city by himself or herself by filing said application with the license supervisor, together with the fee shown on the Salt Lake City consolidated fee schedule.

B. Name Change: Any person who wishes to change his/her business name for the sole purpose of transacting or carrying on the same business under a new name, shall file an application for the change of name on such person's business license with the license supervisor, along with the fee shown on the Salt Lake City consolidated fee schedule.

C. Fee For Transfer: If the business in question has any other licenses which are required under this title, or its successor, the fee for a change of address shall be as shown on the Salt Lake City consolidated fee schedule and the fee for a change of name shall be as shown on the Salt Lake City consolidated fee schedule.

D. Refundability: If the application is granted, the transfer fee shall be deposited in the city treasury. If the application is denied the transfer fee shall be returned to applicant. The mayor, or the mayor's designee, after receiving reports which shall be furnished by the license supervisor, the police department and the board of health, when necessary, may in their discretion, deny or grant the transfer of any or all of the said licenses strictly within the above limitations. (Ord. 24-11, 2011)

## 5.02.220: LICENSE; TRANSFER TO OTHER PERSONS PROHIBITED:

No license granted or issued under any of the provisions of any ordinance of the city shall be in any manner assignable, transferable or authorize any person other than the person named therein as the licensee to do the licensed business, except as may be otherwise specifically provided by ordinance. (Prior code § 20-1-18)

## 5.02.230: LICENSE; HEARING PROCEDURES:

Hearings to consider the revocation, suspension, approval, or denial of licenses issued by Salt Lake City Corporation shall be held by or at the direction of the mayor. Notwithstanding the provisions of any other ordinance pertaining to hearings before the mayor for the suspension or revocation of licenses, such hearings may be held either before the mayor, or before any hearing examiner who has been appointed by the mayor, upon the advice and consent of the city council, to conduct such hearings. (Ord. 88-86 § 38, 1986: prior code § 20-1-23)

## 5.02.240: SPECIAL HEARINGS; FEE:

Any person desiring a license for which a special public hearing is required shall pay the fee shown on the Salt Lake City consolidated fee schedule before said hearing shall be set or advertised. In addition, such person shall pay all expenses incurred by the city with respect to said hearing, including fees charged by a hearing examiner, costs of recording or reporting such hearing, costs of transcription, and all other such actual costs. (Ord. 24-11, 2011)

## 5.02.250: LICENSE; DENIAL, SUSPENSION OR REVOCATION; CONDITIONS:

A. Conditions Of Denial, Suspension Or Revocation: The licensee shall be responsible for the operation of the licensed premises in conformance with the ordinances of the city. Any business license issued by the city may be suspended or revoked, and any application for any business license or for the renewal of any business license may be denied, by the mayor or the designated hearing examiner, for a period of time not to exceed three (3) years after a hearing held before the mayor or at the mayor's direction, upon a finding by the mayor or the designated hearing examiner of a violation of or conviction of any of the following with respect to the licensee or licensee's operator or agent:

1. A violation of or a conviction for violating any ordinance regulating or governing the business for which said license was granted; or

2. A violation of or conviction for violating any other city ordinance or law of the state which affects the health, welfare or safety of its residents, including, but not limited to, a public nuisance, and which violation or conviction relates to the business so licensed or to be licensed; or

3. A violation of or conviction for violating an ordinance which violation or conviction resulted from the operation of the business so licensed; or

4. Any material misrepresentation or any fraud perpetrated on the licensing authority through application for, or operation of, said business.

B. Other Grounds Not Precluded: These violations shall not limit, but shall be in addition to, other grounds for the denial, suspension or revocation of any license as provided for by ordinance.

C. Theaters; Prior Violations: The foregoing provisions of this section notwithstanding, nothing herein shall authorize a revocation or suspension of any license of any theater, motion picture house or concert hall, based on a prior conviction or violation of exhibition or distribution of obscene material. (Ord. 37-99 § 3, 1999: Ord. 88-86 § 38, 1986: prior code § 20-1-24)

## 5.02.260: LICENSE; DENIAL, SUSPENSION OR REVOCATION; PROCEDURE:

A. Hearing Required; Notice: Any suspension, revocation or denial of the renewal of a license by the city shall not be imposed until a hearing is first held before the mayor or a hearing examiner appointed by the mayor. Reasonable notice of the time and place of the hearing, together with notice of the nature of the charges or complaint against the licensee, premises or applicant sufficient to reasonably inform the licensee or applicant and enable him/her to answer such charges and complaint, shall be served upon the licensee or applicant personally or by mailing a copy to the licensee or applicant at his or her last known address.

B. Hearing Procedures: All witnesses called at such hearings shall be sworn by a person duly authorized to administer oaths, and a record of such hearing shall be made by a recording or a court reporter. A licensee or applicant shall have the right to appear at the hearing in person or by counsel, or both, present evidence, present argument on the licensee's or applicant's behalf, cross examine witnesses, and in all proper ways defend the licensee's or applicant's position. (Ord. 1-06 § 12, 2005: Ord. 37-99 § 3, 1999: Ord. 88-86 § 38, 1986: prior code § 20-1-25)

## 5.02.270: NEW LICENSE APPLICATION; WAITING PERIOD REQUIRED WHEN:

It is unlawful for any person, firm, corporation or any agent, manager or operator of any person, corporation or firm who has had a license suspended, revoked or denied by the mayor or the mayor's designated hearing examiner to reapply for or obtain a license, or operate a business, which has been so suspended, revoked or denied during the time that said license has been revoked, suspended or denied or for a period of one year from the effective date of said suspension, revocation, or denial if no period of debarment is specified by the order of suspension, revocation, or denial. (Ord. 37-99 § 3, 1999: Ord. 88-86 § 38, 1986: prior code § 20-1-29)

## 5.02.280: HEARING EXAMINERS; APPOINTMENT AND POWERS:

The mayor may appoint one or more hearing examiners upon the advice and consent of the city council, and the mayor or any hearing examiner shall have power and authority to call, preside at and conduct hearings to consider the suspension, revocation, denial or approval of licenses issued by Salt Lake City Corporation, including the power to examine

witnesses and receive evidence, compel the attendance of witnesses, and compel the production of documents. (Ord. 88-86 § 38, 1986: prior code § 20-1-26)

### 5.02.290: HEARINGS HELD BEFORE A HEARING EXAMINER:

At the conclusion of any hearing held as provided in section 5.02.260 of this chapter, or its successor section, the hearing examiner shall issue or adopt written findings of fact and conclusions of law and an order which is based upon and supported by the evidence presented at the hearing. Such findings, conclusions and order shall have full force and effect upon issuance, and shall be binding upon all parties as of the date and time of such issuance. The city and the licensee or applicant may appeal such findings, conclusions and order to a court of competent jurisdiction. (Ord. 37-99 § 3, 1999: Ord. 88-86 § 38, 1986: prior code § 20-1-27)

### 5.02.300: HEARINGS; ORDERS BY THE MAYOR:

(Rep. by Ord. 37-99 § 1, 1999)

### 5.02.310: SUBPOENAS:

At the request of any party, subpoenas for attendance at any hearing or for production of books, papers, documents or tangible things shall be issued as provided in title 2, chapter 2.59 of this code or its successor chapter. (Ord. 37-99 § 3, 1999: prior code § 20-1-31)

**Footnotes** - Click any footnote link to go back to its reference.
Footnote 1: See section 5.04.094 of this title.
Footnote 2: See section 5.04.114 of this title.
Footnote 3: See section 5.04.116 of this title.
Footnote 4: See section 5.04.094 of this title.
Footnote 5: See section 5.04.114 of this title.
Footnote 6: See section 5.04.116 of this title.

# CHAPTER 5.04
# BUSINESS LICENSES

## Article I. Administration

## 5.04.010: DEFINITIONS[2]:

(Rep. by Ord. 37-99 § 3, 1999)

## 5.04.020: LICENSE; ISSUANCE:

This chapter is enacted to establish the base license fee for general businesses and to establish additional fees for businesses receiving a disproportionate level of the city's services. No license may be issued for a business operation which, on the face of the license application, would be in violation of criminal laws or ordinances or where the place of business would be located in an area not zoned for such business activity unless it is a legal nonconforming use as provided in title 21A, chapter 21A.38 of this code. (Ord. 74-09, 2009)

## 5.04.030: LICENSE; REQUIRED TO DO BUSINESS:

(Rep. by Ord. 37-99 § 1, 1999)

## 5.04.040: LICENSE; NOT REQUIRED WHEN:

A. Exemptions: No base license fee shall be imposed under this chapter upon any person:

1. Engaged in business for solely religious, charitable, eleemosynary, or other types of strictly nonprofit purpose who is tax exempt in such activities under the laws of the United States and the state of Utah;

2. Engaged in a business specifically exempted from municipal taxation and fees under the laws of the United States and the state of Utah;

3. Engaged in a business operated under the supervision of the Utah State Fair Corporation and located exclusively at the Utah State Fair Park during the period of the annual Utah State Fair; or

4. Not maintaining a place of business within the city who has paid a like or similar license tax or fee to some other taxing unit within the state, and which taxing unit exempts from its license tax or fee, by reciprocal agreement, businesses domiciled in the city and doing business in such taxing unit.

B. Disproportionate Fees: The exemptions set forth in subsections A1, A2, and A4 of this section shall not apply to any disproportionate fees which may be applicable under section 5.04.070 of this chapter to a person doing business in the city, nor to any other fees or charges which may be required under this code.

C. Reciprocal Agreement: The mayor may, with approval of the city council, enter into reciprocal agreements with the proper officials of other taxing units, as may be deemed equitable and proper in effecting the exemption provided for in subsection A of this section. Nothing in this section shall preclude the city from reviewing and investigating a business license application under such a reciprocal agreement, and requiring payment of disproportionate fees or other fees or taxes imposed by any other provisions of the

ordinances of the city, in the discretion of the city council. (Ord. 37-11, 2011)

## 5.04.050: BASE LICENSE ADDITIONAL TO ALL OTHER TAXES OR LICENSES:

The base license fee and disproportionate fee imposed by section 5.04.070 of this chapter shall be in addition to any and all other taxes or licenses imposed by any other provisions of the ordinances of Salt Lake City. (Ord. 74-09, 2009)

## 5.04.060: FEE; NO UNDUE BURDEN ON INTERSTATE COMMERCE:

None of the license fees provided for by this chapter shall be applied as to occasion an undue burden on interstate commerce. In any case where a license fee is believed by a licensee or applicant for license to place an undue burden upon such commerce, such person may apply to the mayor for an adjustment of the fee so that it shall not be discriminatory, unreasonable or unfair as to such commerce. Such application may be made before, at or within six (6) months after payment of the prescribed license fee. The applicant shall, by affidavit and supporting testimony, show the method of applicant's business, the gross volume or estimated gross volume of business, and such other information as the mayor may deem necessary in order to determine the extent, if any, of such undue burden on such commerce. The mayor may designate a person to conduct an investigation, comparing applicant's business with other businesses of like nature. The mayor's designee shall make findings of facts; shall determine whether the fee fixed by this chapter is discriminatory, unreasonable or unfair as to applicant's business; and shall recommend to the mayor a license fee for the applicant in an amount that is nondiscriminatory, reasonable and fair. If the mayor is satisfied that such license fee is the amount that the applicant should pay, the license fee shall be fixed in such amount. If the regular license fee has already been paid, the mayor shall order a refund of the amount over and above the fee fixed by the mayor. In fixing the fee to be charged, the mayor shall have the power to use any method which will assure that the fee assessed shall be uniform with that assessed on businesses of like nature. (Ord. 74-09, 2009)

## 5.04.070: LICENSE FEES LEVIED:

A. Fees For Businesses Located In The City: There is levied upon the business of every person engaged in business in the city at a place of business within the city, an annual business license fee per place of business except as otherwise set forth in subsection F of this section. The amount of the fee shall be the base license fee imposed under subsection B of this section, plus:

1. The regulatory fee imposed under subsection C of this section, if applicable; and

2. The disproportionate cost fee imposed under subsection D of this section, if applicable; and

3. The enhanced services fee imposed under subsection E of this section, if applicable.

B. Base License Fee: The base license fee levied and imposed, covering licensing, inspection (if applicable), and related administrative costs shall be as follows:

1. Home occupation businesses: As shown on the Salt Lake City consolidated fee schedule.

2. Nonhome occupation businesses: As shown on the Salt Lake City consolidated fee schedule.

C. Regulatory Fee: The regulatory fee levied and imposed, for direct costs associated with doing business within the city, covering licenses listed under the Salt Lake City consolidated fee schedule shall be as set forth thereunder.

D. Disproportionate Cost Fee:

1. It is determined by the city council that a disproportionate level of municipal services are provided to certain businesses within the city in comparison with the level of services provided to other businesses and to residences within the city, based on additional municipal services provided to such businesses and on disproportionate use of public utilities and services for police, fire, stormwater runoff, traffic control, parking, transportation, beautification, and snow removal. Disproportionate cost fees shall be levied as set forth in subsections D2 and D3 of this section.

2. For any business having employees, the disproportionate cost fee for such business shall be as shown on the Salt Lake City consolidated fee schedule, per employee, for each full time and part time employee exceeding one, engaged in the operation of said business, based upon the "number of employees" as defined in section 5.02.005 of this title, or its successor section.

3. The disproportionate cost fee for a specific type of business shall be as shown on the Salt Lake City consolidated fee schedule.

a. Except as set forth in subsection D3b of this section, the disproportionate cost fee for a rental dwelling shall be based upon the number of dwelling units located in the rental dwelling.

b. The disproportionate cost fee for a rental dwelling which is a fraternity, sorority, rooming, or boarding house shall be based upon the number of rooms which have been constructed for lodging or sleeping purposes or which are used for lodging or sleeping purposes.

E. Enhanced Services: It is determined by the city council that municipal services are provided to businesses within the central business district and the Sugar House business district, as defined in the zoning ordinance, at a level which exceeds other geographic areas of the city. No enhanced service fee shall be charged said businesses at the present time.

F. Multiple Rental Dwellings: An owner of multiple rental dwellings or multiple buildings containing rental dwellings within the city shall be required to obtain only one base license and to pay one base license fee for the operation and maintenance of all such rental dwellings plus a disproportionate cost fee as set forth, respectively, in subsections B and D of this section.

G. Fee For Businesses Located Outside The City: There is levied upon every person engaged in business in the city, not having a place of business in the city, and not exempt as provided by section 5.04.040 of this chapter, or its successor section, the same license fee as if such place of business were located within the corporate limits of Salt Lake City.

H. Renewal Notices: Any notice or renewal reminder provided by the city in connection with this section may be sent by ordinary mail, addressed to the address of the business as shown on the records of the city's licensing office, or, if no such address is shown, to such address as the licensing office is able to ascertain by reasonable effort. Failure of a business to receive any such notice or reminder shall not release such business from any fee or any penalty, nor shall such failure operate to extend any time limit set by the provisions of this chapter. (Ord. 37-11, 2011)

## 5.04.080: JOINT LICENSES:

Whenever any person is engaged in two (2) or more businesses at the same location within the city, such person shall not be required to obtain separate licenses for conducting each of such businesses, but shall be issued one license which shall specify on its face all such businesses. The license fee to be paid shall be computed as if all of said businesses were one business being conducted at such location. Where two (2) or more persons conduct separate businesses at the same location, each such person shall obtain a license for such business and pay the required license fee for such business. (Ord. 74-09, 2009)

### 5.04.090: BRANCH ESTABLISHMENTS:

Except as otherwise provided in subsection 5.04.070F of this chapter, a separate license shall be obtained for each branch establishment or location of business engaged in, within the city, as if such branch establishment or location were a separate business, and each license shall authorize the licensee to engage only in the business licensed thereby at the location or in the manner designated in such license. Warehouses and distributing places shall be deemed to be separate places of business or branch establishments, regardless of whether or not such are used in connection with or incident to a business licensed under this chapter. (Ord. 74-09, 2009)

### 5.04.094: LICENSE; FEE REFUND PROHIBITED:

No license fee, or any part thereof, shall be returned for any reason whatsoever once the license has been granted or issued. (Ord. 74-09, 2009)

### 5.04.100: LICENSE FEES; DEBT TO CITY; COLLECTION:

Any license fee due and unpaid under this chapter and all penalties thereon shall constitute a debt to Salt Lake City, and shall be collected by court proceedings in the same manner as any other debt in like amount, which remedy shall be in addition to all other existing remedies. (Ord. 74-09, 2009)

### 5.04.110: FEES; DELINQUENT PAYMENTS; PENALTY:

All license fees imposed by this chapter shall be due and payable upon approval by the city of issuance of an initial business license or, in the event of renewal of an existing license, on the day following expiration of the annual business license as set forth in section 5.02.120 of this title, or its successor section. In the event any fee is not paid on or before such date, a penalty shall be assessed pursuant to the provisions of section 5.04.114 of this chapter, or its successor section, which penalty shall become part of the license fee imposed by this chapter. (Ord. 74-09, 2009)

### 5.04.114: LICENSE; LATE PAYMENT; PENALTY:

A. Late Renewal Fee; Penalties: If any license renewal fee is not paid by the due date, a penalty of twenty five percent (25%) of the amount of such license fee shall be added to the original amount thereof, and, if such amount is not paid within two (2) months of the due date, an additional penalty of seventy five percent (75%) shall be added to the original amount thereof for a total of one hundred percent (100%) of such license fee. In addition, any licensee whose license renewal fee is not paid within sixty (60) days of

the due date shall terminate business operations at the previously licensed location. No business shall be conducted thereafter at said location unless and until the mayor or the mayor's designee approves an application, notice or petition for renewal of a license or for a new license.

B. Initial Fee Nonpayment; Penalty: When any person, firm or corporation engages in any occupation covered by the provisions of this title, or adds anything to an existing business which requires an additional license fee, without first paying the required license fee, a penalty of one hundred percent (100%) of the amount of such license fee shall be added to the original amount thereof.

C. Collection: All penalties provided for in this section shall be collected by the license supervisor and the payment thereof shall be enforced by him or her in the same manner as the license fees are collected and payment enforced.

D. No License Issuance: No license shall issue until all penalties legally assessed have been paid in full.

E. Other Enforcement Not Precluded: Nothing in this section shall be construed to prevent or in any manner interfere with the enforcement of any criminal or civil penalty provision contained in any ordinance of the city, including, but not limited to, those provisions pertaining to operation of businesses without an unexpired and valid business license. (Ord. 74-09, 2009)

## 5.04.116: LICENSE; FEE COLLECTION; CIVIL ACTIONS AUTHORIZED:

A. Civil Actions: In all cases where a city ordinance requires that a license be obtained to carry on or to engage in any business, occupation or calling within the city, and the fee for such license is fixed by such ordinance, and the fee is not paid at the time or in the manner provided in said ordinance, a civil action may be brought in the name of Salt Lake City against the person failing to pay such license fee, in any court of this state having jurisdiction of such action, to recover the fee. In any case where several or diverse amounts of license fees remain due and unpaid by any such person, such several amounts of unpaid license fees may be joined as separate causes of action in the same complaint in such civil actions.

B. Other Enforcement: Nothing in this section shall be construed to prevent or in any manner interfere with the enforcement of any penalty provision contained in any ordinance of the city. (Ord. 74-09, 2009)

## 5.04.120: RETURNS NOT TO BE MADE PUBLIC:

A. Returns Not Public: Returns made to the license supervisor, as required by this chapter, shall not be made public nor shall they be subject to the inspection of any person except the city supervisor or the supervisor's authorized agent, or to those persons first authorized to do so by order of the mayor.

B. Release Unlawful: It is unlawful for any person to make public or to inform any other person as to the contents of any information contained in, or permit the inspection of, any return, except as in this section authorized.

C. Release Subject To Records Laws: The foregoing notwithstanding, the retention, disclosure and release of all records received or kept by the license supervisor shall be subject to the requirements of the Utah governmental records access and management act, section 63G-2-101 et seq., Utah Code Annotated, and title 2, chapter 2.64 of this code, or its successor chapter. (Ord. 37-11, 2011)

### 5.04.130: RECORDKEEPING REQUIRED:

Every person liable for the payment of any license fee imposed by this chapter shall keep for three (3) years records which accurately state the amount of such person's gross annual sales of goods and services for any year for which such information is required by any ordinance of the city. Such records shall also state the number of employees of the business such that the amount of any license fee for which such person may be liable under the provisions of this chapter may be determined. (Ord. 74-09, 2009)

### 5.04.140: FILING FALSE RETURN PROHIBITED:

It is unlawful for any person to make a return that is false, knowing the same to be so. (Ord. 74-09, 2009)

### 5.04.150: LICENSE; REVOCATION CONDITIONS:

(Rep. by Ord. 37-99 § 1, 1999)

## Article II. Specific Businesses

### 5.04.160: MUNICIPALITY TRANSIENT ROOM TAX:

As provided for in title 59, chapter 12, part 3A, Utah Code Annotated (2011, as amended), there is levied a one percent (1%) tax on amounts paid or charged within Salt Lake City for tourist home, hotel, motel, or trailer court accommodations and services that are regularly rented for less than thirty (30) consecutive days. This tax is administered and collected by the state tax commission as provided in section 59-12-354, Utah Code Annotated (2011, as amended). (Ord. 39-11, 2011)

### 5.04.170: TELEPHONE SERVICE REVENUE TAX:

(Rep. by Ord. 48-04 § 3, 2004)

## 5.04.180: BUSINESSES IN COMPETITION WITH PUBLIC UTILITIES:

(Rep. by Ord. 48-04 § 3, 2004)

## 5.04.190: COMMERCIAL CONSUMERS OF GAS OR ELECTRIC ENERGY:

A. Any commercial consumer of gas or electric energy which is engaged in business in the city, and which consumes natural gas or electric energy provided by a public utility subject to the utility revenue tax imposed by this section shall be entitled to a rebate of that portion of the combined utility revenue tax and two percent (2%) franchise fee which exceeds three-fourths ($^3/_4$) of one percent (1%) of the gross sales of said commercial consumer.

B. For the purposes of this section, it shall be deemed that the amount paid by each qualifying commercial consumer to each subject public utility for natural gas or electric energy includes a payment of six percent (6%) utility revenue tax and a payment of two percent (2%) franchise fee. The term "gross sales", as used in this section, shall be defined consistent with the definition of that term as found in the internal revenue code effective for the consumer's taxable year during which a rebate is sought.

C. Rebate shall be made on a yearly basis to coincide with the commercial consumer's taxable year, as adopted for federal income tax purposes. Application shall be made to the city treasurer for the rebate provided herein no sooner than forty five (45) days and no later than four (4) months after the close of the commercial consumer's taxable year. (Prior code § 20-3-14.2)

## 5.04.200: PARKING SERVICE BUSINESSES LICENSE TAX:

A. There is levied upon every operator of vehicle parking serving the Salt Lake City International Airport a license tax equal to one dollar ($1.00) per paid vehicle per day whenever a paid vehicle parks at the Salt Lake City International Airport.

B. There is levied upon every parking service business a license tax equal to one dollar ($1.00) per paid vehicle per day whenever a paid vehicle parks at public facility off street parking operated by the parking service business, where such parking service business includes in its service a shuttle or other means that transport persons or property from the off street parking to the public facility and where such parking service business includes in its service long term or multiday parking associated with the off street parking; or where the public facility off street parking is located within or as part of a public facility.

C. "Operator" means any private person or entity who operates vehicle parking serving the Salt Lake City International Airport, whether as owner, lessee, agent, joint venture, manager, concessionaire or otherwise.

D. "Vehicle parking serving the Salt Lake City International Airport" means any space provided by an operator in a publicly or privately owned lot or other facility for parking or storing motor vehicles, motorcycles, trailers, bicycles or other similar means of conveyance for passengers or property in exchange for consideration in any form, including a direct charge to customers or a charge to any party for tokens or other instruments that permit use of the lot or other facility, and where:

1. The lot or other facility is located within the property boundaries of the Salt Lake City International Airport; or

2. The lot or other facility provides or arranges for shuttle services or other means that transport passengers or property to the Salt Lake City International Airport.

E. "Parking service business" means a business that primarily provides off street parking services for a public facility that is wholly or partially funded by public monies; that provides parking for one or more vehicles; and that charges a fee for parking.

F. Within thirty (30) days after the end of each month in a calendar year, the operator or parking service business taxed hereunder shall file with the city treasurer a report of the number of paid vehicles parking at the operator's Salt Lake City International Airport facilities or at the parking service business' public facility off street parking during that calendar month, together with a computation of the tax levied hereunder against the operator or parking service business. Coincidental with the filing of such report, the operator shall pay to the city treasurer the amount of the tax due for that calendar month.

G. If the report is not filed and the corresponding payment made by the due date (30 days after the last day of each calendar month), a penalty is imposed equal to ten percent (10%) of the amount due for the calendar month being reported on. In addition, for each calendar month beyond the due date that a payment is late, compound interest of two percent (2%) will accrue monthly until the tax plus penalties and interest are paid in full. (Ord. 48-12, 2012: Ord. 6-10 § 1, 2010)

## 5.04.210: 911 EMERGENCY SERVICE FEE:

A. Purpose: Section 69-2-5 of the Utah Code Annotated provides for the establishment and funding of a 911 emergency services telephone system, including wireless and land based telephone services. Under the emergency telephone service law, the city may levy monthly an emergency services telephone charge on each local exchange service switched access line and each revenue producing radio communications access line with a billing address within the boundaries of the area served by the city. Notification of intent to levy the emergency services telephone charge must be given to the public service commission at least thirty (30) days prior to the effective date. The city provides 911 emergency services telephone service and wants to levy an emergency services telephone charge in the amount allowed by state law.

B. Levy: The city council levies an emergency services telephone charge in the amount shown on the Salt Lake City consolidated fee schedule, per month on each basic local exchange access line and each revenue producing radio communications access line with a billing address within the boundaries of the area served by the city.

Effective July 1, 2004, four cents ($0.04) of the amount of the charge levied under this section, less the collection costs of the city and tax commission permitted by Utah Code Annotated sections 69-2-5(3)(h) and 53-10-604(2)(b), shall be deposited monthly in the statewide unified E-911 emergency service fund created in Utah Code Annotated section 53-10-603, for the purposes outlined in that section.

C. Notify Public Service Commission: The chief of the Salt Lake City police department, or his/her designee, is directed to notify the Utah state public service commission of the entities upon which the city will levy the charge in accordance with applicable laws.

D. Special Emergency Telephone Service Fund: All monies received by the city from the 911 emergency services telephone charge shall be deposited in a special emergency telephone service fund. All monies in the emergency telephone service fund shall be expended by the city to pay the costs of establishing, installing, maintaining and operating a 911 emergency telephone system or integrating a 911 system into an established public safety dispatch center. Revenues derived for the funding of 911 emergency telephone service may only be used for that portion of the costs related to the operation of the 911 emergency telephone system. (Ord. 24-11, 2011)

Footnote 1: See section 5.02.005 of this title.
Footnote 2: See section 5.02.005 of this title.

# CHAPTER 5.05
# CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

## Article I. Definitions

### 5.05.005: DEFINITIONS AND INTERPRETATION OF LANGUAGE:

The words and phrases, when used in this chapter, shall have the meanings defined and set forth in this article. (Ord. 51-89 § 1, 1989)

### 5.05.010: APPLICANT:

"Applicant" means the person signing an application for a certificate of public convenience and necessity. (Ord. 51-89 § 1, 1989)

### 5.05.015: CERTIFICATE:

"Certificate" means a certificate of public convenience and necessity issued by the city as set forth in this chapter. (Ord. 51-89 § 1, 1989)

### 5.05.020: HOLDER:

"Holder" means any person to whom a certificate of convenience and necessity has been issued and which certificate is unexpired. (Ord. 51-89 § 1, 1989)

### 5.05.025: PERSON:

"Person" has the meaning as set forth in section 5.02.005 of this title, excluding, however, the United States, the state of Utah, or any political subdivision or instrumentality thereof. (Ord. 37-99 § 3, 1999: Ord. 51-89 § 1, 1989)

### 5.05.030: VEHICLE:

"Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway. (Ord. 51-89 § 1, 1989)

## Article II. Certificate Requirements

### 5.05.100: REQUIRED FOR OPERATION:

All persons required by any ordinance of Salt Lake City to obtain a certificate of public convenience and necessity as a condition of operating a public transportation for hire business within the city shall be governed by this chapter. Nothing herein shall relieve any persons of the requirements of any other applicable city ordinance. (Ord. 51-89 § 1, 1989)

### 5.05.105: APPLICATION; INFORMATION REQUIRED:

An application for a certificate shall be filed with the city license supervisor upon forms provided by the city, and the application shall be verified under oath and shall furnish the following information:

A. The name and business address of the applicant and, in the event the application is made by a corporation, a certified copy of the articles of incorporation. No application shall be made on behalf of another person, without disclosing that fact and stating the name of the person on whose behalf the application is filed. The application shall also include the residence address of all sole proprietor applicants, of all partners of partnership applicants and of all officers and directors of corporate applicants;

B. The number of vehicles, as defined by section 5.05.030 of this chapter, or its successor, actually operated by such applicant for public transportation for hire as of the date of such application;

C. The number of vehicles for which a certificate of public convenience and necessity is desired for public transportation for hire;

D. The location of the proposed central place of business and any other office to be maintained;

E. The financial status of the applicant, including any unpaid or nonbonded judgments of record against such applicant, the title of all actions and the amount of all such judgments, and the nature of the transaction or acts giving rise to such judgment;

F. The experience of applicant in public transportation of passengers for hire;

G. The color scheme or insignia to be used to designate the vehicle or vehicles of the applicant;

H. Any facts which the applicant believes tend to establish that public convenience and necessity would be served by the granting of a certificate. (Ord. 51-89 § 1, 1989)

### 5.05.110: APPLICATION; PUBLIC HEARING:

Upon the filing of an application the mayor or his/her designee shall fix a time and place for a public hearing thereon. (Ord. 51-89 § 1, 1989)

### 5.05.115: HEARING; NOTICE TO APPLICANT, OTHER HOLDERS AND PUBLIC:

Notice of the public hearing provided in section 5.05.110 of this chapter, or its successor section, shall be given to the applicant, and to all persons to whom certificates of public convenience and necessity have been theretofore issued and who are regulated under the same chapter of this title, by United States mail, and notice shall be given the general public of the city by posting a notice of such hearing in the office of the city recorder. Said notices shall be given at least ten (10) calendar days prior to said hearing. (Ord. 37-99 § 3, 1999: Ord. 51-89 § 1, 1989)

### 5.05.120: INSURANCE REQUIRED:

No certificate of public convenience and necessity shall be issued or continued in operation, unless there is on file with the city recorder a certificate of insurance executed by an insurance company or association authorized to transact business in this state, approved as to form by the city attorney, that there is in full force and effect vehicle liability insurance covering the operation of applicant's transportation vehicles with minimum limits of two hundred fifty thousand dollars ($250,000.00) for one person in any one occurrence, five hundred thousand dollars ($500,000.00) for two (2) or more persons in any one occurrence and one hundred thousand dollars ($100,000.00) for property damage or such greater amounts as set forth in section 63-30-34, Utah Code Annotated, 1953, as amended, or its successor or such greater amounts as may be required by the Utah department of transportation or the United States department of transportation. Such policy or policies shall include coverage of all vehicles and horses used or to be used for public transportation for hire, and all motor vehicles used in connection with applicant's business. A current certificate of insurance shall be kept on file with the city recorder at all times that a certificate of convenience and necessity is held verifying such continuing coverage and naming the city as an additional insured. The certificate shall contain a statement that the city will be given written notification at least thirty (30) days prior to cancellation or material change in the coverage without reservation of nonliability for failure to so notify the city. Cancellation shall constitute grounds for revocation of the certificate of convenience and necessity issued hereunder unless another insurance policy complying herewith is provided and is in effect at the time of cancellation/termination. (Ord. 24-99 § 2, 1999: Ord. 51-89 § 1, 1989)

### 5.05.125: ADDITIONAL AUTHORITY BY HOLDERS; APPLICATION:

(Rep. by Ord. 24-99 § 1, 1999)

### 5.05.130: APPLICATION FEES FOR CERTIFICATE OR CERTIFICATE OF ADDITIONAL AUTHORITY:

An application for a certificate of public convenience and necessity or an application for a certificate of additional authority hereunder shall be accompanied by a payment of a fee

shown on the Salt Lake City consolidated fee schedule, the same to be applied toward payment of the costs of hearings and proceedings on same. Said fee shall be in addition to the fees required to be paid under section 5.05.135 of this chapter, or its successor section. (Ord. 24-11, 2011)

### 5.05.135: FEES:

No certificate shall be issued or continued in operation unless the holder thereof has paid the annual city base license fee, the city regulatory fee for the business, as shown on the Salt Lake City consolidated fee schedule, and any other fees for the business and each vehicle authorized under a certificate of public convenience and necessity as set forth in section 5.04.070 of this title, or its successor section, and any other fees or charges established by proper authority and applicable to the holder or to those vehicles under the holder's operation and control. (Ord. 24-11, 2011)

### 5.05.140: ISSUANCE; DETERMINATION AUTHORITY:

A. If the mayor or his/her designee finds that further public transportation for hire in the city serves the public convenience and necessity and that the applicant is fit financially and willing and able to perform such public transportation and to conform to the provisions of this chapter, then the city shall issue a certificate stating the name and address of the applicant and the number of vehicles authorized under the certificate.

B. In making the above findings, the mayor or his/her designee shall take into consideration the number of vehicles already in operation, whether existing transportation is adequate to meet the public convenience, the probable effect of the issuance on the present carriers, the probable effect of increased service on local traffic conditions, the character, experience and financial responsibility of the applicant, the number, kind and type of equipment, and the ability of the applicant to earn a fair return on the capital invested. (Ord. 51-89 § 1, 1989)

### 5.05.145: TRANSFER RESTRICTIONS:

No certificate of public convenience and necessity may be sold, assigned, mortgaged, leased or otherwise transferred or encumbered, without the formal consent of the mayor or his/her designee after a public hearing conducted in accordance with this chapter. (Ord. 51-89 § 1, 1989)

### 5.05.150: SUSPENSION AND REVOCATION; CONDITIONS:

A. A certificate issued under the provisions of this chapter may be revoked or suspended by the mayor or his/her designee if the holder thereof has:

1. Violated any of the provisions of this chapter;

2. Abandoned operations for more than sixty (60) days;

3. Violated any ordinances of the city or the laws of the United States or the state, the violation of which reflects unfavorably on the fitness of the holder to offer public transportation; or

4. Become financially irresponsible to a degree that reflects unfavorably upon the holder's ability to offer public transportation.

B. Prior to suspension or revocation, the holder shall be given notice of the proposed action to be taken and shall have an opportunity to be heard by the mayor or his/her designee, according to the procedures set forth in sections 5.02.230 through 5.02.310 of this title, or their successor sections. (Ord. 51-89 § 1, 1989)

### 5.05.155: VEHICLE BUSINESS LICENSE STICKER/PLATE ISSUANCE:

Upon the payment of the fees provided for in section 5.05.135 of this chapter, or its successor, a vehicle business license sticker or plate, as determined by the city's transportation engineer, shall be issued by the license supervisor for each vehicle licensed under holder's certificate of convenience and necessity, which sticker or plate must be affixed to each of said vehicles as directed by the city's transportation engineer. (Ord. 51-89 § 1, 1989)

### 5.05.160: VEHICLES; LIST FILED WITH POLICE DEPARTMENT:

Holders shall at all times have on file with the police department an up to date list of the vehicles operated under their certificates, which list shall contain the make, type, year of manufacture, serial number and passenger capacity of each vehicle operated under said certificate. (Ord. 51-89 § 1, 1989)

# CHAPTER 5.06
# ADVERTISING

### 5.06.010: DISTRIBUTION OF COMMERCIAL ADVERTISING; RESTRICTIONS GENERALLY:

(Rep. by Ord. 37-99 § 1, 1999)

### 5.06.020: DISTRIBUTION OF COMMERCIAL ADVERTISING; CENTRAL BUSINESS DISTRICT:

It is unlawful for any person to advertise his vocation or business in any manner in the central business district, except in accordance with title 21A, chapter 21A.46 of this code, or its successor. The "central business district" means that area bounded on the north by the north side of South Temple Street, on the east by the east side of 2nd East Street, on the south by the south side of 5th South Street, and on the west by the west side of 2nd West Street. (Ord. 37-99 § 3, 1999: prior code § 20-4-3)

### 5.06.030: ADVERTISING AND POSTERS ON STREETS:

It is unlawful for any person to advertise by the use of printed signs, posters, placards or other advertising media, upon the streets and sidewalks of the city, except in accordance with title 21A, chapter 21A.46 of this code, or its successor. (Ord. 37-99 § 3, 1999: Ord. 88-86 § 40, 1986: prior code § 20-4-4)

### 5.06.040: OUTDOOR ADVERTISER; DEFINED:

"Outdoor advertiser" means any person engaged in the business of advertising by electrical display, posting, sticking, tacking, affixing, or painting bills or signs to or upon posts, fences, billboards, advertising signboards, signs, buildings, or other structures used in whole or in part for advertising purposes, but shall not be held to include any real estate sign advertising for sale or rent the property upon which it stands, nor any advertisement or sign used to advertise any business conducted on the premises where such billboard, sign, electrical display or bulletin is located. (Ord. 88-86 § 40, 1986: prior code § 20-4-11)

### 5.06.050: OUTDOOR ADVERTISING; LICENSE REQUIRED:

It is unlawful for any person to engage in or pursue the business of outdoor advertising within the city without first obtaining a license to do so. (Ord. 88-97 § 1, 1997: Ord. 34-87 § 17, 1987: Ord. 88-86 § 40, 1986: prior code § 20-4-10)

### 5.06.060: OUTDOOR ADVERTISER; NAME TO BE ON ALL SIGNS:

It is unlawful for any person to paste, stick, tack, affix or paint any bills, electrical displays or signs to or upon any posts, fences, billboards, advertising signboards, signs, buildings or other structures used in whole or in part for advertising purposes, without placing on the lower right hand corner of any such bill, electrical display or sign the name of the person pasting, sticking, tacking, affixing or painting such sign, electrical display or bill. (Ord. 88-86 § 40, 1986: prior code § 20-4-12)

### 5.06.070: ADVERTISING BY BALLOONS, KITES AND AIRPLANES; CONDITIONS:

It is unlawful for any person to advertise by means of any balloon, kite, glider, airplane or other aerial device suspended in the air or moored to a stationary object within the corporate limits of the city unless in compliance with title 21A, chapter 21A.46 of this code, or its successor. Powered flight and free flight advertising shall be permitted only when the petitioner shall, in advance, obtain approval from the federal aeronautics administration and comply with all applicable ordinances of the city, and obtain the insurance required in section 5.06.080 of this chapter, or its successor. (Ord. 37-99 § 3, 1999: Ord. 88-86 § 40, 1986: prior code § 20-4-15)

### 5.06.080: ADVERTISING BY BALLOONS, KITES AND AIRPLANES; INSURANCE REQUIRED:

No permit shall be issued pursuant to section 5.06.070 of this chapter until written application therefor has been made to the mayor and filing with the city recorder a certificate of insurance naming Salt Lake City as an additional insured in the minimum of one million dollars ($1,000,000.00) per person and per accident. (Ord. 88-86 § 40, 1986: prior code § 20-4-16)

### 5.06.110: REVOCATION AND REISSUANCE OF LICENSES:

In addition to any other penalties prescribed by the ordinances of the city, any violation of section 5.06.080 of this chapter, or its successor, pertaining to failing to obtain insurance shall subject the licensee to a revocation of his or her license after hearing and notice as provided in chapter 5.02 of this title, or its successor. (Ord. 37-99 § 3, 1999: Ord. 88-86 § 40, 1986: prior code § 20-4-18)

### 5.06.120: DEFACING OR INTERFERING WITH POSTED MEDIA PROHIBITED:

It is unlawful for any person, firm, corporation, association or organization to wilfully cause to be done or do any act which would interfere with the posting of advertising matter under a privilege lawfully granted, or despoil, mar, deface, tear, mark or remove any such advertising matter while legally posted. (Ord. 88-86 § 40, 1986: prior code § 20-4-9)

### 5.06.130: BANNERS OVER STREETS PROHIBITED:

It is unlawful for any person to construct, erect or maintain any streamers, banners or signs, or to suspend the same over any public street or alley of the city, without conforming to the provisions of the city's sign regulations, title 21A, chapter 21A.46 of this code, or its successor. (Ord. 37-99 § 3, 1999: Ord. 88-86 § 40, 1986: prior code § 20-4-1)

### 5.06.140: DEALERS TO DISCLOSE IDENTITY IN ALL ADVERTISING:

It shall be deemed deceptive and misleading advertising and unlawful for any person engaged in the business of buying and selling new or secondhand articles or goods, wares and merchandise, or other property, real or personal, or who is engaged in the business of furnishing any kind of service, to advertise by means of "liner ads" in a newspaper, or otherwise, such articles, property or services for sale in a manner indicating that the sale is being made by a householder or private party not engaged in such business; and every person engaged in any such business shall, in advertising such goods, wares or merchandise, property or services for sale, either through "liner ads" or otherwise, affirmatively and clearly indicate that the seller is engaged in such business and is not a private party. (Ord. 88-86 § 40, 1986: prior code § 20-4-21)

### 5.06.150: DECEPTIVE ADVERTISING PROHIBITED; SECONDHAND, SECONDS, OR BLEMISHED MERCHANDISE:

It shall be deemed deceptive and misleading advertising and unlawful for any person, in a newspaper or other publication or in any other manner set out in this chapter, to offer to the public, for sale or distribution, any merchandise which is secondhand or used merchandise, or which is defective in any manner, or which consists of articles or units or parts

known as "seconds", or blemished merchandise, or which has been rejected by the manufacturer thereof as not first class, unless there is conspicuously displayed in direct connection with the name and description of such merchandise, and each specific article, unit or part thereof, an unequivocal statement, phrase or word which will clearly indicate that such merchandise or each article, unit or part thereof so advertised is secondhand, used, defective, or consists of "seconds", or is blemished merchandise, or has been rejected by the manufacturer thereof as not first class, as the fact may be. (Ord. 88-86 § 40, 1986: prior code § 20-4-20)

### 5.06.160: FALSE OR FRAUDULENT ADVERTISING PROHIBITED:

It is unlawful for any person engaged in business in the city, with intent to sell or in anywise dispose of merchandise, service, or anything offered by such person directly or indirectly to the public for sale or distribution, or with intent to increase the consumption thereof, or to induce the public in any manner to enter into any obligation relating thereto, or to acquire title thereto, or an interest therein, to make, publish, disseminate, circulate or place before the public, or cause directly or indirectly to be made, published, disseminated, circulated or placed before the public in this city in a newspaper or other publication, or in the form of a book, notice, handbill, poster, bill, circular, pamphlet or letter, or in any other way, an advertisement of any sort regarding merchandise, service, or anything so offered the public, which advertisement contains any assertion, representation or statement of fact which is false or untrue in any respect, or which is deceptive or misleading, as defined in this chapter. (Ord. 88-86 § 40, 1986: prior code § 20-4-19)

# CHAPTER 5.08
# BURGLARY AND ROBBERY ALARM SYSTEMS

### 5.08.020: DEFINITIONS:

ALARM ADMINISTRATOR: The individual designated by the chief of police to issue permits and enforce the provisions of this chapter.

ALARM BUSINESS: Any persons engaged in the business of selling, installing, planning the installation, assisting in planning the installation, servicing, maintaining, monitoring, repairing, replacing, moving or removing alarm systems in the city.

ALARM DISPATCH REQUEST: A notification to the police by the alarm business that an alarm, either manual or automatic, has been activated at a particular alarm site.

ALARM SITE: A single premises or location served by an alarm system or systems. Each tenancy, if served by a separate alarm system in a multitenant building or complex, shall be considered a separate alarm site.

ALARM SYSTEM: 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 installed on a temporary basis by the police department.

ALARM USER: The person, occupant, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure or facility or portion thereof wherein an alarm system is maintained.

APARTMENT BUILDING: Any building containing two (2) or more rental units.

AUTOMATIC DIALING DEVICE: An alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice message indicating the existence of an emergency situation that the alarm system is designed to detect.

CENTRAL STATION: An office to which alarm systems are connected, where operators supervise the circuits on a continuous basis, and where there is a subsequent relaying of such messages by a live voice to the police department.

DURESS ALARM: A silent alarm signal generated by the manual activation of a device intended to signal a crisis situation requiring police response.

EMERGENCY: The commission or attempted commission of a robbery, burglary or other criminal action.

EMPLOYEE: Any person who is employed by an alarm business and who sells, installs, services, maintains, repairs, or replaces alarm systems in the city.

FALSE ALARM: The activation of an alarm system, which results in an arrival at the alarm site by the police department where an emergency does not exist. It includes an alarm signal caused by conditions of nature, which are normal for that area. "False alarm" does not include an alarm signal caused by extraordinarily violent conditions of nature such as tornadoes, floods and earthquakes.

HOLDUP ALARM: A silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

INTRUSION ALARM SYSTEM: An alarm system signaling an entry or attempted entry into the area protected by the system.

LOCAL ALARM: Any alarm device audible at the alarm site.

ONE PLUS DURESS ALARM: The manual activation of a silent alarm signal by entering at a keypad a code that adds one to the last digit of the normal arm/disarm code (e.g., normal code = 1234; one plus duress code = 1235).

PANIC ALARM: An audible alarm system signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring law enforcement response.

PERMITTEE: The person to whom an alarm user permit is issued.

PERSON: Means and includes natural persons, without regard to number or gender, and any partnership, corporation, and any other type of legal entity.

PRIVATE GUARD RESPONDER: A private guard company, an alarm company's guard, an alarm user, or a person or entity appointed by an alarm user to be responsible to confirm that an attempted or actual crime has occurred at an alarm site. (Ord. 64-00 § 1, 2000)

## 5.08.030: APPLICABILITY OF PROVISIONS:

The provisions of this chapter shall apply to all alarm users, businesses, employees and alarm systems which are installed, connected, monitored, operated or maintained on or prior to the date on which this chapter became effective, and subsequent thereto. (Ord. 64-00 § 1, 2000)

## 5.08.045: REGISTRATION REQUIRED TO OPERATE AN ALARM BUSINESS:

It is unlawful for any person, partnership, corporation or association to own, manage, conduct or carry on the business of selling, leasing, installing, servicing, maintaining, repairing, replacing, moving or removing, or causing to be sold, leased, installed, serviced, maintained, repaired, replaced, moved or removed in or on any building or other property within city any device known as an intrusion or physical duress alarm system, or automatic dialing device connected to an answering service, unless there exists a current state license therefor, granted and subsisting in compliance with the provisions of the Utah burglar alarm security and licensing act, section 58-65-102 et seq., Utah Code Annotated 1953, as amended, or its successor, and the name, address and license number or ID card number registered with the chief of police. Alarm users and/or alarm companies attempting alarm permit registration listing alarm or monitoring companies not currently licensed with the Utah state division of professional licensing shall not be issued a permit number. There shall be no fee for city registration under this section. (Ord. 64-00 § 1, 2000)

## 5.08.065: ALARM USER PERMITS:

A. Every alarm user shall have in his/her possession an alarm user permit issued by the chief of police at no charge. Such permit shall be issued upon filing by the user with the police department a completed alarm permit application as provided by section 5.08.075 of this chapter or its successor. A separate permit shall be required for each alarm site. The permit application shall be submitted to the alarm administrator prior to operation of the alarm system or prior to an existing system being taken over by a different alarm user or alarm company. The alarm user shall be responsible for the maintenance and operation of the alarm system.

B. An alarm user permit shall continue in effect until there is a change in ownership of the alarm system, at which time the permit shall expire. An alarm business shall notify the alarm administrator of any alarm user who has canceled or otherwise terminated their alarm services with the alarm business. Alarm permits shall not be transferable. (Ord. 64-00 § 1, 2000)

## 5.08.070: EMPLOYEES AND INSTALLERS; IDENTIFICATION CARD:

It is unlawful for any person to engage directly in the installing, servicing, maintaining, repairing, moving or removing, in or on any building or other property within the city, any intrusion, duress or other emergency alarm system, or monitoring and relaying calls for such system, unless such person has in his/her possession a valid individual license issued by the state pursuant to section 58-55-311, Utah Code Annotated, or successor sections. (Ord. 64-00 § 1, 2000)

## 5.08.075: ALARM INFORMATION:

A. An alarm permit application shall be completed by the user and submitted to the police department alarm administrator prior to the operation of the system.

B. This permit application shall set forth the full name, address and telephone number of both the owner or lessee on whose premises the system will be installed, operated, connected, monitored or maintained, and the name of the person of licensed alarm system business installing, monitoring, maintaining or servicing the system. The permit application shall further contain the names, addresses and telephone numbers of three (3) individuals who may be contacted by peace officers responding to an alarm. The persons listed shall have authority to act for the alarm user in granting peace officers access to any portion of the premises concerned and shall be knowledgeable in the basic operation of the alarm system. The alarm permit shall contain such additional information as the chief of police shall reasonably deem necessary to properly identify and locate the user, the alarm business installing, servicing, monitoring or maintaining the alarm system, and the persons to be contacted in the event of the filing of an alarm report.

C. All alarm permit applications and permit information relating to specific alarm sites shall be private records as defined under Utah code section 63-2-302(2)(d), or its successor, and protected records under Utah Code section 63-2-304(10), or its successor, and shall be held in strict confidence by the city and not disclosed except as required under the Utah government records access and management act, Utah Code section 63-2-101 et seq., or their successors. (Ord. 64-00 § 1, 2000)

## 5.08.085: USER INSTRUCTIONS:

Every alarm business selling, leasing or furnishing to any user an alarm system which is installed on premises located in the area subject to this chapter shall furnish the user with written instructions and training that provide information to enable the user to operate the alarm system properly and avoid false alarms. Written operating instructions and the phone number of the monitoring station, shall be maintained at each alarm site. The alarm business shall notify the alarm user of the permit requirements and this alarm ordinance. (Ord. 64-00 § 1, 2000)

## 5.08.095: FALSE ALARMS:

A. Except for alarms at a wholesale or retail firearms business, intrusion alarm response shall be dispatched by the police department only after a private guard responder has confirmed that an attempted or actual crime has occurred at the alarm site.

B. A one hundred fifty dollar ($150.00) penalty per incident shall be charged to a central station or alarm company for each request for police response from a duress, panic or holdup alarm where no valid alarm user permit is provided to police dispatch by the central station. Police response to duress alarms shall be limited to alarms originating from a stationary building structure.

C. Any false information provided to the alarm administrator or to police dispatch by any alarm user, central station, alarm company, or private guard responder may be a crime under section 11.04.090 or 11.04.100 of this code and shall be dealt with accordingly.

D. Activation of a duress, panic, or holdup alarm which is determined to be false by the police department shall result in an assessment of a penalty of one hundred dollars ($100.00) for the first, one hundred fifty dollars ($150.00) for the second, two hundred fifty dollars ($250.00) for the third, three hundred fifty dollars ($350.00) for the fourth, and four hundred fifty dollars ($450.00) for the fifth, and each additional false alarm within each three hundred sixty five (365) day period. Each false intrusion alarm shall result in an assessment of a one hundred dollar ($100.00) penalty. The alarm user shall be responsible for false alarms caused by any person having authorized access to the premises from the alarm user.

E. All penalties assessed under this chapter shall be due and payable on the date written notice of any penalty due is issued. Any penalty, which is paid within thirty (30) days of the due date, shall be reduced by fifty dollars ($50.00). Any penalty, which is paid after thirty (30) days and within sixty (60) days of the due date, shall be reduced by twenty five dollars ($25.00). Any penalty paid after sixty (60) days from the due date shall not be reduced. If any penalty is not paid within ninety (90) days of the due date, the city may use such lawful means as are available to collect such penalties. In the event the city files an action in court to recover such penalties, the city shall be entitled to recovery of its costs and attorney fees in addition to the penalties due and owing.

F. The alarm administrator may implement a false alarm prevention course. The course shall inform alarm users of the problems created by false alarm dispatches and how users may operate an alarm system without generating false alarm dispatches. Users who complete the course shall be issued a certificate worth the dismissal of one false alarm penalty of up to one hundred dollars ($100.00). No permittee shall be entitled to take such course and receive a penalty waiver more than once per year. (Ord. 64-00

§ 1, 2000)

### 5.08.100: APARTMENT BUILDING ALARM SYSTEMS:

A. If an alarm system installed, or caused to be installed, by any tenant in an apartment building is monitored by an alarm business, the tenant shall provide to the alarm administrator the name of a representative of the apartment building owner or property manager who can grant access to the rental unit by police officers responding to an alarm dispatch. Such tenant shall obtain an alarm permit from the alarm administrator before operating or causing the operation of an alarm system in the tenant's rental unit.

B. A tenant who has contracted with an alarm business to monitor an alarm system at the tenant's alarm site shall be responsible for false alarm dispatches emitted from the alarm system at such alarm site. (Ord. 64-00 § 1, 2000)

### 5.08.105: INTERAGENCY COMMUNICATIONS:

All central stations or other answering services shall provide the police department's dispatch, at the time of filing the alarm report with the alarm user's permit number, with a toll free telephone number for contacting the central station dispatchers and for obtaining the information required under section 5.08.170 of this chapter, or its successor. (Ord. 64-00 § 1, 2000)

### 5.08.115: DELIBERATE FALSE ALARMS:

No person shall cause to be transmitted any intrusion or physical duress alarm knowing the same to be false or without basis in fact. Central stations shall not request law enforcement officers to respond to alarm scenes when monitoring equipment indicates an alarm system malfunction signal. (Ord. 64-00 § 1, 2000)

### 5.08.160: LOCAL ALARM SYSTEM; CUTOFF REQUIRED WHEN:

(Rep. by Ord. 64-00 § 1, 2000)

### 5.08.170: POLICE CALL RECORDS:

Alarm businesses who request police response to alarm signals shall maintain a record of all police calls, stating the time, date and location of the alarm and the name, address and phone number of the alarm user. The records shall indicate the cause of the alarm, if known. This record shall be current and shall be made available to the chief of police or the chief's designated representative at any time during normal business hours. (Ord. 64-00 § 1, 2000)

## 5.08.180: ADMINISTRATION AND ENFORCEMENT:

A. The provisions of this chapter shall be administered and enforced by the chief of police. The chief of police, or his or her authorized representative, which may be the chief building inspector, is authorized to make inspections of burglar, robbery and other emergency alarm systems and of the premises wherein said devices or systems are located. Such individual shall have authority at reasonable times and upon oral notice to enter upon any premises within the city to undertake such inspections and to determine whether such systems are being used in conformity with the provisions of this chapter.

B. Subject to the approval of the mayor, the chief of police, or his or her authorized representative, shall have power to make such reasonable rules and regulations as may, in the discretion of the chief of police, be deemed necessary to implement the provisions of this chapter. (Ord. 64-00 § 1, 2000)

## 5.08.190: OPERATIONAL DEFECTS TO BE REMEDIED:

A. Annual Inspection: All alarm users shall have the user's alarm system inspected by an alarm business annually.

B. Backup Power Supply: All alarm systems shall have a sufficient backup power supply that will become effective in the event of power failure or outage in the source of electricity from the utility company. Said power supply shall last a minimum of three (3) hours.

C. One Plus Duress Alarms: After September 1, 2000, no alarm business shall program alarm systems so they are capable of sending one plus duress alarms. Alarm businesses may continue to report one plus duress alarms received from alarm systems programmed with this feature prior to September 1, 2000. However, after September 1, 2000, when performing a takeover or conversion, an alarm business shall remove the one plus duress alarm capability from the alarm system being taken over or converted. Violation of this section shall result in a civil penalty of one hundred fifty dollars ($150.00) per incident.

D. Duress Alarm Activating Device: After September 1, 2000, alarm companies shall not install a device for activating a duress alarm, which has a single action, nonrecessed button. Violation of this section shall cause a civil penalty of one hundred fifty dollars ($150.00) per incident.

E. Prevention Of False Alarms: It is the responsibility of the alarm business and technician to prevent false alarms during installation, system repairs, or system service. Proper notification shall be made to the monitoring company that the system is in a test mode to avoid dispatching of law enforcement. Violation of this section shall result in a civil penalty of one hundred fifty dollars ($150.00) per incident against the company employing the technician.

F. Vision; Obscuring Device: It is unlawful for any person to install or use an alarm system or device that emits or produces real or simulated smoke, fog, vapor or any like substance that obscures vision. Use of this device shall result in no police response. (Ord. 64-00 § 1, 2000)

## 5.08.200: AUTOMATIC DIALING AND PRERECORDED MESSAGE ALARM SYSTEMS UNLAWFUL:

It is unlawful to maintain, operate, connect, or allow to be maintained, operated or connected, any automatic dialing device which automatically dials the police department and then relays any prerecorded message to report any robbery, burglary or other emergency. (Ord. 64-00 § 1, 2000)

## 5.08.210: CITY LIABILITY LIMITATIONS:

The city shall not be liable for any defects in operation of intrusion or duress alarm systems, for any failure or neglect to respond appropriately upon the receipt of an alarm nor for the failure or neglect of any person registered or issued a permit pursuant to this chapter in connection with the installation, operation or maintenance of the equipment necessary to or incident to the operation of such system. In the event the city finds it necessary to order the system disconnected, the city shall inure no liability for such action. (Ord. 64-00 § 1, 2000)

## 5.08.220: VIOLATION; PENALTY:

A. Notwithstanding any other provision in this chapter, failure of any person to comply with the requirements of this chapter shall constitute a misdemeanor and shall be punishable by law, as set forth in section 1.12.050 of this code, or its successor section. (Ord. 64-00 § 1, 2000)

## 5.08.230: APPEAL PROCEDURES:

A. The mayor shall appoint such hearing officers as he or she deems appropriate to consider matters relating to violations of this chapter.

B. Any alarm user shall have ten (10) business days from the date of the city's written notice of a penalty assessment under this chapter to request in writing an appeal hearing before such hearing officer. The filing of an appeal with the alarm administrator shall stay the assessment of additional penalties for that violation until the hearing officer makes a final decision. The burden to prove any matter shall be upon the person raising such matter. It shall not be a defense to any penalty assessment that: 1) the false alarms were the result of faulty or malfunctioning equipment; 2) the false alarms were caused by electrical surges; or 3) the false alarms were caused by the fault of another person during noncriminal incidents. The hearing officer shall render a decision within ten (10) days after the appeal hearing is concluded. Following issuance of such decision, additional penalty assessments shall accrue until paid, as provided in this chapter.

C. If the hearing officer finds that no violation of this chapter occurred, or that a violation occurred but one or more of the defenses set forth in this section is applicable, the hearing officer may dismiss the penalty and release the alarm user from liability thereunder, or may reduce the penalty associated therewith as he or she shall determine. Such defenses are:

1. The false alarm for which the penalty has been assessed did not originate at the premises of the alarm user who has been assessed the fee;

2. The alarm for which the penalty has been assessed was, in fact, not false, but was rather the result of an actual or attempted burglary, robbery or other emergency;

3. The police dispatch office was notified by the permit holder or the alarm company that the alarm was false prior to the arrival of a peace officer to the subject premises in response to the false alarm; or

4. Such other mitigating circumstances as may be approved by the city law department.

D. If the hearing officer finds that a false alarm did occur and no applicable defense exists, the alarm administrator 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 fees and penalties. (Ord. 64-00 § 1, 2000)

# CHAPTER 5.09
# FIRE ALARMS

## 5.09.010: PURPOSE:

A. The purpose of this chapter is to require owners to properly use and maintain the operational effectiveness of fire alarm systems in order to improve their reliability and eliminate or reduce false fire alarms and nuisance fire alarms. The requirements of this chapter shall be in addition to, and not in place of, any requirements imposed by the international fire code as adopted by the city.

B. This chapter governs fire or fire suppression alarm systems designed to summon the Salt Lake City fire department, assessment of fees for excessive false and nuisance alarms, establishment of fire watch for repetitive violation or other authorized reasons, severability of the parts hereof if declared invalid, and provides an effective date. (Ord. 46-11, 2011)

## 5.09.020: DEFINITIONS:

As used in this chapter, the following words and terms shall have the following meanings:

ADOPTED CODES: Codes adopted by Salt Lake City pursuant to section 18.44.010 of this code.

ENFORCEMENT OFFICIAL: The fire chief or his or her designated representative.

FALSE FIRE ALARM: The activation of any monitored fire alarm, monitored suppression alarm, or other fire department notification system which results in a response by the fire department and which is caused by the negligence or intentional misuse of the system by the owner or occupants, employees, or agents thereof, or any other activation of a system not caused by heat, smoke, fire, or water flow.

FEE: The assessment of a monetary charge payable to the Salt Lake City treasurer to defray the expense of responding to a false fire alarm or nuisance fire alarm.

FIRE ALARM SYSTEM: A system or portion of a combination system consisting of components and circuits arranged to monitor and/or annunciate the status of a fire alarm, suppression system activation, or signal initiating devices that initiate a response.

FIRE DEPARTMENT: The Salt Lake City fire department.

FIRE WATCH: An enforcement official approved person or persons assigned to the premises for the purpose of protecting the structure or occupants from an emergency situation. Fire watch may involve some special actions beyond normal staffing. These special actions may include persons trained in fire prevention and detection, use of extinguishing systems, and activation of fire alarms.

NUISANCE FIRE ALARM: The activation of any monitored fire alarm, monitored suppression alarm, or other fire department notification system, which results in a response by the fire department, caused by mechanical failure, lack of proper maintenance, malfunction, improper installation, or any other response for which emergency officials cannot determine the cause of the alarm.

OWNER: Any person who owns the premises in which a fire alarm system is installed. In the event such premises are leased to a third party, "owner" shall mean both the owner of the property and the tenant in possession of the premises, and any responsibilities for the alarm system and fees assessed hereunder shall be joint and several for both owner and tenant.

PREMISES: Any building, structure, or combination of building and structures, wherein a fire alarm system is installed. For the purposes of this chapter, the definition of premises shall not include single-family or two-family residential buildings.

SERVE: Delivery via certified U.S. mail, return receipt requested, to both the address of the premises and to the address of the record owner of the premises if different than the address of the premises and available to the enforcement official. (Ord. 46-11, 2011)

## 5.09.030: MAINTENANCE, TESTING, AND INSPECTION:

A. The owner shall ensure that all fire alarm systems under his or her control are periodically maintained as dictated by the manufacturer's specifications and adopted codes.

B. The owner shall ensure that all fire alarm systems are tested and inspected at least once per year, in accordance with adopted codes. (Ord. 46-11, 2011)

## 5.09.040: FIRE ALARM ACTIVATION AND RESPONSE:

A. The owner of the premises shall be responsible for all activations of a fire alarm system thereon.

B. A response to the activation of a fire alarm system shall result when any officer or member of the fire department is dispatched to the premises where the fire alarm system has been activated. (Ord. 46-11, 2011)

## 5.09.050: INTENTIONAL FALSE ALARM:

It shall be unlawful for any person to, knowingly or intentionally, turn in or report to the fire department a false report of a fire, activate a false fire alarm, or tamper with or remove any part of a fire alarm system. (Ord. 46-11, 2011)

## 5.09.060: NOTICE AND SERVICE FEES FOR REPEATED FALSE ALARMS; LATE FEES:

A. Upon the first and second fire alarm activations in any three hundred sixty five (365) day period, deemed by the enforcement official to be nuisance or false fire alarms, the enforcement official shall serve notice to the owner of the premises where the fire alarm system has been activated notifying the owner of the false or nuisance fire alarm activation, directing the owner to rectify the cause of the false or nuisance fire alarm, and providing a warning that subsequent alarms may result in the assessment of fees pursuant to this chapter.

B. Additional fire alarm activations within any three hundred sixty five (365) day period, deemed by the enforcement official to be nuisance or false fire alarms, shall result in the assessment of fees against the owner in the amounts stated in the Salt Lake City consolidated fee schedule. The amounts provided in the schedule may be updated annually to reflect the estimated cost of a response.

C. Should any fee assessed pursuant to this chapter remain unpaid in excess of sixty (60) days from the date the fee is billed, a late payment penalty shall be imposed equal to ten percent (10%) of the amount due. In addition, for each calendar month beyond the due date that a payment is late, compound interest of two percent (2%) will accrue monthly until the fee, plus penalties and interest, are paid in full. (Ord. 46-11, 2011)

## 5.09.070: DISCONNECTION OF FIRE ALARM SYSTEM; FIRE WATCH; REACTIVATION:

A. At the discretion of the enforcement official and in the event that a premises is habitually responsible for false or nuisance alarms, a written order to disconnect may be served upon the owner specifying the date on which the owner shall be required to disconnect or deactivate the fire alarm system. This notice may also be served in person. This date shall be at least fifteen (15) days after the notice is mailed to the owner.

B. Each building affected by the disconnection or deactivation of the fire alarm system shall be required to establish a fire watch that meets the requirements of the enforcement official until the fire alarm system has been returned to service. The enforcement official, in his or her discretion, may order a fire watch pursuant to section 5.09.090 of this chapter.

C. The enforcement official shall have the authority to temporarily suspend the occupancy certificate of the premises until all outstanding repairs are made on the fire alarm system or if the fire watch is not maintained to the satisfaction of the enforcement official.

D. A fire alarm system may be reactivated or reconnected upon a finding by the enforcement official that the owner of the premises has taken necessary corrective action to remedy the cause of the false fire alarms or nuisance fire alarms at the premises. The owner shall have the burden of showing what corrective action has been taken upon making a request for reactivation.

E. The owner shall be responsible for any inspection and/or testing fees incurred in determining whether the fire alarm system is ready for reactivation. The enforcement official shall not approve an order of reactivation or reconnection if the owner has failed to pay any fees imposed pursuant to this chapter or otherwise. (Ord. 46-11, 2011)

## 5.09.080: APPEALS:

A. An owner may appeal the assessment of fees to the enforcement official. An appeal fee (see the Salt Lake City consolidated fee schedule) must accompany the appeal. Appeal fees will be returned to the owner if the appeal is upheld. The filing of an appeal with the enforcement official stays the assessment of the fee until the enforcement official makes a final decision. The owner shall file a written appeal to the enforcement official by setting forth the reasons for the appeal within fifteen (15) days after notice is mailed.

B. An owner to whom a notice to disconnect or deactivate a fire alarm system was mailed, pursuant to subsection 5.09.070A of this chapter, shall be entitled to appeal the order to the enforcement official. An appeal fee (see the Salt Lake City consolidated fee schedule) must accompany the appeal. Appeal fees will be returned to the owner if the appeal is upheld. An appeal must be made in writing stating the reason why the order to disconnect or deactivate should be withdrawn. The appeal shall be made within fifteen (15) days after notice to disconnect is mailed to the owner. The enforcement official or his or her designee shall review the facts and circumstances and shall determine whether the owner has shown good cause why the order should be withdrawn. If the enforcement official affirms the order to disconnect or deactivate a fire alarm system, the owner shall have fifteen (15) days after the written decision is served upon the owner to comply with the order. The appeal of an order to disconnect or deactivate shall suspend the effective date of the order until the appeal has been acted upon by the enforcement official. (Ord. 46-11, 2011)

## 5.09.090: FIRE WATCH:

A. In the event that the enforcement official orders a fire watch instituted as a result of a fire alarm system being disconnected as provided for in this chapter, or for any other reason authorized by the adopted codes, such fire watch may be at the following levels or may provide specific fire watch requirements at the discretion of the enforcement official:

1. Level I: Continuous monitoring of affected area for signs of smoke or fire for the sole purpose of notifying the fire department (dialing 911). This may be effectively carried out through one or more approved employees of the building owner, security guards, or fire department personnel.

2. Level II: Continuous monitoring of affected area for signs of smoke or fire for the purpose of notifying the fire department and assisting with evacuation. This may be effectively carried out through one or more approved employees of the building owner, security guards, or fire department personnel. These individuals must be familiar with the exiting systems, fire protection systems, and evacuation plan relative to the affected area.

3. Level III: Continuous monitoring of affected area for signs of smoke or fire for the purpose of notifying the fire department, assisting with evacuation, and fire extinguishment/hazard mitigation. One or more fire department personnel will be required. An emergency action plan may also be required.

B. The owner of the premises is responsible for paying all costs associated with establishing a fire watch. (Ord. 46-11, 2011)

## 5.09.100: GOVERNMENT IMMUNITY:

Inspection of fire alarm systems, establishment of fire watches, or any other action provided for in this chapter is not intended to, nor will it, create a contract, duty, or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification or take any other action as provided for herein is hereby disclaimed and governmental immunity as provided by law is retained. Salt Lake City, its officers, employees, and agents, shall not assume any duty or responsibility for the installation, operation, repair, effectiveness, or maintenance of any privately owned fire alarm system or the maintenance of a fire watch, those duties or

responsibilities belong solely to the owner of the premises. (Ord. 46-11, 2011)

# CHAPTER 5.10
# AMBULANCES

(Rep. by Ord. 37-99 § 1, 1999)

# CHAPTER 5.12
# AUTOMATIC AMUSEMENT DEVICES

## 5.12.010: DEFINITIONS:

For the purpose of this chapter, the following words shall have the meanings defined herein:

AUTOMATIC AMUSEMENT DEVICE OR DEVICE: A. Any machine, apparatus or device which, upon the insertion of a coin, token or similar object operates or may be operated as a game or contest of skill or amusement and for the play of which a fee is charged; or

B. A device similar to any such machine, apparatus or device which has been manufactured, altered or modified so that operation is controlled without the insertion of a coin, token or similar object. The term does not include coin operated televisions, phonographs, ride machines designed primarily for the amusement of children, or vending machines which do not incorporate features of gambling or skill.

PROPRIETOR: Any person who, as the owner, lessee or proprietor, has under that person's control any establishment, place or premises in or upon which one or more automatic amusement devices are available for use by the public. (Ord. 37-99 § 3, 1999: prior code § 20-8-1)

## 5.12.020: LICENSE; REQUIRED; FEES:

(Rep. by Ord. 37-99 § 1, 1999)

## 5.12.030: LICENSE; APPLICATION:

An application for a license under this chapter shall be filed in writing with the city license supervisor on a form to be provided by the city which shall include:

A. The name and address of the applicant and, if a firm, corporation, partnership, association or club, the principal officers thereof and their addresses;

B. The address of the premises where the licensed device or devices are to be operated, together with the character of the business as carried on at such place; and

C. The general description of the device or devices to be licensed and the number of devices to be licensed. (Ord. 37-99 § 3, 1999: prior code § 20-8-7)

### 5.12.050: PROPRIETOR'S LICENSE FEE:

The license fee for each proprietor shall be shown on the Salt Lake City consolidated fee schedule, for each automatic amusement device used or played or exhibited for use or play. In the event any proprietor shall engage in business at more than one location, the maximum fee provided herein shall apply to each location. (Ord. 24-11, 2011)

### 5.12.060: NUMBER OF DEVICES; SHOWN ON LICENSE:

Each proprietor's license shall show on its face the number of devices to be used, played or exhibited thereunder, and if the number of devices actually used, played or exhibited exceeds the number shown on the face of the license, the license may be revoked immediately by the mayor or the mayor's designated representative in addition to any other action that may be taken. (Prior code § 20-8-5)

### 5.12.070: INCREASING THE NUMBER OF DEVICES:

In case of a proprietor licensed under the provisions of this chapter who desires, after the expiration of any portion of any license year, to increase the number of devices to be used for play or exhibited for use or play in his or her establishment, the proprietor shall surrender his or her license to the city license supervisor, who shall, upon payment of the proper additional license fee therefor, issue a new license showing the number of devices licensed thereunder. (Prior code § 20-8-8)

### 5.12.080: LICENSE; DELINQUENT PAYMENT; PENALTY:

Prior to any proprietor engaging in a new business, or a proprietor adding a new location or adding any devices which require a license fee to an existing location, the license fee shall be paid. For any license fee not so paid a penalty shall be assessed pursuant to the provisions of subsection 5.04.114B of this title, or its successor, which penalty shall become part of the license fee imposed by this chapter. (Ord. 37-99 § 3, 1999: Ord. 88-97 § 1, 1997: Ord. 5-94 § 12, 1994: prior code § 20-8-6)

### 5.12.090: LICENSE; REVOCATION CONDITIONS:

(Rep. by Ord. 37-99 § 1, 1999)

### 5.12.100: NAME OF OWNER SHOWN ON DEVICES:

It is unlawful for any person to place any amusement devices in a location available to the public without attaching thereto in a conspicuous place the name and address of the proprietor. (Prior code § 20-8-13)

### 5.12.110: PERSONAL SUPERVISION REQUIRED:

No proprietor shall allow any person to play or operate any automatic amusement device unless the establishment, place or premises where such device is located shall be under the personal supervision of the proprietor, or an employee or agent of the proprietor. (Prior code § 20-8-11)

### 5.12.120: PROHIBITED LOCATIONS FOR BUSINESS:

(Rep. by Ord. 37-99 § 1, 1999)

### 5.12.130: GAMBLING PROHIBITED:

No proprietor, or any employee of any proprietor, shall permit, allow or condone any gambling, gaming, wagering or betting in any form in connection with the operation or play of any automatic amusement device. (Prior code § 20-8-10)

# CHAPTER 5.14
# RENTAL DWELLINGS

### 5.14.010: DEFINITIONS:

For the purpose of administering and enforcing the provisions of this chapter the following definitions shall apply:

DWELLING: A building or portion thereof used or designated for residential occupancy and which includes kitchen and bathroom facilities. The term "dwelling" includes fraternity, sorority, rooming, and boarding houses, but excludes hotels, motels, bed and breakfast establishments, and apartment hotels.

RENTAL DWELLING: A building or portion of a building that is:

A. Used or designated for use as a dwelling by one or more persons; and

B. 1. Available to be rented, loaned, leased, or hired out for a period of one month or longer; or

2. Arranged, designed, or built to be rented, loaned, leased, or hired out for a period of one month or longer. (Ord. 37-11, 2011)

## 5.14.020: LICENSE; REQUIRED FOR RENTAL DWELLINGS:

A. Rental Dwellings: It is unlawful for any person, as owner, lessee, or agent thereof to keep, conduct, operate, or maintain any rental dwelling within the limits of Salt Lake City, or cause or permit the same to be done, unless such person holds a current, unrevoked business license for such dwelling.

B. Business License; Inspection Permit:

1. An owner of a building or buildings containing one or more rental dwellings is required to obtain only one business license for the operation and maintenance of all of such dwellings as provided in subsection 5.04.070F of this title.

2. The city may not impose a disproportionate fee on any residential unit within a single structure if:

a. The structure contains no more than four (4) residential units; and

b. The owner of the structure occupies one of the units.

3. In addition to a business license, an inspection permit shall be required for each building containing three (3) or more rental dwellings, regardless of whether it is part of a complex located upon the same parcel or upon separate parcels of property owned by the same property owner. Licenses and permits shall be issued as provided in section 5.02.120 of this title or its successor.

C. Transfer Of Licensed Premises: A rental dwelling business license is not transferable between persons or structures, and persons holding such licenses shall give notice in writing within forty eight (48) hours to the license office after having transferred or otherwise disposed of the legal or equitable control of any premises licensed under these provisions. Such notice of transferred interest shall be deemed a request to transfer the business license, and shall include the name, address, and information regarding persons succeeding to the ownership or control of the premises as required under section 5.14.030 of this chapter, or its successor. (Ord. 49-12, 2012)

## 5.14.030: LICENSE; APPLICATION:

An application for a rental dwelling business license shall be made to the license office of the city, and shall include the following information:

A. The location and address of the rental dwelling(s);

B. The number, within each rental dwelling, of:

1. Dwelling units, or

2. Lodging or sleeping rooms, if the dwelling is a fraternity, sorority, boarding, or rooming house;

C. The name, address, telephone number, and e-mail (if available) of each of the following:

1. The applicant,

2. The owner of the fee title interest,

3. The owner of any equitable interest,

4. The local operating agent,

5. The resident manager, if any, and

6. For each corporate and out of state resident rental dwelling owner, the designation of a legal representative and agent for service of process as provided in section 5.14.050 of this chapter;

D. A certification by the owner, or owner's agent, that to the best of such person's knowledge or belief, the premises comply with ordinance requirements shown on a checklist provided by the city as part of a rental dwelling license application; and

E. The signature of the owner of the premises, or the owner's agent, agreeing to comply with applicable ordinances and to authorize inspections as provided in this chapter. (Ord. 49-12, 2012)

## 5.14.040: LICENSE; FEES:

The license fee for a rental dwelling business license shall be as shown on the Salt Lake City consolidated fee schedule, including any applicable disproportionate fee for each rental dwelling per annum or any portion thereof as provided therein. (Ord. 37-11, 2011)

## 5.14.050: LICENSE; ISSUANCE RESTRICTIONS:

A. No business license shall be issued or renewed for a city nonresident applicant unless such applicant formally designates in writing with a power of attorney in the name of the applicant's resident agent for receipt of service for notice of violation of the provisions of this chapter or any other applicable ordinances, and for service of process pursuant to this chapter, acknowledged by said agent.

B. No business license shall be issued or renewed for a rental dwelling unless the owner, or the owner's agent, agrees as a condition precedent, by signing the license application, to such initial inspections or inspections for cause as the city may require pursuant to section 5.14.060 et seq., of this chapter, or its successor, to determine whether the rental dwelling is in compliance with applicable requirements. The failure of the owner, or the owner's agent, to consent to such inspections shall be grounds for the denial and/or revocation of the renewal of a regulatory license. (Ord. 49-12, 2012)

## 5.14.060: INVESTIGATION; BY CITY:

An original application for a rental dwelling business license shall be referred for approval to the departments listed in sections 5.14.070 and 5.14.080 of this chapter, or their successors. The directors of such departments, or their designees, shall determine, based on the self-certification provided by an applicant under subsection 5.14.030D of this chapter and any other relevant information, if an inspection is needed to determine whether or not applicable laws, ordinances, and regulations pertaining to life/fire safety, fire protection and prevention, and applicable codes have been and are being complied with. (Ord. 49-12, 2012)

## 5.14.070: INVESTIGATION; BY FIRE DEPARTMENT:

An original application for a license for a rental dwelling with three (3) or more dwelling units, shall be referred to the fire department for investigation as to whether or not applicable laws, ordinances, and regulations pertaining to life/fire safety and fire protection and prevention have been and are being complied with. Within a reasonable time, the fire department shall report to the license office as to the fitness of the applicant regarding compliance with said laws. After a license has been granted, the fire department shall inspect the licensed premises should the city subsequently have cause to believe that the licensed premises no longer comply with the pertinent codes or that any fire related law or ordinance has been violated. Upon confirming that such is the case, the fire department shall report that fact to the license office, at which time such office will inform the mayor and take action in regards to the revocation of the license as the mayor deems just and proper in light of the facts of the case and applicable provisions of this chapter. (Ord. 49-12, 2012)

## 5.14.080: INVESTIGATION; BY BUILDING SERVICES AND ZONING ENFORCEMENT DIVISION:

An original application for a license for a rental dwelling with three (3) or more dwelling units, shall be referred to the building services and zoning enforcement division for investigation as to whether or not the applicable requirements of the existing residential housing ordinance, international building code, and uniform code for abatement of dangerous buildings, as adopted and amended in title 18 of this code, or its successor, are being complied with. Within a reasonable time, the building services and zoning enforcement division shall report to the license office the fitness of the applicant regarding compliance with said ordinances and regulations. Should the city subsequently have cause to believe that the premises no longer comply with the aforementioned codes or that any corresponding law or ordinance of the city is being violated, the building services and zoning enforcement division shall perform an inspection of the licensed premises. If the licensed premises are not in compliance with the pertinent codes, ordinances, and laws, then the building services and zoning enforcement division shall report such noncompliance to the license office, at which time the license office shall inform the mayor and take action regarding the revocation of said license as the mayor deems just and proper in light of the facts of the case and applicable provisions of this chapter. (Ord. 49-12, 2012)

## 5.14.085: LIMITATION ON REINSPECTIONS:

If the city inspects a rental dwelling and thereafter approves a rental dwelling business license, the city may not subsequently inspect that rental dwelling unless reasonable cause exists to believe that a condition in the rental dwelling is in violation of an applicable law or ordinance. (Ord. 49-12, 2012)

## 5.14.090: ISSUANCE OF LICENSE:

The mayor, after receiving recommendations from the fire department and the building services and zoning enforcement division, shall act upon a rental dwelling license application with respect to granting or denying the same, as provided under chapter 5.02 of this title. (Ord. 49-12, 2012)

## 5.14.100: EFFECT OF LICENSE ISSUANCE:

The issuance of a rental dwelling business license shall not have the effect of changing the legal status of a rental dwelling, including, but not limited to:

A. Legalizing an illegally created rental dwelling or other circumstance, or

B. Recognizing the existence of a legal nonconforming use, noncomplying structure, or other nonconformity. (Ord. 74-09, 2009)

## 5.14.110: TENANT APPLICATION FEES:

(Rep. by Ord. 37-11, 2011)

## 5.14.115: ADOPTION OF RULES AND REGULATIONS:

The license officer may adopt rules and regulations, approved by the mayor, to implement the provisions of this chapter. Such rules and regulations shall not conflict with this chapter or other law. (Ord. 37-11, 2011)

## 5.14.120: ENFORCEMENT; VIOLATION; PENALTY:

A. The provisions of this chapter may be enforced pursuant to applicable provisions of title 18, chapter 18.50 of this code.

B. Notwithstanding any other provision in this chapter, any person or party who violates any provision of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof may be punishable as set out in section 1.12.050 of this code, or its successor. (Ord. 74-09, 2009)

# CHAPTER 5.15
# LANDLORD/TENANT INITIATIVE

## 5.15.010: ESTABLISHMENT OF LANDLORD/TENANT INITIATIVE PROGRAM:

A. Purpose And Intent: The city council finds:

1. A significant portion of the city's housing stock consists of rental dwellings;

2. Proper management of rental dwelling housing is important to the health, safety, and welfare of persons residing in such housing as well as to city residents generally; and

3. A rental dwelling owner, or the owner's agent, who manages the owner's rental dwellings in accordance with applicable provisions of this chapter, thereby reducing demand for city services to such dwellings, shall receive a reduction in the disproportionate rental fee payable under section 5.04.070 of this title.

B. Establishment Of Landlord/Tenant Initiative Program: There is hereby established a voluntary incentive program, to be known as the landlord/tenant initiative (sometimes also referred to as a "good landlord program") wherein disproportionate rental fees payable under section 5.04.070 of this title will be reduced for any owner of a rental dwelling who meets the requirements of this chapter.

1. All applicants for a rental dwelling license shall be informed of the availability of the program.

2. The costs that constitute disproportionate costs and the amounts that are reasonably related to the costs of services provided by the city shall be as set forth in a disproportionate costs study adopted by the city council by ordinance. (Ord. 49-12, 2012)

## 5.15.015: DEFINITIONS:

For the purpose of administering and enforcing the provisions of this chapter the following definitions shall apply:

DISPROPORTIONATE RENTAL FEE: A fee adopted by the city to recover its disproportionate costs of providing municipal services to residential rental units compared to similarly situated owner occupied housing.

DISPROPORTIONATE RENTAL FEE REDUCTION: A reduction of a disproportionate rental fee as a condition of complying with the requirements of the city's landlord/tenant

initiative program.

EXEMPT LANDLORD: A residential landlord who demonstrates to the city:

A. Timely completion of any live good landlord training program provided by any other Utah city that offers a program similar to the city's landlord/tenant initiative program; or

B. That the landlord has a current professional designation of "property manager". (Ord. 49-12, 2012)

## 5.15.020: PROGRAM ADMISSION REQUIREMENTS:

A. Application: An owner of a rental dwelling who meets the requirements set forth in this section may apply for admission to the landlord/tenant initiative program and, if admitted, shall receive a disproportionate rental fee reduction as shown on the Salt Lake City consolidated fee schedule.

B. Admission Requirements: The following requirements shall apply to the rental dwelling owner or agent of the owner responsible for day to day management of the owner's rental dwellings. In order to be admitted to the program, the owner or the owner's agent shall:

1. Complete an application which provides rental dwelling owner and management information deemed necessary by the mayor to meet the requirements of this chapter;

2. Complete a four (4) hour training program having the content provided in section 5.15.040 of this chapter unless the owner or owner's agent is an "exempt landlord" as defined in section 5.15.015 of this chapter;

3. Complete a similar four (4) hour training program every three (3) years after completion of the initial four (4) hour program unless the owner or owner's agent is an "exempt landlord" as defined in section 5.15.015 of this chapter; and

4. Execute a written agreement with the city regarding the management of the owner's rental dwellings as provided in section 5.15.030 of this chapter. (Ord. 49-12, 2012)

## 5.15.030: CONTENT OF RENTAL DWELLING MANAGEMENT AGREEMENT:

A. Agreement Provisions: A rental dwelling management agreement referred to in section 5.15.020 of this chapter shall include provisions that:

1. Specify measures, approved by the mayor, to be taken at the rental dwelling premises intended to reduce crime;

2. Require compliance with city and other code provisions applicable to the premises, including, but not limited to, building, fire, mechanical, and plumbing codes; snow removal; weed control; and noise;

3. Require nondiscrimination and fair housing as provided in local, state, and federal law;

4. Prohibit retaliation against any tenant as the result of reporting violations of a lease agreement, rental dwelling management agreement, or this code;

5. Require the rental dwelling owner to track annually occupancy denials and evictions, and provide a record thereof to the city on request;

6. Require the rental dwelling owner, or owner's agent, to:

a. Provide the owner's tenants with a telephone number and/or e-mail address which tenants may use to contact the owner, or the owner's agent, regarding any tenant question or concern, and

b. Meet in person with the owner's tenants at least once annually to discuss any tenant questions or concerns.

7. Encourage, but not require, tenant background and credit checks; and

8. Require the rental dwelling owner to be excluded from the landlord/tenant initiative program upon noncompliance with the provisions of this chapter or the rental dwelling management agreement.

B. Compliance: A rental dwelling owner shall be considered in compliance with this section if a violation is corrected in the time required under any notice of violation issued by the city. (Ord. 49-12, 2012)

## 5.15.040: CONTENT OF TRAINING PROGRAM; TRAINERS:

A. Content: The training program required under section 5.15.020 of this chapter shall advise rental dwelling owners about steps that may be taken to reduce crime, including, but not limited to, actions recommended by the International Crime-Free Association and the crime prevention through environmental design program. The program also may provide training regarding best management practices, fair housing law, applicable city ordinance requirements, and any other subject deemed appropriate by the mayor which is consistent with the purpose of this chapter.

B. Trainers: The training program required under section 5.15.020 of this chapter may, as determined by the mayor, be taught by city personnel or by other persons or entities with expertise in the subject matter required under subsection A of this section. A person who completes a training program which includes some or all of the content required under subsection A of this section may, as approved by the mayor, receive credit for the training required under section 5.15.020 of this chapter. (Ord. 74-09, 2009)

## 5.15.050: COMPLETION OF TRAINING PROGRAM:

A. First Time Applicants: Unless an exempt landlord under section 5.15.015 of this chapter, a first time applicant to the landlord/tenant initiative program shall complete required training within six (6) months after the owner's rental dwelling license is approved. Failure by the rental dwelling owner, or the owner's agent, to timely complete the program shall be grounds for disqualifying the owner from participating in the program.

B. License Renewal Applicants: A rental dwelling owner who renewed the owner's business license for calendar year 2011 is automatically eligible for admission into the landlord/tenant initiative program for 2012 upon completion of aforementioned applications and training within six (6) months after renewal. A rental dwelling owner who needs to obtain a business license shall, upon application, be allowed to pay the discounted disproportionate cost fee but shall complete the obligations of the program within six (6) months or shall pay the remaining rental dwelling disproportionate cost fee.

C. New Rental Properties: A rental dwelling owner who acquires one or more new rental properties or misses an admission deadline as described herein may request a review for admission by the license office. The license office shall review all such requests and make a determination of admission within thirty (30) days after a review request is received. (Ord. 49-12, 2012)

## 5.15.060: CONTINUING COMPLIANCE REQUIRED:

The disproportionate rental fee reduction authorized under this chapter is conditioned upon the rental dwelling owner's compliance with the requirements of the landlord/tenant initiative program during the term of the licensing year for which the reduction is granted. No disproportionate rental fee reduction shall be given to any owner of a rental dwelling unless the city finds the requirements of this chapter have been met. (Ord. 49-12, 2012)

## 5.15.070: DISQUALIFICATION:

A. License Office Duties: If the license office receives evidence that a rental dwelling owner or the owner's agents have violated the provisions of this chapter or the owner's rental dwelling management agreement with the city, the license supervisor shall:

1. By certified mail, notify the rental dwelling license holder of the violation and the basis for such action; and

2. Assess the rental dwelling license holder for any disproportionate rental fees reduced under this chapter for the currently applicable license period.

B. Appeal: A rental dwelling owner or agent who receives a notification and assessment as provided in subsection A of this section may appeal such action to the mayor as provided in chapter 5.02 of this title.

C. Finding Of Noncompliance: If it is determined that a rental dwelling owner, or any of the owners' rental dwelling units, have not complied with the requirements of the landlord/tenant initiative program during any portion of the licensing period for which a reduction was provided, the owner, together with all of the owner's rental dwelling units, shall be disqualified from the program, and the disproportionate rental fee reduction shall be disallowed for the entirety of the term of such license. The rental dwelling owner shall pay the full disproportionate rental fee for every rental dwelling unit listed on the owner's license application for that year.

D. Readmission: After disqualification, the rental dwelling owner may qualify for readmission to the landlord/tenant initiative program in the next licensing year only if the owner has corrected the problems leading to disqualification and has paid all amounts due in the prior year. (Ord. 49-12, 2012)

## 5.15.080: ADOPTION OF RULES AND REGULATIONS:

The license officer may adopt rules and regulations, approved by the mayor, to implement the provisions of this chapter. Such rules and regulations shall not conflict with this chapter or other law. (Ord. 37-11, 2011)

# CHAPTER 5.16
# AUCTIONS AND AUCTIONEERS

## 5.16.010: DEFINITIONS:

For the purpose of this chapter, the following words shall have the meanings as defined in this section:

AUCTION HOUSE: A permanent place of business where auctions are conducted and personal property sold at auction.

AUCTIONEER: Any person who conducts a public, competitive sale of property by outcry to the highest bidder.

TRANSIENT AUCTION HOUSE: Any place, whether indoors or outdoors, located within the city, where any goods, wares, merchandise or articles of value are offered for sale at auction and which is neither the permanent place of business for auction sales nor a permanent business which has an auction sale to dispose of its inventory, furnishings and business equipment as it goes out of business. (Prior code § 20-5-2)

## 5.16.020: COMPLIANCE WITH CHAPTER PROVISIONS:

No personal property (goods, wares or merchandise) shall be sold at auction in the city, except in compliance with the provisions of this chapter. (Prior code § 20-5-3)

## 5.16.030: APPLICABILITY; EXEMPTIONS:

The provisions of this chapter shall not be applicable to:

A. Auction sales conducted by trustees or referees in bankruptcy, executors, administrators, receivers or other public officers acting under judicial process; nor

B. The sale of real property at auction; nor

C. Any auction held for charitable or benevolent purposes or for any church, fair, festival or bazaar; nor

D. An auction wherein the general public is not invited nor permitted to participate as bidders, and where the bidding is restricted to wholesalers or retailers purchasing for resale. (Prior code § 20-5-1)

## 5.16.040: AUCTIONEER'S LICENSE; REQUIRED:

It is unlawful to sell or cause or permit to be sold at auction any personal property (goods, wares or merchandise) in the city, unless such sale is conducted by an individual who has applied for and obtained an auctioneer's license from the city license supervisor. (Prior code § 20-5-4)

## 5.16.050: AUCTIONEER'S LICENSE; APPLICATION:

The application for an auctioneer's license shall include the following information:

A. Name: Name of the applicant;

B. Address: Residence and business address of the applicant;

C. Term: The length of time for which an auctioneer's license is desired;

D. Prior Licensure: A statement as to whether or not the applicant holds, or has held, an auctioneer's license from any state, municipality, governing body or licensing authority; a list of such licenses and a statement of the time, place and by whom issued; a statement as to whether any state, municipality, governing body or licensing authority has ever refused to issue or to renew an auctioneer's license to the applicant, together with a full and accurate statement as to the reasons for any such refusal; and a statement as to whether any state, municipality, governing body or licensing authority has ever revoked an auctioneer's license held by the applicant, together with a full and accurate statement as to the reasons for any such revocation;

E. Criminal History: A statement as to whether or not the applicant has ever been convicted of any crime, misdemeanor, or violation of any municipal ordinance, other than nonalcoholic related traffic offenses, and if so, the nature of the offense and the punishment or penalty assessed therefor;

F. Photograph: A photograph of the applicant, taken within sixty (60) days immediately prior to the date of the filing of the applicant, which picture shall be two inches by two inches (2" x 2"), showing the head and shoulders of the applicant in a clear and distinguishing manner; except that the city license supervisor may waive this requirement with respect to an application for renewal of an auctioneer's license by an individual holding an unexpired auctioneer's license issued under this chapter who has in a previous application under this chapter complied with this requirement;

G. Fingerprints; References: The fingerprints of the applicant and the names of at least two (2) reliable property owners of Salt Lake County who will certify as to the applicant's good moral character and business responsibility, or, in lieu of the names of references, any other available evidence as to the good moral character and business responsibility of the applicant as will enable an investigator to properly evaluate such moral character and business responsibility; except that the city license supervisor may waive this requirement with respect to an application for renewal of an auctioneer's license by an individual holding an unexpired auctioneer's license issued under this chapter who has in a previous application under this chapter complied with this requirement. (Ord. 37-99 § 3, 1999: prior code § 20-5-5)

## 5.16.060: AUCTIONEER'S LICENSE; FEE:

The fee for an auctioneer's license shall be as shown on the Salt Lake City consolidated fee schedule, for an annual license, and said fee shall not be prorated if any said license is taken out for any part of a license year for less than the full term. (Ord. 24-11, 2011)

## 5.16.070: INVENTORY OF SALE ARTICLES:

A. At least fifteen (15) days prior to every auction, a true and correct inventory of items to be sold shall be filed with the license supervisor. Said inventory shall:

1. List the articles proposed to be sold at sale by auction;

2. Give any identifying numbers or marks which may be upon the said articles to be sold;

3. Indicate opposite the description of each article whether the same is new or used; and

4. List each of the said articles described in said inventory with a number; provided, however, that no article need be listed in the inventory which has a retail value of less than five dollars ($5.00).

B. Upon receipt of the inventory, it shall immediately be forwarded to the police department for investigation, to establish insofar as possible that the property therein listed is not contraband or otherwise illegal for sale. After said investigation, the police shall issue a written report to the license supervisor within ten (10) days after receipt of the inventory, and no auction may be held until the report is received by the license supervisor, the auction approved by the mayor, and the appropriate license issued by the city.

C. It is unlawful to sell at auction any item not listed on the inventory as set forth above. (Prior code § 20-5-6)

## 5.16.080: AUCTIONEER'S LICENSE; INVESTIGATION OF APPLICANT:

Before issuing an auctioneer's license to any individual applying therefor, the city license supervisor shall refer the application to the chief of police, who shall cause to be made such investigation of the applicant's moral character and business responsibility as the chief of police deems necessary for the protection of the public good, except that the city license supervisor may waive this requirement with respect to an application for renewal of an auctioneer's license by any individual holding an unexpired auctioneer's license issued under this chapter if an investigation of such applicant's moral character and business responsibility has previously been made under this section in connection with a prior application for an auctioneer's license under this chapter. The chief of police shall cause the investigation herein provided for to be made within a reasonable time and shall certify to the city license supervisor whether or not the moral character and business responsibility of the applicant is satisfactory. (Prior code § 20-5-7)

## 5.16.090: AUCTIONEER'S LICENSE; BOND REQUIREMENTS:

A. Every applicant for an auctioneer's license shall file with the city recorder a surety bond running to Salt Lake City, in the amount of five thousand dollars ($5,000.00), with

surety acceptable to and approved by the city attorney, conditioned that the applicant, if issued an auctioneer's license, will comply fully with all the provisions of the ordinances of the city and the statutes of the state regulating and concerning auctions and auctioneers, will render true and strict accounts of all his sales to any person or persons employing him to make the same, will not practice any fraud or deceit upon bidders or purchasers of property from him at any auction sale or suffer or permit any person in his employ to practice any such fraud or deceit, and will pay all damages which may be sustained by any person by reason of any fraud, deceit, negligence or other wrongful act on the part of the licensee, his agents or employees in the conduct of any auction or in the exercise of the calling of auctioneer. A liability insurance policy issued by an insurance company authorized to do business in the state which conforms to the above requirements may be permitted by the city attorney in his discretion in lieu of a bond. An auctioneer employed by one holding an auction house license or a transient auction house owner's license, in lieu of filing a bond or certificate of insurance, may file a notarized affidavit from the said license holder that affirms that said applicant is an employee, that said license holder is responsible for all actions of such employee, and that such employee is covered by a valid bond as above required.

B. It is unlawful for any auctioneer who files a certificate of employment with an auction house licensee or transient auction house licensee to conduct an auction except under the direct supervision of such licensee. (Prior code § 20-5-12)

## 5.16.100: AUCTIONEER'S LICENSE; DENIAL OR REVOCATION CONDITIONS:

An auctioneer's license may be revoked by the city license supervisor, or an application for issuance or renewal of such license may be refused by the city license supervisor, if he or she determines, after notice and hearing:

A. That the applicant or license holder has committed any of the violations set forth in section 5.02.250 of this title, or its successor; or

B. That the application of the applicant or license holder contains any false, fraudulent or misleading material statements; or

C. That the applicant or license holder has made any false, fraudulent or misleading material statement in the course of conducting an auction sale of, or in offering for sale at auction, any real or personal property (goods, wares or merchandise) in the city; or

D. That the applicant or license holder has perpetrated a fraud upon any person, whether or not such fraud was perpetrated in the conduct of an auction in the city; or

E. That the applicant or license holder has violated any of the statutes of the state relating to auctions or auctioneers; or

F. That the applicant or license holder has conducted an auction sale in the city or offered for sale at an auction in the city, any real or personal property (goods, wares or merchandise) in an unlawful manner, or in such a manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public. (Ord. 37-99 § 3, 1999: prior code § 20-5-8)

## 5.16.110: DENIAL OR REVOCATION; REQUIRED NOTICE OF HEARING:

Notice of the hearing provided for in the preceding section shall be given in writing to the applicant or license holder as provided in section 5.02.260 of this title, or its successor. The applicant or license holder shall have the right to be represented at such hearing by counsel. Such hearing shall be conducted in accordance with chapter 5.02 of this title, or

its successor. (Ord. 37-99 § 3, 1999: prior code § 20-5-9)

### 5.16.120: DENIAL OR REVOCATION; APPEALS PROCEDURE:

(Rep. by Ord. 37-99 § 1, 1999)

### 5.16.130: AUCTIONEER'S LICENSE; ISSUANCE AND RENEWAL:

Upon the approval of a proper application form and payment by the applicant of the fees provided in this chapter, and upon the filing by the applicant of the bond required by this chapter, the license supervisor is authorized to grant or renew an auctioneer's license for any period of time not exceeding one year. (Prior code § 20-5-13)

### 5.16.140: LICENSES AND PERMITS NOT TRANSFERABLE:

Neither the license nor the permit granted under the provisions of this chapter shall be transferable, nor shall the same be loaned or used by any other person. (Prior code § 20-5-14)

### 5.16.150: AUCTION HOUSE LICENSE; REQUIRED:

It is unlawful for any person to engage in the business of, or keep, conduct or operate an auction house in the city without first obtaining a license to do so and filing a bond as required in section 5.16.190 of this chapter, or its successor. (Prior code § 20-5-15)

### 5.16.160: AUCTION HOUSE LICENSE; FEE:

The fee for an auction house license shall be as shown on the Salt Lake City consolidated fee schedule, per year or any part thereof. (Ord. 24-11, 2011)

### 5.16.170: TRANSIENT AUCTION HOUSE OWNER LICENSE; REQUIRED:

It is unlawful for any person to conduct an auction as a transient auction house owner, without applying for and obtaining a transient auction house owner's license from the city license supervisor. Provided, however, that one who holds an auction house license shall not be required to also obtain a transient auction house license. Provided, further, that no person shall be relieved from the provisions of this chapter by reason of a temporary association with any licensed dealer, trader, merchant or auctioneer, notwithstanding the fact that said parties conduct such temporary or transient auction business in connection with, as a part of, or in the name of any other licensed dealer, trader, merchant or auctioneer.

(Prior code § 20-5-17)

## 5.16.180: TRANSIENT AUCTION HOUSE OWNER LICENSE; FEE:

The license fee for engaging in business as a transient auction house owner shall be as shown on the Salt Lake City consolidated fee schedule. (Ord. 24-11, 2011)

## 5.16.190: TRANSIENT AUCTION HOUSE OWNER; BOND REQUIRED:

The applicant for a transient auction house license shall file with the city recorder a corporate surety bond acceptable to and approved by the city attorney in the sum of ten thousand dollars ($10,000.00); provided, however, that if the sale should be for articles described in section 5.16.230 of this chapter, or its successor, the bond shall be in the sum of thirty thousand dollars ($30,000.00), which bond shall indemnify and run to Salt Lake City, and any person injured or damaged through dealing with such licensee, or their employees or agents, and be in full force and effect for the year in which they obtain a license. It shall be conditioned on the fact that if the applicant is issued such license, the licensee will fully comply with all provisions of the ordinances of the city and the statutes of the state regulating and concerning auctions and auctioneers, will render true and strict accounts of all auction sales to any person or persons employing said auctioneer to make the same, will not practice any fraud, deceit, or make any material misrepresentations of fact with reference to property or bidders or purchasers of property from any auction sale conducted under the license, and will pay all damages which may be sustained by any person by reason of any fraud, deceit, negligence or wrongful act on the part of the licensee, his agents or employees and the conduct of auctioneer in the exercise of the call of auctioneer. (Prior code § 20-5-19)

## 5.16.200: MERCHANDISE; LABELING REQUIREMENTS:

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 ($5.00) or more, a card with the number of the article endorsed thereon, so that such number shall correspond to the article as it is described in the inventory on file with the license supervisor, as set forth in this chapter. No article which has a retail value of five dollars ($5.00) or more shall be sold at the auction, other than the merchandise described and set forth in the inventory on file with the license supervisor, as hereinabove required. Where a sale is had at public auction of the stock on hand of any merchant or auction house, in accordance with the provisions of this chapter, such sale shall not be fed or replenished. (Prior code § 20-5-20)

## 5.16.210: MERCHANDISE; REPRESENTATION OF QUALITY:

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 quality of the sale merchandise. (Prior code § 20-5-26)

## 5.16.220: MERCHANDISE; TO BE IN STATE FOR FIFTEEN DAYS:

It is unlawful for anyone to sell or offer for sale at auction any merchandise unless the merchandise shall have been within the state at least fifteen (15) days immediately prior to such sale or offer for sale, and the city license supervisor shall be given five (5) days' advance notice of its arrival in the city; provided, that livestock shall be required only to be at

the location where a sale is held not less than two (2) days prior to said auction. (Prior code § 20-5-28)

### 5.16.230: VALUABLE ARTICLES; HOURS OF SALE:

It is unlawful to offer for sale at auction or sell at auction any gold, silver, plated ware, clocks, watches, oriental rugs or rugs purported to be from the Middle East or eastern part of the world, diamonds or other precious or semiprecious stones or any imitation thereof, glassware, china, linens or jewelry, or any article purporting to be or represented as any of the above articles between the hours of six o'clock (6:00) P.M. and eight o'clock (8:00) A.M. of the following day. (Prior code § 20-5-30)

### 5.16.240: AUCTION TO BE ON SUCCESSIVE DAYS:

All auction sales shall be held on successive days, Sundays and legal holidays excepted. (Prior code § 20-5-29)

### 5.16.250: LICENSEE; CONTINUOUS ATTENDANCE REQUIRED:

The licensee or, if a corporation, one of the officers of the licensee, shall remain in continuous attendance at any auction. (Prior code § 20-5-25)

### 5.16.260: RESERVED RIGHT OF SELLER TO BID:

The right to bid may be reserved expressly by or on behalf of the seller; provided, however, that notice of such reservation shall be posted, and shall remain posted throughout the auction sale in a prominent and conspicuous place where the sale is being conducted, in letters large enough to be reasonably visible to any person with normal vision who may attend said sale, reading substantially as follows:

*SELLER RESERVES THE RIGHT TO*
*BID ON ANY ARTICLE AT ANY TIME*

(Prior code § 20-5-22)

### 5.16.270: RECEIPTS FOR GOODS SOLD; COMMISSIONS:

It shall be the duty of all licensed auctioneers to receive all articles which may be offered them for sale at auction, and give receipts therefor; and at the close of any sale, which must be made as the owner directs, the auctioneer shall deliver a fair account of such sale, and pay the amount received for such articles to the person entitled thereto, deducting therefrom a commission not to exceed ten percent (10%) on the amount of such sale. (Prior code § 20-5-31)

## 5.16.280: RECORD OF SALES; REQUIRED:

The licensee, in each and every case where an article is sold for five dollars ($5.00) or more, shall keep a complete record of all such sales made at auction, showing the name and address of each purchaser, a description of each such article sold, including the number thereof (corresponding with the numbers shown upon the inventory on file with the license supervisor), and the date of each such sale, and the record shall at all times be open to inspection by the license supervisor. (Prior code § 20-5-27)

## 5.16.290: RECORD OF SALES; VALUABLE ARTICLES:

Any auction house licensee providing auction house facilities for auctioneers of valuable articles, as that term is defined in section 5.16.230 of this chapter or its successor shall, within a period of ten (10) days following the final day of auction of such valuable articles, provide the license office with complete records of all sales of valuable articles, including:

A. The names and addresses of all purchasers of all valuable articles at said auction and the date upon which such purchase was made;

B. A description of the valuable article purchased and the purchase price paid for such article;

C. The name and address of the auctioneer selling such articles and the name and address of the responsible person or entity on whose behalf the auctioneer made such sale. (Prior code § 20-5-35)

## 5.16.300: PURCHASER'S RIGHT TO RETURN MERCHANDISE FOR REFUND:

A. Purchasers at auctions of valuable articles, as that term is defined in section 5.16.230 of this chapter, or its successor, may return such articles purchased at auction for a period of ninety (90) days to the auction house licensee responsible and receive from the licensee full refund upon tender of such merchandise with proof of purchase. Failure of the auction house licensee to provide such refund within a period of five (5) days after presentation of such merchandise and demand for refund shall result in loss of the auction house license and forfeiture of posted bond to the extent necessary to satisfy the demand of claimants under this section. To the extent that such auction house licensee fails to meet such claims or the amount of the posted bond required under section 5.16.190 of this chapter is insufficient to meet the claims of purchasers returning merchandise under the provisions of this section, then the auction house licensee shall be liable to such purchasers directly.

B. All auction house licensees shall post a notice in a prominent, conspicuous place wherein any auction sales are being conducted, in letters large enough to be visible to any person with normal vision who may attend said sale, reading substantially as follows:

*PURCHASERS OF MERCHANDISE ACQUIRED AT THIS AUCTION MAY, FOR A PERIOD OF 90 DAYS FROM THE DATE OF PURCHASE, RETURN SUCH MERCHANDISE TO (THE AUCTION HOUSE LICENSEE) AND RECEIVE THE FULL REFUND OF ANY AMOUNTS PAID FOR SUCH MERCHANDISE.*

(Prior code § 20-5-34)

## 5.16.310: CONDUCT OF AUCTION SALES; PROHIBITED ACTS:

All auctioneers are forbidden to conduct their sales in such manner as to cause people to gather in crowds on the sidewalks so as to obstruct the same; nor shall they use immoral or indecent language in crying their sales; or make or cause to be made noisy acclamations such as ringing of bells, blowing of whistles or otherwise, though not enumerated here, through the streets in advertising their sales; and no bellman or crier, drum or fife or other musical instrument or noisemaking means of attracting the attention of passersby, except the customary auctioneer's flags, shall be employed or suffered to be used at or near any place of sale or at or near any auction room or near any auction whatsoever. (Prior code § 20-5-32)

## 5.16.320: FALSE REPRESENTATION OF MERCHANDISE PROHIBITED:

It is unlawful for any auctioneer, when selling or offering for sale at public auction any goods, wares or merchandise under the provisions of this chapter, while describing such goods, wares or merchandise with respect to character, quality, kind or value or otherwise, to make any fraudulent, misleading, untruthful or unwarranted statements tending in any way to mislead bidders, or to substitute an article sold for another. (Prior code § 20-5-21)

## 5.16.330: SELLER BIDDING WITHOUT RESERVE PROHIBITED WHEN:

Where notice has not been given that a sale by auction is subject to a right to bid on behalf of the seller, it is unlawful for the seller to bid himself or to employ or induce any person to bid at such sale on his behalf, or for the auctioneer to employ or induce any person to bid at such sale on behalf of the seller, or knowingly to take any bid from the seller or any person employed by him. Any sale contravening this rule may be treated as fraudulent by the buyer. (Prior code § 20-5-23)

## 5.16.340: BY-BIDDERS PROHIBITED:

It is unlawful for any person to act at any sale by auction as a by-bidder or booster to buy in behalf of the auctioneer or owner or to increase the price of the article to be sold or to make any false bid. (Prior code § 20-5-24)

## 5.16.350: CONFORMANCE WITH OTHER LAWS:

Nothing in this chapter shall be deemed to exempt any auction house or auctioneer, or the seller of any goods sold at auction, from any license, tax or other ordinance of the city, nor from any of the laws of the state to which either of them may be subject. (Prior code § 20-5-33)

## 5.16.360: EQUIVALENT ALTERNATIVE METHODS OF REGULATION:

A. Written Petition: Whenever a person regulated under this chapter alleges that specified requirements of this chapter are impracticable or excessively burdensome as applied to such person, he/she may file with the mayor a written petition setting forth such allegations and presenting suggested methods of regulation of such person by the

city in lieu of enforcement of the specified requirements of this chapter so objected to. The mayor may either approve or deny the proposed alternative methods of regulation proposed by the petitioner or may approve other alternative methods of regulation. Upon approval by the mayor, such alternative regulation(s) shall be as obligatory upon the petitioner as if such had been specific requirements set forth in this chapter, and the violation of any of which alternate regulations shall be a misdemeanor.

B. Standard For Approval: The standard for approval of any such alternative regulation(s) shall be that they are equivalent to the requirements of this chapter which they would supplant, in meeting the objectives which underlie this chapter, namely, inhibiting theft and trafficking of stolen merchandise, and providing adequate opportunity for examination by the police of transactions governed by this chapter. (Ord. 37-99 § 3, 1999: Ord. 31-90 § 11, 1990: Ord. 94-85 § 1, 1985: prior code § 20-5-36)

# CHAPTER 5.18
# BICYCLE DEALERS

## 5.18.010: BICYCLE DEALERS DESIGNATED:

Any person engaged in buying, selling, bartering or exchanging bicycles, whether dealing exclusively in bicycles or in conjunction with other wares, goods and merchandise, is hereby declared to be a "bicycle dealer". (Prior code § 20-6-2)

## 5.18.020: LICENSE TO DO BUSINESS:

It is unlawful for any person to:

A. Keep a store, shop, office or other place of business for the purchase, barter, exchange or sale of bicycles, whether new or used; or

B. To repair, trade or exchange new or used bicycles without obtaining a business license. (Prior code § 20-6-1)

## 5.18.025: LICENSE; FEE:

The fee for a bicycle dealer shall be as shown on the Salt Lake City consolidated fee schedule, per year or any part thereof. (Ord. 24-11, 2011)

## 5.18.030: BICYCLE LICENSING OR REGISTRATION REQUIRED:

It is unlawful for any bicycle dealer to fail to license or register any used or new bicycle sold, bartered, given away, exchanged or repaired by such dealer. The licensing or registration shall be completed as follows:

A. Licensing shall be required of all bicycles sold for use in Salt Lake County. Licensing shall be on a form supplied by Salt Lake City Corporation to such dealers at cost. Dealers may charge the customer no more than two dollars ($2.00) for the license costs.

B. Registration shall be required of all bicycles sold for use outside the county. Registration shall be on a form supplied by the city at cost to dealers. Dealers may charge the customer no more than two dollars ($2.00) for the registration costs.

C. The licensing and registration forms shall be in different colors and shall be filled out in triplicate with the first copy going to the purchaser; the second copy shall be mailed to the appropriate law enforcement division where the intended user resides within seven (7) days of date of sale; and the third copy shall be retained by the dealer for a period of three (3) years from date of sale. All entries shall be typewritten or printed in ink, and shall contain the following information:

1. Name and address of intended user or owner;

2. Make, model number, frame number, frame size, wheel size, color of bicycle, dealer's name and address, number of grooves on said bike, license number or registration number; and

3. Such other information as the city may require by printing appropriate spaces on the forms. (Ord. 53-89 § 1, 1989: prior code § 20-6-4)

## 5.18.040: SERIAL NUMBERS ON BICYCLES:

No dealer may sell, give away, or otherwise dispose of any bicycle which does not contain a serial number. If the bicycle does not have a serial number, the dealer shall impress in the metal frame a serial number consisting of the license or registration number and followed by the NCIC number for the police department in the user's area. (Prior code § 20-6-5)

## 5.18.050: DEALING WITH MINORS; LIMITATIONS:

It is unlawful for any bicycle dealer, by himself, or his or her agents, servants or employees, to purchase or receive from any minor any bicycle, whether as a trade in on another bicycle or an outright purchase for cash, or as an exchange or barter for another bicycle, without the written consent of the parent or guardian of such minor. (Prior code § 20-6-3)

## 5.18.060: SELLING BICYCLE WITHOUT TITLE PROHIBITED:

It is unlawful for any bicycle dealer to sell or otherwise dispose of any bicycle unless the dealer can show a good title thereto, either by bill of sale from a seller, or from the former owner, or by registration. (Prior code § 20-6-6)

# CHAPTER 5.20
# CABLE TELEVISION SYSTEMS

## 5.20.010: PURPOSE:

The purpose of this chapter is to regulate in the public interest the operation of cable communications systems and their use of the public rights of way by establishing procedures for granting and terminating franchises, by prescribing rights and duties of operators and users of cable communication systems, and by providing generally for cable communications services to the citizens of the city. (Ord. 22-89 § 2, 1989)

## 5.20.020: SHORT TITLE:

This chapter shall constitute the *CABLE COMMUNICATION ORDINANCE* of the city and may be referred to as such. (Ord. 22-89 § 2, 1989)

## 5.20.030: DEFINITIONS:

For the purposes of this chapter the following terms, phrases, words, abbreviations and derivations shall have the following meaning. When not inconsistent with the context, words used in the present tense shall include the future tense, words in the plural number include the singular number and words in the singular number include the plural number.

ACCESS CHANNEL: A channel designated and maintained by a cable communications system for programming not originated or procured by the system, including, but not limited to, the local government, the educational, and public access channels.

AFFILIATE: A wholly owned entity which owns or controls, is owned or controlled by, or is under common ownership with the grantee.

CABLE ACT: The cable communications policy act of 1984, as amended.

CABLE COMMUNICATION SYSTEM OR SYSTEM: A system employing antennas, microwave, wires, wave guides, coaxial cables or other conductors, equipment, or facilities designed, constructed, or used for the purpose of:

A. Collecting and amplifying local and distant broadcast, television, or radio signals and distributing and transmitting such signals;

B. Transmitting original cablecast programming not received through television broadcast signals;

C. Transmitting television pictures, film and videotape programs not received through broadcast television signals, whether or not encoded or processed to permit reception by only selected receivers; and

D. Transmitting and receiving all other signals - digital, voice, or audiovisual.

CITY: The city of Salt Lake, or the lawful successor, transferee or assignee thereof.

FCC: Federal communications commission, or its successor.

FRANCHISE: Means and includes any authorization granted hereunder in terms of franchise, privilege, permit, license, or otherwise to construct, operate and maintain a cable communication system within all or a specified area of the city for the purpose of offering cable services or other services to subscribers. Any such authorization, in whatever form granted, shall not supersede the requirement to obtain any other license or permit required for the privilege of transacting and carrying on a business within the city as required by other ordinances and laws of this city.

GRANTEE: Any person, firm, or corporation granted a franchise by the city.

GROSS REVENUES: A. All revenues, as determined according to generally accepted accounting principles consistently applied, derived directly or indirectly by the grantee, arising from or attributable to operation of the cable communication system in the service area, including, but not limited to:

1. Revenue from all charges for services provided to subscribers of entertainment and nonentertainment services (including leased access fees);

2. Revenue from all charges for the insertion of commercial advertisements upon the cable communication system in the service area;

3. Revenue from all charges for the leased use of studios in the service area;

4. Revenue from all charges for the installation, connection and reinstatement of equipment necessary for the utilization of the cable communication system and the provision of subscriber and other services in the service area; and

5. Grantee's pro rata portion of any revenues on a subscriber base basis derived from any other person or source arising from or attributable to grantee's operation of the cable communication system in the service area, to which the city is authorized to apply a franchise fee under federal, state or local law as it may exist from time to time during the term of the franchise.

PUBLIC WAY: The surface of, and the space above and below, any public street, highway, freeway, bridge, land path, alley, court, boulevard, sidewalk, parkway, way, lane, public way, drive, circle or other public right of way including public utility easements, dedicated utility strips or rights of way dedicated for compatible uses, and any temporary or permanent fixtures or improvements located thereon now or hereafter held by the city. Public way also means any easement now or hereafter held by the city within the service area for the purpose of public travel, or for utility or public services use dedicated for compatible uses. Public way shall include other easements or rights of way as shall within their proper use and meaning entitle the city and the grantee with the city's approval use for the purposes of installing or transmitting grantee's cable services or other service over poles, wires, cables, conductors, ducts, conduits, vaults, manholes, amplifiers, appliances, attachments and other property as may be ordinarily necessary and pertinent to the system.

SERVICE AREA: The present municipal boundaries of the city, and shall include any additions thereto by annexation or other legal means.

SUBSCRIBER OR CUSTOMER: Any person or entity lawfully receiving for consideration, direct or indirect, any service of the grantee's cable communications system. (Ord. 22-89 § 2, 1989)

## 5.20.040: REQUIREMENT FOR FRANCHISE:

Subject to applicable federal, state and local law, it is unlawful for any person to install, construct, operate or maintain a cable communications system on streets or the public way within all or any part of the city without first obtaining a franchise under the terms and provisions of this chapter. (Ord. 22-89 § 2, 1989)

## 5.20.050: CONDITIONS OF STREET OCCUPANCY:

All transmission and distribution structures, poles, other lines, and equipment installed or erected by the grantee pursuant to the terms hereof shall be located so as to cause a minimum of interference with the proper use of public ways. All cables, wires and other equipment shall be installed, where possible, parallel with electric and telephone lines. (Ord. 22-89 § 2, 1989)

## 5.20.060: RESTORATION OF PUBLIC WAYS:

If during the course of the grantee's construction, operation, or maintenance of the cable communications system there occurs a disturbance of any public way, the grantee shall, at its expense, replace and restore such public way to a condition comparable to the condition of the public way existing immediately prior to such disturbance. (Ord. 22-89 § 2, 1989)

## 5.20.070: RELOCATION:

A. Upon receipt of reasonable advance notice, the grantee shall, at its own expense, protect, support, temporarily disconnect, relocate in the public way, or remove from the public way, any property of the grantee when lawfully required by the city by reason of traffic conditions; public safety; street abandonment; freeway and street construction; change or establishment of street grade; installation of sewers, drains, or gas or water pipes; or any other type of structures or improvements by the city; but, the grantee shall in all cases, have the right of abandonment of its property.

B. The grantee shall, on the request of any person holding a building moving permit issued by the city, temporarily raise or lower its wires to permit the moving of such building, provided:

1. The expense of such temporary raising and lowering of wires is paid by said person, including, if required by the grantee, making such payment in advance; and

2. The grantee is given not less than seven (7) business days' advance written notice to arrange for such temporary wire changes. (Ord. 22-89 § 2, 1989)

## 5.20.080: TRIMMING OF TREES AND SHRUBBERY:

The grantee shall have the authority to trim trees or other natural growth overhanging any part of its cable communications system in the service area so as to prevent branches from coming in contact with grantee's wires, cables, or other equipment. Grantee shall reasonably compensate the city or property owner for any damages caused by such trimming, or shall, in its sole discretion and at its own expense, reasonably replace all trees or shrubs damaged as a result of any construction of the system undertaken by grantee. The provisions of this section do not supersede the requirements of the urban forestry ordinance. (Ord. 22-89 § 2, 1989)

## 5.20.090: FRANCHISE AUTHORITY USE OF GRANTEE'S POLES AND CONDUITS:

Subject to any applicable state or federal regulations or tariffs, the city shall, after giving written notice, have the right to make use of any poles or conduits controlled or maintained by or for use of the grantee, that are located in any public way. Such use by the city shall not interfere with current or future use by the grantee. Further, to the extent not expressly precluded by law, the city agrees to indemnify the grantee from any damages arising from or attributable to such use. (Ord. 22-89 § 2, 1989)

## 5.20.100: SAFETY REQUIREMENTS:

A. Construction, installation and maintenance of the cable communications system shall be performed in an orderly manner.

B. Grantee shall install and maintain its wires, cables, fixtures and other equipment in accordance with applicable safety codes or technical requirements, including, but not limited to, national electrical safety code (national bureau of standards); national electrical code (national bureau of fire underwriters); and applicable FCC or other federal, state or local regulations, and in such manner that they will not interfere with any installations of the city or any public utility. All lines, equipment and connections in, over, under, and upon the streets and private property within the city, wherever situated or located, shall at all times be kept and maintained in a safe and suitable condition and in good order and repair. All installations shall be made so as not to impair the fire integrity of any building. The cable communications system shall not endanger nor interfere with the safety of persons or property in the service area. (Ord. 22-89 § 2, 1989)

## 5.20.110: AERIAL AND UNDERGROUND CONSTRUCTION:

A. In those portions of the service area where the transmission or distribution facilities of the public utilities providing telephone and electric services are underground, the grantee likewise shall construct, operate and maintain its transmission and distribution facilities underground (except for ground mounted appurtenances such as subscriber taps, line extenders, system passive devices, amplifier, power supplies, pedestals, etc.) provided that the underground facilities are capable of receiving the equipment without technical degradation of the cable communications system's signal quality. In those parts of the service area where the transmission or distribution facilities of the public utilities are both aerial and underground, grantee shall have the sole discretion to construct, operate and maintain all of its transmission and distribution facilities, or any part thereof, aerially or underground.

B. Notwithstanding anything to the contrary contained in this section, in the event that all of the transmission or distribution facilities of the public utilities providing telephone communications and electric services in a given area are to be placed underground, upon ninety (90) days' notice grantee shall be required to place all of its transmission and distribution facilities underground in the given area concurrent with placement by the utilities, and thereafter construct or operate and maintain all of its transmission and distribution facilities underground in the given area. (Ord. 22-89 § 2, 1989)

## 5.20.120: EXTENSION OF SERVICE:

A. Authorization: Grantee is hereby authorized to extend the cable communications system throughout the service area.

B. Expansion Plan: Grantee shall file with the city each year with its annual report a five (5) year expansion plan indicating grantee's present plan for construction, rebuilding, or overbuilding the service area, including target dates for completion. The expansion plan will be submitted in a format mutually acceptable to the grantee and the city.

C. Requirements:

1. Whenever grantee shall receive a request for service from at least fifteen (15) or more subscribers within one thousand three hundred twenty (1,320) cable bearing strand feet ($^1/_4$ cable mile) of its trunk cable, it shall extend its cable communications system to such subscribers at its normal connection fee; provided that such extension is technically feasible, will not adversely affect the operation of the cable communications system, and grantee is able to reasonably obtain all easements which are necessary to extend service relating thereto. The extension of services shall be completed within sixty (60) days of the date of request.

2. No subscriber shall be refused service arbitrarily. However, for unusual circumstances, such as a subscriber's request to locate his cable drop underground, existence of more than one hundred fifty feet (150') of distance from distribution cable to connection of service to subscribers, or a density of less than fifteen (15) subscribers per one thousand three hundred twenty (1,320) 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 in aid of construction 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, multiplied by a fraction whose numerator equals the actual number of potential subscribers per one thousand three hundred twenty (1,320) cable bearing strand feet of its trunks or distribution cable, and whose denominator equals fifteen (15) subscribers. The remainder of the construction and other costs will be charged to the potential subscribers when or if they subscribe 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. The subscriber shall be given a written estimate of such payment prior to the beginning of construction, and shall in no event be required to pay more than five percent (5%) over this estimate. In lieu of directly charging for construction costs, grantee may implement alternative pricing structures for services rendered which reflect disproportionate construction and related costs incidental to serving low density or other capital intensive areas. (Ord. 22-89 § 2, 1989)

## 5.20.130: SERVICES TO PUBLIC BUILDINGS:

A. The grantee shall provide upon demand and without charge a minimum of one outlet of basic service to each governmental office building, fire station, police station, and public school building within the service area where the drop line from the feeder cable to said buildings or premises is less than one hundred fifty (150) cable feet, and to the city/county building at 400 South and State Streets. The grantee shall provide one outlet of basic service to each governmental office building, fire station, police station, and public school building within the service area where the drop line from the feeder cable to said buildings or premises exceeds one hundred fifty (150) cable feet upon receipt of payment for the incremental cost of such drop line in excess of one hundred fifty (150) cable feet. The city has the right to request additional outlets in any given building for which the city shall pay the incremental cost of installation, as well as the cost of any equipment necessary to ensure such distribution does not adversely affect the grantee's cable communication system. These outlets shall not be used to distribute or sell cable services in or throughout such buildings; nor shall such outlets be located in common or public areas open to the public.

B. 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. (Ord. 22-89 § 2, 1989)

## 5.20.140: EMERGENCY OVERRIDE:

In the case that the mayor or the mayor's designee declares a state of emergency or disaster, the grantee shall, upon request of the city, make available to the city a system audio override through which emergency information and instructions may be given during the emergency or disaster period. (Ord. 22-89 § 2, 1989)

## 5.20.150: SYSTEM REQUIREMENTS:

Any cable communications system permitted to be installed and operated hereunder:

A. Shall have a minimum capacity of twenty (20) channels;

B. Shall be operationally capable of relaying to subscriber drops (i.e., terminals) those television or radio broadcast signals for the carriage of which the grantee is now or hereafter required by the federal communications commission;

C. Future construction shall have, if technically practicable, the capacity for nonvoice return communication such that:

1. Return communications are capable of being received and processed both at the headend for the service area in which the communication originates and at a main headend for the service area served by the grantee,

2. At the option of the subscriber, no return signals will be communicated, and

3. The system will include technical safeguards calculated to deter interception of return communications by third parties;

D. Shall distribute in color television signals which it receives in color;

E. Shall provide at least one access channel for the city of Salt Lake, and at least one access channel for educational and public use. All access channels shall be carried throughout the service area and shall be made available to subscribers without charge; and

F. Shall provide, to the extent technically practicable, a microwave receiver and the necessary connections to receive transmissions from the city for the government access channels and transmit those signals over the cable communication system. (Ord. 22-89 § 2, 1989)

## 5.20.160: EDUCATIONAL AND MUNICIPAL SERVICES:

On reimbursement of actual cost for installation and periodic maintenance, the grantee shall provide a return link, if technically practicable, permitting transmission of originated program material between:

A. Each public building within the service area designated by the city and each state accredited public or private educational institution located within the service area that requests such installation; and

B. The headend of the grantee. (Ord. 22-89 § 2, 1989)

## 5.20.170: COMMUNITY ACCESS SERVICES:

A. The grantee shall provide for or accommodate public access programming.

B. The purpose of the public access channel is to provide a channel through which citizens of civic organizations, cultural and arts organizations can promote and encourage programming that will be of benefit to the community within service area.

C. Access channel assignments shall be made by the grantee in consultation with the city and shall be uniform throughout the city. (Ord. 22-89 § 2, 1989)

## 5.20.180: COMPATIBILITY AND INTERCONNECTION:

All cable communication systems franchised hereunder shall, insofar as technically and economically feasible, be compatible with and able to tie into all other systems within and adjacent to the city. (Ord. 22-89 § 2, 1989)

## 5.20.190: FRANCHISE FEE:

A. Grantee shall pay to the city a franchise fee equal to five percent (5%) of the gross revenues received by the grantee from the operation of the cable communication system. Franchise fee payments due to the city under this section shall be computed quarterly. For the purpose of the franchise fee payment computation, the applicable accounting period shall be a calendar year, unless otherwise agreed to in writing by the city and grantee.

B. The quarterly franchise fee payments shall be due and payable ninety (90) days after the close of the quarter. Each payment shall be accompanied by a brief report from a representative of grantee showing the basis for the computation and 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 the grantee during the quarter for which payment is made. 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 the city may have for further or additional sums payable under the provisions of this permit.

C. Any franchise fees which remain unpaid after the dates specified in subsection B of this section shall be delinquent and shall thereafter accrue interest at eighteen percent (18%) per year until paid.

D. The grantee shall, upon reasonable notice from the city, make available to the city or its designated representatives full billing records for confidential inspection and audit. If the results of the audit show an underpayment of greater than five percent (5%), the grantee will pay all costs associated with the audit in addition to any other amounts owed as shown by the audit. If the results of the audit show an underpayment of greater than ten percent (10%), the grantee will pay the cost of the audit plus fifty percent (50%) of the total error as penalty in addition to any amount owed as shown by the audit. If the results of the audit show an underpayment of less than five percent (5%) or an overpayment, city shall pays its own costs associated with the audit.

E. In the event the results of the audit are disputed, the city may elect to arbitrate the dispute or take any other appropriate action. In the event the city elects to arbitrate, the city and the grantee shall each select an independent auditor at their own cost. The two (2) auditors will agree upon the results of the audit. If the two (2) independent auditors cannot agree upon the results of the audit, a third auditor will be selected by the two (2) independent auditors to make a final determination. The determination of the third independent auditor will be final.

F. The period of limitation for recovery of any franchise fee payable hereunder shall be five (5) years from the date on which payment by the grantee is due. Unless within five (5) years from and after said payment due date, the city initiates a lawsuit for recovery of such franchise fees in a court of competent jurisdiction, such recovery shall be barred, and the city shall be estopped from asserting any claims whatsoever against the grantee relating to any such alleged deficiencies.

G. If grantee challenges the right of the city to collect the franchise fee provided by this chapter, any relief requested by grantee and awarded to it by virtue of such challenge shall be prospective only from and after the date of the filing of the initial pleading seeking such relief in a court of competent jurisdiction. Grantee shall waive any and all claims or rights to collect back from the city or obtain credit therefor against future payment obligations, any amounts collected by the city prior to the filing of the initial pleading seeking such relief in a court of competent jurisdiction. In the event grantee's challenge to any franchise fee payments should result in an initial judgment in its favor, grantee shall continue to make all franchise fee payments pending an appeal by the city to a court of last resort. In the event the court of last resort determines that the city is not entitled to collect any or all of the franchise fee, the city shall refund to grantee all payments made subsequent to the filing of the initial action by grantee, together with interest on such monies determined by the actual rate of return on the average of all investments of city during the period for which such funds were paid after the judgment. (Ord. 22-89 § 2, 1989)

## 5.20.200: RATES AND CHARGES:

The city does not intend to regulate the rates for the provision of cable service and other service except to the extent permitted pursuant to applicable federal, state and local law, and expressly provided herein. From time to time, grantee may change its rates and charges including, but not limited to, the implementation of additional charges and rates; provided that grantee give thirty (30) days' notice to the city. (Ord. 22-89 § 2, 1989)

## 5.20.210: RENEWAL OF FRANCHISE:

A. Proceedings undertaken by the city relating to renewal of the grantee's franchise shall be governed by and comply with the provisions of section 626 of the cable act (as such existed as of the effective date of the cable act), unless the procedures and substantive protections set forth therein shall be deemed to be preempted and superseded by the provisions of any subsequent provision of federal or state law.

B. In addition to the procedures set forth in said section 626(a), the city shall notify grantee of its preliminary assessments regarding the identity of future cable related community needs and interests, as well as the past performance of grantee under the then current franchise term. The preliminary assessment shall be provided to the grantee prior to the time that the four (4) month period referred to in subsection (c) of section 626 is considered to begin.

C. Notwithstanding anything to the contrary set forth in this section, at any time during the term of the then current franchise, while affording the public appropriate notice and opportunity to comment, the city and grantee may agree to undertake and finalize negotiations regarding renewal of the then current franchise and the city may grant a renewal thereof. The terms set forth in this section shall be construed to be consistent with the express provisions of section 626 of the cable act. (Ord. 22-89 § 2, 1989)

## 5.20.220: CONDITIONS OF SALE:

A. In the event the franchise is lawfully revoked by the city, grantee shall be given six (6) months to transfer its cable system to a qualified third party. During the period before sale the grantee may continue to operate pursuant to the terms of its prior franchise and, without limitation, continue to receive all revenues derived from or related thereto subject to payment of the required franchise fees.

B. If the city either acquires ownership of the cable communications system or by its actions effects a transfer of ownership of the cable system, the acquisition or transfer shall be at a fair market value, determined on the basis of the cable system valued as a going concern, but with no value allocated to the franchise itself.

C. Without waiving or establishing the city's right to proceed by condemnation the city may agree to have the fair market value determined by two (2) cable television experts, one chosen by the grantee and one chosen by the city. If these experts cannot agree, the disagreement will be resolved through pendulum arbitration by an arbitrator chosen by the two (2) experts. (Ord. 22-89 § 2, 1989)

## 5.20.230: TRANSFER OF FRANCHISE:

Grantee's right, title, or interest in the franchise shall not be sold, transferred, assigned or otherwise encumbered without the prior consent of the city except for a transfer in trust, by mortgage, by other hypothecation, or by assignment of any rights, title, or interest of grantee in the franchise or cable communication system in order to secure indebtedness; provided, however, that without consent and upon notice which shall be no less than thirty (30) days, grantee may sell, transfer or assign its right, title and interest in the franchise to an affiliate. (Ord. 22-89 § 2, 1989)

## 5.20.240: COMPLIANCE WITH FCC REGULATIONS:

Grantee shall comply with all FCC requirements and regulations. (Ord. 22-89 § 2, 1989)

## 5.20.250: BOOKS AND RECORDS:

The city may review such of the grantee's books and records as are reasonably necessary to monitor compliance with the terms hereof. Such records shall include, but shall not be limited to, any public records required to be kept by the grantee pursuant to the rules and regulations of the FCC. To the extent allowable by law the city will treat any information disclosed by the grantee on a confidential basis, and to only disclose it to employees, representatives, and agents thereof who have a need to know; or in order to enforce the provisions hereof. Notwithstanding anything contained herein to the contrary, the grantee shall not be required to disclose information which it reasonably deems to be confidential or proprietary in nature, except to the extent required by law. (Ord. 22-89 § 2, 1989)

## 5.20.260: PERIODIC REVIEW:

Beginning on a date established by the city and then annually thereafter, the city may on its own initiative, and shall at the request of the grantee, schedule a public meeting for the purpose of identifying the cable related community needs and interests, and reviewing the performance of the grantee under the franchise. The city shall notify grantee of the time and place of such meeting and provide the grantee with an opportunity to be heard. The public shall be afforded appropriate notice and opportunity for comment. Within four (4) months of such meeting, the city shall provide grantee with a written copy of its findings. (Ord. 22-89 § 2, 1989)

## 5.20.270: REPORTING REQUIREMENT:

At a minimum the grantee shall provide the city annually the following information:

A. A report of the previous year's performance on the expansion plan required by section 5.20.120 of this chapter, including, but not limited to, service begun or discontinued during that year and a new five (5) year plan;

B. A financial summary, including a statement of income, revenues, and aggregate operating expenses, prepared in accordance with generally accepted accounting principles and certified by grantee's chief financial officer;

C. A list of the grantee's officers, members of its board of directors and other principals;

D. A written report regarding the FCC proof of performance tests for the system;

E. A current map or set of maps drawn to scale showing all equipment installed and in place, or when the time comes that the city shall have operational a computerized geographical information system, grantee shall update cable system data on a monthly basis; and

F. A description of all petitions, applications, communications and reports submitted by the grantee to any state or federal entity in respect to any matters affecting cable television system's operations authorized by the franchise. Copies shall be provided to city upon request. (Ord. 22-89 § 2, 1989)

## 5.20.280: INSURANCE, INDEMNIFICATION, BONDS OR OTHER SURETY:

A. Grantee shall maintain in full force and effect, at its own cost and expense, during the term of the franchise, general comprehensive liability insurance in the amount of two hundred fifty thousand dollars ($250,000.00) for bodily injuries, (including accidental death) to any one person, and subject to the same limit for each person in amount not less than five hundred thousand dollars ($500,000.00) on account of any one occurrence, and property damage liability insurance in an amount not less than one hundred thousand dollars ($100,000.00) resulting from any one occurrence. Said insurance shall designate the city as an additional named insured. Such insurance shall be noncancellable except upon sixty (60) days' prior written notice to the city. In the event that potential liability for the city is increased by any change in the Utah governmental immunity act, grantee shall modify the required insurance amounts accordingly upon thirty (30) days' notice from the city.

B. The grantee shall indemnify, save and hold harmless, and defend the city, its officers, boards, and employees, from and against any liability for damages and for any liability or claims resulting from property damage or bodily injury (including accidental death), which arise out of the grantee's construction, operation, or maintenance of its cable communication system, including, but not limited to, reasonable attorney fees and costs during third party litigation. This provision will not apply in the event of a value dispute on sale, or to damages which arise from the city's sole negligence. (Ord. 22-89 § 2, 1989)

## 5.20.290: SECURITY FUND:

A. Within thirty (30) days after the effective date of a franchise grant, grantee shall deposit into a bank account established by the city the sum of twenty five thousand dollars ($25,000.00) as security for its faithful performance on all provisions of this chapter and the cable television services standards ordinance; its compliance with all orders, permits and directions of the city; and its payment of any claim, lien or tax due the city which arises by reason of construction, operation or maintenance of the system. Interest accrued on this deposit shall be rebated to the grantee at the end of each calendar year. Grantee shall not use this security fund as security for any other purpose.

B. No funds shall be drawn from the security fund without providing the grantee the opportunity to cure the default as provided in sections 5.20.300 through 5.20.330 of this chapter or other applicable cure provisions.

C. Within thirty (30) days of notice that any amount has been withdrawn from the security fund, grantee shall deposit a sum sufficient to restore the security fund to the original amount.

D. In lieu of the security fund set forth in this section, the city and grantee may agree that a guarantee from an entity and in a form acceptable to the city may be sufficient to satisfy grantee's obligations hereunder. (Ord. 22-89 § 2, 1989)

## 5.20.300: NOTICE OF VIOLATION:

In the event that the city believes that the grantee has not complied with the terms of the franchise or this chapter, it shall notify grantee of the nature of the alleged noncompliance. (Ord. 22-89 § 2, 1989)

## 5.20.310: GRANTEE'S RIGHT TO CURE OR RESPOND:

Grantee shall have thirty (30) days from receipt of the notice described in section 5.20.300 of this chapter to:

A. Respond to the city contesting the assertion of noncompliance; or

B. Cure such default or, in the event that, by the nature of default, such default cannot be cured within the thirty (30) day period, initiate reasonable steps to remedy such default and notify the city of the steps being taken and the projected date that they will be completed. (Ord. 22-89 § 2, 1989)

## 5.20.320: PUBLIC HEARING:

In the event that grantee fails to respond to the notice described in section 5.20.300 of this chapter pursuant to the procedures set forth in section 5.20.310 of this chapter, or in the event that the alleged default is not remedied within sixty (60) days after the grantee is notified of the alleged default pursuant to section 5.20.300 of this chapter, the city shall schedule a public hearing to investigate the default. Such public hearing shall be held by the mayor or his or her designee at a time which is no less than five (5) business days therefrom. The city shall notify the grantee of the time and place of such meeting and provide the grantee with an opportunity to be heard. (Ord. 22-89 § 2, 1989)

## 5.20.330: VIOLATION OF CERTAIN SPECIFIED SECTIONS:

The notice, cure and public hearing provisions of sections 5.20.300, 5.20.310 and 5.20.320 of this chapter shall not be applicable to any violations of sections 5.20.100, 5.20.140, 5.20.280 of this chapter or other violations which may immediately affect the health, safety and welfare of the city. In the event of such violations the city may demand the grantee immediately cure the violation. The city may enforce such a cure requirement by any or all applicable remedies at law or equity. (Ord. 22-89 § 2, 1989)

## 5.20.340: ENFORCEMENT:

A. Subject to sections 5.20.290 through 5.20.330 of this chapter and applicable federal and state law, in the event the city determines that grantee has failed to substantially comply with any material provision of the franchise, the city may:

1. Foreclose on all or any part of any security provided under this chapter or other related ordinances, if any, including, without limitation, any bonds or other surety; provided, however, the foreclosure shall only be in such a manner and in such amount as the city reasonably determines is necessary to remedy the default;

2. Commence an action at law for monetary damages or seek other equitable relief;

3. Subject to applicable federal, state and local law, in the case of a substantial default of sections 5.20.100, 5.20.110, 5.20.140, 5.20.240, or subsection 5.20.120C of this chapter, revoke the franchise agreement; or

4. Seek specific performance of any provision, which reasonably lends itself to such remedy, as an alternative to damages;

5. Exercise any right or remedy available at law or in equity;

6. Impose penalties pursuant to section 5.20.350 of this chapter.

B. The grantee shall not be relieved of any of its obligations to comply promptly with any provision of the franchise by reason of any failure of the city to enforce prompt compliance. (Ord. 22-89 § 2, 1989)

## 5.20.350: FINES AND PENALTIES:

A. Subject to sections 5.20.290 and 5.20.330 of this chapter, the city may impose a civil penalty on the grantee up to the following amounts per day or part thereof that the following violations occur or continue:

1. Two hundred dollars ($200.00) for any failure to complete system construction in accordance with grantee's construction obligations contained in the cable communication ordinance or franchise grant;

2. One hundred dollars ($100.00) for any failure to provide data, documents, reports or information to the city during a system review, as detailed in section 5.20.260 of this chapter;

3. Seventy five dollars ($75.00) for any failure to comply with any of the provisions of this chapter for which a damage is not otherwise specifically provided in the master cable communication ordinance or franchise grant.

B. Each violation of any provision of this chapter shall be considered a separate violation for which a separate damage can be imposed. (Ord. 22-89 § 2, 1989)

## 5.20.360: UNAUTHORIZED RECEPTION:

In addition to those criminal and civil remedies provided by state and federal law, it is a class B misdemeanor for any person, firm, or corporation to create or make use of any unauthorized connection, whether physically, electrically, acoustically, inductively, or otherwise, with any part of the cable communication system without the express consent of grantee. It is a misdemeanor for any person to tamper with, remove or injure any property, equipment or part of the cable system or any means of receiving cable service or other services provided thereto. (Ord. 22-89 § 2, 1989)

## 5.20.370: NOTICE OF WORK IN RIGHT OF WAY:

Grantee shall notify the franchise authority and take reasonable steps to notify the residents in any area where regularly scheduled work involving excavation of the right of way is to be performed at least fourteen (14) days before the work is to be performed. This notification shall not be required in the event of emergency repair work or work that is confined to a single site and which will be completed in one day. (Ord. 22-89 § 2, 1989)

## 5.20.380: MISCELLANEOUS PROVISIONS:

A. Preemption: If any federal or state body or agency shall preempt and supersede or preclude the jurisdiction of the city, the jurisdiction of the city shall cease while such jurisdiction is preempted, superseded or precluded.

B. Actions Of The City: In any action by the city or representative thereof mandated or permitted under the terms hereof, such party shall act in a reasonable, expeditious and timely manner. Furthermore, in any instance where approval or consent is required under the terms hereof, such approval or consent shall not be unreasonably withheld.

C. Severability: If any section, sentence, paragraph, term or provision hereof is for any reason determined to be illegal, invalid, superseded by other authority or unconstitutional by any court of common 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 or provision hereof, all of which will remain in full force and effect for the term of the franchise or any renewal or renewals thereof.

D. City Rules: The mayor may adopt, in addition to the provisions contained in this chapter and other applicable ordinances including, but not limited to, chapters 5.20A and 5.21 of this title, such additional regulations as it may find necessary in the exercise of the police power, including rules and requirements for customer service, provided that such regulations do not materially conflict or interfere with grantee's rights granted herein. Any such additional regulations shall be reasonably designed to meet the purposes of this chapter and shall be adopted only after notice and comment are provided.

E. Force Majeure: The grantee shall not be held in default or noncompliance with the provisions of this chapter, nor suffer any enforcement or penalty relating thereto, where such noncompliance or alleged defaults are caused by strikes, acts of God, power outages, or other events beyond its reasonable ability to control. (Ord. 22-89 § 2, 1989)

# CHAPTER 5.20A
# CABLE COMMUNICATIONS FRANCHISE GRANT

## 5.20A.010: GRANT:

Having determined that the financial, legal, and technical ability of TCI Cablevision of Utah, Inc. ("TCI of Utah") is reasonably sufficient to provide cable television to the community, TCI of Utah is hereby granted a nonexclusive franchise which authorizes TCI of Utah to construct, operate, and maintain a cable communications system according to the requirements and privileges contained in the master cable communication ordinance, the cable television service standards ordinance and other related ordinances of the city which are included by reference as they may be amended from time to time. (Ord. 21-89 § 1, 1989)

## 5.20A.020: TERM:

The TCI of Utah franchise shall be for a term of fifteen (15) years from the effective date hereof unless lawfully terminated or extended pursuant to the cable communication ordinance or other related ordinances of the city. (Ord. 21-89 § 1, 1989)

## 5.20A.030: CONTRACT:

The city and TCI of Utah may enter into a franchise agreement mutually agreeable to the parties in lieu of TCI's being subject to this chapter, the cable communication ordinance and the cable television service standards ordinance. (Ord. 21-89 § 1, 1989)

### 5.20A.040: SERVICES:

The initial service offerings of TCI of Utah and rates related thereto are in section 5.90.010, "Schedule 1", of this title and on file in the office of the city recorder. Nothing contained in this franchise grant shall be deemed to preclude TCI of Utah from adding, deleting, modifying or otherwise offering or changing any of its services, channel locations, levels of service, or rates relating thereto throughout the term of the franchise. (Ord. 21-89 § 1, 1989)

# CHAPTER 5.21
# CABLE COMMUNICATIONS SERVICE STANDARDS

### 5.21.010: PURPOSE:

The purpose of this chapter is to regulate in the public interest, the service standards of cable communication systems within the city, in order to ensure that the service provided to subscribers within the city by cable television companies is reasonably sufficient to meet community needs. (Ord. 20-89 § 1, 1989)

### 5.21.020: SHORT TITLE:

This chapter shall constitute the *CABLE TELEVISION SERVICE STANDARDS ORDINANCE* of the city and may be referred to as such. (Ord. 20-89 § 1, 1989)

### 5.21.030: DEFINITIONS:

For the purposes of this chapter the following terms, phrases, words, abbreviations and derivations shall have the following meanings. Terms not defined in this chapter shall have the meaning defined in the master cable communication ordinance. When not inconsistent with the context, words used in the present tense shall include the future tense, words in the plural number include the singular number and words in the singular number include the plural number.

ABANDONED CALLS: Telephone calls that are connected to the grantee's general information number but the caller hangs up without being attended by a representative of the grantee or a device capable of problem resolution (e.g., placing a service request, placing a work order, directing call to appropriate personnel, etc.). "Abandoned calls" shall in no event be deemed to include calls in which the caller hangs up within forty five (45) seconds of making the call.

CABLE SERVICE: A. The one-way transmission to subscribers of video programming or other programming services; and

B. Any subscriber interaction required for the selection of such video programming or other programming service. (Ord. 20-89 § 1, 1989)

## 5.21.040: REQUIREMENTS:

A. Grantee shall maintain an office in the city where complaints and requests for repairs or adjustments may be received at any time. The current local telephone number(s) for the office and complaint service shall be listed in telephone directories distributed in grantee's service area.

B. Grantee shall maintain a written record or "log" of system failures and customer complaints describing the date and nature of the failure or complaint, and the date and nature of the action taken by grantee. These records shall be kept at grantee's local office for a period of three (3) years and shall be available for inspection by the city during regular business hours. (Ord. 20-89 § 1, 1989)

## 5.21.050: SYSTEM SERVICE STANDARDS:

A. Grantee shall limit system failures to a minimum time duration by locating and commencing repair promptly. Grantee will generally respond to subscriber outages by the next business day. In the event of a major system outage, however, such as where a majority of subscribers are without a picture in twenty five percent (25%) or more of the service area, grantee will respond to such outages within twenty four (24) hours after occurrence, irrespective of holidays or nonbusiness hours.

B. Grantee shall render efficient service making system repairs promptly, and interrupting service only for good cause and for the shortest time possible. Planned interruptions, insofar as possible, shall be preceded by twenty four (24) hours' notice to subscribers and shall occur during periods of minimum viewership. (Ord. 20-89 § 1, 1989)

## 5.21.060: SUBSCRIBER SERVICE STANDARDS:

A. All calls to the general information number shall be answered by an operator or a device identifying the grantee.

B. Subject to section 5.21.090 of this chapter, eighty five percent (85%) of all customer calls shall be attended within three (3) minutes by a representative of the grantee or a device capable of problem resolution.

C. The rate of abandoned calls shall be less than fifteen percent (15%).

D. Ninety five percent (95%) of all customer installations shall be completed within fifteen (15) working days (unless the customer requests a later date).

E. Ninety five percent (95%) of all repair and installation appointments shall be met by grantee on the appointed date and within the appointed four (4) hour block of time, unless satisfactory arrangements are otherwise made with the subscriber. An appointment shall be considered to have been met by grantee if the subscriber fails to be

present to allow grantee access during the appointed block of time and grantee confirms such absence by calling the subscriber's home telephone.

F. The grantee shall provide the information required to monitor the standards in this section to the franchise authority on a monthly basis. The grantee shall be excused for not achieving these standards during periods when conditions exist which are outside of its reasonable ability to control, or when there are system interruptions, outages, or other activities designed to maintain or improve cable service or the system. The grantee shall notify the franchise authority in advance of any maintenance or improvement activity which grantee claims will make attainment of the standards impracticable. (Ord. 20-89 § 1, 1989)

## 5.21.070: NOTICE AND OPPORTUNITY TO CURE:

A. In the event the grantee violates one or more material terms, conditions or provisions of this chapter, including, but not limited to, sections 5.21.050 and 5.21.060 of this chapter, the city shall give the grantee written notice detailing the nature of the alleged noncompliance. For violations of section 5.21.060 of this chapter, the grantee shall have fifteen (15) business days to cure the default, or if the default cannot be cured within fifteen (15) business days, to initiate reasonable steps to remedy the default and notify the city of the steps being taken and the projected date that they will be completed. If the grantee disputes the assertion of noncompliance, it must notify the city in writing within five (5) business days of the original notice, stating that it disagrees with the assertion of noncompliance, giving with particularity the reasons for disagreement.

B. The mayor or the mayor's designee shall hear grantee's dispute at an executive hearing to be held in a timely manner.

C. Upon a determination by the mayor or the mayor's designee that a violation exists, grantee shall have ten (10) business days to cure the default or to take reasonable steps to remedy the default if it cannot be cured within ten (10) business days.

D. In the event that grantee fails to respond to the notice described in subsection A of this section, or in the event that the default is not remedied within the time required, the city may, without further notice and in addition to any other applicable remedies, implement and collect the daily fine pursuant to section 5.21.080 of this chapter. (Ord. 20-89 § 1, 1989)

## 5.21.080: ENFORCEMENT:

A. For violation of a term of this chapter, subject to the provisions of section 5.21.070 of this chapter, the grantee shall pay two hundred fifty dollars ($250.00) per day, or part thereof, for the first day that such violation continues from and after implementation of the daily fines, pursuant to subsection 5.21.070D of this chapter. The fine shall increase weekly by an additional two hundred fifty dollars ($250.00) per day to a maximum of one thousand dollars ($1,000.00) per day. Grantee shall pay the fine or penalty directly or by notifying the city to draw down the security deposit held by the city pursuant to the cable communication ordinance. If the grantee fails to pay the penalty or notify the city to draw down on the security deposit within seven (7) days of notification of the implementation of daily fines, the city may proceed immediately to draw down on the security deposit.

B. Nothing contained in this chapter shall preclude the exercise of any other right or remedy of the city available at law or equity. (Ord. 20-89 § 1, 1989)

## 5.21.090: THREE YEAR REVIEW AND MODIFICATION:

A. Every three (3) years after the adoption of this chapter, the city and grantee shall undertake a survey within the service area of cable subscribers designed to measure cable subscriber satisfaction of the customer service practices of the grantee. Such survey shall be at grantee's sole expense, in a form mutually acceptable to the city and grantee.

B. In the event that the survey demonstrates that the customer service practices set forth in subsection 5.21.060B of this chapter are insufficient to meet the reasonable community needs in light of the anticipated costs thereof, then the percentage set forth in subsection 5.21.060B of this chapter relating to the attending of customer calls shall automatically be deemed to increase by an amount sufficient to meet such community needs. It shall be a rebuttable presumption that such percentage increase shall be three percent (3%) for each three (3) year review period. In no event will the percentage in subsection 5.21.060B of this chapter be greater than ninety five percent (95%).

C. Nothing in this chapter shall limit the city's and the grantee's ability to reduce the percentage set forth in subsection 5.21.060B of this chapter except that no reduction may be allowed below the eighty five percent (85%) initial standard. If, based upon the survey results, a decrease in such percentage is demonstrated to be sufficient to meet the community needs, upon a request of grantee, the city shall not unreasonably refuse to reduce such percentage. (Ord. 20-89 § 1, 1989)

## 5.21.100: MISCELLANEOUS PROVISIONS:

A. Preemption: If any federal or state body or agency shall preempt and supersede or preclude the jurisdiction of the franchise authority, the jurisdiction of the franchise authority shall cease while such jurisdiction is preempted, superseded or precluded.

B. Severability: If any section, sentence, paragraph, term or provision hereof is for any reason determined to be illegal, invalid, superseded by other authority or unconstitutional by any court of common 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 or provision hereof, all of which will remain in full force and effect for the term of the franchise or any renewal or renewals thereof.

C. Franchise Authority Rules: The mayor may adopt, in addition to the provisions herein contained in this chapter and other applicable ordinances, such additional regulations as it may find necessary in the exercise of the police power. Any such additional regulations shall be reasonably designed to meet the purposes of this chapter and shall be adopted only after notice and comment are provided. (Ord. 20-89 § 1, 1989)

# CHAPTER 5.22
# CLOSING OUT SALES

## 5.22.010: DEFINITIONS:

As used in this chapter, the following terms shall have the meanings herein stated:

PUBLISH, PUBLISHING, OR ADVERTISEMENT, ADVERTISING: Any and all means of conveying to the public notice of sale or notice of intention to conduct a sale, whether by word of mouth, newspaper advertisement, magazine advertisement, handbill, written notice, printed notice, printed display, billboard display, poster, radio or television announcement, and any and all means including oral, written or printed.

SALE: A. Any sale of, or any offer to sell to the public or any group thereof, goods, wares or merchandise, on order, in transit or in stock, in connection with a declared purpose as set forth by advertising that such sale is anticipatory to or for the purpose of termination, liquidation, revision, windup, anticipatory removal, dissolution or abandonment of the business or that portion of the business conducted at any location; and

B. All sales advertised in any manner calculated to convey to the public the belief that upon the disposal of the goods to be placed on sale, the business or that portion thereof being conducted at any location will cease, be removed, interrupted, discontinued or changed; and

C. All sales advertised to be "adjustor's sale", "assignee's sale", "administrator's sale", "closing sale", "creditor's sale", "end sale", "forced out of business sale", "going out of business sale", "insurance salvage sale", "last days sale", "lease expires sale", "liquidation sale", "removal sale", "reorganization sale", "quitting business sale", "we quit sale", "wholesale closing out sale", "fixtures for sale", or advertised by any other expression or characterization or phrase of like or similar language which would reasonably convey to the public that the sale is being conducted as a result of such occurrences as enumerated above, which are not intended to be all inclusive but refer to type or class of sale. (Prior code § 20-27-1)

## 5.22.020: LICENSE; REQUIRED TO DO BUSINESS:

It is unlawful for any person to publish or conduct any "sale" as defined in this chapter without first obtaining a license to do so. This license shall be in addition to any other license which may be required by any other ordinances. (Prior code § 20-27-2)

## 5.22.030: EXEMPTIONS TO CHAPTER:

The following persons shall be exempt from the scope and operation of this chapter:

A. Persons acting pursuant to an order or process of a court of competent jurisdiction;

B. Persons acting in accordance with their powers and duties as public officers such as sheriffs and marshals. (Prior code § 20-27-15)

## 5.22.040: LICENSE; APPLICATION:

An application for such license shall be in writing, executed by the applicant under oath, and shall include the following information:

A. Type of sale to be conducted and reason for conducting such sale;

B. A description of the place where such sale is to be held;

C. The nature of the occupancy, whether by lease or sublease, and the date of termination of such occupancy;

D. The means to be employed in publishing such sale, together with the text of any and all proposed advertising matter;

E. An itemized list of the goods, wares and merchandise to be offered for sale, including those on order and not received;

F. Where and from whom such stock was purchased or acquired; and, if not purchased, the manner of such acquisition;

G. Additional information that the license supervisor may require under section 5.02.060 of this title, or its successor. (Ord. 37-99 § 3, 1999: prior code § 20-27-4)

## 5.22.050: LICENSE; FEE:

The fee for the license required by section 5.22.020 of this chapter, or its successor, shall be as shown on the Salt Lake City consolidated fee schedule. (Ord. 24-11, 2011)

## 5.22.060: LICENSE; ELIGIBILITY; EXCEPTION:

No person, company or corporation shall be eligible for a license nor shall a license be issued to any person, company or corporation unless they shall have been previously licensed to do business at the same location of such closing sale for the three hundred sixty five (365) day period immediately preceding the beginning of the sale, except in those instances where a bona fide hardship would be created, and in such instances proof must be furnished to the license supervisor that:

A. Such hardship exists; and

B. At the conclusion of such closing sale all and any business transactions of that particular applicant will completely and permanently cease and desist. (Prior code § 20-27-5)

## 5.22.070: LICENSE; ISSUANCE CONDITIONS; TERM:

Upon the filing of an application and a finding by the license supervisor, after investigation, that the statements contained therein appear to be true and are not false, fraudulent, deceptive or misleading in any respect, a license shall be issued for a period not exceeding thirty (30) days, upon the payment of the fee prescribed in this chapter. (Prior code

§ 20-27-6)

### 5.22.080: LICENSE; RENEWAL TERM:

Upon satisfactory proof of a licensee that the stock itemized in the original application has not been entirely disposed of, the license supervisor shall renew such license for a period not exceeding thirty (30) days. In no event shall a license be renewed by the license supervisor more than twice. Any further renewals of such license must be made by the mayor, after application by the licensee, who must establish, to the satisfaction of the mayor that good cause exists for such renewal and that the failure of the licensee to complete the closing sale is not due to the licensee's own fault or lack of diligence. (Ord. 88-97 § 1, 1997: Ord. 34-87 § 87, 1987: prior code § 20-27-7)

### 5.22.090: LICENSE; DISPLAY REQUIRED:

Upon commencement of any sale, and for the duration thereof, the license therefor shall be conspicuously displayed near the entrance to the premises. (Prior code § 20-27-8)

### 5.22.100: LICENSE; REVOCATION:

A license granted pursuant to this chapter may be revoked by the license supervisor if:

A. The licensee has failed to include in the inventory required by the provisions of this chapter the goods, wares and merchandise, or any part thereof, required to be contained in such inventory;

B. The licensee has added, caused to be added, or permitted to be added any goods, wares or merchandise not described in the original inventory;

C. The licensee has violated any of the provisions of this chapter, of the laws pertaining to advertising, or has committed other violations as set forth in section 5.02.250 of this title, or its successor. (Ord. 37-99 § 3, 1999: prior code § 20-27-9)

### 5.22.110: RULES AND REGULATIONS FOR OPERATION:

The license supervisor may make such rules and regulations for the conduct and advertisement of the sales defined in this chapter as may be necessary to carry out the purposes thereof. Such rules and regulations must be submitted to and be approved by the mayor. (Prior code § 20-27-10)

### 5.22.120: RECORDS TO BE KEPT:

The licensee shall keep suitable books and records and make them available at all times to the city license supervisor. (Prior code § 20-27-14)

### 5.22.130: MINGLING OF GOODS PROHIBITED:

No person contemplating conducting any "sale" as defined in this chapter or during the continuance of such sale shall order any goods, wares or merchandise for the purpose of selling them at such sale; and any unusual purchase or addition to the stock of such goods, wares or merchandise within sixty (60) days before the filing of such application for a license to conduct such sale shall be presumptive evidence that such purchase or addition was made in contemplation of such sale and for the purpose of selling it at such a sale. (Prior code § 20-27-11)

### 5.22.140: EACH SALE SEPARATE OFFENSE WHEN:

Each sale made without a license and each sale of goods, wares or merchandise that is not inventoried and described in the original application shall constitute a separate offense under this chapter. (Prior code § 20-27-12)

### 5.22.150: FAILURE TO COMPLY WITH CHAPTER PROHIBITED:

It is unlawful for any person to violate or fail to comply with any of the provisions of this chapter or any rule or regulation adopted pursuant thereto. (Prior code § 20-27-16)

### 5.22.160: CLOSING OUT SALE; RESUMPTION OF BUSINESS PROHIBITED:

No person shall, upon the conclusion of any sale as defined in this chapter, continue to conduct a business or business operation of the same or similar nature to that for the discontinuance of which such license was issued at the same premises; nor shall such person, within one year after conclusion of such sale, resume such business at the same premises or at any other location within the city. (Ord. 37-99 § 3, 1999: prior code § 20-27-13)

# CHAPTER 5.24
# COIN OPERATED MUSIC DEVICES

(Rep. by Ord. 37-99 § 1, 1999)

# CHAPTER 5.26
# COMMERCIAL VEHICLES

(Rep. by Ord. 37-99 § 1, 1999)

# CHAPTER 5.28
# PROFESSIONAL DANCERS

## 5.28.010: PURPOSE OF PROVISIONS:

The purpose of this chapter is to set forth activities which are permitted by professional dancers in premises which are required to be licensed by the city to sell, or to allow the consumption of alcoholic beverages, but which premises are not required to be licensed as a sexually oriented business pursuant to the sexually oriented business license ordinance. (Ord. 21-88 § 5, 1988: prior code § 20-34-1)

## 5.28.020: ESTABLISHMENT DEFINED:

For purposes of this chapter, "establishment" means all class B and class C private clubs and all premises required to be licensed pursuant to the provisions of title 6, chapters 6.04 through 6.20 of this code, which are not licensed as sexually oriented businesses. (Ord. 21-88 § 5, 1988: prior code § 20-34-2)

## 5.28.030: LICENSE REQUIRED:

It is unlawful:

A. For any person to perform as a professional dancer on the premises of an establishment as defined in this chapter, either gratuitously or for compensation; without first obtaining a license therefor;

B. For any person, agency, firm or corporation to furnish, book or otherwise engage the services of a professional dancer for compensation in or for any establishment, whether such performer is to be compensated by wages, salary, fees or other compensation, without having first obtained an agency license; provided however, a person, firm or corporation who employs a professional dancer required to be licensed under this chapter solely for the entertainment of its patrons shall not be deemed an agency requiring the purchase of any agency license;

C. For any person, agency, firm or corporation to furnish, book or otherwise engage or permit any person to dance as a professional dancer, either gratuitously or for

compensation, in, or for any establishment, which dancer, at the time of such booking, employment or performance, was not licensed in accordance with subsection A of this section;

D. For any person, firm, corporation, business or agent, or employee thereof, to furnish, book or otherwise engage or permit any person to dance as a professional dancer, either gratuitously or for compensation, in any establishment unless such establishment is licensed to allow professional dancing in accordance with the provisions of this chapter. (Prior code § 20-34-3)

## 5.28.040: LICENSE APPLICATION AND ISSUANCE CONDITIONS:

A. The applicant shall appear in person before the city license supervisor and shall complete the application form in writing. The application shall include the name and address of the applicant, any stage name or names used, the name of the agent or agency if the performer uses an agent, the criminal record, if any, and such other information as may be reasonably required by the license supervisor pertaining to verifying personal identification and criminal history of the applicant, including its officers and employees.

B. Upon receipt of the application, the license supervisor shall transmit the application to the police department, which shall make inquiry concerning the applicant's character and background and report whether or not in its opinion a license should be granted. If the police recommend denial of the application, the license supervisor shall not issue the license. If the applicant desires a hearing, the applicant shall apply to the mayor for a public hearing within ten (10) days after denial of a license. (Ord. 88-97 § 1, 1997: prior code § 20-34-5)

## 5.28.060: LICENSE; DISPLAY REQUIRED WHEN:

Should a license be granted, the performer, when entertaining, shall carry the license in his or her possession, and a peace officer shall have the right to inspect the license during intermission or after the performance. The license shall contain its number, the name, address and stage names of the performer, a physical description and photograph of the performer; the name of the agent or agency, if applicable; the expiration date of the license, and such other information as the license supervisor may require. (Prior code § 20-34-6)

## 5.28.070: LIVE ENTERTAINMENT AT RESTAURANTS, TAVERNS AND PRIVATE CLUBS; CONDITIONS:

It is unlawful to furnish live entertainment for patrons of restaurants, taverns or private clubs unless such premises are licensed to allow said entertainment according to the provisions of this chapter. (Prior code § 20-34-13)

## 5.28.080: LIVE ENTERTAINMENT AT RESTAURANTS, TAVERNS AND PRIVATE CLUBS; FEES:

A. The license fee for the allowing of professional dancers and nonmusical entertainers on the premises of a restaurant, tavern or private club shall be as shown on the Salt

Lake City consolidated fee schedule, per year, or any part thereof.

B. The license fee for allowing of live musical entertainment on the premises of a restaurant, tavern or private club shall be as shown on the Salt Lake City consolidated fee schedule, per year, or any part thereof. (Ord. 24-11, 2011)

## 5.28.090: PERFORMER LOCATION RESTRICTIONS:

It is unlawful for a professional dancer to dance with or among the patrons of an establishment, or upon the tables or chairs, or in any part of an establishment other than on a stage, platform or dance floor which is separated on all sides from the aisles, tables, chairs, booths and the patrons of said establishment by at least three feet (3'). (Prior code § 20-34-7)

## 5.28.100: DANCERS; RESTRICTED ACTIVITIES:

It is unlawful for any dancer, while performing in any establishment pursuant to the provisions of this chapter, to touch in any manner any other person, to throw any object or clothing, to accept any money, drink or any other object from any person, or to allow another person to touch such dancer or to place any money or object on such dancer or within the costume or person of such dancer. (Prior code § 20-34-8)

## 5.28.110: DANCERS; AGE RESTRICTIONS:

It is unlawful for any person under the age of twenty one (21) to perform, dance or entertain either gratuitously or for compensation in any premises licensed under this chapter, chapter 5.50 of this title or title 6 of this code. (Prior code § 20-34-14)

## 5.28.120: DANCERS; COSTUME RESTRICTIONS:

A. Professional dancers shall at all times be costumed during performances in a manner not to violate any city ordinance concerning disorderly or obscene conduct, and such dancers shall not perform or conduct themselves in such a manner which violates the provisions of any city ordinance.

B. Notwithstanding the provisions of any other ordinance of the city, it is unlawful for a professional dancer to appear in any establishment not licensed as a sexually oriented business in a state of seminudity, as defined in chapter 5.61 of this title.

C. It is unlawful for a professional dancer, while on the portion of the premises of an establishment used by patrons, to be dressed in other than opaque clothing, covering the dancer's body from the shoulders to the knees, excluding the dancer's arms and hands at all times other than during the dancer's performance.

D. Each agency, person, firm or corporation employing, booking or using the services of a dancer required to be licensed under the provisions of this chapter shall require that such dancers comply with the provisions of this chapter, and any person, firm, corporation, business or establishment that permits a violation of this chapter, either personally or through its agents, employees, officers or assigns, shall be guilty of a misdemeanor and subject to license revocation sanctions hereinafter provided. (Ord. 21-88 § 5, 1988: Ord. 88-86 § 47, 1986: prior code § 20-34-10)

### 5.28.130: PATRONS; PROHIBITED ACTIVITIES:

It is unlawful for any person, or any patron of any establishment, to touch in any manner any professional dancer, to place any money or object on or within the costume or person of any professional dancer, or to give or offer to give to any such dancer any drink, money or object while the dancer is performing any dance. (Prior code § 20-34-9)

### 5.28.140: ALCOHOLIC BEVERAGE CONSUMPTION PROHIBITED WHEN:

It is unlawful for a business establishment licensed to provide professional entertainment for its patrons to allow the consumption of alcoholic beverages upon the premises unless such establishment meets the requirements of section 6.16.010 of this code, or its successor, where applicable, and is also licensed as a restaurant, tavern, or a class B private club. (Prior code § 20-34-15)

### 5.28.150: VIOLATION; PENALTY:

Any person, performer, agency, firm, corporation or business violating the provisions of this chapter shall be guilty of a misdemeanor. Any person, performer, firm, agency, corporation or business who violates the provisions of this chapter shall be subject to the revocation or suspension by the mayor of all licenses held by him, after notice and hearing, consistent with due process of law. (Prior code § 20-34-11)

## CHAPTER 5.30
## EMPLOYMENT AGENCIES

(Rep. by Ord. 37-99 § 1, 1999)

## CHAPTER 5.32

# FIRE AND DAMAGED GOODS SALES

## 5.32.010: FIRE AND DAMAGED GOODS DEFINED:

As used in this chapter, the term "fire and damaged goods" applies to goods, wares and merchandise being offered for sale as a result of damage by fire, smoke, water, wind, earthquake, acts of God or other incidents of similar nature, but does not apply to goods, wares or merchandise damaged in transit or by handling, dropping, marking, scratching or other similar damage occurring within or incidental to the regular course of business. (Prior code § 20-28-1)

## 5.32.020: PERMIT REQUIRED:

Fire and damaged goods shall be sold only in strict accordance with the terms of a permit to be issued by the license supervisor. (Prior code § 20-28-3)

## 5.32.025: PERMIT FEE:

The permit fee for the permit required by section 5.32.020 of this chapter, or its successor, shall be as shown on the Salt Lake City consolidated fee schedule. (Ord. 24-11, 2011)

## 5.32.030: PERMIT APPLICATION:

Any person intending to sell fire and damaged goods shall file an application with the license supervisor which shall contain the following information:

A. A complete inventory of all goods, wares and merchandise as it existed at the place of business immediately after the occurrence or incident causing damage;

B. The items of such inventory that will be the subject of the sale;

C. An affidavit of the correctness of the inventory and the cause of the damage. (Prior code § 20-28-4)

## 5.32.040: PERMIT; ISSUANCE; TERM:

Upon the filing of the inventory and affidavit referred to in section 5.32.030 of this chapter, the license supervisor shall issue a permit to conduct a fire and damaged goods sale which shall be effective for a thirty (30) day period following its issuance. (Prior code § 20-28-5)

## 5.32.050: PERMIT; RENEWAL CONDITIONS:

A permit shall be renewed for an additional thirty (30) day period, provided a sworn affidavit and inventory showing the unsold goods, wares or merchandise is furnished to the city license supervisor; and provided further that the license supervisor is satisfied that such goods, wares and merchandise were a part of and included in the original inventory. In no event shall a permit be renewed more than twice. (Prior code § 20-28-6)

## 5.32.060: PERMIT; REVOCATION CONDITIONS:

A permit issued pursuant to this chapter shall be revoked if:

A. The permittee has added, caused to be added or permitted to be added to the fire and damaged goods any goods, wares or merchandise not described in the original inventory;

B. The permittee has violated any of the provisions of this chapter or of the laws pertaining to advertising. (Prior code § 20-28-8)

## 5.32.070: RECORDS TO BE KEPT:

The permittee shall keep complete and suitable records and books of all sale items and make them available at all times to inspection by the city license supervisor. The inventory list shall be revised at the close of business each day by the permittee, and those items disposed of during such day shall be so marked thereon. The records and inventory referred to in this section shall be submitted to the city license supervisor upon his request. (Prior code § 20-28-9)

## 5.32.080: ADVERTISING RESTRICTIONS:

It is unlawful for any person to advertise 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. (Prior code § 20-28-7)

## 5.32.090: FAILURE TO COMPLY WITH CHAPTER PROVISIONS:

It is unlawful for any person to sell any fire and damaged goods without complying with each and every provision of this chapter. (Prior code § 20-28-2)

## 5.32.100: EACH UNLAWFUL SALE A SEPARATE OFFENSE:

Each sale of fire and damaged goods made without a permit, or of goods, wares or merchandise that are not on the original inventory and designated therein as the subject of

such sale, shall constitute a separate offense under this chapter. (Prior code § 20-28-10)

# CHAPTER 5.34
# FOODS AND CONSUMABLE PRODUCTS

(Rep. by Ord. 37-99 § 1, 1999)

# CHAPTER 5.36
# FRANCHISES

### 5.36.010: FRANCHISES OR SPECIAL PRIVILEGES; APPLICATION; DOCUMENTS AND FEES REQUIRED:

Whenever application shall be made to the city council for a franchise or grant of special privileges, or for an extension or renewal of any existing franchise or grant of special privilege, the applicant shall furnish to the city recorder, for the use of the city council, ten (10) copies of the proposed resolution or ordinance, and pay into the city treasury a fee of two hundred dollars ($200.00). (Prior code § 20-11-1)

### 5.36.020: ASSIGNMENT; LIMITATIONS:

All franchises and grants of special privileges shall be deemed to be nonassignable without the express permission of the city council, whether such limitation is set forth in the body of the franchise or grant or not. (Prior code § 20-11-2)

### 5.36.030: ASSIGNMENT; PROCEDURE:

Application for assignment of franchise or special grant must be in writing and filed with the city council, and upon approval of such assignment, an executed copy of the actual assignment must be filed in the office of the city recorder before any assignment or transfer will be recognized by the city. (Prior code § 20-11-3)

### 5.36.040: UNLAWFUL ASSIGNMENT; FORFEITURE OF RIGHTS:

Any attempted assignment or transfer of a franchise or special privilege not made in accordance with the provisions of this chapter shall operate as a forfeiture of all rights of the grantee therein given. (Prior code § 20-11-4)

### 5.36.050: FRANCHISES FOR LAYING TRACKS IN STREETS:

When any franchise ordinance providing for the laying of tracks in any street is introduced before the city council, action on the ordinance shall be postponed to a fixed date not less than ten (10) days later than the day of introduction, and the city recorder shall forthwith give notice to the petitioner, and also to the owners of property abutting upon the part of the street upon which the tracks provided for in said ordinance shall be laid, of the time and place when the city council will consider the ordinance. Such notice may be given either by letter addressed to the parties who may be interested as aforesaid, or by publication in a daily newspaper of Salt Lake City in at least three (3) issues. (Prior code § 20-11-5)

# CHAPTER 5.37
# HORSEDRAWN CARRIAGES

## Article I. Definitions

### 5.37.005: DEFINITIONS AND INTERPRETATION OF LANGUAGE:

The words and phrases, when used in this chapter, shall have the meanings defined and set forth in this article. (Ord. 52-89 § 1, 1989)

### 5.37.008: ANIMAL SERVICES OR OFFICE OF ANIMAL SERVICES:

"Animal services" or "office of animal services" means that division or office of the city or that person or entity with which the city has contracted to perform animal control and inspection services on behalf of the city. (Ord. 17-02 § 1, 2002)

### 5.37.010: APPLICANT:

"Applicant" means the person signing an application either for a carriage business license or for a driver's license under this chapter. (Ord. 52-89 § 1, 1989)

### 5.37.015: CARRIAGE OR HORSEDRAWN CARRIAGE:

"Carriage" or "horsedrawn carriage" means any device in, upon, or by which any person is or may be transported or drawn upon a public way and which is designed to be drawn by horses. (Ord. 52-89 § 1, 1989)

### 5.37.020: CARRIAGE BUSINESS:

"Carriage business" means any person offering to transport another person for any valuable consideration and by means of a horsedrawn carriage. (Ord. 52-89 § 1, 1989)

### 5.37.025: CARRIAGE DAY:

"Carriage day" means the operating of a horsedrawn carriage for business on the streets of Salt Lake City for at least one hour during any calendar day. (Ord. 52-89 § 1, 1989)

### 5.37.030: CARRIAGE STAND:

"Carriage stand" means that portion of a curb lane designated by the city's division of transportation for loading and unloading of passengers for horsedrawn carriages. (Ord. 52-89 § 1, 1989)

### 5.37.035: DRIVER:

"Driver" means any person operating or in actual physical control of a horsedrawn carriage, or any person sitting in the driver's seat of such carriage with the intention of causing it to be moved by a horse. (Ord. 52-89 § 1, 1989)

### 5.37.040: HOLDER:

"Holder" means any person to whom a certificate of convenience and necessity has been issued and which certificate is unexpired. (Ord. 52-89 § 1, 1989)

### 5.37.045: HORSE:

"Horse" means an animal purely of the genus Equus caballus, specifically excluding crosses with other genera. (Ord. 52-89 § 1, 1989)

### 5.37.047: HORSEDRAWN CARRIAGE COMMITTEE:

"Horsedrawn carriage committee" means a committee appointed by the mayor to consider issues pertaining to the operation of horsedrawn carriages in the city, which shall include the city transportation engineer. (Ord. 52-89 § 1, 1989)

### 5.37.050: PERSON:

(Rep. by Ord. 37-99 § 1, 1999)

### 5.37.055: STABLE:

"Stable" means any place or facility where one or more horses are housed or maintained. (Ord. 52-89 § 1, 1989)

### 5.37.060: VETERINARIAN:

"Veterinarian" means any person legally licensed to practice veterinary medicine. (Ord. 52-89 § 1, 1989)

### 5.37.065: WORK:

"Work", with reference to a horse, means that the horse is out of the stable and presented as being available for pulling carriages; in harness; or pulling a carriage. (Ord. 52-89 § 1, 1989)

## Article II. Certificate Of Public Convenience And Necessity

### 5.37.070: CERTIFICATE; REQUIRED:

No person shall operate, or permit a horsedrawn carriage owned or controlled by him or her to be operated, as a carriage for hire upon the streets of the city, without first having obtained a certificate of public convenience and necessity from the city in accordance with chapter 5.05 of this title, or its successor. (Ord. 52-89 § 1, 1989)

## 5.37.075: CERTIFICATE; ADDITIONAL APPLICATION INFORMATION:

In addition to the application information required under chapter 5.05 of this title, or its successor, the application, verified under oath, shall show the experience of applicant in the transportation of passengers by horsedrawn carriage and shall show the specific route or routes within the city along which applicant proposes to operate one or more horsedrawn carriages. (Ord. 52-89 § 1, 1989)

## 5.37.080: FEES; ANNUAL OPERATION:

No certificate shall be issued or continued in operation unless the holder thereof has paid an annual business regulatory fee as shown on the Salt Lake City consolidated fee schedule, for each horsedrawn carriage authorized under a certificate of public convenience and necessity. (Ord. 24-11, 2011)

## 5.37.085: EXISTING HOLDERS' CERTIFICATES:

A. The three (3) horsedrawn carriage companies operating horsedrawn carriages under revocable permit and licensing agreements with the city as of the effective date hereof shall, upon application as provided in chapter 5.05 of this title and section 5.37.075 of this chapter, or their successors, have a certificate of public convenience and necessity issued to them, allowing them to operate the following number of carriages, plus one training cart as set forth in this section, or its successor, without the hearing provided in this article, the public convenience and necessity having heretofore been demonstrated:

| | |
|---|---|
| Carriage Horse Livery Ltd. | 15 carriages |
| Carriage For Hire | 10 carriages |
| The Carriage Connection | 6 carriages |

Said carriages shall be of types customarily known in the carriage industry as "vis-à-vis", "landau", "brougham", "victoria" and/or "rockaway", and shall meet all of the equipment, registration, and other requirements of this chapter before being used to transport customers. Said horsedrawn carriages shall operate only within specified routes and/or quadrants as set forth in section 5.37.170 of this chapter, or its successor.

B. Each holder may operate one training cart, that is, a two (2) wheel, horsedrawn vehicle with extra long shafts, designed for training purposes. Said training cart shall not be used for the transport of customers for hire and shall meet all of the equipment, registration and other requirements of this chapter and shall operate only within routes specifically authorized by the city's transportation engineer as set forth in section 5.37.170 of this chapter, or its successor. (Ord. 52-89 § 1, 1989)

## 5.37.090: LICENSING FOR ALL CERTIFICATED VEHICLES:

A. A holder is required to have the total number of carriages authorized under such holder's certificate of convenience and necessity and to obtain the license plate required by section 5.05.155 of this title, or its successor, for each and every carriage.

B. In the event the holder does not license the total number of carriages authorized by the certificate before February 15 of any year, such holder shall forfeit the right to any carriage not so licensed, unless such carriage is licensed within five (5) days of written notice being given by the city; that authority shall automatically revert to the city, and the certificate shall be modified to reflect the total number of vehicles actually licensed before February 15 of any year.

Such forfeited right to operate any carriage may be reissued to any person; provided, however, it shall not be reissued except upon application required by section 5.05.105 of this title, or its successor, and by a showing of public convenience and necessity as required by section 5.05.140 of this title, or its successor.

C. Nothing contained herein shall prohibit a holder from having carriages in excess of the number authorized under such holder's certificate for the purpose of replacement or substitution of an authorized carriage under repair, maintenance or breakdown; provided, however, any such carriage shall not be used as a carriage other than as a replacement or substitution as herein provided. The type or style, color, seating capacity, year of manufacture, and serial number or identification number of any substitute carriage shall be filed with the licensing office. (Ord. 52-89 § 1, 1989)

## 5.37.095: MINIMUM USE OF CARRIAGES REQUIRED:

A. No certificate issued in accordance with section 5.37.070 of this chapter, or its successor, shall be construed to be either a franchise or irrevocable. It is the intent of the city that all carriages authorized be actually used for the transportation of passengers for hire. In order to implement that intent, the city hereby imposes the following requirements:

1. Each certificate holder shall have in service at least one carriage authorized under its certificate for a minimum of one hundred twenty (120) carriage days during any calendar six (6) months.

2. Within thirty (30) days following each June 30 and December 31, a holder of a certificate shall file a report with the city license supervisor's office. Such report shall be in writing, signed by the holder or by some person authorized to sign the same on behalf of the holder, and shall be properly verified. The report shall contain the following information:

a. A list of all carriages licensed under a certificate during the preceding calendar six (6) months, showing the serial number and the city business license plate number for each carriage. Such list shall include any carriage which has been salvaged or otherwise removed from the fleet, as well as the replacement thereof;

b. The number of carriage days each such carriage was in service during the preceding calendar six (6) months;

c. The holder may also file with such report a written statement of the circumstances that caused the authorized carriages to be in service for less than the required number of carriage days;

d. A statement that the information contained in the report was obtained from the company records, and that all statements contained in the report are true and accurate.

B. In the event the carriages licensed under the provisions of this chapter are not actually in service for the minimum required carriage days during any calendar six (6) months as set forth in this section, or its successor, the right to operate one or more carriage may, upon at least ten (10) days' notice to the holder, and upon the hearing had therefor, be revoked by the city. The holder may appear in person or be represented by counsel at such hearing to show cause, if any he or she has, why the right to operate such carriage or carriages should not be revoked. If, at the conclusion of the hearing, the city shall find that the holder has shown extenuating circumstances, the city may grant

continuance of authority.

C. Upon revocation by the city of such authority, the certificate shall be modified to reflect the number of carriages actually in service for the required minimum number of carriage days during such calendar six (6) months. No refund shall be made for any unused portion of the license fee. Such forfeited right to operate any carriage may be reissued only upon application required by section 5.05.105 of this title, or its successor, and by a showing of public convenience and necessity as required by section 5.05.140 of this title, or its successor.

D. Each holder shall maintain and keep current at the place of business a daily log showing all trips made by every operator during such operator's hours of work showing time (s) and place(s) or origin and destination of trips, and the specific carriage(s) and horse(s) operated. Such logs shall be made available to the city for inspection upon reasonable notice. (Ord. 52-89 § 1, 1989)

### 5.37.100: COMPLIANCE RESPONSIBILITY:

The holder shall not be relieved of any responsibility for compliance with the provisions of this chapter, whether the holder pays salary, wages or any other form of compensation to drivers. (Ord. 52-89 § 1, 1989)

## Article III. Driver Licensing

### 5.37.105: LICENSE REQUIRED FOR OPERATORS:

It is unlawful for any person to operate or for a holder to permit any person to operate a carriage for hire or a training cart upon the streets of the city without such operator: a) being at least twenty one (21) years of age, and b) having first obtained and having then in force a current Utah motor vehicle operator's license valid in the state of Utah. (Ord. 17-02 § 3, 2002: Ord. 52-89 § 1, 1989)

### 5.37.110: LICENSE; DISPLAY:

Every driver operating a carriage under this chapter shall keep his or her current, valid, Utah motor vehicle operator's license on his or her person while such driver is operating a carriage, and shall exhibit the license upon demand of any police officer, animal services officer, license inspector, or any authorized agent of the license office of the city. (Ord. 17-02 § 4, 2002: Ord. 52-89 § 1, 1989)

## Article IV. Carriage Equipment And Maintenance

### 5.37.115: CARRIAGE INSPECTION PRIOR TO LICENSING:

Prior to the use and operation of any carriage under the provisions of this chapter, the carriage shall be thoroughly examined and inspected by the office of animal services and found to comply with the specifications of section 5.37.125 of this chapter, or its successor. (Ord. 17-02 § 5, 2002: Ord. 52-89 § 1, 1989)

### 5.37.120: SATISFACTORY INSPECTION; STICKER ISSUED:

When the office of animal services finds that a carriage has met the specifications established by section 5.37.125 of this chapter, or its successor, the office of animal services shall issue a sticker to that effect. (Ord. 17-02 § 6, 2002: Ord. 52-89 § 1, 1989)

### 5.37.125: PERIODIC INSPECTIONS:

A. Specifications: Every carriage operating under this chapter shall be inspected by the office of animal services at least once each year in order to make certain each carriage is being maintained in a safe and efficient operating condition in accordance with the following inspection requirements:

1. Each carriage shall be equipped with two (2) electrified white lights visible for one thousand feet (1,000') to the front of the carriage, and two (2) electrified red lights visible for one thousand feet (1,000') to the rear of the carriage. All lights shall be operational from one-half ($^1/_2$) hour after sunset to one-half ($^1/_2$) hour before sunrise and during times of lessened visibility. Electrified directional signals are required at all times;

2. Each carriage shall be equipped with hydraulic or factory equipped mechanical brakes appropriate for the design of the particular carriage;

3. Each carriage shall be equipped with a slow moving vehicle emblem (red triangle) attached to the rear of the carriage;

4. Each carriage shall permanently and prominently display the name and telephone number of the carriage business operating it on the rear portion of such carriage;

5. Each carriage shall be equipped with a device to catch horse manure falling to the pavement;

6. Each carriage shall be maintained in a clean and sanitary condition.

B. Training Cart: This article shall be fully applicable to training carts, as described in subsection 5.37.085B of this chapter, or its successor, with the exception of subsection A2 of this section regarding brakes. In addition, all training carts shall be clearly marked, on the rear portion of such cart, with the words: "CAUTION: HORSE IN TRAINING". (Ord. 17-02 § 7, 2002: Ord. 88-97 § 1, 1997: Ord. 52-89 § 1, 1989)

## Article V. Conduct Of Drivers And Operation Of Carriages

### 5.37.130: TRAFFIC LAWS:

A driver operating a horsedrawn carriage shall be subject to all laws of the city pertaining to the driver of any vehicle. (Ord. 52-89 § 1, 1989)

### 5.37.135: LIGHTS:

The driver of each carriage in operation from one-half ($^1/_2$) hour after sunset until one-half ($^1/_2$) hour before sunrise, and in conditions of poor visibility, shall turn on the front and tail lights of the carriage and take any action necessary to make them operational, such as by replacing a light bulb. (Ord. 52-89 § 1, 1989)

### 5.37.140: SPEED:

The driver shall not permit the speed at which any horsedrawn carriage is driven to exceed a slow trot. (Ord. 52-89 § 1, 1989)

### 5.37.145: PRESENCE AND CONTROL:

No driver shall leave the carriage unattended in a public place. (Ord. 52-89 § 1, 1989)

### 5.37.150: NUMBER OF PASSENGERS:

No driver shall permit more than six (6) passengers, five (5) years of age or older to ride in the carriage at one time, plus no more than two (2) children under five (5) years of age, if seated on the laps of adult passengers, unless the carriage was designed to carry fewer, in which event the carriage shall not carry more passengers than it was designed to carry. With regard to a training cart, no more than two (2) passengers shall be permitted, neither of which shall be a customer for hire. (Ord. 17-02 § 8, 2002: Ord. 52-89 § 1, 1989)

### 5.37.155: PASSENGERS RESTRICTED TO PASSENGER AREA:

No driver shall permit a customer to ride on any part of the carriage while in motion, unless the passenger is seated inside the carriage. No customer shall be allowed to ride while sitting on the same seat as the carriage driver at any time while the carriage is in motion. (Ord. 17-02 § 9, 2002: Ord. 52-89 § 1, 1989)

### 5.37.160: MANNER AND APPEARANCE:

Drivers shall be courteous in manner and shall adhere to the following standards of appearance, in order to meet the interests of Salt Lake City in such transportation:

A. Wear enclosed shoes or boots.

B. Maintain their hair, and beards or mustaches, if any, in a clean and groomed condition.

C. Maintain their clothes in a clean and repaired condition.

D. Be free from offensive odor.

E. Not at any time expose the following body regions: the stomach, back, shoulders, chest, hips, buttocks, abdomen, genitals, or thighs higher than four inches (4") above the knee.

F. Not wear as outer garments any clothing manufactured and commonly worn as underwear.

G. Not wear T-shirts as outer garments unless as a part of a company uniform.

H. Wear shirttails and shirt hems tucked into pants, and shall use a belt or suspenders when pants are designed for their use.

I. Not wear sweatpants or sweatshirts designed for athletic use.

J. At all times bear an identification of the company with which they are associated on their shirts, whether as a shirt logo, name tag, photo identification badge, or otherwise, as shall be approved by the city.

K. Any driver who desires that an exception be made to any requirement under this section on any grounds may notify the city law department of the same in writing and request a review of the same by such mayoral hearing examiners as the mayor deems appropriate to consider such matters with the assistance of the city law department. Such exception shall be granted if such driver can demonstrate that the requirement from which an exception is requested is unduly restrictive of any religious, political or personal right of the driver, as provided under the United States or Utah constitution or laws, or Salt Lake City ordinances. (Ord. 17-02 § 10, 2002: Ord. 52-89 § 1, 1989)

### 5.37.165: HOURS:

Neither a licensee nor any driver shall operate or allow to be operated its carriages on the streets of the city during the hours of seven o'clock (7:00) A.M. to nine o'clock (9:00) A. M. and four o'clock (4:00) P.M. to six o'clock (6:00) P.M. (Ord. 52-89 § 1, 1989)

### 5.37.170: ROUTES:

A. 1. The licensees and drivers shall operate horsedrawn carriages only upon certain streets within specified routes and/or quadrants and according to restrictions authorized by the city's horsedrawn carriage committee. In determining said routes, restrictions, and/or quadrants, the horsedrawn carriage committee shall seek to ensure safe and efficient movement of transportation within the city, and shall take into consideration the location of the streets therein, the expected traffic flow upon such streets, the history of traffic accidents upon such streets, the width of such streets, and any natural or manmade physical features of such streets which may be pertinent to the safe and efficient movement of transportation thereon.

2. With regard to the determination as to which holders may operate carriages and as to the number of carriages to be operated by such holders along a particular route or within a particular quadrant within the city, the city horsedrawn carriage committee shall, no later than February 15, 1990, develop a process for allocating in an equitable manner such routes and/or quadrants among holders. Said process shall not unreasonably withhold entry into the market from holders which have not previously operated along a particular route or within a particular quadrant. Said allocation shall be made on an annual basis, no earlier than February 15 of each calendar year.

3. As of the effective date hereof, subject to amendment by the city horsedrawn carriage committee as provided in this section, there shall be established a quadrant for the operation of horsedrawn carriages which shall be bounded by the following streets: North Temple, 200 East, 400 South, and 200 West. The maximum number of carriages, which shall be allowed to operate within said quadrant, unless amended by the city horsedrawn carriage committee, shall be nineteen (19). Subject to reallocation by the city horsedrawn carriage committee as provided in this section, the three (3) carriage companies in operation as of the effective date hereof shall be allowed to operate the following number of carriages within the aforementioned quadrant:

| | |
|---|---|
| Carriage Horse Livery Ltd. | 10 carriages |
| Carriage For Hire | 5 carriages |
| The Carriage Connection | 4 carriages |

B. Licensees are barred from using streets which:

1. Have a speed limit exceeding thirty five (35) miles per hour, unless prior approval is obtained;

2. Do not have traffic signals at major intersections;

3. Involve major arterials during the hours of seven o'clock (7:00) A.M. to six o'clock (6:00) P.M., including, but not limited to, State Street, 700 East, 500 South and 600 South from 700 East west to I-15.

C. The authorized routes and termini shall be subject to amendment from time to time by the city horsedrawn carriage committee in order to ensure safe and efficient movement of transportation within the city, according to the guidelines set forth in this section. Advance charter tours may deviate from the route provided the driver stays on streets already approved for routes. A driver must receive prior permission of the city horsedrawn carriage committee to deviate from streets which have not been approved for routes or destinations which require use or crossing of streets designated as arterial or collector streets on the city's major street plan and official map. (Ord. 17-02 § 11, 2002: Ord. 52-89 § 1, 1989)

## 5.37.175: TERMINI:

Approved on street route termini include those areas designated by the city horsedrawn carriage committee. Drivers shall not stop on street longer than the maximum three (3) minutes available in any designated freight or passenger loading zone unless it is at a termini location approved by the city horsedrawn carriage committee or in a legal parking space. Each holder shall obtain permission from the property owner of all off street staging areas before using such areas. Upon request by the city horsedrawn carriage

committee, a holder shall verify such permission to use such off street staging area by submitting to the engineer evidence of such written permission from the property owner. Drivers shall not stop at designated bus stops, bus lanes, or any other restricted parking areas. (Ord. 52-89 § 1, 1989)

### 5.37.180: RATES:

All drivers must make available to any person upon request, the rates for all tours and trips offered by the service. Once a vehicle has been hired for a designated route or termini, the driver may not accept additional passengers without the original contracting passengers' consent. (Ord. 52-89 § 1, 1989)

## Article VI. Violations

### 5.37.185: REVOCATION OR SUSPENSION:

If any person to whom a license has been issued pursuant to this chapter commits a violation of this chapter, such license may be revoked or suspended according to the procedure provided for revocation or suspension of a business license issued by the city. Upon a serious violation, or upon any third violation of this chapter by either a driver or a licensee within any twelve (12) month period, a referral shall be made by animal services to the city's business licensing office for possible suspension or revocation of a business license issued by the city. A "serious violation" means a violation resulting in injury to human being or animal or property damage of one hundred dollars ($100.00) or more. (Ord 17-02 § 12, 2002: Ord. 52-89 § 1, 1989)

### 5.37.190: MISDEMEANOR:

Violation of any provision of this chapter shall be a class B misdemeanor. (Ord. 52-89 § 1, 1989)

# CHAPTER 5.38
# RESERVED

# CHAPTER 5.40

# LOCKSMITHS

## 5.40.010: DEFINITIONS:

As used in this chapter:

APPLICANT: Any person applying for a license hereunder.

LOCKSMITHING: The installation, change, removal, construction, reconstruction, repair, adjustment, manufacture or duplication of locks, combinations for safes, toolboxes, vaults, and the duplication of keys. (Ord. 37-99 § 3, 1999: prior code § 20-30-1)

## 5.40.020: LICENSE; REQUIRED:

No person, including an employee or officer of any firm or corporation, shall engage in the business of locksmithing within the city without first having obtained a license to do so. Each act of locksmithing performed without such a license shall be deemed a separate violation of the law. (Ord. 5-94 § 21, 1994: prior code § 20-30-2)

## 5.40.030: EXCEPTIONS TO CHAPTER APPLICABILITY:

The requirements of this chapter shall not apply to the following:

A. A person otherwise licensed by the city or the state 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;

B. 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 (6) month period, more than one contract and one day to perform. (Prior code § 20-30-12)

## 5.40.040: LICENSE; ISSUED TO INDIVIDUALS:

A. Licenses issued shall be personal in nature, and each individual or employee engaged in the business of locksmithing shall be required to have a license.

B. If a licensee changes his or her employment or place of business during the year, he or she shall immediately notify the city police department, in writing, of the name and address of his or her new employer or the name and address of his or her new place of business. (Ord. 5-94 § 22, 1994: prior code § 20-30-3)

## 5.40.050: LICENSE; APPLICATION REQUIREMENTS:

A. Information Required: Every application for a license and application for license renewal hereunder shall be filed with the license office, and shall include the following information verified under oath:

1. The name under which licensee will conduct his or her business, or the name of the firm or corporation by whom he or she is employed, and a concise history of his or her employment;

2. Applicant's name, age, address, phone number, and length of residency in the state;

3. The names and addresses of three (3) character references;

4. A statement disclosing whether the applicant has ever been convicted of a felony or misdemeanor, other than nonalcohol related traffic offenses, and, if so, the nature of the offense, and where and when it was committed.

B. Photograph And Fingerprints Required: Every applicant for license or renewal of license hereunder shall also be required to furnish the following:

1. A photograph of applicant, to be taken by the police department;

2. If deemed necessary, a complete set of applicant's fingerprints to be taken by said department. (Ord. 37-99 § 3, 1999: prior code § 20-30-4)

## 5.40.070: INVESTIGATION OF APPLICANT; APPROVAL CONDITIONS:

A. Police Recommendation: After investigation of each applicant, the chief of police shall recommend to the mayor either approval or denial of each application. Any recommendation of approval from the chief of police shall be based on an affirmative finding in each of the following:

1. A reputation for honesty;

2. A police record devoid of a conviction of, or any alleged but as yet unresolved charge that licensee has committed a crime involving moral turpitude;

3. No known association with felons.

B. Mayoral Consideration: The mayor shall, upon consideration of the application and the police recommendation, approve or reject the application.

C. Hearing Upon Rejection: If the application is rejected, the applicant shall be entitled to a hearing in accordance with the provisions of chapter 5.02 of this title, or its successor. (Ord. 37-99 § 3, 1999: prior code § 20-30-6)

## 5.40.080: LICENSE; BOND REQUIREMENTS:

All licensees shall be required, before issuance of a license hereunder, to deposit with the city a corporate surety bond in the penal sum of one thousand dollars ($1,000.00) for locksmithing licensees, conditioned that the licensee shall faithfully observe and comply with all ordinances and laws pertaining to locksmithing, and that such bond shall indemnify the city and any person injured or damaged by reason of the failure of the licensee to comply with such ordinances and laws. (Ord. 5-94 § 24, 1994: prior code § 20-30-7)

## 5.40.090: LICENSE; ISSUANCE; IDENTIFYING NUMBER:

Upon approval of an application, the city shall issue a license to the applicant which license shall bear the applicant's name, address, age, signature, photograph and identifying number. (Ord. 37-99 § 3, 1999: prior code § 20-30-8)

## 5.40.100: DISPLAY OF LOCKSMITH PLAQUE:

Each licensee shall display conspicuously at his place of business or employment a plaque, of the style, size and color prescribed by the chief of police, which shall include licensee's name and the words "Licensed Locksmith", together with the licensee's identifying number. (Ord. 5-94 § 25, 1994: prior code § 20-30-9)

## 5.40.110: LICENSEE RECORD KEEPING REQUIREMENTS:

Each licensee shall keep for a minimum of two (2) years orderly and adequate records containing the following, which shall be open to inspection by a police officer at any reasonable time:

A. 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;

B. The name and address of every person for whom a lock or combination of a lock is changed and the date of the transaction. (Prior code § 20-30-11)

## 5.40.120: LICENSE; REVOCATION CONDITIONS:

Any license granted or extended under this chapter may be revoked or suspended by the mayor or the mayor's designated hearing examiner after a hearing, with notice being given to the licensee as provided in chapter 5.02 of this title, or its successor, resulting in an affirmative finding by the mayor or the mayor's designated hearing examiner in any of the following:

A. Any misrepresentation made in obtaining a license;

B. A conviction of, or any alleged but as yet unresolved charge that licensee has committed a crime involving moral turpitude;

C. The violation of any provision of this chapter;

D. A showing of any evidence which provides reasonable grounds for the mayor to believe that the licensee has committed or aided in the preparation for or allowed his records, tools, equipment, facilities or supplies to be used for the commission of any crime. (Ord. 37-99 § 3, 1999: prior code § 20-30-10)

# CHAPTER 5.42
# MARRIAGE AND DATING SERVICES

## 5.42.020: LICENSE; REQUIRED:

It is unlawful for any person to operate any marriage service or dating service within the corporate limits of the city unless such person has obtained a license to do so. (Ord. 73-88 § 1, 1988)

## 5.42.030: LICENSE; FEE:

The license fee for dating services and marriage services shall be as shown on the Salt Lake City consolidated fee schedule. (Ord. 24-11, 2011)

## 5.42.040: LICENSE; REVOCATION CONDITIONS:

Marriage services and dating services shall be held strictly liable for the conduct of their officers, agents, employees and the license of any marriage service or dating service shall be revoked upon any conviction of its officers, agents or employees for a violation of sections 11.16.020, 11.16.040 through 11.16.060, and 11.16.100 of this code, as amended, or their successors. (Ord. 73-88 § 1, 1988)

# CHAPTER 5.44
# MASSAGE PARLORS

(Rep. by Ord. 37-99 § 1, 1999)

# CHAPTER 5.46
# MOTORBUS BUSINESSES

(Rep. by Ord. 37-99 § 1, 1999)

# CHAPTER 5.47
# NUMISMATIC AND BULLION DEALERS

### 5.47.010: DEFINITIONS:

For purposes of this chapter, the following words shall have the meanings as defined in this section:

BULLION: Items of or containing gold, silver, platinum or palladium in any form or shape including, but not limited to, bars, ingots or medallions which:

A. Are gold or silver coins originally minted or manufactured as legal tender in their country of origin, but which, because of their physical condition, have little or no numismatic value and which are bought, sold, bartered or exchanged based on the value of the gold or silver they contain and are commonly known as "junk silver" or "junk gold"; or

B. Carry a hallmark which:

1. Identifies the manufacturer,

2. States the degree or percentage of purity, and

3. States the weight of the item; and

C. Are of a purity at or exceeding eighty percent (80%), i.e., the item is composed of or contains eighty (80) parts of gold, silver, platinum and/or palladium to twenty (20) parts of other metal(s).

Bullion does not include sterling silver flatware or utensils and does not include jewelry containing gold, silver, platinum or palladium.

BULLION DEALER: Any person who engages in the business of purchasing, selling, bartering or exchanging bullion.

COINS: Pieces of metal money issued by any government as legal tender in the country of origin and includes commemorative coins, mint sets and proof sets, but does not

include items manufactured primarily for transfer as bullion including, but not limited to, Krugerrands, Maple Leafs and Austrian Coronas. "Coin" refers to a single piece of money as defined in this subsection.

CURRENCY: Paper money or money of a material other than metal which was originally printed, minted or manufactured as legal tender in the country of origin and includes commemorative currency.

NUMISMATIC DEALER: Any person who engages in the business of purchasing, selling, bartering or exchanging coins or currency. (Ord. 31-90 § 10, 1990)

## 5.47.020: LICENSE; REQUIRED:

It is unlawful for any person to operate as a numismatic dealer and/or bullion dealer without first obtaining a license to do so. (Ord. 31-90 § 10, 1990)

## 5.47.030: LICENSE; FEE:

The license fee for a numismatic dealer and/or bullion dealer shall be as shown on the Salt Lake City consolidated fee schedule. (Ord. 24-11, 2011)

## 5.47.040: RECORDKEEPING REQUIREMENTS:

A. It is unlawful for any person licensed pursuant to this chapter to fail to keep upon the licensed premises a substantial and well bound book, in which such person shall enter in the English language at the time of receiving any goods, including those on consignment, and including coins, currency or bullion:

1. An accurate account and description of each item received, including, but not limited to, all names, numbers and other identifying marks, and including all indications of ownership thereon; except that bullion coins may be described in bulk by identifying the number of coins, their metallic composition, their denomination, and their face value;

2. The amount of money paid or value of property traded;

3. The date, both day and hour, of receiving such items;

4. The name, address and description of the person making the transaction; and

5. A numerical identifier obtained from identification containing a photograph of the person making the transaction. The person presenting the identification must be the same person whose photograph appears upon the identification.

B. The description required by subsections A1 and A4 of this section shall include such further information or description or identification marks as may be required by the city police department in bulletins given to licensees from time to time.

C. Each licensee shall also keep a separate record which shall be sent to the police department and which shall be cross referenced to the book referred to in subsections A and B of this section, and which shall contain, in addition to the requirements of said subsections:

1. A certificate, accompanied by the signature of the person delivering such item(s), that he/she has the legal right to sell the items; and

2. A legible signature of the person receiving the item at the time of transaction of each item.

D. No entries on any record shall be erased, obliterated or defaced; all entries shall be made with nonerasable ink in a legible manner; and the receiving licensee shall keep the record available during business hours for inspection by any police officer.

E. The records required to be maintained by this chapter shall be maintained by the business for a period of two (2) years from the date of the transaction. (Ord. 31-90 § 10, 1990)

## 5.47.050: RECORDS; COPIES TO POLICE DEPARTMENT:

It is unlawful for any person licensed pursuant to this chapter to fail to submit a copy of all entries required to be maintained by this chapter to the city police department upon request by such agency. (Ord. 31-90 § 10, 1990)

## 5.47.060: EQUIVALENT ALTERNATIVE METHODS OF REGULATION:

A. Whenever a person regulated under this chapter alleges that specified requirements of this chapter are impracticable or excessively burdensome as applied to such person, he/she may file with the mayor a written petition setting forth such allegations and presenting suggested methods of regulation of such person by the city in lieu of enforcement of the specified requirements of this chapter so objected to. The mayor may either approve or deny the proposed alternative methods of regulation proposed by the petitioner or may approve other alternative methods of regulation. Upon approval by the mayor, such alternative regulation(s) shall be as obligatory upon the petitioner as if such had been specific requirements set forth in this chapter, the violation of any of which alternate regulations shall be a misdemeanor.

B. The standard for approval of any such alternative regulation(s) shall be that they are equivalent to the requirements of this chapter which they would supplant, in meeting the objectives which underlie this chapter; namely, inhibiting theft and trafficking of stolen merchandise and providing adequate opportunity for examination by the police of transactions governed by this chapter. (Ord. 31-90 § 10, 1990)

## 5.47.070: HOURS OF BUSINESS:

It is unlawful for any person licensed pursuant to this chapter to keep his or her place of business open for trade before the hour of seven o'clock (7:00) A.M. or after seven o'clock (7:00) P.M.; provided, however, that on Saturday of each week, and on days preceding legal holidays, and the last fifteen (15) days of December of each year, it shall be lawful for such licensees to keep his or her place(s) of business open until eleven o'clock (11:00) P.M. (Ord. 31-90 § 10, 1990)

### 5.47.080: FURNISHING OF FALSE INFORMATION:

It is unlawful for any person to wilfully give the licensee or his or her agents or employees false or misleading information which the licensee is required by this chapter to obtain from such person. (Ord. 31-90 § 10, 1990)

### 5.47.090: DEALING WITH CERTAIN PERSONS PROHIBITED:

It is unlawful for any person licensed pursuant to this chapter, or any employee of any person licensed pursuant to this chapter, to receive any items from a person who is under eighteen (18) years of age, or who is either intoxicated or obviously mentally deficient. (Ord. 31-90 § 10, 1990)

### 5.47.100: ITEMS WITH ALTERED IDENTIFICATION NUMBERS:

No business licensed pursuant to this chapter shall receive any item which has obviously had the manufacturer's serial number or an owner's personal identification mark altered, defaced or obviously mutilated or removed. (Ord. 31-90 § 10, 1990)

### 5.47.110: LIABILITY FOR ACTS OF EMPLOYEES:

The holder of a license under this chapter is strictly liable for any and all acts of his or her own employees and for any violation by them of any provisions of this chapter. (Ord. 31-90 § 10, 1990)

# CHAPTER 5.48
# PAWNBROKERS

### 5.48.010: PAWNBROKER DEFINED:

"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 pledger 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 or her possession, and who sells the unredeemed pledges together with such new merchandise as will facilitate the sale of same. (Prior code § 20-10-1)

## 5.48.020: LICENSE REQUIRED:

It is unlawful for any person to carry on the business of pawnbroker without previously having obtained a license to operate as a pawnbroker in accordance with the provisions of this chapter. (Prior code § 20-10-2)

## 5.48.030: LICENSE FEE:

The license fee for a pawnbroker shall be as shown on the Salt Lake City consolidated fee schedule, per year, or any part thereof. (Ord. 24-11, 2011)

## 5.48.040: LICENSE; BOND REQUIRED:

Before any license is issued to a pawnbroker under the provisions of this chapter, the applicant for such license shall execute and deliver to the city a bond in the sum of five thousand dollars ($5,000.00), executed by a corporate surety authorized to do business in the state, and conditioned upon the faithful performance of such licensee of all ordinances of the city respecting pawnbrokers. (Prior code § 20-10-4)

## 5.48.050: EXEMPTION FROM OTHER REGULATIONS:

A pawnbroker licensed under the provisions of this chapter shall be exempt from the licensing regulations of section 5.47.020 of this title, or its successor, pertaining to numismatic and bullion dealers, and section 5.60.020 of this title, or its successor, pertaining to secondhand dealers, secondhand precious metal and/or precious gem dealers, which right shall be included under the pawnbroker's license. A pawnbroker engaged in said businesses shall comply with all other ordinances pertaining to such businesses. (Ord. 31-90 § 1, 1990: prior code § 20-10-11)

## 5.48.060: HOURS OF BUSINESS:

It is unlawful for any pawnbroker to receive any goods by way of pawn or pledge, or to keep his place of business open before the hour of seven o'clock (7:00) A.M. or after seven o'clock (7:00) P.M. of any day or on Sunday; provided, however, that on Saturday of each week and on days preceding legal holidays, and the last fifteen (15) days of December of each year, it shall be lawful for said pawnbroker to keep his or her place of business open until eleven o'clock (11:00) P.M. (Prior code § 20-10-10)

## 5.48.070: RECORDKEEPING REQUIREMENTS:

A. It is unlawful for any person licensed by this chapter to fail to keep upon the licensed premises a substantial and well bound book in which he shall enter in the English language at the time of receiving any goods, including those on consignment and including coins and currency, which coins and currency are obtained at a price other than face value:

1. An accurate account and description of each item received, including, but not limited to, all names, numbers and other identifying marks, and including all indications of ownership thereon;

2. The amount of money paid or value of property traded;

3. The date, both day and hour, of receiving said items;

4. The name, address and description of the person making the transaction;

5. A numerical identifier obtained from identification containing a photograph of the person making the transaction. The person presenting the identification must be the same person whose photograph appears upon the identification;

6. The date of sale, disposal or scrapping of the item shall be added when the item is sold, scrapped or otherwise disposed of.

B. The description required by subsections A1 and A2 of this section shall include such further information or description or identification marks as may be required by the police department in bulletins given to licensees from time to time.

C. Each licensee shall also keep a separate record which shall be sent to the police department and which shall be cross referenced to the book referred to in subsections A and B of this section, and which shall contain, in addition to the requirements of said subsections:

1. A certificate, accompanied by the signature of the person delivering said item(s) that he/she has the legal right to pawn or sell said item(s);

2. A legible fingerprint of the person making the transaction, preferably the right thumbprint;

3. A legible signature of the person receiving the item at time of transaction of each item.

D. No entries on any record shall be erased, obliterated or defaced, and the receiving licensee shall keep the record available during business hours for inspection by any city police officer.

E. It is unlawful for any person to dispose of or alter any items received for a period of thirty (30) days from the date of receiving such items, except to return to the person originally pawning the item. Such items shall be available for inspection by any city police officer during reasonable business hours while in licensee's possession or control.

F. If requested to do so by a peace officer of the city police department, any item delivered to the licensed business must be retained and held, until released by the police department or placed in the custody of a police agency to be held as evidence.

G. The records required to be maintained by this chapter shall be maintained by the business for a period of two (2) years from the date of transaction. (Ord. 10-86 § 1, 1986: prior code § 20-10-5)

## 5.48.080: RECORDS; LEGIBILITY; ACCESS FOR INSPECTION:

All entries shall be made with nonerasable ink in a legible manner. The police department shall also be permitted to have access, during business hours, to all premises licensed under this chapter for the purpose of the inspection of such premises and records. (Prior code § 20-10-6)

### 5.48.090: RECORDS; COPIES TO POLICE DEPARTMENT:

It is unlawful for any person licensed by this chapter to fail to submit a copy of all entries required to be maintained by this chapter to the city police department upon request by such agency. (Prior code § 20-10-7)

### 5.48.100: RECEIVING ITEMS FROM CERTAIN PERSONS PROHIBITED:

It is unlawful for any person licensed pursuant to this chapter or any employee of any person licensed pursuant to this chapter to receive any items from a person who is under eighteen (18) years of age, or who is either intoxicated or obviously mentally deficient. (Prior code § 20-10-9)

### 5.48.110: FURNISHING OF FALSE INFORMATION:

It is unlawful for any person to wilfully give the licensee or his or her agents or employees false or misleading information which the licensee is required by this chapter to obtain from such person. (Ord. 69-84 § 2, 1984: prior code § 20-10-14)

### 5.48.120: RECEIVING ITEMS WITH ALTERED IDENTIFICATION NUMBERS:

No business licensed pursuant to this chapter shall receive any item which has obviously had the manufacturer's serial number or an owner's personal identification mark altered, defaced or obviously mutilated or removed. (Prior code § 20-10-8)

### 5.48.130: LICENSEE LIABLE FOR ACTS OF EMPLOYEES:

The holder of a license under this chapter is strictly liable for any and all acts of his or her own employees for any violation by them of any provisions of this chapter. (Prior code § 20-10-12)

# CHAPTER 5.50
# PRIVATE CLUBS AND ASSOCIATIONS

## 5.50.010: PRIVATE CLUB OR ASSOCIATION DEFINED:

"Private club or association", as used in this chapter, shall be defined to be any social club, recreational or athletic association or kindred association, whether incorporated or not, which maintains clubrooms, regular meeting rooms or facilities within the city limits and restricts such facilities and activities to a clientele or group other than the general public. For use in this code, "private club or association" shall also include any club licensed by the state pursuant to section 32A-5-101, Utah Code Annotated (2009), and successor provisions, that electronically verifies proof of age as required by section 32A-1-304.5, Utah Code Annotated (2009), and its successor provisions. (Ord. 55-09 § 1, 2009)

## 5.50.020: LICENSE REQUIRED:

It is unlawful for any private club to operate within the city without first obtaining a license. (Prior code § 20-29-2)

## 5.50.030: LICENSE; APPLICATION; ISSUANCE CONDITIONS:

A. Each applicant for a license under this chapter shall at the time of such application and each time the license is renewed, file with the license supervisor a statement upon a form furnished by the city, signed under oath by the applicant and addressed to the mayor. The statement shall identify the applicant as a natural person, partnership, corporation or association, its location and general purpose, and it shall also contain the following information on the individual owner, and the applicant's manager if such applicant is a natural person applying for a license to operate as a sole proprietorship, and on each officer, director, partner, associate and manager if such applicant is a partnership, corporation or association:

1. The date and place of the applicant's birth;

2. A statement as to the applicant's national citizenship and place of residency;

3. A list of three (3) persons residing in the city who can attest to the applicant's honesty, good reputation and good moral character;

4. The date, offense and jurisdiction of the applicant's conviction for each and every felony or misdemeanor involving moral turpitude;

5. Whether or not the applicant has ever been denied a license to sell or otherwise dispense beer or liquor by any federal, state, county, city or other local governmental entity, and all pertinent information relating thereto including the dates and jurisdictions involved.

B. Within ten (10) days after the removal, replacement or addition of any officer, director, partner, associate and/or manager in a corporation, partnership or association licensed under this chapter, a new statement shall be filed with the city license supervisor, signed under oath by the licensee and the new officer, director, partner, associate and/or manager, if any. The statement shall note any organization change and contain the same information on each new officer, director, partner, associate and/or manager, as required on the original application statement as above stated.

C. Each licensee, if a natural person operating as a sole proprietorship, his or her manager, and every officer, director, partner, associate and/or manager of a partnership, corporation or association seeking to be actually licensed under this chapter must be over the age of twenty one (21) years, of good reputation and standing in his or her community, and a citizen of the United States.

D. No license under this chapter shall be given to any applicant or held by any partnership, corporation, association or person when such applicant or any officer, director, manager, partner or associate of any partnership, corporation or association licensed under this chapter has been convicted of any felony or misdemeanor involving moral turpitude, or who fails to meet any of the other requirements of this chapter. Failure to fully comply with all or any of the said requirements shall be grounds for denial of said license or revocation or suspension of any license issued prior thereto. (Prior code § 20-29-4)

## 5.50.040: CLASSIFICATIONS OF LICENSES:

Private club licenses issued under the provisions of this chapter shall be classified into the following types of operations and shall carry the privileges and responsibilities hereinafter provided in this chapter: class A; class B; class C. (Prior code § 20-29-3)

## 5.50.050: CLASS A LICENSES:

A class A license shall be issued to all nonprofit private clubs which do not maintain restaurant facilities nor allow the sale or consumption of beer or intoxicating liquors on the premises. (Prior code § 20-29-5)

## 5.50.060: CLASS B AND C LICENSES; ISSUANCE CONDITIONS:

A. Licensure Requirements; Class C Private Club: A class C license shall be issued to all private clubs which have complied with all of the following requirements:

1. Register with the Utah division of corporations and commercial code or its successor as a nonprofit corporation;

2. Secure a beer and/or private club liquor license from the state in accordance with the alcoholic beverage control act or its successor.

B. Licensure Requirements; Class B Private Club: A class B license shall be issued to all private clubs which have complied with the requirements of subsections A1 and A2 of this section and in addition maintain food service and full restaurant kitchen facilities and meet the alcohol (including beer and intoxicating liquor) to food ratio required for a class B retail license as set forth in section 6.08.050 of this code or its successor.

C. Classes B And C; Permit For Sale And Consumption Of Alcohol: Said licenses shall permit the sale and consumption of beer (whether packaged, draft or sold in other containers) and intoxicating liquors on the premises. (Ord. 37-99 § 3, 1999: Ord. 51-84 § 1, 1984: prior code § 20-29-6)

### 5.50.070: CLASS B OR C LICENSES; LOCATION RESTRICTIONS:

No class B or C nonprofit club license authorized under this chapter may be issued to or for any premises in violation of the provisions of section 6.08.120 of this code, or its successor. (Ord. 37-99 § 3, 1999: prior code § 20-29-6(1))

### 5.50.080: CLASS C LICENSES:

(Rep. by Ord. 37-99 § 1, 1999)

### 5.50.090: APPLICATION; POLICE CHIEF INVESTIGATION:

All applications filed in accordance with the provisions of this chapter shall be referred to the chief of police for investigation, inspection and report. The chief of police shall, within thirty (30) days after receiving such application, forward a report to the business license supervisor showing the results of his or her investigation of the parties and references listed on the application, and the proximity of the proposed licensed premises to any church, public park, or school. (Ord. 37-99 § 3, 1999: prior code § 20-29-9)

### 5.50.100: APPLICATION; HEALTH DEPARTMENT DUTIES:

All applications filed in accordance with this chapter shall be referred to the health department, which shall inspect all premises owned and operated by the club to assure sanitary compliance with the laws of the state, the ordinances of the city and the rules and regulations of the health department. (Prior code § 20-29-10)

### 5.50.110: LICENSE; FEE SCHEDULE:

Applications provided for in this chapter shall be accompanied by the fees hereinafter provided, which fees shall be deposited in the city treasury and returned to the applicant if the license is denied for a class A, B, or C license, the fee shall be as shown on the Salt Lake City consolidated fee schedule, per year, or any part thereof, plus any other license fees required by city ordinances. (Ord. 24-11, 2011)

### 5.50.120: PLAYING OF CARDS; LICENSE REQUIREMENTS:

Each club that maintains on its premises such facilities for the playing of cards or other games of chance shall so indicate in its application to the license supervisor the number of tables and type of paraphernalia to be so used and its location on the premises. (Prior code § 20-29-13)

## 5.50.130: LICENSE; SUSPENSION OR REVOCATION CONDITIONS:

Licenses may be suspended or revoked by the mayor for the violation of any provisions of this chapter or any other applicable ordinance or law relating to alcoholic beverages, or for violations set forth in section 5.02.250 of this title, or its successor. The mayor or the mayor's designee, shall conduct a public hearing prior to revocation after serving notice of the hearing upon any officer or director of the licensee or by posting such notice upon the licensed premises as provided in chapter 5.02 of this title, or its successor. (Ord. 37-99 § 3, 1999: prior code § 20-29-15)

## 5.50.140: COMPLIANCE WITH HEALTH REGULATIONS:

It is unlawful for any nonprofit club to operate without complying strictly with the health ordinances and regulations of the city as set forth in the title relating to health regulations. (Prior code § 20-29-7)

## 5.50.150: COMPLIANCE WITH FIRE REGULATIONS:

It is unlawful for any nonprofit club to operate without complying strictly with the fire code of the city, as set forth in the ordinances relating to fire prevention. (Prior code § 20-29-8)

## 5.50.160: LIGHTING OF PREMISES; ENCLOSED BOOTHS:

A. It is unlawful for any club to maintain any premises or facilities without complying with the following lighting and view requirements:

1. During business hours, a minimum of five (5) candlepower light, measured at a level of five feet (5') above the floor, shall be maintained.

2. No enclosed booths, blinds or stalls shall be erected or maintained in an area where food or drink is served. (Prior code § 20-29-11)

## 5.50.170: PRIVATE CLUB; MEMBERSHIP RESTRICTIONS:

A. Membership And Guests: No person shall be allowed on the premises of any private club required to be licensed under the provisions of this chapter, unless said person holds a membership in such private club or is an actual guest of such member. A person is an actual guest of a member only when such person is accompanied by the member who is physically present at the club.

B. Barriers Outdoors: In outdoor areas located on city property in the expanded central business district bordered by North Temple, 200 East, 600 South and 600 West Streets and in the public way, ingress and egress into any private club shall be controlled by barriers which are a minimum of three feet (3') high and a maximum of four feet (4') high. In outdoor areas not located in the expanded central business district and in the public way, ingress and egress into any private club shall be controlled by barriers which are a minimum of five feet (5') high and which are capable of preventing contact between persons inside the licensed premises and persons who are outside the licensed premises.

All barriers shall be in conformity with the city's planning and zoning ordinances, the building code, and all other applicable city ordinances. The city's planning director or building services director shall review the design of any proposed barrier with the city's property management director for aesthetics and compliance with city ordinances and regulations before a barrier receives final approval. (Ord. 57-03 § 1, 2003: Ord. 37-99 § 3, 1999: prior code § 20-29-19)

### 5.50.180: LIQUOR; SALE, SUPPLY AND SERVICE:

It is unlawful for any private club, acting through its employees or managing director, or any employee, member, guest, club officer or director to serve liquor on or at the premises or facilities during the following days or hours:

A. On the day of any state or national election until after the polls are closed; or

B. On Sunday and any state or federal legal holiday after twelve o'clock (12:00) midnight and before twelve o'clock (12:00) noon. (Ord. 37-99 § 3, 1999: Ord. 25-92 § 1, 1992: prior code § 20-29-12)

### 5.50.185: BEER OR LIQUOR CONSUMPTION:

(Rep. by Ord. 37-99 § 1, 1999)

### 5.50.190: VIOLATION OF CHAPTER PROVISIONS PROHIBITED:

It is unlawful for the licensed club or any member, guest, employee, agent, manager, director or officer to violate any provision of this chapter. (Prior code § 20-29-14)

# CHAPTER 5.52
# (RESERVED)

(Reserved)

# CHAPTER 5.54
# RESTAURANTS

## 5.54.010: DEFINITIONS:

As used in this chapter:

FOOD BOOTH: A temporary restaurant operating in the form of a booth from which food or drink is prepared, served or offered for sale or sold for human consumption during a licensed and approved event, for a period not to exceed seven (7) days. All provisions of this chapter shall apply to food booths except section 5.54.090 of this chapter, or its successor.

RESTAURANT: Any place of business where food or drink is prepared, served and offered for sale or sold for human consumption on or off the premises. (Ord. 37-99 § 3, 1999: Ord. 88-86 § 43, 1986: prior code §§ 20-14-1, 20-14-1.1, 20-14-1.2)

## 5.54.020: LICENSE REQUIRED:

It is unlawful for any person to operate a restaurant in the city without first obtaining a restaurant license. (Prior code § 20-14-2)

## 5.54.030: LICENSE APPLICATION:

Application for a restaurant license shall be made to the license supervisor of the city, and shall show the location of the restaurant and state the greatest number of persons that can be furnished with food at any one time in such restaurant. (Prior code § 20-14-4)

## 5.54.040: RESTAURANT LICENSE; FEE:

The license fee required for a restaurant shall be at the rate as shown on the Salt Lake City consolidated fee schedule. For out of doors restaurant facilities and for rooms used for occasional banquets but not used for continuous dining, the fee shall be as shown on the Salt Lake City consolidated fee schedule. (Ord. 24-11, 2011)

## 5.54.060: APPLICATION; REFERRAL TO HEALTH DIRECTOR:

All applications for a restaurant license shall be referred to the health department for investigation and recommendation in accordance with the health ordinances and regulations of the city and the health regulations of the Salt Lake Valley health department. (Ord. 1-06 § 30, 2005: Ord. 37-99 § 3, 1999: prior code § 20-14-5)

## 5.54.070: LICENSE; REVOCATION CONDITIONS:

The license of any restaurant keeper may be revoked by the mayor of the city at any time upon notice and hearing, for any violation of any ordinance of the city or law of the state. (Prior code § 20-14-16)

## 5.54.080: COMPLIANCE WITH HEALTH ORDINANCES REQUIRED:

It is unlawful for any person to operate a restaurant in the city without complying strictly with the health ordinances and regulations of the city and the health regulations of the Salt Lake Valley health department. (Ord. 1-06 § 30, 2005: Ord. 37-99 § 3, 1999: prior code § 20-14-6)

## 5.54.090: BOOTHS TO BE OPEN AND VISIBLE:

A. It is unlawful for any person to keep, maintain, operate or conduct any restaurant which shall have within it or in any manner connected with it any:

1. Booth or stall having doors or curtains thereto; or

2. Booth or stall which shall be reached by any entrance except the main outside entrance to such restaurant; or

3. Booth or stall in which the tables or chairs are not plainly visible at all times from the main floor of said restaurant; or

4. Booth or stall which shall not open the full width on the side through which entrance to such booth or stall is gained; or

5. Room, booth or stall that is not brightly illuminated at all times such room, booth or stall is occupied.

B. It is unlawful for any person to diminish or extinguish the lights in any room, booth or stall in any restaurant while such room, booth or stall is occupied, or to remain in such room, booth or stall unless the same is brightly illuminated. (Prior code § 20-14-7)

## 5.54.100: PERSONS UNDER EIGHTEEN YEARS OF AGE; EMPLOYMENT RESTRICTIONS:

It is unlawful for any person licensed under the provisions of this chapter to employ any person under the age of eighteen (18) years after the hour of nine o'clock (9:00) P.M. of any day. (Prior code § 20-14-8)

## 5.54.110: EMPLOYEES CIRCULATING AMONG GUESTS; RESTRICTIONS:

It is unlawful for any person licensed under the provisions of this chapter to permit any employee to circulate among the patrons or guests of such place of business except to take

or serve orders, or to permit any employee to sit down at any table, counter or other place in such place of business with any patron or guest. It is unlawful for any employee of such place of business to circulate among the patrons or guests, or for any employee to sit down at any table, counter or any other place in such place of business with any patron or guest. (Prior code § 20-14-10)

### 5.54.120: ENTERTAINMENT; HOURS WHEN RESTRICTED:

It is unlawful for the keeper, manager or person in charge of any restaurant or public dining room to permit any singing, dancing, playing of musical instruments or any other form of amusement or entertainment to be carried on in such restaurant or public dining room, or in any room, booth or other place connected therewith on or after one o'clock (1:00) A. M. and before six o'clock (6:00) A.M. of the same day. (Prior code § 20-14-11)

### 5.54.130: PROHIBITED ACTIVITIES IN RESTAURANTS:

It is unlawful for any person licensed under the provisions of this chapter, in any licensed place of business under this chapter, to: a) permit any person to solicit any act of "prostitution" or solicit for hire any "sexual conduct", as defined in title 11, chapter 11.16 of this code, or its successor; or b) permit any vulgar, obscene, gross, indecent or immoral act, conduct, or disorder, or any "sexual conduct", as defined in title 11, chapter 11.16 of this code, or its successor. (Ord. 37-99 § 3, 1999: Ord. 88-86 § 44, 1986: prior code § 20-14-15)

### 5.54.140: ENTERTAINERS NOT TO CIRCULATE AMONG GUESTS:

It is unlawful for the keeper, manager or the person in charge of any restaurant or public dining room to permit any person employed as an entertainer to circulate among the patrons or guests of such place, and it is unlawful for any person employed as an entertainer to circulate among the patrons or guests of such place. (Prior code § 20-14-13)

### 5.54.150: OFFENSIVE BEHAVIOR PROHIBITED:

A. Offensive Conduct: It is unlawful for the keeper, manager or the person in charge of any restaurant or public dining room to permit any person to conduct himself or herself, by word or act therein, or in any room, booth or other place connected therewith, in such manner as to constitute disturbing the peace, disorderly conduct, or a public nuisance under this code, or to constitute an offense involving morals, under title 11, chapter 11.16 of this code, or its successor.

B. Appearance Standards: It is unlawful to permit any dancer, entertainer or other person to appear in or on such place of business nude or "seminude" as defined by section 5.61.040 of this division, or its successor, unless the licensed business complies with chapter 5.61 of this title, or its successor. (Ord. 37-99 § 3, 1999: Ord. 88-86 § 44, 1986: prior code § 20-14-12)

# CHAPTER 5.56
# ROOMING HOUSES AND BOARDING HOUSES

(Rep. by Ord. 63-11, 2011)

# CHAPTER 5.58
# SCRAP METAL PROCESSORS

## 5.58.010: SCRAP METAL PROCESSOR DEFINED:

"Scrap metal processor" means any person who, from a fixed location, utilizes machinery and equipment for processing and manufacturing iron, steel or nonferrous scrap into prepared grades, and whose principal product is scrap iron, scrap steel or nonferrous metallic scrap for sale for remelting purposes. (Prior code § 20-16A-1)

## 5.58.020: LICENSE REQUIRED:

It is unlawful for any person to operate as scrap metal processor without first obtaining a license to do so. (Prior code § 20-16A-4)

## 5.58.030: LICENSE FEE:

The license fee for operating as a scrap metal processor shall be as shown on the Salt Lake City consolidated fee schedule, per year. (Ord. 24-11, 2011)

## 5.58.040: GOLD AND SILVER; RESTRICTIONS AND THIRTY DAY HOLDING PERIOD:

It is unlawful for any scrap metal processor to deliver, sell, remelt, change the condition of, or otherwise dispose of any goods, articles or things containing gold or silver for a period of thirty (30) days from the date of receiving same. If requested to do so by a police officer, any item must be retained and held, in the condition received, until released by the police department. (Prior code § 20-16A-6)

### 5.58.050: RECORDKEEPING REQUIREMENTS:

Each scrap metal processor shall maintain for at least two (2) years written records of all materials purchased or received. Such records shall contain the name and address of the person from whom the materials were purchased and received, the date of the transaction, the type of identification presented, a description of the property, and the license number of the vehicle used by the seller to deliver such material to the purchaser. (Prior code § 20-16A-2)

### 5.58.060: DEALING WITH MINORS PROHIBITED:

It is unlawful for any licensee under this chapter, by himself, his agents or servants, to purchase or receive any material referred to in section 5.58.010 of this chapter or its successor, from any person under eighteen (18) years of age without the written consent of a parent or guardian of such person. (Prior code § 20-16A-3)

# CHAPTER 5.60
# SECONDHAND AND JUNK DEALERS

### 5.60.010: DEFINITIONS:

For the purpose of this chapter the following words shall have the meanings as defined in this section:

ANTIQUE DEALER: Any person engaging in the business of purchasing, bartering, exchanging or selling old or archaic items which are indicative of an older culture, excluding numismatic item(s), bullion items, and precious metals and/or precious gems. Any dealer who receives antique items that contain precious metals and/or precious gems must also obtain a secondhand precious metal and/or precious gem dealer's license. Any dealer who receives numismatic and/or bullion items must also obtain a numismatic and/or bullion dealer's license.

GENERAL SECONDHAND DEALER: Any person engaging in the business of purchasing, bartering, exchanging or selling of any secondhand merchandise of value. For the purpose of this chapter, a "general secondhand dealer" shall not include any person who:

A. Deals solely in the purchasing, bartering, exchanging or selling of used motor vehicles or trailers;

B. A scrap metal processor licensed under section 5.58.020 of this title, or its successor;

C. A store, office or place of business operated by a charitable organization which acquires secondhand goods or merchandise exclusively by donation;

D. Engages in a business which requires a license pursuant to this section 5.60.010; and

E. A person who deals solely in the consignment sale of used clothing, provided such clothing does not include jewelry or furs.

SECONDHAND COMPACT DISK DEALER: Any person engaging in the business of purchasing, bartering, exchanging or selling secondhand compact disks or "cds".

SECONDHAND COMPUTER DEALER: Any person engaging in the business of purchasing, bartering, exchanging or selling secondhand computers and/or computer parts.

SECONDHAND JUNK COLLECTOR: Any person not having a fixed place of business within the corporate limits of the city who goes from house to house or place to place gathering, collecting, purchasing, bartering, exchanging, selling or otherwise dealing solely in secondhand rags, papers, metals or other articles commonly known as "junk".

SECONDHAND JUNK DEALER: Any person engaging in the business of purchasing, bartering, exchanging or selling:

A. Secondhand metals other than precious metals; or

B. Glass, rags, rubber, paper or other articles commonly known as "junk" from a fixed place of business. For the purpose of this chapter, a "junk dealer" shall not include a scrap metal processor licensed under this title.

SECONDHAND PRECIOUS METAL AND/OR PRECIOUS GEM DEALER: Any person engaging in the business of purchasing, bartering, exchanging or selling, in any form:

A. Secondhand gold, silver, platinum or other precious metals, or secondhand articles containing any of such metals, but not including "coins", "currency" or "bullion" as defined and governed by chapter 5.47 of this title, or its successor; or

B. Secondhand precious gems or any secondhand articles containing any precious gems. (Ord. 37-99 § 3, 1999: Ord. 31-90 §§ 2-4, 1990: prior code § 20-16-1)

## 5.60.020: LICENSE REQUIRED:

It is unlawful for any person to operate as a secondhand dealer, secondhand computer dealer, secondhand compact disc dealer, secondhand precious metal and/or precious gem dealer, junk dealer, junk collector or an antique dealer without first obtaining a license to do so. (Ord. 37-99 § 3, 1999: Ord. 31-90 § 5, 1990: prior code § 20-16-2)

## 5.60.030: LICENSE FEE:

The license fee for each of the businesses defined in this chapter shall be as shown on the Salt Lake City consolidated fee schedule, including:

A. Antique dealer;

B. General secondhand dealer;

C. Secondhand junk collector;

D. Secondhand junk dealer;

E. Secondhand precious metal and/or precious gem dealer;

F. Secondhand computer dealer; and

G. Secondhand compact disc dealer. (Ord. 24-11, 2011)

## 5.60.040: THIRTY DAY HOLDING PERIOD FOR RECEIVED ITEMS:

A. It is unlawful for any person to dispose of or alter any items received for a period of thirty (30) days from the date of receiving such items, unless expressly permitted to do so by the city police department's designated representative, prior to the expiration of the thirty (30) day period. Such items shall be available for inspection by any city police officer during reasonable business hours while in the licensee's possession or control.

B. If requested to do so by a peace officer of the city police department, any item delivered to the licensed business must be retained and held, until released by the police department or placed in the custody of a police agency to be held as evidence. (Prior code §§ 20-16-4(4), (5))

## 5.60.050: RECORDKEEPING REQUIREMENTS:

A. It is unlawful for any person licensed pursuant to this chapter to fail to keep upon the licensed premises a substantial and well bound book, in which such person shall enter in the English language at the time of receiving any goods, including those on consignment:

1. An accurate account and description of each item received, including, but not limited to, all names, numbers and other identifying marks, and including all indications of ownership thereon;

2. The amount of money paid or value of property traded;

3. The date, both day and hour, of receiving such items;

4. The name, address and description of the person making the transaction;

5. A numerical identifier obtained from identification containing a photograph of the person making the transaction. The person presenting the identification must be the same person whose photograph appears upon the identification;

6. The date of sale, disposal or scrapping of the item shall be added when the item is sold, scrapped or otherwise disposed of.

B. The description required by subsections A1 and A4 of this section shall include such further information or description or identification marks as may be required by the city police department in bulletins given to licensees from time to time.

C. Each licensee shall also keep a separate record which shall be sent to the police department and which shall be cross referenced to the book referred to in subsections A and B of this section, and which shall contain, in addition to the requirements of such subsections:

1. A certificate, accompanied by the signature of the person delivering said item(s) that he/she has the legal right to sell said item(s);

2. A legible fingerprint of the person making the transaction, preferably the right thumbprint;

3. A legible signature of the person receiving the item at time of transaction of each item;

4. No entries on any record shall be erased, obliterated or defaced, and the receiving licensee shall keep the record available during business hours for inspection by any city police officer.

D. The records required to be maintained by this chapter shall be maintained by the business for a period of two (2) years from the date of the transaction. (Ord. 31-90 § 7, 1990: Ord. 11-86 § 1, 1986: prior code § 20-16-4(1)_(3), (6))

## 5.60.060: RECORDS; METHOD OF ENTRY; ACCESS FOR INSPECTION:

All entries shall be made with nonerasable ink in a legible manner. The city police department shall also be permitted to have access, during business hours, to the premises licensed under this chapter for the purpose of the inspection of such records. (Ord. 31-90 § 8, 1990: prior code § 20-16-5)

## 5.60.070: RECORDS; COPIES TO POLICE DEPARTMENT:

It is unlawful for any person licensed by this chapter to fail to submit a copy of all entries required to be maintained by this chapter to the city police department upon request by such agency. (Prior code § 20-16-6)

## 5.60.080: SECONDHAND DEALERS; RESTRICTIONS:

No person licensed under this chapter as a secondhand dealer shall purchase, barter, exchange or sell any secondhand merchandise other than that of the same type and character which comprise his or her principal business. (Prior code § 20-16-11)

## 5.60.090: GARAGE SALE RESTRICTIONS:

It is unlawful for any person to hold or participate as a seller in more than two (2) sales of personal property at a private residence during a calendar year, or in any one such sale exceeding seven (7) days in length. (Prior code § 20-16-12)

## 5.60.100: EQUIVALENT ALTERNATIVE METHODS OF REGULATION:

A. Written Petition: Whenever a person regulated under this chapter alleges that specified requirements of this chapter are impracticable or excessively burdensome as applied to such person, he/she may file with the mayor a written petition setting forth such allegations and presenting suggested methods of regulation of such person by the city in lieu of enforcement of the specified requirements of this chapter so objected to. The mayor may either approve or deny the proposed alternative methods of regulation proposed by the petitioner or may approve other alternative methods of regulation. Upon approval by the mayor, such alternative regulation(s) shall be as obligatory upon the petitioner as if such had been specific requirements set forth in this chapter, and the violation of any of which alternate regulations shall be a misdemeanor.

B. Standard For Approval: The standard for approval of any such alternative regulation(s) shall be that they are equivalent to the requirements of this chapter which they would supplant, in meeting the objectives which underlie this chapter; namely, inhibiting theft and trafficking of stolen merchandise, and providing adequate opportunity for examination by the police of transactions governed by this chapter. (Ord. 37-99 § 3, 1999: Ord. 31-90 § 9, 1990: Ord. 93-85 § 1, 1985: prior code § 20-16-16)

## 5.60.110: HOURS OF BUSINESS:

It is unlawful for any secondhand or junk dealer to keep his or her place of business open for trade before the hour of seven o'clock (7:00) A.M. or after seven o'clock (7:00) P.M., or on Sunday; provided, however, that on Saturday of each week, and on days preceding legal holidays, and the last fifteen (15) days of December of each year, it shall be lawful for secondhand and junk dealers to keep their places of business open until eleven o'clock (11:00) P.M. (Prior code § 20-16-8)

## 5.60.120: FENCE REQUIRED AROUND OPEN STORAGE:

It is unlawful for the owner of, occupant of, or person having control of any lot, yard or any other premises within the city limits to keep, collect, permit, maintain or store 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", without enclosing such lot, yard or premises with a tight board fence not less than seven feet (7') high, and maintaining such fence in a good and sightly condition. (Prior code § 20-16-10)

## 5.60.130: FURNISHING OF FALSE INFORMATION:

It is unlawful for any person to wilfully give the licensee or his or her agents or employees false or misleading information which the licensee is required by this chapter to obtain from such person. (Prior code § 20-16-15)

## 5.60.140: DEALING WITH CERTAIN PERSONS PROHIBITED:

It is unlawful for any person licensed pursuant to this chapter, or any employee of any person licensed pursuant to this chapter, to receive any items from a person who is under

eighteen (18) years of age, without the written consent of the parent or guardian of such person, or who is either intoxicated or obviously mentally deficient. (Ord. 37-99 § 3, 1999: prior code § 20-16-9)

### 5.60.150: ITEMS WITH ALTERED IDENTIFICATION NUMBERS:

No business licensed pursuant to this chapter shall receive any item which has obviously had the manufacturer's serial number or an owner's personal identification mark altered, defaced or obviously mutilated or removed. (Prior code § 20-16-7)

### 5.60.160: LIABILITY FOR ACTS OF EMPLOYEES:

The holder of a license under this chapter is strictly liable for any and all acts of his or her own employees and for any violation by them of any provisions of this chapter. (Prior code § 20-16-13)

# CHAPTER 5.61
# SEXUALLY ORIENTED BUSINESSES

### 5.61.010: TITLE FOR CITATION:

This chapter shall be known and may be referred to as the *SEXUALLY ORIENTED BUSINESS AND EMPLOYEE LICENSING ORDINANCE*. (Ord. 21-88 § 1, 1988: prior code § 20-40-1)

### 5.61.020: 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. 21-88 § 1, 1988: prior code § 20-40-2)

### 5.61.030: 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, chapter 5.02 of this title, and title 3, chapter 3.04, title 11 and title 21A of this code. (Ord. 21-88 § 1, 1988: prior code § 20-40-3)

## 5.61.040: DEFINITIONS:

For the purpose of this chapter, the following words shall have the following meanings:

ADULT BOOKSTORE OR ADULT VIDEO STORE: A commercial establishment:

A. Which excludes minors from more than fifteen percent (15%) 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, videocassettes or video reproductions, slides or other visual representations, the central theme of which depicts or describes "specified sexual activities" or "specified anatomical areas"; or instruments, devices or paraphernalia which are designated for use in connection with "specified sexual activities", except for legitimate medically recognized contraceptives.

ADULT BUSINESS: An adult motion picture theater, adult bookstore or adult video store.

ADULT MOTION PICTURE THEATER: A commercial establishment which:

A. Excludes minors from the showing of two (2) 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, videocassettes, slides, or similar photographic reproductions which are primarily characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas".

ADULT THEATER: 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 (2) 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 nudity or which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

BUSINESS LICENSE AUTHORITY: The city's business license supervisor or designee.

EMPLOY: 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.

ESCORT: Any person who, for pecuniary compensation, dates, socializes, visits, consorts with or accompanies or offers to date, consort, socialize, visit or accompany another or others to or about social affairs, entertainment or places of amusement, or within any place of public or private resort or any business or commercial establishment or any private quarters. "Escort" shall not be construed to include persons who provide business or personal services such as licensed private nurses, aides for the elderly or persons with disabilities, 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 (12) 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.

ESCORT SERVICE: An individual or entity who, for pecuniary compensation, furnishes or offers to furnish escorts, or provides or offers to introduce patrons to escorts.

ESCORT SERVICE RUNNER: Any third person, not an escort, who, for pecuniary compensation, acts in the capacity of an agent or broker for an escort service, escort or patron by contacting or meeting with escort services, escorts or patrons at any location within the city, whether or not such third person is employed by such escort service, escort, patron, or by another business, or is an independent contractor or self-employed.

NUDE AND SEMINUDE DANCING AGENCY: 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 nude entertainment, seminude dancing bars, or adult theaters.

NUDE ENTERTAINMENT BUSINESS: A business, including adult theater, where employees perform or appear in the presence of patrons of the business in a state of nudity or seminudity. A business shall also be presumed to be a nude entertainment business if the business holds itself out as such a business.

NUDITY OR STATE OF NUDITY: A state of dress in which the nipple and 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 "seminude".

OUTCALL SERVICES: Services of a type performed by a sexually oriented business employee outside of the premises of the licensed sexually oriented business, including, but not limited to, escorts, models, dancers and other similar employees.

PATRON: Any person who contracts with or employs any escort services or escort or the customer of any business licensed pursuant to this chapter.

PECUNIARY COMPENSATION: Any commission, fee, salary, tip, gratuity, hire, profit, reward, or any other form of consideration.

PERSON: Any person, unincorporated association, corporation, partnership or other legal entity.

SEMINUDE: A state of dress in which opaque clothing covers no more than the nipple and 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 (4") wide in the front and five inches (5") wide in the back which shall not taper to less than one inch (1") wide at the narrowest point.

SEMINUDE DANCING BARS: Any business licensed as a class B or a class C private club or as a class C tavern, which permits dancing, modeling, or other performance or appearance however characterized, in a state of seminudity.

SEXUALLY ORIENTED BUSINESS: Nude entertainment businesses, sexually oriented outcall services, adult businesses, "seminude dancing bars" and seminude dancing agencies, as defined by this chapter.

SEXUALLY ORIENTED BUSINESS EMPLOYEES: Those employees who work on the premises of the 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, bartenders 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.

SPECIFIED ANATOMICAL AREAS: The human male or female pubic area or anus with less than a full opaque covering, or the human female breast from the beginning of the areola, papilla or nipple to the end thereof with less than full opaque covering.

SPECIFIED SEXUAL ACTIVITIES: A. Acts of:

1. Masturbation,

2. Human sexual intercourse,

3. Sexual copulation between a person and a beast,

4. Fellatio,

5. Cunnilingus,

6. Bestiality,

7. Pederasty,

8. Buggery, or

9. Any anal copulation between a human male and another human male, human female, or beast;

B. Manipulating, caressing or fondling by any person of:

1. The genitals of a human,

2. The pubic area of a human,

3. The uncovered female nipple and areola;

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. (Ord. 20-06 § 1, 2006: Ord. 1-06 § 13, 2005: Ord. 53-88 §§ 1, 2, 10, 1988: Ord. 36-88 §§ 1, 4, 5, 13, 1988: Ord. 21-88 § 1, 1988: prior code § 20-40-5)

## 5.61.050: OBSCENITY; STATUTORY PROVISIONS:

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 the provisions of section 11.16.090 or 11.44.060 of this code, or other applicable federal or state statutes prohibiting obscenity. (Ord. 21-88 § 1, 1988: prior code § 20-40-4)

## 5.61.060: 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. Sexually oriented businesses licensed as adult businesses, nude entertainment businesses, or seminude dancing bars pursuant to this chapter shall only be allowed in areas zoned for their use pursuant to subsection 21A.36.140B of this code and at locations also complying with the other requirements of section 21A.36.140 of this code. Businesses licensed as outcall services and nude and seminude dancing agencies are not limited to locations permitted by section 21A.36.140 of this code, provided that there is no in person contact with the general public at such locations. (Ord. 17-04 § 7, 2004: Ord. 36-88 § 21, 1988: Ord. 21-88 § 1, 1988: prior code § 20-40-6)

## 5.61.065: INTENSIFICATION OF NONCONFORMING USES:

A. If a sexually oriented business is or becomes a nonconforming use, intensification of use shall be prohibited as follows, and no permit, approval or other authorization related to such intensification of use shall be granted:

1. For an adult bookstore or adult video store, an increase in the retail floor or shelf space from which minors are excluded;

2. For a nude entertainment business, an adult theater or an adult motion picture theater, an increase in the occupant load set by the fire department for the related space or an increase in the number of stages or viewing screens; and

3. For seminude dancing bars, an increase in the occupant load set by the fire department for the related space or an increase in the number of stages.

B. A valid, existing sexually oriented business shall not be deemed nonconforming for purposes of this section as the result of a subsequent location of a use specified in subsection 21A.36.140F1, F2, or F3 of this code. (Ord. 17-04 § 10, 2004)

## 5.61.070: BUSINESS LICENSE REQUIRED:

It is unlawful for any person to operate a sexually oriented business, as specified below, without first obtaining a sexually oriented business license. The business license shall specify the type of business for which it is obtained. (Ord. 21-88 § 1, 1988: prior code § 20-40-7)

## 5.61.080: 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. 21-88 § 1, 1988: prior code § 20-40-10)

## 5.61.085: LEGITIMATE ARTISTIC MODELING:

A. 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 or similar state protections. The city does intend to prohibit prostitution and related offenses occurring under the guise of nude modeling. Notwithstanding the provisions of subsection 5.61.210K of this chapter, a licensed outcall employee may appear in a state of nudity before a customer or patron providing that a written contract for such appearance was entered into between the customer or patron and the employee and signed at least twenty four (24) hours before the nude appearance. All of the other applicable provisions of this chapter shall still apply to such nude appearance.

B. In the event of a contract for nude modeling or appearance signed more than forty eight (48) 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:

1. Appear nude or seminude in the presence of persons under the age of eighteen (18);

2. Allow, offer or agree to any touching of the contracting party or other person by the individual appearing nude;

3. Allow, offer or agree to commit prostitution, solicitation of prostitution, solicitation of a minor, or committing activities harmful to a minor;

4. Allow, offer, commit or agree to any sex act as validly defined by city ordinances or state statute;

5. Allow, offer, agree or permit the contracting party or other person to masturbate in the presence of the individual contracted to appear nude;

6. Allow, offer or agree for the individual appearing nude to be within five feet (5') of any other person while performing or while nude or seminude. (Ord. 14-89 § 2, 1989: Ord. 53-88 § 8, 1988: Ord. 36-88 § 3, 1988)

## 5.61.090: BUSINESS CATEGORIES; NUMBER OF LICENSES:

A. 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 nude and seminude dancing agency on the same premises.

B. The categories of sexually oriented businesses are:

1. Outcall services;

2. Adult businesses;

3. Nude entertainment businesses;

4. Seminude dancing bars;

5. Nude and seminude dancing agency. (Ord. 21-88 § 1, 1988: prior code § 20-40-8)

## 5.61.100: EMPLOYEE LICENSES:

It is unlawful for any sexually oriented business to employ, or for any individual to be employed by a sexually oriented business in the capacity of a sexually oriented business employee, unless that employee first obtains a sexually oriented business employee license. (Ord. 21-88 § 1, 1988: prior code § 20-40-9)

## 5.61.110: LICENSE; APPLICATION; DISCLOSURES REQUIRED:

A. Before any applicant may be licensed to operate a sexually oriented business or as a sexually oriented business employee pursuant to this chapter, the applicant shall submit, on a form to be supplied by the city license authority, the following:

1. The correct legal name of each applicant, corporation, partnership, limited partnership or entity doing business under an assumed name;

2. 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 (10%) of the stock of any applicant. Any holding company, or any entity holding more than ten percent (10%) of an applicant, shall be considered an applicant for purposes of disclosure under this chapter;

a. The shareholder disclosure requirements above shall only be applicable for outcall service licenses;

3. All corporations, partnerships or noncorporate entities included on the application shall also identify each individual authorized by the corporation, partnership or noncorporate entity to sign the checks for such corporation, partnership or noncorporate entity;

4. For all applicants or individuals, the application must also state:

a. Any other names or aliases used by the individual,

b. The age, date and place of birth,

c. Height,

d. Weight,

e. Color of hair,

f. Color of eyes,

g. Present business address and telephone number,

h. Present residence and telephone number,

i. Utah driver's license or identification number, and

j. Social security number;

5. Acceptable written proof that any individual is at least eighteen (18) years of age or, in the case of employees to be employed in businesses where a different age is required, proof of the required age;

6. Attached to the form as provided above, two (2) color photographs of the applicant clearly showing the individual's face and the individual's fingerprints on a form provided by the city police department. For persons not residing in the city, the photographs and fingerprints shall 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;

7. For any individual applicant required to obtain a sexually oriented business employee license as an escort or as a nude entertainer, a certificate from the Salt Lake Valley health department, stating that the individual has, within thirty (30) days immediately preceding the date of the application, been examined and found to be free of any contagious or communicable diseases;

8. A statement of the business, occupation or employment history of the applicant for three (3) years immediately preceding the date of the filing of the application;

9. A statement detailing the license or permit history of the applicant for the five (5) 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;

10. 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 five (5) 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;

11. 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;

12. 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:

a. 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,

b. The methods of supervision preventing the employees from engaging in acts of prostitution or other related criminal activities,

c. 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,

d. 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.

B. On the same day that the applicant submits to the city license authority the information required by subsection A of this section, the applicant shall also submit to the city license authority the application for conditional site plan review pursuant to subsection 21A.36.140E of this code, if required.

C. If a conditional site plan review is required, a sexually oriented business license shall not be issued prior to completion of the conditional site plan review. (Ord. 1-06 § 30, 2005: Ord. 17-04 § 8, 2004: Ord. 9-90 § 3, 1990: Ord. 53-88 §§ 3, 4, 11, 1988: Ord. 21-88 § 1, 1988: prior code § 20-40-11)

## 5.61.120: LICENSE FEES:

A. Each applicant for a sexually oriented business or employee license shall be required to pay disproportionate regulatory license fees as shown on the Salt Lake City consolidated fee schedule, including, but not limited to, the following:

1. Yearly disproportionate business regulatory license fees:

a. Adult businesses and seminude dancing bars,

b. Outcall businesses,

c. Nude and seminude dancing agencies and nude entertainment businesses;

2. Yearly sexually oriented disproportionate business employee license fees:

a. Any employee providing outcall business services away from the premises of the outcall business,

b. Adult business employees, outcall business employees requiring a license but not performing any services outside the licensed premises, nude entertainment business employees requiring a license but not individually providing nude entertainment services to patrons, seminude dancing bar employees requiring a license but who are not performers and employees of nude and seminude dancing agencies requiring licenses but who are not performers,

c. Employees of nude entertainment businesses personally providing nude entertainment to patrons,

d. Professional dancers performing in seminude dancing bars;

B. These fees shall be in addition to all other licenses and fees required to do business in the city. (Ord. 24-11, 2011)

## 5.61.130: LICENSE; BOND:

Each application for a sexually oriented business license shall post with the city's director of business licenses a cash or corporate surety bond payable to Salt Lake City Corporation in the amount of two thousand dollars ($2,000.00). 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 (10) 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 ($2,000.00) within fifteen (15) days of the date of notice of any draw against it. (Ord. 21-88 § 1, 1988: prior code § 20-40-15)

## 5.61.140: LICENSE; PREMISES LOCATION AND NAME:

A. 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.

B. 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. 36-88 § 19, 1988:

Ord. 21-88 § 1, 1988: prior code § 20-40-17)

## 5.61.150: LICENSE; ISSUANCE CONDITIONS:

The city business license official shall approve the issuance of a license to the applicant within thirty (30) days after receipt of an application, unless the official finds one or more of the following:

A. The applicant is under eighteen (18) years of age or any higher age, if the license sought requires a higher age;

B. 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;

C. The applicant has falsely answered a material question or request for information as authorized by this chapter;

D. The applicant has been convicted of a violation of a provision of this chapter within two (2) years immediately preceding the application; however, the fact that a conviction is being appealed shall have no effect on the denial;

E. The premises to be used for the business have been disapproved by the Valley health department, the city fire department, the city police department, the city building officials or the city 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 (30) day approval or denial period the agency or department may obtain from the city business license official an extension of time for their review of no more than fifteen (15) days. The total time for the city to approve or deny a license shall not exceed forty five (45) days from the receipt of an application. 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;

1. Upon receipt of an application all departments required to review the application shall determine within seven (7) 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.

2. The time for processing applications specified in this section shall begin to run from the receipt of a complete application.

3. In the event that a license for nude entertainment, seminude dancing bar, nude and seminude dancing agencies, adult businesses, or nude entertainment businesses, has not been disapproved within thirty (30) days or the forty five (45) days allowed after an extension the city shall issue the license pending completion of the city's review.

4. Any license issued pursuant to subsection E3 of this section may be revoked by the city pursuant to the revocation procedures of sections 5.61.360 through 5.61.380 of this chapter if the completed review determines that the license should have been denied.

F. The license fees required by this chapter or by other ordinances have not been paid;

G. All applicable sales and use taxes have not been paid;

H. An applicant for the proposed business is in violation of or not in compliance with this chapter;

I. An applicant 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; public 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 two (2) years have elapsed from the date of conviction, if the conviction is of a misdemeanor offense, or less than five (5) years, if the convictions are of two (2) or more misdemeanors within the five (5) years, or

b. Less than five (5) 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. (Ord. 1-06 § 30, 2005: Ord. 9-90 § 1, 1990: Ord. 53-88 § 5, 1988: Ord. 36-88 § 16, 1988: Ord. 21-88 § 1, 1988: prior code § 20-40-20)

## 5.61.160: LICENSE TERM:

Sexually oriented business and employee licenses issued pursuant to this chapter shall date from approval of issuance by the city and shall expire on the same date as the expiration of the base business license as set forth in section 5.02.120 of this title, or its successor section. The license fees required under section 5.61.120 of this chapter shall not be prorated for any portion of a year, but shall be paid in full for whatever portion of the year the license is applied for. (Ord. 88-97 § 1, 1997: Ord. 5-94 § 26, 1994: Ord. 21-88 § 1, 1988: prior code § 20-40-16)

## 5.61.170: 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 license authority and the police department within fourteen (14) days after such change. (Ord. 21-88 § 1, 1988: prior code § 20-40-12)

## 5.61.180: 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 noncorporate entity to transfer any part in excess of ten percent (10%) 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. 21-88 § 1, 1988: prior code § 20-40-13)

## 5.61.190: 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, at all times while engaged in licensed activities within the corporate boundaries of the city, carry their employee license on their person. If the individual is nude, such license shall be visibly displayed within the same room as 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. 36-88 § 20, 1988: Ord. 21-88 § 1, 1988: prior code § 20-40-18)

## 5.61.200: 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. 21-88 § 1, 1988: prior code § 20-40-19)

## 5.61.210: REGULATIONS AND UNLAWFUL ACTIVITIES:

It is unlawful for any sexually oriented business or sexually oriented business employee to:

A. Allow persons under the age of eighteen (18) years, or the age of twenty one (21) years if required by applicable liquor ordinance, 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;

B. Allow, offer or agree to conduct any outcall business with persons under the age of eighteen (18) years;

C. Except for seminude dancing bars, to allow, offer or agree to allow any alcohol being stored, used or consumed on or in the licensed premises;

D. Allow the outside door to the premises to be locked while any customer is in the premises;

E. Allow, offer or agree to gambling on the licensed premises;

F. Allow, offer or agree to any sexually oriented business employee touching 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;

G. Allow, offer or agree to illegal possession, use, sale or distribution of controlled substances on the licensed premises;

H. Allow sexually oriented business employees to possess, use, sell or distribute controlled substances, while engaged in the activities of the business;

I. 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;

J. Allow, offer, commit or agree to any sex act as validly defined by city ordinances or state statute in the presence of any customer or patron;

K. Allow, offer or agree to any outcall employee appearing before any customer or patron in a state of nudity;

L. 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. (Ord. 14-89 § 1, 1989: Ord. 53-88 §§ 6, 7, 1988: Ord. 36-88 §§ 2, 14, 17, 1988: Ord. 21-88 § 1, 1988: prior code § 20-40-21)

## 5.61.220: OUTCALL SERVICES; OPERATION REQUIREMENTS:

It is unlawful for any business or employee providing outcall services contracted for in Salt Lake City, to fail to comply with the following requirements:

A. 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.

B. 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.

C. 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. (Ord. 36-88 §§ 15, 18, 1988: Ord. 21-88 § 1, 1988: prior code § 20-40-22)

## 5.61.230: ADULT BUSINESS; DESIGN OF PREMISES:

A. 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:

1. 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.

2. 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.

3. 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.

4. 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.

B. It shall be the duty of the licensee and the licensee's employees to ensure that the views from the manager's station in subsection A 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 ensure 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.

C. 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 ensure that the illumination described above is maintained at all times that any patron is present in the premises. (Ord. 21-88 § 1, 1988: prior code § 20-40-23)

## 5.61.240: NUDE ENTERTAINMENT BUSINESS; DESIGN OF PREMISES:

A. It is unlawful for business premises licensed for nude entertainment to:

1. 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;

2. 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;

3. 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 (3') high and six inches (6") 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.

B. Adult theaters shall also require that the performance area shall be separated from the patrons by a minimum of three feet (3'), which separation shall be delineated by a physical barrier at least three feet (3') high. (Ord. 21-88 § 1, 1988: prior code § 20-40-24)

## 5.61.250: NUDE ENTERTAINMENT BUSINESS; LOCATION RESTRICTION:

It is unlawful for any business licensed for nude entertainment to be located within three hundred feet (300') of a business licensed for the sale or consumption of alcohol. The distance shall be measured from the nearest point of the property line of the nude entertainment business to the nearest point of the property line of the business licensed for the sale or consumption of alcohol, without regard to intervening structures, streets, or other barriers. (Ord. 17-04 § 9, 2004: Ord. 21-88 § 1, 1988: prior code § 20-40-25)

## 5.61.260: SEMINUDE DANCING BAR; OPERATION PREREQUISITES:

It is unlawful for any business licensed for the sale or consumption of alcohol pursuant to city ordinances to allow any person on the premises to dance, model or be, or perform in, a state of seminudity without first obtaining a license pursuant to this chapter. Seminude dancing shall be allowed only in class C private clubs and class C taverns. (Ord. 36-88 § 6, 1988: Ord. 21-88 § 1, 1988: prior code § 20-40-27)

## 5.61.270: SEMINUDE DANCING BAR; PERFORMER RESTRICTIONS:

It is unlawful for any person to perform or appear in a state of seminudity as a professional dancer, model, performer or otherwise on the premises of a business licensed as a seminude dancing bar, either gratuitously or for compensation, unless that person is licensed as a sexually oriented business employee. (Ord. 36-88 § 7, 1988: Ord. 21-88 § 1, 1988: prior code § 20-40-28)

## 5.61.280: NUDE AND SEMINUDE DANCING AGENCIES:

A. 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 seminudity or nudity for pecuniary compensation in, or for, any nude entertainment business, adult theater or seminude dancing bar licensed pursuant to this chapter unless such agency is licensed pursuant to this chapter.

B. 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 seminudity 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. 36-88 § 8, 1988: Ord. 21-88 § 1, 1988: prior code § 20-40-29)

## 5.61.290: PERFORMERS; PROHIBITED ACTIVITIES:

It is unlawful for any professional dancer, model or performer, while performing in any business licensed pursuant to this chapter:

A. To touch in any manner any other person;

B. To throw any object or clothing off the stage area;

C. To accept any money, drink or any other object directly from any person; or

D. To 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

E. For the performer to 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. 36-88 § 9, 1988: Ord. 21-88 § 1, 1988: prior code § 20-40-30)

## 5.61.300: PERFORMERS; COSTUME REQUIREMENTS:

It is unlawful for performers in seminude dancing bars to fail to comply with the following costume requirements:

A. Performers shall at all times be costumed during performances in a manner not to violate any city ordinance concerning disorderly or obscene conduct, and such performers shall not perform or conduct themselves in such a manner as to violate the provision of any city ordinance. No performer shall appear in any business licensed as a seminude dancing bar during a performance or appearance, with less than opaque clothing which meets the definition of seminude, and, in the case of a female performer, covers the areola and nipple of such performer in a shape and color other than the natural shape and color of the nipple and areola.

B. While on the portion of a business licensed as a seminude dancing bar used by patrons, performers shall be dressed in opaque clothing covering the performer's buttocks and pubic area and, in the case of a female, the breast and nipples. (Ord. 53-88 § 9, 1988: Ord. 36-88 § 11, 1988: Ord. 21-88 § 1, 1988: prior code § 20-40-32)

## 5.61.310: STAGE REQUIREMENTS:

It is unlawful for any performer in a business licensed as a seminude dancing bar to appear in costume other than on a stage which shall be at least three feet (3') from the portion of the premises on which patrons are allowed, and which shall be separated from the patrons by a solid barrier or railing the top of which shall be at least two feet (2') from the floor. (Ord. 36-88 § 12, 1988: Ord. 21-88 § 1, 1988: prior code § 20-40-33)

## 5.61.320: 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. 36-88 § 10, 1988: Ord. 21-88 § 1, 1988: prior code § 20-40-31)

## 5.61.330: 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:

A. By a proprietary school licensed by the state, or a college, junior college or university supported entirely or partly by taxation;

B. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation. (Ord. 21-88 § 1, 1988: prior code § 20-40-26)

## 5.61.340: EXISTING BUSINESSES; COMPLIANCE TIME LIMITS:

A. 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 this chapter, and regardless of whether such persons and businesses are currently licensed to do business in the city.

1. All such persons and businesses requiring outcall service licenses shall have forty five (45) days from the effective date of this chapter, or until their current license expires, whichever is first in time, to comply with the provisions of this chapter.

2. All seminude dancing bars and employees thereof requiring licenses and nude and seminude dancing agency licenses shall have seventy five (75) days from the effective date of this chapter, or until their license must be renewed, whichever is first, to comply with the provisions of this chapter.

3. All nude entertainment businesses shall have one hundred five (105) days from the effective date of this chapter, or until their current license must be renewed, whichever is first, to comply with the provisions of this chapter.

4. All adult businesses shall have one hundred thirty five (135) days from the effective date of this chapter, or until their current license must be renewed, whichever is first in time, to comply with the provisions of this chapter.

B. For the year 1988, all businesses required by this chapter to be licensed as sexually oriented businesses shall be credited against the fees required by this chapter with the regulatory license fees paid for the current 1988 license. (Ord. 21-88 § 1, 1988: prior code § 20-40-34)

## 5.61.350: VIOLATION; INJUNCTION WHEN:

An entity or individual who operates or causes to be operated a sexually oriented business, 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. 21-88 § 1, 1988: prior code § 20-40-36)

## 5.61.360: VIOLATION; LICENSE SUSPENSION OR REVOCATION:

A. 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:

1. Violated or is not in compliance with this chapter;

2. Has 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;

3. Has failed to replenish the cost bond as provided in this chapter; such a suspension shall extend until the bond has been replenished;

4. A licensee or employee gave materially false or misleading information in obtaining the license;

5. A licensee or an employee 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;

6. A licensee has committed an offense which would be grounds for denial of a license for which the time period required has not elapsed;

7. On two (2) or more occasions within a twelve (12) 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;

8. A licensee is delinquent in payment to the city for ad valorem taxes, or sales taxes related to the sexually oriented business.

B. Suspension or revocation shall take effect within ten (10) days of the issuance of notice, unless an appeal is filed as provided by this chapter.

C. The fact that a conviction is being appealed shall have no effect on the revocation of the license. (Ord. 14-89 § 3, 1989: Ord. 21-88 § 1, 1988: prior code § 20-40-37)

## 5.61.370: 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. 21-88 § 1, 1988: prior code § 20-40-38)

## 5.61.380: APPEAL PROCEDURES:

A. If the license is denied or approved with qualifications, or if a notice of suspension, revocation or citation of a civil fine is imposed, the applicant or licensee may file an appeal with the business licensing authority.

B. Filing of an appeal must be within ten (10) days of the date of service of the notice of any denial, qualified approval, suspension, revocation or civil fine. Upon receiving the notice of such appeal, the business licensing authority shall schedule a hearing before a designated hearing officer within twenty (20) days from the date of the appeal unless such time shall be extended for good cause.

C. The hearing officer shall hold a public hearing on the record, and take such facts and evidence as necessary to determine whether the denial, qualified approval, suspension, revocation or civil fine was proper under the law.

D. The burden of proof shall be on the city.

E. After the hearing, the hearing officer shall have seven (7) working days, unless extended for good cause, in which to render findings of fact, conclusions of law, and recommended decision to the mayor.

F. Either party may object to the recommendation of the hearing officer by filing the party's objection and reasons, in writing, to the mayor or the mayor's designee within seven (7) days following the recommendation. In the event the hearing officer recommends upholding a suspension or revocation, the license shall be immediately suspended, and shall remain suspended until any subsequent appeal is decided. If no objections are received within the seven (7) days, the mayor or the mayor's designee may immediately adopt the recommendation of the hearing officer.

G. If objections are received, the mayor or the mayor's designee shall have ten (10) working days to consider such objections before issuing the mayor's or the mayor's designee's final decision. The mayor or the mayor's designee may, in his or her discretion, take additional evidence or require written memorandum on issues of fact or law. The standard by which the mayor or the mayor's designee shall review the decision of the hearing officer is whether substantial evidence exists in the record to support the hearing officer's recommendation.

H. An applicant aggrieved by the mayor's or the mayor's designee's decision shall have judicial review of such decision pursuant to rule 65.B, Utah rules of civil procedure, or any other applicable ordinance, statute or rule providing for such review. (Ord. 1-06 § 14, 2005: Ord. 9-90 § 2, 1990: Ord. 21-88 § 1, 1988: prior code § 20-40-39)

### 5.61.390: VIOLATION; PENALTY:

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 license authority, require the licensee to pay a civil penalty in the amount of five hundred dollars ($500.00). Such fines shall be deducted from the cost bond posted pursuant to this chapter, unless paid within ten (10) 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. (Ord. 21-88 § 1, 1988: prior code § 20-40-35)

### 5.61.400: SEVERABILITY:

In the event that any provision of this chapter is declared invalid for any reason, the remaining provisions shall remain in effect. (Ord. 21-88 § 1, 1988: prior code § 20-40-40)

# CHAPTER 5.62
# SHOESHINE PARLORS

(Rep. by Ord. 37-99 § 1, 1999)

# CHAPTER 5.64
# SOLICITATION, PEDDLING AND SALES PROMOTION ACTIVITIES

## Article I. General Provisions

### 5.64.010: DISPLAYING MATERIALS ON STREETS; PERMIT REQUIRED; LIMITATIONS:

A. It is unlawful for any person to engage in or carry on any business or occupation upon any street in the city, except in, upon or along any of the streets designated in this chapter. Except as otherwise provided in this code, no person shall, from any vehicle, stand or structure stationed, placed or located upon any street in the city by display or any advertising matter of any goods, wares, merchandise, fruits or vegetables in or about such vehicle, stand or structure or about such street, invite travelers upon such streets to transact business or purchase any such wares then displayed upon or near such street, nor shall any person leave or permit to remain upon any street in the city any goods, wares, merchandise, fruits or vegetables displayed or offered for sale.

B. This chapter shall not be construed to prohibit the use of the streets to travelers, or to licensed vendors conveying goods, wares, merchandise, fruits or vegetables lawfully upon or along any street while traveling from place to place or house to house exposing, offering for sale or selling such goods, wares, merchandise, fruits or vegetables as peddlers and hawkers.

C. Upon receipt of a written application therefor, the mayor may, in his or her discretion and upon such terms as he or she deems necessary, grant to person owning or in lawful possession of real property abutting upon any street written permission to use a portion of the street contiguous to such property to display or sell merchandise for such period of time as is specifically stated in such written permit. Such permission granted may be revoked by the mayor at any time without cause.

D. "Street", as used in this chapter, means and shall embrace all land platted as a street between the adjacent property lines including sidewalk and parking. (Ord. 1-06 § 15, 2005: prior code § 20-17-21)

## Article II. Interstate And Intrastate Commerce Solicitation And Selling

### 5.64.120: REGISTRATION REQUIRED:

A. Registration Form: It is unlawful for any person to solicit for the sale of, offer for sale, or sell, from house to house or from place to place within the corporate limits of the city, any goods, wares or merchandise whatsoever, subscriptions to any kind of publication, tickets, coupons or receipts representing value or redeemable in any kind of consideration, whether the same are part of interstate commerce or are solely and strictly within intrastate commerce, without first having registered with the chief of police. In so registering, the person desiring to solicit as above described shall complete a registration form provided by the city showing his or her name and home address, and the name and home address of the person, firm or corporation which said person represents.

B. Purpose: It is the declared object and purpose of the city in passing the ordinance codified herein not to place any interference or burden on interstate commerce or on constitutionally protected free speech. Rather, said ordinance is passed as an exercise of the police power for the identification of individuals desiring to solicit business within the corporate limits of the city and for the protection of the residents of the city.

C. Exceptions; Religious And Charitable Solicitations: The requirements of this article shall not apply to persons or organizations conducting religious solicitations nor to charitable solicitations which are registered with the Utah division of consumer protection as required by the Utah charitable solicitation act or its successor. (Ord. 37-99 § 3, 1999: prior code § 20-17-10)

### 5.64.130: REGISTRATION; FEE; IDENTIFICATION CARD:

The chief of police shall collect from each person registered pursuant to section 5.64.120 of this chapter or its successor, at the time of registration, the fee shown on the Salt Lake City consolidated fee schedule to be determined by the mayor or his or her designee, but not to exceed the amount shown on the Salt Lake City consolidated fee schedule, which fee shall be remitted by the chief of police to the city treasurer. Upon payment of the fee, and provided the person has completed and satisfactorily meets all of the requirements of this chapter, the police chief shall issue to the applicant an identification card which shall constitute a permit for solicitation as provided in this chapter for the period of time stated thereon. (Ord. 24-11, 2011)

### 5.64.140: REGISTRATION; PHOTOGRAPHS AND FINGERPRINTS:

At the time of registering, the person desiring to solicit pursuant to this chapter, or its successor, shall furnish the chief of police with one photograph; also, a set of fingerprints shall be taken by the chief of police and the person shall sign his or her name on the registration record kept by the chief of police. (Ord. 37-99 § 3, 1999: prior code § 20-17-11)

## Article III. Peddling In The Downtown Area

### 5.64.240: PERMISSION REQUIRED; DOWNTOWN AREA DESIGNATED:

A. Downtown Area: It is unlawful for any person, without specific written permission of the mayor or the mayor's designee, to peddle, sell or offer for sale any magazine subscriptions, goods, wares or merchandise whatsoever, in, upon or along any of the following streets:

1. South Temple Street from Second East Street to Fourth West Street;

2. First South Street from Second East Street to Fourth West Street;

3. Second South Street from Second East Street to Fourth West Street;

4. Third South Street from Second East Street to Fourth West Street;

5. Fourth South Street from Second East Street to Fourth West Street;

6. State Street from North Temple Street to Ninth South Street;

7. Main Street from North Temple Street to Ninth South Street;

and no license shall be granted to any person to peddle in, upon or along the said streets above described.

B. Application And Hearing: Any person seeking permission to sell in the above described areas shall make written application to the mayor or the mayor's designee. Upon receipt of a written application therefor, the mayor or mayor's designee shall hold a public hearing and the hearing officer may, upon a finding of the following conditions, grant to such person permission to display or sell merchandise on the city streets at such location and for such period of time as is specifically stated in such written permit. Such permit will not: 1) create an undue concentration of such peddlers; 2) materially interfere with the free flow of traffic, pedestrian or vehicular; 3) create an undue burden in controlling and policing illegal activities in the vicinity; 4) create a nuisance to the community; or 5) adversely affect the health, safety and morals of the residents of the city. Such permission granted may be revoked by the mayor or mayor's designee at any time without cause.

C. Religious And Charitable Solicitations: The requirements of this article shall not apply to persons or organizations conducting religious solicitations nor to charitable solicitations which are registered with the Utah division of consumer protection as required by the Utah charitable solicitations act or its successor. (Ord. 37-99 § 3, 1999: prior code § 20-17-17)

### 5.64.250: RESERVED:

### 5.64.260: MEAT FOOD PRODUCTS; PEDDLING RESTRICTIONS:

It is unlawful to peddle any fresh or cured meat except meat food products. (Prior code § 20-17-20)

### 5.64.270: MEDICINES PROHIBITED:

It is unlawful to peddle any medicine, nostrum or remedy of any character or description, and no license shall be issued for such purpose. (Prior code § 20-17-19)

## Article IV. Telephone Solicitation

### 5.64.280: PERMIT REQUIRED:

It is unlawful for any person to solicit, or take orders for any wares, merchandise or services by telephoning city residents at their residences without first obtaining a telephone solicitor's permit. (Ord. 88-97 § 1, 1997: Ord. 5-94 § 27, 1994: Ord. 34-87 § 47, 1987: prior code § 20-17-16)

# Article V. Temporary Merchants

## 5.64.290: DEFINITIONS:

For the purpose of this article, the following words and phrases shall be defined as follows:

PARTICIPANT: A temporary merchant, not licensed as such, participating in a sales event.

RELIGIOUS OR CHARITABLE ORGANIZATIONS: Any organization which 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.

SALES EVENT: An event where two (2) 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.

TEMPORARY MERCHANT: A. Any person, whether a resident of the city or not, who within the limits of the city:

1. Engages in a temporary business of selling and/or delivering goods, wares or services, or who conducts meetings open to the general public where franchises, distributorships, contracts or business opportunities are offered to the public; or

2. 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 (6) months after a lecture or public meeting pertaining to such goods, wares, services, franchises, business opportunities, contracts or distributorships.

B. The foregoing notwithstanding, a temporary merchant, for the purposes of this section, shall not include the following:

1. 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 chapter 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; or

2. 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; or

3. A person who sells his or her own property which was not acquired for resale, barter or exchange, and who does not conduct such sales more than twice during any calendar year; or

4. Art exhibits, where participating artists sell their original works, and which do not contain any sale(s) of artwork purchased or taken on consignment and held for resale, providing such art exhibits are sponsored by a local, responsible organization;

5. "Religious or charitable organizations" as defined in this section;

6. Sales of goods, wares or services at a convention, meeting or exposition which is not open to nor 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 city license supervisor, at least fifteen (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;

TEMPORARY MERCHANT SPONSOR: Any person who leases or rents a building or portion of a building or other space for the purpose of conducting a sales event with two (2) or more participants. (Ord. 37-99 § 3, 1999: Ord. 66-86 § 1, 1986: prior code § 20-17-33)

### 5.64.300: LICENSE REQUIRED:

It is unlawful for any person to engage in, carry on or conduct the business of a temporary merchant in the city without first obtaining a license. (Prior code § 20-17-34)

### 5.64.310: LICENSE FEE:

The license fee for engaging in, carrying on or conducting business as a temporary merchant shall be the fee as shown on the Salt Lake City consolidated fee schedule. (Ord. 24-11, 2011)

### 5.64.320: PARTICIPANT LICENSE REQUIRED:

A participant shall not be required to obtain the license required by section 5.64.300 of this chapter or its successor, but it is unlawful for a participant to transact any business at a sales event without obtaining a license therefor and without acting under a licensed temporary merchant sponsor. (Prior code § 20-17-36)

### 5.64.330: PARTICIPANT LICENSE FEE:

The license fee for a participant shall be as shown on the Salt Lake City consolidated fee schedule. (Ord. 24-11, 2011)

### 5.64.340: TEMPORARY MERCHANT SPONSOR LICENSE REQUIRED:

It is unlawful for any person to act in the capacity of a temporary merchant sponsor in the city without first obtaining a license. (Prior code § 20-17-38)

### 5.64.350: TEMPORARY MERCHANT SPONSOR LICENSE FEE:

The license fee for a temporary merchant sponsor shall be as shown on the Salt Lake City consolidated fee schedule. A licensed temporary merchant is exempt from the requirements of this section. (Ord. 24-11, 2011)

### 5.64.360: MERCHANTS AND MERCHANT SPONSORS; INFORMATION REQUIRED:

A. A temporary merchant sponsor or a licensed temporary merchant must submit to the license office, at least fifteen (15) days prior to a sales event, the following information:

1. A list of all participants, including their names and addresses;

2. Location of the sales event;

3. Dates of commencement and termination of the sales event.

B. In the event the temporary merchant sponsor or a licensed temporary merchant shall desire to add additional participants after the above information has been submitted to the license office, such sponsor or merchant must notify the license department and update the list of participants. (Prior code § 20-17-40)

### 5.64.370: IDENTITY OF MERCHANTS; HEARING AND DETERMINATION:

A. Merchant; Dispute As To Status: If an applicant claims to be a permanent merchant and nevertheless is required to take out a temporary merchant license, the license office shall so notify the applicant in writing; and if the applicant denies in writing that he, she or it is a "temporary merchant" within the terms as defined in section 5.64.290 of this chapter, or its successor, the license office shall submit to a hearing examiner for a hearing in accordance with chapter 5.02 of this title, or its successor, to take up for hearing the question as to whether the applicant is or is not a temporary merchant.

B. Hearing Determination: At the time and place named in the notice, the hearing examiner shall take up the matter and shall determine the question upon the facts presented, and shall enter an order according to the hearing examiner's judgment upon the facts so presented. If the hearing examiner determines that the applicant is a temporary merchant, the applicant shall pay the license fee provided in section 5.64.310 of this chapter or its successor, or, in lieu of payment of the license fee, the applicant may give a corporate surety bond to the city in the penal sum of two thousand dollars ($2,000.00), to be approved by the mayor, to secure the payment of the license fee required in the event the applicant fails to become a permanent merchant. If the applicant remains in business in the city for six (6) months, the applicant shall be deemed a permanent merchant, and the bond shall thereafter be of no force and effect. (Ord. 37-99 § 3, 1999: prior code § 20-17-41)

### 5.64.380: EACH SALE WITHOUT A LICENSE; SEPARATE OFFENSE:

The sale of each article by a temporary merchant, a temporary merchant sponsor or a participant, without a license therefor, shall be a separate offense under and a separate violation of this chapter. (Prior code § 20-17-42)

## Article VI. Miscellaneous Door To Door Sales

### 5.64.410: LICENSE AND IDENTIFICATION REQUIRED:

It is unlawful for any person to solicit, or take orders for goods, wares, merchandise, books, periodicals, subscriptions, photographs or services from door to door or from private residence to private residence, or in, upon or along the streets of the city without first obtaining a license and identification to do so. (Ord. 88-97 § 1, 1997: Ord. 34-87 § 45, 1987: prior code § 20-17-13)

### 5.64.420: PHOTOGRAPHS AND FINGERPRINTS:

At the time of registering, the person desiring to solicit pursuant to section 5.64.410 of this chapter, or its successor, shall furnish the chief of police with one photograph; also, a set of fingerprints shall be taken by the chief of police and the person shall sign his or her name on the registration record kept by the chief of police. (Prior code § 20-17-14)

### 5.64.430: REGISTRATION FEE:

The chief of police shall collect from each person registered pursuant to section 5.64.410 of this chapter, or its successor, at the time of registration, the fee shown on the Salt Lake City consolidated fee schedule, which fee shall be remitted by the chief of police to the city treasurer. Upon payment of the fee, and provided the person has completed and satisfactorily meets all of the requirements of this chapter, the police chief shall issue to the applicant an identification card, which shall constitute a permit for solicitation as provided in this chapter for the period of time stated thereon. (Ord. 24-11, 2011)

## Article VII. Mobile Ice Cream Vendors

### 5.64.510: PURPOSE AND INTENT:

The city council expressly finds that vehicles in which ice cream, confections and other frozen dessert products are carried for purposes of retail sale on the public streets pose special dangers to the public health, safety and welfare of children and residents in the city of Salt Lake City. It is the purpose and intent of the city council, in enacting this article, to provide responsible companies and individuals who engage in the operation of ice cream trucks with clear and concise regulations to prevent safety, traffic and health hazards, as well as to preserve the peace, safety and welfare of the community. (Ord. 24-03 § 1, 2003)

### 5.64.520: BUSINESS LICENSE REQUIRED:

It shall be unlawful for any person to engage in the business of mobile ice cream, confection or other frozen dessert vending unless he/she has first obtained a business license from the business license office. All business licenses shall be issued according to regulations established by this article and all other applicable ordinances of the city. In addition to the business license, any person who operates an ice cream truck shall obtain and maintain in full force and effect a valid ice cream truck operator's license issued by the police department of the city. The use of the term "ice cream" in this article shall include confections and other frozen desserts. (Ord. 24-03 § 1, 2003)

## 5.64.530: APPLICATION FOR BUSINESS LICENSE:

The application for a mobile ice cream vending business license shall contain all information relevant and necessary to determine whether a particular license may be issued, including, but not limited to:

A. The full name, current address, telephone number, and proof of identity of the applicant and all persons who will be operating an ice cream truck as a part of the applicant's business;

B. A brief description of the nature, character, and quality of goods, wares, or merchandise to be offered for sale;

C. The specific routes, if any, along which the vendor intends to conduct business;

D. If the applicant is employed by another, the name and address of the person, firm, association, organization, company, or corporation; and

E. A description of all ice cream trucks to be used in the business, together with the motor vehicle registration numbers and license numbers. (Ord. 24-03 § 1, 2003)

## 5.64.540: HEALTH INSPECTION CERTIFICATE:

Any application for a mobile ice cream vending license shall require a health permit from the Utah department of agriculture or its successor agency requiring such health permit in addition to the regular business license. The applicant's equipment shall be subject to inspections by the Utah department of agriculture or its successor agency requiring such inspections at the time of application and at periodic intervals thereafter. (Ord. 24-03 § 1, 2003)

## 5.64.550: PERMITTING UNLICENSED OPERATOR UNLAWFUL:

It is unlawful for any person who owns or controls an ice cream truck to permit it to be driven, and no ice cream truck licensed by the city shall be so driven at any time in the operation of the business, unless the ice cream truck is operated by a driver who has then in force a valid ice cream truck operator's license issued under the provisions of this article. (Ord. 24-03 § 1, 2003)

## 5.64.560: DRIVER'S LICENSE; APPLICATION:

An application for an ice cream truck operator's license shall be filed with the business license office of the city on forms provided by the city. (Ord. 24-03 § 1, 2003)

## 5.64.570: APPLICATION; VERIFICATION:

The application for a mobile ice cream vendor business license and for an ice cream truck operator's license shall be verified by the applicant under oath, and he/she shall be required to swear to the truthfulness of the matters contained upon the application. (Ord. 24-03 § 1, 2003)

### 5.64.580: APPLICATION; FEE REQUIRED:

At the time the ice cream truck operator's application is filed, the applicant shall pay to the business license office the fee shown on the Salt Lake City consolidated fee schedule, in an amount to be determined by the mayor or his or her designee, but not to exceed the amount shown on the Salt Lake City consolidated fee schedule. (Ord. 24-11, 2011)

### 5.64.590: STATE MOTOR VEHICLE PERMIT REQUIRED:

Before any application is finally passed upon by the city, the applicant shall be required to show that such applicant has a current Utah motor vehicle permit and shall provide a conforming copy of such permit with the operator application referred to in section 5.64.600 of this chapter, or its successor section. (Ord. 24-03 § 1, 2003)

### 5.64.600: OPERATOR APPLICATION FORM REQUIREMENTS:

The prospective applicant for an ice cream truck operator's license shall be required to complete an operator application form containing the following information:

A. The correct legal name of each applicant;

B. For each applicant, the application must also state:

1. Any other names or aliases used by the individual,

2. The age, date and place of birth,

3. Height,

4. Weight,

5. Color of hair,

6. Color of eyes,

7. Present business address and telephone number,

8. Present residence and telephone number,

9. Utah driver's license or identification number, and

10. Social security number;

C. A statement of the business, occupation or employment history of the applicant for three (3) years immediately preceding the date of the filing of the application;

D. A statement detailing the license or permit history of the applicant for the five (5) 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;

E. All criminal convictions or pleas of nolo contendere, except those that have been expunged, and the disposition of all such arrests for the applicant for five (5) 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, a class A misdemeanor, or an alcohol related offense 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 an ice cream truck operator's license shall constitute a waiver of disclosure of any criminal conviction or plea of nolo contendere for the purposes of any proceeding involving the ice cream truck operator's license;

F. A written certification from the mobile ice cream vending business by which the applicant operator is employed that the applicant operator has received training from the said ice cream vending business as to operational requirements of this article. (Ord. 24-03 § 1, 2003)

## 5.64.610: PHOTOGRAPHS REQUIRED:

The applicant for an ice cream truck operator's license shall be required to have a photograph taken of him/her at police headquarters; applicants for renewal of such licenses shall furnish an up to date photograph or have an additional picture taken at police headquarters, as shall be determined and directed by the chief of police. (Ord. 24-03 § 1, 2003)

## 5.64.620: FINGERPRINTS REQUIRED:

The prospective applicant for an ice cream truck operator's license shall be required to file with the chief of police two (2) sets of fingerprint impressions, which shall be taken under the supervision of the chief of police. (Ord. 24-03 § 1, 2003)

## 5.64.630: INVESTIGATION OF APPLICANT:

A. The police department shall conduct an investigation of each applicant for each ice cream truck operator's license, and shall review all of the information filed by the applicant as required by this article. Upon completion of the investigation, the chief of police shall recommend approval or disapproval of the proposed application to the

business license administrator on the operator application form.

B. It shall be the duty of the chief of police to report in writing to the business license administrator any misrepresentation or falsification by the applicant on the police recommendation form which may be uncovered by the police investigation, and any such misrepresentation or falsification will constitute just cause for the business license administrator to refuse to issue an ice cream truck operator's license, or to suspend or revoke the same if it has been issued.

C. The police department's recommendation required by subsection A of this section shall be based upon:

1. Findings of the criteria specified in section 5.64.600 of this chapter, or its successor;

2. The police department's recommendation may take into account the length of time between any criminal conviction and the application for the license and may also take into account the applicant's rehabilitation efforts, if any. (Ord. 24-03 § 1, 2003)

## 5.64.640: DRIVER'S QUALIFICATIONS:

A. Except as hereinafter set forth, no permit or renewal of an ice cream truck operator's license shall be issued to any of the following persons:

1. Any person under the age of twenty one (21) years;

2. Any person who is currently required to register pursuant to the Utah penal code, section 77-27-21.5, Utah Code Annotated, sex offender registration, or its successor;

3. Any person who has been convicted of a crime involving moral turpitude, narcotic or dangerous drugs, a felony conviction for an offense against a person or property, unless a period of not less than five (5) years shall have elapsed since the date of conviction or the date of release from confinement for such offense, whichever is later;

4. Any person who has been convicted of driving a vehicle recklessly within the five (5) years immediately preceding application for a permit;

5. Any person who has been convicted of driving a vehicle while under the influence of alcohol or a controlled substance, or of being in or about a vehicle while under the influence of alcohol or a controlled substance with the intent of driving such vehicle, within the five (5) years immediately preceding application for a permit;

6. Any person who has been convicted of two (2) or more felonies;

7. Any person who does not comply with the requirements of section 5.64.600 of this chapter, or its successor.

B. Notwithstanding the provisions of subsection A3 or A6 of this section, if the hearing examiner receives letters or testimony at a hearing, as provided in chapter 5.02 of this title, which proves by a preponderance of the evidence that the applicant has reformed his/her moral character so as to pose no threat to members of the public, the license shall be issued. Part of the letters or testimony used to establish the preponderance shall come from the applicant's parole officer, if the applicant is still on parole. Failure to provide a recommendation from the applicant's parole officer, if the applicant is on parole, shall be grounds to deny the request. (Ord. 24-03 § 1, 2003)

## 5.64.650: HEARING UPON REJECTION:

If the application either for a business license or for an ice cream truck operator's license is rejected, the applicant shall be entitled, upon request, to a hearing before a hearing examiner as provided in chapter 5.02 of this title, or its successor. (Ord. 24-03 § 1, 2003)

## 5.64.660: ISSUANCE OF LICENSE:

A. The business license administrator shall notify the applicant in writing of the city's decision to issue or deny either the business license or an ice cream truck operator's license, not later than five (5) working days after the applicant has filed a completed application as provided in this article. In the event the city's review of the business license application or the operator application has not been completed within five (5) days of the filing of a completed application, the business license administrator shall send written notification to the applicant that the review period has been extended to a date no later than forty five (45) days from the filing of the completed application. If the license has not been denied within forty five (45) days of the filing of the completed application, the license for which the application was filed shall be deemed to be issued.

B. All licenses, permits, and identification cards issued pursuant to this article are valid for one year, unless suspended or revoked, and shall be both nonassignable and nontransferable. (Ord. 24-03 § 1, 2003)

## 5.64.670: BUSINESS LICENSE FEES:

Any vendor granted a vending license under this chapter shall pay the annual business license fee shown on the Salt Lake City consolidated fee schedule. (Ord. 24-11, 2011)

## 5.64.680: DISPLAY OF IDENTIFICATION CARDS AND OTHER PERMITS:

A. Any license or permit issued by the business license office shall be carried with the licensee whenever he/she is engaged in vending. Identification cards and health permits shall also be properly and conspicuously displayed at all times during the operation of the vending business.

B. An identification card shall be deemed to be properly displayed when it is attached to the outer garment of the vendor and clearly visible to the public and law enforcement officials. A health permit shall be deemed to be properly displayed when attached to the ice cream truck and clearly visible to the public and law enforcement officials.

C. In addition to the foregoing, there shall be printed on both sides of the exterior of the vehicle being used for vending, in letters or numbers at least three inches (3") high and three inches (3") wide the name and current business telephone number of the mobile ice cream vending business for which said vehicle is operating and the Salt Lake City business license identification number of the business. (Ord. 24-03 § 1, 2003)

## 5.64.690: NOTIFICATION OF NAME, ADDRESS OR TELEPHONE CHANGE:

All vendors shall assure that a current and correct name, residence address, mailing address, and business telephone number are on file with the business license division. Whenever the name or address provided by a licensed vendor on his/her application for a vending license changes, the licensee shall notify the business license administrator in writing within fourteen (14) days of such change and provide the same with the name, address, or telephone number change. (Ord. 24-03 § 1, 2003)

## 5.64.700: EXEMPTIONS:

The provisions of this article do not apply to:

A. Goods, wares, or merchandise temporarily deposited on the sidewalk in the ordinary course of delivery, shipment, or transfer;

B. The placing and maintenance of unattended stands or sales devices for the sale, display, or offering for sale of newspapers, magazines, periodicals, and paperbound books; or

C. The distribution of free samples of goods, wares, and merchandise by any individual from his/her person. (Ord. 24-03 § 1, 2003)

## 5.64.710: CLAIMS OF EXEMPTION:

Any person claiming to be legally exempt from the regulations set forth in this article or from the payment of a license fee shall cite to the business license administrator the statute or other legal authority under which exemption is claimed and shall present to the business license administrator proof of qualification for such exemption. In the event such claim is asserted, the business license administrator shall review the claim with the city attorney's office. (Ord. 24-03 § 1, 2003)

## 5.64.720: NOISE RESTRICTIONS:

No person shall use, play or employ any sound, outcry, amplifier, loudspeaker or any other instrument or device for the production of sound from an ice cream truck:

A. When the ice cream truck is stationary;

B. Earlier than ten o'clock (10:00) A.M., nor later than eight o'clock (8:00) P.M. or one-half ($^1/_2$) hour after sunset, whichever occurs first. Sunset shall be determined on any particular day by the times listed that day in any newspaper of general circulation in Salt Lake County;

C. In such a manner that such sound is plainly audible three hundred thirty feet (330') from such vehicle; or

D. Along the same block face traveling in either direction on the street more than once every two (2) consecutive hours. (Ord. 24-03 § 1, 2003)

## 5.64.730: USE OF PUBLIC STREETS:

A. Each person or business selling, offering to sell, or displaying for sale ice cream or similar frozen desserts from or on motorized 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 identification card, and is a class B misdemeanor:

1. The motorized vehicle shall have a clearly audible backup warning device that activates whenever the vehicle is shifted into reverse gear.

2. The motorized 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.

3. The motorized vehicle shall have at least two (2) flashing yellow beacons on the roof of the vehicle, one at the front and one at the rear, at least one of which is visible from all sides of the vehicle. These beacons shall be activated whenever merchandise is being sold, offered for sale, or displayed for sale.

4. The motorized 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, offers to sell, or displays merchandise on a public street.

5. The motorized vehicle shall have a sign or decal on the front and on the rear of the vehicle in letters at least six inches (6") in height and visible for two hundred feet (200') along a level, straight highway, identifying the vehicle as an ice cream truck and containing the words "Children Crossing".

6. The motorized vehicle shall be prohibited from pulling any type of trailer.

7. Retail merchandise may not be sold, offered for sale, or displayed for sale from or on motorized vehicles on public streets where the speed limit exceeds twenty five (25) miles per hour.

8. The operator of the motorized vehicle shall not sell to any person standing in the roadway.

9. The operator of the motorized 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.

10. The motorized vehicle shall not be moved backwards in order to sell, offer to sell, or display for sale retail merchandise.

11. Each applicant for a license or renewal under this article shall submit, with its application, a certificate of insurance executed by an insurance company or association authorized to transact business in this state, approved as to form by the city attorney, that there is in full force and effect general liability insurance in an amount not less than two hundred fifty thousand dollars ($250,000.00) for one person in any one occurrence, five hundred thousand dollars ($500,000.00) for two (2) or more persons in any one occurrence and one hundred thousand dollars ($100,000.00) for property damage, or such greater amounts as set forth in section 63-30-34, Utah Code Annotated, 1953, as amended, or its successor. Such policy or policies shall include coverage of all motor vehicles used in connection with applicant's business. A current certificate of insurance shall be kept on file with the city recorder at all times that applicant is licensed by the city verifying such continuing coverage and naming the city as an additional insured. The certificate shall contain a statement that the city will be given written notification at least thirty (30) days prior to cancellation or material change in the coverage without reservation of nonliability for failure to so notify the city. Cancellation shall constitute grounds for revocation of the license issued hereunder unless another insurance policy complying herewith is provided and is in effect at the time of cancellation/termination.

12. All motorized vehicles of the applicant and operators shall comply with all other requirements of this article and any other requirements of ordinance or statute that may

be applicable.

B. The prohibitions of this section shall not be construed to prohibit vehicles from carrying business markings or advertising not otherwise prohibited by law. (Ord. 24-03 § 1, 2003)

## 5.64.740: VEHICLE INSPECTION PRIOR TO LICENSING; FEE REQUIRED:

Prior to the use and operation of any vehicle under the provisions of this chapter, and annually thereafter while being operated by the business licensee hereunder, the vehicle shall be thoroughly examined and inspected by an authorized representative of the city, and found to comply with the requirements of this chapter. In addition, the vehicle shall at all times in which it is in operation as an ice cream truck within the city be maintained in conformity with the safety inspection requirements of Utah and federal law. The licensee shall pay to the city an inspection fee shown on the Salt Lake City consolidated fee schedule, per truck for each such inspection. (Ord. 24-11, 2011)

## 5.64.750: SUSPENSION AND REVOCATION OF LICENSE:

A. In addition to any penalties that may be imposed, any license issued under this article may be suspended or revoked for any of the following reasons:

1. Fraud, misrepresentation, or knowingly false statement contained in the application for the license;

2. Fraud, misrepresentation, or knowingly false statement in the course of carrying on the business of vending;

3. Conducting the business of vending in any manner contrary to the conditions of the license;

4. Conducting the business of vending in such a manner as to create a public nuisance; cause a breach of the peace; constitute a danger to the public health, safety, welfare, or morals; or interfere with the rights of property owners; or

5. Cancellation of Utah department of agriculture authorization, or of the required authorization of any successor agency, for a food or beverage vending unit due to uncorrected health or sanitation violations.

B. The business license administrator shall provide written notice of the suspension or revocation in a brief statement setting forth the complaint, the grounds for suspension or revocation, and notifying the licensee or permittee of the appeal procedure. Such notice shall be mailed to the address shown on the license holder's application by certified mail, return receipt requested.

C. If the city revokes a vending license or permit, the fee already paid for the license or permit shall be forfeited. A person whose license or permit has been revoked under this section may not apply for a new license for a period of one year from the date that the revocation took effect. (Ord. 24-03 § 1, 2003)

## 5.64.760: APPEALS:

If the business license administrator denies the issuance of a license or permit, suspends or revokes a license or permit, or orders the cessation of any part of the business operation conducted under the license or permit, the aggrieved party may appeal the administrator's decision in accordance with sections 5.02.260, 5.02.280, and 5.02.290 of this title. (Ord. 24-03 § 1, 2003)

### 5.64.770: RENEWALS:

A mobile ice cream vending license may be renewed, provided an application for renewal and license fees are received by the city no later than the expiration date of the current license. Any application received after that date shall be processed as a new application. (Ord. 24-03 § 1, 2003)

# CHAPTER 5.65
# VENDING CARTS

### 5.65.010: DEFINITIONS:

For the purpose of this chapter, the following words shall have the meanings as defined in this section:

EXPANDED CENTRAL BUSINESS DISTRICT: The following streets within the city and all areas bounded within such streets:

A. North Temple Street on the north, from Sixth West Street to Third West Street;

B. Third West Street on the east, from North Temple Street to South Temple Street;

C. South Temple Street on the north, from Third West Street to Second East Street, on the south side of South Temple Street only;

D. Second East Street on the east from South Temple Street to Sixth South Street;

E. Sixth South Street (north side only) on the south from Second East Street to Sixth West Street;

F. Sixth West Street on the west from Sixth South Street to North Temple Street.

PERMIT OPERATING LOCATION: A portion of a sidewalk which has been designated by the city for the conduct of business.

SECONDARY CENTRAL BUSINESS DISTRICT: The following streets within the city and all areas bounded within such streets:

A. 600 South (south side only) on the north;

B. 200 East on the east;

C. 900 South on the south; and

D. West Temple Street on the west.

SIDEWALK VENDING CART: A mobile device or pushcart meeting all of the requirements of this chapter for the conducting of business in a specified permit operating location approved by the city.

SIDEWALK VENDOR: A person meeting all of the requirements of this chapter and being issued the appropriate business license and revocable land use permit to conduct business in a specified permit operating location by the use of a sidewalk vending cart.

SPECIAL EVENT: The Days Of '47 Parade, Christmas Parade, children's parades or other special events which the mayor shall so designate.

SUGAR HOUSE BUSINESS DISTRICT: Those streets within Salt Lake City as follows:

A. Twenty First South Street from Ninth East Street to Thirteenth East Street;

B. Highland Drive between Ramona Avenue and the I-80 Freeway;

C. Wilmington Avenue from Highland Drive to Thirteenth East Street. (Ord. 54-07 § 1, 2007)

## 5.65.020: SIDEWALK VENDING ALLOWED:

Vendors of products specified in this chapter may conduct business by use of sidewalk vending carts within the expanded central business district, the secondary central business district, the Sugar House business district, city parks and Washington Square, in accordance with the provisions of this chapter. It shall be unlawful for any person to sell any goods or services, for profit, on any sidewalk within the city, except as provided by this chapter or by subsection 5.64.010C of this title pertaining to sidewalk sales by abutting property owners or possessors. The provisions of this chapter notwithstanding, nothing in this chapter shall pertain to newsracks, telephone or telex booths or stands, postboxes, nor to the sale by nonprofit organizations of merchandise which is inextricably intertwined with a statement carrying a religious, political, philosophical or ideological message. (Ord. 54-07 § 1, 2007)

## 5.65.030: BUSINESS LICENSE, REVOCABLE LAND USE PERMIT, AND FEES REQUIRED:

No person shall conduct business on any city sidewalk, without first obtaining a valid base business license and entering into a revocable land use permit for the use of city property, and paying the required fees. In addition to the base business license fee, the annual revocable land use permit payment shall be shown on the Salt Lake City consolidated fee schedule. (Ord. 24-11, 2011)

## 5.65.040: APPLICATION FOR REVOCABLE LAND USE PERMIT:

Application for a revocable land use permit to conduct business at a particular permit operating location shall be made with property management on forms prepared by property management. Such application shall require the following information:

A. The applicant's true and correct legal name, including any former names or aliases used during the last ten (10) years.

B. The applicant's present residence address, telephone number, and mailing address, if different.

C. Type of product to be sold.

D. If the vending cart includes an area for food preparation and/or sale, a copy of all permits required by state or local health authorities, including:

1. A copy of signed restroom agreement for a restroom that must be accessible to the cart operator during all hours of the applicant's food service cart operations. The food service portion of applicant's vending cart operations will only be permitted to operate during the hours that the restroom facility is open. The restroom facility must be within five hundred feet (500') of the vending cart site. Restroom agreement must be submitted annually.

2. A copy of the signed commissary agreement.

E. The proposed permit operating location for conducting applicant's business, including a diagram showing the proposed area in proximity to nearby streets, intersections, and property owners, and adjacent ground level tenants. (Ord. 54-07 § 1, 2007)

## 5.65.041: APPLICATION FOR BUSINESS LICENSE:

Application for a business license shall be made with the licensing office on forms prepared by the business licensing administrator. Such application shall require the following information:

A. The applicant's true and correct legal name, including any former names or aliases used during the last ten (10) years.

B. The applicant's present residence address, telephone number, and mailing address, if different.

C. A list of three (3) persons who can attest to the applicant's honesty, good reputation and good moral character.

D. A statement affirming or denying whether the applicant has any felony or misdemeanor convictions or pleas of nolo contendere for a crime involving moral turpitude, narcotic or dangerous drugs, or offenses against persons or property, except those which have been expunged, and the disposition of all such arrests for the applicant for ten (10) years prior to the date of the application. Traffic offenses need not be disclosed unless a felony.

E. A statement affirming or denying whether there are any criminal charges currently pending against the applicant for a crime involving moral turpitude, narcotic or dangerous drugs, or offenses against persons or property.

F. The expiration date of applicant's base business license, if any.

G. Type of product to be sold.

H. A copy of all permits required by state or local health authorities.

I. A copy of signed restroom agreement for a restroom that must be accessible to the cart operator during all hours of cart operations. Vending cart operations will only be permitted to operate during the hours that the restroom facility is open. The restroom facility must be within five hundred feet (500') of the vending cart site. Restroom agreement must be submitted annually.

J. A signed statement that the permittee shall hold the city and its officers and employees harmless from any and all liability and shall indemnify the city and its officers and employees for any claims for damage to property or injury to persons arising from any activity carried on under the terms of the permit.

K. A description of the means to be used in conducting business including, but not limited to, a description of any mobile container or device, to be used for transport or to display products or services to be offered for sale. The description of the container or device may be in the form of detailed scale drawings of the device to be used, material specifications, and an isometric drawing in color of at least two (2) views showing all four (4) sides of the vending device and any logos, printing or signs which will be incorporated and utilized in the color scheme. Said description may include any additional items (e.g., color and material samples, layouts of signage and graphics, or photographs) which may reasonably be necessary to clearly visualize the proposed design. (Ord. 54-07 § 1, 2007)

## 5.65.042: NOTIFICATION FOR VENDING CART APPROVAL:

Prior to the approval of an administrative decision to issue a business license for a vending cart, the business licensing administrator shall provide written notice of the intent to issue the business license to all property owners and licensed businesses within three hundred thirty feet (330') or six hundred sixty feet (660'), whichever is applicable per section 5.65.120 of this chapter or its successor section. The notice shall provide a twenty one (21) day comment period. The business licensing administrator shall, within seven (7) days of the expiration of the comment period, either issue the license or refer the application to the building services and licensing director and/or community and economic development director who shall determine within seven (7) days to either issue or deny the application. For vending carts located on private property, written notice of the intent to issue the business license shall not be required. Adjacent property owners will be notified through the applicable land use process per title 21A of this code. (Ord. 38-08, 2008: Ord. 54-07 § 1, 2007)

## 5.65.043: CRIMINAL BACKGROUND CHECK:

At the time of application or renewal, the person desiring to obtain a vending cart license pursuant to this chapter, or its successor chapter, shall furnish the business licensing administrator an original, dated no older than thirty (30) days prior to the date of application of either: a) a verified criminal history report personal to the applicant or b) verification from the Utah department of public safety bureau of criminal identification, that no criminal history exists. Said verification shall be presented in a sealed envelope from the Utah department of public safety bureau of criminal identification. (Ord. 54-07 § 1, 2007)

## 5.65.050: SEPARATE APPLICATIONS:

Separate revocable land use permit and business license applications shall be required for each mobile container or device to be used for transportation or display. Individual applications shall be accepted for one primary permit operating location. In order to allow a single cart mobility to coincide with daily changes in activity, the city may authorize, per administrative policy, up to four (4) additional secondary locations, based upon availability after awarding primary locations. Multiple operating locations may not be contiguous. A separate revocable land use permit must accompany each operating location. No application shall be accepted for a permit operating location for a term of which a current sidewalk vendor permit has been issued, remains unexpired or otherwise is not terminated or for which an application is pending. The permit operating location may be changed upon written application therefor accompanied by an additional application fee. (Ord. 54-07 § 1, 2007)

## 5.65.060: INSURANCE REQUIRED:

No sidewalk vending permit shall be issued or continued in operation, unless there is on file with the city recorder a certificate of insurance executed by an insurance company or association authorized to transact business in this state, approved as to form by the city attorney, that there is in full force and effect public liability, food products liability and property damage insurance covering the operation of applicant's business operations with minimum limits of two hundred fifty thousand dollars/five hundred thousand dollars ($250,000.00/$500,000.00) for personal injury and one hundred thousand dollars ($100,000.00) for property damage or such greater amounts as set forth in section 63-30d-604, Utah Code Annotated, 1953, as amended, or its successor section. An original certificate of insurance shall be kept on file with the city's recorder at all times that a sidewalk vending permit is held verifying such continuing coverage and naming the city as an additional insured. The certificate shall contain a statement that the city will be given written notification at least thirty (30) days prior to cancellation or material change in the coverage without reservation of nonliability for failure to so notify the city. Cancellation shall constitute grounds for revocation of the sidewalk vending permit issued hereunder unless another insurance policy complying herewith is provided and is in effect at the time of the cancellation/termination. (Ord. 54-07 § 1, 2007)

## 5.65.070: LICENSE ISSUANCE CONDITIONS:

A. The business licensing administrator shall approve the issuance of a business license to the applicant, unless the business licensing administrator finds one or more of the following:

1. The applicant has failed to provide the information on the application required by this chapter;

2. The applicant has falsely answered a material question or request for information as authorized by this chapter;

3. The applicant has failed to meet any of the provisions of this chapter;

4. There are grounds for denial as set forth in section 5.02.250 of this title, or its successor section, or in any other city ordinance or state or federal law or regulation;

5. The applicant has failed to provide a copy of his or her revocable land use permit required under section 5.65.040 of this chapter, or its successor section. (Ord. 54-07 § 1, 2007)

## 5.65.080: FORM AND CONDITIONS OF REVOCABLE LAND USE PERMIT:

The revocable land use permit issued shall be on a form deemed suitable by property management. In addition to naming the permittee, the permit shall contain the following conditions:

A. The city will issue permits first to vendors seeking renewal of existing permits.

B. Each permit issued shall expire at twelve o'clock (12:00) midnight on December 31 of the year so issued.

C. The permit issued shall be personal only and not transferable in any manner.

D. The permit shall be valid only when used at the permit operating location designated on the permit.

E. The permit is valid for one cart only.

F. The city transportation engineer shall consider the need for parking to accommodate patrons of carts operating in locations outside the expanded central business district and may require written verification of a parking use agreement with an adjacent business that provides a reasonable number of parking spaces, as determined by the city transportation engineer, for the vendor's use without compromising the main business's compliance with minimum parking requirements.

G. The permit operating location may be changed, either temporarily or permanently, by written notice from property management to permittee, in the event of construction or remodeling of any nearby structure or of a force majeure which, in the opinion of the city transportation engineer, renders permittee's continued operation at the original permit operating location unsafe for any person. The term "force majeure", as used in this section, means acts of God, acts of public enemy, blockades, wars, insurrections or riots, epidemics, landslides, earthquakes, fires, storms, floods or washouts, civil disturbances, or explosions.

H. The permit is subject to the further restrictions of this chapter.

I. The permit as it applies to a given permit operating location may be suspended by the mayor for periods of not to exceed ten (10) days for special events, as defined by section 5.65.010 of this chapter. (Ord. 54-07 § 1, 2007)

## 5.65.090: USE, SITE AND DESIGN REVIEW REQUIRED:

Prior to issuance of a sidewalk vending revocable land use permit, all applications therefor shall be reviewed and approved by property management to assure the proposed vendor meets the use and design criteria and by the transportation engineer to assure compliance with the location criteria as set forth in this chapter. (Ord. 54-07 § 1, 2007)

## 5.65.100: ITEMS FOR SALE:

A. Items approved for sale from sidewalk vending carts shall be limited to the following:

1. Food for immediate consumption, including beverages;

2. Inflated balloons;

3. Fresh cut flowers; and

4. Daily or monthly news publications.

B. The performance of personal services for sale shall not be provided from a sidewalk vending cart except as such may be necessary in connection with the sale of items allowed for sale under this section. (Ord. 54-07 § 1, 2007)

## 5.65.110: LOCATION REVIEW:

A. The permit operating location must be located within the expanded central business district, the secondary central business district, the Sugar House business district, city parks or Washington Square.

B. The use of the permit operating location for sidewalk vending must be compatible with the free flow of pedestrian and other traffic and with public safety. In making such determination, the city transportation engineer shall consider the width of sidewalk, the presence of bus stops, truck loading zones, taxi stands or hotel zones, the proximity of entrances to nearby business establishments, and the proximity and location of existing street furniture, including, but not limited to, signposts, lampposts, fire hydrants, parking meters, bus shelters, benches, phone booths, street trees and newsstands. Property management may modify an approved permit operating location at any time a change is deemed necessary to ensure safe and reasonable operating conditions for all users of the public right of way. (Ord. 54-07 § 1, 2007)

## 5.65.120: LOCATION REQUIREMENTS:

A. The permit shall be issued for a specific location and no more than one vending permit shall be issued for each three hundred thirty feet (330') of block frontage on Main Street between South Temple and 400 South. On other blocks, one permit shall be allowed per block face except that if the block face exceeds six hundred sixty feet (660'), one permit shall be allowed for each additional six hundred sixty feet (660') of block frontage.

B. The number of vendors in city parks and Washington Square shall be determined by administrative policy.

C. Vending carts may be located on private plazas and private open space within the expanded central business district. No more than one sidewalk vending cart shall be allowed per every forty thousand (40,000) square feet of private plazas and private open space. At least one vending permit may be awarded for any private open space larger than twenty four (24) square feet.

Vending carts on private property are subject to all of the requirements of this chapter except for the requirement of a revocable land use permit from the city under section 5.65.030 of this chapter or its successor section. Use of private property by sidewalk vendors hereunder shall be arranged with the real property owner.

D. No person may conduct business from a sidewalk vending cart in any of the following places:

1. Within ten feet (10') of the intersection of the sidewalk with any other sidewalk or midblock crosswalk. In the secondary central business district, within fifty feet (50') of the intersections of the sidewalk with any other sidewalk. The city transportation engineer may waive this restriction in writing for any location upon finding that construction of extra width sidewalks makes such use consistent with the standards established by section 5.65.110 of this chapter;

2. Any location which would reduce the clear, continuous sidewalk width to less than four feet (4');

3. Within five feet (5') of an imaginary perpendicular line running from any building entrance or doorway to the curb line;

4. Within five feet (5') of any parking space for persons with disabilities, or access ramp;

5. Within ten feet (10') of any bus stop;

6. Within five feet (5') of any office or display window; or

7. Within ten feet (10') of any driveway.

E. Vending cart customers shall not block driveways of existing businesses.

F. No food vendor shall operate within one hundred feet (100') on the same linear block face of a door to a restaurant, city authorized special event selling food (outside public right of way), Gallivan Plaza (during events), or fruit or vegetable market, with direct access to the sidewalk. No flower or balloon vendor shall operate within one hundred feet (100') on the same linear block face of a door to a flower or balloon shop or city authorized special event selling flowers/balloons (outside public right of way), Gallivan Plaza (during events), with direct access to the sidewalk. No newspaper/magazine vendor shall operate within one hundred feet (100') on the same linear block face of a door to a newspaper/magazine shop or city authorized special event selling newspapers/magazines (outside public right of way), Gallivan Plaza (during events), with direct access to the sidewalk. In the event of multiple entries/spacing requirements, the above requirement does not invalidate a legally authorized vending permit location. The vendor will still be authorized to operate at a maximum available spacing from all affected entries. The above requirement may be waived if the application is submitted with the written consent of the proprietor of such restaurant or shop. The consent shall be on forms deemed appropriate by the business license administrator. Payment of any consideration to a proprietor of such restaurant or shop or receipt of such consideration by a proprietor for such written consent is prohibited. Such waiver shall not except the permittee from compliance with the other location and distance restrictions of this chapter. (Ord. 54-07 § 1, 2007)

## 5.65.140: DESIGN REQUIREMENTS:

A. The location occupied by the mobile device or pushcart, together with the operator and any trash receptacle, cooler or chair, shall not exceed thirty four (34) square feet of sidewalk space.

B. The mobile device or pushcart shall not exceed three feet (3') in width and eight feet (8') in length including the hitch.

C. The height of the mobile device or pushcart, excluding canopies, or umbrellas, shall not exceed five feet (5').

D. Umbrellas or canopies shall be a minimum of seven feet (7') above the sidewalk if they extend beyond the edge of the cart.

E. Umbrellas or canopies shall not exceed thirty four (34) square feet in area.

F. The mobile device or pushcart shall be on wheels and of sufficiently lightweight construction that it can be moved from place to place by one adult person without any auxiliary power. The device or cart shall not be motorized so as to move on its own power.

G. The vendor shall be limited to three (3) coolers (stacked), one beverage container, one trash receptacle and one chair external to the cart. Coolers shall not exceed 3.75 square feet each in size.

H. Enclosures and canopy extensions are prohibited. (Ord. 54-07 § 1, 2007)

## 5.65.150: FIRE MARSHAL INSPECTION:

Prior to the issuance of any permit, the fire marshal shall inspect and approve any mobile device or pushcart containing cooking or heating equipment to assure the conformance of any such equipment with the provisions of the city fire code. (Ord. 54-07 § 1, 2007)

## 5.65.160: APPROVED KITCHEN:

If the vending cart includes an area for food preparation and/or sale, it must be approved by the Salt Lake Valley health department. Vending carts shall only be kept at a commissary approved by the health department for the purposes of cleaning, stocking and preparation of food. The keeping of vending carts at a personal residence or other location not approved by the health department is strictly prohibited. (Ord. 54-07 § 1, 2007)

## 5.65.170: OPERATIONAL REGULATIONS:

A. All persons operating under a sidewalk vendor revocable land use permit issued by the city shall comply with the following regulations:

1. Display in a prominent and visible manner the business license issued by the city under the provisions of this chapter and conspicuously post the price of all items sold;

2. Pick up any paper, cardboard, wood or plastic containers, wrappers, or any litter in any form which is deposited by any person within a fifty foot (50') radius of the place of conducting business; and clean up all residue from any liquids spilled upon the sidewalk within said fifty foot (50') radius. Each person conducting business on a public sidewalk under the provisions of this chapter shall carry a suitable container for the placement of such litter by customers or other persons;

3. Vending carts whose operations involve the cooking of food which will result in suspended grease or oil particles that end up as deposits on the immediate sidewalks or adjacent walls shall at the permittee's sole expense be required to clean their assigned location twice monthly, except during the months of December 1 through March 31, in accordance with the standards set forth and approved by the department of public utilities. The cleaning method must use a solution which dissolves the grease, and

contains the wastewater while the cleaning process takes place so that the cleaning water or solution is not allowed to drain into the street or storm drain. A plan for cleaning shall be submitted to the city before a revocable land use permit is issued;

4. Obey any lawful order of a police officer to move temporarily to a different location to avoid congestion or obstruction of the sidewalk or to remove the vending cart entirely from the sidewalk, if necessary, to avoid such congestion or obstruction;

5. Conduct no sidewalk vendor business at a location other than that designated on his/her permit;

6. Make no loud or unreasonable noise of any kind by vocalization or otherwise for the purpose of advertising or attracting attention to his/her wares;

7. Leave no permitted cart or device unattended on a sidewalk;

8. Except for the day of the Days of '47 Parade, vending carts shall not remain on the sidewalk between twelve o'clock (12:00) midnight and six o'clock (6:00) A.M. of any twenty four (24) hour period;

9. Conduct no business in violation of the provisions of any ordinance or mayor's executive order providing for a "special event", as defined by section 5.65.010 of this chapter;

10. Park no vehicles adjacent to the assigned location, except temporarily for purposes of restocking cart supplies. Permittee's vehicle will not violate city parking regulations or block private parking access at any time. (Ord. 54-07 § 1, 2007)

## 5.65.180: SPECIAL EVENTS:

The restrictions of this chapter notwithstanding, nothing herein shall prohibit the city from authorizing vendors, other than those licensed under this chapter, to conduct concurrent sidewalk vending operations within the expanded central business district, or such other areas as the city may deem appropriate, during special events (special event vendors). The special event vendors shall not be governed by this chapter, but shall be governed by such other ordinance, city policy, or executive order as may be applicable. However, as long as the public right of way remains open to the general public, such authorization of special event vendors shall not require removal of a permittee under this chapter from operating within his/her designated permit operating location or a mutually acceptable adjacent alternative location during such special event, unless otherwise provided under the city's ordinances. If the city is closing a public right of way to general access, either partially or fully, in order to accommodate a special event, the city may relocate the vendor to an adjacent location outside the special event boundary, subject to the spacing requirements of subsection 5.65.120D of this chapter. (Ord. 54-07 § 1, 2007)

## 5.65.190: DENIAL, SUSPENSION OR REVOCATION OF BUSINESS LICENSE:

A. The business license administrator may revoke or suspend the business license or deny renewal thereof, of any person to conduct business on the sidewalks of Salt Lake City if he/she finds:

1. That such person has violated or failed to meet any of the provisions of this chapter;

2. That there are grounds for denial, suspension or revocation as set forth in section 5.02.250 of this title, or its successor section, or in any other city ordinance or state or federal law or regulation;

3. That such person has been convicted within the last seven (7) years of any crime involving moral turpitude, narcotic or dangerous drugs, or offenses against a person or property;

4. Any required license or permit has been suspended, revoked or canceled; or

5. The permittee does not have a currently effective insurance policy in the minimum amount provided in this chapter; or

6. That the permittee has abandoned the use of the permit operating location for the conducting of business. The failure of a permittee to vend from a vending cart within the permittee's permit operating location for thirty (30) continuous calendar days or more, except during the period of December, January, and February, shall constitute abandonment.

B. Upon denial, suspension or revocation, the business license supervisor shall give notice of such action to the permit holder or applicant, as the case may be, in writing stating the action he/she has taken and the reasons therefor. Such notice shall contain the further provision that it shall become final and effective within ten (10) days, unless such action is the result of a failure of the permittee to maintain liability insurance as required by this chapter, or is the result of a threat to the public health, safety or welfare in which case the action shall be effective immediately upon issuance of such notice. Any person receiving such notice, other than a notice effective upon issuance, shall have ten (10) days from the date of receipt thereof to file a written request with the business license administrator for a hearing thereon before a hearing examiner appointed by the mayor. Upon receipt of such request the business license administrator shall schedule a hearing in accordance with the procedures set forth in chapter 5.02 of this title, or its successor chapter. If the notice of denial, suspension or revocation is effective upon issuance thereof, as provided in this section, a hearing shall be held within five (5) business days of the date of issuance without any requirement of a request for such hearing from the permit holder. (Ord. 54-07 § 1, 2007)

## 5.65.200: PENALTY FOR VIOLATION:

Any person convicted of violating any of the provisions of this chapter shall be guilty of a class B misdemeanor, and shall be punished as provided by section 1.12.050 of this code, or its successor section. (Ord. 54-07 § 1, 2007)

## 5.65.210: VIOLATION A NUISANCE; SUMMARY ABATEMENT:

The placement of any cart or device on any sidewalk in violation of the provisions of this chapter is declared to be a public nuisance. The business licensing administrator may, as provided by law, cause the removal of any cart or device found on a sidewalk in violation of this chapter and is authorized to store such cart or device until the owner thereof shall redeem it by paying the removal and storage charges. (Ord. 54-07 § 1, 2007)

## 5.65.220: VENDING CARTS ON PRIVATE PROPERTY OUTSIDE THE EXPANDED CENTRAL BUSINESS DISTRICT:

A. Permits for vending carts on private property outside the expanded central business district may be approved pursuant to the applicable district regulations in title 21A, "Zoning", of this code, where they conform to the requirements below:

1. Vending carts on private property are subject to all of the requirements of this chapter except for the requirement of a revocable land use permit with the city under section 5.65.030 of this chapter; the requirement of a signed statement of liability and indemnity with the city under subsection 5.65.041J of this chapter; the requirement of

insurance under section 5.65.060 of this chapter; the requirement of location review under section 5.65.110 of this chapter; the suspension or revocation of business license due to a lack of use under subsection 5.65.190A6 of this chapter, and geographic location limits under section 5.65.020 of this chapter;

2. Use of private property by vendors shall be arranged with the real property owner and proof of such property owner authorization shall be required prior to the issuance of a business license;

3. Allowed only in zoning districts that permit vending carts as a permitted use, as defined by individual zoning district land use tables;

4. Allowed only on sites two (2) acres or larger and only as a secondary use to another primary commercial, office or industrial use. Vending carts on vacant or residentially used lots, regardless of zoning district, is prohibited;

5. No vending cart or device shall occupy required parking stalls;

6. No vending cart or device shall interfere with the internal parking lot circulation; and

7. Vending carts adjacent to residential zones shall be subject to site review to ensure compatibility. (Ord. 54-07 § 1, 2007)

# CHAPTER 5.66
# CHARITABLE SOLICITATIONS

(Rep. by Ord. 37-99 § 1, 1999)

# CHAPTER 5.68
# SOUND DEVICES AND APPARATUS

### 5.68.010: DEFINITIONS:

As used in this chapter:

SOUND DEVICE OR APPARATUS: Any radio device or apparatus, or any device or apparatus for the amplification of any sounds from any radio, phonograph or other sound making or sound producing device, and/or any device or apparatus for the reproduction or amplification of the human voice or other sounds.

USE OR OPERATE ANY SOUND DEVICE OR APPARATUS: To use or operate, or cause to be used or operated, any sound device or apparatus in front or outside of any building, place or premises, or in or through any window, doorway or opening of such building, place or premises, abutting on or adjacent to a public street, park or place, or in or upon any vehicle operated, standing or being in or on any public street, park or place where the sounds therefrom may be heard from any public street, park or place, or from any stand, platform or other structure, or from any airplane or other device used for flying over the city, or anywhere on or in the public streets, parks or places. (Prior code § 20-31-1)

## 5.68.020: FINDINGS AND USE RESTRICTIONS:

A. Sound Devices; Detrimental: It is hereby declared that to use or operate any sound device or apparatus is detrimental to the health, welfare and safety of the inhabitants of the city, in that such use or operation diverts the attention of pedestrians and vehicle operators in the public streets, parks and places, thus increasing traffic hazards and causing injury to life and limb. Such use or operation disturbs the public peace and comfort, and the peaceful enjoyment by the people of their right to use the public streets, parks and other public places, and disturbs the peace, quiet and comfort of the neighboring inhabitants.

B. Prohibition Or Regulation: Therefore, it is hereby declared that the prohibition of such use or operation for commercial or business advertising purposes and the proper regulation of such use and operation for all other purposes is essential for the protection of the health, welfare and safety of the inhabitants of the city, to secure the health, safety, comfort, convenience and peaceful enjoyment by the people of their rights to use the public streets, parks and places for street, park and other public purposes, and to secure the peace, quiet and comfort of the city's inhabitants.

C. Costs Of Regulations: It is further declared that the expense of supervising and regulating the use and operation of such sound devices and apparatus for purposes other than commercial and business advertising should be borne by the person or persons using and operating such devices and apparatus, and that the requirement of a nominal fee for the issuance of a permit for such use and operation as hereinafter prescribed is intended to defray the expenses of regulating such use or operation for the health, welfare and safety of all the people. (Ord. 37-99 § 3, 1999: prior code § 20-31-2)

## 5.68.030: PERMIT; REQUIRED WHEN; CONDITIONS:

It is unlawful for any person to use or operate any sound device or apparatus unless such person shall have first obtained a permit issued by the city license office in the manner prescribed in this chapter, and unless such person shall comply with the provisions of this section and the terms and conditions prescribed in such permit. (Prior code § 20-31-4)

## 5.68.040: EXCEPTIONS:

The provisions of this chapter shall not apply to the use or operation of any sound device or apparatus by any church or synagogue on or within its own premises in connection with the religious rites or ceremonies of such church or synagogue. (Prior code § 20-31-9)

## 5.68.050: PERMIT; APPLICATION:

Each applicant for a permit to use or operate a sound device or apparatus shall file a written application with the city license office at least ten (10) days prior to the date on which such sound device or apparatus is to be used or operated. Such application shall describe the specific location in which such sound device or apparatus is proposed to be used or operated, the day and hour or hours during which it is proposed to be used or operated, the volume of sound which is proposed to be used, measured by decibels or by any other efficient method of measuring sound, and such other pertinent information as said city license department may deem necessary to enable it to carry out the provisions of this section. (Prior code § 20-31-5)

## 5.68.060: PERMIT; ISSUANCE RESTRICTIONS:

A. The city license office shall not issue any permit to use or operate a sound device or apparatus:

1. In any location within five hundred feet (500') of a school, courthouse or church during the hours of the school, court or worship, respectively, or within five hundred feet (500') of any hospital, nursing home or similar institution;

2. In any location where the city chief of police shall, upon investigation, determine and advise the license office that the conditions of vehicular or pedestrian traffic, or both, are such that the use of such a device or apparatus will constitute a threat to the safety of pedestrians; or

3. In any location where the city chief of police shall, upon investigation, determine and advise the license department that conditions of overcrowding or of street repair, or other physical conditions are such that the use of a sound device or apparatus will deprive the public of their right to safe, comfortable, convenient and peaceful enjoyment of any public street, park or place for street, park or other public purposes;

4. In or on any vehicle or other device while it is in transit;

5. Between the hours of eight o'clock (8:00) P.M. and nine o'clock (9:00) A.M., unless a special permit has been issued by the mayor for the use of such sound device or apparatus pursuant to the provisions of section 9.28.070 of this code, or its successor.

B. No licensee shall cause or permit to be emanated or emitted therefrom any lewd, obscene, profane or indecent language or sounds, or any false representation, or the advocacy of unlawful injury to persons, destruction of life or property, or the overthrow of any lawfully established government by force or other crime, or in any way present a clear and present danger of obstructing the orderly movement of traffic, the peaceable passage or presence of persons to, over or upon any public street, park or other public places, or cause or contribute to disorderly or unlawful conduct. (Prior code § 20-31-7)

## 5.68.070: PERMIT; CONTENTS; LOCATION OF ACTIVITY:

A. The city license office shall not deny a permit to any applicant who complies with the provisions of this section, except for one or more of the reasons specified in subsection 5.68.060A of this chapter, or its successor, or to prevent overlapping in the granting of permits.

B. Each permit issued pursuant to this chapter shall prescribe the specific location in which such sound device or apparatus may be used or operated thereunder, the exact period of time for which such apparatus or device may be operated in said location, the maximum volume of sound which may be employed in such use or operation and such other terms and conditions as may be necessary, for the purpose of securing the health, safety, comfort, convenience and peaceful enjoyment by the people of their right to use the public streets, parks, or places for street, park or other public purposes, protecting the health, welfare and safety and inhabitants of the city and securing the peace, quiet and comfort of the neighboring inhabitants. (Ord. 88-97 § 1, 1997: prior code § 20-31-6)

## 5.68.090: RULES AND REGULATIONS:

The city license office shall have power to make such rules and regulations as may be necessary to carry out the provisions of this chapter. (Prior code § 20-31-11)

### 5.68.100: COMMERCIAL AND BUSINESS ADVERTISING RESTRICTIONS:

Except as provided in section 5.68.040 or 5.68.050 of this chapter or its successor, it is unlawful for any person to use or operate any sound device or apparatus for commercial and business advertising purposes; provided, however, that, between the hours of ten o'clock (10:00) A.M. and nine o'clock (9:00) P.M., soft music may be directed toward a city street from the building occupied by a commercial or business establishment, provided the sound emitted by the sound device or apparatus used is not audible to the human ear at any distance greater than fifty feet (50') from the building front at ground level or the sound source, whichever distance is greater from the center of the nearest street. (Prior code § 20-31-3)

### 5.68.110: VIOLATION; PENALTY:

Any person who shall violate any provision of this chapter, upon conviction thereof, shall be punished as set forth in section 1.12.050 of this code. (Prior code § 20-31-10)

# CHAPTER 5.69
# MOBILE FOOD BUSINESSES IN THE PUBLIC RIGHT OF WAY

### 5.69.010: PURPOSE AND INTENT:

The city council expressly finds that mobile food businesses within public streets pose special dangers to the public health, safety and welfare of residents in the city of Salt Lake City. It is the purpose and intent of the city council, in enacting this chapter, to provide responsible companies and individuals who engage in the operation of mobile food businesses with clear and concise regulations to prevent safety, traffic and health hazards, as well as to preserve the peace, safety and welfare of the community. (Ord. 24-12, 2012)

### 5.69.020: DEFINITIONS:

MOBILE FOOD BUSINESS: A business that serves food or beverages from a self-contained unit either motorized or in a trailer on wheels, and conducts all or part of its operations on premises other than its own and is readily movable, without disassembling, for transport to another location. The term "mobile food business" shall not include vending carts or mobile ice cream vendors.

MOBILE FOOD TRAILER: A mobile food business that serves food or beverages from a nonmotorized vehicle that is normally pulled behind a motorized vehicle. The term "mobile

food trailer" shall not include vending carts, mobile food trucks or mobile ice cream vendors.

MOBILE FOOD TRUCK: A mobile food business that serves food or beverages from an enclosed self-contained motorized vehicle. The term "mobile food truck" shall not include vending carts, mobile food trailers or mobile ice cream vendors. (Ord. 24-12, 2012)

## 5.69.030: MOBILE FOOD BUSINESS ALLOWED:

A. No person shall operate a mobile food business, without first having obtained a business license from the city in accordance with chapter 5.02 of this title, or its successor.

B. Mobile food truck vehicles are allowed to operate in the public right of way only within the M-1, M-2, D-1, D-2, D-3, D-4, G-MU, in accordance with the provisions of this chapter.

C. Provisions found in this section shall not apply to, vending carts, mobile food trailers, mobile ice cream vendors, seasonal farm stands and other temporary merchants or uses that are specifically authorized by this title or other city ordinances. (Ord. 24-12, 2012)

## 5.69.040: APPLICATION FOR A BUSINESS LICENSE:

Application for all mobile food businesses shall be made with the city business licensing division, prior to the commencement of operation. The applicant shall submit the following information:

A. Name and address of applicant.

B. Name and address of the approved commercial supply source and primary licensed food establishment, if applicable.

C. Pass a background check on owner/driver(s).

D. License plate number.

E. A description of the preparation methods and food product offered for sale, including the intended menu, display, and distribution containers.

F. A description of the vehicle to be used in conducting business including, but not limited to, a description of any method to display food or products to be offered for sale.

G. The anticipated volume of food to be stored, prepared and sold.

H. A valid copy of all necessary licenses or permits required by state or local health and transportation authorities.

I. Each applicant for a license or renewal under this chapter shall submit, with its application, a certificate of insurance executed by an insurance company or association authorized to transact business in this state, approved as to form by the city attorney, that there is in full force and effect general liability insurance in an amount not less than amounts as set forth in section 63-30-34 of the Utah code, as amended, or its successor. Such policy or policies shall include coverage of all motor vehicles used in connection with applicant's business. A current certificate of insurance shall be kept on file with the city recorder at all times that applicant is licensed by the city verifying such continuing coverage and naming the city as an additional insured. The certificate shall contain a statement that the city will be given written notification at least thirty (30) days prior to cancellation or material change in the coverage without reservation of nonliability for failure to so notify the city. Cancellation shall constitute grounds for revocation of the license issued hereunder unless another insurance policy complying herewith is provided and is in effect at the time of cancellation/termination.

J. A signed statement that the permittee shall hold the city and its officers and employees harmless from any and all liability and shall indemnify the city and its officers and employees for any claims for damage to property or injury to persons arising from any activity carried on under the terms of the permit.

K. Where applicable, the written consent of the property or business owner. (Ord. 24-12, 2012)

## 5.69.050: SEPARATE APPLICATIONS:

Separate business license applications may be required for each mobile food business. Separate business license fees shall be required for each mobile food business vehicle operating under one business license. (Ord. 24-12, 2012)

## 5.69.060: FEES; ANNUAL OPERATION:

No license shall be issued or continued in operation unless the holder thereof has paid an annual business regulatory fee as set forth in section 5.04.070 of this title, or its successor section for each mobile food business. (Ord. 24-12, 2012)

## 5.69.070: BUSINESS ACTIVITY TO BE TEMPORARY:

All business activity related to mobile food businesses shall be of a temporary nature, the duration of which shall not extend for more than twelve (12) hours within a twenty four (24) hour period at any one premises or location. (Ord. 24-12, 2012)

## 5.69.080: USE OF PUBLIC RIGHT OF WAY:

Each mobile food business, offering food from or on motorized vehicles within the public right of way shall abide by the following conditions and requirements. Failure to comply may result in the suspension or revocation of a business license, and is a class B misdemeanor:

A. Mobile food businesses shall obey all parking and traffic regulations as stated in title 12 of this code.

B. Parking on a park strip, or otherwise landscaped area is not allowed.

C. Mobile food truck vehicles utilizing the parking space within the public right of way shall park only in parallel parking spaces. Mobile food truck vehicles must be parked so that neither the vehicle nor the customers block driveways of existing buildings or uses.

D. The operator shall locate the vending window facing the sidewalk. Mobile food truck vehicles manufactured to vend out the rear of the vehicle must obtain special permission from the transportation division to operate in the public right of way.

E. No mobile food truck vehicle shall occupy required parking stalls of the primary use.

F. The mobile food truck vehicle shall use positive action to assure that its use of the right of way, including the sidewalk, in no way interferes with or limits sidewalk users' free and unobstructed passage.

G. The mobile food truck vehicle shall be prohibited from pulling any type of trailer.

H. The operator of the mobile food truck vehicle shall not sell to any person standing in the roadway unless approved by the transportation division.

I. Mobile food truck vehicles shall not operate on public streets where the speed limit exceeds forty five (45) miles per hour.

J. Unless licensed prior to January 1, 2013, a parked mobile food business shall conform to all requirements in the Salt Lake City idling ordinances (title 12, chapter 12.58 of this code).

K. Any auxiliary power required for the operation of the mobile food truck shall be self-contained. No use of public or private power sources are allowed without providing written consent from the owner.

L. All motorized vehicles of the applicant and operators shall comply with all other requirements of this chapter and any other requirements of ordinance or statute that may be applicable.

M. All materials generated from a mobile food business that are to be disposed of should be disposed of properly. It is illegal to discharge or dispose of any substance, material, food, or waste into the storm drain system. (Sections 17.84.100, prohibition of discharge into storm drain system; 17.36.220, prohibition against opening manhole covers, of this code.) (Ord. 24-12, 2012)

## 5.69.090: DESIGN AND OPERATION GUIDELINES:

Mobile food trucks operating in the public right of way shall comply with the following design requirements:

A. Mobile food truck vehicles shall be designed to meet all applicable Salt Lake Valley health department requirements relating to the handling and distribution of food.

B. The mobile food truck shall not have a drive-through.

C. Mobile food truck vehicles shall be kept in good operating condition, no peeling paint or rust shall be visible.

D. No mobile food truck vehicle operating in the public right of way shall operate within the same block face of another mobile food vendor at any one time.

E. No mobile food truck vehicle shall operate within one hundred feet (100') on the same linear block face of a door to a restaurant, mobile food vendor, food cart, or city authorized special event selling food, except:

1. The above requirement may be waived if the application is submitted with the written consent of the proprietor of such restaurant or shop. The consent shall be on forms deemed appropriate by the business license administrator. Such waiver shall not exempt the applicant from compliance with the other location and distance restrictions of this chapter.

F. All grounds utilized by a mobile food business shall at all times be maintained in a clean and attractive condition.

G. Trash and recycling containers shall be provided for use of the business patrons.

H. Mobile food businesses shall source local products when available.

I. Any enclosures or canopy extensions must be integrated into the design of the mobile food business vehicle and must not project onto the public sidewalk or any other part of the public right of way not authorized by the transportation division. (Ord. 24-12, 2012)

## 5.69.100: SIGNS:

No signs shall be used to advertise the conduct of the mobile business at the premises other than that which is physically attached to the vehicle, except temporary signs authorized by section 21A.46.055 of this code. (Ord. 24-12, 2012)

## 5.69.110: PROFESSIONAL AND PERSONAL SERVICES PROHIBITED:

The performance of professional or personal services for sale shall not be provided from a mobile food truck. (Ord. 24-12, 2012)

### 5.69.120: COMPLIANCE RESPONSIBILITY:

The holder shall not be relieved of any responsibility for compliance with the provisions of this chapter, whether the holder pays salary, wages or any other form of compensation to drivers. (Ord. 24-12, 2012)

### 5.69.130: SPECIAL EVENTS:

The restrictions of this chapter notwithstanding, nothing herein shall prohibit the city from authorizing mobile food businesses, other than those licensed under this chapter, to conduct concurrent vending operations within the public right of way, or such other areas as the city may deem appropriate, during special events (special event vendors). The special event vendors shall not be governed by this chapter, but shall be governed by such other ordinance, city policy, or executive order as may be applicable. However, as long as the public right of way remains open to the general public, such authorization of special event vendors shall not require removal of a permittee under this chapter from operating within his/her designated permit operating location or a mutually acceptable adjacent alternative location during such special event, unless otherwise provided under the city's ordinances. If the city is closing a public right of way to general access, either partially or fully, in order to accommodate a special event, the mobile food business may not access that right of way unless specifically authorized by the city. (Ord. 24-12, 2012)

# CHAPTER 5.70
# SPORTS, RECREATION AND AMUSEMENT ACTIVITIES

### 5.70.010: BILLIARDS AND POOL HALLS; LICENSE; GENERAL REQUIREMENTS:

A. "Pool hall", for the purpose of this chapter, means any licensed business premises where there are two (2) or more billiard or pool tables or similar tables, regardless of the fact that they may be coin operated.

B. It is unlawful for any person to operate, keep or maintain within the limits of the city for public use or hire a billiard or pool table or similar table on which games are played without first obtaining a license to do so.

C. It is unlawful for any person to operate a "pool hall", as defined in this section, without obtaining a license to do so. (Prior code § 20-18-15)

### 5.70.020: BILLIARDS AND POOL HALLS; LOCATION RESTRICTIONS:

No license shall be issued to keep, maintain or operate for public use any of the tables set forth in subsection 5.70.010B of this chapter, except within an area zoned C-3, or a less restricted zoning district as set forth in the provisions of title 21A of this code. (Prior code § 20-18-16)

### 5.70.030: BILLIARDS AND POOL HALLS; LICENSE; APPLICATION:

All applications for licenses for billiards and pool tables shall state the number and type of tables desired and the address of the proposed business. (Prior code § 20-18-17)

### 5.70.040: BILLIARDS AND POOL HALLS; LICENSE; FEES:

The license fee for conducting billiards or pool tables for the playing of billiards or pool shall be as shown on the Salt Lake City consolidated fee schedule, per year, or any part thereof, in advance, for each table. (Ord. 24-11, 2011)

### 5.70.050: BILLIARDS AND POOL HALLS; CLOSING HOURS:

It is unlawful for the owner, keeper, manager of or employee in any pool hall or premises licensed for public use or hire of a billiard, pool or similar table to operate between the hours of twelve o'clock (12:00) midnight of any day and eight o'clock (8:00) A.M. of the following day unless such pool hall or licensed premises is maintained solely for the convenience and recreation of patrons of any other licensed business operated by the same licensee as the primary business upon the same premises, in which case the closing hours applicable to such other licensed business shall be applicable to such licensed pool hall or premises licensed for public use or hire of a billiard, pool or similar table. (Prior code § 20-18-19)

# CHAPTER 5.71
# GROUND TRANSPORTATION REQUIREMENTS

## Article I. Definitions And General Regulations

### 5.71.010: DEFINITIONS:

The following words and phrases, when used in this chapter, shall have the meanings defined and set forth in this section:

AIRPORT SHARED RIDE SERVICE: Ground transportation provided by an authorized ground transportation business contracted through the department of airports to provide on demand shared ride service to and from the Salt Lake City International Airport.

AIRPORT SHARED RIDE VEHICLE: Any authorized ground transportation vehicle operating under contract with the department of airports to provide airport shared ride service to and from the Salt Lake City International Airport.

APPLICANT: An individual who has submitted an application to the department to obtain a ground transportation vehicle operator's badge pursuant to article VII of this chapter.

AUTHORIZED GROUND TRANSPORTATION BUSINESS: Any business operating any ground transportation vehicle, which has a current, valid business license as required by the city and which:

A. Registers the business in accordance with the requirements established by the department, and

B. Is current with all fees or charges imposed by the department and city.

AUTOMOBILE: Any motor vehicle with passenger seating for five (5) persons or less, not including the driver.

BUS: Any licensed motor vehicle operated on the streets and highways for hire on a scheduled or nonscheduled basis with a seating capacity of twenty five (25) or more passengers, not including the driver.

BUSINESS: A voluntary association legally formed and organized to carry on a business in Utah in the legal name of the association, including, without limitation, a corporation, limited liability company, partnership, or sole proprietorship.

BUSINESS LICENSING OFFICE: The division of building services and licensing of Salt Lake City Corporation, or its successor.

CERTIFICATE: A certificate of public convenience and necessity issued by the city.

CIVIL NOTICE: A written notice of a ground transportation violation as provided under this chapter.

COMMENT FORM OR FORM: The form described in section 5.71.270 of this chapter, or its successor.

COURTESY VEHICLE: Any motor vehicle regularly operated on Salt Lake City streets for transportation of customers and/or baggage without making a specific separate charge to the passenger for such transportation.

DEPARTMENT: The Salt Lake City department of airports or such other city department or division as may be designated by the mayor to have responsibility for the enforcement of this chapter.

DEPARTMENT AUTOMATED VEHICLE IDENTIFICATION (AVI) TAG: An electronic transponder used to identify vehicles and provide the department with vehicle data and billing information.

DEPARTMENT DIRECTOR: The director of the department designated by the mayor to have responsibility for the enforcement of this chapter or the authorized designee of such director.

DEPARTMENT INSPECTION: An inspection of a ground transportation vehicle by the department to verify that the vehicle meets the standards set by the department director, department rules and regulations, applicable contracts, and applicable city ordinances, including, without limitation, the exterior and interior of the vehicle and all associated vehicle licensing, safety, and insurance requirements.

DEPARTMENT INSPECTION SEAL: A sticker or seal issued by the department to signify that a ground transportation vehicle has passed the required department inspection. These department inspection seals are nontransferable and no ground transportation vehicle may be operated without such seal.

DEPARTMENT RULES AND REGULATIONS: Rules and regulations developed and adopted by the department director to govern commercial ground transportation operations within the city.

FIXED SCHEDULE: Ground transportation service operating on a regular time schedule previously announced as to time of departure and arrival between definitely established and previously announced points along definitely established and previously announced routes regardless of whether passengers or freight are to be carried.

GROUND TRANSPORTATION APPEAL COMMITTEE: A committee established by the department director to hear and rule on appeals, suspensions, and other matters related to ground transportation in and connected with the city.

GROUND TRANSPORTATION BUSINESS: Any business operating any ground transportation vehicle.

GROUND TRANSPORTATION SERVICE: The transportation of passengers by a ground transportation business.

GROUND TRANSPORTATION VEHICLE: Any motor vehicle used for the transportation of persons using Salt Lake City streets for commercial purposes regardless of whether a fee or fare is collected, which includes, but is not limited to, any airport shared ride vehicle, automobile, bus, courtesy vehicle, hotel vehicle, limousine, minibus, special transportation vehicle, specialty vehicle, taxicab, van, or trailer being towed by a ground transportation vehicle.

HEARING OFFICER: A hearing officer of the Salt Lake City justice court.

HOLDER: A person to whom a certificate of public convenience and necessity has been issued.

HOTEL VEHICLE: Any motor vehicle regularly operated by a ground transportation business under contract to or directly by a motel, hotel, or other lodging business, to provide transportation of customers and/or baggage for the contracted establishment for which transportation the customer is charged a separate fee or fare, and which is subject to a contract filed with the department providing for operating the vehicle.

LIMOUSINE: Any vehicle described by its manufacturer or aftermarket manufacturer as a limousine or a luxury vehicle such as, but not limited to, a Cadillac Escalade, Chevrolet Suburban, Lincoln Town Car, or Mercedes Benz, with a driver furnished, who is dressed in professional business attire or a chauffeur's uniform. A limousine may be deemed a hotel vehicle if the service provided is prearranged and minimum fare is charged as provided in this chapter.

MINIBUS: Any motor vehicle with a passenger seating capacity of thirteen (13) to twenty four (24) persons, not including the driver.

MODEL YEAR: The age of a motor vehicle based upon the manufacturer's date of manufacture. The year shall be calculated as beginning January 1 of the model year, regardless of the month of manufacture, purchase, or licensing with the city.

NAMED PARTY: The driver, vehicle owner, or authorized ground transportation business named in a civil notice issued by the city.

ON DEMAND AIRPORT SERVICE OR ON DEMAND SERVICE: Transportation provided by an authorized ground transportation business which is not "scheduled service" or "prearranged service" as defined in this section.

PERSONS WITH DISABILITIES: Those persons who are not acutely ill, who do not require the services of an ambulance, and who need or desire special transportation equipment or accommodation for physical or mental infirmities.

PREARRANGED SERVICE: Transportation provided by an authorized ground transportation business from points within the city to destinations within the city, or beyond, for which the authorized ground transportation business providing such transportation has recorded the name or description of prospective passenger and the date and time of the request for transportation at least thirty (30) minutes prior to the transporting of the passenger by such vehicle and for which records of such transportation may be required for inspection by the department.

SCHEDULED SERVICE: Transportation provided by an authorized ground transportation business on a fixed schedule posted with and approved by the department in advance of such transportation.

SPECIAL TRANSPORTATION VEHICLE: Any motor vehicle for hire, other than an airport shared ride vehicle, ambulance, or taxicab, which vehicle is designed, equipped, and used for the transportation of persons with disabilities.

SPECIALTY VEHICLES: Any vehicles that are unique in their design, or built for a specific purpose, including, but are not limited to, special conversion vehicles and classic or collector automobiles, but excluding special transportation vehicles.

STARTER: A person appointed by and representing a ground transportation business who is responsible for managing the coordination of vehicles and passenger transportation for that business.

TAXICAB: A motor vehicle with a seating capacity of five (5) passengers or less, not including the driver, or a van with a passenger seating capacity of six (6) to twelve (12), not including the driver, used in the on demand, for hire transportation of passengers or baggage over public streets and not operated over a fixed route or upon a fixed schedule, but which is subject for contract hire by persons desiring special trips from one point to another, as provided under chapter 5.72 of this title, or its successor chapter, and authorized to operate in Salt Lake City by contract with the department.

TERMINAL OF TRANSPORTATION: A facility or location having the primary purpose of facilitating ground transportation services, such as, but not limited to, the Salt Lake City Intermodal Hub.

TRAILER: A wheeled vehicle designed to be pulled by a motor vehicle for the transportation of freight, luggage, or other items.

VAN: Any licensed motor vehicle other than those designated as a limousine with a passenger seating capacity of six (6) to twelve (12), not including the driver.

VEHICLE OPERATOR'S BADGE OR OPERATOR'S BADGE: An identification badge issued by the department to an individual to signify that the individual has met the requirements to operate a ground transportation vehicle. (Ord. 84-10, 2010)

## 5.71.020: PURPOSE:

This chapter is enacted to provide for and protect the interests of Salt Lake City residents and visitors using ground transportation services which make use of city streets and other city property, including:

A. To reflect standards of professionalism prevalent in and accepted by the Salt Lake community at large;

B. To enhance the comfort, ease, and safety of the traveling public on Salt Lake City streets;

C. To enhance the city's competitiveness in attracting the traveling public to this city;

D. To increase safety for drivers of ground transportation vehicles, their passengers, and the public;

E. To adequately identify ground transportation vehicles and their drivers to the public in the city;

F. To meet the needs of the public using ground transportation vehicles in the city;

G. To provide for uniform enforcement of standards throughout the city by coordinating the efforts of the departments responsible for enforcement, adjudication, and business licensing of all commercial ground transportation businesses and ground transportation vehicles;

H. To provide that the mayor designate a department or departments to be responsible for the administration and enforcement of regulations pertaining to all ground transportation businesses, ground transportation vehicles, and ground transportation vehicle drivers in the city; and

I. To provide authority for administration and enforcement of business licensing in connection with ground transportation in the city. (Ord. 84-10, 2010)

## 5.71.025: DESIGNATION OF DEPARTMENT:

The mayor shall designate a city department or departments to be responsible for the oversight and enforcement of all ground transportation businesses, ground transportation vehicles, and ground transportation vehicle drivers within the corporate limits of Salt Lake City. Such department or departments shall be responsible for the administration and enforcement of business licensing in connection with ground transportation in the city. (Ord. 84-10, 2010)

## 5.71.030: AUTHORITY TO ESTABLISH RULES AND REGULATIONS:

A. To the extent authorized by the provisions of this chapter and consistent with other applicable provisions of this code, the department director, under guidance and direction from the mayor, may enter into contracts deemed necessary or desirable and may establish rules and regulations necessary to administer the provisions of this chapter.

B. The mayor shall adopt procedures applicable to the establishment of department rules and regulations that provide for:

1. Public notice of any proposed rule that will affect operation of any ground transportation business;

2. An opportunity for public comment on proposed rules before they take effect; and

3. The basis for any proposed rule. (Ord. 84-10, 2010)

## 5.71.040: EXEMPTIONS FROM REQUIREMENTS OF THIS CHAPTER:

A. The provisions of this chapter shall not apply to vehicles licensed by a governmental agency or operated by a university or school district, the Utah transit authority, an ambulance service, and others as may be designated in department rules and regulations.

B. Sections 5.71.095, 5.71.150, 5.71.180, 5.71.190 and 5.71.240 of this chapter shall not apply to buses and motor coaches, and bus and motor coach drivers, regulated by the U.S. department of transportation.

C. If any provision of this chapter is preempted by federal law, such provision shall not apply. (Ord. 84-10, 2010)

## 5.71.050: BUSINESS LICENSE AND REGISTRATION REQUIRED:

A. It is a violation for any person to operate a ground transportation business without, prior to commencement of the business, completing the following:

1. Obtaining a business license,

2. Registering such business with the department, and

3. Paying all applicable fees associated with the licensing or permitting of such business, its vehicles, and its employees.

B. Business license fees for ground transportation companies shall be calculated to include the cost of administering and enforcing the provisions of this title. (Ord. 84-10, 2010)

## 5.71.060: GROUND TRANSPORTATION SERVICE:

A. All authorized ground transportation businesses may provide scheduled service or prearranged service within the city.

B. Only airport shared ride vehicles, courtesy vehicles, hotel vehicles, and taxicabs may provide on demand service within the city, except that:

1. Limousines may provide prearranged service only upon charging a minimum fare of thirty dollars ($30.00) per trip; and

2. Hotel vehicles may provide on demand service only to and from any railroad station, bus station, airport, or similar terminal of public transportation and any hotel, motel, or other lodging business with whom they hold a current contract for transportation services. Proof of the existence of such contract shall be maintained in each hotel vehicle and shall be subject to inspection on demand.

3. The department director may waive these restrictions if it is determined that circumstances in the city exist that create congestion, security concerns, emergency conditions, or other operational problems, and that a temporary suspension of this limitation is in the best interests of the city to address such circumstances.

C. Subsection B of this section notwithstanding, hotel vehicles may transport motel or hotel patrons on demand to and from locations other than a terminal of public transportation as follows:

1. To and from a convention center during a convention within the city involving five thousand (5,000) or more participants, or

2. To and from other locations providing such transport involves four (4) or more persons riding together to and from the same destination and with the consent of the motel or hotel manager on duty. (Ord. 84-10, 2010)

## 5.71.065: EXISTING HOLDERS' CERTIFICATES:

A. Holders of existing certificates at the effective date hereof shall retain such certificates, allowing them to operate the same number of vehicles as they are presently authorized to operate, without any hearing, the public convenience and necessity having heretofore been demonstrated, until such certificate expires as provided in this section.

B. Except as provided in section 5.76.130 of this title, pertaining to special transportation vehicles, existing certificates issued by the city shall expire no sooner than one hundred eighty (180) days from the effective date hereof. The city may elect, in the city's sole discretion, to continue the expiration date up to an additional one hundred eighty (180) days. Upon expiration, a pro rata refund of that portion of the certificate fee shall be given to those persons whose certificates have expired prior to the portion of the year remaining at the time of expiration.

C. No certificate shall continue in operation prior to the expiration as set forth in section 5.72.165 of this title unless the holder thereof has paid the annual business regulatory fees each year for each vehicle authorized under a certificate. Such fees shall be in addition to any other fees or charges established by proper authority and applicable to the holder of the vehicle or vehicles under the holder's operation and control.

D. No certificate issued in accordance with this chapter, or its successor, shall be construed to be either a franchise or irrevocable. (Ord. 84-10, 2010)

# Article II. Driver Standards

### 5.71.070: DRIVER AND STARTER APPEARANCE:

The drivers of ground transportation vehicles and starters representing ground transportation businesses within the city shall adhere to the standards of appearance established by department rules and regulations while operating such vehicles, or while representing ground transportation businesses, in order to meet the interests of the city in such transportation. (Ord. 84-10, 2010)

### 5.71.080: DRIVER CONDUCT:

The drivers of ground transportation vehicles and starters representing ground transportation businesses within the city shall adhere to the standards of conduct established by department rules and regulations while operating such vehicles or while representing ground transportation businesses in order to meet the interests of the city in such transportation. (Ord. 84-10, 2010)

### 5.71.090: UNAUTHORIZED SOLICITATION OF BUSINESS:

No person may solicit for business at any terminal of transportation except in locations and in accordance with department rules and regulations. (Ord. 84-10, 2010)

### 5.71.095: ANNUAL DRIVER APPLICATION RENEWAL:

A driver may not be required to renew a driver application more than once every two (2) years and shall not be required to provide fingerprints for a background investigation more than one time except:

A. In the case of an emergency;

B. As may be otherwise required by a state or federal law, regulation, or directive; or

C. As the department director may determine, to achieve consistency with a state or federal law, regulation, or directive. (Ord. 84-10, 2010)

## Article III. Smoking

### 5.71.100: SMOKING RESTRICTIONS:

Passengers and drivers in ground transportation vehicles may only smoke in such vehicles as set forth in the Utah code. (Ord. 84-10, 2010)

## Article IV. Vehicle Standards

### 5.71.120: VEHICLE AGE AND CONDITION:

A. No vehicle shall be authorized by the city to operate as a ground transportation vehicle if the vehicle is more than six (6) model years in age, has a salvage title, or has accumulated three hundred fifty thousand (350,000) miles or more. Notwithstanding the foregoing, a ground transportation vehicle that is more than six (6) model years in age, but has accumulated less than three hundred fifty thousand (350,000) miles, may be operated for a total of seven (7) model years so long as the vehicle meets or exceeds inspection requirements set forth in section 5.71.150 of this chapter and has not accumulated three hundred fifty thousand (350,000) miles or more.

B. The following exemptions to the foregoing limitations may be approved by the department on a case by case basis upon application to the department director:

1. Any taxicab which has been modified to carry a motorized wheelchair or scooter and which is functional and usable for such purpose; and any bus, minibus, special transportation vehicle, or limousine may be exempted from the foregoing age and mileage restrictions, but not from the salvage title restriction, if the vehicle meets:

a. Safety standards set forth in the vehicle safety inspection manual promulgated by the Utah department of public safety pursuant to Utah administrative rule 714-158-8, or its successor, and

b. Exterior and interior appearance standards set forth in section 5.71.125 of this chapter and department rules and regulations.

2. A specialty vehicle shall be exempted from the foregoing age, mileage, and salvage title restrictions if the vehicle meets:

a. Safety standards set forth in the vehicle safety inspection manual referenced in subsection B1 of this section, and

b. Exterior and interior appearance standards set forth in section 5.71.125 of this chapter and department rules and regulations.

3. A ground transportation vehicle that has been modified to meet ADA requirements, but which has not been modified to carry a motorized wheelchair or scooter, may be operated for a total of seven (7) years.

C. Unless exempt as provided in subsection B of this section, ground transportation vehicles shall comply with foregoing requirements as follows:

1. Seventy five percent (75%) of a business's ground transportation vehicles shall meet the foregoing vehicle age restriction within twelve (12) months after December 3, 2010.

2. One hundred percent (100%) of a business's ground transportation vehicles shall meet the foregoing vehicle age restriction within twenty four (24) months after December 3, 2010.

3. One hundred percent (100%) of a business's ground transportation vehicles shall meet the foregoing vehicle mileage restriction within twelve (12) months after December 3, 2010.

4. One hundred percent (100%) of a business's ground transportation vehicles shall meet the foregoing salvage title restriction effective December 3, 2010.

5. No new vehicle shall be approved as a ground transportation vehicle that does not meet the restrictions set forth in subsection A of this section. (Ord. 3-11, 2011)

## 5.71.125: VEHICLE APPEARANCE STANDARDS:

A. All ground transportation vehicles shall meet the following vehicle exterior appearance standards:

1. All vehicles shall be maintained as required by any state law or city ordinance or statute, whether or not a part of this chapter.

2. Vehicle exteriors shall be clean except during the first twenty four (24) hours following a snow, rain, or dust storm in Salt Lake or surrounding counties.

3. Vehicles, including bumpers and body molding, shall be free of all exterior damage except for dents no larger than six inches (6") in diameter and rust spots no larger than one inch (1") in diameter. Bumpers shall be straight and aligned, as designed by the vehicle manufacturer.

4. Windshields shall be free of cracks and chips larger than six inches (6") in diameter or length. All other glass and mirrors shall be free of cracks and chips larger than one inch (1") in diameter or length.

5. Exterior paint shall be maintained in good condition and repair, with no faded, oxidized, or nonmatching paint. Signs, graphics, door handles, antennas, and other equipment used for the ease and convenience of drivers and passengers shall be maintained in a good and operable condition.

6. Exterior tires, brakes, exhaust pipes, lights, wipers, turn signals, horns and other safety equipment shall be maintained in a good and operable condition.

7. Wheels shall have wheel covers, or be equipped with custom wheels.

8. All fluid leaks shall be repaired immediately.

B. All ground transportation vehicles shall meet the following vehicle interior appearance standards:

1. Vehicle interiors shall be clean and sanitary, and free of dirt, oil, litter, or other similar material, or offensive odors.

2. Seats and other interior surfaces shall be in good repair and free of tears and sharp objects. Dashboard covers may be used, but shall be professionally manufactured.

3. Trunks and luggage storage compartments shall at all times be maintained free of oil, dirt, debris, and personal property except for property used by the driver in connection with operating a ground transportation vehicle.

4. All equipment in the interior of the vehicle used for the ease and convenience of drivers and passengers, including, but not limited to, doors, windows, carpets, door and window handles, ashtrays, heaters, air conditioners, and radios, shall be maintained in a good and operable condition.

5. Ashtrays shall be emptied after use and washed each day.

6. Seat belts shall be provided for the driver and for each passenger as required by law for such vehicle. Seat belts and all other safety equipment inside the vehicle, including child safety restraint devices or seats, shall be maintained in a good and operable condition as may be required by Utah and federal law. (Ord. 3-11, 2011)

### 5.71.130: CONFLICTING OR MISLEADING DESIGNS AND ADVERTISING PROHIBITED:

A. No vehicle shall be authorized to operate whose color scheme, identifying design, monogram, or insignia, in the opinion of the department director, conflicts with or imitates any color scheme, identifying design, monogram, or insignia used on a vehicle or vehicles already operating under this chapter, in such a manner as to be misleading or tending to deceive or defraud the public or which improperly conveys the nature or the type of the ground transportation service offered.

B. No ground transportation business shall advertise or hold itself out as being licensed by the city under this chapter when in fact no such license has been issued or has been revoked or terminated. (Ord. 84-10, 2010)

## Article V. Insurance And Inspections

### 5.71.140: INSURANCE REQUIRED:

A. Every ground transportation business shall maintain continuous vehicle insurance, when the vehicle is operational, at the minimum levels of coverage set forth by the federal motor carrier safety administration, 49 CFR 387.33, or by the Utah department of transportation, or by the United States department of transportation, whichever levels are higher. Proof of insurance shall be required when a vehicle is initially inspected by the department, and may be verified upon the city's receipt of a complaint, negative comment form, or at the time of an on street, unscheduled ground transportation vehicle inspection.

B. Taxicabs and other authorized ground transportation vehicles with a seating capacity of seven (7) passengers or less, including the driver, shall carry minimum coverage in the amounts required for vehicles with a seating capacity of fifteen (15) or less as set forth in section 49 CFR 387.33. The exception for taxicab service set forth in section 49 CFR 387.27 shall not apply to this subsection.

C. Each ground transportation business shall send a copy of any notice of cancellation or reduction of insurance coverage to the department immediately upon such cancellation or reduction.

D. Salt Lake City Corporation shall be named as an additional insured in all insurance contracts. (Ord. 84-10, 2010)

## 5.71.150: INSPECTIONS:

A. All authorized ground transportation vehicles shall be registered with the department and at all times shall meet or exceed standards established by this chapter and by department rules and regulations in order to meet the interests of Salt Lake City.

B. No vehicle may operate as a ground transportation vehicle within the city without first having been inspected by the department and found to be meeting all requirements of the department inspection as established by department rules and regulations for the category of vehicle being inspected. Notwithstanding the foregoing, a ground transportation company that purchases a new ground transportation vehicle may, in lieu of an inspection of such vehicle:

1. Certify to the department that the vehicle is new and conforms to the standards and requirements established by this section and department rules and regulations, and

2. Provide proof of insurance as provided in subsection 5.71.140A of this chapter.

3. Installation of an AVI and taximeter shall be subject to inspection by the department.

C. Vehicles meeting the requirements of the department inspection shall have a unique department inspection seal affixed to the rear of the vehicle signifying that the vehicle has passed the department inspection and may be operated as a ground transportation vehicle. The department seal is nontransferable and no vehicle may be used as a ground transportation vehicle without the department inspection seal in place.

D. All ground transportation vehicles meeting the requirements of the department inspection shall be issued a department automated vehicle identification (AVI) tag, which the department shall install on the vehicle. These tags are nontransferable and may not be removed or modified without authorization from the department.

E. The department may perform vehicle inspections at any time any ground transportation vehicle is operating within the corporate limits of the city in order to administer and enforce applicable vehicle standards.

F. No ground transportation vehicle may be operated within the city unless it is maintained to the standards and requirements established by this chapter and department rules and regulations, including, without limitation, department inspection requirements. (Ord. 3-11, 2011)

### 5.71.160: TEMPORARY OPERATIONS:

A ground transportation business that operates on a limited or temporary basis within the city may petition the department director for a waiver from some of the requirements of this chapter. However, no ground transportation business may operate without paying otherwise applicable fees. Consideration of such waiver may include the following:

A. The business is based outside of a thirty five (35) mile radius of the city and the business provides limited services within the city;

B. The business does not pick up passengers within the city and provides transportation only into the city; and

C. Any specific ground transportation vehicle that will be used for operations within the city no more than five (5) calendar days per year. (Ord. 84-10, 2010)

## Article VI. Special Transportation Businesses

### 5.71.170: SPECIAL TRANSPORTATION VEHICLES AND OPERATORS:

A. It is a violation for any person who owns or controls a special transportation business to allow a special transportation vehicle to be operated without, prior to commencement of the business, completing the following:

1. Obtaining a business license;

2. Registering such business with the department;

3. Paying all applicable fees associated with the licensing or permitting of such business, its vehicles and its employees; and

4. Providing the department with certification from the state of Utah that the vehicle meets all state requirements and was found to be in a safe condition for the transportation of persons with disabilities and had all such equipment as may be required by state law including, but not limited to, the following:

a. Doorways wide enough to accommodate a wheelchair;

b. Ramps or lifting devices for elevating persons with disabilities from the curb or sidewalk into the special transportation vehicle, which ramps and lifting devices shall be stored inside the special transportation vehicle while it is moving;

c. Adequate means of securing persons with disabilities safely to the inside of the special transportation 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 thereof, to be used as a method of escape in case of an emergency; and

e. A fire extinguisher, and first aid equipment and supplies, as prescribed and amended from time to time by state law.

B. In addition to meeting all other department rules and regulations applicable to ground transportation vehicles and businesses, owners and operators of special transportation vehicles shall comply with the following:

1. No special transportation vehicle shall be equipped with a siren or be permitted to operate as an emergency vehicle.

2. Special transportation vehicles shall be kept in a clean and sanitary condition, according to applicable rules and regulations promulgated by the state.

3. All special transportation vehicle operators shall obtain and maintain certification training in first aid, CPR, and AED as taught by an American Heart Association certified instructor. (Ord. 84-10, 2010)

### 5.71.175: EXISTING HOLDERS' CERTIFICATES FOR SPECIAL TRANSPORTATION VEHICLES:

A. Holders of existing certificates for special transportation vehicles shall retain such certificates, as set forth in section 5.76.130 of this title, allowing them to operate the same number of vehicles as they are authorized to operate on the effective date hereof, without any hearing, the public convenience and necessity having heretofore been demonstrated.

B. No certificate shall continue in operation unless the holder thereof has paid the annual business regulatory fees each year for each vehicle authorized under a certificate. Such fees shall be in addition to any other fees or charges established by proper authority and applicable to the holder of the vehicle or vehicles under the holder's operation and control. (Ord. 84-10, 2010)

## Article VII. Vehicle Operator's Badge

### 5.71.180: VEHICLE OPERATOR'S BADGE REQUIRED:

It is a violation for any person to operate a ground transportation vehicle upon the streets of the city without having first obtained and having then in force a valid ground transportation vehicle operator's badge issued by the department under department rules and regulations. (Ord. 84-10, 2010)

### 5.71.190: PERMITTING NONBADGED OPERATOR TO DRIVE:

It is a violation for any person who owns or controls a ground transportation vehicle to permit it to be driven, and no ground transportation vehicle authorized by the department shall be so driven at any time, unless the ground transportation vehicle is operated by a driver who has then in force a valid ground transportation vehicle operator's badge issued by the department. (Ord. 84-10, 2010)

### 5.71.240: DISPLAY OF OPERATOR'S BADGE:

Every person issued a vehicle operator's badge shall display the badge above the waist, on front side of the outermost garment so as to be in plain view and not covered while such person is operating a ground transportation vehicle. Every such person shall exhibit such badge upon demand by any police officer, any authorized agent of the department, or any other person authorized by the mayor to enforce the provisions of this chapter. (Ord. 84-10, 2010)

# Article VIII. Payment For Furnishing Of Passengers

### 5.71.250: PAYMENT:

It shall be a violation for any person operating a ground transportation vehicle, business, driver, independent contractor, employee, or other person to pay, or offer to pay, any remuneration to another person, specifically including persons employed at a lodging business and vehicle dispatchers, for the furnishing of passengers and/or baggage to be transported by a ground transportation vehicle. It shall be a violation for any person, specifically including persons employed at a lodging business and vehicle dispatchers, to receive or request any remuneration from any person for the furnishing of passengers and/or baggage to be transported by a ground transportation vehicle. Nothing herein shall prohibit hotels and motels from contracting or invoicing for, and being paid, or making payment for, the transportation of customers and/or baggage, which payment may include a portion thereof being distributed by the hotel or motel to a bell staff, door staff, or concierge as a gratuity. (Ord. 84-10, 2010)

# Article IX. Ground Transportation Discussion Group

### 5.71.255: PURPOSE:

The mayor shall convene a ground transportation discussion group, committee, or forum to meet informally on a quarterly basis for two (2) years after the effective date hereof for the purpose of providing advice on the following:

A. Identifying ground transportation problems and potential solutions;

B. Identifying items within the ordinances or regulations that appear to be unclear or confusing;

C. Suggesting improvements to the program for consideration by the city;

D. Discussing issues of concern to those in attendance;

E. Identifying barriers to quality transportation service; and

F. Recommending whether a discussion group, committee, or forum of this nature would be advantageous to continue beyond the initial two (2) year transition period. (Ord. 84-10, 2010)

### 5.71.258: PARTICIPANTS:

A. Invitations to participate in the discussion group, committee, or forum should include, but not be limited to, representatives of the:

1. Hotel industry,

2. Hospitality industry,

3. Taxicab industry,

4. Shuttle industry,

5. Hotel contract vehicle industry,

6. Utah transit authority,

7. Tourism and convention industries,

8. Specialty transportation industries,

9. Wasatch Front regional council mobility coordinator,

10. Salt Lake City accessibility services advisory council or city ADA coordinator, and

11. A mechanic familiar with vehicles in commercial ground transportation fleets.

B. Individuals or representative of key transportation user groups including, but not limited to, low income, elderly, and persons with physical limitations shall also be invited to participate. (Ord. 84-10, 2010)

## Article X. Enforcement And Civil Penalties

### 5.71.260: DEPARTMENT AUTHORITY:

The department shall enforce the provisions of this chapter and govern the conduct of companies and drivers operating under this chapter. (Ord. 84-10, 2010)

### 5.71.270: COMMENT FORM:

Any person may complain of any violation of this chapter or comment on any ground transportation business or vehicle, or any driver of a ground transportation vehicle operating

within the corporate limits of Salt Lake City, by filing a comment form with the department on forms that the department may require ground transportation businesses to print and provide in their vehicles and which may be found on the city's website and within department rules and regulations. (Ord. 84-10, 2010)

## 5.71.280: ISSUANCE OF A CIVIL NOTICE OF GROUND TRANSPORTATION VIOLATION:

A. Every notice issued under this chapter shall be issued in the form of a written civil notice and shall contain a statement that the named party may appeal the imposition of the penalty and provide information regarding how to appeal.

B. Any driver, vehicle owner, or authorized ground transportation business that violates any provision of this chapter may be named in a civil notice issued by the city. A violation of any provision of this chapter by any driver or vehicle owner shall also constitute a violation of such provision by the ground transportation business under whose authority such driver or owner was operating at the time of the violation. (Ord. 84-10, 2010)

## 5.71.290: RECORDKEEPING:

The city shall create a file for each driver and for each authorized ground transportation business at the time any document is submitted for application or filing. The city shall maintain any document placed in such files for a period as required by law. (Ord. 84-10, 2010)

## 5.71.300: CIVIL PENALTIES AND ENFORCEMENT:

A. The city may revoke, suspend, or deny renewal of a city business license to operate a ground transportation business for violation of any provision of this title, department rules and regulations, or other applicable law.

B. The department may revoke, suspend, or deny renewal of an operator's badge, department automated vehicle identification tag or department inspection seal for violations of any provision of this title, department rules and regulations, or other applicable law. The person or business affected may request, in writing filed with the department, an appeal hearing before the ground transportation appeal committee. Any such revocation, suspension, or denial of renewal shall remain in effect until the party against whom such action is taken requests reinstatement and the ground transportation appeal committee determines that reinstatement is appropriate.

C. If any named party fails to comply with civil penalties imposed under this chapter, such party may be subject to suspension, revocation, or nonrenewal of a city license to operate a ground transportation business, operator's badge, department automated vehicle identification tag or department inspection seal.

D. Civil penalties may be imposed as set forth below. The named party in the civil notice shall be liable for a civil penalty. Any penalty assessed in connection with this section may be in addition to any other penalty that may be imposed by law or department rules and regulations.

| Code | Amount Of Penalty | Violation |
|---|---|---|
| Article I | | |
| General Regulations | | |
| 5.71.050 | $1,000 .00 | Business license required |
| 5.71.060B | 500 .00 | Violation of passenger transport |
| Article II | | |
| Driver Standards | | |
| 5.71.070 | 100 .00 | Driver's and starter's appearance |
| 5.71.080 | 300 .00 | Driver's conduct |
| 5.71.090 | 300 .00 | Unauthorized solicitation of business |
| Article III | | |
| Smoking | | |
| 5.71.100 | 300 .00 | Smoking in vehicles |
| Article IV | | |
| Vehicle Standards | | |
| 5.71.120 | 500 .00 | Vehicle age |
| 5.71.130 | 1,000 .00 | Misleading design prohibited |
| Article V | | |
| Insurance And Inspections | | |
| 5.71.140 | 1,000 .00 | Insurance required |
| 5.71.150A,B,C | 1,000 .00 | Vehicle inspection and seal required |
| 5.71.150D | 500 .00 | Automated vehicle identification tag required |
| 5.71.150F | 500 .00 | Failure to maintain vehicle inspection standards |
| Article VI | | |
| Special Transportation Businesses | | |

| | | |
|---|---|---|
| 5.71.170A | 1,000 .00 | License and registration requirements |
| 5.71.170B1 | 1,000 .00 | Emergency vehicle equipment prohibited |
| 5.71.170B2 | 1,000 .00 | Clean and sanitary condition of vehicle |
| 5.71.170B3 | 1,000 .00 | First aid certification required |
| Article VII | | |
| Vehicle Operator's Badge | | |
| 5.71.180 | 1,000 .00 | Operator's badge required |
| 5.71.190 | 1,000 .00 | Permitting nonbadged operator |
| 5.71.240 | 100 .00 | Display of badge |
| Article VIII | | |
| Payment For Furnishing Of Passengers | | |
| 5.71.250 | 300 .00 | Payment for passenger |

(Ord. 84-10, 2010)

## 5.71.310: ENFORCEMENT PROCEDURES; CIVIL NOTICE OF GROUND TRANSPORTATION VIOLATION:

A. Civil notices under this chapter, other than those involving revocations, suspensions, denials or approvals of a business license, operator's badge, department automated vehicle identification tags and department inspection seal shall be heard by the Salt Lake City justice court. Any named party may appear before a hearing officer and present and contest an alleged violation as provided in title 2, chapter 2.75 of this code, or its successor.

B. The burden to prove any defense shall be upon the person raising such defense. Nothing herein shall affect the city's burden to prove each element of the underlying charge by a preponderance of evidence.

C. If the hearing officer finds that no violation of this chapter occurred, or that a violation occurred but one or more of the defenses set forth in this section is applicable, the hearing officer may dismiss the civil notice and release the named party from liability thereunder, or may reduce the penalty associated therewith as the officer shall determine. Such defenses are:

1. The civil notice does not contain the information required by this chapter;

2. Compliance with the subject ordinances would have presented an imminent and irreparable injury to persons or property; or

3. Such other mitigating circumstances as may be approved by the city attorney's office. (Ord. 84-10, 2010)

### 5.71.320: EXPEDITED APPEAL OF EXCLUSION:

Any named party who is excluded from pursuing commercial activities under this chapter, and has not had a hearing before the ground transportation appeal committee regarding such exclusion as provided for in this chapter, may request an expedited appeal of the action that resulted in such exclusion. Such appeal shall be requested in writing by the party so excluded to the department. The department shall promptly investigate the facts relating to such exclusion. If the evidence indicates such exclusion is improper under this chapter, the department director may reverse the action that resulted in such exclusion. If the department director does not reverse such action, the action resulting in such exclusion shall be heard and determined by the ground transportation appeal committee in accordance with the provisions of this chapter. If a preponderance of the evidence indicates such exclusion is proper under this chapter the ground transportation hearing committee shall uphold such exclusion. (Ord. 84-10, 2010)

# CHAPTER 5.72
# TAXICABS[1]

## Article I. Definitions And General Regulations

### 5.72.005: DEFINITIONS:

The following words and phrases, when used in this chapter, shall have the meanings defined and set forth in this section:

BUSINESS: A voluntary association legally formed and organized to carry on a business in Utah in the legal name of the association, including, without limitation, a corporation, limited liability company, partnership, or sole proprietorship.

CERTIFICATE: A certificate of public convenience and necessity issued by the city.

CITY: The governmental institution and landmass contained within the boundaries of Salt Lake City, Utah.

CIVIL NOTICE: A written notice of a ground transportation violation as provided under this chapter.

CLEARED: That condition of a taximeter when it is inoperative with respect to all fare registration and all cumulative fare and extras charges have been set to zero dollars ($0.00).

CONCESSIONAIRE: A person or entity with whom the department of airports has contracted to provide taxicab services.

DEPARTMENT: The Salt Lake City department of airports or such other city department or division as may be designated by the mayor to have responsibility for the enforcement of this chapter.

DEPARTMENT CONTRACT: A valid, existing, and current contract negotiated and approved by the department for providing taxicab or other services within the corporate boundaries of Salt Lake City, including the airport.

DEPARTMENT DIRECTOR: The director of the department designated by the mayor to have responsibility for the enforcement of this chapter or the authorized designee of such director.

DEPARTMENT RULES AND REGULATIONS: Rules and regulations developed and adopted by the department director to govern ground transportation service and businesses within the city.

EXTRAS: Charges to be paid by a customer or passenger in addition to the fare.

FACE: That side of a taximeter upon which passenger or customer charges for hire of a taxicab are indicated.

FARE: That portion of the charge for hire of a taxicab which is automatically calculated by the taximeter through the operation of the mileage and time mechanism.

GROUND TRANSPORTATION APPEAL COMMITTEE: A committee established by the department director to hear and rule on appeals, suspensions, and other matters related to ground transportation in and connected with the city.

HAIL A TAXICAB: The act of a person to call out for, or to signal for, an in service taxicab that is not already engaged in transport of passengers to respond to the person's location for hiring and transport of persons or property.

HIRED: The button on the face of a taximeter, which when activated places the taximeter in operation, signifying the start of a billing process for the person(s) engaging the use of the taxicab.

HOLDER: A person to whom a certificate of public convenience and necessity has been issued.

IN SERVICE: A taxicab that is in use on the streets of the city, with a driver, and available for the transportation of passengers for hire.

OPEN STAND: A public place alongside the curb of a street, or elsewhere in the city, which has been designated by the mayor or the mayor's designee as reserved for the use of taxicabs available for hire by passengers, including places otherwise marked as freight zones or other parking restricted zones if designated for use of taxicabs during specified times.

PERSON: An individual, a corporation or other legal entity, a partnership, and any incorporated association.

TAXICAB: A motor vehicle with a seating capacity of five (5) passengers or less, not including the driver, or a van with a passenger seating capacity of six (6) to twelve (12), not including the driver, used in the on demand, for hire transportation of passengers or baggage over the public streets and not operated over a fixed route or upon a fixed schedule, but which is subject for contract hire by persons desiring special trips from one point to another and authorized to operate in Salt Lake City by contract with the department.

TAXIMETER: A meter instrument or electronic device attached to a taxicab which measures mileage by the distance driven and the waiting time upon which the fare is based, and which automatically calculates, at a predetermined rate or rates, and registers, the charge for hire of a taxicab.

WAITING TIME: The time when a taxicab is not in motion, from the time of hiring by a passenger to the time of discharge of passenger(s). (Ord. 85-10, 2010)

## 5.72.105: AUTHORITY TO ESTABLISH RULES AND REGULATIONS:

A. To the extent authorized by the provisions of this chapter and consistent with other applicable provisions of this code, the department director, under guidance and direction from the mayor, may enter into contracts deemed necessary or desirable and may establish rules and regulations necessary to administer the provisions of this chapter.

B. The mayor shall adopt procedures applicable to the establishment of department rules and regulations that provide for:

1. Public notice of any proposed rule that will affect operation of any ground transportation business;

2. An opportunity for public comment on proposed rules before they take effect; and

3. The basis for any such proposed rule. (Ord. 85-10, 2010)

# Article II. Authority To Operate

## 5.72.125: COMPLIANCE RESPONSIBILITY:

A. All persons shall comply with and operate under requirements of applicable law, including, without limitation, federal, state, county and city laws and ordinances, including, but not limited to, this chapter, chapter 5.71 of this title, and title 16, chapter 16.60 of this code, and department rules and regulations.

B. A concessionaire shall not be relieved of any responsibility for compliance with the provisions of this chapter, whether the concessionaire leases or rents taxicabs to drivers, or whether the concessionaire pays salary, wages, or any other form of compensation. (Ord. 85-10, 2010)

## 5.72.155: DEPARTMENT CONTRACT REQUIRED FOR OPERATION:

A. No person shall operate or permit a taxicab owned or controlled by such person to be operated as a vehicle for hire upon the streets of Salt Lake City unless such person is authorized to do so under a department contract.

B. No person may operate a taxicab business in the city unless the person is authorized to do so under a department contract. Nothing in the department contract shall relieve a concessionaire of the requirements of applicable laws, including, but not limited to, this chapter, chapter 5.71 of this title, and title 16, chapter 16.60 of this code, and department rules and regulations.

C. The term "operate for hire upon the streets of Salt Lake City" means and shall include the soliciting or picking up of a passenger or passengers within the corporate limits of the city, whether the destination is within or outside of the corporate limits of the city. For the purpose of this section, the term "operate for hire upon the streets of Salt Lake City" shall not include the transporting, by a taxicab properly licensed in a jurisdiction outside the corporate limits of the city, of a passenger or passengers for hire where a trip originates with the passenger or passengers being picked up outside of the corporate limits of the city and where the destination is either within or beyond the city corporate limits. (Ord. 85-10, 2010)

## 5.72.165: CONTRACT BASED SYSTEM FOR PROVISION OF TAXI SERVICES:

A. The city hereby adopts a contract based system for provision of taxicab services. Only taxicab providers selected pursuant to a competitive request for proposals (RFP) process and who have entered into a "department contract", as defined in section 5.72.005 of this chapter, may operate taxicab services upon Salt Lake City streets.

1. Following the RFP procedure, at least two (2) and not more than four (4) taxicab businesses shall be awarded a department contract.

2. The total number of taxicabs authorized to operate in the city under all such contracts shall be at least two hundred (200) and not more than two hundred sixty eight (268).

B. Existing certificates of public convenience and necessity issued by the city for taxicab services shall expire no sooner than one hundred eighty (180) days from the effective date hereof. The city may elect, in the city's sole discretion, to continue the expiration date up to an additional one hundred eighty (180) days. Upon expiration, a pro rata refund of that portion of the certificate fee shall be given to those persons whose certificates have expired prior to the portion of the year remaining at the time of expiration. (Ord. 85-10, 2010)

## 5.72.170: FEES:

No certificate shall continue in operation prior to the expiration as set forth in section 5.72.165 of this chapter unless the holder thereof has paid the annual business regulatory fee as shown on the Salt Lake City consolidated fee schedule, each year for each vehicle authorized under a certificate. Such fees shall be in addition to any other fees or charges established by proper authority and applicable to the holder of the vehicle or vehicles under the holder's operation and control. (Ord. 24-11, 2011)

## 5.72.175: EXISTING HOLDERS' CERTIFICATES:

All holders of existing taxicab certificates on the effective date hereof shall retain such certificates, allowing them to operate the same number of vehicles as they are presently authorized to operate, without the hearing provided in this chapter, the public convenience and necessity having heretofore been demonstrated, until such certificate expires as provided in subsection 5.72.165B of this chapter. (Ord. 85-10, 2010)

## 5.72.185: CERTIFICATE NOT A FRANCHISE AND NOT IRREVOCABLE:

No certificate issued in accordance with this chapter, or its successor, shall be construed to be either a franchise or irrevocable. (Ord. 85-10, 2010)

## 5.72.205: MANDATORY ADA ACCESSIBLE VEHICLE:

At least five percent (5%) of the vehicle fleet of each taxicab concessionaire shall be available and equipped, consistent with requirements of the Americans with disabilities act (ADA), for the use and convenience of persons with disabilities. (Ord. 85-10, 2010)

# Article III. Taximeters

## 5.72.305: TAXIMETER REQUIRED:

A. All taxicabs shall be equipped with taximeters approved by the department.

B. It is a violation for any person to operate or to allow to be operated any taxicab without an operative taximeter.

C. All taximeters shall be mounted in locations approved by the department.

D. All taximeters shall be tested and sealed by the department every six (6) months and no taximeter may be used without such seal being in place.

E. Nothing that could shield or conceal the indications and metered fare of the taximeter from passengers may be placed so as to block the face of the taximeter.

F. Taximeters shall have illuminated faces so as to provide visible indications of the meter's status and fare to the passenger in low light or after sundown.

G. Upon the completion of the service by the taxicab, it shall be the duty of the driver to call the attention of the passenger to the amount registered and to clear the taximeter of all fare indications so as to start at zero dollars ($0.00) upon the next fare.

H. Except as otherwise provided herein, it is a violation for any driver of a taxicab or taxicab business to charge a fare other than as calculated by the taximeter.

I. It is a violation for any driver of a taxicab or taxicab business to charge any extra that is not approved by the department, calculated by the taximeter, and which is not applicable to the current fare.

J. A top light shall be installed on every licensed taxicab. The top light shall be illuminated when a taxicab is available for hire and shall not be illuminated when the taximeter is placed into hire. (Ord. 85-10, 2010)

## 5.72.355: TAXIMETER INSPECTIONS; RECORDKEEPING:

A. The department shall keep a record of the identification of every taxicab meter number and date of inspection thereof in its office.

B. The department shall inspect, test, and seal every operational taximeter at least every six (6) months. Additionally, the department may inspect and test any taximeter upon receipt of a complaint regarding the operation or accuracy of a taximeter.

C. In the event a change in rates is made, the taximeter shall be adjusted to the new rates, and the taximeter of every taxicab in which a meter has been installed shall be immediately inspected, tested, and sealed by the department. A fee to recover costs of the meter inspection shall be charged by the department for each meter reprogrammed and sealed.

D. No taximeter which is inaccurate in registration in excess of one and one-half percent ($1^1/_2$%) shall be allowed to operate in any taxicab, and when an inaccuracy is discovered, such taxicab involved shall immediately cease operation and be kept out of operation until the meter is repaired and in proper working condition.

E. No owner, driver or business shall perform or permit or allow any alterations to a taxicab that will affect the taximeter pulse setting without said taximeter being inspected and recertified by the department. Said alterations shall include, but are not limited to, transmission replacement or remanufacturing, differential replacement or remanufacturing, speedometer cable replacement, speed sensor replacement, repair or replacement of the taxicab's onboard computer, or change of tire size on the drive axle. (Ord. 85-10, 2010)

# Article IV. Rates

### 5.72.405: RATES FOR TAXICAB SERVICE:

A. The rates charged by a ground transportation company for taxicab service shall be set by the city council. The department shall review submittals by taxicab companies for taxicab rates and the department director shall recommend to the city council the rate structure and extras allowed to be charged for taxicab service.

1. Unless otherwise provided for in a department contract, each taxicab business may file with the department periodically, but no more often than every six (6) months, a statement regarding the adequacy of the existing maximum rates. Said statement shall state whether, in the opinion of the person submitting the statement, the existing maximum rates are at an appropriate level, or whether such rates should be increased or decreased. If the statement indicates existing rates should be increased, the person submitting the statement shall supplement the statement with documentation in support of such increase, such as evidence of increased operating costs, insurance costs, costs of living, fares charged for competing ground transportation services, and any other relevant information.

2. Upon receipt of a statement regarding the adequacy of existing rates, the department director may authorize a temporary increase in rates, not to exceed six (6) months, to account for increased operating costs, insurance costs, costs of living, fares charged for competing ground transportation services, or other factors documented in a rate statement.

3. If the department director authorizes a temporary rate increase, the statement and other information justifying the increase shall be submitted to the city council for review and consideration of a permanent rate increase.

B. Every taxicab shall have printed on the outside of the cab, in a conspicuous place and of sufficient size, legibility, and in such manner as to be plainly visible to all prospective passengers, all rates and extras in effect for such taxicab. All such rates and extras shall also be posted on the inside of the taxicab in such a manner as to be plainly visible to all passengers.

C. No taxicab or taxicab business shall charge any fee or payment for the use of a taxicab within the city without the prior approval of the city council or department director, as provided in this chapter.

D. The driver of any taxicab shall render to every passenger a receipt for the amount charged, on which shall be the name of the taxicab business, taxicab number, the date and time the fare was initiated and completed, the miles charged, extras added to the fare, and the total amount of meter reading or charges. (Ord. 85-10, 2010)

# Article V. Service Regulations

## 5.72.455: GENERAL SERVICE REQUIREMENTS:

A. Taxicab companies shall maintain all service requirements set forth in a department contract and other requirements as provided by applicable law and department rules and regulations.

B. Taxicab services shall be available twenty four (24) hours per day, seven (7) days per week.

C. Unless otherwise provided in a department contract, it is a violation for any taxicab business to refuse to accept a call for service to or from any point within the corporate limits of the city at any time when such business has available taxicabs, and it is a violation for any business to fail or refuse to provide all or any service required by this title.

D. Any driver employed to carry a passenger to a definite point shall take the most direct or expeditious route possible that will carry the passenger safely and expeditiously to his or her destination, unless otherwise directed by the passenger.

E. The mayor or the mayor's designee is authorized to establish open stands in such place or places upon the streets of the city as the mayor deems necessary for the use of taxicabs operated in the city. The mayor shall not create an open stand without taking into consideration the need for such stands by the taxicab industry, the convenience to the general public, and the recommendation of the city traffic engineer. The mayor shall not create an open stand where such stand would tend to create a traffic hazard.

F. Open stands shall be used only by taxicab drivers and their boarding passengers, who shall use them on a first come, first served basis. The driver shall enter the open stand from the rear and shall advance forward as the taxicabs exit. Drivers shall stay within ten feet (10') of their taxicabs. Nothing in this chapter shall be construed to prevent a passenger from boarding the cab of his or her choice that is parked at any position in an open stand. The mayor or the mayor's designee shall prescribe the maximum number of cabs that shall occupy such open stands.

G. Private or other vehicles for hire, and persons not waiting for or boarding taxicabs shall not occupy any space upon the streets that has been established as an open stand during any times specified by the mayor or the mayor's designee for use by taxicabs.

H. The driver of any taxicab shall remain in the driver's compartment or immediately adjacent to his or her vehicle at all times when such vehicle is upon the public street, except that, when necessary, a driver may be absent from his or her taxicab for not more than twenty (20) consecutive minutes; and provided further, that nothing herein contained shall be held to prohibit any driver from alighting to the street or sidewalk for the purpose of assisting passengers into or out of such vehicle or to load their baggage into the taxicab.

I. No driver shall permit more persons to be carried in a taxicab as passengers than the rated seating capacity rated by the vehicle manufacturer of his or her taxicab, child seating shall be in accordance with Utah and federal law.

J. After a taxicab has been hired by a passenger or group of passengers, no driver shall permit any other person to occupy or ride in the taxicab without the consent of the original passenger or group.

K. No driver shall solicit passengers for a taxicab except when sitting in the driver's compartment of such taxicab, while standing within ten feet (10') of such taxicab, or at any authorized open stand.

L. No driver shall refuse or neglect to convey any reasonably orderly person or persons, or their luggage upon request, unless previously engaged or unable or forbidden by the provisions of this chapter to do so. No driver shall refuse to transport a service animal accompanying a person or persons in the passenger compartment of the taxicab.

M. Any person may hail a taxicab for service within the city, except that in locations of an open stand for taxicabs the person should proceed to the taxicab that is "head set" at the stand for service. However, nothing shall prohibit the person from hiring the taxicab of the person's choice. (Ord. 85-10, 2010)

### 5.72.505: REQUIREMENT TO PROVIDE SERVICE TO HAILING PUBLIC:

It is a violation for any taxicab driver to pass by or refuse service to a person hailing a taxicab for service unless the taxicab being hailed is already in route to a dispatched fare, is already hired or is not in service. (Ord. 85-10, 2010)

### 5.72.530: ADVERTISING MATERIAL ON CABS PERMITTED:

In accordance with an applicable department contract, it shall be permitted for any person owning or operating a taxicab to allow advertising matter to be affixed to or installed in or on such taxicabs. (Ord. 85-10, 2010)

## Article VI. Reserved

## Article VII. Reserved

## Article VIII. Enforcement And Penalties

### 5.72.705: DEPARTMENT AUTHORITY:

The department shall enforce the provisions of this chapter and govern the conduct of companies and drivers operating under this chapter. (Ord. 85-10, 2010)

## 5.72.805: ISSUANCE OF A CIVIL NOTICE OF GROUND TRANSPORTATION VIOLATION:

A. Every notice issued under this chapter shall be issued in the form of a written civil notice and shall contain a statement that the named party may appeal the imposition of the penalty and provide information regarding how to appeal.

B. Any concessionaire, driver, vehicle owner, or authorized ground transportation business that violates any provision of this chapter may be named in a civil notice issued by the city. A violation of any provision of this chapter by any driver or vehicle owner shall also constitute a violation of such provision by the ground transportation business or concessionaire under whose authority such driver or owner was operating at the time of the violation. (Ord. 85-10, 2010)

## 5.72.855: CIVIL PENALTIES AND ENFORCEMENT:

A. The city may revoke, suspend, or deny renewal of a city business license to operate a ground transportation business for violations of any provision of this title, department rules and regulations, or other applicable law.

B. The department may revoke, suspend, or deny renewal of an operator's badge, department automated vehicle identification tag or department inspection seal for violations of any provision of this title, department rules and regulations, or other applicable law. The person or business affected may request, in writing filed with the department, an appeal hearing before the ground transportation appeal committee. Any such revocation, suspension, or denial of renewal shall remain in effect until the party against whom such action is taken requests reinstatement and the ground transportation appeal committee determines that reinstatement is appropriate.

C. If any named party fails to comply with civil penalties imposed under this chapter, such party may be subject to suspension, revocation or nonrenewal of a city license to operate a ground transportation business, operator's badge, department automated vehicle identification tag and department inspection seal.

D. Civil penalties may be imposed as set forth below. The named party in the civil notice shall be liable for a civil penalty. Any penalty assessed in connection with this section may be in addition to any other penalty that may be imposed by law or department rules and regulations.

| Code | Amount Of Penalty | Violation |
|---|---|---|
| Article II. | | |
| Authority To Operate | | |
| 5.72.155A,B | $1,000 .00 | Authority to operate taxicabs |
| 5.72.205 | 1,000 .00 | ADA vehicle service required |
| Article III. | | |
| Taximeters | | |
| 5.72.305A,B,D | 1,000 .00 | Certified meter required |

| | | |
|---|---|---|
| 5.72.305G | 300 .00 | Clearing of metered fare |
| 5.72.305C,E,F,J | 100 .00 | Location, visibility and top light requirement |
| 5.72.305H,I | 500 .00 | Passenger fares |
| 5.72.355D,E | 1,000 .00 | Accuracy in calculation of fares |
| Article IV. | | |
| Rates | | |
| 5.72.405B,D | 100 .00 | Posting of rates and receipt required |
| 5.72.405C | 1,000 .00 | Charge of approved fares only |
| Article V. | | |
| Service Regulations | | |
| 5.72.455A,B,H,K | 500 .00 | Violation of service requirements |
| 5.72.455C,I | 300 .00 | Violation of service requirements |
| 5.72.455D,F,G,J | 100 .00 | Violation of service requirements |
| 5.72.505 | 500 .00 | Service to hailing person |

(Ord. 85-10, 2010)

## 5.72.890: ENFORCEMENT PROCEDURES; CIVIL NOTICE OF GROUND TRANSPORTATION VIOLATION:

A. Civil notices under this chapter, other than those involving revocations, suspensions, denials, or approvals of a business license, operator's badge, department automated vehicle identification tags and department inspection seal shall be heard by the Salt Lake City justice court. Any named party may appear before a hearing officer and present and contest an alleged violation as provided in title 2, chapter 2.75 of this code, or its successor.

B. The burden to prove any defense shall be upon the person raising such defense. Nothing herein shall affect the city's burden to prove each element of the underlying charge by a preponderance of evidence.

C. If the hearing officer finds that no violation of this chapter occurred, or that a violation occurred but one or more of the defenses set forth in this section is applicable, the hearing officer may dismiss the civil notice and release the named party from liability thereunder, or may reduce the penalty associated therewith as he or she shall determine. Such defenses are:

1. The civil notice does not contain the information required by this chapter;

2. Compliance with the subject ordinances would have presented an imminent and irreparable injury to persons or property; or

3. Such other mitigating circumstances as may be approved by the city attorney's office. (Ord. 85-10, 2010)

### 5.72.900: EXPEDITED APPEAL OF EXCLUSION:

Any named party who is excluded from pursuing commercial activities under this chapter, and has not had a hearing before the ground transportation appeal committee regarding such exclusion as provided for in this chapter, such party may request an expedited appeal of the action that resulted in such exclusion. Such appeal shall be requested in writing by the party so excluded to the department. The department shall promptly investigate the facts relating to such exclusion. If the evidence indicates such exclusion is improper under this chapter, the department director may reverse the action that resulted in such exclusion. If the department director does not reverse such action, the action resulting in such exclusion shall be heard and determined by the ground transportation appeal committee in accordance with the provisions of this chapter. If a preponderance of the evidence indicates such exclusion is proper under this chapter the ground transportation hearing committee shall uphold such exclusion. (Ord. 85-10, 2010)

Footnote 1: See also chapter 5.71 of this title.

# CHAPTER 5.74
# THEATERS AND CONCERTS

### 5.74.010: LICENSE; REQUIRED WHEN:

It is unlawful for any person to operate any theater, motion picture house or concert hall, or other place of amusement required to be licensed by this title, without first obtaining an appropriately classified license to do so. (Prior code § 20-20-1)

### 5.74.020: THEATERS; LICENSE CLASSIFICATIONS:

Licenses for motion picture theaters and live theaters shall be classified into the following types, which shall carry the privileges and responsibilities hereinafter set forth in this chapter. No motion picture theater or live theater shall be issued or entitled to more than one classified theater license.

A. Class A; Adult Motion Picture Theater Or Adult Theater Licenses: Premises for which a sexually oriented business license is required as an adult motion picture theater or adult theater, pursuant to the sexually oriented business license ordinance codified at chapter 5.61 of this title.

B. Class B; General Theater License: Premises used for presenting motion pictures or materials not requiring a sexually oriented business license. (Ord. 21-88 § 4, 1988: prior code § 20-20-2)

## 5.74.030: LICENSE; APPLICATION REQUIREMENTS:

Every application for a theater, concert hall, motion picture house or other place of amusement shall be verified and filed with the license supervisor of the city, addressed to the mayor, and shall include the following information under oath:

A. The address and seating capacity of said establishment;

B. The type and nature of the activity desired to be licensed, and state whether the type of activity desired requires a sexually oriented business license;

C. The name of the license applicant, together with the applicant's address and phone number;

D. A verified statement that the license applicant is the real party in interest and that the theater is to be operated for and on behalf of the applicant and not as an agent or for some other person, organization or entity;

E. If the applicant is a copartnership, the names and addresses of all partners, and if a corporation, the names and addresses of all officers and directors must be stated. If the business is to be operated by a person other than the applicant, the operator must join in the application and file the same information required of the applicant;

F. If the application is for a motion picture or live theater, the applicant shall specify which classified theater license the applicant is seeking. (Ord. 37-99 § 3, 1999: Ord. 21-88 § 4, 1988: prior code § 20-20-4)

## 5.74.040: APPLICATION; REFERRAL FOR INVESTIGATION:

The city license supervisor shall, within three (3) working days of receipt of an application for a license required by this chapter, submit the application or a copy thereof to the zoning, building and housing services, fire, and health departments for the purpose of determining the applicant's conformance to the applicable city ordinances and regulations pertaining to such application. It shall be the duty of the license applicant to cooperate with the licensing authority and its agents in carrying out the investigations required by this chapter. (Prior code § 20-20-5)

## 5.74.050: APPLICATION; INVESTIGATION BY MAYOR:

The mayor may, prior to the issuance of any license required by this chapter, investigate any applicant for a license under this chapter if he or she has reasonable cause to believe

that the applicant has perpetrated, or is attempting to perpetrate a fraud or material misrepresentation upon the city, or may compel the production of documents and witnesses in order to investigate such fraud or misrepresentation. Upon a finding by the mayor that a material misrepresentation or fraud has been perpetrated or attempted in the license application, the application may be denied by the mayor. (Prior code § 20-20-9)

### 5.74.060: INVESTIGATION; APPOINTMENT OF INSPECTORS FOR ENFORCEMENT:

The departments of fire, health, zoning, building and housing services and the police department shall designate members of their departments to act as inspectors of establishments required to be licensed by this chapter. Such establishments shall be open to inspection to the inspectors of each of the above departments for the purpose of investigation and enforcement of the applicable ordinances of the city and the laws of the state. (Prior code § 20-20-14)

### 5.74.070: INVESTIGATION OF PREMISES BY CITY DEPARTMENTS:

Upon receipt of a license application from the license assessor, as required by this chapter, the Salt Lake Valley health department and the fire, zoning and building and housing services departments shall commence investigations as to whether the proposed structure is in conformance with the current ordinances, codes and regulations of the city pertaining to each of the respective departments enumerated above. Each department shall submit a report in writing to the city license supervisor within ten (10) days of receiving a license application and state whether the proposed structure designated by the applicant for licensing is in compliance with such ordinances, codes and regulations. It shall further be the duty of each respective department, should a license subsequently be granted to the applicant, to continually examine and inspect such place licensed in regard to the ordinances, codes and regulations hereinbefore stated. (Ord. 1-06 § 30, 2005: prior code § 20-20-6)

### 5.74.080: LICENSE; FEE:

The license fee shall be as shown on the Salt Lake City consolidated fee schedule, per year for each theater, concert hall, motion picture house or other place of amusement, provided, however, that a daily license may be purchased for the fee shown on the Salt Lake City consolidated fee schedule, per day or any part thereof. The regulatory fees required for a sexually oriented business license are in addition to these fees. (Ord. 24-11, 2011)

### 5.74.090: NONPROFIT PERFORMING ART AGENCIES:

All performing art agencies which are organized under the laws of the state as nonprofit performing art agencies shall be exempt from payment of the license fees set forth in section 5.74.080 of this chapter, or its successor; provided, however, all other ordinances pertaining to the theaters and concerts shall apply to nonprofit performing art agencies. (Prior code § 20-20-20)

### 5.74.100: LICENSE; ISSUANCE CONDITIONS:

When the license supervisor has received a report and recommendation from each of the departments designated in this chapter, and not later than twenty (20) days from the filing of such application, the license supervisor shall submit the original application and reports of said departments to the mayor filing on the agenda and for the mayor's action. The

mayor shall act upon the application as soon as practicable after submission and filing of the application by the city license supervisor. If each of the above departments has determined that the proposed application for a theater, motion picture house or concert hall license is in conformance with all the applicable ordinances of the city, and if it appears that there have been no material false statements or material misrepresentations of fact or fraud in the application, the mayor shall grant a license to the applicant. (Prior code § 20-20-8)

### 5.74.110: FILM EXCHANGE; LICENSE REQUIRED:

(Rep. by Ord. 37-99 § 1, 1999)

### 5.74.130: LICENSE; FORFEITURE CONDITIONS:

If any licensee, licensed to do business under the provisions of this chapter, sells his or her place of business, together with the entire assets of the business, his or her license shall expire and be forfeited. (Prior code § 20-20-17)

### 5.74.140: OBSCENE FILMS PROHIBITED:

It is unlawful for any person to hold, conduct or carry on or permit to be held, conducted or carried on, any motion picture exhibition or entertainment of any sort which violates section 11.16.090 or 11.44.060 of this code, as amended, or their successors. (Prior code § 20-20-10)

### 5.74.150: CERTAIN ADVERTISING PROHIBITED:

It is unlawful for any licensee under this chapter, or any operator, agent or employee of such licensee, to advertise through or on any poster, billboard, marquee or ad of any nature or description which is displayed to public view in the city, which presents to public view any of the sexual activities or sexual anatomical areas, as defined in section 5.74.160 of this chapter, or its successor. The advertising or display of such activity or area is hereby declared to be devoid of any social value or importance. (Prior code § 20-20-15)

### 5.74.160: SPECIFIED SEXUAL ACTIVITIES OR SEXUAL ANATOMICAL AREAS DEFINED:

"Specified sexual activities" or "specified sexual anatomical areas" are defined to include the following:

A. The covered or uncovered male genitals in a discernible turgid state;

B. The human male or female genitals with less than a fully opaque covering;

C. Acts of simulated or actual:

1. Masturbation,

2. Human sexual intercourse,

3. Sexual copulation between a man and a beast,

4. Fellatio,

5. Cunnilingus,

6. Bestiality,

7. Pederasty,

8. Buggery, or

9. Any anal copulation between a human male and another human male, human female, or beast;

D. The simulated or actual manipulating, caressing or fondling by any person of:

1. The genitals of a human,

2. The covered or uncovered pubic area of a human, or

3. The covered or uncovered female breast; provided, however, that this subsection shall not be interpreted to include within the scope of its prohibition the nursing of an infant child;

E. 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;

F. The human male or female pubic area or buttocks with less than a full opaque covering, or the human female breast from the beginning of the areola, papilla or nipple to the end thereof with less than full opaque covering. (Prior code § 20-20-16)

## 5.74.170: LICENSE; REVOCATION OR SUSPENSION; CONDITIONS:

A. The licensee shall be responsible for the operation of the licensed premises in conformance with this code. Upon a finding by the mayor of a violation, after hearing before the mayor, or his or her designee, or upon conviction of the licensee, operator, agent or any person of the following violations occurring in or on the premises licensed pursuant to this chapter, the mayor may revoke or suspend the license or licenses covering the businesses conducted on such premises, regardless of the ownership thereof, for a period of time up to and including one year:

1. A violation or conviction of section 11.16.090 or 11.44.060 of this code, or their successors;

2. A violation of any provision set forth in this chapter;

3. A violation or conviction of any ordinance referred to in section 5.74.040 or 5.74.070 of this chapter; or a violation or conviction of section 5.28.060 of this title or 11.16.100 of this code, or their successors;

4. Violations or convictions of any material misrepresentation, or for any fraud perpetrated on the licensing authority through application or operation of such business;

5. A violation of any law of the state, or ordinance of the city which affects the health, welfare and safety of its residents, and which violation occurred as a part of the main business activity licensed under this chapter and not incidental thereto;

6. A violation or conviction of showing motion pictures for which the establishment is not properly licensed as required by this chapter.

B. The foregoing provisions of this section, or its successor, notwithstanding, nothing herein shall authorize a revocation or suspension of any license of any theater, motion picture house or concert hall based on a prior conviction or violation of exhibiting or distributing obscene material. (Ord. 88-86 § 45, 1986: prior code § 20-20-11)

## 5.74.180: LICENSE; SUSPENSION OR REVOCATION; PROCEDURES:

A. Hearing And Notice: Any suspension or revocation of a license pursuant to this chapter shall not be had until a hearing is first held before the mayor or the mayor's designee as provided in chapter 5.02 of this title or its successor. Reasonable notice of the time and place of such hearing, together with notice of the nature of charges or complaint against the licensee or its premises sufficient to reasonably inform the licensee and enable him or her to answer such charges and complaint, shall be served upon the licensee as provided by the Utah rules of civil procedure.

B. Exhaustion Of Remedies: If a violation is found by the mayor or hearing examiner, or a conviction is obtained under subsection 5.74.170A1 of this chapter, or its successor, such revocation or suspension shall not take effect until the license holder or individual found in violation or convicted thereunder has had opportunity to exhaust all his or her administrative and appellate remedies. (Ord. 37-99 § 3, 1999: prior code § 20-20-12)

## 5.74.190: NEW LICENSE AFTER SUSPENSION OR REVOCATION:

It is unlawful for any person, firm or corporation, or any agent, manager or operator of any person, corporation or firm who has had a license suspended, revoked or denied under the provisions of this chapter to apply, reapply for or obtain a license required by this chapter during the time such license has been revoked, suspended or denied, or for a period of one year, whichever time is less. (Prior code § 20-20-13)

## 5.74.200: LOCATION LIMITATIONS FOR CLASS A AND CLASS B LICENSES:

A. Class A Theaters: Businesses classified as a class A theater requiring a license pursuant to the sexually oriented business license ordinance codified in chapter 5.61 of this title shall only be located within areas allowed for such businesses pursuant to the sexually oriented business zoning ordinance.

B. Location For Class B Theaters: The permissible locations of establishments licensed with a class B theater license must be located within use district zones of a B-3 or less restrictive classification, as provided in title 21A of this code. (Ord. 21-88 § 4, 1988: prior code § 20-20-7)

## 5.74.210: SEATING OF PATRONS; RESTRICTIONS:

A. General Admission Restrictions: General admission seating wherein persons are admitted without being assigned a particular reserved seat is prohibited in all theaters, arenas, concert halls and other places of assembly when the seating capacity of the facility is two thousand (2,000) or more; provided, however, that this section shall not apply to:

1. High school and college athletic events;

2. Religious events sponsored by bona fide religious organizations; or

3. Events where the sponsor has applied for and received specific exemption from the city corporation.

B. Determination Of Exceptions: In determining whether the event shall be exempt from the prohibition against general admission or seating, the mayor or his or her designated agent shall consider the following factors:

1. The facility where the event is scheduled;

2. The size, age and anticipated conduct of the crowd;

3. The ability of the applicant to manage and control the expected crowd; and

4. The potential hazards to the health, safety and welfare of the participants, spectators, and the community associated with this particular event.

C. Filing Of Applications: Applications for exemption shall be filed with the mayor at least thirty (30) days prior to the date of the event. (Prior code § 20-20-22)

## 5.74.220: SEATING OF PATRONS; NOTICE TIME OF ADMITTANCE:

At all theaters, arenas, concert halls and all other places of assembly required to be licensed under this chapter, when the seating capacity of the facility is two thousand (2,000) or more, or when the anticipated crowd is three thousand (3,000) or more, the sponsor of the event shall publicize at least forty eight (48) hours prior to the event the time when patrons may be admitted to enter the facility. In addition, the sponsors shall open the doors for public admittance at least two (2) hours ahead of the scheduled opening, to avoid risk of substantial danger or injury to persons or property. (Prior code § 20-20-24)

### 5.74.230: SELLING OF TICKETS EXCEEDING CAPACITY OF THEATER PROHIBITED:

It is unlawful to sell, give or in any other way disseminate tickets to any theater, arena, concert hall or other place of assembly, in a number exceeding the maximum capacity of said location, as determined under the provisions of title 18, chapter 18.44 of this code, or its successor. (Prior code § 20-20-23)

### 5.74.240: CROWD CONTROL POWERS AND DUTIES:

A. For crowd control purposes, the police and/or fire department officials shall have authority to order the placement or removal of barriers, the opening or closing of doors or other entrances or exits, the establishment of checkpoints or other crowd control measures whenever the size, nature or conduct of the crowd (in light of all other facts and circumstances at the time, including the number of personnel on the scene to control or accommodate the crowd) indicates that there may exist a risk of danger or injury to persons or property.

B. Nothing in this section shall be construed in any way to lessen in any manner the liability of those responsible for the management and operation of the event, including the employment of adequate personnel for security, safety, health and sanitation, or to limit the other power or authority of the police, fire or other officials of the city. (Prior code § 20-20-25)

# CHAPTER 5.76
# TRANSPORTATION OF PERSONS WITH DISABILITIES

## Article I. Definitions

### 5.76.010: DEFINITIONS AND INTERPRETATION OF LANGUAGE:

The words and phrases used in this chapter shall have the meanings defined and set forth in this article. (Prior code § 45-1-1)

### 5.76.020: CERTIFICATE:

"Certificate" means a certificate of public convenience and necessity issued by the city, authorizing the holder thereof to conduct in Salt Lake City a business in the transportation of persons with disabilities, pursuant to this chapter. (Ord. 20-06 § 1, 2006: Ord. 51-89 § 4, 1989: prior code § 45-1-5)

### 5.76.030: DRIVER'S LICENSE:

"Driver's license" shall mean the operator's certificate required pursuant to section 5.71.250 of this title, which constitutes permission granted by the city council to a person to drive a "special transportation vehicle", as defined in this chapter, upon the streets of the city. (Ord. 48-07 § 7, 2007: prior code § 45-1-6)

### 5.76.040: PERSONS WITH DISABILITIES:

"Persons with disabilities" means persons who are not acutely ill, who do not for any reason require the services of an ambulance, and who, by reason of physical or mental infirmity, may not be conveniently transported on public mass transportation, other than in a taxicab, without the special equipment provided for in this chapter. (Ord. 20-06 § 1, 2006: Ord. 61-05 § 1, 2005: prior code § 45-1-3)

### 5.76.050: HOLDER:

"Holder" means a person to whom a certificate of public convenience and necessity has been issued. (Prior code § 45-1-7)

### 5.76.060: MANIFEST:

"Manifest" means a daily record prepared by a driver of a "special transportation vehicle", as defined in this article, of all trips made by such driver, showing times and places of origin and destination, number of passengers, the charge for each trip, and generally the nature of the illness or disability of each person transported. (Ord. 20-06 § 1, 2006: prior code § 45-1-8)

### 5.76.070: PERSON:

(Rep. by Ord. 37-99 § 1, 1999)

### 5.76.080: SPECIAL TRANSPORTATION VEHICLE:

"Special transportation vehicle" means any self-propelled motor vehicle for hire, other than an ambulance or taxicab, which vehicle is designed, equipped and used for the transportation of "persons with disabilities", as defined in this article. (Ord. 20-06 § 1, 2006: Ord. 61-05 § 2, 2005: prior code § 45-1-2)

### 5.76.090: TRANSPORTATION:

"Transportation" means the carrying or movement, by special transportation vehicles, of persons with disabilities. Such transportation shall not include, however, the movement of sick, injured or infirm persons who require the use of a stretcher or litter; except that special transportation vehicles may utilize stretchers in the transportation of "persons with disabilities", as defined in this article, when such transportation is performed pursuant to a prior written contract with any governmental agency caring for or supervising the care of persons with disabilities, which contract provides for the transportation of persons of which stretcher patients are a part. (Ord. 20-06 § 1, 2006: prior code § 45-1-4)

## Article II. Certificate Of Public Convenience And Necessity

### 5.76.100: REQUIRED FOR OPERATION:

No person shall operate, or permit to be operated, a special transportation vehicle owned or controlled by such person upon the streets of the city without having first obtained a certificate of public convenience and necessity from the mayor, authorizing the operation of a "special transportation vehicle" as defined in this chapter, in accordance with chapter 5.05 of this title, or its successor. (Ord. 51-89 § 4, 1989: prior code § 45-2-1)

### 5.76.110: APPLICATION; ADDITIONAL INFORMATION REQUIRED:

In addition to the application requirements of section 5.05.105 of this title, or its successor, the application, verified under oath, shall show the experience of the applicant in the transportation of persons with disabilities and its training program in first aid. (Ord. 20-06 § 1, 2006: Ord. 51-89 § 4, 1989: prior code § 45-2-2)

### 5.76.120: FEES:

No certificate shall be issued or continued in operation unless the holder thereof has paid an annual disproportionate business regulatory fee as shown on the Salt Lake City consolidated fee schedule. (Ord. 24-11, 2011)

### 5.76.130: EXISTING LICENSEES ALLOWED CERTIFICATES:

All persons who have operated special transportation vehicles under permits or licenses issued by the city prior to October 1, 1966, or are authorized to operate ambulances under certificates granting authority prior to October 1, 1966, shall have a certificate of public convenience and necessity awarded to them, allowing them to operate the same number of vehicles as they are presently operating, or are authorized to operate, either as an ambulance or as a special transportation vehicle, without the hearing provided in chapter 5.05 of this title, and without a finding of public convenience and necessity, provided that they file, within sixty (60) days after the effective date hereof, the applications required herein and pay the fees required by this chapter, and qualify under its other terms. (Ord. 51-89 § 4, 1989: prior code § 45-2-8)

# Article III. Driver Operator's Certificate

### 5.76.230: OPERATOR'S CERTIFICATE REQUIRED:

It shall be unlawful for any person to operate a special transportation vehicle for hire within the city without having first obtained and having then in force a valid operator's certificate issued pursuant to chapter 5.71, article VI, of this title and it shall be unlawful for any person or business to permit a special transportation vehicle to be so operated unless its driver has such an operator's certificate. (Ord. 48-07 § 8, 2007: prior code § 45-3-1)

# Article IV. Vehicle Equipment, Operation And Maintenance

### 5.76.450: VEHICLE INSPECTION SPECIFICATIONS:

No license shall be issued until each special transportation vehicle to be used under this chapter has been thoroughly and carefully inspected by the police department and certified by the state as provided by state law, and found to be in a safe condition for the transportation of persons with disabilities, to be clean, of good appearance and well painted, and to have such equipment as may be required by state law including, but not limited to, the following:

A. Doorways wide enough to accommodate a wheelchair;

B. Ramps or lifting devices for elevating persons with disabilities from the curb or sidewalk into the special transportation vehicle, which ramps and lifting devices must be stored inside the special transportation vehicle while it is moving;

C. Adequate means of securing persons with disabilities safely to the inside of the special transportation 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 thereof, to be used as a method of escape in case of an emergency;

E. A fire extinguisher, and first aid equipment and supplies, as prescribed and amended from time to time by state law. (Ord. 20-06 § 1, 2006: amended during 1/88 supplement: prior code § 45-4-1)

### 5.76.460: LICENSE UPON SATISFACTORY INSPECTION:

No license shall issue hereunder until the police department shall have found and certified that the special transportation vehicle has met the standards established by state law and this chapter. (Amended during 1/88 supplement: prior code § 45-4-2)

## 5.76.470: PERIODIC INSPECTIONS:

Every special transportation vehicle operating under this chapter shall be inspected every six (6) months by the city and as required by state law to ensure the continued maintenance of safe, clean and proper operating conditions. (Ord. 37-99 § 3, 1999: amended during 1/88 supplement: prior code § 45-4-3)

## 5.76.480: CLEAN AND SANITARY CONDITION OF VEHICLES:

Every special transportation vehicle operating under this chapter shall be kept in a clean and sanitary condition, according to the rules and regulations promulgated by the state. (Amended during 1/88 supplement: prior code § 45-4-4)

## 5.76.490: IDENTIFYING DESIGN:

Each special transportation vehicle shall bear on the outside of each rear or front door, in painted letters not less than five-sixteenths inch ($^{5}/_{16}$") stroke and more than two and one-fourth inches ($2^{1}/_{4}$") in height, the words "special transportation", the name of the holder and the company number, which name and number shall also be painted on the rear of the special transportation vehicle and, in addition, the vehicle may bear an identifying design approved by the mayor. (Prior code § 45-4-5)

## 5.76.500: CONFLICTING OR MISLEADING DESIGNS:

No special transportation vehicle covered by the terms of this chapter shall be licensed whose color scheme, identifying design, monogram or insignia to be used thereon shall, in the opinion of the mayor, conflict with or imitate any color scheme, identifying design, monogram or insignia used on a vehicle or vehicles already operating under this chapter, in such a manner as to be misleading or tend to deceive or defraud the public; and provided further, that if, after a license has been issued for a special transportation vehicle hereunder, the color scheme, identifying design, monogram or insignia thereof is changed so as to be, in the opinion of the mayor, in conflict with or in imitation of any color scheme, identifying design, monogram or insignia used by any other person, owner or operator, in such a manner as to be misleading or tend to deceive the public, the certificate covering such shall be suspended or revoked. (Prior code § 45-4-6)

## 5.76.510: SIRENS AND EMERGENCY EQUIPMENT PROHIBITED:

No special transportation vehicle licensed under this chapter shall be equipped with a siren, or be permitted to operate as an emergency vehicle. (Ord. 5-94 § 30, 1994: prior code § 45-4-7)

## 5.76.520: NO OPERATION OF STREET STANDS:

Holders under the terms of this chapter shall not operate street stands, and their vehicles shall not accept passengers except on orders received at the licensee's dispatching office, or by appointment or contract. (Prior code § 45-4-8)

# Article V. Fare Schedule, Manifests And Records

### 5.76.530: FARES AND CHARGES; FILING REQUIREMENTS:

Any holder of a certificate shall keep on file with the mayor or such board or officer as the mayor shall designate, a current schedule of all fares and charges for its transportation service under this chapter, and no transportation shall be performed or service rendered except in conformity therewith. This section shall not apply to rates established by agreement with any public or private school, charitable or nonprofit organization, or the federal or state governments or any political subdivision thereof. (Prior code § 45-5-6)

### 5.76.540: MANIFESTS; CONTENTS; DRIVER'S DUTIES:

Every driver shall maintain a daily manifest upon which are reported all trips made during such driver's hours of work, showing time and place of origin and destination of each trip and the name of the passenger transported, and all of such manifests shall be returned to the holder by the driver at the conclusion of his or her working day. (Prior code § 45-5-1)

### 5.76.550: MANIFESTS; FORMS:

The forms for each manifest shall be furnished to the driver by the holder, and shall be of a character approved by the mayor. (Prior code § 45-5-2)

### 5.76.560: MANIFESTS; RETENTION PERIOD:

Every holder of a certificate of public convenience and necessity shall retain and preserve all drivers' manifests in a safe place for at least one calendar year after the current calendar year in which such manifests are made, and such manifests shall be available to the police department. (Prior code § 45-5-3)

### 5.76.570: RECORD KEEPING REQUIREMENTS:

Every holder shall keep accurate records of receipts from operations, operating and other expenses, capital expenditures, and such other operating information as may be required by the mayor, which records shall be made available to the chief of police and the state for inspection. (Amended during 1/88 supplement: prior code § 45-5-4)

### 5.76.580: RECORDS; ACCESSIBLE FOR EXAMINATION:

Every holder shall maintain the records containing such information and other data required by this chapter at a place readily accessible for examination by the mayor. (Prior code § 45-5-5)

## Article VI. Exemptions And Enforcement

### 5.76.590: EXEMPTIONS TO CHAPTER APPLICABILITY:

The provisions of this chapter shall not be deemed to have any application to the transportation by the city, any of its departments, or to any driver performing such transportation, or to the transportation of persons with disabilities by an ambulance or a taxicab, whether or not such ambulance or taxicab is designed or equipped with the special equipment provided for in this chapter. (Ord. 20-06 § 1, 2006: Ord. 61-05 § 3, 2005: prior code § 45-6-1)

### 5.76.600: ENFORCEMENT; POLICE DEPARTMENT AUTHORITY:

The police department of the city is hereby given the authority and is instructed to watch and observe the conduct of holders and drivers operating under this chapter. (Prior code § 45-6-2)

### 5.76.610: VIOLATION; CRIMINAL PROCEEDINGS; REPORT TO MAYOR:

Upon discovery of a violation of the provisions of this chapter, in addition to criminal proceedings, the police department shall report the same to the mayor, and the mayor will order or take appropriate action respecting the licenses or certificates of the persons involved. (Prior code § 45-6-3)

# CHAPTER 5.78
# VEHICLE RENTAL BUSINESSES

(Rep. by Ord. 37-99 § 1, 1999)

# CHAPTER 5.80

# VENDING MACHINES

(Rep. by Ord. 37-99 § 1, 1999)

# CHAPTER 5.82
# WASTE DISPOSAL CONTRACTORS

(Rep. by Ord. 37-99 § 1, 1999)

# CHAPTER 5.84
# WRECKER SERVICES AND TOWING OPERATIONS

## Article I. Wrecker Services

### 5.84.010: LICENSING POLICY GENERALLY:

A. The city council determines that it is in the public interest to allow all properly licensed companies or persons to register as wrecker towing services with the city, to tow vehicles involved in accidents or other situations where a vehicle is subject to being towed, on a rotating basis.

B. The city determines that all persons have a right and an expectation that when a vehicle is subject to or requires a tow under direct city supervision or direction, that the vehicle will not be moved to a place greatly in excess of the city limits without the consent of the owner or operator of the vehicle to be towed. (Prior code § 20-32-2(1))

### 5.84.020: DEFINITIONS:

As used in this chapter:

TOW TRUCK: A motor vehicle which has been altered or designed, equipped and primarily used for the purpose of towing vehicles by means of a crane, hoist, towbar, towline, or dolly.

WRECKER SERVICE: Any entity which has tow trucks providing towing services to the public, which registers with the city to be on call by the city police department on a rotating basis to provide towing services to remove motor vehicles to a place of storage. (Prior code §§ 20-32-1(2), (3))

## 5.84.030: LICENSE REQUIRED:

Any wrecking service providing towing service for Salt Lake City Corporation, and any such service wishing to be available for call through the city police dispatcher must be licensed as provided in this chapter. (Prior code § 20-32-1(1))

## 5.84.040: LICENSE FEES:

The fee for a wrecker service license shall be as shown on the Salt Lake City consolidated fee schedule. (Ord. 24-11, 2011)

## 5.84.050: INSURANCE REQUIRED:

No wrecking services licensed pursuant to the authority of this chapter shall be conducted, unless there is on file with the city license office a certificate of insurance executed by an insurance company authorized to do business in this state in the minimum amounts required by state law and which names Salt Lake City as a named insured. (Prior code § 20-32-5)

## 5.84.060: INVESTIGATION BY POLICE DEPARTMENT:

Each application shall be referred to the chief of police for investigation as to the compliance with the requirements set forth in sections 5.84.010 and 5.84.030 of this chapter, or their successors. (Prior code § 20-32-3)

## 5.84.070: OPERATION AND VEHICLE STORAGE SPECIFICATIONS:

A. A license, as provided in sections 5.84.010 and 5.84.030 of this chapter, or their successors, shall be issued upon application to the city license supervisor, and upon a sufficient showing that:

1. Vehicle Storage Facility: The prospective licensee has a vehicle storage facility which is within the city corporate limits. No vehicle may be moved to a location which is not within the city limits, without the prior consent of the owner or operator of the vehicle. Such storage facility must be completely enclosed by a fence of at least six feet (6') in height and properly secured so as to minimize the hazard of theft and vandalism. A violation of this section shall be grounds for immediate termination of the license granted by this chapter;

2. Towing Devices: Each wrecker is properly equipped with all towing devices necessary to adequately and safely transport a vehicle from the point of pick up to the point of delivery;

3. Visible Identification: Each wrecker is properly identified by the name and address of the licensee affixed to the vehicle in a readily visible location;

4. Answering Service: An efficient answering service is available to ensure prompt response;

5. State Law Compliance: Any wrecker service desiring to be licensed by Salt Lake City Corporation is in full compliance with chapter 9, title 72, Utah Code Annotated, 1953, or its successor;

6. Required Inspection: Each tow truck has passed current inspection by the state department of transportation for the relevant year. The licensee shall present to the police department, for inspection, proof of required state inspection, prior to the license being issued and prior to the vehicle being used for any towing purposes. Any licensee using a tow truck that does not have required state department of transportation inspection, as verified by the police department or for which all fees have not been paid to the city, shall be subject to suspension of the license required by this chapter;

7. Provide Proof Of Workers' Compensation Insurance: It is unlawful for any person to engage in towing operations within the corporate limits of the city, if such person's place of business is within the limits of the city or is not licensed in another municipality or county, unless the person operating such business has a valid Salt Lake City license granted in compliance with the provisions of this chapter. Such license shall be in addition to the license required by sections 5.84.010 and 5.84.030 of this chapter, or their successors;

8. Response Time Requirement: The licensee shall respond to the scene within fifteen (15) minutes of the call. Failure of the licensee to respond within fifteen (15) minutes may result in cancellation of the call and placement with another licensee. Failure of a licensee to meet the fifteen (15) minute response time five (5) times within a twelve (12) month period shall be grounds for termination of the permit granted by this chapter. (Ord. 37-99 § 3, 1999: prior code § 20-32-2(2))

### 5.84.080: RATES FOR SERVICE; POSTING AND CLAIM CHECKS:

All towing rates and schedules shall be posted in a conspicuous location at the place of business and shall be noted in full and readily visible upon the receipt or claim check issued to the customer by the wrecker company. (Prior code § 20-32-7)

### 5.84.090: COMPLIANCE WITH PROVISIONS; EFFECT OF VIOLATIONS:

No wrecker service operated pursuant to this chapter shall be conducted unless all of the foregoing requirements have been met, and failure to so comply shall be grounds for revocation of the license issued by authority of this chapter. (Prior code § 20-32-8)

## Article II. Towing Operations

### 5.84.100: DEFINITIONS:

The following words and phrases, whenever used in this chapter, shall be defined as provided in this section unless a different meaning is specifically or more particularly described:

NONCONSENSUAL TOWING: The towing of a vehicle without the prior consent of the owner of such vehicle.

TOWING OPERATIONS: The business of nonconsensual towing, for compensation, of motor vehicles within the corporate limits of the city, whether or not the towing extends beyond the city limits. Such business shall also include the storage of the towed vehicles, pending their return to the owners, by the person who towed such vehicle or by some other person for the person who towed such vehicle. (Ord. 37-99 § 3, 1999: prior code § 20-32-9)

## 5.84.110: LICENSE REQUIRED:

It is unlawful for any person to engage in towing operations within the corporate limits of the city, if the place of business is within the limits of the city or is not licensed in another municipality or county, unless the person operating such business has a valid Salt Lake City license granted in compliance with the provisions of this chapter. Such license shall be in addition to the license required by sections 5.84.010 and 5.84.030 of this chapter, or their successors. (Ord. 37-99 § 3, 1999: prior code § 20-32-10)

## 5.84.120: EXEMPT TOWING OPERATIONS:

A. The provisions of this chapter shall not apply to any towing operation:

1. That provides tow service exclusively to members of an association, automobile club or similar organization, and receive remuneration only from the sponsoring association, automobile club or similar organization;

2. That provides tow service without charge or fee for other vehicles owned or operated by the individual or organization furnishing the tow service;

3. That provides tow service for other vehicles owned or operated by the individual or organization furnishing the tow service, but which are being operated under terms of a rent or lease agreement or contract, and such towing is performed on a nonprofit basis, or such fee is a part of the rent or lease agreement or contract;

4. That, being located in another city, enters Salt Lake City on a nonemergency towing assignment for the purpose of towing a disabled vehicle back to said city for repairs.

B. A "nonemergency towing assignment" means and includes towing of vehicles that have been involved in a collision, but have been removed from the scene; that have experienced mechanical failure, but have been removed from the roadway and no longer constitute a hazard; or that, being mechanically operative, are towed for convenience. (Prior code § 20-32-13)

## 5.84.130: LICENSE APPLICATION:

Application for license hereunder shall be filed in writing with the city license supervisor on a form to be provided by the city which shall include:

A. The name and address of the applicant, and if a firm, corporation, partnership, association or club, the principal officers thereof and their addresses;

B. If the applicant is a partnership, the requirements of the preceding subsection shall be given regarding each member of the partnership, together with the name of the person who is to be in active charge of the partnership;

C. If the applicant is a corporation, the information required by subsection A of this section shall be given for each officer and active member of the corporation;

D. The name and location of the principal place of business;

E. A statement disclosing whether any person listed in the application has ever been convicted of a felony or misdemeanor, and, if so, the nature of the offense, and where and when it was committed. (Ord. 37-99 § 3, 1999: prior code § 20-32-12)

### 5.84.140: LICENSE FEE:

The fee for obtaining a license required by section 5.84.110 of this chapter, or its successor, shall be as shown on the Salt Lake City consolidated fee schedule. (Ord. 24-11, 2011)

### 5.84.150: LICENSE; ISSUANCE AND RENEWAL CONDITIONS:

The license supervisor may issue or renew a license hereunder when he or she finds:

A. That all persons listed on the application are fit and proper persons to conduct or work in the proposed business, and have not been convicted of theft, embezzlement or any other offense involving the lawful use, taking or conversion of a vehicle belonging to another person; and

B. That the requirements of this chapter and all other governmental laws, ordinances, rules and regulations have been met. (Prior code § 20-32-14)

### 5.84.160: INSURANCE REQUIREMENTS:

Every person conducting towing operations shall produce evidence of insurance with minimum coverage as required by the public service commission of the state for a standard cargo policy. A copy of the insurance policy or a certification from the insurer as to duration, kind and extent, shall be filed with the city recorder's office. (Prior code § 20-32-15)

### 5.84.170: TOWING AUTHORITY; LIMITATIONS:

Nothing in this chapter shall be construed to authorize the towing and/or make any towing of a vehicle legal where such would otherwise be illegal, whether criminally or civilly. (Prior code § 20-32-19)

### 5.84.180: SERVICES AND EQUIPMENT; STATEMENT REQUIRED WHEN:

A. A person conducting towing operations shall furnish an itemized statement of services performed, labor and special equipment used in completing a tow of a vehicle, and the charges made therefor to and upon the request of:

1. The person requesting the towing service; or

2. The legal owner of the vehicle towed; or

3. The registered owner of the vehicle towed; or

4. The insurance carrier of either subsection A1, A2 or A3 of this section; or

5. The duly authorized agent of any of the foregoing.

B. Such records shall be furnished by the licensee to any person authorized by this section to receive such statement, without demanding payment as a condition precedent. (Prior code § 20-32-16)

## 5.84.190: SIGN REQUIREMENTS:

Signage required under the provisions of this chapter shall comply with the following:

A. There is: 1) signage visible to the driver of a vehicle entering the property, and 2) signage visible to the driver from the location where the vehicle is parked. Such signage shall use words and/or symbols that reasonably provide notice that parking without permission or contrary to permission of the property owner or operator will subject the vehicle to being towed at the vehicle owner's expense.

B. The signs contain such notice on both sides unless one side is blocked by a structure.

C. The signs are at least eighteen inches by twenty four inches (18" x 24") in size.

D. The lettering for at least the first half of the text on the sign is no smaller than one and one-half inches ($1\frac{1}{2}$") in height, and the lettering for the remainder of the text on the sign is no smaller than one-half inch ($\frac{1}{2}$") in height. The lettering shall be reflective and against a contrasting background.

E. The sign states the dollar amount of the towing fee.

F. No vegetation or other object obstructs the view of the signage by the driver of a vehicle as the driver enters or leaves the property.

G. The sign provides a telephone number that can be called to make arrangements for release of the vehicle. (Ord. 50-05 § 1, 2005: prior code § 20-32-18)

## 5.84.200: ILLEGAL TOWING ACTIVITIES DESIGNATED:

Except when a wrecker or operator is acting as an agent for a legal repossession of a motor vehicle, it shall be unlawful:

A. For any wrecker or operator to tow or otherwise move a vehicle from any area or portion of a public street without the consent of the owner or custodian thereof, except at the direction of a law enforcement agency.

B. For any wrecker or operator, or any other person, to tow or otherwise move a vehicle or authorize the removal thereof from any private road or driveway, or from any other privately owned land or property within the city limits, except:

1. When such wrecker or operator is requested to perform towing services by the owner or custodian of the vehicle,

2. When the wrecker or operator is requested to perform such towing services by an owner or custodian of private property on which the vehicle is parked; provided, however, that the foregoing notwithstanding, no person shall tow, remove or authorize the removal of a vehicle from private property without the consent of the owner or custodian of such vehicle, unless:

a. The property is posted with signs that comply with section 5.84.190 of this chapter, or

b. A vehicle is parked in the driveway or in the easement of ingress and egress to a dwelling used for residential purposes or is parked on the private property owner's or custodian's grass or other landscaped space, and it is determined that the vehicle operator is not within the vehicle and is not an invitee of the owner or legal occupant of the real property having a right to use said driveway or easement, or

c. The vehicle has been abandoned. A vehicle shall be deemed abandoned for purposes of this section if it has been left unattended for seven (7) days.

C. For any wrecker or operator or any other person to fail to notify the police department immediately upon arriving at the place of storage or impound of the vehicle when removal of the vehicle is requested by a person other than the owner or custodian of the vehicle. All such notices to the police department shall include:

1. A description of the vehicle, including its identification number and license number;

2. The location of the vehicle;

3. Date, time, and location from which the vehicle was removed;

4. Reasons for the removal of the vehicle; and

5. Identity of the person who requested the removal of the vehicle. (Ord. 50-05 § 2, 2005: prior code § 20-32-17)

## 5.84.210: APPLICABILITY:

The provisions of sections 5.84.100 through 5.84.200 of this chapter, or their successors, shall not apply to any towing of a vehicle or storage thereof where such vehicle is being

or has been impounded pursuant to title 12, chapter 12.96 of this code. (Prior code § 20-32-20)

### 5.84.220: VIOLATION; PENALTY:

Any person guilty of violating any of the provisions of this chapter, except section 5.84.190 of this chapter, shall be deemed guilty of a misdemeanor and punishable as set out in section 1.12.050 of this code, or its successor. Any violation of section 5.84.190 of this chapter shall constitute a civil violation and shall be handled as provided by title 2, chapter 2.75 of this code. The civil penalty for each such violation shall be one hundred dollars ($100.00). (Ord. 50-05 § 3, 2005: prior code § 20-32-21)

# CHAPTER 5.85
# VEHICLE IMMOBILIZATION

### 5.85.010: DEFINITIONS:

As used in this chapter:

FEE: Any charge, price, service, or thing of value.

VEHICLE IMMOBILIZATION: Immobilizing a vehicle without the vehicle owner's consent by the use of any device and generally releasing the vehicle only upon payment of a fee. (Ord. 51-05 § 1, 2005)

### 5.85.020: LICENSE REQUIRED:

A. It is unlawful for any person to engage in vehicle immobilization within Salt Lake City limits unless the person has a valid Salt Lake City license granted in compliance with the provisions of this chapter.

B. The fee for the license shall be in accord with section 5.04.070 of this title.

C. A person who already has a valid Salt Lake City business license for an existing business shall notify the city licensing authority in writing of the intent to engage in vehicle immobilization. Performing vehicle immobilization without receiving city authorization following submission of such notice shall be grounds for the revocation or suspension of the existing business license. The procedure for a police department investigation provided in section 5.85.040 of this chapter shall be followed except that a police department investigation will not be conducted if the person's existing business license was issued following a police department investigation. The fees, if any, associated with such notice shall be in accord with section 5.04.070 of this title. (Ord. 51-05 § 1, 2005)

## 5.85.030: INSURANCE REQUIRED:

No vehicle immobilization shall be conducted unless there is on file with the city license office a certificate of liability insurance executed by an insurance company authorized to do business in this state. The insurance shall be in the minimum amount of twenty five thousand dollars ($25,000.00) and shall cover any damages caused to any vehicle or vehicle owner by the licensee. (Ord. 51-05 § 1, 2005)

## 5.85.040: INVESTIGATION BY POLICE DEPARTMENT:

Each application for a license shall be referred to the police department for investigation. Except as hereinafter set forth, the following shall be a bar to issuance or renewal of a permit:

A. Any conviction of a crime involving moral turpitude, narcotics or dangerous drugs, or of property damage unless a period of not less than five (5) years shall have elapsed since the date of conviction or the date of release from confinement for such offense, whichever is later; or

B. Any conviction of a felony for any reason unless a period of not less than ten (10) years shall have elapsed since the date of conviction or the date of release from confinement for such offense, whichever is later.

C. Notwithstanding subsections A and B of this section, if the mayor or the mayor's designated hearing officer receives letters or testimony at a hearing, as provided in chapter 5.02 of this title, proving by a preponderance of the evidence that the applicant has reformed his/her moral character so as to pose no threat to members of the public, the license shall be issued. If the applicant is still on parole or probation, a letter from the parole officer or probation officer recommending the applicant be granted a license, together with the reasons for the recommendation, shall be required.

In the event of any criminal citation or information pending against the applicant, the police department may recommend that a license not be issued or renewed prior to a hearing held in accordance with chapter 5.02 of this title. (Ord. 51-05 § 1, 2005)

## 5.85.050: OPERATIONAL REQUIREMENTS:

A. Every licensee and employee of the licensee shall wear either: 1) a readily identifiable shirt, blouse, or other top article of clothing with the name of the licensee and the first name of the employee contained thereon and readable from a distance of six feet (6') or 2) a prominently visible identification badge on the front of his or her clothing with the name of the licensee and the first name of the employee contained thereon and readable from a distance of six feet (6').

B. Every licensee shall accept a charge placed upon a valid credit or debit card as payment for the fee if the person who is redeeming the vehicle prefers to pay with a card instead of cash. The immobilized vehicle shall be promptly released upon request and payment.

C. No fee greater than eighty dollars ($80.00) may be charged for release of a vehicle that has not been moved from the spot where it was parked prior to being immobilized or impounded. An itemized bill shall be provided. No fee at all may be charged by the licensee for release of a vehicle or otherwise if the driver returns to the vehicle before immobilization of the vehicle is completed and the driver promptly removes the vehicle from the premises.

D. No licensee may immobilize a vehicle unless the licensee has a current valid written contract with the property owner authorizing the licensee to immobilize or impound vehicles parked upon their property without permission. All licensees or their employees shall have in their possession on the site where the vehicle is immobilized either: 1) a copy of the agreement or 2) a statement of authorization for the licensee signed by the property owner and shall show either said agreement or said authorization upon demand by a city official or upon demand of the person redeeming the vehicle.

E. Any equipment used to immobilize a vehicle shall be placed on the driver's side of the vehicle, whenever practicable.

F. No licensee may immobilize a vehicle without placing a notice on the driver's door window using words and/or symbols that reasonably inform the driver that the vehicle has been immobilized.

G. If a vehicle has been immobilized, it may not be removed from the site sooner than two (2) hours from the time it was immobilized.

H. No vehicle may be removed from the site unless it is removed by a towing service licensed by Salt Lake City Corporation.

I. No licensee may require the payment of a towing fee or any other fee or charge other than that authorized by subsection C of this section as a condition to releasing an immobilized vehicle.

J. If an immobilized vehicle is impounded, no fees of any kind relating to the immobilization may be charged in addition to the towing, storage, or other impoundment fees that may be applicable.

K. Any licensee who has no employee on site authorized to release the vehicle must promptly respond to the site, but in no event longer than one-half ($^1/_2$) hour of a request for release of a vehicle. The person responding must have full authority to act for the licensee and shall have a copy of the agreement or statement of authorization with them as required by subsection D of this section. (Ord. 51-05 § 1, 2005)

## 5.85.060: SIGN REQUIREMENTS:

No vehicle may be immobilized without the consent of the vehicle owner unless:

A. There is: 1) signage visible to the driver of a vehicle entering the property, and 2) signage visible to the driver from the location where the vehicle is parked. Such signage shall use words and/or symbols that reasonably provide notice that parking without permission or contrary to permission of the property owner or operator will subject the vehicle to being immobilized at the vehicle owner's expense.

B. The signs contain such notice on both sides unless one side is blocked by a structure.

C. The signs are at least eighteen inches by twenty four inches (18" x 24") in size.

D. The lettering for at least the first half of the text on the sign is no smaller than one and one-half inches ($1^1/_2$") in height, and the lettering for the remainder of the text on the sign is no smaller than one-half inch ($^1/_2$") in height. The lettering shall be reflective and against a contrasting background.

E. The sign states the dollar amount of the immobilization fee.

F. No vegetation or other object obstructs the view of the signage by the driver of a vehicle as the driver enters or leaves the property.

G. The sign provides a telephone number that can be called at any time of the day or night to make arrangements for release of the vehicle. (Ord. 51-05 § 1, 2005)

### 5.85.070: VIOLATIONS; PENALTY:

A. Licenses are subject to revocation and suspension in accordance with chapter 5.02 of this title.

B. Any violation of sections 5.85.050 and 5.85.060 of this chapter shall constitute a civil violation and shall be handled as provided by title 2, chapter 2.75 of this code. The civil penalty for each such violation shall be one hundred dollars ($100.00).

C. Any violation of sections 5.85.020 and 5.85.030 of this chapter shall be a class B misdemeanor. (Ord. 51-05 § 1, 2005)

# CHAPTER 5.86
# MISCELLANEOUS BUSINESSES

### 5.86.010: STREET OCCUPATIONS IN DOWNTOWN AREA PROHIBITED; EXCEPTIONS:

Unless specifically allowed by city ordinance, it is unlawful for any person to engage in or carry on the business of selling lunches or any article or thing, merchandise or commodity

from or in wagons, carts, cars or any other vehicle or structure, in or upon the streets of Salt Lake City within the district bounded on the north by the north side of North Temple Street, on the east by the east side of Second East Street, on the south by the south side of Fifth South, and on the west by the west side of Fourth West Street; provided, that newsracks may be permitted to occupy space in such district, hereinafter the "expanded CBD", in compliance with the regulations of title 14, chapter 14.36 and title 21A of this code, or their successors. (Ord. 37-99 § 3, 1999: prior code § 20-25-6)

### 5.86.020: DOING BUSINESS ON STREETS UNLAWFUL UNLESS SO LICENSED:

It is unlawful for any person to engage in or carry on any business, profession, trade, vocation or avocation on any street or sidewalk or in or from any automobile, vehicle, stand or structure located in or upon the streets or sidewalks of the city unless such business or occupation is specifically licensed to operate upon the streets and sidewalks. (Prior code § 20-25-5)

### 5.86.030: SOLICITING PATRONAGE UPON STREETS PROHIBITED:

(Rep. by Ord. 1-06 § 17, 2005)

### 5.86.040: ASSAYERS; LICENSE REQUIRED:

(Rep. by Ord. 37-99 § 1, 1999)

### 5.86.053: AUTOMOBILE TRAILER COURTS; DEFINITIONS:

For the purposes of this section and sections 5.86.054 through 5.86.057 of this chapter, or successor sections, the following phrases, terms and words shall have the meanings given herein:

APARTMENT: A room or suite of rooms which is occupied or intended or designed to be occupied by one family or person for living and/or sleeping purposes.

FAMILY: One person living alone or a group of two (2) or more persons living together in an apartment, whether related to each other or not.

HOUSE COURT: Any building or structure containing more than two (2) apartments or any group of two (2) or more separate buildings or structures containing one or more apartments each on one parcel of land or contiguous parcels under one ownership or control, to be rented, leased, hired out to be occupied or which is occupied by two (2) or more families living independent of each other. (Prior code § 18-21-1)

### 5.86.054: AUTOMOBILE TRAILER COURTS; LICENSE REQUIRED:

It is unlawful for any persons to operate, maintain or offer for public use within the limits of the city any automobile trailer court, campground or other public place for camping,

sleeping or lodging whether in tents, automobiles, trailer houses, cabins, house courts or other vehicles or structures, or where automobile house cars or trailer houses may be parked or located, or occupied as living quarters, without first making an application to the license office and obtaining a license to do so. (Prior code § 18-21-2)

### 5.86.055: AUTOMOBILE TRAILER COURTS; LICENSE APPLICATION:

Applicants for the license required by section 5.86.054 of this chapter or its successor, shall file an application in writing with the license office which shall show the plan and location of applicant's proposed place of business, the number of rooms or spaces available to tenants or automobile house cars, cabins, trailer houses or house courts, and state in detail the source of water supply and kind and number of toilets, bath and shower facilities available for use by male and female guests respectively. (Prior code § 18-21-3)

### 5.86.056: AUTOMOBILE TRAILER COURTS; LICENSE FEE:

The license fee for such parks shall be as shown on the Salt Lake City consolidated fee schedule, for each trailer space located on such premises. (Ord. 24-11, 2011)

### 5.86.057: AUTOMOBILE TRAILER COURTS; DISPLAY OF LICENSE:

The license provided for in section 5.86.054 of this chapter or its successor, together with a copy of section 5.86.053 of this chapter through this section, or successor sections, shall be displayed by the licensee in a conspicuous place upon such licensed premises. (Prior code § 18-21-6)

### 5.86.060: BOTTLING WORKS; LICENSE REQUIRED:

(Rep. by Ord. 37-99 § 1, 1999)

### 5.86.073: CHILDREN'S CARE CENTERS; DEFINITIONS:

(Rep. by Ord. 37-99 § 1, 1999)

### 5.86.074: CHILDREN'S CARE CENTERS; LICENSE REQUIRED:

(Rep. by Ord. 37-99 § 1, 1999)

### 5.86.075: CHILDREN'S CARE CENTERS; LICENSE APPLICATION:

(Rep. by Ord. 37-99 § 1, 1999)

### 5.86.080: CLEANING AND DYEING BUSINESS; LICENSE REQUIRED:

(Rep. by Ord. 37-99 § 1, 1999)

### 5.86.150: COLLECTION OF GARMENTS TO BE CLEANED; LICENSE REQUIRED:

(Rep. by Ord. 37-99 § 1, 1999)

### 5.86.170: DRUGS; SALE ON STREETS PROHIBITED:

It is unlawful for any person to sell, barter or offer for sale, or to dispose of by public outcry or otherwise, any drug, medicine or other substance for the cure of any disease or ailment on any of the streets, alleys or highways within the limits of the city. (Prior code § 20-25-1)

### 5.86.180: DRUGS AND MEDICINES; LABELING REQUIREMENTS:

It is unlawful for any person to carry on business as a dealer in drugs and medicines, within the limits of the city, or for any person employed by such person, to fail or neglect properly to label the containers of such drugs in a plain and legible manner, in the English language. (Prior code § 20-25-2)

### 5.86.190: GAS SELLING; DEFINITIONS:

For the purpose of this chapter:

MANUFACTURED GAS: Any coke oven gas, blast furnace gas, retort gas manufactured from petroleum or coal, or a mixture of any of the above.

NATURAL GAS: Any gas which is basically methane. (Prior code § 20-24-13)

### 5.86.200: GAS SELLING; LICENSE REQUIRED:

It is unlawful for any person to engage in the business of selling natural or manufactured gas in the city for the purpose of heating, lighting, or for any other purpose, without first applying for and obtaining from the license supervisor of the city an annual license so to do. (Prior code § 20-24-14)

### 5.86.210: GAS SELLING; FEE FOR LICENSE:

The license fee for the license required by section 5.86.200 of this chapter, or its successor, shall be as shown on the Salt Lake City consolidated fee schedule. (Ord. 24-11, 2011)

### 5.86.260: HATTER'S SHOP; LICENSE REQUIRED:

(Rep. by Ord. 37-99 § 1, 1999)

### 5.86.280: HATTER'S SHOP; REFERRAL OF APPLICATION:

(Rep. by Ord. 37-99 § 1, 1999)

### 5.86.290: MINIATURE MOTOR VEHICLE LICENSE; REQUIRED:

(Rep. by Ord. 37-99 § 1, 1999)

### 5.86.303: NURSING HOMES; DEFINITIONS:

For the purpose of this section and sections 5.86.304 through 5.86.306 of this chapter, or successor sections, the following phrases, terms and words shall have the meanings herein given:

NURSING HOME OR CONVALESCENT HOME: A building or facility used for the lodging, boarding or nursing care on a twenty four (24) hour basis of more than two (2) people, but shall not include hospitals or government operated mental or correctional institutions, nor shall it include care by relatives.

PROVIDER: An individual or corporation or association who owns the residential facility.

RESIDENTIAL FACILITY: A facility operated to provide room and/or board services for two (2) or more persons unrelated to the owner or provider. (Ord. 88-97 § 1, 1997: prior code § 18-17-1)

### 5.86.304: NURSING HOMES; LICENSE REQUIRED:

It is unlawful for any person to conduct, operate, carry on or maintain a nursing home or residential care facility without first obtaining a license from the city license office. (Prior code § 18-17-2)

### 5.86.305: NURSING HOMES; LICENSE APPLICATION:

Every person desiring to obtain a nursing home license or residential care facility license shall make application therefor to the license office of the city. The application shall include information and data under oath respecting the nursing home or residential care facility for which the license is requested, including a description of the home and services and a statement of the personnel and programs that are to be used in connection therewith, and such further information as the license office or the Salt Lake Valley health department may require. (Ord. 1-06 § 30, 2005: prior code § 18-17-3)

### 5.86.306: NURSING HOMES; LICENSE FEE:

The license fee for a nursing home shall be based upon the maximum number of beds allowed in the facility by this code and/or the Salt Lake Valley health department regulations, whichever is the more restrictive; the fee shall be as shown on the Salt Lake City consolidated fee schedule, for each bed so allowed. (Ord. 24-11, 2011)

### 5.86.310: PACKAGE DELIVERY AND MESSENGER SERVICE; LICENSE REQUIRED:

(Rep. by Ord. 37-99 § 1, 1999)

### 5.86.330: PACKAGE DELIVERY AND MESSENGER SERVICE; BOND REQUIRED:

(Rep. by Ord. 37-99 § 1, 1999)

### 5.86.340: PAINT SPRAY OPERATIONS; DEFINED:

(Rep. by Ord. 37-99 § 1, 1999)

### 5.86.350: PAINT SPRAY OPERATIONS; LICENSE REQUIRED:

(Rep. by Ord. 37-99 § 1, 1999)

### 5.86.363: PEST CONTROL; DEFINITIONS:

(Rep. by Ord. 37-99 § 1, 1999)

### 5.86.364: PEST CONTROL; LICENSE REQUIRED:

(Rep. by Ord. 37-99 § 1, 1999)

### 5.86.365: PEST CONTROL; LICENSE APPLICATION:

(Rep. by Ord. 37-99 § 1, 1999)

### 5.86.370: PHOTOGRAPHY BUSINESS; LICENSE REQUIRED:

(Rep. by Ord. 37-99 § 1, 1999)

### 5.86.390: RETAIL SERVICE STATION; DEFINED:

"Retail service station" means and includes any place where lubricants or fuel oils or motor fuels are carried or made available for sale or sold at retail. (Prior code § 20-24-25)

### 5.86.400: RETAIL SERVICE STATION; LICENSE REQUIRED:

It is unlawful for any person to conduct, manage, operate or carry on the business of a retail service station within the limits of the city without first obtaining a license to do so. (Prior code § 20-24-26)

### 5.86.410: RETAIL SERVICE STATION; FEE FOR LICENSE:

The license fee for a retail service station shall be as shown on the Salt Lake City consolidated fee schedule. (Ord. 24-11, 2011)

### 5.86.420: RETAIL SERVICE STATION; LOCATION LICENSING:

The license issued for a retail service station shall be deemed to be issued for the location of such service station and shall be deemed effective for each operator of each service station at such location during any calendar year. (Prior code § 20-24-28)

### 5.86.430: TAILOR; DEFINED:

(Rep. by Ord. 37-99 § 1, 1999)

### 5.86.440: TAILOR; LICENSE REQUIRED:

(Rep. by Ord. 37-99 § 1, 1999)

### 5.86.460: TOBACCO SALES; LICENSE REQUIRED:

It is unlawful for any person to sell, barter, peddle or offer for sale at wholesale or retail any cigars or tobaccos in any form within the corporate limits of the city without first making application and procuring a license so to do. (Prior code § 20-7-23)

### 5.86.470: TOBACCO SALES; APPLICATION FOR LICENSE:

The application for the license required by section 5.86.460 of this chapter, or its successor section, shall include: a) a copy of the applicant's federal ATF license; and b) a statement of the applicant, under oath, identifying the location of the place of business and setting out the value of the stock of cigars and tobaccos of the applicant at the time of making the application. The application shall be filed with the city license supervisor. (Ord. 37-99 § 3, 1999: prior code § 20-7-24)

### 5.86.480: TOBACCO SALES; FEE FOR LICENSE:

The annual license fee for operating any store, stand or other place where cigars or tobaccos are sold shall be as shown on the Salt Lake City consolidated fee schedule, per year,

or any part thereof. (Ord. 24-11, 2011)

# CHAPTER 5.90
# FEE SCHEDULES

### 5.90.010: SCHEDULE 1:

The classes of businesses, listed with their subclasses, shall be charged annual regulatory fees as shown on the Salt Lake City consolidated fee schedule. The listed fee includes the charge for one background check where required. For each additional background check per business there shall be an additional fee as shown on the Salt Lake City consolidated fee schedule. (Ord. 24-11, 2011)

### 5.90.020: SCHEDULE 2:

The classes of businesses, listed with their subclasses, shall be charged the annual disproportionate fees shown on the Salt Lake City consolidated fee schedule. (Ord. 24-11, 2011)

# Title 6 - ALCOHOLIC BEVERAGES

# CHAPTER 6.04
# DEFINITIONS

### 6.04.010: DEFINITIONS GENERALLY:

All words and phrases defined in this chapter shall be given such defined meanings wherever used in this title. (Prior code § 19-1-1)

### 6.04.020: ALCOHOLIC BEVERAGES:

"Alcoholic beverages" means and includes "beer" and "liquor" as they are defined in this chapter. (Prior code § 19-1-2)

### 6.04.025: BAR FACILITY:

"Bar facility" or "bar facilities" means that area of an establishment in which beer or other alcoholic beverages are mixed or prepared by employees of the establishment and that area in which such alcoholic beverages may be consumed, other than with prepared meals. (Ord. 37-99 § 2, 1999)

### 6.04.030: BEER:

"Beer" means any beverage containing not less than one-half ($^{1}/_{2}$) of one percent (1%) of alcohol by weight and obtained by the alcoholic fermentation of an infusion or decoction of any malted grain, or similar products, and which contains not more than three and two-tenths percent ($3^{2}/_{10}$%) of alcohol by weight and may or may not contain hops or other vegetable products, and includes ale, stout or porter. (Prior code § 19-1-3)

### 6.04.040: LICENSED PREMISES:

"Licensed premises" means any room, house, building, structure or place occupied by any person licensed to sell beer or to allow the consumption of liquor on such premises under this title. Multiple beer or liquor dispensing facilities located in one building and owned or leased by one licensed applicant shall be deemed to be only one licensed premises, provided that each dispensing point must be designated and the appropriate fee paid and the license prominently displayed at each dispensing point. Multiple beer dispensing facilities located in the separate rooms of one hotel owned or leased by one licensed applicant shall be deemed to be only one licensed premises, provided that each dispensing point is designated and the appropriate fee is paid and the license displayed in the lobby of such hotel. Multiple beer dispensing facilities and/or liquor storage facilities located in the separate privately leased suites or other privately rented rooms of any publicly owned recreation facility or any privately owned sports arena or recreation facility designed to accommodate more than five thousand (5,000) persons, owned or leased by one licensed applicant, shall be deemed to be only one licensed premises, provided that each dispensing point is designated and the appropriate fee is paid and the license is displayed in the main office of such arena or facility. (Ord. 62-91 § 3, 1991: Ord. 8-89 § 1, 1989: prior code § 19-1-4)

### 6.04.050: LIQUOR:

"Liquor" means and includes alcohol, or any alcoholic, spirituous, vinous, fermented, malt or other liquid or combination of liquids, a part of which is spirituous, vinous or fermented, and all other drinks or drinkable liquids containing more than one-half ($^{1}/_{2}$) of one percent (1%) of alcohol by weight; and all mixtures, compounds or preparations, whether liquid or not, which contain more than one-half ($^{1}/_{2}$) of one percent (1%) of alcohol by weight, and which are capable of human consumption; except that the term "liquor" shall not include "beer" as defined in this chapter. (Prior code § 19-1-5)

### 6.04.060: NUISANCE:

"Nuisance" means any room, house, building, structure, place or licensed premises, where:

A. Alcoholic beverages are manufactured, sold, kept, bartered, stored, given away or used contrary to the liquor control act of Utah or this title, or where persons resort for drinking alcoholic beverages contrary to the liquor control act of Utah or this title, or their successors; or

B. Persons under the age of twenty one (21) are permitted to purchase or drink beer; or

C. Laws or ordinances are violated by the licensee or the licensee's agents or patrons with the consent or knowledge of the licensee upon such premises which tend to affect the public health, peace or morals; or

D. Intoxicated persons are permitted to loiter about in such a way as to annoy, injure or endanger the comfort, repose, health or safety of another person or persons, or which loitering in any way renders another person or persons insecure in life or use of property. (Ord. 88-86 § 33, 1986: prior code § 19-1-6)

### 6.04.070: PLACE OF BUSINESS:

"Place of business", as used in connection with the issuance of a liquor consumption license, means and includes cafes, restaurants, public dining rooms, cafeterias, taverns, cabarets and any other place where the general public is invited or admitted for business purposes, and shall also be deemed to include private clubs, corporations and associations operating under charter or otherwise wherein only the members and their guests are invited. Occupied hotel and motel rooms that are not open to the public shall not be deemed to be places of business as defined in this chapter. (Prior code § 19-1-7)

### 6.04.080: RESTAURANT:

"Restaurant", as used in connection with the issuance of class B retail license means premises where a variety of hot food is prepared and served for consumption on the premises. (Prior code § 19-1-11)

### 6.04.090: RETAILER:

"Retailer" means any person engaged in the sale or distribution of beer to the consumer. (Prior code § 19-1-8)

### 6.04.100: SELL OR TO SELL:

"Sell" or "to sell", when used in this title in any provision, means and shall be construed to mean 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, or to procure or allow to be procured for any other person; and "sale" when so used includes every act of selling as above defined. (Prior code § 19-1-9)

### 6.04.110: WHOLESALER:

"Wholesaler" means any person other than a brewer or retailer engaged in importation for sale or in the sale of beer in wholesale or jobbing quantities. (Prior code § 19-1-10)

# CHAPTER 6.08
# BEER LICENSES

### 6.08.010: LICENSE REQUIREMENTS; WHOLESALERS:

It is unlawful for any person to engage in the business of selling beer at wholesale within the limits of the city without meeting the requirements for a wholesale license therefor from the state alcohol beverage control commission. The city's license shall be deemed "local consent" as required by section 32A-11-102(1)(c), Utah Code Annotated, 1953, as amended. (Ord. 37-99 § 4, 1999: Ord. 88-97 § 1, 1997: Ord. 34-87 § 9, 1987: prior code § 19-2-1)

### 6.08.020: LICENSE REQUIREMENTS; RETAIL SALES:

A. It is unlawful for any person to engage in the business of the sale of beer at retail, in bottles, cans or draft, within the corporate limits of the city without first having procured a license therefor from the mayor or the mayor's designee of the city, as hereinafter provided.

B. A separate license shall be required for each place of sale, and the license itself shall identify the specific premises covered thereby. Each license shall at all times be conspicuously displayed in the place to which it shall refer or for which it shall be issued.

C. All licensees shall comply with the provisions of the state alcoholic beverage control act, or its successor; the regulations of the alcoholic beverage control commission; and this chapter. Every license shall recite that it is subject to revocation under section 6.08.230 of this chapter, or its successor.

D. All licenses shall comply with zoning ordinances and with the location restrictions of section 6.08.120 of this chapter, or its successor, applicable to the location of the

premises for which the license is issued. (Ord. 37-99 § 4, 1999: prior code § 19-2-2)

## 6.08.030: RETAIL LICENSE CLASSIFICATIONS:

Retail licenses issued under the provisions of this chapter shall be classified into the following types, which shall carry the privileges and responsibilities hereinafter set forth in this chapter:

A. Class A;

B. Class B;

C. Class C;

D. Class D, special events license;

E. Class E;

F. Class F, brewpubs and microbreweries;

G. Temporary;

H. Government owned. (Ord. 37-99 § 4, 1999: prior code § 19-2-3)

## 6.08.040: CLASS A LICENSES:

A. A class A retail license shall entitle the licensee to sell beer on the premises described in such license in original containers for consumption off the premises, in accordance with the alcoholic beverage control act of Utah and this code; provided, however, that it is unlawful for the licensee to sell or distribute beer in any container larger than two liters (2 l).

B. It is unlawful for a licensee of a class A retail license at any hotel, motel, rooming house or boarding house to sell beer in original containers from multiple beer dispensing facilities located in separate rooms of the hotel, motel, rooming or boarding house, unless: 1) such dispensing facilities are securely locked, and 2) access to the contents of such facilities is restricted by the licensee to hotel, motel, rooming or boarding house patrons who are twenty one (21) years of age or older and who have duly rented such room in which such dispensing facility is located. For purposes of this section, the consumption of beer in such room duly rented by such patron shall be deemed consumed off the premises of the hotel, motel, rooming or boarding house. (Ord. 37-99 § 4, 1999: Ord. 8-89 § 2, 1989: prior code § 19-2-4)

## 6.08.050: CLASS B LICENSES:

A. A class B retail license shall entitle the licensee to sell beer in draft or in the original containers only for consumption on the premises.

B. Only bona fide restaurants, 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, and which food sales constitute at least seventy percent (70%) of the gross dollar values of licensee's business during each month of the license period, shall be entitled to class B licenses.

C. 1. The holders of class B licenses shall maintain records which shall disclose the gross sales of beer and the gross sales of food served for consumption on the licensed premises during each and every month of the year, and shall maintain those records for a minimum of two (2) calendar years from the date such records are made.

2. In those licensed premises which are also licensed to allow consumption of liquor on the premises in accordance with chapter 6.16 of this title or its successor, the sale of carbonated and noncarbonated soft drinks, soda water, water and other mixers shall not constitute the sales of food within the meaning of this chapter. Each licensee shall maintain a separate record which shall disclose the gross sales of such drinks during each and every month of the year. The foregoing sales shall be shown separately in the records and each licensee shall retain all invoices, vouchers, sales slips, receipts and other records of purchases of beer, soft drinks and food from the licensee's suppliers.

3. Such records and supporting data shall be available for inspection and audit by the city. Failure to maintain or supply the records shall be cause for suspension or revocation of the license.

D. If any audit or inspection discloses that the sales of food served for consumption on any licensed premises under this chapter are less than seventy percent (70%) of the gross dollar volume of business for any month, the class B license of such licensee may be suspended by the mayor or the mayor's designee, after the licensee has been afforded notice and a hearing regarding such license in accordance with the city's license hearing procedures.

E. It is unlawful for any licensee, operator, manager or any other person in charge of a restaurant holding a class B retail license to:

1. Sell food for consumption on the premises in an amount which constitutes less than seventy percent (70%) of the restaurant's gross dollar volume of business during any monthly period; or

2. Sell beer or liquor, if such establishment is licensed for such, other than in conjunction with the purchase of food menu items; or

3. Advertise the sale of beer or liquor, except in compliance with state alcohol beverage commission rules on advertising; or

4. Hire or allow or permit any person under twenty one (21) years of age to serve beer or liquor for consumption on the premises.

F. If any audit or inspection discloses that the sales of food served for consumption on any licensed premises under this chapter are less than seventy percent (70%) of the gross dollar volume of business for any month, the class B license of such licensee shall immediately be suspended and shall not be reinstated until the licensee is able to prove to the satisfaction of the mayor or the mayor's designee that in the future the sales of food served for consumption on the licensed premises will exceed seventy percent (70%) of the gross dollar volume of business. (Ord. 37-99 § 4, 1999: Ord. 4-97 § 1, 1997: Ord. 64-95 § 1, 1995: prior code § 19-2-5)

## 6.08.060: CLASS C LICENSES:

A class C retail license shall entitle the licensee to sell beer on draft for consumption on the premises or for consumption off the premises, in not more than two liter (2 l) containers, in compliance with the alcoholic beverage control act of Utah, or its successor. Consumption of beer shall not be allowed in parking lots of licensees, nor in any area not within the area of the licensee's premises approved for consumption of beer. (Ord. 37-99 § 4, 1999: prior code § 19-2-6)

## 6.08.070: CLASS D SPECIAL EVENTS LICENSES:

A. Special Events: A class D special events license shall entitle a bona fide corporation, church, political organization, or incorporated association or a subordinate lodge, chapter, or other local unit thereof that is conducting a convention, civic, or community enterprise to sell beer at such event in accordance with the provisions in this section.

B. Application Requirements: In addition to the application requirements set forth in sections 5.02.060 of this code and 6.08.100 of this chapter, or their successors, an application for a class D special events license shall include the following:

1. The times, dates, location, nature, and purpose of the event;

2. A description or floor plan designating:

a. The area in which the applicant proposes that alcohol be stored;

b. The sites from which the applicant proposes that alcohol be sold or served, including all dispensing points. Dispensing points include booths, tables, and other areas set apart for the sale of alcoholic beverages;

c. The areas in which the applicant proposes that alcohol be allowed to be consumed;

3. A statement of the purpose of the association, corporation, church, or political organization, or its local lodge, chapter, or other local unit conducting the event;

4. A signed consent form stating that any law enforcement officers or representatives of the city authorized by the mayor shall have unrestricted right to enter the premises during the event.

C. Operational Restrictions:

1. All persons involved in the storage, sale, or serving of alcohol at the event shall do so only under the supervision and direction of the licensee.

2. No alcohol, other than that furnished by the licensee, shall be brought by any person onto the premises of the event.

3. Alcohol purchased for the event may not be stored in any place other than that described in the application and designated on the license.

4. Alcohol purchased for the event may not be sold or served in any place other than the sites described in the application and designated on the permit.

5. Alcohol purchased for the event may not be consumed in any area other than that described in the application and designated on the permit.

6. Class D special events licenses are not transferable.

7. No class D special event may last longer than seven (7) days.

8. No more than two (2) class D special event licenses shall be granted in any calendar year to the same association, corporation, church, or political organization, or subordinate lodge, chapter, or other local unit thereof.

9. No sale of beer or other alcoholic beverage shall exceed a sixteen (16) ounce serving. (Ord. 37-99 § 4, 1999: prior code § 19-2-7)

## 6.08.080: CLASS E LICENSES:

A. No beer may be sold or dispensed to the public on or within any publicly owned recreation facility, or any privately owned sports arena or recreation facility designed to accommodate more than five thousand (5,000) persons, by any person, corporation or organization except by the holder of a class E retail license for such premises or by an operator, manager, food service licensee or employee of such holder. For the purposes of this title, "premises" shall not include separately licensed businesses operating within the said facility which businesses may be subject to other beer and/or alcoholic beverage requirements.

B. A class E retail license shall entitle the licensee to sell beer for consumption on publicly owned recreation facilities or on privately owned sports arenas or convention facilities designed to accommodate more than five thousand (5,000) persons; provided, however, that no such class E license shall be issued for the sale of beer for consumption on publicly owned recreation facilities unless such prospective licensee shall first obtain a concession contract from the public body owning the recreation facility involved. Under this class E license, no beer shall be dispensed in original containers in areas accessible to the general public nor shall beer in original containers be allowed in areas accessible to the general public, but must first be emptied into suitable temporary containers; and no person under the age of twenty one (21) years of age may sell or serve beer. With the exception of privately leased suites, all sales and deliveries under this license shall be made directly to the consumer.

C. For purposes of this title, "privately leased suite" means space within a class E facility which is leased by the class E licensee to private individuals twenty one (21) years of age or older for periods of one year or longer and which shall not be open to the general public.

D. All beer or other alcoholic beverages which are dispensed within a class E facility, except within a "privately leased suite" as defined hereinabove, shall be dispensed only by the class E licensee or its operator, manager, food service licensee or employee. No alcoholic beverages, except for beer, shall be dispensed at any location within a class E facility other than within privately leased suites as defined hereinabove or within privately leased suites as defined hereinabove or within other privately rented or privately occupied space which is not open to the general public. No beer or other alcoholic beverage shall be removed from within the building of a publicly owned or privately owned sports arena or convention facility holding a class E license except by the class E licensee or its operator, manager, food service licensee, or employee operating in the course of business under the class E license.

E. It is unlawful for a licensee of a class E retail license to sell beer in original containers from multiple beer dispensing facilities located in privately leased suites of the class E premises or to allow storage of beer or other alcoholic beverages within such dispensing facilities located in privately leased suites of the class E premises unless such dispensing facilities are securely locked and access to the contents of such facilities is restricted by the licensee to suite lessees twenty one (21) years of age or older who have duly rented such private suites in which such dispensing facility is located. (Ord. 37-99 § 4, 1999: Ord. 62-91 § 1, 1991: prior code § 19-2-8)

## 6.08.081: CLASS F LICENSES; BREWPUBS AND MICROBREWERIES; DEFINITIONS:

The following definitions are applicable to the provisions of this section through section 6.08.089 of this chapter:

A. "Bar area" means an area of the licensed premises separated from the restaurant service area by a substantial physical barrier.

B. "Brewpubs" means:

1. Restaurant type establishments that also have a beer brewery, producing beer in batch sizes not less than seven (7) U.S. barrels (31 gallons), on the same property which produces, except as provided in subsection B2 of this section, only enough beer for sale and consumption on site or for retail carryout sale in containers holding less than two liters (2 l) for wholesale as outlined in subsections B2d and B2e of this section. Automated bottle or canning production is prohibited. At least fifty percent (50%) of the beer sold shall be brewed on the premises. Revenue from food sales shall constitute at least fifty percent (50%) of the total business revenues, excluding retail carryout sales of beer and the sales allowed pursuant to subsection B2 of this section. Brewpubs are limited to a total brewing capacity of two thousand five hundred (2,500) barrels per year or one hundred twenty (120) barrels of fermentation at any one time, whichever is less.

2. Brewpubs may sell beer in keg (larger than 2 liters) containers for the following purposes and in the following amounts:

a. An unlimited number of kegs (not to exceed 2,500 barrel capacity) for "brew fests" which, for the purpose of this section, means events, the primary purpose of which is the exposition of beers brewed by brewpubs and microbreweries, which include the participation of at least three (3) such brewers;

b. No more than one hundred (100) kegs per year (not to exceed 2,500 barrel capacity) to events sponsored by charitable organizations exempt from federal income tax pursuant to 26 USC, section 501(c)(3) or its successor;

c. No more than one hundred (100) kegs per year (not to exceed 2,500 barrel capacity) to events operating under a single event license from the state and the city where the purpose of the event is not for commercial profit and where the beer is not wholesaled to the event sponsor but is, instead, dispensed by employees of the brewpub;

d. Unlimited distribution to other restaurants of same ownership or control (not to exceed 2,500 barrel capacity). "Ownership or control" means more than fifty percent (50%) ownership in the actual business or controlling interest in any management partnership; and

e. No more than five hundred (500) barrels for wholesale distribution (not to exceed 2,500 barrel capacity).

3. The numerical limits and other provisions of subsection B2 of this section shall be reviewed by the city council between September 1996 and December 1996. If no amendment is made to subsection B2 of this section prior to January 1, 1997, subsection B2 of this section shall continue in effect.

C. "Major streets" means those streets identified as major streets on city map 19372.

D. "Microbrewery" means a brewpub which, in addition to retail sale and consumption on site, markets beer wholesale in an amount not to exceed sixty thousand (60,000) barrels (31 gallons per barrel) per year. Revenue from food sales shall constitute at least fifty percent (50%) of the total business revenues, excluding wholesale and retail carryout sales of beer. (Ord. 72-04 § 1, 2004: Ord. 74-94 § 1, 1994: Ord. 65-93 § 1, 1993)

## 6.08.082: BREWPUBS AND MICROBREWERIES; ALLOWABLE ZONING:

Brewpubs may be allowed in commercial C-3 and C-4 zones and all industrial M series zones. Microbreweries may be allowed only in industrial M series zones. (Ord. 65-93 § 1, 1993)

### 6.08.083: BREWPUBS AND MICROBREWERIES; PROXIMITY REQUIREMENTS:

The provisions of subsection 6.08.120B of this chapter shall apply to class F licenses. (Ord. 65-93 § 1, 1993)

### 6.08.084: BREWPUBS AND MICROBREWERIES; LOCATION:

A. Brewpubs and microbreweries shall be located so as to front on a major street or be within a building the main entrance of which building fronts on a major street. This provision may be waived or modified in the same manner as for class C and class B private club licenses.

B. Only one brewpub or microbrewery may be located on either side of a major street between the intersections of two (2) major streets. This restriction does not apply to brewpubs or microbreweries located within a D-1, D-2, D-3 or D-4 zone within liquor district A, as described in subsection 6.08.120A of this chapter. (Ord. 73-09 § 1, 2009)

### 6.08.085: BREWPUBS AND MICROBREWERIES; LIQUOR DISTRICTS:

Brewpubs and microbreweries may be located only within liquor district A, B or C, as set forth in section 6.08.120 of this chapter. (Ord. 37-99 § 4, 1999: Ord. 65-93 § 1, 1993)

### 6.08.086: BREWPUBS AND MICROBREWERIES; OTHER APPLICABLE PROVISIONS:

The provisions of sections 6.08.100 through 6.08.230, except subsection 6.08.120A of this chapter, shall apply to class F licenses. (Ord. 23-98 § 1, 1998: Ord. 65-93 § 1, 1993)

### 6.08.087: BREWPUBS AND MICROBREWERIES; INTERIOR DESIGN:

The application for a class F license shall provide an interior design drawn to scale showing the restaurant area, the bar area (if any) and describing the physical barrier separating the restaurant area from the bar area. (Ord. 65-93 § 1, 1993)

## 6.08.088: BREWPUBS AND MICROBREWERIES; PERSONS UNDER TWENTY ONE YEARS OF AGE:

Any other provision of this title notwithstanding, no person under twenty one (21) years of age, unless accompanied by a person twenty one (21) years of age or older, shall be permitted in class F licensed establishments subject to the provisions of section 6.12.090 of this title or its successor. (Ord. 37-99 § 4, 1999: Ord. 65-93 § 1, 1993)

## 6.08.088.5: BREWPUBS AND MICROBREWERIES; STATE AND FEDERAL PERMITS REQUIRED:

All licensees of brewpubs or microbreweries shall obtain all required state and federal permits prior to opening for business. (Ord. 37-99 § 2, 1999)

## 6.08.089: BREWPUBS AND MICROBREWERIES; CRIMINAL PROVISIONS:

It is unlawful and shall constitute an offense of strict liability:

A. For a licensee of a class F license to serve or allow the consumption of beer in single serving containers larger than twenty three (23) fluid ounces except in the bar area of the licensed premises. (Ord. 37-99 § 4, 1999: Ord. 65-93 § 1, 1993)

## 6.08.090: TEMPORARY LICENSES:

A. Types Of Temporary Licenses: A temporary license shall be issued as: 1) a temporary class B restaurant license; 2) a temporary class B private club license; 3) a temporary class C private club license; or 4) a temporary class C beer license.

1. A temporary class B restaurant licensee shall comply with all requirements of this code relating to a class B restaurant license.

2. A temporary class B private club licensee shall comply with all requirements of this code relating to a class B private club license.

3. A temporary class C private club licensee shall comply with all requirements of this code relating to a class C private club license.

4. A temporary class C beer licensee shall comply with all requirements of this code relating to a class C retail beer license.

B. Term Of License: A temporary license may be issued for a period not to exceed two hundred ten (210) days. (Ord. 37-99 § 4, 1999: prior code § 19-2-9)

## 6.08.095: GOVERNMENT OWNED LICENSE:

A government owned license shall be issued to state and local governmental units for government operated events. A license shall be issued subject to the following terms and

conditions: a) sales of alcohol shall be made only by persons who have been trained for such sale in accordance with state law; b) dramshop liability insurance shall be obtained and maintained during the period the license is in effect at coverage levels approved by the city attorney; c) no sale of beer or other alcoholic beverage shall exceed a sixteen (16) ounce serving; d) all applicable business license fees shall be paid as shown on the Salt Lake City consolidated fee schedule; and e) all requirements of the Utah alcohol beverage control act shall be met. (Ord. 24-11, 2011)

## 6.08.100: APPLICATION, FILING AND VERIFICATION PROCEDURES:

A. Applications for licenses, for renewal or reissuance of licenses, and for transfer of licenses authorized by this chapter shall be verified and filed with the license supervisor, addressed to the mayor or the mayor's designee, and shall state the applicant's full name and that such applicant has complied with the requirements and possesses the qualifications specified in the alcoholic beverage control act, or its successor. If the applicant is a partnership, the application shall state the names and addresses of all partners thereof. If the applicant is a corporation, the application shall state the names and addresses of all officers and directors thereof and all stockholders who hold at least twenty percent (20%) of the issued and outstanding stock of the corporation. If the applicant is a limited liability company, the application shall state the names and addresses of all managers thereof and all members who have at least a twenty percent (20%) ownership interest therein. If the business is to be operated by a person other than the applicant, such operator shall sign the application and file the same information required of an applicant.

B. If any business required to be licensed by this chapter is operated by a person who has not filed his or her operator's information at the time of renewal of the license, or, if operation is assumed by another person during the license period, at least thirty (30) days prior to assuming operation of the business, such license may be revoked.

C. The application and operator's information shall be subscribed to by the applicant and operator, who shall state under oath that the information contained therein is true.

D. In addition to the requirements of section 5.02.060 of this code, or its successor, the application shall require the applicant to list:

1. All criminal convictions or pleas of nolo contendere, except those which have been expunged and except for traffic offenses, which were not alcohol related, and the disposition of all such convictions or pleas of nolo contendere for the applicant, individual or other entity subject to disclosure under this chapter, for ten (10) years prior to the date of the application;

2. All alcohol and controlled substance citations and arrests (including alcohol related traffic law citations), for the applicant, individual or other entity subject to disclosure under this chapter, for five (5) years prior to the date of the application;

3. All criminal citations issued to, or arrests of, the applicant, individual or other entity subject to disclosure under this chapter which are still pending adjudication, other than nonalcohol related traffic citations or arrests;

4. Three (3) character references with addresses and telephone numbers of such references; and

5. All business license revocations for businesses in which the applicant had at least a twenty percent (20%) legal or equitable interest. (Ord. 37-99 § 4, 1999: prior code § 19-2-11)

## 6.08.110: FEES AND RECORDS:

A. Applications provided for in this chapter shall be accompanied by the fees as shown on the Salt Lake City consolidated fee schedule, per year or any part thereof, which fees shall be deposited in the city treasury if the license is granted, and returned to the applicant if denied.

B. Holders of alcohol licenses shall maintain records, which shall disclose the gross sales of alcohol by such holder during each and every year. Such records shall be available for inspection and audit by the city license office at any time following the end of each year and for eighteen (18) months thereafter, unless another time is set by ordinance applicable to a specific license class.

C. Failure of a licensee to properly maintain the required records or failure to submit such records for inspection and audit shall be cause for suspension or revocation of an alcohol license. (Ord. 24-11, 2011)

## 6.08.120: LOCATION RESTRICTIONS:

A. Permissible Locations: The permissible locations of establishments licensed with either a class C beer license, a class B or C private club license, or a temporary class C beer license or a temporary class B or C private club license, or any combination thereof, shall be determined by geographical proximity, based upon the following criteria:

1. Districts:

a. District A: There shall be no more than two (2) licensed establishments located on any linear block. A "linear block" means both sides of a major street between two (2) intersecting major streets. For the purposes of this section, a corner establishment having abutting front footage on two (2) major streets shall be included in the linear block in which the establishment has the greatest number of front footage abutting the major street, or, if such abutting footage is equal, then the address originally filed with the city shall determine in which linear block the establishment shall be located. This restriction does not apply to establishments located within district A and within a D-1, D-2, D-3 or D-4 zone.

b. District B: No licensed establishment shall be located within six hundred feet (600') of another licensed establishment as measured from the nearest point on the property line of one establishment to the nearest point on the property line of the other establishment.

c. District C: No licensed establishment shall be located within two thousand feet (2,000') of another licensed establishment as measured from the nearest point on the property line of one establishment to the nearest point on the property line of the other establishment.

2. Major Streets: All major streets and districts will be those designated on official city map 19372, a copy of which shall be on file in the office of the city recorder. All such establishments holding a class C beer or a class B or C private club license must be located so as to front on a major street or be within a building whose main entrance fronts on a major street.

B. Proximity To Park, School Or Church: No class C beer establishment and no class B or C nonprofit club may be licensed or operate under the provisions of this code which is in close proximity to a public park, public elementary, junior high or high school, or a church, without having first received approval from the mayor or the mayor's designee. Such approval shall be given only after:

1. The mayor or the mayor's designee has received recommendations regarding such an establishment from the planning division and the city police department; and

2. A public hearing has been held, with actual written notice having been given, where applicable, to the director of public services, to the school superintendent or to the church, and with notice having been given to the city and the residents thereof by at least one publication in a paper of general circulation in Salt Lake County at least ten (10) days before the hearing, in each case stating the purpose, time, date and location of such hearing; and

3. A finding by the mayor or the mayor's designee that the proposed location will not materially interfere with the activities and functions of such parks or school, or interfere with church worship or church related activities. For the purposes of this section, a public park or public elementary, junior high or high school or church which is located six hundred (600) or more feet from the proposed establishment shall not be considered to be in close proximity to such establishment and no notices or hearings need be given or held prior to the granting of a class C beer license or class B or C private club license. With respect to the six hundred foot (600') limitation, it shall be measured from the nearest entrance of the proposed establishment by following the shortest route of either ordinary pedestrian traffic, or, where applicable, vehicular travel along public thoroughfares, whichever is the closer, to the property boundary of the public school, church, public park.

4. The applicant shall pay an additional sum of sixty dollars ($60.00) to cover the cost of advertising the hearing. The fee shall be paid before such hearing shall be set or advertised.

5. A legally existing class F beer/brewpub, class F beer/microbrewery, class B private club, class C beer/tavern license, as defined in this chapter, shall not be deemed nonconforming for purposes of expansion, reconstruction or licensing (as long as the use is permitted in the base zoning district) if the only reason for such nonconformity is the subsequent location of a school, church or park within the spacing requirements. The subsequent location of a school, church or park within the spacing requirements of a brewpub, microbrewery, tavern or private club shall be deemed to be a waiver of spacing requirements as specified under city ordinances.

C. Exceptions: Class C beer establishments or class B or C private clubs may be allowed on streets other than those outlined in subsection A of this section, and may be allowed within the interior of a block, upon receiving approval from the mayor or the mayor's designee. Such approval shall be given only:

1. After the mayor or the mayor's designee has received recommendations from the planning division and the city police department; and

2. If the street is at least sixty feet (60') in width, or if, within the interior of the block, the entrance to the establishment is from a courtyard or mall like area with paved vehicular access and proper lighting; and

3. If the addition of such requested establishment would not cause the number of such licensed establishments to exceed nine (9) on the exterior and interior of any block, as defined in subsection A1a of this section. The foregoing notwithstanding, no more than two (2) such establishments may be located on any street located in the interior of any such block, and no more than three (3) such establishments may be located within the interior of any such block. This restriction does not apply to establishments located within district A and within a D-1, D-2, D-3 or D-4 zone; and

4. After a public hearing has been held, with actual written notice thereof having been given to the abutting property owners, and public notice thereof having been given to the residents of the city by at least one publication in a paper of general circulation in Salt Lake County at least ten (10) days before the hearing, in each case stating the purpose, time, date and location of such hearing; and

5. A finding by the mayor or the mayor's designee, after the holding of such hearing, that the proposed location for said establishment will not:

a. Create an undue concentration of class C beer establishments or class B or C private clubs;

b. Materially interfere with the free flow of pedestrian or vehicular traffic;

c. Create an undue burden in controlling and policing illegal activities in the vicinity;

d. Create a nuisance to the community; or

e. Adversely affect the health, safety and morals of the residents of the city.

D. Prior Location: The provisions of this section shall in no way affect the rights of the present licensees to continue their operations, so long as their licenses remain in good standing, and they continue to have their licenses reissued as provided by law until revoked or terminated for any reason.

E. Zoning Restrictions: Notwithstanding any of the provisions of subsection A of this section, all such class C beer or class B or C private club establishments must be located within commercial C-3 districts or less restrictive zoning districts or in an R-D district as an attendant use in a conference center. (Ord. 73-09 § 1, 2009)

## 6.08.130: APPLICATIONS; REVIEW BY CHIEF OF POLICE:

A. All applications filed in accordance with the provisions of this chapter shall be referred to the chief of police for inspection and report. The chief of police shall, within thirty (30) days after receiving such application, make report to the mayor or the mayor's designee. The report shall include: 1) the results of a criminal background or other required application verification of the proprietor, partner, or, in the case of a corporation, any managing agent, officer, director, and any stockholder who holds at least twenty percent (20%) of the total issued and outstanding stock of the corporation or, in the case of a limited liability company, any managers and any members with at least a twenty percent (20%) ownership interest in such company; 2) the result of any police inspection made of the proposed licensed premises; and 3) a recommendation as to whether or not the application should be granted.

B. No license or renewal of a license shall be issued to any of the following:

1. A person under the age of twenty one (21) years.

2. a. A person convicted of an unexpunged felony, unless a period of not less than ten (10) years shall have elapsed since the date of conviction or the date of release from confinement for such offense, whichever is later;

b. A person convicted of any violation of any federal or state law concerning the sale, manufacture, distribution, warehousing, adulteration or transportation of alcoholic beverages or controlled substances, unless a period of not less than ten (10) years shall have elapsed since the date of conviction or the date of release from confinement for such offense, whichever is later;

c. A person convicted of a crime involving moral turpitude, unless a period of not less than ten (10) years shall have elapsed since the date of conviction or the date of release from confinement for such offense, whichever is later; or

d. A licensee which has three (3) or more violations of local ordinances in a thirty six (36) month period related to a business involving the sale or distribution of beer or other alcoholic beverages, whether or not by the licensee or by such licensee's employees, unless a period of not less than ten (10) years shall have elapsed since the expiration of said thirty six (36) month period.

3. In the case of a partnership, a corporation, a limited liability company, or association, the proscription under subsection B2 of this section shall apply if any partner, managing agent, manager, officer or director has been so convicted or if any stockholder or member owning at least twenty percent (20%) of the total issued and outstanding stock or having a twenty percent (20%) ownership interest has been so convicted.

4. Any person who has had a license involving the sale or distribution of alcohol revoked within the three (3) years preceding the date of the application for a license or renewal of a license. In the case of a partnership, a corporation, a limited liability company, or association, this prohibition applies to any partner, managing agent, manager, officer or director and to any stockholder or member who holds at least twenty percent (20%) of the total issued and outstanding stock or has a twenty percent (20%) ownership interest therein.

5. Any person who has been convicted of driving a vehicle while under the influence of alcohol or a controlled substance, or of being in or about a vehicle while under the influence of alcohol or a controlled substance with the intent of driving such vehicle, within the five (5) years immediately preceding application for a license. In the case of a partnership, a corporation, a limited liability company, or association, this prohibition applies to any partner, managing agent, manager, officer or director and to any

stockholder or member who holds at least twenty percent (20%) of the total issued and outstanding stock or has a twenty percent (20%) ownership interest therein. (Ord. 37-99 § 4, 1999: prior code § 19-2-12)

## 6.08.140: APPLICATIONS; REVIEW BY HEALTH DEPARTMENT:

All applications filed in accordance with this chapter shall be referred to the health department which shall inspect all premises to be licensed to assure sanitary compliance with the laws of the state, the ordinances of the city, and the rules and regulations of the health department. If the premises and all equipment used in the storage, distribution or sale of beer fulfill all such sanitary requirements, the health department shall issue a permit to the licensee, a copy of which shall be attached to the application for license. (Prior code § 19-2-13)

## 6.08.150: RENEWAL PROCEDURES; FORFEITURE CONDITIONS:

A. Time For Filing Application: All applications to renew licenses shall be filed by the holders of existing licenses with the city license office at least thirty (30) days prior to the expiration date of the then issued license. To avoid late fees and charges as provided by section 6.08.160 of this chapter, or its successor, the renewal applications shall state whether or not the business is presently operating and, if not, the date when it ceased daily operation, together with such other information as the license office shall reasonably require to verify or determine the status of such business. Any person who fails to file such application with the required fees within thirty (30) days after the expiration date of a license shall terminate such person's sale of alcohol on the thirty first day after such expiration, and shall keep the premises closed for the sale of alcohol until the date a new license is issued by order of the mayor or the mayor's designee.

B. Renewal Of License: A licensee has the right to apply for license renewal annually unless such license has been revoked for cause or until the licensee no longer actively operates the business authorized by such license for a period longer than thirty (30) days. (Ord. 37-99 § 4, 1999: prior code § 19-2-14)

## 6.08.160: LATE FILING FOR RENEWAL; PENALTY:

If any application, notice or petition for renewal is not filed at least thirty (30) days prior to the expiration of the current license but is filed prior to the expiration of the license, the applicant shall pay a penalty equal to fifty percent (50%) of the license fee. If the application, notice or petition is filed within thirty (30) days after the expiration of the license, a penalty equal to one hundred percent (100%) of the license fee shall be paid. Upon failure to file a timely application, notice or petition required by this chapter on or before the thirtieth day after the expiration of the current license, the license shall be void on the thirty first day after the expiration date. No business may be conducted thereafter unless and until the mayor, or the mayor's designee, approves an application, notice or petition for renewal of a license or for a new license. (Ord. 37-99 § 4, 1999: Ord. 34-87 § 12, 1987: prior code § 19-2-25)

## 6.08.170: ESTABLISHMENT NAME CHANGE; FEE AND NOTICE TO CITY:

The licensee shall not change the name of his or her business establishment until such licensee has given written notice to the license office ten (10) days prior to the name change, and has paid the fee shown on the Salt Lake City consolidated fee schedule. (Ord. 24-11, 2011)

### 6.08.180: TRANSFER TO NEW LOCATION; FEE:

Licenses issued pursuant to this title may be transferred to a new proper location upon application to the mayor or his/her designee, filed with the license office, and upon the payment of the fee shown on the Salt Lake City consolidated fee schedule. (Ord. 24-11, 2011)

### 6.08.190: SUBLEASE, TRANSFER OR ASSIGNMENT PROHIBITED:

No license may be transferred, assigned or subleased in any manner. Any violations of this section shall be grounds for revocation of the license or refusal to renew license. (Prior code § 19-2-22)

### 6.08.200: EXPIRATION DATE:

All licenses involving disproportionate regulatory license fees issued by the city pursuant to this title prior to July 1, 1994, shall expire on June 30 of each year and shall be issued for one year so long as the license is renewed annually without interruption, except that temporary licenses shall be issued for not longer than two hundred ten (210) days and class D special events licenses shall be issued for not longer than seven (7) days. All licenses involving disproportionate regulatory license fees issued pursuant to this title on or after July 1, 1994, shall date from issuance by the city and shall expire in the next calendar year on the first day of the same month in which original issuance occurred. The annual base business license for all businesses regulated under this title shall be issued on the same date and shall expire on the same date as the disproportionate regulatory license issued under this title. (Ord. 37-99 § 4, 1999: Ord. 88-97 § 1, 1997: Ord. 5-94 § 32, 1994: prior code § 19-2-20)

### 6.08.210: FORFEITURE CONDITIONS:

If any licensee, licensed to do business under the provisions of this chapter, sells his or her place of business, together with the entire assets of such business, his or her license shall expire and be forfeited. (Prior code § 19-2-17)

### 6.08.220: CONFORMANCE WITH CITY LAW REQUIRED:

The licensee shall be responsible for the operation of the business in conformance with the ordinances of Salt Lake City Corporation, and it shall be grounds for revocation of the license if a violation of such ordinances occurs through an act of a licensee, operator, employer, agent or person who is allowed to perform for patrons of the licensee's business, whether or not such person is paid by the licensee for the performance, or any person who violates such ordinances with the consent or knowledge of licensee or his or her agents or employees or operator of the business. (Prior code § 19-2-23)

### 6.08.230: SUSPENSION AND REVOCATION:

A. Suspended Or Revoked By The Mayor: Licenses may be suspended or revoked by the mayor for:

1. The violation on the licensed premises of any provision of this title, whether an infraction or a misdemeanor, or of any other applicable ordinance or law relating to alcoholic beverages;

2. If the licensed premises is used for the commission of any illegal act or activity by any person; or

3. If the person to whom the license was issued no longer possesses the qualifications required by this code and the statutes of the state.

B. Suspension Procedure: The procedure for suspension or revocation of a license shall be governed by the provisions of title 5, chapter 5.02 of this code or its successor. (Prior code § 19-2-21)

# CHAPTER 6.12
# BEER REGULATIONS

### 6.12.010: BEER SALES; LICENSE REQUIRED; UNLAWFUL ACTIVITIES:

A. It is unlawful and shall constitute an offense of strict liability for any person to sell beer or to permit the consumption of beer in any premises unless such premises are licensed for such sale or consumption.

B. It is unlawful and shall constitute an offense of strict liability for any licensee to violate the terms of his or her license, and it is unlawful and shall constitute an offense of strict liability for any person, unless such person shall be so licensed, to sell bottled, canned or draft beer to be consumed on the premises. (Prior code § 19-3-1)

### 6.12.020: PREMISES; LIGHT AND OPEN SPACE REQUIREMENTS:

It is unlawful and shall constitute an offense of strict liability for any person to own or operate any premises licensed for the sale of beer without complying with the following lighting and view requirements:

A. During business hours, a minimum of one candlepower light, measured at a level of five feet (5') above the floor, shall be maintained.

B. No enclosed booths, blinds or stalls shall be erected or maintained.

C. There shall be a clear and unobstructed access to all portions of the interior where patrons are permitted or served. (Prior code § 19-3-6)

## 6.12.030: WHOLESALERS AND RETAILERS; COMMON INTERESTS PROHIBITED WHEN:

It is unlawful and shall constitute an offense of strict liability for any dealer, brewer or wholesaler to either directly or indirectly supply, give or pay for any furniture, furnishings or fixtures of a retailer, and it is unlawful and shall constitute an offense of strict liability for any dealer or brewer to advance funds or money or pay for any license for a retailer or to be financially interested, either directly or indirectly, in the conduct or operation of the business of any retailer. (Prior code § 19-3-5)

## 6.12.040: HOURS OF OPERATION:

A. It is unlawful and shall constitute an offense of strict liability for any holder of a class B, C, D, E, F, temporary, or government owned license, or of a class B or C private club license, or of a liquor consumption license, or any employee thereof to sell, dispose, give away or deliver beer, or any other alcoholic beverage, on the licensed premises between the hours of one o'clock (1:00) A.M. and ten o'clock (10:00) A.M. of any day. It is unlawful and shall constitute an offense of strict liability for any licensee of a class A license, or any employee thereof, to sell, dispose, or give away, or deliver beer between the hours of one o'clock (1:00) A.M. and seven o'clock (7:00) A.M. of any day.

B. It is unlawful and shall constitute an offense of strict liability for any holder of a class B, C, D, E, F, temporary, or government owned license, or of a class B or C private club license, or of a liquor consumption license or any employee thereof, to permit the possession or consumption of beer, or to permit entertainment, on the licensed premises between the hours of two o'clock (2:00) A.M. and ten o'clock (10:00) A.M. of any day.

C. It is unlawful for any customer, guest or any other person to possess or consume beer, or any other alcoholic beverage, on premises or at events licensed under this title or under title 5, chapter 5.50 of this code between the hours of two o'clock (2:00) A.M. and ten o'clock (10:00) A.M. of any day.

D. No class C beer or temporary class C beer licensed premises nor any class B or C private club or temporary class B or C private club premises shall allow patrons, nor activities such as private parties, on the premises between the hours of two o'clock (2:00) A.M. and ten o'clock (10:00) A.M. of any day. (Ord. 37-99 § 4, 1999: Ord. 25-92 § 3, 1992: Ord. 76-91 § 1, 1991: Ord. 60-91 § 1, 1991: prior code § 19-3-14)

## 6.12.050: ADVERTISING AND SIGN RESTRICTIONS:

(Rep. by Ord. 37-99 § 1, 1999)

## 6.12.060: ENTERTAINERS AND ENTERTAINMENT LIMITATIONS:

(Rep. by Ord. 37-99 § 1, 1999)

## 6.12.070: INTOXICATED PERSONS PROHIBITED ON PREMISES:

It is unlawful and shall constitute an offense of strict liability for any person licensed to sell beer, or for any of such person's agents or employees to allow intoxicated persons to remain in or about any licensed premises. (Prior code § 19-3-13)

## 6.12.080: SALES TO INTOXICATED PERSONS PROHIBITED:

It is unlawful and shall constitute an offense of strict liability for any person to sell or supply beer, or any alcoholic beverage, to any person under the influence of any intoxicating beverage, or to any person under the age of twenty one (21) years. (Ord. 37-99 § 4, 1999: prior code § 19-3-2)

## 6.12.090: PERSONS UNDER TWENTY ONE YEARS OF AGE:

A. Presence In Alcohol Related Establishments: It is unlawful and shall constitute an offense of strict liability for any person under the age of twenty one (21) years to:

1. Enter or be in or about any premises licensed as a class C beer or temporary class C beer establishment or a class C or temporary class C private club establishment; or

2. Enter or be in or about the bar facilities of a class B restaurant, class D licensed premises, class E licensed premises, class F brewpub or microbrewery, temporary class B restaurant, government owned licensed premises, class B private club or temporary class B private club establishment;

3. Except as provided in section 6.12.130 of this chapter or its successor, drink, possess, serve, sell or in any manner distribute beer or any other alcoholic beverage in any class B private club, temporary class B private club or in any establishment or at any event licensed under this title.

B. Licensee Responsibilities: It is unlawful and shall constitute an offense of strict liability for:

1. Any licensee of a class C beer or a temporary class C beer licensed premises or a class C private club or temporary class C private club licensed premises or any operator, agent or employee of such licensee to permit any person under the age of twenty one (21) years to remain in or about such premises; or

2. Any licensee of a class B restaurant, temporary class B restaurant, class D licensed premises, class E licensed premises, class F brewpub or microbrewery, government owned licensed premises, class B private club, or temporary class B private club, or licensee of a liquor consumption license, or any operator, agent or employee of said licensee, to serve or have any person under the age of twenty one (21) years in or about the bar facilities of such premises or to hire, allow, or permit any person under twenty one (21) years of age to sell, serve, drink or possess beer or any other alcoholic beverage for consumption on or off the premises. (Ord. 37-99 § 4, 1999: prior code § 19-3-8)

## 6.12.100: MINORS; PRESENCE IN OR AROUND LOUNGE OR BAR AREAS PROHIBITED:

(Rep. by Ord. 37-99 § 1, 1999)

## 6.12.110: MINORS; PROHIBITED IN PORTIONS OF CERTAIN ESTABLISHMENTS:

(Rep. by Ord. 37-99 § 1, 1999)

## 6.12.120: MINORS; PROHIBITED IN CLASS C OR D LICENSED PREMISES:

(Rep. by Ord. 37-99 § 1, 1999)

## 6.12.130: PERSONS UNDER TWENTY ONE YEARS OF AGE; PURCHASE OR POSSESSION OF ALCOHOLIC BEVERAGES:

A. It is unlawful and shall constitute an offense involving strict liability for any person under the age of twenty one (21) years of age to purchase, accept, consume or have in his or her possession an alcoholic beverage, including beer or intoxicating liquor; provided, however, that this section shall not apply to:

1. The acceptance of alcoholic beverages by such person for medicinal purposes supplied only by the parent or guardian of such person, or the administering of such alcoholic beverage by a physician in accordance with the law; or

2. Persons under twenty one (21) years of age who are bona fide employees in class A licensed premises, while in the discharge of their employment therein or thereabouts, except that such persons shall not consume an alcoholic beverage. (Ord. 37-99 § 4, 1999: Ord. 93-92 § 1, 1992: prior code § 19-3-12)

## 6.12.140: SALES TO MINORS PROHIBITED:

(Rep. by Ord. 37-99 § 1, 1999)

## 6.12.150: NUISANCE PROHIBITED:

It is unlawful and shall constitute an offense of strict liability for any person to keep or maintain a nuisance, as the same is defined in chapter 6.04 of this title, or as defined under sections 11.04.040, 11.04.070, 11.04.090 through 11.04.110 and title 11, chapter 11.32 of this code, or their successors. (Prior code § 19-3-4)

# CHAPTER 6.16
# LIQUOR CONSUMPTION LICENSES

## 6.16.010: PERMITTING CONSUMPTION OF LIQUOR WITHOUT LICENSE PROHIBITED:

It is unlawful for any owner, operator, manager or lessee, or any agent, partner, associate or employee of such owner, operator, manager or lessee of any "place of business", as in this title defined, knowingly to permit or allow customers, members, guests or any other person to consume "liquor", as defined in this title, without first obtaining a license under this chapter. (Prior code § 19-4-1)

## 6.16.020: LICENSE; APPLICATION:

Application for a liquor consumption license shall be upon a form furnished by the city, signed under oath by the applicant, and addressed to the mayor. The applicant must meet the qualifications for a restaurant liquor license as contained in section 32A-4-103, Utah Code Annotated or its successor. The form shall require information showing applicant's age, citizenship, and such information as may be required to ensure applicant meets the requirements of state law. If the applicant is a partnership, association, corporation, or a limited liability company, the same information shall be obtained on all corporate officers, or managers, or members having at least a twenty percent (20%) ownership interest therein. (Ord. 37-99 § 4, 1999: Ord. 88-86 § 35, 1986: prior code § 19-4-3)

## 6.16.030: LICENSE; FEE:

For initial application and issuance of a liquor consumption license the fee shall be as shown on the Salt Lake City consolidated fee schedule, for the first year of operation, or any part thereof. For renewal of a liquor consumption license, the fee shall be as shown on the Salt Lake City consolidated fee schedule, per year, or any part thereof. Said fees shall be deposited in the city treasury if the license is granted and returned to the applicant if the license is denied. (Ord. 24-11, 2011)

## 6.16.040: INVESTIGATION OF APPLICANTS:

The police department shall examine all applications and investigate all applicants for licenses under this chapter. Following such examination and investigation, the recommendations of the police department shall be made in writing to the business license supervisor. (Ord. 37-99 § 4, 1999: prior code § 19-4-5)

## 6.16.050: PREMISES; PERIODIC INSPECTION REQUIRED:

The police department and the license office shall be permitted to have access to all premises licensed or for which a license application is pending under this chapter, at all times when the premises is occupied, and shall make periodic inspections of said premises and report its findings to the mayor. Except for emergency situations or where consent has been obtained, entrance upon the nonpublic portions of commercial property must be pursuant to a search warrant. (Ord. 37-99 § 4, 1999: Ord. 88-86 § 35, 1986: prior code § 19-4-6)

### 6.16.060: LICENSE; DISPLAY REQUIRED:

Each license issued pursuant to this chapter shall be displayed at all times on the licensed premises in a place readily visible to the public. (Prior code § 19-4-8)

### 6.16.070: LICENSE; EXPIRATION DATE:

All licenses issued under this chapter prior to July 1, 1994, shall expire on June 30 of each year. All licenses issued on or after July 1, 1994, shall date from issuance by the city and shall expire the next calendar year on the first day of the same month as the original issuance. (Ord. 5-94 § 33, 1994: prior code § 19-4-9)

### 6.16.080: LICENSE; SUSPENSION AND REVOCATION CONDITIONS:

A. Licenses may be suspended or revoked by the mayor for the violation on the licensed premises of any provision of this title, or of any other applicable ordinance or law relating to alcoholic beverages, or for violations or convictions as set forth at section 5.02.250 of this code or its successor, or if the person to whom the license was issued no longer possesses the qualifications required by this title and the statutes of the state.

B. All licenses issued pursuant to this title may be suspended by the mayor without a prior hearing. Immediately following any suspension order issued without a prior hearing, notice shall be given such licensee, advising the licensee of his or her right to a prompt hearing, and listing the cause or causes for such suspension. Such hearing shall be in accordance with title 5, chapter 5.02 of this code or its successor. If cause for the suspension is established at the hearing, the suspension order may be continued for up to one year. However, no license shall be revoked or suspended beyond the initial hearing without first establishing cause therefor, nor shall any license be revoked without first giving the licensee an opportunity for a hearing on the causes specified for revocation.

C. It is unlawful for any licensee to permit any person to possess or consume liquor on the licensed premises during the period of suspension or after the revocation of license. (Ord. 37-99 § 4, 1999: prior code § 19-4-7)

### 6.16.090: PREMISES; LIGHT AND OPEN SPACE REQUIREMENTS:

It is unlawful for any person to own, operate or manage any premises licensed pursuant to this chapter without complying with the following lighting and view requirements:

A. During business hours, a minimum of one candlepower light, measured at a level five feet (5') above the floor, shall be maintained.

B. No enclosed booths, blinds or stalls shall be erected or maintained.

C. There shall be clear and unobstructed access to all portions of the interior where patrons are permitted or served. (Prior code § 19-4-11)

### 6.16.100: ENTERTAINERS AND ENTERTAINMENT RESTRICTIONS:

(Rep. by Ord. 37-99 § 1, 1999)

### 6.16.110: STORING LIQUOR ON LICENSED PREMISES PROHIBITED:

A. It is unlawful for any person to store any liquor in or on places of business licensed by this chapter.

B. It is unlawful for any licensee or any operator or employee of a licensee to hold, store or possess liquor on premises licensed by this chapter.

C. Persons other than the licensee or other than the operator or employee of the license may, with the consent of the licensee or operator or employee of either, possess and consume liquor on the licensed premises. (Prior code § 19-4-10)

### 6.16.120: CONSUMING LIQUOR PROHIBITED IN UNLICENSED PREMISES:

It is unlawful for any person to consume liquor in an unlicensed place of business, as provided herein. (Prior code § 19-4-2)

# CHAPTER 6.20
# LIQUOR REGULATIONS

### 6.20.010: HOURS FOR LIQUOR CONSUMPTION:

(Rep. by Ord. 37-99 § 1, 1999)

### 6.20.020: POSSESSION OF LIQUOR WITHOUT PERMIT:

It is unlawful, except as authorized by state statute, for any person not holding a permit for the purchase of liquor, as required by the laws of the state, to have any liquor in his or her possession within the city. (Prior code § 19-5-4)

### 6.20.030: ILLEGAL SALE, MANUFACTURE, TRANSPORT, STORAGE OR SERVICE OF INTOXICATING LIQUOR:

It is unlawful for any person, except as provided by state statute, to knowingly have in his or her possession any intoxicating liquor, or to manufacture, sell, keep or store for sale, offer or expose for sale, import, carry, transport, advertise, distribute, give away, dispense or serve intoxicating liquor. (Prior code § 19-5-1)

### 6.20.040: SHIPPING AND TRANSPORTING PROHIBITED WHEN:

It is unlawful for any person to order or purchase or to ship or transport or cause to be transported into the city, or from one place to another within the city, any alcoholic beverages or to sell or furnish any alcoholic beverages to any person within the city when such alcoholic beverages, or any of them, are intended by any person interested therein to be received, possessed, sold or in any manner used, in the original package or otherwise, in violation of law. (Prior code § 19-5-14)

### 6.20.050: CANVASSING AND SOLICITING ORDERS PROHIBITED:

It is unlawful for any person to canvass or solicit orders for alcoholic beverages by mail, telephone or any other manner, and such persons are hereby prohibited from engaging in such activities except to the extent that such prohibition may be in conflict with the laws of the United States or the state. (Prior code § 19-5-13)

### 6.20.060: AIDING OR ABETTING UNLAWFUL ACTIVITIES:

A. It is unlawful for any person to aid, abet, counsel or procure any unlawful sale, unlawful purchase, unlawful gift, or other unlawful disposition of alcoholic beverages, or to act as agent or representative of the seller in procuring or effecting the unlawful sale or purchase of any alcoholic beverages, and if such acts are performed, such person is guilty of a misdemeanor.

B. Nothing in this title shall be construed as prohibiting any person from purchasing alcoholic beverages contrary to the provisions of this title when acting as the agent of the authorities charged with the enforcement of this title in the detection and conviction of violators thereof. (Prior code § 19-5-15)

## 6.20.070: POSSESSION OF LIQUOR; LIMITATIONS:

It is unlawful, except as provided by state statute, for any person to have or to keep for sale or possession any liquor which has not been purchased from the state liquor store or package agency. (Prior code § 19-5-2)

## 6.20.080: TAKING OR ACCEPTING LIQUOR PROHIBITED WHEN:

It is unlawful, except as provided by state statute, for any person within this state, by himself, herself, or his/her clerk, employee or agent, to attempt to purchase, or directly or indirectly or upon any pretense or upon any device, to purchase or in consideration of the sale or transfer of any property, or for any other consideration, or at the time of the transfer of any property, to take or accept any alcoholic beverage from any other person. (Prior code § 19-5-3)

## 6.20.090: SUPPLYING LIQUOR WHEN PERMIT IS SUSPENDED:

It is unlawful, except in the case of liquor administered by a physician or dentist or sold upon a prescription in accordance with state statute, for any person to procure or supply or assist directly or indirectly in procuring or supplying liquor for or to any person whose permit is suspended or has been canceled. (Prior code § 19-5-8)

## 6.20.100: SUPPLYING LIQUOR TO PROHIBITED PERSONS:

It is unlawful, except in the case of liquor supplied upon the prescription of a physician, or administered by a physician or dentist or hospital, in accordance with state statute, for any person to procure for or sell, or give to any insane or interdicted person, any liquor, nor directly or indirectly assist in procuring or supplying any liquor to any such person. (Prior code § 19-5-9)

## 6.20.110: SELLING OR SUPPLYING ALCOHOLIC BEVERAGES TO INTOXICATED PERSONS:

It is unlawful for any person to sell or supply any alcoholic beverage or to permit alcoholic beverages to be sold or supplied to any person under or apparently under the influence of liquor. (Prior code § 19-5-6)

## 6.20.120: PERMITTING DRUNKENNESS:

It is unlawful for any person to:

A. Permit drunkenness to take place in any house or on any premises of which such person is the owner, tenant or occupant; or

B. Permit or suffer any person apparently under the influence of liquor to consume any liquor in any house or on any premises of which the first named person is owner, tenant or occupant; or

C. Give any liquor to any person apparently under the influence of liquor. (Prior code § 19-5-12)

### 6.20.130: SUPPLYING ALCOHOLIC BEVERAGES TO MINORS:

(Rep. by Ord. 37-99 § 1, 1999)

### 6.20.140: ADULTERATED ALCOHOLIC BEVERAGES PROHIBITED:

It is unlawful for any person for any purpose whatsoever to mix or permit or cause to be mixed with any alcoholic beverage offered for sale, sold or supplied by him as a beverage, any drug or any form of methylic alcohol, or any crude, unrectified or impure form of ethylic alcohol, or any other deleterious substance or liquid. (Prior code § 19-5-5)

### 6.20.150: VIOLATION; PENALTIES:

Any person violating any provision of this title, or any chapter or section thereof, shall be deemed guilty of a class B misdemeanor. In addition, violation of this title shall be grounds for suspension or revocation of the license or licenses of the establishment or of the event where violations occur. (Ord. 37-99 § 2, 1999)

# Title 7 - RESERVED

# Title 8 - ANIMALS

# CHAPTER 8.04
# ANIMAL CONTROL

### 8.04.010: DEFINITIONS:

As used in this title:

ABANDONMENT: A. Placing an animal in an unsafe or dangerous environment where the animal is separated from basic needs such as food, water, shelter or necessary medical attention, for a period of longer than twenty four (24) hours; or

B. Failure to reclaim an animal seventy two (72) hours beyond the time agreed upon with a kennel, grooming service, veterinary hospital, or animal shelter.

ALLOW: For the purposes of this title, shall include human conduct that is intentional, deliberate, careless, inadvertent or negligent in relation to the actions of an animal.

ANIMAL AT LARGE: Any domesticated animal, whether or not licensed, not under restraint as defined herein.

ANIMAL BOARDING ESTABLISHMENT: Any establishment that takes in animals for board for profit.

ANIMAL GROOMER: Any establishment maintained for the purpose of offering cosmetological services for animals for profit.

ANIMAL SERVICES: The office referred to in section 8.04.020 of this chapter, or its successor section.

ANIMAL SHELTER: A facility owned and/or operated by a governmental entity or any animal welfare organization that is incorporated within the state, used for the care and custody of seized, stray, homeless, quarantined, abandoned or unwanted dogs, cats, or other small domestic animals; or for the purpose of protective custody under the authority of this title or state law.

ANIMAL UNDER RESTRAINT: Any animal under the control of its owner or person over the age of twelve (12) years having charge, care, custody or control of the animal, by means of: a) a leash or lead not to exceed six feet (6') in length, b) other physical enclosure, or c) within the real property limits of the owner.

ANIMALS: Any and all types of livestock, dogs and other nonhuman creatures, both domestic and wild, male and female, singular and plural.

APIARY: Any place where one or more colonies of bees are located.

BEEKEEPER: A person who owns or has charge of one or more colonies of bees.

BEEKEEPING EQUIPMENT: Anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards, and extractors.

BITE: An actual puncture, tear or abrasion of the skin inflicted by the teeth of an animal.

CARRIAGE BUSINESS: Any person offering to transport another person for any valuable consideration and by means of a horsedrawn carriage.

CARRIAGE OR HORSEDRAWN CARRIAGE: Any device in, upon, or by which any person is or may be transported or drawn upon a public way and which is designed to be drawn by horses.

CAT: Any feline of the domesticated types four (4) months of age or older.

CATTERY: An establishment for boarding, breeding, buying, grooming or selling cats for profit.

COLONY: Bees in any hive including queens, workers, or drones.

COMMERCIAL ANIMAL ESTABLISHMENT: Any pet shop, grooming shop, animal training establishment, guard dog auction or exhibition, riding school or stable, zoological park, circus, rodeo, animal exhibition, or boarding or breeding kennel.

CONFINEMENT: That the animal is kept in an escapeproof enclosure or walked on a leash of not more than six feet (6') in length by a person eighteen (18) years of age or older. Confinement does not restrict contact with other animals or humans.

CUSTODIAN: A person having custody.

CUSTODY: Ownership, possession of, harboring, or exercising control over any animal.

DANGEROUS ANIMAL: Any animal that is a hazard to the public health and safety.

DOG: Any Canis familiaris four (4) months of age or older.

DOMESTICATED ANIMALS: Animals accustomed to live in or about the habitation of people, including, but not limited to, cats, dogs, fowl, horses, swine and goats.

DRIVER: Any person operating or in actual physical control of a horsedrawn carriage, or any person sitting in the driver's seat of such carriage with the intention of causing it to be moved by a horse.

ENCLOSURE: Any structure that prevents an animal from escaping its confines.

ESTRAY OR STRAY: Any "animal at large", as defined herein.

EUTHANASIA: The humane destruction of an animal accomplished by a method approved by the most recent report of the American Veterinary Medication Association panel on euthanasia.

FERAL CAT: Any free roaming, homeless, wild or untamed cat.

FERAL CAT COLONY: A group of free roaming, homeless, wild or untamed cats living together in an area.

GUARD DOG: 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.

HIVE: A frame hive, box hive, box, barrel, log, gum, skep, or other artificial or natural receptacle which may be used to house bees.

HOLDING FACILITY: Any pet shop, kennel, cattery, groomery, riding school, stable, animal shelter, veterinary hospital, humane establishment, or any other such facility used for holding animals.

HONEYBEE: The common honeybee, Apis mellifera species, at any stage of development, but not including the African honeybee, Apis mellifera scutellata species, or any hybrid thereof.

IMPOUNDMENT: Taken into the custody of an animal services agency, police department, or an agent thereof.

KENNEL: An establishment having dogs for the purpose of boarding, breeding, buying, grooming, letting for hire, training for fee, or selling.

LEASH OR LEAD: Any chain, rope or device used to restrain an animal, being no longer than six feet (6') in length.

LITTER: The offspring at one birth from the same mother and under the minimum age to obtain a rabies vaccination.

OWNER: Any person having title to, or an ownership interest in, or custody of, or keeping, maintaining or possessing one or more animals. "Owner" does not include a feral cat custodian participating in a trap, spay/neuter, return or release program.

PERSON: A natural person or any legal entity, including, but not limited to, a corporation, firm, partnership or trust.

PET OR COMPANION ANIMAL: Any animal of a species that has been developed to live in or about the habitation of humans, is dependent on humans for food and shelter, and is kept for pleasure rather than utility or commercial purposes.

PET SHOP: Any establishment containing cages or exhibition pens, not part of a kennel or cattery, wherein dogs, cats, birds or other pets are kept, displayed or sold.

PROVOKED: Any deliberate act by a person toward 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.

QUARANTINE: The isolation of an animal in a substantial enclosure so that the animal is not subject to contact with other animals or persons not authorized by the office of animal services.

RIDING SCHOOL OR STABLE: An establishment which offers boarding and/or riding instruction for any horse, pony, donkey, mule or burro, or which offers such animals for hire.

SERVICE ANIMAL: Any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability.

SET: A. To cock, open or put a trap in such a condition that it would clamp closed when an object or person touches a triggering device; and/or

B. To place a spring loaded trap which has been opened or fixed so that it would close upon the triggering device being touched upon the ground, or in a position where a person or animal could become caught therein.

SPECIALIZED EQUIPMENT: That equipment, other than the usual patrol vehicles of animal services, which is designed for specific purposes such as, but not limited to, livestock trailers and carcass trailers.

SPECIES SUBJECT TO RABIES: Any species that has been reported to the centers for disease control to have contracted the rabies virus and become a host for that virus.

SPRING LOADED TRAP: Any clamplike apparatus which is utilized to catch animals, objects or persons when, after being set and the triggering device being activated, clamplike jaws are designed to come together with force so as to clamp or close upon an animal, person or object activating the spring or triggering device.

STABLE: Any place or facility where one or more horses, ponies, donkeys, mules or burros are housed or maintained, and are offered for hire.

VETERINARIAN: Any person legally licensed to practice veterinary medicine under the laws of the state of Utah.

VICIOUS ANIMAL: A. Any animal which, in a threatening or terrorizing manner, approaches any person in apparent attitude of attack upon the streets, sidewalks, or any public grounds or places;

B. Any animal 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 animal which bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal on public or private property.

WILD, EXOTIC OR DANGEROUS ANIMAL: Any animal which is not commonly domesticated, or which is not native to North America, or which, irrespective of geographic origin, is of a wild or predatory nature, or any other animal which, because of its size, growth propensity, vicious nature or other characteristics, would constitute an unreasonable danger to human life, health or property if not kept, maintained or confined in a safe and secure manner, including hybrids, and animals which, as a result of their natural or wild condition, cannot be vaccinated effectively for rabies. Those animals, however domesticated, shall include, but are not limited to:

A. Alligators And Crocodiles: Alligators and crocodiles;

B. Bears (Ursidae): All bears, including grizzly bears, brown bears, and black bears;

C. Cat Family (Felidae): All except the commonly accepted domesticated cats, and including cheetahs, cougars, leopards, lions, lynx, panthers, mountain lions, tigers and wildcats;

D. Dog Family (Canidae): All except domesticated dogs, and including wolf, part wolf, fox, part fox, coyote, part coyote, dingo and part dingo;

E. Porcupines (Erethizontidae): Porcupine;

F. Primate (Hominidae): All subhuman primates;

G. Raccoon (Prosynnidae): All raccoons, including eastern raccoons, desert raccoons and ring tailed cats;

H. Skunks: Skunks;

I. Fish: Venomous fish and piranha;

J. Snakes Or Lizards: Venomous snakes or lizards;

K. Weasels (Mustelidae): All, including weasels, martens, wolverines, ferrets, badgers, otters, ermine, mink and mongoose, except that the possession of such animals shall not be prohibited when raised commercially for their pelts.

WORK: With reference to a horse, means that the horse is out of the stable and presented as being available for pulling carriages; in harness; or pulling a carriage. (Ord. 53-12, 2012)

## 8.04.020: ANIMAL SERVICES:

Animal services may be provided through a legally executed agreement, which includes the authority and power to enforce this title. (Ord. 39-10, 2010)

## 8.04.030: ANIMAL SERVICES OFFICIALS; POWERS AND DUTIES:

A. The animal services director, or any person employed by the office of animal services as an animal services officer, or any person authorized through a legal agreement, shall take the oath of office and shall be vested with the power and authority to enforce this title.

B. The animal services director, his or her deputies, assistants and animal services officers, are hereby authorized and empowered to apprehend and take with them and impound any animal found in violation of this title, and including licensable dogs for which no license has been procured in accordance with this title, or any licensed or unlicensed dogs for any other violation thereof.

C. In the enforcement of this title, any peace officer, or the director of animal services, his or her assistants or animal services officers are authorized to enter onto the open premises of any person to take possession of any animal in violation of this title. (Ord. 69-99 § 6, 1999: prior code § 100-1-3)

## 8.04.040: DIRECTOR'S AND OFFICERS' POWERS; ENFORCEMENT:

A. The animal services director shall:

1. Enforce this title and perform other responsibilities pursuant thereto;

2. Supervise the municipal animal shelter(s) under his or her jurisdiction;

3. Keep adequate records of all animals impounded and all monies collected;

4. See that all animals and animal holding facilities in his or her jurisdiction are licensed, controlled and permitted in accordance with any applicable ordinance and/or regulations;

5. Establish, in cooperation with the Salt Lake Valley health department and other interested governmental agencies, adequate measures for rabies immunization and control.

B. Each animal services officer shall:

1. Enforce this chapter in all respects pertaining to animal services within the city, including the care and impounding of animals and prevention of cruelty to animals;

2. Carry out all duties prescribed or delegated by the director. (Ord. 1-06 § 30, 2005: Ord. 69-99 § 6, 1999: prior code § 100-1-4)

## 8.04.050: EXEMPTION FROM FEES AUTHORIZED WHEN:

(Rep. by Ord. 69-99 § 1, 1999)

## 8.04.060: INTERFERENCE WITH OFFICERS PROHIBITED:

It is unlawful for any person knowingly and intentionally to interfere with the director or any animal services officer in the lawful discharge of their duties, as prescribed in this title. (Ord. 69-99 § 6, 1999: prior code § 100-1-5)

## 8.04.065: PERMIT AND LICENSE FEES; EXPIRATION; RENEWAL:

A permit issued pursuant to this chapter shall expire one year after it is issued by the office of animal services or other authorized entity, and shall be renewable upon application therefor. Renewal applications shall not be available until thirty (30) days prior to the expiration date of the current permit. A permit may only be issued after the appropriate fee has been paid. Application shall be accompanied by the fee shown on the Salt Lake City consolidated fee schedule. Licenses may be issued for multiple years in accordance with fees shown on the Salt Lake City consolidated fee schedule.

A. The permit and license fee schedule may be modified from time to time as deemed appropriate by the director of animal services or other authorized manager, and upon approval by the Salt Lake City council.

B. Permits are not transferable from one owner to another, nor from one site to another. (Ord. 24-11, 2011)

## 8.04.070: DOG AND CAT LICENSE; REQUIRED WHEN; APPLICATION AND FEES:

A. Required: All dogs and cats shall be licensed each year, except as otherwise provided herein, to a person of the age of eighteen (18) years or older. However, no license shall be required for cats maintained within a feral cat colony.

B. Deadline: Any person owning, possessing or harboring any dog or cat shall obtain a license for such animal within thirty (30) days after the animal reaches the age of four (4) months, or, in the case of a dog or cat over four (4) months of age, or in the case of a new city resident, within thirty (30) days of the acquisition of the animal or the commencement of residency. However, if an animal is fostered pursuant to a pet rescue permit and is held pending adoption, then the time period in which the pet rescue permit holder must obtain a license for such animal will be expanded from thirty (30) days to ninety (90) days. The animal services director may waive late fees or extend licensing deadlines in individual cases, as appropriate.

C. Application: License applications shall be submitted to the office of animal services, by 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; rabies and sterilization information; and the number, location or other identification applicable to a tattoo or implanted microchip of the animal. The application shall be accompanied by the prescribed license fee and by a rabies vaccination certificate current for a minimum of six (6) months beyond the date of application. A license shall not be issued for a period that exceeds the expiration date of the rabies vaccination. Rabies vaccinations shall be given by a licensed veterinarian with a vaccine approved by the current compendium of animal rabies control.

D. License Fees:

1. License fees shall be as set forth in the city's consolidated fee schedule. Penalties for failing to properly license dogs and cats shall be as set forth in the penalty schedule in section 8.04.521, "Appendix A", of this chapter.

2. No dog or cat shall be licensed as spayed or neutered without veterinary verification that such surgery was performed.

E. License Vendors: The animal services director may contract with veterinary hospitals, veterinarians, pet shops, animal grooming parlors, and similar institutions or individuals for the issuance of license application forms. License fees and requirements for licensure with such vendors shall be the same as if the application was issued directly by the office of animal services.

F. Dog And Cat Limits: There is no limitation on the numbers of dogs and cats that can be owned by a resident, provided that all dogs and cats are properly licensed and cared for. Dog and cat owners must abide by all applicable sections of this title including, but not limited to, licensing, proper care and maintenance, medical attention, and animal cruelty. Owners are required to prevent their animals from causing, and shall abate, any nuisances caused by animals including, but not limited to, noise and odor.

G. Senior Citizen Provisions: In lieu of the annual license fees provided above, a person sixty (60) years of age or older on the date of license application may, upon proof of age, obtain a dog or cat license for an unsterilized dog or cat for a reduced fee as specified in the city's consolidated fee schedule. A person sixty (60) years of age or older may obtain a license for the life of a spayed or neutered dog or cat for a onetime nontransferable fee as specified in the consolidated fee schedule, but such person shall nevertheless obtain a license without fee thereafter for verification of rabies vaccination. This subsection shall not be construed to relieve any person from meeting all licensing requirements not specifically exempted, including late fees and required vaccinations, nor is any license issued hereunder transferable to any other animal or owner other than that for which the license was issued. (Ord. 53-12, 2012)

## 8.04.080: DOG OR CAT LICENSE; TAG REQUIREMENTS:

A. Upon payment of the license fee, the office of animal services shall issue to the owner a certificate and a tag for each dog or cat licensed. The tag shall have stamped thereon the license number corresponding with the tag number on the certificate. The owner shall attach the tag to the collar or harness of the animal and see that the collar and tag are constantly worn when the animal is off the premises of the owner. Failure to attach the tag as provided shall be a violation of this title, except that dogs or cats which are kept for show purposes are exempt from wearing the collar and tag when participating in a match or show.

B. License tags are not transferable from one animal to another. No refunds shall be made on any license fee for any reason whatsoever. Replacements for lost or destroyed tags shall be issued upon payment of the replacement tag fee set forth in the consolidated fee schedule to the office of animal services.

C. Any person removing or causing to be removed the collar, harness or tag from any licensed animal without the consent of the owner or keeper thereof, except a licensed veterinarian or animal services officer who removes such for medical or other reasons, shall be in violation of this title.

D. Owners may have an identifying microchip implanted in their dogs or cats. If owners take such action, they shall be exempt from the requirement that such dogs or cats wear identifying tags at all times while off the premises, provided that the microchip information has been registered with the office of animal services. Owners shall assume the risk of nonidentification of all microchipped, unrestrained dogs or cats that are subsequently impounded by animal services officers.

E. It is unlawful for any vendor of microchips to refuse to provide information to the office of animal services as to the identification of the owner of an animal that has been microchipped. (Ord. 2-12, 2012)

## 8.04.090: DOG AND CAT LICENSE; EXEMPTIONS:

A. The provisions of sections 8.04.070 and 8.04.080 of this chapter, or their successor sections, shall not apply to:

1. Dogs or cats properly licensed in another jurisdiction whose owners are nonresidents temporarily (up to 30 days) within the city. Licensed animals whose owners remain within the city longer than thirty (30) days may transfer to the local license upon payment of a fee as specified in the city's consolidated fee schedule and proof of a required rabies vaccination.

2. Individual dogs or cats within a properly licensed kennel, cattery or other such establishment, when such animals are held for resale.

B. The fee provisions of section 8.04.070 of this chapter shall not apply to:

1. Service dogs trained and certified to assist persons with a physical or mental disability, or dogs in an official training program for such assistance; or

2. Dogs especially trained to assist officials of government agencies in the performance of their duties and which are owned by such agencies.

C. Nothing in this section or chapter 8.06 of this title shall be construed to exempt any dog or cat from having a required rabies vaccination. (Ord. 5-12, 2012)

## 8.04.100: DOG OR CAT LICENSE; REVOCATION PROCEDURES:

If the owner of any dog or cat is found to be in violation of this title on three (3) or more different occasions during any twelve (12) month period, the director of animal services may seek a court order, pursuant to section 8.04.220 of this chapter, or its successor section, revoking for a period of one year any license(s) such person may possess and providing for the animal services office 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. (Ord. 2-12, 2012)

## 8.04.110: HARBORING STRAY ANIMALS PROHIBITED:

It is unlawful for any person, except: a) an animal welfare society incorporated within the state, or b) a peace officer as provided under section 77-24-1.5, Utah Code Annotated, 1953, or its successor, to harbor or to 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 animal services within twenty four (24) hours, and animal services shall provide for the safe and humane custody of the animal. (Ord. 69-99 § 6, 1999: prior code § 100-1-9)

## 8.04.120: RABBITS; NUMBER PER RESIDENCE:

No person or persons at any one residence within the city shall at any one time own or keep more than two (2) rabbits at any such residence. (Ord. 2-12, 2012)

## 8.04.130: COMMERCIAL AND PET RESCUE PERMITS; REQUIRED WHEN; APPLICATION; ISSUANCE CONDITIONS:

A. 1. It is unlawful for any person to operate or maintain a kennel, cattery, pet shop, groomery, riding stable, veterinary clinic or hospital or any similar establishment unless such person first obtains a regulatory permit from the office of animal services, in addition to all other required licenses and permits.

2. 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 services office to that office. Before the permit is issued, approval shall be granted by the Salt Lake Valley health department, the appropriate zoning authority, any applicable business licensing authority, and the animal services office.

B. A pet rescue permit for foster animals may be authorized for owners of dogs and cats to keep dogs or cats in a residential area, provided:

1. Such animals are pending adoption from a local city or county operated animal shelter or a section 501(c)(3), United States internal revenue code, humane society shelter; and

2. Such animals are awaiting adoption; and

3. Approval is granted by the appropriate zoning authority, Salt Lake Valley health department, and office of animal services; and

4. Adequate confinement areas are provided; and

5. Other provisions of this title are complied with, and no animal or premises is deemed to be a nuisance; and

6. The holder of a pet rescue permit assumes all responsibility for the animal regarding licensing, care, liability and oversight.

C. Holders of a pet rescue permit shall be subject to all requirements and regulations of this chapter pertaining to commercial establishments. (Ord. 2-12, 2012)

## 8.04.135: FERAL CAT COLONY REGISTRATION; REQUIREMENTS[3]:

(Rep. by Ord. 53-12, 2012)

## 8.04.136: MAINTAINING A REGISTERED FERAL CAT COLONY; ADDITIONAL REQUIREMENTS[4]:

(Rep. by Ord. 53-12, 2012)

## 8.04.140: COMMERCIAL PERMITS; EXEMPT ESTABLISHMENTS:

Research facilities where bona fide medical or related research is being conducted, humane shelters, and other animal establishments operated by state or local government, or which are licensed by federal law, and licensed veterinarian hospitals and clinics, are excluded from the licensing requirements of this title. (Ord. 69-99 § 6, 1999: Ord. 88-86 § 3, 1986: prior code § 100-1-28(5))

## 8.04.150: PERMITS/REGISTRATIONS; FEE SCHEDULE:

Fees for commercial operations (kennels, catteries, groomeries, pet shops, veterinary clinics or hospitals) and pet rescue permits shall be as shown on the Salt Lake City consolidated fee schedule. (Ord. 53-12, 2012)

## 8.04.160: PERMIT; DISPLAY; CHANGE OF STATUS NOTIFICATION:

A. A valid permit shall be posted in a conspicuous place in each establishment, and the permit shall be considered as appurtenant to the premises and not transferable to another location.

B. The permittee shall notify the office of animal services within thirty (30) days of any change in this establishment or operation which may affect the status of his or her permit. In the event of a change in ownership of the establishment, the permittee shall notify the office of animal services immediately. Permits shall not be transferable from one owner to another. (Ord. 69-99 § 6, 1999: Ord. 88-86 § 3, 1986: prior code § 100-1-28(2))

## 8.04.170: COMMERCIAL AND PET RESCUE PERMITS; EXPIRATION AND RENEWAL:

Any permit issued pursuant to sections 8.04.130 through this section and section 8.04.200 of this chapter, or their successor sections, shall automatically expire on the December 31 immediately following the date of issue. Within two (2) months prior to the expiration of the permit, the permittee shall apply for a renewal of the permit and pay the required fee. Any application made after December 31, except an application for a new establishment opening subsequent to that date, shall be accompanied by a late application fee in addition to the regular permit fee. (Ord. 24-11, 2011)

## 8.04.180: PERMIT; SUSPENSION OR REVOCATION:

A. Grounds: A permit may be suspended or revoked or a permit application rejected on any one or more of the following grounds:

1. Falsification of facts in a permit application;

2. Violation of any of the provisions of this title, or any other law or regulation governing the establishment including health, noise, building and zoning ordinances;

3. Conviction on a charge of cruelty to animals.

B. Procedure: If an inspection of any establishment required to be permitted under this title, reveals a violation of this title, the inspector shall notify the permit holder or operator of such violation by means of an inspection report form or other written notice. The notification shall:

1. Set forth the specific violation(s) found;

2. Establish a specific and reasonable period of time for the correction of the violation(s) found;

3. State that failure to comply with any notice issued in accordance with the provisions of this title may result in immediate suspension of the permit;

4. State that an opportunity for appeal from any notice or inspection findings will be provided if a written request for a hearing is filed with the office of animal services within five (5) days of the date of the notice. Compliance with the notice will be stayed pending the decision from a request for hearing.

C. Revocation Or Suspension: Any permit granted under this title may be suspended or revoked by the mayor or the mayor's designee for violations listed in subsection A of this section. A minimum of five (5) days' notice shall be given to the permittee, advising him of the date and time for such hearing, and listing the cause or causes for such suspension or revocation. No new permit shall be issued to any person whose permit has been previously revoked except upon application for a new permit, accompanied by the required application fee, and unless and until all requirements of this title have been met.

D. Notice Procedure: Notice provided for under this section 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 certified mail to the last known address of the permit holder. A copy of such notice shall be filed with the records of the office of animal services. (Ord. 69-99 § 6, 1999: Ord. 88-86 § 4, 1986: prior code § 100-1-30(1)-(3) and (5))

## 8.04.190: COMMERCIAL ESTABLISHMENTS; OPERATION STANDARDS:

The mayor may adopt by reference rules and regulations governing the operation of kennels, catteries, groomeries, pet shops, riding stables, and veterinary clinics or structures, buildings, pens, cages, runways or yards required for the animal sought to be kept, harbored or confined on such premises; the manner in which food, water and sanitation facilities will be provided to such animals; measures relating to the health of such animals, the control of noise and odors, and the protection of persons or property on adjacent premises; and other such matters the mayor may deem necessary. Such rules and regulations shall, upon publication of an adopting ordinance, have the effect of law, and a violation of such rules and regulations shall be deemed a violation of this title and grounds for revocation of a permit issued by the office of animal services. (Ord. 69-99 § 6, 1999: prior code § 100-1-29)

## 8.04.200: COMMERCIAL ESTABLISHMENTS; INSPECTIONS:

All establishments required to be permitted under this title shall be subject to periodic inspections, and the inspector shall make a report of such inspection with a copy to be delivered to the establishment and filed with the animal services office. (Ord. 69-99 § 6, 1999: Ord. 88-86 § 4, 1986: prior code § 100-1-28(6))

## 8.04.210: EMERGENCY SUSPENSION OF PERMIT/REGISTRATION:

Notwithstanding the other provisions of this title, when the inspecting officer finds unsanitary or other conditions in the operation of pet rescue residences, kennels, catteries, groomeries, veterinary clinics or hospitals, riding stables, pet shops, or any similar establishments, which, in such officer's judgment, constitute a substantial hazard to the animal (s) and/or the public health, such officer may, without warning or hearing, issue a written notice to the permit or registration holder or operator citing such condition and specifying the corrective action to be taken. Such order shall state that the permit or registration is immediately suspended, and all operations are to be immediately discontinued. Any person to whom such an order is issued shall comply immediately therewith. Any animals at such facility may be confiscated by the animal services office and impounded or otherwise provided for according to the provisions of this title. (Ord. 53-12, 2012)

## 8.04.220: COURT ORDER PROCEDURES AUTHORIZED WHEN:

Unless modified by the court, court orders pursuant to sections 8.04.100, 8.04.240 through 8.04.290 and 8.04.420 of this chapter, or their successor sections, shall be filed according to the following minimum notice and procedure:

A. The director of the animal services office, or his or her authorized representative shall petition the court for the desired action;

B. The petition for the action, together with supporting affidavits, shall be served on the party against whom the action is taken at least five (5) days prior to the hearing. (Ord.

69-99 § 6, 1999: prior code § 100-1-31)

## 8.04.230: BITES; REPORT REQUIREMENTS:

A. 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 office of animal services or to the Salt Lake Valley health department.

B. The owner of an animal that bites a person, and any person bitten by an animal, shall report the bite to the office of animal services or the Valley health department within twenty four (24) hours of the bite, regardless of whether or not the biting animal is of a species subject to rabies.

C. A physician (or other medical personnel) who renders professional treatment to a person bitten by an animal shall report the fact that such physician (or personnel) has rendered professional treatment to the office of animal services or the Valley health department within twenty four (24) hours of his or her first professional attendance. He or she shall report the name, sex, phone number and address of the person bitten as well as the type and location of the bite. If known, he or she shall give the name and address of the owner of the animal that inflicted the bite, and any other facts that may assist the office of animal services in ascertaining the immunization status of the animal.

D. Any person treating an animal bitten, injured or mauled by another animal shall report the incident to the office of animal services. The report shall contain the name, phone number and address of the owner of the wounded, injured or bitten animal, the name, phone number and address of the owner and description of the animal which caused the injury, and the location of the incident.

E. Any person not conforming with the requirements of this section shall be in violation of this title. (Ord. 1-06 § 30, 2005: Ord. 69-99 § 6, 1999: prior code § 100-1-18)

## 8.04.240: RABIES CONTROL; VACCINATION FOR DOGS AND CATS:

A. The owner or person having the charge, care, custody and control of a four (4) months of age or over cat or dog shall have such animal vaccinated for rabies. 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 the vaccination. Unvaccinated dogs or cats over four (4) months of age acquired by the owner or moved into the city must be vaccinated within thirty (30) days of purchase or arrival.

B. Every dog and cat shall have a current rabies vaccination with a rabies vaccine approved by the current compendium of animal rabies control as amended, published by the National Association of State Public Health Veterinarians, Inc. This provision shall not apply to veterinarians or kennel operators temporarily maintaining on their premises animals owned by others. (Ord. 69-99 § 6, 1999: prior code § 100-1-19(1))

## 8.04.250: RABIES CONTROL; VETERINARIAN DUTIES; CERTIFICATION AND TAG REQUIREMENTS:

A. It shall be the duty of each veterinarian, when vaccinating any animal for rabies, to complete a certificate of rabies vaccination (in duplicate) which includes the following information:

1. Owner's name and address;

2. Description of animal (breed, sex, markings, age, name);

3. Date of vaccination;

4. Rabies vaccination tag number;

5. Type of rabies vaccine administered;

6. Manufacturer's serial number of vaccine.

B. A copy of the certificate shall be distributed to the owner and the original retained by the issuing veterinarian. The veterinarian and the owner shall retain their copies of the certificate for the interval between vaccinations specified in section 8.04.240 of this chapter, or its successor. 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. (Ord. 69-99 § 6, 1999: prior code § 100-1-19(2))

## 8.04.260: RABIES CONTROL; TRANSIENT ANIMALS:

The provisions of sections 8.04.240 through 8.04.290 of this chapter or their successor sections, with respect to vaccination, shall not apply to any animal owned by a person temporarily remaining within the city for less than thirty (30) days. Such animals shall be kept under strict supervision of the owner. It is unlawful to bring any animal into the city which does not comply with any applicable animal health laws and import regulations. (Ord. 69-99 § 6, 1999: prior code § 100-1-19(3))

## 8.04.270: RABIES CONTROL; 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 office of animal services, the Valley health department or the state division of health. (Ord. 1-06 § 30, 2005: Ord. 69-99 § 6, 1999: prior code § 100-1-19(5))

## 8.04.280: BITING OR POTENTIALLY RABID ANIMALS; QUARANTINE/CONFINEMENT OR OTHER DISPOSITION:

A. Report Requirements: An animal that has rabies or is suspected of having rabies, or any animal bitten by another animal infected with rabies or by an animal suspected of having rabies, shall be reported by the owner or person having information as set forth in section 8.04.270 of this chapter, or its successor, and shall immediately be confined in a secure place by the owner. The owner shall turn over the animal to the office of animal services upon demand.

B. Surrender Of Animal: The owner of any animal of a species subject to rabies which has bitten shall surrender the animal to any 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. Seizure, Confinement Or Quarantine:

1. 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 as determined by the animal services director or designee. In consultation with a veterinarian when deemed necessary by the director or designee, the potentially rabid animal shall be quarantined or confined for observation in accordance with the current compendium of animal rabies control, as amended, and with office policy and procedure. 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 director of animal services and/or the director of the health department 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.

2. A person who has custody of an animal under quarantine shall immediately notify the office of animal services if the animal shows any signs of sickness or abnormal behavior, or if the animal escapes confinement. It is unlawful for any person who has custody of a quarantined animal to fail or refuse to allow a Valley health department or animal services officer to make an inspection or examination during the period of quarantine. If the animal dies within ten (10) days from the date of bite, the person having custody shall immediately notify the office of animal services or immediately remove and deliver the head to the state health laboratory to be examined for rabies. If, at the end of the quarantine period, the director of animal services, or his/her designee, 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 in section 8.04.340 of this chapter, or its successor.

D. Unvaccinated Bitten Animals:

1. In the case of an unvaccinated animal species subject to rabies which is known to have been bitten by, or otherwise exposed to a known rabid animal, such bitten or exposed animal should be immediately euthanized. Animals with expired rabies vaccinations of six (6) months or more shall be considered unvaccinated for the purpose of this section.

2. If the owner is unwilling to euthanize the bitten or exposed animal, the animal shall be immediately isolated and quarantined for six (6) months under veterinary supervision, the cost of such confinement to be paid in advance by the owner. The animal shall be vaccinated one month before being released. The animal shall be euthanized if the owner does not comply herewith.

E. Vaccinated Bitten Animals:

1. If the bitten or exposed animal has been vaccinated, the animal shall be revaccinated within twenty four (24) hours, kept under home confinement, and observed for forty five (45) days; or

2. If the animal is not revaccinated within twenty four (24) hours, the animal shall be isolated and monitored according to the current compendium of animal rabies control, as amended.

3. The animal shall be euthanized if the owner does not comply with subsections E1 and E2 of this section.

F. Bitten Animals With Expired Vaccinations: Animals with expired rabies vaccinations of six (6) months or less shall be evaluated on a case by case basis.

G. Removal Of Quarantined Animals: It is unlawful for any person to remove any such animal from the place of quarantine without written permission of the office of animal services.

H. Vicious Animals: If any animal bites or attacks a person or animal two (2) times or more in a twelve (12) month period, such animal may be immediately impounded by the office of animal services without court order and held at owner expense pending court action. Any such animal shall be deemed a vicious animal, and the director of animal services may seek a court order, as provided in section 8.04.220 of this chapter, or its successor, for destruction of the animal. Parties owning such animals shall, if possible, be notified immediately of the animal's location by the animal services office. (Ord. 1-06 § 30, 2005: Ord. 69-99 § 6, 1999: prior code § 100-1-19(6))

## 8.04.290: ANIMALS WITHOUT RABIES VACCINATION TAG; IMPOUNDMENT:

A. Any vaccinated animal impounded because of the 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 the owner posting a twenty five dollar ($25.00) cash bond (deposit) with the office of animal services, obligation of which is conditioned upon the owner's failure to obtain a rabies vaccination for the animal within seventy two (72) hours of release. Upon proof of the required vaccination, said bond shall be released or returned to the owner.

C. Any animal not reclaimed during the period shall be disposed of pursuant to provisions of section 8.04.340 of this chapter, or its successor. (Ord. 69-99 § 6, 1999: prior code § 100-1-19(4))

## 8.04.300: ANIMAL SHELTER; PREMISES AND ACTIVITIES:

A. The governing authority shall provide suitable premises and facilities to be used as an animal shelter where impounded small animals can be adequately kept. They shall purchase and supply food and supply humane care for impounded animals.

B. The governing authority 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.

C. The governing authority may furnish, when necessary, medical treatment for such animals as may be impounded pursuant to this title. (Prior code § 100-1-24)

## 8.04.310: ANIMAL SHELTER; HOURS:

The public facility of the animal services office shall be open to the public during regular business hours on all days other than Sundays and legal holidays, and such hours shall be posted on the main entrance. The facility shall be open to the public for a minimum of forty eight (48) hours per week during weeks without a legal holiday, and open for a minimum of forty (40) hours per week during weeks with a legal holiday, with the exception of the week of Thanksgiving. (Ord. 1-06 § 18, 2005: Ord. 69-99 § 6, 1999: Ord. 88-86 § 5, 1986: prior code § 100-2-8)

## 8.04.320: IMPOUNDMENT; AUTHORIZED WHEN:

The animal services director shall place all animals which he or she takes into custody in a designated animal impound facility. The following animals may be taken into custody by the animal services director or designee and impounded without the filing of a complaint:

A. Any animal being kept or maintained contrary to the provisions of this title;

B. Any animal running at large contrary to the provisions of this title;

C. 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;

D. Sick or injured animals whose owner cannot be located, or whose owner requests impoundment and agrees to pay a reasonable fee for the services rendered;

E. Any abandoned animal;

F. Animals which are not vaccinated for rabies in accordance with the requirements of this title;

G. Any animal to be held for quarantine;

H. Any vicious animal not properly confined as required by section 8.04.420 of this chapter, or its successor. (Ord. 69-99 § 6, 1999: prior code § 100-1-20)

## 8.04.330: IMPOUNDMENT; RECORD KEEPING REQUIREMENTS:

The impounding facility shall keep a record of each animal impounded, which includes the following information:

A. Complete description of the animal, including tag numbers and other forms of identification;

B. The manner and date of impound;

C. The location of the pick up and name of the officer picking up the animal;

D. The manner and date of disposal;

E. The name and address of the redeemer or purchaser;

F. The name and address of any person relinquishing an animal to the impound facility;

G. All fees received;

H. All expenses accruing during impoundment. (Ord. 69-99 § 6, 1999: prior code § 100-1-21)

## 8.04.340: IMPOUNDMENT; HOLDING PERIOD; NOTICE TO OWNER; DISPOSITION OF ANIMALS:

A. Animals shall be impounded for a minimum of three (3) calendar days before further disposition, except as otherwise provided herein. Any animal which is impounded and is wearing a current license, rabies tag or other identification designating the owner of the animal and where such owner may be contacted, shall be impounded for a minimum of five (5) calendar days before further disposition. 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.

B. 1. All dogs and cats, except for those quarantined or confined by court order, held longer than the minimum impound period, and all dogs and cats voluntarily relinquished to the impound facility, may be euthanized or sold, as the animal services director shall direct. Any healthy dog or cat 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 director, but not to exceed thirty dollars ($30.00) per animal, plus license and rabies vaccination is required.

2. All persons purchasing any dog or cat from the impound facility shall, at the time of purchase, execute an agreement on forms provided by the impound facility. Such agreement shall provide that the purchaser will have the dog or cat so purchased spayed or neutered within one hundred eighty (180) days of the date of purchase of such dog or cat, and that the purchaser will file with the animal services director written verification from a licensed veterinarian that such dog or cat has been spayed or neutered prior to the date of written verification. The agreement shall also provide that sale or transfer of the purchased dog or cat by the purchaser shall not release the purchaser from the obligation to have the animal spayed or neutered, nor from the obligation to file the written verification, as provided hereinabove. In lieu of the aforementioned written verification from a licensed veterinarian, the purchaser may file a truthful affidavit with the animal services director within one hundred eighty (180) days of the date of purchase certifying that the dog or cat so purchased from the impound facility has died prior to the one hundred eighty (180) day deadline, and prior to being spayed or neutered.

3. Failure of the purchaser of a dog or cat from the impound facility to file the written verification from a licensed veterinarian, as provided hereinabove, within one hundred eighty (180) days of the date of purchase of such dog or cat, or, in the alternative, failure of the purchaser to file a truthful affidavit within one hundred eighty (180) days from the date of the purchase certifying that the dog or cat so purchased has died within the one hundred eighty (180) day period and prior to being spayed or neutered, shall constitute a misdemeanor.

C. 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 services director or designee, be released to the care of a veterinarian with the consent of the owner.

D. When, in the judgment of the animal services director, it is determined that an animal should be euthanized for humane reasons or to protect the public from imminent

danger to persons or property, such animal may be euthanized without regard to any time limitations otherwise established herein, and without court order.

E. The director of animal services may euthanize an animal upon the request of an owner without transporting the animal to animal services facilities. An appropriate fee shall be charged the owner for the euthanasia and any subsequent disposal of the carcass done by the office of animal services. (Ord. 69-99 § 6, 1999: Ord. 59-86 § 2, 1986: prior code § 100-1-22)

## 8.04.350: IMPOUNDMENT; REDEMPTION CONDITIONS:

A. Redemption Requirements: The owner of any impounded animal, or such owner's authorized representative, may redeem such animal before disposition, provided he or she pays the fees and charges as listed below, according to the amounts shown on the Salt Lake City consolidated fee schedule:

1. The impound fee;

2. The daily board charge;

3. Veterinary costs incurred during the impound period, including rabies vaccination;

4. License fee, if required;

5. A transportation fee if transportation of an impounded animal by specialized equipment was required. This fee shall be determined by the director of animal services at a level which approximated the cost of utilizing the specialized equipment in the particular situation;

6. Any other expenses incurred to impound an animal in accordance with state or local laws;

7. Any unpaid or past due animal services fees and fines incurred by the owner.

B. Removal Of Dead Animals: The following service charge shall be levied for removal of dead animals from an owner's property; no fee shall be charged for dead animals brought to the animal shelter provided the owner resides within the city:

1. Dogs, licensed: No fee;

2. Dogs (unlicensed), all cats, small domestic animals, small livestock, and all other small privately owned animals: As shown on the Salt Lake City consolidated fee schedule;

3. Large livestock, and all other large, privately owned animals: The owner shall arrange removal by a private dead animal hauler.

C. Rabid Animals: No impound fee will be charged the reporting owners of suspected rabid animals if the owners comply with sections 8.04.240 through 8.04.290 of this chapter, or successor sections. (Ord. 24-11, 2011)

## 8.04.352: IMPOUND FEES FOR VOLUNTARY RELINQUISHMENT BY OWNER:

Whenever any dog or cat is voluntarily relinquished by the owner thereof to the animal services facility for destruction or other disposition as provided by subsection 8.04.340A of this chapter, or its successor subsection, the fee shall be paid by such owner as shown on the Salt Lake City consolidated fee schedule, for each dog or cat and/or for each litter under four (4) months of age of dogs or cats so relinquished. (Ord. 24-11, 2011)

## 8.04.356: STERILIZATION REQUIRED:

Any dog or cat adopted from the office of animal services shall be sterilized within the time established in the adoption agreement. Any person who fails to comply with the requirement for sterilization of an animal under this section is guilty of a class B misdemeanor. (Ord. 69-99 § 3, 1999)

## 8.04.360: DOGS; PROHIBITED WHERE:

A. It is unlawful for any person to take or permit any dog, 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.

B. It is unlawful for any person keeping, harboring or having charge or control of any dog to allow such dog to be within the following described watershed areas:

1. All of the Big Cottonwood Canyon watershed area lying east of the Salt Lake City water intake, which intake is located east of Wasatch Boulevard in the mouth of such canyon;

2. All of the Parley's Canyon watershed area lying north and/or east of the Salt Lake City Mountain Dell Reservoir Dam;

3. All of the City Creek Canyon watershed area lying to the north and/or to the east of the city's City Creek treatment plant sludge beds;

4. All of the Little Cottonwood Canyon watershed area extending one thousand feet (1,000') on either side of Little Cottonwood Creek east from the Little Cottonwood Creek radial gate intake structure, which structure is located approximately six hundred feet (600') west of Wasatch Boulevard east to Wasatch Boulevard, and all of the watershed area in said canyon lying east of Wasatch Boulevard, including the town of Alta. Dogs licensed in the town of Alta may be maintained by their owners within the city limits of that community.

5. Any other watershed area so designated by ordinance or otherwise legally appointed, either now existing or to be defined in the future.

6. This section shall not apply to dogs provided for in subsection 8.04.090B1 or B2 of this chapter, or its successor subsection, nor shall it apply to dogs owned by persons who are legal residents of the aforementioned watershed areas and which have been issued a permit by the Salt Lake Valley health department. (Ord. 1-06 § 30, 2005: Ord. 88-86 § 2, 1986: prior code § 100-1-13)

## 8.04.370: ANIMAL NUISANCES DESIGNATED; PENALTY:

A. 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.

B. The following shall be deemed a nuisance: Any animal which:

1. Causes damages to the property of anyone other than its owner;

2. Is a "vicious animal", as defined in this chapter, and kept contrary to section 8.04.420 of this chapter, or its successor section;

3. Causes unreasonable fouling of the air by odors;

4. Causes unsanitary conditions in enclosures or surroundings;

5. Defecates 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, and shall carry the appropriate instrument(s) for the removal and disposal of such waste;

6. Barks, whines or howls, or makes other disturbing noises in an excessive, continuous or untimely fashion;

7. Molests passersby or chases passing vehicles;

8. Attacks people or other domestic animals whether or not such attack results in actual physical harm to the person or animal to whom or at which the attack is directed;

9. Is found at large three (3) or more times within any twelve (12) month period;

10. Is offensive or dangerous to the public health, safety or welfare by virtue of the number and/or type of animal kept or harbored; or

11. Otherwise acts so as to constitute a nuisance or public nuisance under the provisions of title 76, chapter 10, Utah Code Annotated, 1953, or its successor. (Ord. 69-99 § 6, 1999: prior code § 100-1-16)

## 8.04.380: FEMALE DOGS IN HEAT:

Any owner or person having charge, care, custody or control of any female dog in heat shall, in addition to restraining such dog from running at large, cause such dog to be constantly confined in a building or secure enclosure so as to prevent it from attracting by scent or coming into contact with other dogs and creating a nuisance, except for planned breeding. (Prior code § 100-1-12)

## 8.04.390: ANIMALS RUNNING AT LARGE:

A. With the exception set forth in subsection B of this section, it is 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 such owner or person knows that the animal is running at large. Any person violating any provision of this section shall be deemed guilty of a civil violation and shall be penalized as provided in section 8.04.521, "Appendix A", of this chapter.

B. 1. Dogs shall be permitted to run off leash only in areas of parks and public spaces specifically authorized by city ordinance, specifically designated by the director of public services as "off leash areas", and clearly identified by signage as such. Said areas shall be as follows:

a. Designated areas of Memory Grove Park known as the Freedom Trail section,

b. The municipal ballpark, also known as Herman Franks Park, except for the fenced youth baseball diamonds and playground area,

c. Designated areas of Jordan Park,

d. Designated areas of Lindsey Gardens, and

e. Designated areas of Parley's Historic Nature Park, as set forth in title 15, chapter 15.10 of this code, or its successor.

2. While in such areas dogs shall at all times remain under control of the dog's owner or custodian. "Under control" means that a dog will respond on command to its owner or custodian.

C. The foregoing notwithstanding, the public services department may conduct additional experiments in other areas of the city for possible future legislative enactment establishing such areas as "off leash areas", provided such experiments are conducted in accordance with the guidelines approved by the city council in its resolution 52 of 2004. (Ord. 6-11, 2011)

## 8.04.400: DOGS ON CHAINS ON UNENCLOSED PREMISES:

It is unlawful for any person to chain, stake out or tether any dog 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 or lessee of the affected property. Any person violating any provision of this section shall be deemed guilty of a civil violation and shall be penalized as provided in section 8.04.521, "Appendix A", of this chapter. (Ord. 29-02 § 9, 2002: Ord. 31-00 § 3, 2000: prior code § 100-1-11)

## 8.04.410: ANIMALS ATTACKING PERSONS AND ANIMALS:

A. Attacking Animals: It is 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, means to harass by tearing, biting or shaking with the teeth.

B. Owner Liability: The owner in violation of subsection A of this section shall be strictly liable for violation of this section. In addition to being subject to prosecution under subsection A of this section, 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.

C. Defenses: The following shall be considered in mitigating the penalties or damages or in dismissing the charge:

1. That the animal was properly confined on the premises;

2. That the animal was deliberately or maliciously provoked.

D. Animals May Be Killed: Any person may kill an animal while it is committing any of the acts specified in subsection A of this section, or while such dog is being pursued thereafter. (Ord. 1-06 § 19, 2005: prior code § 100-1-14)

## 8.04.420: FIERCE, DANGEROUS OR VICIOUS ANIMALS:

It is unlawful for the owner of any fierce, dangerous or vicious animal to permit such animal to go or be off the premises of the owner unless such animal is under restraint and properly muzzled so as to prevent it from injuring any person or property. Every animal so vicious and dangerous that it cannot be controlled by reasonable restraints, and every dangerous and vicious animal not effectively 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 director of animal services shall seek a court order pursuant to section 8.04.220 of this chapter, or its successor section, for destruction of or muzzling of the animal. (Ord. 69-99 § 6, 1999: prior code § 100-1-15)

## 8.04.430: WILD ANIMALS:

It is unlawful for any person to sell, offer for sale, barter, give away, keep, own, harbor or purchase any wild animal, as defined in section 8.04.010 of this chapter, or its successor; except, the animal shelter, a zoological park, veterinary hospital, humane society shelter, public laboratory, circus, sideshow, amusement show, or facility for education or scientific purposes may keep such an animal if protective devices adequate to prevent such animal from escaping or injuring the public are provided. (Ord. 1-06 § 20, 2005: Ord. 69-99 § 6, 1999: Ord. 59-86 § 3, 1986: prior code § 100-1-27)

## 8.04.440: BABY RABBITS, FOWL AND PET TURTLES; RESTRICTIONS:

A. Rabbits Or Fowl: It is unlawful for any person to sell, offer for sale, barter or give away any baby rabbits or fowl under two (2) months of age in any quantity less than six (6). 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 or her personal use and consumption, provided that such individual shall maintain proper brooders and other facilities for the care and containment of such animals while they are in his or her possession.

B. Premiums And Novelties: It is unlawful for any person to offer as a premium, prize, award, novelty, or incentive to purchase merchandise, any live animal. Nothing herein shall be construed to prohibit the offering or sale of animals in conjunction with the sale of food or equipment designed for the care and keeping of such animals.

C. Pet Turtles: It is unlawful to raise or sell any Pseudemys scripta-elegans, or P. troosti family Testudinidae, "pet turtles". (Prior code § 100-1-26)

## 8.04.450: ANIMALS INJURED BY MOTORISTS; RESPONSES REQUIRED:

A. Every operator of a motor or other self-propelled vehicle upon the streets of the city shall, immediately upon injuring, striking, maiming or running down any domestic animal, give such aid as can reasonably be rendered. In the absence of the owner, he or she shall immediately notify the office of animal services, furnishing requested 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 services facility or other appropriate facility and notifying the office of animal services. Such animal may be taken in by the animal services facility and dealt with as deemed appropriate under the circumstances.

C. Emergency vehicles are exempted from the requirements of subsection B of this section. (Ord. 69-99 § 6, 1999: prior code § 100-1-25(7))

## 8.04.460: USING ANIMALS FOR FIGHTING; UNLAWFUL ACTIVITIES:

A. It is unlawful for any person, firm 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 such person's buildings, sheds, rooms, yards, grounds or premises for the purposes aforesaid.

B. Law enforcement officers or animal services 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. (Ord. 69-99 § 6, 1999: prior code § 100-1-25(8))

## 8.04.470: CRUELTY TO ANIMALS PROHIBITED:

A. Physical Abuse: It is unlawful for any person to wilfully 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.

B. 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.

C. Care And Maintenance: It shall be the duty of any person to provide any animal in such person's charge or custody, as owner or otherwise, with adequate food, drink, care and shelter.

D. Animals In Vehicles: It is 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.

E. Abandonment Of Animals: It is unlawful for any person to abandon any animal within the jurisdiction.

F. Animal Poisoning: Except as provided in sections 8.04.450 through 8.04.490 of this chapter, or their successors, it is 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 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.

G. Killing Of Birds: It is 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.

H. Malicious Impounding: It is unlawful for any person maliciously to secrete or impound the animal of another.

I. Abandoned, Diseased Or Painfully Crippled Animals:

1. It is 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 or other disability, be killed in a humane manner by the owner thereof and disposed of as instructed after contacting the office of animal services.

2. It is further 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 office of animal services may take custody of such animals and deal with them as deemed appropriate under the circumstances. (Ord. 69-99 § 6, 1999: prior code § 100-1-25(1)-(6), (9)-(11))

## 8.04.480: SPRING LOADED TRAPS; PROHIBITED:

It is unlawful for any person to set any spring loaded trap within the limits of the city. (Prior code § 100-1-25.1)

## 8.04.490: SPRING LOADED TRAPS; EXCEPTION:

The provisions of section 8.04.480 of this chapter, or its successor, shall not apply to state or local governmental agencies charged with the responsibility of animal control or wildlife management. (Prior code § 100-1-25.2)

## 8.04.500: VIOLATION; PENALTY:

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 B misdemeanor, unless otherwise provided in section 8.04.510 of this chapter. Each day any violation under this chapter is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. Nothing herein shall be construed to proscribe any act specifically authorized under state statute. (Ord. 61-02 § 1, 2002: amended during 11/88 supplement: prior code § 100-1-32)

## 8.04.510: ISSUANCE OF MISDEMEANOR CITATIONS; NOTICE OF VIOLATIONS:

A. A peace officer and/or animal services officer is authorized to issue a misdemeanor citation to any person upon a charge of violating any provisions of this title. The form of the misdemeanor citation, and proceedings to be handled upon the basis of the citation, shall conform to the provisions of the Utah code of criminal procedure, including, but not necessarily limited to, sections 77-7-18 through 77-7-22, Utah Code Annotated, 1953, as amended, or their successors.

B. Where violations of the following requirements of this chapter are committed, and provided they are not charged in conjunction with another criminal offense and do not constitute a fourth or succeeding notice of violation within a twenty four (24) month period, an animal services officer or authorized agent shall issue a civil notice of violation to such violator in lieu of a misdemeanor citation; violations regarding: 1) commercial permits (section 8.04.130 of this chapter), 2) commercial permit display (section 8.04.160 of this chapter), 3) licensing (section 8.04.070 of this chapter), 4) license tag requirements (section 8.04.080 of this chapter), 5) rabies vaccinations (section 8.04.240 of this chapter), 6) rabies tag requirements (subsection 8.04.250B of this chapter), 7) harboring stray animals (section 8.04.110 of this chapter), 8) animals running at large (section 8.04.390 of this chapter), 9) animal nuisances (section 8.04.370 of this chapter except for subsections B2, B8, B9, and B10), 10) more than two (2) rabbits at a residence (section 8.04.120 of this chapter), 11) staking dogs improperly (section 8.04.400 of this chapter), 12) confining female dogs in heat (section 8.04.380 of this chapter), 13) giving animals as sales premiums (subsection 8.04.440B of this chapter), 14) the sale/premium of baby rabbits and fowl (subsection 8.04.440A of this chapter), or 15) the sale of pet turtles (subsection 8.04.440C of this chapter). The notice of violation shall state, with reference to the pertinent sections of this title, the violation which must be remedied by the person charged and may set forth a compliance date by which the violator must comply with the remedial requirements. The notice of violation shall include a list of the penalties as applicable to this violation as set forth in section 8.04.521, "Appendix A", of this chapter for minimum citation penalties. This penalty amount may be reduced or waived for first offenses, provided the pet owner satisfactorily completes a class on responsible pet ownership which is approved by the office of animal services. Compliance with all remedial requirements referred to in the notice of violation by the compliance date shown thereon shall result in a twenty five dollar ($25.00) reduction in the penalty. Refusal or failure to comply with any remedial requirements referred to in the notice of violation by the deadline set as the compliance date may result in the imposition of the full penalty and any additional administrative fees which may be applicable. (Ord. 2-12, 2012)

## 8.04.520: NOTICE OF VIOLATIONS:

A. Notices of violations shall be adjudicated as civil violations in the justice court in accordance with the procedures set forth in title 2, chapter 2.75 of this code.

B. Any person having received a notice of violation, as provided in this chapter, may appear before the justice court and present and contest such alleged violation.

C. The burden to prove any defense shall be upon the person raising such defense. Nothing herein shall affect the city's burden to prove each element of the underlying charge by a preponderance of evidence.

D. If the hearing officer finds that no violation as set forth in the notice of violation has occurred or that such a violation has occurred but one or more of the affirmative defenses set forth in this section is applicable, the hearing officer may dismiss the notice of violation and release the recipient of the notice from liability thereunder or the hearing officer may reduce the penalty associated therewith. Such affirmative defenses are:

1. At the time of the receipt of the notice, the person receiving the notice was not the owner or the person responsible for the animal and his/her actions did not contribute to the issuance of the notice of violation.

2. Compliance with the subject ordinances would have presented an imminent and irreparable injury to persons or property.

3. Such other mitigating circumstances as may be approved by the city law department. (Ord. 29-02 § 10, 2002[5]: Ord. 31-00 § 5, 2000: Ord. 69-99 § 5, 1999)

## 8.04.521: APPENDIX A:

SALT LAKE CITY ANIMAL SERVICES PENALTIES

The following penalties shall be imposed per animal. However, a "litter" as defined in section 8.04.010 of this chapter, shall be considered a single animal for purposes of imposing the penalties set forth in this section.

A. Pet License And Dog Breeder License Penalties:

| Late penalty (in addition to regular fee): | |
|---|---|
| First encounter | No penalty |
| Second encounter | $125 .00 |
| Third encounter | 250 .00 |

B. Service And Violation Penalties For Pets: Where indicated, penalties for second, third, and subsequent violations are for those occurring within a twenty four (24) month period.

| | First Offense | Second Offense | Third Offense | Subsequent Offenses |
|---|---|---|---|---|
| Impound penalties | $ 35 .00 | $ 70 .00 | $125.00 | $250 .00 |
| Minimum notice of violation penalties: | | | | |
| Animal nuisance, commercial permit, permit display | 50 .00 | 100 .00 | 200 .00 | Criminal |

| | | | | | |
|---|---|---|---|---|---|
| | Licensing, permits, tags, rabies vaccination, at large, number of animals, staking, female dogs in heat, harboring stray animals, animals as sales premiums, sale of baby rabbits, fowl, and pet turtles (applies when no other penalty is specified) | 25 .00 | 50 .00 | 100 .00 | Criminal |

Purchase price for unclaimed livestock is based on costs incurred by animal services during impound and recommendations made by the state brand inspector. (Ord. 5-12, 2012)

**Footnotes** - Click any footnote link to go back to its reference.
Footnote 1: See chapter 8.11 of this title.
Footnote 2: See chapter 8.11 of this title.
Footnote 3: See chapter 8.11 of this title.
Footnote 4: See chapter 8.11 of this title.
Footnote 5: Ordinance 29-02 shall take effect July 1, 2002.

# CHAPTER 8.05
# REGULATION AND CONTROL OF VICIOUS DOGS

## 8.05.010: REGULATION OF VICIOUS DOGS:

A vicious dog shall not be licensed in Salt Lake City unless the owner or keeper of such vicious dog shall meet the following requirements:

A. The owner or keeper shall present to the office of animal services proof that the owner or keeper has procured liability insurance in the amount of at least twenty five thousand dollars ($25,000.00), covering any damage or injury which may be caused by such vicious dog during the twelve (12) month period for which licensing is sought, which policy shall contain a provision guaranteeing Salt Lake City Corporation to be notified by the insurance company of any cancellation, termination or expiration of the liability insurance policy. Such proof of insurance shall be in such form as approved by the office of the Salt Lake City attorney.

B. The animal services director may issue regulations requiring the owner or keeper, at his or her own expense, to have the licensing number assigned to such vicious dog, or such other identification number as Salt Lake 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 office of animal services 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. Such sign shall be visible and capable of being read from all public entrance points to the area in which the dog is enclosed.

D. The owner or keeper shall sign a statement attesting that:

1. The owner or keeper shall maintain and not voluntarily cancel the liability insurance required by this section during the twelve (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;

2. 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;

3. The owner or keeper shall notify the office of animal services 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 been given away, the owner or keeper shall notify the office of animal services by the end of the next business day and shall also provide the office of animal services 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 provided by the office of animal services so that the dog is readily identifiable as a vicious dog.

F. The owner or keeper of a vicious dog shall be issued a permanent license number when the vicious dog is licensed. Said license must be renewed each year. The animal license fee shown on the Salt Lake City consolidated fee schedule for a vicious dog shall be in addition to other license fees. (Ord. 24-11, 2011)

## 8.05.020: CONTROL OF VICIOUS DOGS:

A. 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.

B. 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 three hundred (300) pounds and not exceeding three feet (3') 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.

C. Vicious dogs shall not be allowed to participate in dog shows. (Ord. 48-88 § 2, 1988)

## 8.05.030: OFFENDING VICIOUS DOGS:

A. It shall be a class B misdemeanor offense of strict liability for the owner or keeper of a vicious dog if the owner's or keeper's vicious dog shall, when unprovoked, kill or wound, or assist in killing or wounding 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.

B. The owner or keeper of such dog shall also be strictly liable to the person aggrieved as aforesaid, for all damage sustained. It is rebuttably presumed as a matter of law that the owning, keeping or harboring of a vicious dog in violation of this chapter is a nuisance. It shall not be necessary, in order to sustain any such 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 office of animal services or police department is hereby empowered to impound the vicious dog. (Ord. 69-99 § 7, 1999: Ord. 48-88 § 2, 1988)

## 8.05.040: PENALTIES FOR VIOLATION:

A. Any vicious dog:

1. Which does not have a valid license in accordance with the provisions of this chapter; or

2. Whose owner or keeper does not secure the liability insurance coverage required in accordance with subsection 8.05.010A of this chapter, or its successor; or

3. Which is not maintained on property with an enclosure; or

4. 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

5. Which is found not wearing the collar required by subsection 8.05.010E of this chapter, or its successor; or

6. Which is not tattooed, should the animal services director issue such regulation, shall be impounded by an animal services officer or police officer, and the owner or keeper shall be guilty of a class B misdemeanor.

B. 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 services office or police department is empowered to impound and, after the expiration of a five (5) day appeal period, exclusive of weekends and holidays, shall euthanize the vicious dog. Appeals shall be made, in writing, to the director of animal services and shall be made pursuant to section 8.05.050 of this chapter, or its successor.

C. 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 office of animal services or police department is empowered to impound and, after the expiration of a five (5) day appeal period, exclusive of weekends and holidays, shall euthanize the vicious dog. Appeals shall be made, in writing, to the director of animal services and shall be made pursuant to section 8.05.050 of this chapter. (Ord. 69-99 § 7, 1999: Ord. 48-88 § 2, 1988)

## 8.05.050: DETERMINATION, SEIZURE, IMPOUNDMENT AND DISPOSITION OF VICIOUS DOGS:

A. The director of animal services, or the director's designee, in their discretion 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. In determining whether or not a dog shall be declared a vicious dog, the director of animal services or designee may consider, as a mitigating factor, that the actions of the dog were "provoked", as defined in this title. A hearing on the matter shall be conducted by the director of animal services or the designee. The person owning, keeping, sheltering or harboring the dog in question shall be given not less than seventy two (72) hours' written notice of the

time and place of the hearing. 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 euthanized. 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.

B. If, after the hearing, the animal services director or the designee determines that a dog is vicious, as defined in this title, the director of animal services or his or her designee shall order the person owning, sheltering, harboring or keeping the dog to register the dog in compliance with this chapter, remove it from the city, or to cause it to be euthanized 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 (3) days of its issuance, the director of animal services or the designee is authorized to order the seizure and impoundment of the dog. A dog so seized shall be impounded for a period of seven (7) 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 of the director of animal services or his or her designee was issued has not appealed such order, the director of animal services or the designee shall cause the dog to be euthanized.

C. The order to register, remove or euthanize a vicious dog issued by the director of animal services or his or her designee may be appealed to the mayor or the mayor's designee. In order to appeal the order, written notice of appeal must be filed with the mayor within three (3) days after receipt of the order to remove, register or euthanize the vicious dog. Failure to file such written notice of appeal shall constitute a waiver of the right to appeal the order of the director of animal services or his or her designee.

D. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the office of the city recorder. The hearing of the appeal shall be held by the mayor or mayor's designee within five (5) days after receipt of the notice of appeal. The hearing may be continued for good cause. After such hearing, the mayor may affirm, reverse or modify the order of the director of animal services or his or her designee. Such determination shall be contained in a written decision and shall be made within three (3) days after the hearing, or any continued session thereof.

E. If the mayor affirms the action of the director of animal services or his or her designee, the mayor or the mayor's designee shall order in his or her written decision that the person owning, sheltering, harboring or keeping such vicious dog shall comply with the requirements of this chapter, remove such dog from the city, or cause it to be euthanized in a humane manner. The decision and order shall immediately be served upon the person or entity against whom rendered in the same manner as the order to remove or euthanize. If the order of the mayor, after appeal, is not complied with within three (3) days of its issuance, the office of animal services is authorized to seize and impound such vicious dog. Any dog so seized shall be impounded for a period of seven (7) days from the date the order is served upon the owner or keeper. If, at the end of the impoundment period, the entity or individual against whom the decision and order of the mayor was issued has not complied with the order or petitioned the appropriate court for a review of the order, the animal services office shall cause the dog to be euthanized in a humane manner.

F. Failure to comply with an order of the director of animal services or his or her designee issued pursuant hereto and not appealed, or of the mayor after appeal, shall constitute a class B misdemeanor.

G. Any dog found at large which displays vicious tendencies may be processed as a vicious dog pursuant to the foregoing.

H. Any dog which is alleged to be vicious and which is under impoundment or quarantine at the animal shelter shall not be released to the owner, but shall continue to be held at the expense of the owner pending the outcome of the hearing and all appeals. 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 through the court, Salt Lake City Corporation shall file suit and receive a judgment for all expenses, together with reasonable attorney 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 Salt Lake City Corporation. (Ord. 69-99 § 7, 1999: Ord. 48-88 § 2, 1988)

# CHAPTER 8.06
# DOG BREEDERS

## 8.06.010: LICENSE:

A. Dog breeders shall obtain a license issued by the office of animal services, in addition to any current general kennel or fancier's permit required by this code.

B. An applicant for a license shall submit an application on a form prescribed by the office of animal services, together with an annual, nonrefundable license fee in an amount shown on the Salt Lake City consolidated fee schedule.

C. The office of animal services, through its inspector, may conduct an inspection for the license requested by the applicant to determine whether the applicant qualifies to hold a license pursuant to this section. The office of animal services shall issue the license upon receipt of the application and annual license fee and upon satisfactory completion of any required or qualifying inspection and compliance with all requirements of this code.

D. A license shall not be issued to an applicant who has pled no contest or has been found to have violated any federal, state or local laws or regulations pertaining to animal cruelty within five (5) years of the date of application.

E. An applicant who does not receive a license shall be afforded the opportunity for a hearing before a hearing officer of the office of animal services to present evidence that the applicant is qualified to hold a license.

F. This section shall not apply to:

1. Any person licensed or subject to inspection by the United States department of agriculture pursuant to the deferral animal welfare act (title 7 USC section 2131 et seq.) and its regulations (title 9, CFR) or

2. Any evacuation or management activity associated with any emergency or disaster declared by local, state, or federal government.

G. A license to operate as a dog breeder shall be renewed by filing with the office of animal services annually a renewal application and license fee.

H. License registration should be made prior to any litter being delivered. Failure to timely register under this chapter may result in additional penalties, including a late fee as may be established by the city council.

I. A license is not transferable to another person or location.

J. A licensee may be put on probation requiring him or her to comply with the conditions set out in an order of probation issued by the office of animal services, may be ordered to pay a civil penalty or may have his or her license suspended after:

1. The office of animal services determines the licensee has not complied with the provisions of this chapter or with office of animal services regulations;

2. The licensee is given written notice to comply and written notice of the right to a hearing to show cause why the license should not be revoked; and

3. The office of animal services finds that issuing an order revoking the license is appropriate based on the hearing record or on available information if the hearing is waived in writing by the licensee or the licensee does not appear at a scheduled hearing after the licensee has received notice of the hearing.

K. The facility or operation of any licensee whose license has been suspended shall close and remain closed and all operations cease until the license has been reinstated and a new license is issued. Any facility or operation for which the license is revoked shall not be eligible to apply for a new license until one year after the date of the order revoking the license or, if the revocation is appealed, one year from the date of the order sustaining the revocation.

L. The office of animal services may terminate proceedings undertaken pursuant to this section at any time if the reasons for instituting the proceedings no longer exist. A license which has been suspended may be reinstated, a person with a revoked license may be issued a new license, or a licensee may no longer be subject to an order of probation if the office of animal services determines the conditions which prompted the suspension, revocation, or probation have been remedied or no longer exist.

M. A licensee shall have the right to appeal adverse decisions to the office of animal services director or designee. (Ord. 5-12, 2012)

## 8.06.015: LICENSE; RESPONSIBLE BREEDER; FIVE YEAR LICENSE:

A. Adherence To Code Of Ethics: Licensees belonging to recognized organizations which require and enforce adherence to a code of ethics and standards specific to their breed may obtain a five (5) year license at no charge.

B. Recognized Organizations:

1. A local, regional, or national dog club or organization recognized by the American Kennel Club which has a written code of ethics that members are held accountable to in order to remain member in good status standing, or

2. If the breed is not recognized by the American Kennel Club, then a local, regional, or national dog club or an organization recognized by the United Kennel Club which has a written code of ethics that members are held accountable to in order to remain member in good status standing, or

3. If the breed is not recognized by the American Kennel Club or the United Kennel Club, the organization may be recognized by providing the following information to the office of animal services:

a. Articles of organization and bylaws (or equivalent);

b. Copy of the organization's code of ethics; and

c. Statement regarding member's requirement to abide by code of ethics to maintain membership.

C. Applications: Application for five (5) year license shall include the following:

1. Proof that the applicant is a member in good standing with a recognized organization, and

2. A copy of the recognized organization's code of ethics (or equivalent) that members are held accountable to in order to maintain member in good standing status. The code of ethics shall include at a minimum:

a. Expectations for following guidelines and recommendations for breed specific health and medical testing;

b. Prohibition on selling, trading, or bartering of a puppy/adult that is sick, or shipping or delivering to the buyer a puppy less than eight (8) weeks of age; and

c. Requirements to take back or make rescue or placement arrangements for any dog produced that has been displaced or abandoned at any time during its life.

D. Revocation: A five (5) year license may be revoked if the licensee is found to have lost member in good standing status or if the licensee is found to be in violation of any section of this chapter.

E. Suspension: Organizations found to not be enforcing their member's adherence to the organization's standards and code of ethics may be suspended from participating in the five (5) year license program for two (2) years. During the two (2) year period of the organization's suspension, no five (5) year licenses shall be issued or renewed to members of the suspended organization. (Ord. 5-12, 2012)

## 8.06.020: INSPECTIONS:

A. The office of animal services may inspect any dog breeders licensed under this chapter to determine compliance. The office of animal services may conduct additional inspections upon receipt of a complaint or it may determine to ensure compliance with the requirements of this chapter. When an inspection produces evidence of a violation of this chapter or office of animal services regulations, a copy of an inspector's written report of the inspection, including alleged violations, shall be provided to the applicant or licensee, together with written notice to comply within the time limit established by the office of animal services.

B. The inspector, for purposes of inspection, may, with an appointment, enter the premises of any applicant or licensee during normal business hours and in a reasonable manner, including all premises in or upon which dogs are housed, sold, exchanged, or leased or are reasonably suspected of being housed, sold, exchanged, or leased. An applicant or licensee shall, upon request of the inspector, provide assistance in making any inspection authorized under this section and any associated regulations.

C. The private residence of any applicant or licensee shall be available for purposes of inspection only if dogs are housed within the residence, including a room in such residence, and only the portion of the residence used as an enclosure shall be open to an inspection pursuant to this section.

D. The office of animal services shall have authority to investigate reported violations of this chapter and office of animal services regulations, including failure to obtain a license as a dog breeder, as required under this chapter. (Ord. 5-12, 2012)

## 8.06.030: STANDARDS:

A. Licensees shall ensure that appropriate preventative and therapeutic veterinary care is provided.

B. Each licensee shall have a plan for disaster response and recovery, including, but not limited to, structural damage, electrical outages, and other critical system failures.

C. All dogs over four (4) months old shall be properly licensed.

D. All dogs shall be provided necessary and appropriate veterinary care, including, at a minimum, an examination at least annually by a licensed veterinarian, prompt treatment of any illness or injury by a licensed veterinarian, and, where justified, humane euthanasia by an appropriate agency using lawful techniques determined acceptable by the office of animal services.

E. All dogs shall be provided sufficient housing, including protection from the elements, constant and unfettered access to an indoor enclosure that has a solid floor (a wire mesh or similar floor is not permitted), no stacking of one animal's enclosure above or below another animal's enclosure, and waste removal at least once a day while a dog is outside the enclosure. (Ord. 5-12, 2012)

## 8.06.040: RECORDS:

A. A licensee shall maintain accurate records for each dog within the licensee's care for at least five (5) years including:

1. The date the dog enters the kennel facility;

2. The person from whom each dog was purchased or obtained, including the name, address, and phone number of the person, and license or registration number if applicable;

3. A description of each dog, including the color, breed, sex, date of birth (if not known, the approximate age), and weight;

4. A description of any tattoo, microchip, or other identification number carried by or appearing on the dog;

5. For breeding females:

   a. Breeding dates;

   b. Whelping dates;

   c. Number of puppies per litter; and

   d. Sire for each litter.

6. All preventative and therapeutic veterinary care provided for each dog; and

7. The disposition of each dog and the date.

B. A copy of each dog's record, as required by this section, shall be provided at the time of transfer of ownership. Registration of any tattoo, microchip, or other identification number shall also be transferred.

C. Licensees shall provide copies of records listed in this section to the inspector, as requested, to enforce the provisions of this section or its regulations. (Ord. 5-12, 2012)

## 8.06.050: ENFORCEMENT AND PENALTIES:

A. Penalties for failing to obtain a dog breeder's license shall be as set forth in sections 8.04.500, 8.04.510, and 8.04.521 of this title.

B. In enforcing this chapter, the office of animal services may:

1. Issue an order or probation;

2. Issue a cease and desist order;

3. Suspend or revoke a license; or

4. Seek other injunctive relief as may be necessary to enforce this chapter and its regulations, including impounding and seizing dogs where the office of animal services determines there is significant threat to the health or safety of the dogs harbored or owned by the licensee. Costs incurred for the care of animals impounded or seized under this section shall be recoverable from the owner of the animal who is found to have violated provisions of this chapter.

C. Each act committed against an individual animal in violation of this chapter or office of animal services regulations, and each day during which a violation continues, shall constitute a separate offense for purposes of this section.

D. A failure to comply with this chapter shall constitute a class B misdemeanor. The attorney's office may bring an action to collect unpaid license fees and/or unpaid civil penalties.

E. It shall be a violation of this chapter for any person to:

1. Deny access to any inspector or offer any resistance to, thwart, or hinder an inspector by misrepresentation or concealment;

2. Interfere with, threaten, verbally or physically abuse, or harass any inspector in the course of carrying out inspection duties;

3. Fail to disclose all dog housing locations owned or controlled by a licensee; or

4. Violate an injunction order or order of compliance issued pursuant to this section.

F. Proceedings undertaken under this section shall not preclude the office of animal services from seeking other civil or criminal actions. This section does not prohibit the office of animal services from assisting a law enforcement agency in a criminal investigation. Nothing in this section shall be construed to prohibit prosecution under state statute or city ordinance. (Ord. 5-12, 2012)

# CHAPTER 8.08
# KEEPING ANIMALS, LIVESTOCK AND POULTRY

## 8.08.010: DOMESTIC FOWL AND LIVESTOCK; PERMIT REQUIRED:

A. Except as provided in subsection B of this section, it is unlawful for any person to keep within the city any chickens, turkeys, ducks, geese, pigeons or other similar domestic fowl, or more than two (2) rabbits, or other similar animals, without first making application for and obtaining a permit from the office of animal services to do so. The fee for such permit shall be shown on the Salt Lake City consolidated fee schedule.

B. Notwithstanding subsection A of this section, chickens may be kept in any area zoned as a residential district under title 21A, chapter 21A.24 of this code or its successor, subject to the requirements of section 8.08.065 of this chapter.

C. It is unlawful for any person to keep within the city any sheep, goats, cows, calves, pigs, horses, jacks, jennies, or other similar animals, without first making application for and obtaining a permit from the office of animal services to do so. The fee for such permit shall be shown on the Salt Lake City consolidated fee schedule, each year. Such permits shall not be issued for any area of the city except areas zoned as agricultural districts under section 21A.32.050 of this code, or its successor section. (Ord. 24-11, 2011)

## 8.08.020: PERMIT; ISSUANCE CONDITIONS; NUMBER OF ANIMALS; DEPARTMENT POWERS:

The Salt Lake Valley health department is empowered to make rules and regulations governing the keeping of such domestic fowl and animals, as may be required to protect the health and welfare of the citizens of the city; provided, that in no case shall such a permit be issued by the office of animal services or the sanitary division of the Valley health department to keep any mink or snake, nor except as provided in section 8.08.030 of this chapter, or its successor, to keep more than the following number of domestic fowl: twenty five (25) chickens, twenty five (25) ducks, twenty five (25) turkeys, twenty five (25) pigeons, or twenty five (25) other similar domestic fowl; or to keep more than the following number of animals: two (2) sheep, two (2) goats, one cow, one calf, one pig, two (2) horses, two (2) jacks, two (2) jennies, ten (10) rabbits, or other similar animals. (Ord. 1-06 § 30, 2005: Ord. 71-99 § 2, 1999: Ord. 69-99 § 8, 1999: prior code § 100-2-1(2))

## 8.08.030: KEEPING ADDITIONAL ANIMALS; LICENSE REQUIRED; FEE:

Any person who desires to keep for commercial purposes in excess of the number of any of the domestic fowl or various animals mentioned heretofore and not prohibited shall make application to the director of animal services for a license so to do. The license fee shall be shown on the Salt Lake City consolidated fee schedule, each year, and the license application shall, before the issuance of such license, be referred to the Valley health department for approval and the issuance of a commercial permit. Such approval and permit shall be limited to applicants who shall comply with special rules and regulations to be promulgated by the sanitary division of the Valley health department governing the keeping of such domestic fowl or animals for commercial purposes. (Ord. 24-11, 2011)

## 8.08.040: SANITARY CONDITIONS:

The Valley health department shall at all times maintain supervision of the sanitary conditions of premises where such animals are kept. (Ord. 1-06 § 30, 2005: prior code § 100-2-1 (6))

## 8.08.050: PERMIT; REVOCATION CONDITIONS; APPEALS:

The above mentioned permits are subject to revocation at any time by the office of animal services or the sanitary division of the Valley health department. Any permittee may, within five (5) days from date of revocation of this permit, appeal to the mayor, who may, after a hearing, confirm such revocation or reinstate the permit. (Ord. 1-06 § 30, 2005: Ord. 69-99 § 8, 1999: prior code § 100-2-1(5))

## 8.08.060: HOUSING AND FEEDING OF ANIMALS; LOCATION RESTRICTIONS:

It is unlawful to house, keep, run or feed any of the above mentioned animals within fifty feet (50') of any structure used for human habitation except as provided in section 8.08.065 of this chapter. (Ord. 72-09 § 2, 2009)

## 8.08.065: KEEPING CHICKENS:

A. Subject to the requirements of this section and any other applicable provision of this chapter, fifteen (15) hen chickens (and no roosters) may be kept on a lot or parcel of land in a residential district for the sole purpose of producing eggs. The principal use on the lot or parcel shall be a one-family dwelling, a two-family dwelling, or a multi-family dwelling. Notwithstanding the foregoing, a person who complies with the requirements of section 8.08.030 of this chapter may keep chickens as provided in such section.

B. Chickens shall be confined within a secure outdoor enclosed area.

1. The enclosed area shall include a covered, ventilated, and predator resistant chicken coop.

a. The coop shall have a minimum floor area of at least two (2) square feet per chicken.

b. If chickens are not allowed to roam within an enclosed area outside the coop, the coop shall have a minimum floor area of six (6) square feet per chicken.

2. The coop shall be located in a rear yard at least twenty five feet (25') from any dwelling located on an adjacent lot.

a. The coop and enclosed area shall be maintained in a neat and sanitary condition and shall be maintained as provided in section 8.08.070 of this chapter.

b. No chicken shall be permitted to roam outside the coop or enclosed area.

3. Chicken feed shall be stored and dispensed in rodentproof and predatorproof containers.

C. Chickens shall not be kept on a residential lot or parcel unless the person keeping chickens first obtains a permit as provided in section 8.08.010 of this chapter.

1. The permittee shall acknowledge the rules set forth in this section and shall, as a condition of permit issuance, agree in writing to comply with such rules.

2. The permit shall be good for one year and may be renewed annually.

D. It shall be unlawful for any person to keep any chicken in a residential district in a manner contrary to the provisions of this section. (Ord. 72-09 § 3, 2009)

## 8.08.070: POULTRY COOPS AND RUNWAYS; SANITATION:

A. All coops or buildings where fowl are housed shall be whitewashed or sprayed with some standard disinfectant at least three (3) times yearly, once in each of the months of March, July and October.

B. All droppings under roosts shall be cleaned out at least once every two (2) weeks.

C. All coops, runways and surroundings shall be kept and maintained in a clean and sanitary condition. (Prior code § 100-2-6)

## 8.08.080: TRESPASS BY FOWL OR DOMESTIC ANIMALS:

It is unlawful for the owner or any person in charge of domestic fowl, such as turkeys, ducks, geese, chickens or other similar domestic fowl, or domestic animals such as dogs or cats, to permit such fowl or domestic animals to trespass upon the premises of another. It is unlawful for any person to house, keep, run or feed any such fowl within fifty feet (50') of any house used for human habitation except as provided in section 8.08.065 of this chapter. (Ord. 72-09 § 4, 2009)

## 8.08.090: DOCKING HORSES' TAILS PROHIBITED:

It is unlawful for any person to cut or assist in cutting, within the limits of the city, the bone of the tail of any horse for the purpose of docking the tail, or for any person to cause or knowingly permit the same to be done upon the premises of which he is the owner, lessee, proprietor or user, within the city; and if a horse is found with its tail so cut, and with the wound resulting from such cutting unhealed, upon the premises of any person in the city, such fact shall be prima facie evidence that the person who occupies or has the use of the premises upon which the horse is so found has committed such offense, and if a horse is found with its tail so cut, and the wound resulting from such cutting unhealed, in the charge or custody of any person in the city, such fact shall be prima facie evidence that the person having charge or custody of such horse has committed such offense. (Ord. 69-99 § 8, 1999: prior code § 100-2-2)

### 8.08.100: ANIMALS ON STREET MORE THAN FIVE HOURS:

It is unlawful for the owner or person having charge, care, custody or control of any animal, to allow the same to remain standing, fastened or otherwise, on any of the streets of the city for a period longer than five (5) hours of any one day. (Ord. 69-99 § 8, 1999: prior code § 100-2-3)

### 8.08.110: DRIVING LIVESTOCK THROUGH STREETS; CONDITIONS:

It is unlawful for any person to drive any drove of cattle, goats, sheep, horses, hogs or other animals over or upon any of the public streets of the city; provided, however, this provision shall not apply to the highways set aside for that purpose by the mayor. (Ord. 69-99 § 8, 1999: prior code § 100-2-4)

## CHAPTER 8.10
## BEEKEEPING

### 8.10.010: PURPOSE:

The purpose of this chapter is to authorize beekeeping subject to certain requirements intended to avoid problems that may otherwise be associated with beekeeping in populated areas. (Ord. 71-09 § 2, 2009)

### 8.10.020: CERTAIN CONDUCT UNLAWFUL:

Notwithstanding compliance with the various requirements of this chapter, it shall be unlawful for any person to maintain an apiary or to keep any colony on any property in a manner that threatens public health or safety, or creates a nuisance. (Ord. 71-09 § 2, 2009)

## 8.10.030: HIVES ON RESIDENTIAL LOTS:

A. As provided in this chapter, and notwithstanding any contrary provision in title 21A of this code, an apiary, consisting of not more than five (5) hives or an equivalent capacity, may be maintained in a side yard or the rear yard of any residential lot. On a residential lot which is one-half (0.5) acre or larger, the number of hives located on the lot may be increased to ten (10) hives.

B. A person shall not locate nor allow a hive on property owned or occupied by another person without first obtaining written permission from the owner or occupant. (Ord. 71-09 § 2, 2009)

## 8.10.040: BEEKEEPER REGISTRATION:

Each beekeeper shall be registered with the Utah department of agriculture and food as provided in the Utah bee inspection act set forth in title 4, chapter 11 of the Utah code, as amended. (Ord. 71-09 § 2, 2009)

## 8.10.050: HIVES:

A. Honeybee colonies shall be kept in hives with removable frames which shall be kept in sound and usable condition.

B. Hives shall be placed at least five feet (5') from any property line and six inches (6") above the ground, as measured from the ground to the lowest portion of the hive; provided, however, that this requirement may be waived in writing by the adjoining property owner.

C. Hives shall be operated and maintained as provided in the Utah bee inspection act.

D. Each hive shall be conspicuously marked with the owner's name, address, telephone number, and state registration number. (Ord. 71-09 § 2, 2009)

## 8.10.060: FLYWAYS:

A hive shall be placed on property so the general flight pattern of bees is in a direction that will deter bee contact with humans and domesticated animals. If any portion of a hive is located within fifteen feet (15') from an area which provides public access or from a property line on the lot where an apiary is located, as measured from the nearest point on the hive to the property line, a flyway barrier at least six feet (6') in height shall be established and maintained around the hive except as needed to allow access. Such flyway, if located along the property line or within five feet (5') of the property line, shall consist of a solid wall, fence, dense vegetation, or a combination thereof, which extends at least ten feet (10') beyond the hive in each direction so that bees are forced to fly to an elevation of at least six feet (6') above ground level over property lines in the vicinity of the apiary. (Ord. 71-09 § 2, 2009)

### 8.10.070: WATER:

Each beekeeper shall ensure that a convenient source of water is available to the colony continuously between March 1 and October 31 of each year. The water shall be in a location that minimizes any nuisance created by bees seeking water on neighboring property. (Ord. 71-09 § 2, 2009)

### 8.10.080: BEEKEEPING EQUIPMENT:

Each beekeeper shall ensure that no bee comb or other beekeeping equipment is left upon the grounds of an apiary site. Upon removal from a hive, all such equipment shall promptly be disposed of in a sealed container or placed within a building or other beeproof enclosure. (Ord. 71-09 § 2, 2009)

### 8.10.090: CONFLICT WITH COUNTY HEALTH DEPARTMENT REGULATIONS:

In the event of a conflict between any regulation set forth in this chapter and honeybee management regulations adopted by the Salt Lake Valley health department, the most restrictive regulations shall apply. (Ord. 71-09 § 2, 2009)

### 8.10.100: VIOLATIONS:

A violation of this chapter may be remedied as provided in sections 8.04.500, 8.04.510, and 8.04.520 of this title. When a violation of this chapter is committed, and provided it is not charged in conjunction with another criminal offense and does not constitute a fourth or succeeding notice of violation within a twenty four (24) month period, an authorized agent of the city shall issue a civil notice of violation to such violator in lieu of a misdemeanor citation. (Ord. 71-09 § 2, 2009)

# CHAPTER 8.11
# FERAL CATS

### 8.11.010: FERAL CATS; IMPOUNDMENT AND DISPOSITION:

A. Impounded cats identified as feral pursuant to this title shall be held by animal services for the mandatory period set out in section 8.04.340 of this title.

B. At the end of the mandatory holding period, the feral cat shall be released within a reasonable proximity to where it was trapped or picked up.

1. Each cat shall be sterilized, identified by "ear tipping" and vaccinated (including rabies vaccination) prior to release.

2. The release of a feral cat under the provisions of this section shall not be considered "abandonment" under the provisions of section 8.04.010 of this title.

C. The director (or designee) has discretion to refuse release of a feral cat. (Ord. 53-12, 2012)

# CHAPTER 8.12
# ESTRAYS

## 8.12.010: IMPOUNDING AND DISPOSAL OF ESTRAYS GENERALLY:

It is made the duty of the director of animal services to take into his/her possession and impound all estrays running at large, and to dispose of the same as hereinafter provided. Whenever the word "estray" appears in this chapter, it is defined to mean any valuable animal, except dogs or cats, not wild, found wandering from its owner. (Ord. 69-99 § 9, 1999: Ord. 24-89 § 1, 1989)

## 8.12.020: NOTICE OF SALE OF ESTRAYS:

Within three (3) days after an estray shall come into the possession of the director of animal services, the director shall advertise the same in a newspaper published in the county, having general circulation in the county, by publishing a notice in at least one issue of said paper, at least five (5) days before the sale, and by posting notices for a period of ten (10) days in three (3) public places in the city, one of which places shall be at or near the post office. The director shall immediately deliver a copy of such notice to the county clerk, or mail the same to him/her by registered letter. The notice so filed with the clerk shall be available during reasonable hours for inspection by the public free of charge. The notice herein provided for shall contain a description of the animals, including all makes and brands, when taken, the day, hour, and place of sale, and may be substantially in the following form:

*NOTICE*

*State of Utah, County of Salt Lake,*
*In Salt Lake City,*

*I have in my possession the following described estray animals, which, if not claimed and taken away, will be sold at public auction to the highest cash bidder at the Animal Shelter in Salt Lake City on _____, the ____day of _____, 19__, at the hour of _____.*

*(description of animals)*

*Said estrays were taken up by me in said city on the ____ day of _____, 19___.*

*Director, Animal Services*

(Ord. 69-99 § 9, 1999: Ord. 24-89 § 1, 1989)

## 8.12.030: RETURN TO OWNER ON PAYMENT OF COSTS; SALE:

If at any time before the sale of any estrays, such animals shall be claimed and proved to be the property of any person, the animal services director shall deliver them to the owner upon receiving from the owner the cost of impounding, keeping and advertising the same. If the animals are not so claimed and taken away, the director shall, at the time and place mentioned in the notice, proceed to sell the same, one at a time, to the highest cash bidder, and shall execute and deliver a bill of sale transferring said animals to the purchaser or purchasers thereof, which bill of sale shall be substantially in the following form:

*I hereby certify that in pursuance of the law regulating the disposal of estrays and trespassing animals, I have this day sold to _____for the sum of $___, he/she being the highest bidder, ____head of ____, described as follows, to wit:*

*(description of animals)*

*Witness my hand this _____day of _____, 19__.*

*Director, Animal Services*

The director shall immediately file a copy of such bill of sale with the county clerk or forward the same to him/her by registered mail. The copy so filed with the clerk shall be preserved for a period of two (2) years and shall be open to inspection during all reasonable hours without charge. Such bill of sale shall transfer and vest in such purchaser the full title to the animals thus sold. (Ord. 69-99 § 9, 1999: Ord. 24-89 § 1, 1989)

## 8.12.040: RECORD OF ESTRAYS:

The director of animal services shall keep an accurate record of all estrays received by him/her, their age, color, sex, marks, and brands, the time and place of taking and the expense of keeping and selling the same, all animals claimed and taken away, all animals sold and to whom sold and the amount paid, all monies paid to owners after sale, all monies paid into the city treasury, and all other matters necessary to a compliance with the provisions of this chapter. The mayor shall provide the director with a suitable book, in which shall be entered the records required by law to be kept by the director. Such records shall be open to the inspection of the public at all reasonable hours, and shall be deposited by the director with his/her successor in office. (Ord. 69-99 § 9, 1999: Ord. 24-89 § 1, 1989)

## 8.12.050: TRESPASSING ANIMALS; DAMAGING; IMPOUNDING:

If any cattle, horses, asses, mules, sheep, goats or swine shall trespass or do damage upon the premises of any person, the party aggrieved, whether such be the owner or occupant of such premises, may recover damages by an action at law against the owner of the trespassing animals, or by distraining and impounding said animals in the manner provided herein. (Ord. 24-89 § 1, 1989)

## 8.12.060: APPRAISEMENT OF DAMAGES:

The owner or occupant of any property may distrain any or all of said animals trespassing or doing damage thereon. He/she shall, within twenty four (24) hours thereafter, deliver said animals to the director of animal services, together with a certificate of the appraisement of the damage done by such animals. Such appraisement must be made by a qualified disinterested person of adult age. It must state the amount of the damage, the time when committed, the name of the person damaged, the name of the owner of the animals, if known, and if not known, it must state that fact, together with a description of the animals, including all visible marks and brands. If the animals appear to be owned by different parties, a separate appraisement and a separate certificate thereof shall be made of the damage done by the lot or group of animals which appear to belong to each of the different owners. In such cases, the owners shall be notified separately, and each lot or group of animals shall be advertised and sold separately in the same manner as though the damage had been done by different animals at different times. (Ord. 69-99 § 9, 1999: Ord. 24-89 § 1, 1989)

## 8.12.070: OWNER TO BE NOTIFIED:

The person distraining the animals must, if the owner of the same be known to such person and if the owner resides within ten (10) miles of the place of the trespass, immediately deliver to such owner, or leave at his/her place of residence if he/she cannot be found, a copy of such certificate of appraisement; but if the owner does not live within ten (10) miles of the place of trespass, the party distraining the animals may, at his/her option, deliver a copy of such certificate to the owner in person, or deposit the same in the nearest post office in a registered letter addressed to said owner. He/she shall be entitled to charge fifteen cents ($0.15) a mile one way for the first ten (10) miles necessarily traveled in delivering such certificate, and ten cents ($0.10) for each additional mile, to be taxed as costs against the animals. (Ord. 24-89 § 1, 1989)

## 8.12.080: FAILURE TO NOTIFY WAIVES DAMAGES:

If the party distraining any animals shall fail to deliver them or the certificate of appraisement to the director of animal services within twenty four (24) hours, or shall fail to deliver to the owners of the animals, if known, a copy of the certificate of appraisement within forty eight (48) hours after he/she receives the same, or to deposit the same in the post office as herein provided, said party shall not be entitled to recover damages under the provisions of this chapter. (Ord. 69-99 § 9, 1999: Ord. 24-89 § 1, 1989)

## 8.12.090: WHERE OWNER UNKNOWN; DUTY OF DIRECTOR OF ANIMAL SERVICES:

Whenever any animals are delivered to the director of animal services, and the certificate of appraisement is filed with him/her as herein provided and such certificate states that the owner is unknown, the director of animal services shall immediately examine all brand books or brand sheets in his/her possession, and if the owner be ascertained thereby, or if the owner be already known to the director of animal services, the director shall, if the owner lives within ten (10) miles, immediately deliver a copy of such certificate of appraisement to such owner or leave the same at the owner's residence if he/she cannot be found; if the owner lives more than ten (10) miles away, the director of animal services may, at his/her option, deliver such copy personally to the owner or deposit the same in the nearest post office in a registered letter addressed to such owner. The director shall, however, serve a copy in one of the ways provided herein; provided, that whenever personal service of a copy of any paper is required by this chapter, service by agent shall be deemed sufficient. (Ord. 69-99 § 9, 1999: Ord. 24-89 § 1, 1989)

## 8.12.100: NOTICE OF SALE OF DISTRAINED ANIMALS:

As soon as such animals are delivered to the director of animal services, the director shall immediately proceed to advertise the same as hereinafter provided, except when the owner is known and has been notified, in which case he/she shall hold said animals forty eight (48) hours before advertising the same. The director shall advertise in a newspaper

published in the county, having general circulation in the county, by publishing a notice in at least one issue of said paper, and by posting notices in three (3) of the most public places in the city, one of which shall be at or near the post office, and shall deliver a copy of the same to the county clerk, or send the same by officer or by registered mail. The clerk shall preserve such notice and post a copy thereof. The notice herein provided for shall state the time when the damage was done and the amount thereof, the name of the party damaged, a description of the animals, including all visible marks and brands, and the day, hour, and place at which such animals will be sold, which shall be not less than ten (10) or more than twenty (20) days from the time of posting such notice; said notices may be substantially in the following form:

*SALE OF ANIMALS FOR DAMAGES*

*State of Utah, County of Salt Lake,*
*In the City of Salt Lake.*

*I have in my possession the following described animals, which, if not claimed and taken away, will be sold at public auction to the highest cash bidder at the animal shelter in Salt Lake City, on the day of _____, 19__.*

*Animal Services Director*

(Ord. 69-99 § 9, 1999: Ord. 24-89 § 1, 1989)

## 8.12.110: OWNER MAY PAY AND TAKE ANIMALS; DISPUTED APPRAISAL:

The owner of any trespassing animals taken up under the provisions of this chapter may, at any time before the sale thereof, claim and take such animals away upon paying the amount of damages set forth in the certificate of appraisement and the accrued costs, and if such animals are included in a lot or group of animals belonging to other parties, against which the damages and costs are assessed as a whole, he/she shall pay his/her proportion of the total amount of damages and costs assessed against such animals, according to the number of animals he/she owns when compared with the number of the entire lot or group. If said owner deems the appraisal too high, he/she may choose another appraiser having the qualifications herein provided, who with the first shall make a new appraisal, and if they cannot agree, they shall choose a third and the three (3) shall proceed to make another appraisal, and the decision of the majority shall be final. (Ord. 24-89 § 1, 1989)

## 8.12.120: SALE; BILL OF SALE:

If such animals are not claimed and taken away by the owner, the director of animal services shall, at the time and place set forth in the notice of sale, proceed to sell such animals, one at a time, to the highest cash bidder. If the owner of any lot of animals to be sold is known, the director of animal services shall sell only enough of said animals to pay the damages and costs, and the remainder may be turned over to the owner at any time thereafter; but if the owner be not known, the director of animal services shall proceed to sell all of said animals so advertised for sale. The director shall execute and deliver a bill of sale therefor, and file a copy with the county clerk as hereinbefore provided. Said copies shall be preserved for a period of two (2) years and shall be open for inspection at all reasonable hours, free of charge. (Ord. 69-99 § 9, 1999: Ord. 24-89 § 1, 1989)

## 8.12.130: RECORD OF TRESPASSING ANIMALS:

The director of animal services shall keep an accurate record of all trespassing animals received by him/her, which shall contain all the items required by this title, together with the names of the injured party and the owner of the animals, the amount of the damages claimed, and all other matters necessary to a complete account of the transaction. Such record shall be open for inspection at all reasonable hours without charge. (Ord. 69-99 § 9, 1999: Ord. 24-89 § 1, 1989)

### 8.12.140: UNLAWFUL SALES:

The owner of any animals unlawfully impounded or sold may maintain an action to recover the same and damages for the detention thereof. (Ord. 24-89 § 1, 1989)

### 8.12.150: RETAKING ANIMALS UNLAWFULLY:

It is unlawful for anyone to take an animal out of the possession of anyone lawfully holding the same under the provisions of this chapter, either by stealth, force, fraud, or to intercept or hinder any person lawfully taking up or attempting to take up such animals. (Ord. 24-89 § 1, 1989)

### 8.12.160: ANIMAL SHELTER:

The director of animal services shall furnish suitable premises to be used as the animal shelter, and it shall be the duty of the director of animal services to take charge of the premises, which shall be designated as the animal shelter and keep said premises in a clean and orderly condition. It shall be said director's duty to receive and care for all animals committed to his/her charge; to examine records, marks and brands; and to exercise diligence in locating the owners of such animals and to notify them if found. (Ord. 69-99 § 9, 1999: Ord. 24-89 § 1, 1989)

### 8.12.170: BILL OF DAMAGE:

The director of animal services shall receive and file all bills of damage duly presented, and enter the amounts in his/her books, which shall be open to the inspection of the public. The director shall not deliver any animal to the owner until all costs and damages are paid. (Ord. 69-99 § 9, 1999: Ord. 24-89 § 1, 1989)

### 8.12.180: PROCEEDS OF SALE:

The net proceeds of the sale of all animals, as herein provided, shall be paid into the city treasury, subject to the order of the owners of said animals, if applied for within six (6) months from date of sale. If not applied for within that time, the city treasurer shall transfer the amount into the general fund. (Ord. 24-89 § 1, 1989)

### 8.12.190: ADVERTISING BILLS:

All bills for advertising shall be certified to by the director of animal services, and if correct, shall be ordered paid by the city. (Ord. 69-99 § 9, 1999: Ord. 24-89 § 1, 1989)

## 8.12.200: ANIMALS AT LARGE:

No cattle, horses, mules, sheep, goats or swine shall be allowed to run at large, or be herded, picketed, or staked out upon any street, sidewalk or any other public place within the limits of the city, and all such animals so found may be taken up and driven to the animal shelter; provided that nothing herein contained shall be so construed as to prevent any person from driving milk cows, work cattle, horses, mules or other animals from outside the city limits to any enclosure within the city limits, or from any enclosure in the city to a place outside the city or from any enclosure to another within the limits of the city. (Ord. 24-89 § 1, 1989)

## 8.12.210: DETENTION OF ANIMALS:

It is unlawful for any person other than the director of animal services to take up an animal of another, under the provisions of this chapter, and retain it more than eighteen (18) hours. (Ord. 69-99 § 9, 1999: Ord. 24-89 § 1, 1989)

## 8.12.220: MALICIOUS IMPOUNDING:

It is unlawful for any person maliciously to secrete or impound an animal of another pursuant to the provisions of this chapter. (Ord. 24-89 § 1, 1989)

## 8.12.230: FEES:

The director of animal services shall collect and retain the fees shown on the Salt Lake City consolidated fee schedule for his/her services regarding impound, board, and transportation for livestock. (Ord. 24-11, 2011)

## 8.12.240: MONTHLY STATEMENT:

It shall be the duty of the director of animal services to make monthly, a statement of the business transacted by him/her in connection with the animal shelter, showing in detail all animals received, sold, advertised or handled by such director, together with a detailed statement of all monies expended and received. (Ord. 69-99 § 9, 1999: Ord. 24-89 § 1, 1989)

## 8.12.250: RESPONSIBILITY FOR FENCING:

The owner, occupant or lessor of any property used to confine, keep or pasture any cattle, horses, asses, mules, sheep, goats, swine or other types of livestock or large animals shall install and maintain in good repair a fence around the perimeter of said property sufficient to ensure that no such animal contained therein shall be able to escape such property to run at large. All gates installed shall be locked and shall be of such a type that no animal contained within shall be able to escape and run at large by any means. (Ord. 24-89 § 1, 1989)

# CHAPTER 8.16
# REGULATION OF HORSEDRAWN CARRIAGE BUSINESSES

## Article I. Suitability Of Horses

### 8.16.010: BUSINESSES GOVERNED:

In addition to the requirements of title 5, chapters 5.05, 5.37 of this code, and other applicable ordinances of this code, or their successors, all holders of a certificate of public convenience and necessity issued by the city for the transportation of passengers for hire by horsedrawn carriages shall be governed by the provisions of this chapter. (Ord. 52-89 § 3, 1989)

### 8.16.015: IDENTIFICATION NUMBER:

Each horse used to pull a carriage in the city shall be identified by a brand or mark in accordance with chapter 4-24, Utah Code Annotated, or its successor, which brand or mark uniquely identifies the horse thus marked. The identification brand or mark and description of each of said horses, including age, breed, sex, color and other identifying markings, shall be filed by the carriage horse business with animal services. (Ord. 17-02 § 13, 2002: Ord. 52-89 § 3, 1989)

### 8.16.020: EXAMINATION REQUIRED:

Every horse shall be examined prior to use in a horsedrawn carriage business, and every six (6) months thereafter, by a veterinarian and at no expense to the city. The horse shall be examined and treated for internal parasites; problems with its teeth, legs, hoofs and shoes, or cardiovascular system; drug abuse; any injury, disease, or deficiency observed by the veterinarian at the time or previously, and the general physical condition and ability to perform the work required of it. (Ord. 52-89 § 3, 1989)

### 8.16.025: CERTIFICATE REQUIRED:

No person shall cause or attempt to cause a horse to pull a carriage, unless the horse has been certified pursuant to this section. The certification of the horse may be made subject to a condition, or otherwise limited by the veterinarian. The certificate shall be kept and be available for inspection by the office of animal services at the stable where the certified horse is kept, and a copy of the certificate shall be mailed to the office of animal services within five (5) days from its date. (Ord. 17-02 § 14, 2002: Ord. 52-89 § 3, 1989)

## 8.16.030: CERTIFICATE BY VETERINARIAN; TERM:

After performing the physical examination required by section 8.16.020 of this chapter, or its successor, the examining veterinarian may sign a certificate attesting that the horse is in good health. The certificate shall specifically identify each horse by its breed, sex, color and identifying markings and shall state, in the opinion of the veterinarian, the maximum load which each horse can reasonably be expected to draw safely and without causing injury to the horse. The certificate, if issued, shall be valid for a period of not more than six (6) months from the date of signature. (Ord. 52-89 § 3, 1989)

## 8.16.035: CRITERIA FOR DETERMINING HEALTH:

For purposes of this chapter, a horse shall be deemed to be in good health only if the horse:

A. Strength: Has, in the opinion of the veterinarian, flesh, muscle tone, and weight sufficient to perform the work for which the horse is used, including the pulling of carriages;

B. Immunizations: Has been immunized for the following and such vaccination will be effective at all times during the next six (6) months: eastern equine encephalitis, western equine encephalitis, tetanus, rhino flu, and deworming;

C. Coggins Test: Has been given a Coggins test with negative results on at least one certificate during its life and since the last time the horse entered the state of Utah; the certificate verifying said test or tests shall be filed with animal services before such horse is used in any carriage business;

D. In General: Is, in the opinion of the veterinarian, in general good health and in all respects physically fit to perform the work for which the horse is used, including the pulling of carriages. (Ord. 17-02 § 15, 2002: Ord. 52-89 § 3, 1989)

## 8.16.040: CANCELLATION AND SUSPENSION OF CERTIFICATE:

A veterinarian shall cancel a certificate, if the veterinarian learns of a condition which is reasonably expected to make the horse unfit for its work for a period of two (2) weeks or more. If the horse appears to the veterinarian to be suffering from an injury or sickness from which it is expected to recover in under two (2) weeks, the veterinarian shall suspend the certificate for such horse for the time that the veterinarian expects will be necessary for the horse to recover. Upon written request of a holder for a hearing on such cancellation or suspension of a veterinarian's certificate, a hearing shall be held by the city within three (3) working days of receipt of such request to determine whether said cancellation or suspension shall remain in effect. A canceled certificate shall be destroyed by the veterinarian or clearly marked as canceled or invalid. Suspension of a certificate shall be clearly marked by the veterinarian in nonerasable ink on the original of the certificate. (Ord. 52-89 § 3, 1989)

## 8.16.045: POLICE OR ANIMAL SERVICES ORDERS:

A city police officer, a health department officer or an animal services officer may order that a horse not be used to pull a carriage in the city and that the horse be returned to its stable, if the officer has cause to believe that the horse is suffering from any injury, ailment, or other condition significantly affecting its ability to pull a carriage safely. The order shall be effective only for so long as the officer specifies or until a hearing can be held regarding disqualification, or for three (3) working days, whichever is shorter. (Ord. 17-02 § 16, 2002: Ord. 69-99 § 6, 1999: Ord. 52-89 § 3, 1989)

### 8.16.050: DISQUALIFICATION:

The mayor may, upon prior notice and hearing, disqualify a specific horse from use in pulling a carriage in the city, if the mayor finds that the horse presents a hazard to public or passenger safety greater than the hazard posed by a normal horse, or that the horse is in any way unfit for the work of pulling carriages in the city. Before a horse may be disqualified, a hearing shall be held before the mayor, or his/her designee, at which the carriage business and the owner of the horse may appear and express themselves. At least three (3) working days' notice shall be given of the hearing to the carriage business using the horse. A disqualified horse shall not be used to pull a carriage within the city. (Ord. 52-89 § 3, 1989)

### 8.16.055: ACCIDENTS:

In addition to any other requirements of law regarding reporting of vehicle accidents, the operator of a horsedrawn carriage shall report to the office of animal services any accident involving such carriage, and no such horse or carriage shall again be operated until such have been inspected by an animal services officer and a determination has been made by such officer that no removal order is necessary as provided by section 8.16.050 of this chapter, or its successor. (Ord. 17-02 § 17, 2002: Ord. 69-99 § 6, 1999: Ord. 52-89 § 3, 1989)

### 8.16.060: EXAMINATION BY THE OFFICE OF ANIMAL SERVICES:

The office of animal services and its officials may at any reasonable time, examine any horse owned by a carriage business or used by a carriage business to pull a carriage, or may have such a horse examined by a veterinarian. The costs of such examination shall initially be borne by the office of animal services. Such orders shall be in writing and may be given to the driver of a carriage to which the horse is hitched, or to a carriage business owning or having possession of the horse. If such examination determines that such horse is suffering from any injury, ailment or other condition significantly affecting its ability to pull a carriage in the city, the costs for such examination shall be reimbursed to the office of animal services by the certificate holder owning or operating such horse. (Ord. 17-02 § 18, 2002: Ord. 52-89 § 3, 1989)

## Article II. Care Of Horses

### 8.16.065: PHYSICAL CONDITION FOR WORK:

No person shall cause a horse to draw or to be harnessed to a carriage if:

A. Certifiable: The person attending to the horse knows, or reasonably should know that the horse, if then examined by a veterinarian, would probably not then be eligible for certification, or would be subject to cancellation or revocation of certification;

B. Acute Ailment: The horse has an open sore or wound, or is lame or appears to have any other injury, sickness, or ailment, unless the person attending to the horse has in his possession a written statement signed by a veterinarian and stating that the horse is fit for pulling a carriage notwithstanding the injury, sickness, or ailment;

C. Hoofs: The hoofs of the horse are not properly shod and trimmed, utilizing rubber coated heel pads or open steel barium tip shoes to aid in the prevention of slipping. Horses shall be shod and trimmed at least every four (4) to six (6) weeks, or more frequently if necessary by an experienced, competent farrier;

D. Coat: The horse is not well groomed and/or has fungus, dandruff, or a poor or dirty coat. (Ord. 17-02 § 19, 2002: Ord. 52-89 § 3, 1989)

## 8.16.067: OTHER REGULATIONS GOVERNING CARRIAGE HORSES:

A. A carriage horse shall not be left untethered or unattended except when confined in a stable or other enclosure.

B. No carriage horse shall be at work for more than nine (9) total hours in any continuous twenty four (24) hour period. There shall be a rest period of at least fifteen (15) minutes at the end of each two (2) hour work period. During such rest periods, the person in charge of such horse shall make fresh drinking water available to the horse. The horse shall not be allowed to drink in large quantities unless it is first rested.

C. No carriage horse shall be worked more than five (5) consecutive days without being provided a rest period of at least one day before the resumption of work.

D. No carriage horse shall be at work: 1) whenever the ambient temperature, with the wind chill factor, drops below ten degrees Fahrenheit below zero (-10°F), or 2) whenever the combination of the ambient temperature and the relative humidity exceeds one hundred fifty degrees Fahrenheit (150°F). For purposes of this subsection, temperatures shall be those measured in the downtown area of the city and broadcast by the local radio stations or as measured and announced by the national weather service. An operator of a carriage drawn by a horse already at work at the time the temperature reaches the above described conditions shall return the passengers, if any, to the point of loading and shall rest the horse in sheltered conditions. Thereafter, such horse may be worked only when the temperature once again reaches acceptable limits under this section. Every horse at work shall have a blanket provided by its operator when standing idle at its staging point, the horse has been working and is visibly sweating, and the ambient temperature is less than twenty degrees Fahrenheit (20°F). (Ord. 17-02 § 20, 2002)

## 8.16.070: STABLES AND STALLS:

All stables used by a carriage business and the keeping of horses therein shall be subject to the provisions of chapter 8.08 of this title, or its successor, as well as any and all other applicable laws and ordinances, including the following:

A. Ventilation and fresh air shall be provided, but horses shall not be unnecessarily exposed to drafts during cold weather.

B. Ceilings shall be at least ten feet (10') high from bedding flooring.

C. Stalls shall be constructed and maintained:

1. In good repair to protect the animals from injury and to contain them;

2. So as to enable the animals to remain dry and clean;

3. To provide sufficient space as to enable each horse to turn about freely and to easily stand, sit or lie in a comfortable, normal position;

4. So that the horses contained therein have easy access to water and to mineralized salt at all times, and to food as needed. Such food and water shall be kept free of contamination.

D. Floors shall be level and free from holes or openings, and shall provide proper drainage. No horse shall be stabled on a concrete floor without bedding that is:

1. Highly absorbent and comfortable in all stalls and stables in which horses are kept,

2. Deep enough to provide warmth to the animal and so as not to show wetness under the pressure of the animal,

3. Not of a type that will harm or in any way be a discomfort to the animal.

E. Each stall shall be attended to daily, ensuring clean and dry bedding, and all interior areas of a stable and all exterior areas surrounding a stable shall be kept clean, properly drained and free from nuisances including, but not limited to, odors and accumulation of refuse or excrement. Manure accumulations shall be removed from the premises weekly to prevent rodent and vermin activity.

F. Each stall shall house one horse only.

G. Feed shall be kept in storage areas, constructed to permit extermination treatment in order to be made rodent and insect proof. Feed storage areas shall allow no harborage and shall be kept vermin free. Storage of feed concentrates shall be kept in an area inaccessible to the horses.

H. All stables and stalls shall be inspected by animal services prior to use in a horsedrawn carriage business, and every six (6) months thereafter, to verify compliance with this section and all other applicable laws and ordinances. In addition to the regularly scheduled inspections as set forth in this section, the city may perform other inspections of stables and stalls used in any horsedrawn carriage business within the corporate limits of Salt Lake City, in order to administer and enforce the standards herein, provided the authorized employees or agents of animal services schedule an appointment with the licensed owner of the business or provide written notice by mail or by posting at the stable premises for such inspection at least twenty four (24) hours in advance of such inspection. Said inspection shall be conducted during the hours in which the business's horses are working. Nothing herein shall prevent the city from issuing citations or taking other action authorized under the city's ordinances for violations that are in the plain view of city employees or agents. (Ord. 17-02 § 21, 2002: Ord. 52-89 § 3, 1989)

## 8.16.075: CRUELTY AND NEGLECT PROHIBITED:

No horse owned by or within the control of a carriage business shall be treated cruelly, harassed, or neglected. A carriage business and its owner and managers are all individually responsible to take any action reasonably necessary to assure the humane care and treatment of the horses under their control. (Ord. 52-89 § 3, 1989)

# Title 9 - HEALTH AND SAFETY

# CHAPTER 9.02
# SALT LAKE VALLEY HEALTH DEPARTMENT REGULATIONS

### 9.02.010: AUTHORITY TO PRESCRIBE; REGULATIONS ADOPTED:

The Salt Lake Valley health department is authorized to prescribe such rules and regulations as it may deem necessary for the protection of life and public health. Unless a matter is otherwise governed by a specific health ordinance adopted by Salt Lake City, the rules and regulations of the health department shall be the health ordinances of Salt Lake City. (Ord. 54-03 § 1, 2003)

### 9.02.020: VIOLATION OF HEALTH REGULATIONS:

Violation of Salt Lake City health regulations, section 9.02.010 of this chapter, or its successor, shall be punished as class C misdemeanors unless otherwise specified. (Ord. 54-03 § 1, 2003)

# CHAPTER 9.04
# DANCE HALLS, RESTAURANTS, TAVERNS AND PRIVATE CLUBS

## Article I. Public Dances, Dance Halls And Dance Studios

### 9.04.010: DEFINITIONS:

As used in this chapter:

DANCE STUDIO: Any room, place or space in which classes in dancing are held and instruction in dancing is given for hire.

NONPUBLIC DANCES: Dances conducted and sponsored by public or private schools and churches for the students or members thereof, even though an admission fee is charged; and dances conducted in private homes on a private basis shall not be deemed to be public dances, and shall be exempt from the licensing provisions of this chapter.

PRIVATE SCHOOL: For the purposes of this chapter, any school accredited by the state of Utah whether by formal state action, or by state acceptance of accreditation given to an academic program which has been accepted as an alternative to public schools.

PUBLIC DANCE: Any dance to which the general public may gain admission with or without the payment of a fee, or any dance which is conducted in the normal course of business on the premises of a restaurant, tavern or private club, but shall not include any dance conducted on or in any public park, street or public grounds by permission of the parks director, under the supervision of such director, or the Salt Lake County recreation department.

PUBLIC DANCE HALL: Any room, place or space in which a public dance is held and in which dancing or providing space for dancing is the principal business.

PUBLIC SCHOOLS: The public education system and higher education system as defined in article X of the Utah state constitution and as implemented by appropriate state statutes. (Ord. 1-06 § 21, 2005: Ord. 69-94 § 1, 1994: prior code §§ 9-1-1_9-1-4)

### 9.04.020: LICENSE; REQUIRED TO CONDUCT DANCES:

It is unlawful to operate any dance within the limits of the city until the place in which the dance may be held shall first have been duly licensed, except as otherwise provided herein. This requirement for a license shall not apply to public or private schools. (Ord. 69-94 § 2, 1994: prior code § 9-2-4)

### 9.04.040: LICENSE; PUBLIC DANCE HALL; FEE:

The license fee required for a public dance hall license shall be as shown on the Salt Lake City consolidated fee schedule, per year, or any part thereof. (Ord. 24-11, 2011)

### 9.04.050: LICENSE; DANCE STUDIO; FEE:

The license fee required for a dance studio shall be as shown on the Salt Lake City consolidated fee schedule, per year, or any part thereof. (Ord. 24-11, 2011)

### 9.04.060: LICENSE; ISSUANCE CONDITIONS:

No license shall be issued pursuant to this chapter until it shall be found that the place for which it is issued complies with and conforms to all laws, ordinances, and health and fire regulations applicable thereto, is properly ventilated, has available separate and sufficient toilet conveniences for each sex, and is a safe and proper place for the purposes for which it shall be used. (Prior code § 9-2-5)

### 9.04.070: LICENSE; POSTING ON PREMISES:

Every person to whom a license is issued under this chapter shall post the same in a conspicuous place on the premises covered by such license. (Prior code § 9-2-6)

## 9.04.080: EXAMINATION OF APPLICANTS; LICENSE SUSPENSION OR REVOCATION:

A. The police department shall examine and investigate all applicants for licenses and the premises to be licensed under this chapter. Following such examination the recommendations of the police department shall be made in writing to the mayor, or his or her designee, who shall be the licensing authority.

B. The police department shall be permitted to have access to all premises licensed or applying for licenses under this chapter, and shall make periodic inspections of such premises and report its findings to the mayor, or his or her designee.

C. Any license issued pursuant to this chapter may, after a hearing, be suspended or revoked for the violation of any provisions of this chapter or any other chapter or law relating to such places. The mayor or his or her designee shall hear and determine all suspension and revocation matters.

D. If at any time a license under the provisions of this chapter is denied or revoked, it shall thereafter be unlawful for any person to operate, open, maintain, manage or conduct a dance at the same premises until a new license shall be granted by the mayor or his or her designee. (Prior code § 9-2-7)

## 9.04.090: MINIMUM DANCING AREA REQUIRED:

No license shall be issued to a public dance hall, restaurant, tavern or private club unless there is at least three hundred (300) square feet of suitable dancing area, in addition to the walkways of said public dance hall, as required by this chapter; provided, however, that this section shall not pertain to a dance studio that is used solely for dance instruction at all times and never for other public dancing. (Prior code § 9-3-10)

## 9.04.100: HOURS OF OPERATION; RESTRICTIONS:

It is unlawful for any person to conduct or maintain, allow or permit any dance, whether within a dance hall licensed by this chapter or any restaurant, tavern, private club, public or private school, between the hours of two o'clock (2:00) A.M. and eight o'clock (8:00) A.M. of any day. This restriction shall not apply to dancing at annual graduation activities organized or sponsored by public or private schools as defined in section 9.04.010 of this chapter. (Ord. 69-94 § 3, 1994: prior code § 9-3-4)

## 9.04.110: LIGHTING REQUIREMENTS:

Premises licensed pursuant to this chapter shall maintain throughout said licensed premises and during the business hours a minimum of one candlepower light, measured at a level five feet (5') above the floor. (Prior code § 9-3-6)

## 9.04.120: PASS OUT AND RETURN CHECKS PROHIBITED:

No pass out or return checks shall be issued for use by persons who leave licensed dance premises, anterooms thereof, and such portions of the grounds immediately adjacent to

such premises as are well lighted and under the immediate control of the dance hall management, and all persons leaving the licensed dance premises, anterooms thereof and well lighted grounds immediately adjacent thereto shall be required to pay the regular admission fee in case of return to such dance. (Prior code § 9-3-5)

### 9.04.130: ALCOHOLIC BEVERAGES PROHIBITED; EXCEPTIONS:

It shall be unlawful for a business establishment licensed as a public dance hall, or to hold public dances, with or without live musical entertainment, to allow the consumption of alcoholic beverages upon the premises unless such establishment meets the requirements of section 9.04.180 of this chapter, or its successor section, where applicable, and is also licensed as a restaurant, tavern, or a class B private club. (Prior code § 9-3-11)

### 9.04.140: SMOKING AND DRINKING WHILE DANCING PROHIBITED:

It is unlawful to smoke or drink any liquid while dancing on any licensed dance premises, or to permit the same. (Prior code § 9-3-8)

### 9.04.150: PERMITTING DISORDERLY CONDUCT PROHIBITED:

It is unlawful for any person to whom a license under this chapter has been issued to allow or permit on the licensed premises any indecent act to be committed, or any disorder or conduct of a gross, violent or vulgar character, or to permit prostitutes, pimps or procurers to enter and remain on such premises. (Prior code § 9-3-9)

## Article II. Restaurants, Taverns And Private Clubs

### 9.04.160: ALLOWING DANCING UNLAWFUL WITHOUT A LICENSE:

It is unlawful to allow dancing by patrons in a restaurant, tavern or private club unless such premises are licensed to allow such activity, according to the provisions of this chapter. (Prior code § 9-4-6)

### 9.04.170: DANCE LICENSE FEE:

The license fee required for a restaurant, tavern or private club to enable dancing on such premises shall be as shown on the Salt Lake City consolidated fee schedule, per year, or any part thereof. (Ord. 24-11, 2011)

### 9.04.180: SEATING AREA AND DANCE FLOOR SEPARATION:

The dance area in a restaurant, tavern or private club to allow dancing by its patrons must be separated from the seating area by a minimum aisle or areaway of three feet (3'). (Prior code § 9-4-1)

### 9.04.190: BAR AND DANCE FLOOR SEPARATION:

If the dance area is adjacent to or in front of a bar where beer or liquor is served or consumed, there must be a minimum aisle area of five feet (5') between the bar and the dance area. (Prior code § 9-4-3)

### 9.04.200: RESTROOM REQUIREMENTS:

Access to restrooms must be by an aisle or areaway of at least three feet (3') in width, and in no event shall a license allowing a dance in a restaurant, tavern or private club be issued if it is necessary to cross directly over the dance area to have access to the restrooms. (Prior code § 9-4-2)

# CHAPTER 9.08
# SOLID WASTE AND RECYCLABLE ITEMS

### 9.08.010: DEFINITIONS:

For the purposes of this chapter the following terms, phrases and words shall have the meanings given in this section:

AGRICULTURAL WASTE: The manure or crop residues from various agricultural pursuits, including, but not limited to, dairies and the raising of livestock and poultry.

ASBESTOS WASTE: Friable asbestos, which is any material containing more than one percent (1%) asbestos as determined using the method specified in appendix A, 40 CFR part 763.1, 2001 edition, which is adopted and incorporated by reference, that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure.

AUTOMATED GREEN WASTE CONTAINERS: Containers provided by the city for removal of green waste by the service provider.

AUTOMATED RECYCLING CONTAINERS: Containers provided by the city for removal of recyclable items by the service provider.

AUTOMATED REFUSE CONTAINERS: Containers provided by the city to residences for removal of refuse by the service provider.

BULKY WASTE: Items of refuse or green waste, or recyclable items, that are too large to fit entirely within the appropriate automated refuse, green waste, or recycling container, including, but not limited to, appliances, furniture, trees, large branches, and stumps.

CITY COLLECTION SERVICE: The removal by the service provider of refuse contained in approved automated refuse containers ("refuse collection service"); green waste

contained in approved automated green waste containers ("green waste collection service"); recyclable items in approved automated recycling containers ("recycling collection service"); and special collection events described in subsection 9.08.030G of this chapter.

CONSTRUCTION AND DEMOLITION WASTE: Solid waste resulting from the construction, remodeling, repair, or demolition of structures, from road building, and from land clearing. Such waste includes bricks; masonry materials such as concrete, soil, rock, wall coverings, plaster, drywall, and other inert material; plumbing fixtures; asbestos free insulation; roofing shingles; asphaltic pavement; glass; plastics that are not sealed in a way that conceals other wastes; wood; concrete reinforcing material; and metals that are incidental to any of the above. "Construction and demolition waste" does not include hazardous waste, asbestos containing material, garbage, fluorescent electrical fixtures containing mercury, refrigeration units containing chlorofluorocarbons, radioactive waste, waste tires, containers with liquid wastes, or fuel tanks.

ELECTRONIC WASTE: Consumer or business electronic equipment that is near or at the end of its useful life, including, but not limited to, computers, televisions, VCRs, stereos, copiers, and fax machines.

ELIGIBLE RECYCLING CUSTOMER: Any "person" (as defined in this section) who is the owner or property manager of a property, including a multi-family property, that does not receive city refuse collection services, if that property receives city water and sewer service and has access to a city curb located within the service provider's normal route of business.

GARBAGE: The portion of refuse made up of discarded animal and vegetable wastes resulting from the handling, preparing, cooking, and consuming of food, and of such a character and proportion as to be capable of attracting or providing food for insects or other arthropods, rodents, or other animals capable of transmitting the causative agents of human disease or adversely affecting public health and well being. Garbage does not include sewage and sewage sludge.

GREEN WASTE: Items of yard waste and items of fruit or vegetable food waste that have not been mixed with or coated by any other type of food or waste.

GREEN WASTE COLLECTION SERVICE: The removal by the service provider of green waste items contained in approved automated green waste containers.

HAULER: A person engaged in the off site collection and transportation of solid waste by vehicle. "Hauler" shall include, but not be limited to, waste haulers, liquid waste haulers, waste tire haulers, and infectious waste haulers. "Hauler" shall not apply to a person engaged in transporting his or her own personally generated solid waste.

HAZARDOUS WASTE: A solid waste, or a combination of solid wastes that, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause or significantly contribute to an increase in mortality or an increase in serious or incapacitating irreversible illness, or pose a substantial present or potential hazard to human health or the environment if improperly treated, stored, transported, disposed of, or otherwise managed, or any solid waste listed as a hazardous waste under Utah administrative code sections R315-2-10 and 11, Utah hazardous waste management rules, or any solid waste that exhibits a characteristic of a hazardous waste as defined in Utah administrative code section R315-2-9, Utah hazardous waste management rules. The definition for "hazardous waste" in Utah administrative code section R315-2-3 is hereby incorporated by reference.

HOUSEHOLD HAZARDOUS WASTE: Solid waste generated and discarded from any single or multiple dwelling unit, campsite, ranger station, or other residential source that contains hazardous substances but is exempt from hazardous waste regulation under Utah administrative code section R315-2-4(c), Utah hazardous waste management rules. The container size normally and reasonably associated with households and household activities is five (5) gallons or less. Household hazardous wastes include, but are not limited to, chemical household cleaners, household pesticides and herbicides, paints and stains, paint removers, mercury containing compact fluorescent light bulbs, fluorescent light tubes, petroleum products, batteries (except for alkaline batteries), degreasers, and electronic waste.

INDUSTRIAL SOLID WASTE: Any solid waste generated at a manufacturing or other industrial facility that is not a hazardous waste or that is a hazardous waste from a conditionally exempt small quantity generator of hazardous waste, as defined by Utah administrative code section R315-2-5, Utah hazardous waste management rules, generated by an industrial facility. Industrial solid waste includes waste from the following industries or resulting from the following manufacturing processes and associated activities: electric power generation; fertilizer or agricultural chemical industries; food and related products or byproducts industries; inorganic chemical industries; iron and steel manufacturing; leather and leather product industries; nonferrous metals manufacturing or foundry industries; organic chemical industries; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic product industries; stone, glass, clay, and concrete product industries; textile manufacturing; transportation equipment manufacturing; and water treatment industries.

INFECTIOUS WASTE: A solid waste that contains pathogens of sufficient virulence and quantity that exposure to the waste of a susceptible host could result in an infectious disease. Infectious waste includes sharps.

LIQUID WASTE: A solid waste that contains "free liquids" as defined by method 9095 (paint filter liquids test), as described in "Test Methods For Evaluating Solid Wastes, Physical/

Chemical Methods" (EPA pub. no. SW-846, latest edition). "Liquid waste" does not include infectious waste or hazardous waste.

MULTI-FAMILY PROPERTY: Any multi-family dwelling building or group of buildings that contain(s) four (4) dwelling units or more on a single tax lot. "Multi-family property" includes, without limitation, apartments, condominiums, and mobile home parks.

OWNER: Any person who alone, jointly, or severally with others:

A. Has legal title to any premises, dwelling, or dwelling unit as legal or equitable owner, agent of the owner, or lessee; or

B. Is an executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner.

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 other legal entity recognized by law.

PHARMACEUTICAL WASTE: Unused or expired medicines or drugs, whether obtained with a prescription or over the counter.

PLACE OF BUSINESS: Any place in Salt Lake City in which there is conducted or carried on principally or exclusively any pursuit or occupation by any person or persons for the purpose of gaining a livelihood.

PROPERTY MANAGER: The person responsible for paying the city water and sewer bill for a property, but shall not include the owner of that property.

PUBLIC BUILDINGS AND PLACES: Office buildings, theaters, garages, auto camps, hotels, clubs, schools, hospitals, or other places of similar character, but shall not mean any building owned by Salt Lake City Corporation.

RECYCLABLE ITEM: An item that otherwise would be abandoned or discarded, but that can be utilized in the secondary material market. Such items include newspaper and inserts; corrugated cardboard; telephone books; paperboard (cereal boxes, paper towel and toilet paper tubes, shoe boxes); magazines; home office paper; bulk rate mail; aluminum, steel and tin cans; plastic coated milk and juice cartons; plastic grocery bags; and plastic containers with the number 1 through 7 recycling symbol on the container.

RECYCLING: The series of activities, including separation and processing, by which products or other materials are recovered from or otherwise diverted from the solid waste stream.

RECYCLING COLLECTION SERVICE: The removal by the service provider of recyclable items contained in approved automated recycling containers.

REFUSE: Wastes commonly discarded by households, institutions, and commercial entities and includes, but is not limited to, garbage; paper contaminated with food waste; nonrecyclable papers, plastics, metals, or glass items; diapers; textiles; rubber; and leather. Only objects small enough to fit in an automated refuse container are considered refuse. Refuse does not include: recyclable items, green waste, agricultural waste, asbestos waste, bulky waste, construction and demolition waste, hazardous waste, household hazardous waste, industrial waste, infectious waste, liquid waste, sewage, sludge, special wastes, yard waste, or waste tires.

REFUSE COLLECTION SERVICE: The removal by the service provider of refuse contained in approved refuse containers.

RESIDENCE: A building or dwelling comprising not more than three (3) residential dwelling units, including, without limitation, a single-family dwelling, designed for separate housekeeping tenements, and where no business of any kind is conducted except such home occupations as are defined in the zoning ordinances of the city.

SERVICE PROVIDER: The city or a person working for the city engaged in providing city collection service for any location within Salt Lake City.

SEWAGE: Human or animal wastes carried by water or other liquid from a dwelling, business building, institution, industrial establishment, or agricultural, recreational, or other location including, but not limited to, sewer systems, septic tanks, privy vaults, cesspools, and holding tanks in recreational vehicles or travel trailers, including any groundwater, surface water, and stormwater that may be mixed with these wastes.

SHARPS: Any discarded or contaminated article or instrument that may cause punctures or cuts. Such waste includes, but is not limited to, needles, syringes, pipettes, intravenous tubing with needles attached, glassware, lancets, and scalpel blades.

SLUDGE: Any solid, semisolid, or liquid waste, including grit and screenings, generated from:

A. A municipal, commercial, or industrial wastewater treatment plant;

B. A water supply treatment plant;

C. A car wash facility;

D. An air pollution control facility; or

E. Any other such waste having similar characteristics.

SOLID WASTE: Any refuse, green waste, agricultural waste, asbestos waste, bulky waste, construction and demolition waste, electronic waste, hazardous waste, household hazardous waste, industrial waste, infectious waste, liquid waste, pharmaceutical waste, sewage, sludge, special wastes, yard waste, or waste tires. Solid waste does not include recyclable items.

SPECIAL WASTES: Discarded nonhazardous wastes that may require special handling or other solid waste that may pose a threat to public safety, human health, or the environment. Special wastes include:

A. Ash;

B. Infectious waste except for sharps;

C. Small animal wastes; and

D. Pharmaceutical waste.

WASTE TIRE: Any tire that has been discarded or has ceased to serve the purpose for which it was initially intended due to factors such as wear or imperfections.

YARD WASTE: Vegetative matter resulting from landscaping, land maintenance, or land clearing operations including grass clippings, prunings, and other discarded material generated from yards, gardens, parks, and similar types of facilities. Yard waste does not include garbage, paper, plastic, processed wood, sludge, sewage, animal wastes, manure, or agricultural waste. (Ord. 51-10, 2010)

## 9.08.020: SALT LAKE VALLEY HEALTH DEPARTMENT POWERS:

All salvage work shall be subject to the direction and control of the Salt Lake Valley health department. The Salt Lake Valley health department has adopted rules and regulations regarding solid waste and recycling management, and such rules and regulations apply within Salt Lake City and supersede this chapter where they are inconsistent with this chapter. (Ord. 32-09 § 1, 2009)

## 9.08.030: CITY COLLECTION SERVICES:

The city will provide for the collection and disposal, at the expense of the property owner or manager, of refuse, recyclable items, and green waste from residences as provided herein. The city will provide for the collection and recycling of recyclable items and green waste, at the expense of the property owner or manager, from eligible recycling customers as provided herein. Said collection shall be under the supervision of the department of public services pursuant to the following:

A. Refuse, Green Waste, And Recycling Collection Services To A Residence:

1. Refuse Service To A Residence And Responsibility For Payment: Except where water, sewer, and refuse service to a residence is properly terminated, or the owner of that residence notifies in writing the director of public services that the owner's refuse will be picked up and disposed of by a private hauler, the owner of every residence shall be responsible and liable for the below enumerated monthly charges for refuse service. The charge for such service shall be billed with the city's regular water and sewer billings to the owner, at the owner's address as shown on the records of the public utilities department. In those instances where the water and sewer bill for a residence is currently being sent to the property manager of that residence at the owner's request, the refuse service will be similarly billed. However, the owner of the residence is responsible to pay and is liable for all charges for refuse service furnished to that residence if such property manager fails to pay the same.

2. Sizes Of Refuse Containers And Charges For Refuse Service To Residences:

a. Automated refuse containers are available in ninety (90) gallon, sixty (60) gallon, and forty (40) gallon sizes. The owner or property manager of a residence may arrange, in writing, to have one or more automated refuse containers, of the size or sizes described above. Any owner or property manager of a residence who changes refuse container size must continue to use the new refuse container size for at least twelve (12) months before the owner or property manager may again change the size of the refuse container. Refuse containers may not be shared by residences with separate accounts on the public utility billing system.

b. Monthly charges for refuse collection service provided to residences shall be as shown on the Salt Lake City consolidated fee schedule. Automated refuse containers shall be delivered to residences without a delivery charge. These fees are subject to modification by future city councils.

c. The property owner or manager of a residence will be charged a service fee shown on the Salt Lake City consolidated fee schedule for each automated refuse and recycling container removed from that residence for any reason. The property owner or manager of a residence will not be charged a service fee for replacing any refuse container with another size of refuse container.

3. Green Waste Collection Service For Residences:

a. Each residence with at least one city issued refuse container shall be issued at least one green waste container. Owners or property managers of residences receiving city refuse collection services will not be charged for green waste collection service in addition to the refuse collection fee shown on the Salt Lake City consolidated fee schedule.

b. Owners or property managers of residences may opt out of green waste collection service, but must comply with section 9.08.095 of this chapter. Owners or property managers who opt out of this service will nevertheless be charged the refuse collection fee shown on the Salt Lake City consolidated fee schedule.

c. Owners or property managers of properties that do not receive city refuse collection services may elect to subscribe to the city's green waste collection service, but will be charged for this service at the rates set forth in subsection A4 of this section.

4. Green Waste Collection Service For Eligible Recycling Customers:

a. Eligible recycling customers who desire to subscribe to the city's green waste collection service must do so in writing. Such service shall be billed with the city's regular water and sewer billings to the owner of the property receiving green waste collection service, at the owner's address as shown on the records of the public utilities department. In those instances where the water and sewer bill for a property is currently being sent to a property manager of that property at the owner's request, the green waste collection service will be similarly billed. However, the owner is responsible to pay, and is liable for all charges, for the green waste collection service furnished to that property if such property manager fails to pay the same.

b. The minimum subscription period for automated green waste containers will be twelve (12) months. The monthly charge for green waste collection service shall be shown on the Salt Lake City consolidated fee schedule, per month for each automated green waste container. Automated green waste containers shall be delivered to subscribers without a delivery charge. These fees are subject to modification by future city councils.

c. If an automated green waste container is removed from a property due to noncompliance, or at the request of the property owner or manager, the property owner or manager will be responsible for paying the remainder of the annual subscription fee for each container removed.

d. The property owner or manager will be charged a service fee shown on the Salt Lake City consolidated fee schedule for each automated green waste container removed from service for any reason.

5. Recycling Collection Services Available To Residences:

a. Each residence with at least one city issued refuse container shall be issued at least one recycling container. Owners or property managers of residences receiving city refuse collection services will not be charged for recycling collection service in addition to the refuse collection fee shown on the Salt Lake City consolidated fee schedule.

b. Owners or property managers of residences may opt out of recycling collection service, but must comply with section 9.08.095 of this chapter. Owners or property managers who opt out of recycling collection service will nevertheless be charged the refuse collection fee shown on the Salt Lake City consolidated fee schedule.

c. Owners or property managers of properties that do not receive city refuse collection services may elect to subscribe to the city's recycling collection service, but will be charged for this service at the rates set forth in subsection B2 of this section.

B. Recycling Collection Service Available To Eligible Recycling Customers:

1. Recycling Collection Service: Eligible recycling customers may elect to subscribe to the city's recycling collection service. Such service shall be billed with the city's regular water and sewer billings to the owner of the property receiving recycling collection service, at the owner's address as shown on the records of the public utilities department. In those instances where the water and sewer bill for a property is currently being sent to a property manager of that property at the owner's request, the recycling collection service will be similarly billed. However, the owner is responsible to pay, and is liable for all charges, for the recycling collection service furnished to that property if such property manager fails to pay the same.

2. Charges For Recycling Collection Services:

a. The minimum subscription period for automated recycling containers shall be twelve (12) months. Charges for recycling collection service provided to an eligible recycling customer shall be shown on the Salt Lake City consolidated fee schedule, per month for each automated recycling container. Automated recycling containers shall be delivered to eligible recycling customers without a delivery charge. These fees are subject to modification by future city councils.

b. The owner or property manager will be charged a service fee shown on the Salt Lake City consolidated fee schedule for each automated recycling container removed from service for any reason.

3. Promotion And Education Requirements Regarding Recycling Or Green Waste Collection Service For Eligible Recycling Customers: An eligible recycling customer who has subscribed to the city's recycling or green waste collection service must distribute general recycling or green waste information and current recycling or green waste program guidelines to each person occupying, attending, or working on the property receiving recycling collection service within fourteen (14) days after commencement of recycling or green waste collection service and annually thereafter. If requested, the city will assist by providing educational fliers.

C. Billing:

1. Periodic Billing Statements: The department of public utilities shall cause billings for refuse collection, green waste collection, and recycling collection services to be rendered periodically at rates established in this chapter. If partial payment is made on a combined bill, the payment shall be applied first to franchise fees due, and then to each service on a pro rata basis as determined by the director of public utilities.

2. Delinquency: Fees and charges levied in accordance herewith shall be a debt due to the city. If this debt is not paid within thirty (30) days after billing it shall, at the option

of the director of public utilities, be deemed delinquent and subject to recovery in a civil action for which the city may recover reasonable attorney fees, and said department shall have the right to terminate water, sewer, refuse collection, green waste collection, and recycling collection services to said premises. Any uncollected amount due from the owner on any inactive, terminated, or discontinued account may be transferred to any active account under the owner's name and, upon failure to pay said bill after at least five (5) days' prior written notice, water, sewer, refuse collection, green waste collection, and recycling collection services to that account and premises may be discontinued.

3. Restoration Of Service: Water, sewer, refuse collection, green waste collection, and recycling collection service shall not be restored until all charges shall have been paid.

D. Deposits Required From Nonowners: All new water, sewer, refuse collection, green waste collection, and recycling collection service users who are not the owners of the premises shall pay to the department of public utilities for deposit with the city treasurer an amount sufficient to cover the cost of city collection services that may accumulate. The amount deposited shall be not less than twice the monthly or bimonthly bill for collection services. The department of public utilities shall issue a receipt of deposit. The amount deposited shall be refunded by the city treasurer to the holder upon the surrender of the receipt properly endorsed, provided all refuse collection, green waste collection, and recycling collection service bills and other charges are paid. All bills for city collection service must be paid promptly without reference to said deposit. Whenever any user of city collection services fails to pay for city collection services rendered to such premises, the money deposited or any part thereof may be applied by the department of public utilities to the payment of such delinquent bills. The owner of the premises will be required to pay any deficiency.

E. Abatement: Those owners granted indigent abatement for taxes on their dwelling by Salt Lake County under section 59-2-1107 et seq., Utah Code Annotated, or its successor section, shall be granted a fifty percent (50%) annual abatement of the above city collection service charges during the year of such abatement.

F. Suspensions Or Terminations:

1. If a residence receiving city collection service is vacant and the owner is trying to sell it, or it will be vacant because of an extended vacation of the occupant, the owner may apply to the public services director, in writing, for suspension of city collection service for the period of time specified in the written request.

2. An owner of a residence may apply to the public services director, in writing, for termination of refuse collection service. If the residence will not be vacant, the request must include an explanation of how refuse will be removed from the property, including applicable supporting documentation such as a billing statement or signed agreement with a private hauler.

3. In the case of any suspension or termination pursuant to this subsection F, all automated refuse, green waste, and recycling container(s) at the residence will be removed from that residence pursuant to the owner's request and upon payment of the per container service fee shown on the Salt Lake City consolidated fee schedule.

G. Special Collection Events: The city may, at its discretion, also provide for the periodic collection and disposal of bulky waste. If the city elects to conduct one of these periodic collection and disposal events, all residences that receive refuse collection services from the city will be notified of the event and given instructions regarding the allowable dates and other rules governing the type and placement of allowable types of solid wastes on city streets for collection by the service provider. Only customers of city refuse collection services may participate in these periodic collection events. City customers of refuse collection services will not be charged for periodic collection and disposal events in addition to the fee set forth in subsection A2 of this section. Residents must separate bulky yard waste from other solid waste disposed of through special collection events. (Ord. 24-11, 2011)

## 9.08.040: REFUSE ENTERPRISE FUND:

There is hereby created a fund category known as the refuse enterprise fund, which shall contain a fund known as the refuse and recycling operations fund and a fund known as the environmental and energy fund. All fees, monies, and revenues received from refuse collection service and recycling collection service shall be placed in the refuse and

recycling operations fund and shall be used for refuse operations and recycling collection services. Some or all fees, monies, and revenues received from the Salt Lake Valley solid waste management facility shall be placed in the environmental and energy fund, as determined annually by the city council, and shall be used for environmental and energy management and recycling management, including open space, environmental sustainability programs, and other related purposes. Any fees, monies, and revenues received from the Salt Lake Valley solid waste management facility that are not placed in the environmental and energy fund, shall be placed in the refuse and recycling operations fund. All amounts in the refuse enterprise fund shall be left separate and apart from all other city funds. The collection, accounting, and expenditure of all such funds shall be in accordance with this section and in accordance with existing fiscal policy of the city. (Ord. 32-09 § 1, 2009)

## 9.08.050: VEHICLES; APPROVAL BY SALT LAKE VALLEY HEALTH DEPARTMENT:

It is unlawful for any person to convey, transport, or haul through or upon any of the public streets any solid waste except as permitted by the Salt Lake Valley health department. Haulers must comply with all permitting, vehicle, and operational requirements established by the Salt Lake Valley health department. Private citizens are permitted to transport only their own personally generated solid waste to appropriate licensed and permitted disposal and recycling facilities under the condition that they follow all rules regarding securing and covering loads, and prevent all spills or other releases of the material during transport. (Ord. 32-09 § 1, 2009)

## 9.08.060: VEHICLES; COVERING OF CONTENTS:

It is unlawful for any person to haul, convey, or transport through or upon any of the public streets any solid waste in open trucks, open trailers, or other open conveyances, unless such waste is covered completely with a heavy tarp, canvas, or other acceptable material subject to the approval of the Salt Lake Valley health department. Each vehicle must be so covered at all times when the vehicle is being used for the collection of, or carrying, transporting, or hauling of solid waste and is being driven for a distance of five (5) blocks or more without making a planned stop. (Ord. 32-09 § 1, 2009)

## 9.08.070: CONTAINER SPECIFICATIONS:

A. This section shall apply only to collections made by a service provider. If any container that does not conform to the provisions of this section is set out for collection, the service provider shall have the authority to deny collection services for such container. Any container not meeting the requirements of this section will be tagged by the service provider and shall not be used again, but shall promptly be replaced by the user thereof.

B. Containers must meet the following specifications:

1. Automated refuse, green waste, and recycling containers shall be made available by the city, and shall be made from durable plastic with a close fitting lid and shall be designed for collection by automated refuse, green waste, and recycling collection vehicles. These containers shall be of such durability that they will be warranted for a minimum of ten (10) years of normal use.

2. The property owner or manager is responsible to keep containers provided by the service provider in good sanitary condition. (Ord. 32-09 § 1, 2009)

## 9.08.080: CONTAINERS FOR ALL COLLECTION SERVICES:

All refuse, green waste, and recyclable items placed outside for collection, whether by a service provider or by another hauler, must be placed in rainproof and flyproof containers or receptacles, constructed either of durable plastic or metal with proper, tightfitting covers, and shall at all times be kept securely closed, and shall be kept in such place and in such manner as to prevent offense. When automated refuse containers, automated green waste containers, or automated recycling containers are being used, they shall only be filled to a level that permits the lid to close. (Ord. 32-09 § 1, 2009)

## 9.08.090: COLLECTION TIME; PLACEMENT OF CONTAINERS:

A. Automated refuse, green waste and recycling containers containing refuse, green waste, or recyclable items to be collected and hauled by the service provider shall be set out for collection on a city street adjacent to the property, or at the place and at such times as may be designated by the order of the city's public services department. Such containers must not be set out upon the street for collection prior to the evening of the day before collection, and must be set out on the day of collection by seven o'clock (7:00) A.M. and spaced three feet (3') (where possible) from the curb, any parked vehicle, other container, and any other obstruction, as designated by the city's public services department.

B. The property owner, manager, or resident is responsible for ensuring automated containers placed for collection are accessible to the service provider's collection vehicle.

C. All empty containers must be removed from the street as soon as practicable after being emptied and must be removed from the street the same day they are emptied. (Ord. 32-09 § 1, 2009)

## 9.08.095: ALLOWABLE MATERIALS FOR REFUSE, GREEN WASTE, AND RECYCLABLE ITEM COLLECTION BY SERVICE PROVIDER:

This section shall apply to all solid and liquid wastes and recyclable items set out for collection by a service provider. Recyclable items must be separated from refuse and green waste. Only those items deemed to be recyclable items by the city shall be placed in a recycling container. If materials other than the allowable materials listed below are placed in an automated refuse, green waste, or recycling container, the service provider may refuse to empty the container until the unallowable material has been removed, and the city may take enforcement action as described in section 9.08.115 of this chapter.

A. The following wastes are the only wastes that may be placed in an automated refuse container:

1. "Refuse" as defined in section 9.08.010 of this chapter;

2. Construction and demolition waste if the quantity in each container does not exceed the weight limits allowed in subsection 9.08.140C of this chapter, if less than one-third ($^1/_3$) of the container contains sod, dirt, concrete, bricks, or rocks, and if the waste can be placed in the container without causing damage to the container;

3. Liquid wastes if the quantity is limited to less than one gallon, if the liquid is sealed in a leakproof container, and if the liquid is not considered a household hazardous waste, a hazardous waste, sewage, or any other type of waste that is not permitted in the refuse container under section 9.08.110 of this chapter;

4. Special wastes that have been prepared according to the special waste handling instructions included in section 9.08.100 of this chapter;

B. The following wastes are the only wastes that may be placed in automated green waste containers:

1. Yard waste;

2. Discarded fruit and vegetable material from kitchens, if it is not mixed or contaminated with other refuse including other kitchen wastes.

C. The following items are the only items that may be placed in automated recycling containers:

1. Recyclable items as listed in section 9.08.010 of this chapter. (Ord. 51-10, 2010)

## 9.08.100: SPECIAL WASTE MATERIALS REQUIRING SPECIAL PREPARATION:

This section shall apply to the disposal and collection of all special wastes collected in the city.

The following special wastes may be placed in an automated refuse container for refuse collection only if they are properly handled by following the instructions below:

A. Ash may be placed in the automated refuse container or other permitted refuse container if it is completely cool to the touch and does not contain any hot or burning coals or cinders. Before being placed in the automated refuse container or other permitted refuse container, the ash must be sealed in a bag or other container to prevent it from being released to the atmosphere during collection or transport.

B. Infectious waste, excluding sharps, may be placed in the automated refuse container or other permitted refuse container if:

1. The amount of such infectious waste placed in that container in any one calendar month does not exceed twenty five (25) pounds;

2. All infectious wastes are contained in disposable plastic bags that are impervious to moisture and that have a minimum thickness of 3.0 millimeters, and that are tightly sealed to ensure that the contents are not spilled;

3. All bags and containers used for containment and disposal of infectious waste shall be red in color and conspicuously labeled with the words "Infectious Waste", "Biohazard", or with the international infectious waste symbol.

C. Pharmaceutical waste may be placed in the automated refuse container or other permitted refuse container if it is first rendered noxious or unrecoverable by mixing it with used pet litter, used coffee grounds, or similar objectionable substance, and then is sealed inside a bag or other container that will prevent it from being spilled or scavenged from the refuse container.

D. Small animal waste material may be placed in the automated refuse container or other permitted refuse container if it is dry and mixed with sand, sawdust, commercial pet litter, or similar absorptive material, and double wrapped in paper or placed in a separate plastic bag before being placed in a refuse container for disposal. (Ord. 51-10, 2010)

## 9.08.110: MATERIALS NOT COLLECTED BY SERVICE PROVIDER:

This section shall apply only to collections made by a service provider. The following materials require special handling and disposal, and shall not be set out for collection by a service provider, whether placed in a container or otherwise:

A. Flammable, corrosive, or explosive materials;

B. Hazardous or radioactive waste;

C. Hot or burning materials of any type;

D. Dead animals;

E. Sewage;

F. Asbestos waste;

G. Agricultural waste;

H. Household hazardous waste;

I. Sharps;

J. Electronic waste;

K. Sludge;

L. Waste tires. (Ord. 51-10, 2010)

## 9.08.115: COMPLIANCE WITH AND ENFORCEMENT OF REFUSE, RECYCLING AND GREEN WASTE COLLECTION SERVICE LAWS:

A. In evaluating whether a violation regarding the refuse, recycling or green waste collection service has occurred, city staff or the service provider has the right to visit the premises of residences or eligible recycling customers that subscribe to the refuse, recycling or green waste collection service to determine the presence and capacity of recycling or green waste containers, the presence and quantities of recyclable items or green waste in city issued refuse containers, the presence and quantities of recyclable items in recycling containers, the presence and quantities of green waste in green waste containers, the presence of signs, fliers, stickers, and other information that promotes

recycling, and to engage in discussion with property managers, residents, and owners regarding their refuse, recycling or green waste program.

B. The city may initiate an enforcement action based on its own observations or notification by the service provider or other third parties of failure to comply with this code and rules promulgated thereunder governing the refuse, recycling or green waste collection service. The city or its service provider will notify the resident, owner, or eligible recycling customer in writing describing the nature of the failure to comply.

C. The city reserves the right to discontinue refuse, recycling or green waste collection service for any residence or eligible recycling customer that fails to comply with this code and rules promulgated thereunder governing the refuse, recycling or green waste collection service. The property owner or manager will be charged a service fee shown on the Salt Lake City consolidated fee schedule for each container removed from service.

D. For a period of six (6) months after the refuse, recycling or green waste collection service has been discontinued due to a violation, the owner or eligible recycling customer shall not be allowed to subscribe to the refuse, recycling or green waste collection service. After the six (6) month period, the owner or eligible recycling customer may request refuse, recycling or green waste collection service in accordance with section 9.08.030 of this chapter. (Ord. 24-11, 2011)

## 9.08.120: "NO DUMPING" SIGNS:

The city will furnish to any person who shall apply for the same a "no dumping" sign, at cost, to be placed on any lot where solid or liquid waste of any type is likely to be deposited, in accordance with approved regulations of the Salt Lake Valley health department. (Ord. 32-09 § 1, 2009)

## 9.08.130: UNAUTHORIZED COLLECTION:

It is unlawful for any person to remove any refuse, recyclable items, or green waste set out for service provider collection on a regular collection day. Nothing herein shall be construed to prohibit any person from removing refuse, recyclable items, or green waste produced on premises actually occupied by the person removing said waste. (Ord. 32-09 § 1, 2009)

## 9.08.140: DAMAGING CONTAINERS:

A. All haulers of refuse, recyclable items, or green waste, including service providers, shall, immediately upon emptying containers or receptacles, replace the cover thereon and set such containers or receptacles in an upright position. All haulers, including service providers, shall exercise reasonable care in the handling of refuse, recyclable items, and green waste, and the containers or receptacles containing the same.

B. It is unlawful for any person to wilfully break, deface, or injure any container or receptacle used to contain refuse, recyclable items, or green waste, or to do or permit anything to be done in connection with such containers or receptacles or the contents thereof that shall be offensive or filthy in relation to any person, place, building, premises, or highway.

C. Damage to automated refuse, green waste, or recycling containers caused by placing more than one hundred sixty (160) pounds of solid waste in an automated forty (40) gallon refuse container, two hundred (200) pounds of solid waste in an automated sixty (60) gallon refuse container, or three hundred (300) pounds of solid waste or recyclable items in an automated ninety (90) gallon container; or caused by hot materials, corrosive materials, or any other solid waste, material, or substance that cuts, melts, or ignites the container or other materials shall be paid for by the property owner to whom the container is assigned at the cost of the container plus the service fee shown on the Salt Lake City consolidated fee schedule for each damaged container removed. A police case number will be required on all cases of stolen containers before such container shall be replaced. Missing containers replaced without a police case number shall be charged at the city's cost. If a stolen container is subsequently recovered, the cost of the replacement container shall be credited to the property owner's account. (Ord. 24-11, 2011)

## 9.08.145: UNLAWFUL TO PLACE ON STREETS OR PREMISES:

A. It is unlawful for any person to deposit, or for an owner or occupant of any premises or vacant property to deposit or cause or permit to be deposited, or to allow to remain deposited thereon, any solid or liquid waste in or upon any street or alley, or upon any premises in the city, without express permission from the Salt Lake Valley health department except within the specified time frame and requirements of the city's special collection events as set forth in subsection 9.08.030G of this chapter.

B. If solid or liquid wastes are placed on the street during special collection events described in subsection 9.08.030G of this chapter that do not comply with the rules governing the allowable type, placement, or separation of solid or liquid wastes, the solid or liquid wastes will not be picked up and the resident occupying the property bordering the solid or liquid waste will be required to remove and properly dispose of the solid or liquid waste. Violations will be referred to the Salt Lake Valley health department. (Ord. 32-09 § 1, 2009)

## 9.08.150: RESERVED:

(Ord. 32-09 § 1, 2009)

## 9.08.160: VEHICLES STANDING ON STREET PROHIBITED WHEN:

It is unlawful for any person to suffer, permit, or allow any vehicle loaded with solid or liquid waste to be or remain standing upon any public street within the city any longer than may be necessary for the purpose of loading and transporting the same. (Ord. 32-09 § 1, 2009)

## 9.08.170: BEFOULING GUTTERS AND DITCHES PROHIBITED:

It is unlawful for any person to sweep into or deposit any refuse, green waste, or any other type of solid or liquid waste in any gutter or ditch within the city limits. (Ord. 32-09 § 1, 2009)

### 9.08.180: POLLUTING WATER WITH ANIMALS OR FOWL PROHIBITED:

It is unlawful for any person to throw or deposit any dead animal or fowl, or any live animal or fowl for the purpose of drowning, in any reservoir, pool, canal, creek, or other stream or body of water within the city. (Ord. 32-09 § 1, 2009)

### 9.08.185: REMOVAL OF DEAD ANIMALS AND CONDEMNED FOOD BY CONTRACT:

The mayor or his or her designee may contract with a person to remove from the corporate limits of the city any animal found dead within the city, or any meat, fish, or poultry duly condemned as unfit for human food by inspectors acting under the Salt Lake Valley health department, and to have the exclusive right to receive dead dogs and cats from the city or other person at any place designated thereby for receipt of such. Such contractor shall remove and properly dispose of all such without charge to the city. (Ord. 32-09 § 1, 2009)

### 9.08.190: SPILLING SOLID OR LIQUID WASTE OR RECYCLABLE ITEMS ON STREETS UNLAWFUL:

It is unlawful for any person engaged in hauling solid or liquid waste of any kind, or recyclable items, to permit, allow, or cause any of said waste or items to fall and remain in the streets. (Ord. 32-09 § 1, 2009)

### 9.08.200: DUMPING SOLID OR LIQUID WASTE OR RECYCLABLE ITEMS PROHIBITED:

It is unlawful for any person to place, deposit, or dump solid or liquid waste of any type, or recyclable items, upon any lot within the limits of the city, whether such lot is occupied or vacant, and whether such person so placing, depositing, or dumping such waste or items is the owner, tenant, occupant, or lessor thereof or has the same under his or her jurisdiction and control. (Ord. 32-09 § 1, 2009)

# CHAPTER 9.12
# LITTER CONTROL

### 9.12.010: DEFINITIONS:

For purposes of this chapter, the following definitions shall apply:

CONTAINERS: Locally approved metal, heavy duty paper or plastic receptacles used for the disposal and storage of solid waste.

LITTER: Any quantity of uncontainerized paper, metal, plastic, glass or miscellaneous solid waste which may be classed as trash, debris, rubbish, refuse, garbage or junk.

PRIVATE PROPERTY: Means and includes, but is not limited to, the following exterior locations owned by private individuals, firms, corporations, institutions or organizations: yards, grounds, driveways, entranceways, passageways, parking areas, working areas, storage areas, vacant lots, and recreation facilities.

PUBLIC PROPERTY: Means and includes, but is not limited to, the following exterior locations: streets, street medians, roads, road medians, catchbasins, sidewalks, strips between streets and sidewalks, lanes, alleys, public rights of way, public parking lots, school grounds, housing authority project grounds, municipal vacant lots, parks, playgrounds, other publicly owned recreation facilities, and municipal waterways and bodies of water. (Prior code § 18-32-1)

## 9.12.020: KEEPING PROPERTY CLEAN; PERSONS RESPONSIBLE:

A. It shall be the duty of the owner, agent, occupant or lessee to keep exterior private property free of litter. This requirement applies not only to removal of loose litter, but to materials that already are, or become, trapped at such locations as fence and wall bases, grassy and planted areas, borders, embankments and other lodging points.

B. Owners, agents, occupants or lessees whose properties face on municipal sidewalks and strips between streets and sidewalks shall be responsible for keeping those sidewalks and strips free of litter.

C. It is unlawful to sweep or push litter from sidewalks and steps into streets. Sidewalk and step sweepings must be picked up and put into household or commercial solid waste containers.

D. Litter not removed from private property under the provisions of this chapter may be removed by the city pursuant to the provisions of chapter 9.16, article I, of this title, or its successor article, with costs and expenses for such cleaning or removal to be assessed in accordance with the provisions of chapter 9.16, article I, of this title. (Prior code § 18-32-9)

## 9.12.025: WASTE MATERIALS; UNLAWFUL TO ALLOW UPON PREMISES; EXCEPTION:

It shall be unlawful for any person to cause or permit junk, scrap metal, scrap lumber, wastepaper products, discarded building materials, or any unused, abandoned vehicle, vehicles or abandoned parts, machinery or machinery parts, or other waste materials to be in or upon any yard, garden, lawn, outbuilding or premises in the city, unless in connection with a business enterprise lawfully situated and licensed for the same. (Prior code § 18-25-53)

## 9.12.030: NEW BUILDINGS; SOLID WASTE DISPOSAL AND STORAGE FACILITIES REQUIRED:

A. Before building permits shall be issued for construction of commercial buildings and multiple dwelling units, plans for the adequacy, location and accessibility of solid waste containerization and storage facilities must be approved by the department of developmental services.

B. No certificate of occupancy shall be issued for such premises until the department's approval of these facilities has been obtained. (Prior code § 18-32-8)

## 9.12.040: HOUSEHOLDS; CONTAINER AND PICK UP SPECIFICATIONS:

A. All residents located in any area in which collection is by Salt Lake City shall have sufficient container capacity to accommodate their normal volume of solid waste between collections. Containers shall be either metal cans or weather resistant plastic bags manufactured specifically for use in garbage and refuse collection. Plastic bags shall have a minimum twenty (20) gallon capacity, shall not contain glass items or other sharp objects, shall have a 2.0 mil thickness. Waste contained in paper sacks, wooden boxes, barrels or pasteboard cartons shall not be removed by the city until properly contained.

B. No container shall be removed by the city if the container is filled to exceed seventy five (75) pounds in weight, or is packed tight with solid waste so that the waste will not slide out easily from the container when being emptied.

C. All items too large to fit into containers, such as, but not limited to, appliances, furniture and mattresses, shall not be collected by the city except upon such exceptional occasions as shall from time to time be designated by the department of public services.

D. All loose materials which normally fit into containers but which are excess as a result of special circumstances such as holidays shall be tied securely in bundles not exceeding sixty inches (60") in length or seventy five (75) pounds in weight, to prevent them from blowing or scattering, and shall be placed beside the containers.

E. Containers shall be kept covered at all times. Any container which does not conform to prescribed standards or which has defects likely to hamper collection or injure the person collecting the contents thereof or the public generally shall be replaced promptly by the owner or user of the container upon receipt of written notice of such defects from the department of public services.

F. Containers with garbage and other solid waste to be collected by the city shall be set out for collection at curbside and on the days designated by the department of public services. Such containers shall not be set out upon the street for collection prior to the evening of the day before collection and shall be set out on the day of collection by seven thirty o'clock (7:30) A.M. All empty containers shall be removed from the street as soon as practicable after being emptied and in every case shall be removed from the street the same day as they are emptied.

G. It is unlawful for any resident to deposit household solid waste in any receptacle maintained on a sidewalk or at any other location for disposal of litter by pedestrians. (Ord. 45-93 § 22, 1993: Ord. 88-86 § 32, 1986: prior code § 18-32-6)

## 9.12.050: COMMERCIAL, BUSINESS AND MULTIPLE RESIDENTIAL USE REGULATIONS:

A. Solid waste generated or stored for collection at commercial establishments and institutions, businesses, apartment houses, multiple dwelling units and public buildings shall be:

1. Kept containerized and covered or enclosed at all times; and

2. Shall be removed at the direction of the owners of such establishments or institutions at least once each week and on such additional occasions as are necessary to prevent adverse health and nuisance conditions.

B. It is unlawful for any owner, manager or employee of a commercial establishment or institution, business, apartment house, multiple dwelling unit and/or public building to deposit solid waste from that establishment or institution in any receptacle maintained on a sidewalk or at any other location for disposal of litter by pedestrians. (Prior code § 18-32-7)

## 9.12.060: LITTER FROM PEDESTRIANS AND MOTORISTS:

A. It is unlawful for any person to throw, discard, place or deposit litter in any manner or amount on any public or private property within the corporate limits of the city, except in containers or areas lawfully provided therefor.

B. It shall be the duty of every person distributing commercial handbills, leaflets, flyers or any other advertising and information material to take whatever measures that may be necessary to keep such materials from littering public or private property.

C. To facilitate proper disposal of litter by pedestrians and motorists, publicly patronized or used establishments and institutions shall provide, regularly empty and maintain in good condition adequate containers that meet standards prescribed under this chapter. The requirement shall be applicable, but not limited to, fast food outlets, shopping centers, convenience stores, supermarkets, service stations, commercial parking lots, mobile canteens, motels, hospitals, school and colleges. (Prior code § 18-32-2)

## 9.12.070: VEHICLES TRANSPORTING LOOSE MATERIALS:

A. It is unlawful for any person, firm, corporation, institution or organization to transport any loose cargo by truck or other motor vehicle within the corporate limits of the city unless said cargo is covered and secured in such manner as to prevent depositing of litter on public and private property, in compliance with section 9.08.060 of this title, or its successor.

B. The duty and responsibility imposed by subsection A of this section shall be applicable alike to the owner of the truck or other vehicle, the operator thereof, and the person, firm, corporation, institution or organization from whose residence or establishment the cargo originated. (Prior code § 18-32-3)

## 9.12.080: LOADING AND UNLOADING OPERATIONS:

A. Any owner or occupant of an establishment or institution at which litter is attendant to the packing and unpacking and loading and unloading of materials at exterior locations shall provide suitable containers for the disposal and storage of such litter, and shall make appropriate arrangements for the collection thereof.

B. Further, it shall be the duty of the owner or occupant to remove at the end of each working day any litter that has not been containerized at these locations. (Prior code § 18-32-4)

### 9.12.090: CONSTRUCTION OR DEMOLITION PROJECTS:

A. It is unlawful for the owner, agent or contractor in charge of any construction or demolition site 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 the collection thereof or for transport by himself to an authorized facility for final disposition.

C. The owner, agent or contractor may be required by a city building inspector to show proof of appropriate collection or, if transported by himself, of final disposition at an authorized facility. (Prior code § 18-32-5)

### 9.12.100: VIOLATION; PENALTY:

Any person violating the provisions of this chapter either by failing to do those acts referred to herein or by doing any act prohibited herein, is guilty of a class B misdemeanor punishable as set out in section 1.12.050 of this code. Each day such violation is committed or permitted to continue shall constitute a separate offense, and shall be punishable as such. (Amended during 1/88 supplement: prior code § 18-32-10)

# CHAPTER 9.16
# WEEDS AND CLEARING OF PROPERTY

## Article I. Property Cleaning And Weed Control

### 9.16.010: PURPOSE OF PROVISIONS:

It shall be the purpose of this article to provide for the cleaning of real property and the control of weeds in a way that will:

A. Prevent fire hazards;

B. Prevent insect and rodent harborages;

C. Prevent the induction of hazardous pollens in the air;

D. Prevent further spreading of vegetation that threatens the public health, safety or welfare;

E. Abate the existence of objects, structures or solid waste that threaten the public health, safety and welfare;

F. Protect and promote the public health and safety of the community by preventing and/or abating conditions of real property or the structures thereon which create or maintain public nuisances. (Prior code § 18-29-1)

## 9.16.020: DEFINITIONS:

For the purpose of this article, the following terms, phrases and words shall have the meanings expressed in this section:

DEPARTMENT: The Valley health department.

ERADICATION: The complete destruction of weeds by chemicals, removal by root, or any other method approved by the department.

INSPECTOR: The Salt Lake Valley health department director of health, or his or her authorized representatives, are hereby appointed city inspectors authorized by Utah Code Annotated section 10-11-1, or its successor.

OWNER: Any person who, alone or jointly or severally with others:

A. Shall have the legal title to any premises, dwelling or dwelling unit, with or without accompanying actual possession thereof; or

B. Shall have charge, care or control of any premises, dwelling or dwelling unit, as legal or equitable owner or agent of such owner, or an executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner.

SOLID WASTE: Garbage, refuse, trash, rubbish, hazardous waste, dead animals, sludge, liquid or semiliquid waste, and other discarded materials, or materials stored or accumulated for the purpose of discarding or salvage, or materials that have served their original intended purpose, or waste material resulting from construction, industrial, manufacturing, mining, commercial, agricultural, residential, institutional, recreational or community activities.

VERY LOW INCOME HOUSEHOLD: Shall have the same meaning as set forth in the guidelines established by the department of housing and urban development in its "Income Limits For Housing And Community Development, Section 8 Program For Salt Lake City And Ogden, Utah SMSA".

WEEDS: Vegetation growing upon any real property within Salt Lake City which will attain such a growth as to become a fire hazard when dry, or which is otherwise noxious, a nuisance or dangerous, as determined by the department. Weeds shall also include, but shall not necessarily be limited to, the following:

A. Dry grasses, stubble, brush, tumbleweeds and clippings which endanger the public health and safety by creating a fire hazard, insect or rodent harborage, or any other nuisance;

B. Poison ivy, when the public health and safety in residential or other developed and populated areas are affected;

C. Those plants named in the Utah noxious weed act, title 4, chapter 5, Utah Code Annotated, and its subsequent regulations and successor sections. (Ord. 1-06 § 30, 2005: Ord. 36-99 § 1, 1999: prior code § 18-29-2)

## 9.16.030: REAL PROPERTY TO BE KEPT CLEAN AND SECURED:

It is unlawful for any person, corporation, partnership or other legal entity owning or occupying real property in the city to fail to maintain the height of weeds, as provided in section 9.16.040 of this chapter, or its successor, on such property; or to fail to remove from the property any cuttings from such weeds, or any solid waste, unsightly or deleterious objects or structures, or to fail to effectively secure any vacant structure after having been given written notice from the department or inspector. (Prior code § 18-29-3)

## 9.16.040: WEED CONTROL SPECIFICATIONS:

A. Weeds shall be maintained at a height of not more than six inches (6") (15.2 cm) at all times, and the cuttings shall be promptly cleared and removed from the premises.

B. Weeds which are eradicated by chemicals must be done so before their height exceeds six inches (6") (15.2 cm), or they must be cut at a level not exceeding six inches (6") (15.2 cm) in height.

C. Weeds which are rototilled or removed by the root must be buried under the soil or removed from the property.

D. When, in the opinion of the inspector, the large size of property makes the cutting of all weeds impractical, the inspector may, by written order, allow and limit the required cutting of weeds to a firebreak of not less than fifteen feet (15') (4.6 m) in width cut around the complete perimeter of the property and around any structures existing upon the property. (Prior code § 18-29-4)

## 9.16.050: NOTICE OF VIOLATION AND CORRECTIVE MEASURES:

A. Owners or occupants of the property upon which a violation exists shall be served a written notice stating the violation, location of violation, date of notice, corrective measures to be taken, a reasonable time period to comply, which shall be not less than ten (10) days from the date of the service of the order, and the department's power to cause, at the property owner's expense, the cutting or eradicating of weeds, the cleaning and removing of weeds, unsightly or deleterious objects or structures, or flammable material, or the securing of any vacant structures.

B. Any administrative appeal to such notice must be filed with the issuing department within ten (10) days of service of the notice, and is subject to review as other department administrative appeals. Once notice has been served during any calendar year directing the cutting and removing of weeds, no further notice need be served upon the same owner or occupant to compel such weed cutting and removing during such calendar year.

C. Such written notice issued by the inspector shall be deemed sufficient and complete when served upon the owner or occupant:

1. Personally by the inspector or his or her representative; or

2. Mailing, postage prepaid, addressed to the owner or occupant at the last known post office address appearing on the records of the county assessor.

D. The inspector shall make proof of service of such notice under oath, and file the same in the office of the county treasurer. (Prior code § 18-29-5)

## 9.16.060: CITY TO CLEAN OR SECURE PROPERTY WHEN; COSTS:

A. Upon the owner's or occupant's failure to cut or eradicate the weeds, remove the cuttings, solid waste, unsightly or deleterious objects or structures or flammable material, or failure to secure any vacant structure in accordance with the notice issued, the department shall have the authority to cause such cutting, removing or securing, including the power to enter on the property in violation for such cutting, removing or securing, or to authorize others to enter on such property and cause such cutting, removing or securing.

B. The inspector, upon approved completion of the work, shall prepare an itemized statement of all costs, including administrative expenses incurred by the department, which shall be a minimum of not less than one hundred dollars ($100.00), plus the cost of cutting, eradicating, removing or securing the property. The inspector shall mail a copy of such statement to the owner or occupant demanding reimbursement to the department of such costs by payment to the city treasurer within twenty (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 occupant according to the records of the county assessor.

C. Notwithstanding any other provision in this chapter to the contrary, where the owner of the property in question presents evidence demonstrating that his/her combined family income is at or below the level established for very low income households, to the satisfaction of the inspector, the city shall waive all administrative fees and the actual cost of removing weeds or the clearing of property at the owner's principal place of residence. (Ord. 36-99 § 2, 1999: prior code § 18-29-6)

## 9.16.070: COSTS; COLLECTION METHODS AUTHORIZED:

If within twenty (20) days of the date of mailing the owner fails to make payment of the amount set forth in such statement to the city treasurer, the inspector may either cause suit to be brought in an appropriate court of law, or refer the matter to the county treasurer, as provided in this chapter. (Prior code § 18-29-7)

## 9.16.080: COSTS; COLLECTION BY LAWSUIT:

In the event collection of expenses of cutting, eradicating, removing of solid waste, unsightly or deleterious objects or structures or flammable material, or the securing of any vacant structure is pursued through the court, the city shall sue for and receive judgment for all expenses of cutting, eradicating, removing, or securing of any structure, together with reasonable attorney fees, interest and court costs, and shall execute upon such judgment in the manner provided by law. (Prior code § 18-29-8)

## 9.16.090: COSTS; COLLECTION THROUGH TAXES:

In the event that the inspector elects to refer the expenses of cutting, eradicating, removing of solid waste, unsightly or deleterious objects or structures, flammable material, or the securing of any structure to the county treasurer for inclusion in the tax notice of the property owner, the inspector shall make in triplicate an itemized statement of all expenses, including such administrative expenses incurred, and shall deliver three (3) copies of the statement to the county treasurer within ten (10) days after the completion of the work. (Prior code § 18-29-9)

## 9.16.100: TAX NOTICE; REMOVAL COSTS TO BE SHOWN:

A. Upon receipt of the itemized statement of the costs of cutting or eradicating, removing of solid waste, unsightly or deleterious objects, flammable material, or the securing of any structure, the county treasurer shall forthwith mail one copy to the owner of the land from which the same were cut, eradicated, removed or secured, together with a notice that objection in writing to the board of county commissioners may be made within thirty (30) days to the whole or any part of the statement so filed. The county treasurer shall, at the same time, deliver a copy of the statement to the clerk of the board of county commissioners.

B. If objections to any statement are filed with the board, the board shall set a date for hearing, giving notice thereof, to the party objecting, the inspector, the department and the city attorney's office and, upon the hearing of the matter, determine and fix the actual cost of cutting, eradicating, removing or securing, including administrative expenses, reporting the findings to the county treasurer.

C. If no objections to the items of the account are made within thirty (30) days of the date of mailing such statement, the county treasurer shall certify and enter the amount of such statement on the assessment rolls of the county in the column prepared for that purpose. Otherwise, the treasurer shall, within ten (10) days of the date of the action of the board of county commissioners, upon any objections filed, enter in the prepared column upon the tax rolls the amount found and certified by the board to be the cost of cutting, eradicating, removing or securing.

D. If current tax notices have been mailed, the taxes so incurred may be carried over the rolls to the following year. After the entry by the county treasurer of the certified costs of such work, the amount so entered shall have the force and effect of a valid judgment of the district court, and shall be a lien upon the lands upon which the work was performed, and shall be collected by the county treasurer at the time of and in the manner provided for the payment of general taxes. The county treasurer shall send a copy of the certification to the city treasurer's office. Thereafter, upon payment, a receipt shall be acknowledged upon the general tax receipt issued by the county treasurer and the collected funds shall be reimbursed to the applicable abatement fund. (Prior code § 18-29-10)

## 9.16.110: PROPERTY EXAMINATION; ENFORCEMENT AUTHORITY:

The inspector, and his or her delegates, are hereby authorized to make examinations and investigations of all real property in the city to determine whether the owners of such property are complying with the provisions of this chapter, and to enforce the provisions thereof. (Prior code § 18-29-11)

### 9.16.120: VIOLATION; PENALTY:

Any party who shall fail to do those acts required in this article of this chapter, and any party who shall do or cause those acts prohibited herein to be done shall be guilty of a class B misdemeanor. If the violator shall be a corporation, partnership or entity other than an individual, such violator may be fined up to one thousand dollars ($1,000.00). Each and every day that a violation of this article continues shall constitute a separate offense. (Amended during 11/88 supplement: prior code § 18-29-13)

## Article II. Weed Abatement Along Public Streets

### 9.16.130: DUTY OF OWNERS, OCCUPANTS OR AGENTS:

It shall be the duty of every owner or occupant, or the agent of the owner or occupant, of land abutting and bordering on any public street in the city, for the distance such land abuts and borders, to remove from alongside the street in front of such land all weeds and noxious vegetation, from the property line to the curb line of the street. (Prior code § 41-9-1)

### 9.16.140: EXAMINATION OF STREETS:

It shall be the duty of the city inspector, appointed under the provisions of article I of this chapter, and his or her assistants, to make examinations and investigations of the areas of streets referred to in section 9.16.130 of this chapter, or its successor, to determine whether the persons referred to in that section are complying with the provisions of this article. (Prior code § 41-9-2)

### 9.16.150: NOTICE TO REMOVE WEEDS AND NOXIOUS VEGETATION:

Upon a determination by said inspector that the provisions of section 9.16.130 of chapter, or its successor, are not being complied with, the inspector shall ascertain the name of the owner or occupant, or the agent of the owner or occupant, of the land abutting and bordering a public street failing to comply with the provisions of this article, and shall serve notice in writing upon such owner or occupant, or agent of the owner or occupant, either personally or by mail, addressed to the last known post office address as disclosed by the records of the county assessor, requiring such owner or occupant, or agent of the owner or occupant, to remove the weeds and noxious vegetation within such time as the inspector shall designate, which shall be not less than ten (10) days from the date of service of such notice. It shall be the duty of the person so served with notice to comply therewith. (Prior code § 41-9-3)

### 9.16.160: VIOLATION; PENALTY:

Every person who violates the provisions of this article of this chapter by failure to perform the duties as herein required shall be guilty of a misdemeanor. (Prior code § 41-9-4)

# CHAPTER 9.20
# FIREWORKS

## 9.20.010: SELLING FIREWORKS; LICENSE REQUIRED:

It is unlawful for any person to engage in the business of selling fireworks without first having obtained a license to do so. Licenses shall be designated as indoor sales or outdoor sales. (Prior code § 20-38-1)

## 9.20.020: LICENSE; FEES AND TERM:

A. The fee for a license to sell fireworks shall be as shown on the Salt Lake City consolidated fee schedule.

B. The above license fees must be paid at least ten (10) days prior to the opening of the business, and the license shall date from approval of issuance by the city and shall expire on the date of expiration of the annual base business revenue license as set forth in section 5.02.120 of this code, or its successor section. (Ord. 24-11, 2011)

## 9.20.030: DATES FOR SALE AND DISCHARGE OF FIREWORKS:

It is illegal for any person to sell fireworks on dates other than as provided by state law. It shall also be illegal for any person to discharge fireworks, except as provided by state law. (Prior code § 20-38-3)

## 9.20.040: OUTDOOR SALES:

Sales from other than indoor structures, as defined in section 9.20.050 of this chapter, or its successor, shall be made only from temporary stands or trailers which meet the following criteria:

A. All stands and/or trailers shall comply with the provisions of title 18, chapter 18.84 of this code, as amended, or any successor provision. No stand shall be erected on the sales site, nor shall any trailer be placed on the sales site more than five (5) days prior to each of the dates that sales are permitted under state law.

B. The fireworks stands or trailers must be removed within five (5) days after the end of each of the sales periods.

C. All electrical installations associated with temporary stands or trailers shall conform to the applicable Salt Lake City electrical code.

D. No stand or trailer shall be installed or located except in accordance with the applicable zoning ordinances.

E. Each stand or trailer shall have an approved fire extinguisher, type 2A-10BC, or approved Salt Lake City fire department equivalent.

F. No stand or trailer shall be located in such a way as to eliminate the off street parking required by the applicable zoning ordinances.

G. All stands or trailers shall have an aisle within them that shall be maintained free and clear of all obstructions and which shall be at least three feet (3') in width.

H. All stands or trailers shall be so constructed that customers may not reach the fireworks until the fireworks are actually purchased.

I. All stands and trailers shall be securely locked when not in use, and no person shall be allowed to sleep overnight in the stand or trailer.

J. All sales personnel must be age sixteen (16) years or older.

K. The area surrounding the stand or trailer shall be kept free and clear of all weeds, debris and other flammable materials for a distance of twenty five feet (25') in all directions from the stand or trailer, and such stand or trailer shall be located upon hard surfaced areas only.

L. No stand or trailer shall be located closer than fifty feet (50') to any LP gas or gasoline storage and/or dispensing device. (Prior code § 20-38-4)

## 9.20.050: INDOOR SALES:

A. Definitions:

INDOOR SALES: Sales conducted inside a permanent structure located in areas properly zoned for retail sales.

PERMANENT STRUCTURE: A nonmovable building which is securely attached to a foundation.

B. Permanent Structures: Display of fireworks inside permanent structures shall be allowed, provided the following criteria are met:

1. If five hundred (500) pounds or more of fireworks are displayed for sale, the display of fireworks must be constantly attended by a sales person.

2. If more than two hundred fifty (250) pounds, but less than five hundred (500) pounds, of fireworks are displayed for sale, the display must be within constant visual supervision of licensee's personnel.

3. The display of fireworks shall be located not less than fifty feet (50') from any flammable liquid, gas, other highly combustible material, or from any open flame.

C. Prohibited Display Locations: Fireworks shall not be located for display or storage near exit doorways, stairways or other locations where, if the fireworks caught fire, it would impede egress from the building.

D. Packaged Units: Fireworks shall be stored, handled, displayed and sold only as packaged units. Broken packages shall be removed immediately upon discovery of the broken package. (Prior code § 20-38-5)

## 9.20.060: SIGNS REQUIRED:

A. Every outdoor fireworks stand or trailer shall have posted on it in a conspicuous manner signs which read substantially as follows:

1. No smoking within the distance of fifty feet (50') of the fireworks stand or trailer.

2. No fireworks discharge shall be allowed within the distance of fifty feet (50') of the fireworks stand or trailer.

3. The dates on which fireworks may be legally discharged pursuant to state law.

B. Every indoor fireworks seller shall have posted in a conspicuous manner signs which read substantially as follows:

1. No smoking or open flames allowed within fifty feet (50') of the fireworks display.

2. The dates on which fireworks may be legally discharged pursuant to state law. (Prior code § 20-38-8)

## 9.20.070: CLEANUP OF LOOSE POWDER:

Spilled powder from broken fireworks shall be immediately removed and safely disposed of. (Prior code § 20-38-9)

## 9.20.080: SMOKING PROHIBITED:

It is illegal for any person to smoke or to use open flames or to discharge any fireworks within fifty feet (50') of any fireworks stand or trailer or other display of fireworks for sale. (Prior code § 20-38-7)

## 9.20.090: PERSONS UNDER SIXTEEN; PROHIBITED ACTS:

It is illegal for any person under the age of sixteen (16) years to purchase any fireworks unless accompanied by a parent or guardian. It is unlawful to sell to any person under the age of sixteen (16) years unless such person is accompanied by a parent or guardian. (Prior code § 20-38-6)

### 9.20.100: FUSEES OR FLARES; SALE TO UNDERAGE PERSONS PROHIBITED:

It is unlawful for any person to sell or offer to sell any railroad, aviation or highway fusee or flare, to any person whose age is less than that at which he or she may be licensed to operate a motor vehicle under the laws of the state of Utah. (Prior code § 20-38-10)

### 9.20.110: FUSEES OR FLARES; USE FOR EMERGENCIES ONLY:

It is unlawful for any person to ignite or cause to be ignited any railroad, aviation or highway fusee, or similar fusee or flare, within the corporate limits of the city for any purpose other than emergency signaling. (Prior code § 20-38-11)

# CHAPTER 9.24
# AIR POLLUTION CONTROL

### 9.24.010: TITLE FOR CITATION:

This chapter shall be known and may be cited as the *SALT LAKE CITY AIR POLLUTION CONTROL ORDINANCE.* (Prior code § 3-1-1)

### 9.24.020: PURPOSE OF PROVISIONS:

The purpose of these regulations and standards is to preserve, protect and improve the air resources of Salt Lake City so as to promote health, safety and welfare; prevent injury to human health, plant and animal life and property; foster the comfort and convenience of its inhabitants; and, to the greatest degree practicable, facilitate the enjoyment of the natural attractions of the city of Salt Lake. (Prior code § 3-1-2)

### 9.24.030: DEFINITIONS:

For the purpose of this chapter, the following terms, phrases and words shall have the meanings given in this section:

AEROSOLS: Any dispersed matter, solid or liquid, in which the individual aggregates are larger than single molecules but smaller than five hundred (500) microns in diameter (a micron is $^{1}/_{1,000,000}$ of a meter).

AGRICULTURAL BURNING: Open burning, in rural areas, essential to agricultural operations, including the growing of crops, the raising of fowl, animals or bees, when conducted on the premises where produced.

AIR CONTAMINANT: Any particulate matter, or any gas, vapor, odorous substance, suspended solid or any combination thereof, excluding steam and water vapors.

AIR CONTAMINANT SOURCE: Any and all places where an air contaminant originates.

AIR POLLUTION: The presence in the ambient air of one or more air contaminants in quantities sufficient to be excessive or objectionable, as determined by the standards, rules and regulations adopted by the Salt Lake Valley health department.

AIR QUALITY SECTION: Air quality section of the Salt Lake Valley health department.

AMBIENT AIR: The surrounding or outside air.

ATMOSPHERE: The air that envelops or surrounds the earth, and includes all space outside of buildings, stacks or exterior ducts.

BTU: British thermal unit, the quantity of heat necessary to raise the temperature of one pound of water one degree Fahrenheit (1°F).

BOARD: The Salt Lake Valley board of health.

CLEARING INDEX: A number indicating the predicted rate of clearance of ground level pollutants from a given area. This number is calculated by the U.S. weather bureau, from daily measurement of temperature lapse rates and wind speed, and directions from ground level to ten thousand feet (10,000').

CONTROL EQUIPMENT: Any equipment which has the function of controlling the emissions from a process, fuel burning, or refuse burning equipment, and thus reduces the creation of or the emission of air contaminants into the atmosphere, or both.

DEPARTMENT: The Salt Lake Valley health department.

DIRECTOR: The Salt Lake Valley director of health.

EMISSION: The act of discharging into the atmosphere an air contaminant or an effluent which contains or may contain an air contaminant, or the effluent so discharged, into the atmosphere.

EQUIVALENT OPACITY: The relationship of opaqueness or percent obscuration of light to the Ringelmann chart for shades other than black and is approximately equal to the following:

| Opacity | Percent Ringelmann |
|---|---|
| | |
| 10 | 0 .5 |
| 20 | 1 |
| 30 | 1 .5 |
| 40 | 2 |
| 60 | 3 |
| 80 | 4 |

| 100 | 5 |
|---|---|

EXISTING INSTALLATION: A plant, process, process equipment or a device, construction of which began prior to the effective date of any regulation having application to it.

FACILITY: Machinery, equipment, structures or any part of accessories thereof, installed or acquired for the primary purpose of controlling or disposing of air pollution.

FUGITIVE DUST: Solid airborne particulate matter emitted from any source other than through a stack or chimney.

GARBAGE: The animal and vegetable waste and food refuse resulting from handling, preparing, cooking and consumption of food.

HEAVY FUEL OIL: A petroleum product or similar material heavier than diesel fuel.

HOUSEHOLD WASTE: Any solid or liquid material normally generated by a person or persons in a residence in the course of ordinary day to day living, including, but not limited to, garbage, paper products, rags, leaves and garden trash.

INCINERATOR: Any device used for the destruction of garbage, rubbish or other wastes by burning, or to process salvageable material by burning.

LPG: Liquid petroleum gas, such as propane or butane.

MULTIPLE CHAMBER INCINERATOR: Any device used to dispose of combustible refuse by burning, consisting of three (3) or more refractory lined combustion furnaces in series, physically separated by refractory walls, interconnected by gas passage ports or ducts, and employing adequate parameters necessary for maximum combustion of material to be burned.

NEW INSTALLATION: A plant, process or process equipment, construction of which began following the effective date of the regulation concerned. A modified process unit or system shall be construed as a new installation if a physical change in, or change in the method of a process unit system, increases the amount of any air pollutant not previously emitted. An increase in either production rate or hours of operation alone shall not be considered a change in method of operation.

ODOR: Property of an air contaminant that affects the sense of smell.

OPEN BURNING: A fire from which the products of combustion are emitted directly into the open air without passing through a stack or chimney.

PARTICULATE: Any gas borne material, except uncombined water, which exists as a liquid or solid and which is capable of being suspended in a gaseous system.

PERSON: Any individual, public or private corporation, partnership, association, firm, trust, estate, the state, or any department, institution, bureau or agency thereof, any municipal corporation, county, city and county or other political subdivision of the state, or any legal entity whatsoever which is recognized by the law as being subject to rights and duties.

PUBLIC NUISANCE: As defined by section 11.32.010 of this code, or its successor.

RECREATIONAL FIRE: A campfire which can be safely confined to a fire ring no larger than eight feet (8') in diameter.

REFUSE: Any solid waste, including garbage and trash.

RINGELMANN CHART: The chart published by the U.S. bureau of mines (information circular 8333) which illustrates graduated shades of gray to black for use in determining the light obscuring capability of particulate matter.

SALVAGE OPERATION: Any business, trade or industry engaged in whole or part in salvaging or reclaiming any product or material, including, but not limited to, metals, chemicals, and shipping containers or drums.

SANDBLASTING: The use of a mixture of sand and air at high pressures for cleaning and/or polishing any type of surface.

STACK: Any chimney, flue, conduit or duct arranged to conduct emissions to the ambient air.

TRASH: Solids not considered to be highly flammable or explosive, including, but not limited to, clothing, rags, leather, plastic, rubber, floor coverings, excelsior, tree leaves, yard trimmings, and other similar material.

WASTE: All solid, liquid or gaseous material, including, but not limited to, garbage, trash, household waste, construction or demolition debris, or other refuse, including that resulting from the prosecution of any business, trade or industry. (Ord. 1-06 § 30, 2005: prior code § 3-1-5)

## 9.24.040: AIR QUALITY CONTROL SECTION:

There is hereby created a section of air quality control in the Salt Lake Valley health department. (Ord. 1-06 § 30, 2005: prior code § 3-1-3)

## 9.24.050: HEALTH DEPARTMENT POWERS AND DUTIES:

In addition to any other powers vested in it by law, the Salt Lake Valley health department shall:

A. Conduct studies, investigations and research relating to air pollution and its prevention, abatement and control;

B. Issue such orders as may be necessary to effect the purpose of this chapter and enforce the same by all appropriate administrative and judicial proceedings;

C. Secure necessary scientific, technical, administrative and operational services, including laboratory facilities, by contract or otherwise, through the authority of the mayor;

D. Prepare and develop a comprehensive plan or plans for the prevention, abatement and control of air pollution;

E. Advise, consult and cooperate with other local government units, agencies of the state, industries, interstate or interlocal agencies and the federal government, and with interested persons and groups;

F. Review those matters having a bearing upon air pollution referred by other agencies (such as the planning, zoning and building offices and the fire department) and make reports, including recommendations, to the referring agencies with respect thereto;

G. Collect and disseminate information and conduct educational and training programs relating to air pollution;

H. Encourage voluntary cooperation by persons or affected groups to achieve the purposes of this chapter;

I. Receive and administer grants or other funds or gifts from public and private agencies, including the state and federal government, for the purpose of carrying out any of the functions of this chapter;

J. Do any and all acts which may be necessary for the successful prosecution of the purpose of this chapter within the purview of all city ordinances as established, and such other acts as may be specifically enumerated herein. (Ord. 1-06 § 30, 2005: prior code § 3-1-4)

## 9.24.060: AIR POLLUTION; PROHIBITED:

No person shall cause or permit the discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance of any person or the public or which cause injury or damage to business or property. (Prior code § 3-1-6)

## 9.24.070: AIR POLLUTION NUISANCE; PROHIBITED:

A. No person shall cause or permit the discharge from any source whatsoever such quantities of air contaminants or other materials which cause a nuisance to any person or to the public.

B. Nothing in any other part of these regulations concerning emissions of air contaminants or any other regulations relating to air pollution shall in any manner be construed as authorization or legalizing the creation or maintenance of a nuisance as described in section 9.24.030, "public nuisance", of this chapter, or its successor. (Prior code § 3-1-7)

## 9.24.080: NEW CONSTRUCTION OR SOURCE; NOTICE TO CITY:

A. Notice Required When: Except for the exemptions listed herein, any person planning to construct a new installation which will or might reasonably be expected to become a source of air pollution, or to make modifications to an existing installation which will or might reasonably be expected to increase the amount or change the effect of or the character of air contaminants discharged, so that such installation may be expected to become a source of air pollution, or any person planning to install control equipment or other equipment intended to control emission of air contaminants, shall submit to the air quality section a notice of intent to construct prior to initiation of construction.

B. Information Required: The following information shall be submitted with the notice of construction:

1. A description of the nature of the process(es) involved; the nature, procedure for handing, and the quantities of raw materials; the type and quantity of fuels employed; and the nature and quantity of finished product;

2. Expected composition of effluent stream, both before and after treatment by any control equipment, including emission rate, volume, temperature and contaminants;

3. Expected physical characteristics of aerosols;

4. Size, type and performance characteristics of control equipment;

5. Location and elevation of the emission point and other factors relating to dispersion and diffusion of the air contaminant in the outer air, the relation of the emission to nearby structures and window openings, and other information necessary to appraise the possible effects of the effluent;

6. The location of planned sampling points, and the tests to be made of the completed installation by the owner, when necessary to ascertain compliance.

C. Exemptions: The following types of installations are exempt from the notice requirements:

1. Comfort heating equipment, boilers, water heaters, air heaters and steam generators with the rated capacity of less than five hundred thousand (500,000) Btu per hour;

2. Comfort ventilating systems not designed to remove air contaminants generated by or released from equipment;

3. Unit space heaters;

4. Vacuum cleaning systems used exclusively for commercial or residential housekeeping;

5. Exhaust systems for controlling steam and heat which do not contain combustion products;

6. Fuel burning equipment using no other fuel than natural gas or LPG, or other mixed gas distributed by a utility in accordance with the rules of the state public service commission. (Prior code § 3-1-10)

## 9.24.090: OPERATIONS RESULTING IN AIR POLLUTION; REPORT TO CITY:

Persons engaged in operations which may result in air pollution shall, if so required, file with the air quality section reports containing information as to:

A. Location and description of source;

B. Rate, duration and composition of contaminant emission;

C. A schedule whereby an unlawful activity will be brought into compliance over a specified period of time;

D. Progress in achieving compliance; and

E. Such other information as the air quality section may require. (Prior code § 3-1-9)

## 9.24.100: EQUIPMENT MALFUNCTION; REPORT REQUIREMENTS:

A. Equipment Shutdown:

1. In the case of shutdown of air pollution control equipment for necessary scheduled maintenance, the intent to shut down such equipment shall be reported to the air

quality section at least twenty four (24) hours prior to the planned shutdown.

2. Such prior notice shall include, but is not limited to, the following:

a. Identification of the specific facility to be taken out of service as well as its location;

b. The expected length of time that the air pollution control equipment will be out of service;

c. The nature and quantity of emissions of air pollutants likely to be emitted during the shutdown period;

d. Measures, such as the use of off shift labor and equipment, that will be taken to minimize the length of the shutdown period or minimize the quantity of emissions;

e. The reasons why it would be impossible or impractical to shut down the source operation during the maintenance period;

f. Approval from the department to continue operations during the period of shutdown.

B. Equipment Malfunction: Excessive emissions resulting from unavoidable breakdown of equipment or procedures must be reported immediately (within 24 hours) to the air quality section. Within five (5) days of the beginning of such an incident, a written report shall be submitted to the air quality section which shall include the cause and nature of the event, estimated quantity of pollutant, time of emissions, and steps taken to control the emission and to prevent recurrence. Such emission shall not be deemed in violation providing this report is considered acceptable to the air quality section. (Prior code § 3-1-11)

## 9.24.110: INSPECTIONS; RIGHT OF ENTRY:

A. Any duly authorized officer, employee or representative of the department may, with the consent of the person or persons in control of an air contaminant source, enter and inspect any property, premises or place on or at which such an air contaminant source is located or is being constructed, installed or established, at any reasonable time, for the purposes of ascertaining the state of compliance with this chapter and rules and regulations in force pursuant thereto.

B. A suitably restricted search warrant, upon a showing of probable cause in writing and upon oath or affirmation, may be issued by a court of competent jurisdiction to such officer, employee or representative of the department for the purpose of enabling him to make such inspection.

C. No person shall refuse entry or access to any authorized representative of the department who requests entry for purposes of inspection, and who presents appropriate credentials and warrant, nor shall any person obstruct, hamper or interfere with any such inspection. Nothing in this section shall be construed to prevent prompt inspection without consent or appropriate warrant in emergency situations. If requested, the owner or operator of the premises shall receive a report setting forth all facts found which relate to compliance status. (Prior code § 3-1-8)

## 9.24.120: COMPLIANCE; APPROVED METHOD:

Emissions shall be brought into compliance with the requirements of this chapter by reduction of the total weight of contaminants discharged per unit of time, rather than by dilution of emissions with clean air. (Prior code § 3-1-12)

## 9.24.130: OPEN BURNING; COMMUNITY WASTE DISPOSAL:

No open burning shall be done at sites used for disposal of community trash, garbage or other wastes except when authorized for specific periods of time by the Salt Lake Valley health department on the basis of justifiable circumstances reviewed and weighed in terms of pollution effects and other relevant considerations following written application. (Ord. 1-06 § 30, 2005: prior code § 3-1-14(1))

## 9.24.140: OPEN BURNING; GENERAL PROHIBITIONS:

No person shall burn any trash, garbage or other wastes, nor shall conduct any salvage operations, in any open fire except in conformity with the provisions of sections 9.24.150 and 9.24.160 of this chapter, or their successor sections. (Prior code § 3-1-14(2))

## 9.24.150: OPEN BURNING; NO PERMIT REQUIRED WHEN:

When not prohibited by other laws or by other officials having jurisdiction, and provided that a public nuisance is not created, the following types of open burning are permissible without the necessity of securing a permit:

A. In devices for the primary purpose of preparing food, such as outdoor grills and fireplaces;

B. Campfires and fires used solely for recreational purposes where such fires are under the control of a responsible person. Anyone planning a fire larger than that defined in section 9.24.030 of this chapter, or its successor section, will be required to obtain a special permit. Bonfires, fires built to burn Christmas trees, rally fires and similar fires are prohibited;

C. Indoor fireplaces;

D. Properly operated industrial flares for combustion of flammable gases;

E. Burning, on the premises, of combustible household wastes generated by occupants of dwellings of four (4) family units or less in those areas only where no public or duly licensed disposal service is available. (Prior code § 3-1-14(3))

## 9.24.160: OPEN BURNING; PERMIT REQUIRED WHEN; EXEMPTIONS:

When not prohibited by other laws or other officials having jurisdiction, and when a public nuisance is not created, the types of open burning listed in subsections D1 through D6 of

this section are permissible.

A. Under the terms of individual permits issued by the air quality section, under a "clearing index" system approved and coordinated by the Utah state division of health; or

B. When specifically exempted by the Salt Lake Valley health department, following written application and appropriate consultation;

C. Application may be made by a political subdivision of Salt Lake County, as well as by an individual citizen;

D. All burning permitted under this section is to take place during the hours specified by the Salt Lake Valley health department:

1. Agricultural burning, including on premises orchard prunings, field stubble and weeds and open burning to clear irrigation ditches,

2. Open burning of tree cuttings and slash in forest areas where the cuttings accrue from pulping, lumbering and similar operations, but excluding waste from sawmill operations such as sawdust and scrap lumber,

3. Open burning of trees and bushes within railroad and public road rights of way, provided that dirt is removed from stumps before burning, and that tires, heavy fuel oil or other materials which cause severe air pollution are not used to start the fires or keep fires burning,

4. Open burning of solid or liquid fuels or structures for removal of hazards or eyesores, or for firemen training purposes when conducted under the direct control and supervision of organized fire departments,

5. Open burning in remote areas of highly explosive or other dangerous materials for which there is no other known practical method of disposal,

6. Open burning for special purposes, or under unusual circumstances when approved by the Salt Lake Valley health department following formal request. (Ord. 1-06 § 30, 2005: prior code § 3-1-14(4))

## 9.24.170: VISIBLE EMISSIONS; LIMITATIONS:

A. Existing Installations: Single sources of emissions from existing installations, except incinerators and internal combustion engines, shall be of a shade or density no darker than a number 2 Ringelmann chart (40 percent black) or an equivalent opacity, except as provided in subsection F of this section, or its successor subsection.

B. Incinerators And New Installations: Single sources of emission from any incinerator or any other new installation, except internal combustion engines, shall be of a shade or density no darker than a number $^{1}/_{2}$ Ringelmann (10 percent black) or an equivalent opacity, except as provided in subsection F of this section, or its successor subsection.

C. Gasoline Engines: Gasoline engine emissions shall not be visible, except for a starting motion, no farther than one hundred (100) yards, or for stationary operation not exceeding three (3) minutes in any hour.

D. Diesel Engines 1973 And Later: Emissions from diesel engines manufactured after January 1, 1973, shall be of a shade or density no darker than a number $^{1}/_{2}$ Ringelmann (10 percent black) or an equivalent opacity, except for starting motion, no farther than one hundred (100) yards or for stationary operation not exceeding three (3) minutes in any hour.

E. Diesel Engines Pre-1973: Emissions from diesel engines manufactured before January 1, 1973, shall be of a shade or density no darker than a number 2 Ringelmann (40 percent black) or equivalent opacity, except for starting motion, no farther than one hundred (100) yards or for stationary operation not exceeding three (3) minutes in any hour.

F. Exceptions:

1. When conducting a procedure or using equipment necessary to the operation of a process such as, but not limited to, building a new fire, tube blowing, initial warmup or startup of locomotives, or cleaning grates, the limits specified in these regulations may be exceeded when it can be demonstrated to be unavoidable.

2. An emission failing to meet the standard because of the effect of uncombined water shall not be in violation. (Prior code § 3-1-13)

## 9.24.180: FUGITIVE DUST:

A. 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.

B. 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.

C. 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 earthmoving equipment, erosion by water, or by other means.

D. The owner or operator of a commercial establishment or industrial plant shall maintain control of the establishment premises or plant premises and establishment owned or plant owned, leased or controlled access roads by paving, oil treatment, or other suitable measures.

E. 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, enclosures, structural barriers, or other suitable means.

F. 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.

G. 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 of vegetation, or other reasonable means. (Prior code § 3-1-15)

## 9.24.190: ODOR CONTROL:

A. Prohibited Emissions: No person shall cause, suffer, allow or permit, at any time, any emission from those processes listed in subsections A1 through A10 of this section unless the emissions are incinerated at a temperature of not less than one thousand two hundred degrees Fahrenheit (1,200°F) for a period of not less than 0.3 second, or processed in a manner acceptable to the air quality section to be equally or more effective for the purpose of air pollution control:

1. Animal blood dryers;

2. Meat processing;

3. Animal reduction and rendering cookers;

4. Meat smokehouses;

5. Asphalt roofing manufacturing;

6. Varnish cookers;

7. Paint bake ovens;

8. Plastic curing ovens;

9. Fiberglassing;

10. Sources of hydrogen sulfide and mercaptans.

B. Monitoring Devices: 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 Valley health department for indicating temperature, pressure or other operating conditions.

C. Violation: Whenever dust, fumes, gases, mist, odorous matter, vapors or any combination thereof escape from a building used for any process including those mentioned in subsection A of this section, in such a manner and amount as to cause a violation of this regulation, the Salt Lake Valley 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 gases 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.

D. Control Of Odors:

1. When as many as three (3) complaints of an objectionable odor situation are registered with the air quality section, or earlier, at the option of the air quality section, it shall be the responsibility of the air quality section to investigate the complaints by interview with the complainants and/or other occupants of the area of concern to determine the source or sources of odorous matter and the circumstances surrounding its emission.

2. When it is necessary to ascertain the presence or absence of an objectionable odor, the determination shall be made by the air quality section, using a panel as provided in subsection D3 of this section. The panel of five (5) shall be appointed by the director, and shall consist of not more than two (2) members of the air quality section.

3. An odor shall be deemed "objectionable" for the purpose of this regulation when a majority of the members of the panel exposed to the odor determine that it is or tends to annoy, injure or endanger the comfort, repose, health or safety of a person, or which in any way renders a person insecure in life or the use of property.

4. If the panel determines that a person is causing or permitting the emission of an objectionable odor, that person shall take all steps required by the air quality section to control the objectionable odor.

5. Odor producing materials shall be stored and handled in a manner such that odors produced from such materials are confined. Accumulation of odor producing materials resulting from spillage or other escape is prohibited. (Ord. 1-06 § 30, 2005: prior code § 3-1-16)

### 9.24.200: VIOLATION; PENALTY:

Any person who shall fail to do those acts required in this chapter, and any person who shall do those prohibited herein shall be guilty of a misdemeanor. If the violator is a corporation, the corporation may be fined five thousand dollars ($5,000.00). Each and every day that a violation of this chapter continues shall constitute a separate offense. (Prior code § 3-1-18)

# CHAPTER 9.28
# NOISE CONTROL

### 9.28.010: DECLARATION OF POLICY:

It is declared to be the policy of Salt Lake City to prohibit the making, creation or maintenance of excessive, unnecessary, unnatural or unusually loud noises which are prolonged, unusual or unnatural in their time, place and use, and are a detriment to the public health, comfort, convenience, safety, welfare, prosperity, and peace and quiet of the residents of the city. (Prior code § 18-33-1)

### 9.28.020: DEFINITIONS AND STANDARDS:

A. All terminology used in this chapter and not defined below shall be interpreted in conformance with applicable American National Standards Institute publications, including,

but not limited to, Sl. 1-1960, R 1971, or those from its successor publications or bodies.

B. For the purposes of this chapter, certain words and phrases used herein are defined as follows:

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".

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 exceeded ninety percent (90%) of the time based on a measurement period which shall not be less than ten (10) minutes.

CONTINUOUS SOUND: Any sound which exists, essentially without interruption, for a period of ten (10) minutes or more.

CYCLICALLY VARYING NOISE: Any sound which varies in sound level such that the same level is obtained repetitively at reasonably uniform intervals of time.

DECIBEL: A logarithmic and dimensionless unit of measure often used in describing the amplitude of sound. Decibel is denoted as "dB".

DEVICE: Any mechanism which is intended to produce, or which actually produces, noise when operated or handled.

DYNAMIC BRAKING DEVICE (Commonly Referred To As JACOB'S BRAKE): A device used primarily on trucks for the conversions of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes.

EMERGENCY VEHICLE: A motor vehicle used in response to a public calamity or to protect persons or property from an imminent exposure to danger.

EMERGENCY WORK: Work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from an imminent exposure to danger.

IMPULSIVE NOISE: A noise containing excursions usually less than one second, or sound pressure level using the fast meter characteristic.

MOTOR VEHICLE: Any vehicle which is self-propelled by mechanical power, including, but not limited to, passenger cars, trucks, truck trailers, semitrailers, campers, motorcycles, minibikes, go-carts, snowmobiles and racing vehicles.

MUFFLER: An apparatus consisting of a series of chambers or baffle plates designed for the purpose of transmitting gases while reducing sound emanating from such apparatus.

NINETIETH PERCENTILE NOISE LEVEL: The A-weighted sound pressure level that is exceeded ninety percent (90%) of the time in any measurement period (such as the level that is exceeded for 9 minutes in a 10 minute period) and is denoted "L90".

NOISE: Any sound which is unwanted or which causes or tends to cause an adverse psychological or physiological effect on human beings.

NOISE DISTURBANCE: Any sound which annoys or disturbs reasonable persons with normal sensitivities, or which injures or endangers the comfort, repose, health, hearing, peace and safety of other persons.

PERCENTILE SOUND PRESSURE LEVEL: Tenth percentile noise level; the A-weighted sound pressure level that is exceeded ten percent (10%) 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 "L10".

PERSON: Any human being, firm, association, organization, partnership, business, trust, corporation, company, contractor, supplier, installer, user, owner or operator, including any municipal corporation or its officers or employees.

PLAINLY AUDIBLE NOISE: Any noise for which the information content of that noise is unambiguously transferred to the listener, such as, but not limited to, understanding of spoken speech, comprehension of whether a voice is raised or normal, or comprehension of musical rhythms.

PROPERTY BOUNDARY: An imaginary line exterior to any enclosed structure, at the ground surface, and its vertical extension, which separates the real property owned by

one person from that owned by another person.

PUBLIC RIGHT OF WAY: Any street, avenue, boulevard, highway or alley, or similar place, which is owned or controlled by a public governmental entity.

PURE TONE: Any sound which can be distinctly heard as a single pitch or a set of single pitches. For the purposes of measurement, a pure tone shall exist if the one-third ($^1/_3$) octave band sound pressure level in the band with the tone exceeds the arithmetic average of the sound pressure levels of the two (2) contiguous one-third ($^1/_3$) octave bands by five (5) dB for frequencies of five hundred (500) Hz and above, by eight (8) dB for frequencies between one hundred sixty (160) and four hundred (400) Hz, and by fifteen (15) dB for frequencies less than or equal to one hundred twenty five (125) Hz.

REPETITIVE IMPULSIVE NOISE: Any noise which is composed of impulsive noises that are repeated at sufficiently slow rates such that a sound level meter set at the "fast" meter characteristic will show changes in sound pressure level greater than ten (10) dBA.

SOUND: A temporal and spatial oscillation in pressure, or other physical quantity, in a medium with interval forces that causes compression and rarefaction of that medium, and which propagates at finite speed to distant points.

SOUND LEVEL METER: An instrument, including a microphone, amplifier, RMS detector and intergrator, time averager, output meter and/or visual display and weighing networks, that is sensitive to pressure fluctuations. The instrument reads sound pressure level when properly calibrated and is of type 2 or better as specified in American National Standards Institute publication Sl. 4-1971 or its successor publication.

SOUND PRESSURE: The instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space due to sound.

SOUND PRESSURE LEVEL: Twenty (20) times the logarithm to the base ten (10) of the ratio of the RMS sound pressure to the reference pressure, which shall be twenty (20) micropascals, denoted LP or SPL.

STATIONARY NOISE SOURCE: Any device, fixed or movable, which is located or used on property other than a public right of way.

STEADY NOISE: A sound pressure level which remains essentially constant during the period of observation, i.e., does not vary more than six (6) dBA when measured with the "slow" meter characteristic of a sound level meter.

USE DISTRICT: Those districts established by the city zoning ordinance set out at title 21A of this code, as amended, or its successor title. (Prior code § 18-33-2)

## 9.28.030: SOUND LEVEL; MEASUREMENT METHOD:

Sound level measurements shall be made with a sound level meter using the A-weighting scale, in accordance with standards promulgated by the American National Standards Institute or other reasonable standards adopted and tested by the Salt Lake Valley health department. (Ord. 1-06 § 30, 2005: prior code § 18-33-5)

## 9.28.040: NOISES PROHIBITED:

A. General Prohibitions: In addition to the specific prohibitions outlined in subsection B of this section and section 9.28.060 of this chapter, or their successor sections, it is unlawful for any person to make, continue, or cause to be made or continued any noise disturbance within the limits of the city.

B. Specific Prohibitions: The following acts are declared to be in violation of this chapter:

1. Horns And Signaling Devices: Sounding of any horn or signaling device on any truck, automobile, motorcycle, emergency vehicle or other vehicle on any street or public place within the city, except as a danger warning signal as provided in the vehicle code of the state of Utah, or the sounding of any such signaling device for an unnecessary or unreasonable period of time;

2. Radios, Television Sets, Musical Instruments And Similar Devices:

a. Using, operating or permitting the use or operation of any radio receiving set, musical instrument, television, phonograph, drum or other machine or device for the production or reproduction of sound, except as provided for in subsection B3 of this section, in such a manner as to violate section 9.28.060 of this chapter, or its successor section, or cause a noise disturbance,

b. The operating of any such device between the hours of nine o'clock (9:00) P.M. and seven o'clock (7:00) A.M. the following day or, between the hours of nine o'clock (9:00) P.M. and nine o'clock (9:00) A.M. when the following day is a Sunday or legal holiday, in such a manner as to be plainly audible at the property boundary of the source or plainly audible at fifty feet (50') (15 m) from such device when operated within a vehicle parked on a public right of way;

3. Public Loudspeakers: Using or operating a loudspeaker or sound amplifying equipment in a fixed or movable position or mounted upon any sound vehicle in or upon any street, alley, sidewalk, park, place, or public property for the purpose of commercial advertising, giving instructions, directions, talks, addresses, lectures, or transmitting music to any persons or assemblages of persons in such a manner as to violate section 9.28.060 of this chapter, or its successor section, or cause a noise disturbance unless a permit as provided by section 9.28.070 of this chapter, or its successor section, is first obtained;

4. Hawkers And Peddlers: Selling anything by outcry within any area of the city zoned primarily for residential uses in such a manner as to violate section 9.28.060 of this chapter, or its successor section, or cause a noise disturbance. The provisions of this subsection shall not be construed to prohibit the selling by outcry of merchandise, food and beverages at licensed sporting events, parades, fairs, circuses and other similarly licensed public entertainment events;

5. Animals: Owning, keeping, possessing or harboring any animal (or animals) which, by frequent or habitual noisemaking, violate section 9.28.060 of this chapter, or its successor section, or causes a noise disturbance. The provisions of this subsection shall apply to all private and public facilities, including any animal pounds, which hold or treat animals;

6. Loading Operations: Loading, unloading, opening or otherwise handling boxes, crates, containers, garbage containers or other objects between the hours of nine o'clock (9:00) P.M. and seven o'clock (7:00) A.M. the following day, or between the hours of nine o'clock (9:00) P.M. and nine o'clock (9:00) A.M. when the following day is a Sunday or legal holiday, in such a manner as to violate section 9.28.060 of this chapter, or its successor section, or cause a noise disturbance;

7. Construction Work: Operating, or causing to be used or operated, any equipment used in construction, repair, alteration or demolition work on buildings, structures, streets, alleys, or appurtenances thereto:

a. In residential or commercial land use districts between the hours of nine o'clock (9:00) P.M. and seven o'clock (7:00) A.M. the following day, or between the hours of nine o'clock (9:00) P.M. and nine o'clock (9:00) A.M. when the following day is a Sunday or legal holiday,

b. In any land use district where such operation exceeds the second level limits for an industrial land use as set forth in section 9.28.060 of this chapter, or its successor section;

8. Domestic Power Equipment: Operating or permitting to be operated any power equipment rated five (5) horsepower or less used for home or building repair or grounds maintenance, including, but not limited to, power saw, sander, lawnmower, garden equipment or snow removal equipment, in residential or commercial zones:

a. Outdoors between the hours of nine o'clock (9:00) P.M. and seven o'clock (7:00) A.M. the following day, or between the hours of nine o'clock (9:00) P.M. and nine o'clock (9:00) A.M. when the following day is a Sunday or legal holiday,

b. Any such power equipment which emits a sound pressure level in excess of seventy four (74) dBA measured at a distance of fifty feet (50') (15 m);

9. Commercial Power Equipment: Operating or permitting to be operated, any power equipment, except construction equipment used for construction activities, rated more than five (5) horsepower, including, but not limited to, chain saws, pavement breakers, log chippers, powered hand tools:

a. In residential or commercial land use districts between the hours of nine o'clock (9:00) P.M. and seven o'clock (7:00) A.M. the following day, or between the hours of nine o'clock (9:00) P.M. and nine o'clock (9:00) A.M. when the following day is a Sunday or legal holiday,

b. In any land use district if such equipment emits a sound pressure level in excess of eighty two (82) dBA measured at a distance of fifty feet (50') (15 m);

10. Enclosed Places Of Public Entertainment: Operating or permitting to be operated in any place of public entertainment any loudspeaker or other source of sound which produces, at a point that is normally occupied by a customer, maximum sound pressure levels of one hundred (100) dBA, as read with the slow response on a sound level meter, unless a conspicuous and legible sign at least two hundred twenty five (225) square inches in area is posted near each public entrance stating: "WARNING: SOUND LEVELS MAY CAUSE HEARING IMPAIRMENT". This provision shall not be construed to allow the operation of any loudspeaker or other source of sound in such a manner as to violate section 9.28.060 of this chapter, or its successor section;

11. Fireworks Or Explosives: The use of explosives or fireworks, or the firing of guns or other explosive devices so as to be audible across a property boundary or on a public space or right of way, without first obtaining a permit as provided by section 9.28.070 of this chapter, or its successor section. This provision shall not be construed to permit conduct prohibited by other statutes, ordinances or regulations governing such activity;

12. Racing Events: Permitting any motor vehicle racing event at any place in such a manner as to violate section 9.28.060 of this chapter, or its successor section, or cause a noise disturbance, without first obtaining a permit as provided by section 9.28.070 of this chapter, or its successor section;

13. Powered Model Mechanical Devices: The flying of a model aircraft powered by internal combustion engines, whether tethered or not, or the firing or operating of model rocket vehicles or other similar noise producing devices, between the hours of nine o'clock (9:00) P.M. and seven o'clock (7:00) A.M. the following day, or between the hours of nine o'clock (9:00) P.M. and nine o'clock (9:00) A.M. when the following day is a Sunday or legal holiday, or in such a manner as to violate section 9.28.060 of this chapter, or its successor section, or cause a noise disturbance;

14. Dynamic Braking Devices: Operating any motor vehicle with a dynamic braking device (commonly referred to as "Jacob's brake") engaged, except for the aversion of imminent danger;

15. Defect In Vehicle: Operating or permitting to be operated or used any truck, automobile, motorcycle or other motor vehicle which, by virtue of disrepair or manner of operation, violates section 9.28.060 of this chapter, or its successor section, or causes a noise disturbance;

16. Refuse Compacting Vehicles: The operating or causing or permitting to be operated or used any refuse compacting vehicle which creates a sound pressure level in excess of seventy four (74) dBA at fifty feet (50') (15 m) from the vehicle;

17. Garbage Collection: The collection of garbage, waste or refuse between the hours of nine o'clock (9:00) P.M. and seven o'clock (7:00) A.M. the following day, or between the hours of nine o'clock (9:00) P.M. and seven o'clock (7:00) A.M. when the following day is a Sunday or legal holiday:

a. In any area zoned residential, or within three hundred feet (300') of an area zoned residential,

b. In any land use district so as to cause a noise disturbance;

18. Standing Motor Vehicles: The operating or causing or permitting to be operated any motor vehicle or any auxiliary equipment attached thereto in such a manner as to violate section 9.28.060 of this chapter, or its successor section, or cause a noise disturbance for a consecutive period longer than fifteen (15) minutes during which such vehicle is stationary in a residential zone;

19. Quiet Zones: Creating noise in excess of the residential standard, as defined in section 9.28.060 of this chapter, or its successor section, 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;

20. Bells And Alarms: Sounding, operating or permitting to sound or operate an electronically amplified signal from any burglar alarm, bell, chime or clock, including, but not limited to, bells, chimes or clocks in schools, houses of religious worship or governmental buildings, which fails to meet the standards set forth in section 9.28.060 of this chapter, or its successor section, for more than five (5) minutes in any hour;

21. Fixed Sirens, Whistles And Horns: The sounding or causing the sounding of any whistle, horn or siren as a signal for commencing or suspending work, or for any other purpose except as a sound signal of imminent danger, in such a manner as to violate section 9.28.060 of this chapter, or its successor section, or cause a noise disturbance;

22. Recreational Vehicles And Snowmobiles:

a. Operating a recreational vehicle or snowmobile in a manner which violates section 9.28.060 of this chapter, or its successor section, or causes a noise disturbance,

b. Selling or operating any recreational vehicle or snowmobile, manufactured after 1977, in the city unless such vehicle produces no more than a maximum sound level of eighty two (82) dBA at fifty feet (50') (15 m). (Ord. 66-87 § 1, 1987: prior code § 18-33-3)

## 9.28.050: EXEMPT USES AND ACTIVITIES:

The following uses and activities shall be exempt from noise level regulations:

A. Noise of safety signals, warning devices and emergency pressure relief valves;

B. Noise resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency;

C. Noise resulting from emergency work, as determined by the director of the Salt Lake Valley board of health or such director's designee;

D. Noise resulting from lawful fireworks and noisemakers used for celebration of an official holiday;

E. Any noise resulting from activities of temporary duration permitted by law for which a license or permit has been approved by the director of the Salt Lake Valley health department in accordance with section 9.28.070 of this chapter, or its successor section. (Ord. 1-06 § 30, 2005: prior code § 18-33-6)

## 9.28.060: USE DISTRICTS AND PERMITTED NOISE LEVELS:

A. Maximum Permissible Sound Levels: It is a violation of this chapter for any person to operate or permit to be operated any stationary source of sound in such a manner as to create a ninetieth percentile sound pressure level (L90) of any measurement period (which shall not be less than 10 minutes unless otherwise provided in this chapter)

which exceeds the limits set forth for the following receiving land use districts, when measured at the boundary or at any point within the property affected by the noise:

| | Weekdays And Saturdays | |
|---|---|---|
| Use District | 9:00 P.M.-7:00 A.M. | 7:00 A.M.-9:00 P.M. |
| | | |
| Residential | 50 dBA | 55 dBA |
| Commercial-agricultural | 55 dBA | 60 dBA |
| Industrial | 75 dBA | 80 dBA |
| | | |
| | Sundays And Holidays | |
| | 9:00 P.M.-9:00 A.M. | 9:00 A.M.-9:00 P.M. |
| | | |
| Residential | 50 dBA | 55 dBA |
| Commercial-agricultural | 55 dBA | 60 dBA |
| | | |
| | 9:00 P.M.-7:00 A.M. | 7:00 A.M.-9:00 P.M. |
| | | |
| Industrial | 75 dBA | 80 dBA |

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.

B. Correction For Duration Of Sound:

1. It is a violation of this chapter for any person to operate, or permit to be operated, any stationary source of sound within any land use district which creates a tenth percentile sound pressure level (L10) of fifteen (15) dBA greater than the levels set forth for the receiving land use districts in subsection A of this section for any measurement period. Such period shall not be less than ten (10) minutes.

2. Notwithstanding subsection B1 of this section, it is a violation of this chapter for any person to operate, or permit to be operated, any stationary source of sound within any land use district which creates a tenth percentile sound pressure level (L10) greater than fifteen (15) dBA above the ambient and sound pressure level (L90) of any measurement period. Such period shall not be less than ten (10) minutes.

C. Correction For Character Of Sound:

1. For any stationary source of sound which emits a pure tone, cyclically varying sound or repetitive impulsive sound, the limits set forth in subsection A of this section shall be reduced by five (5) dBA.

2. Notwithstanding compliance with subsection C1 of this section, it is a violation of this chapter for any person to operate or permit to be operated any stationary source of sound which emits a pure tone, cyclically varying or repetitive impulsive sound which creates a noise disturbance. (Prior code § 18-33-4)

## 9.28.070: PERMIT FOR RELIEF FROM RESTRICTIONS; CONDITIONS:

A. Applications for a permit for relief from the noise restrictions in this chapter on the basis of undue hardship may be made to the Salt Lake Valley health department. Any permit granted by the director of the Salt Lake Valley health department or his or her authorized representative shall contain all conditions upon which the permit has been granted, including, but not limited to, the effective dates, any time of day, location, sound pressure level, or equipment limitation.

B. The relief requested may be granted upon good and sufficient showing:

1. That additional time is necessary for the applicant to alter or modify such applicant's activity or operation to comply with this chapter; or

2. That the activity, operation or noise source will be of temporary duration and cannot be done in a manner that would comply with this chapter; and

3. That no reasonable alternative is available to the applicant.

C. The director of health may prescribe any reasonable conditions or requirements deemed necessary to minimize adverse effects upon a community or the surrounding neighborhood. (Ord. 1-06 § 30, 2005: prior code § 18-33-7)

## 9.28.080: ENFORCEMENT RESPONSIBILITY:

The Valley health department shall have primary, but not exclusive, enforcement responsibility for this chapter as it relates to stationary sources, and joint enforcement responsibility with appropriate law enforcement agencies as it relates to vehicular sources. (Ord. 1-06 § 30, 2005: prior code § 18-33-8)

## 9.28.090: VIOLATION; PENALTY:

Any person violating any provision of this chapter shall be 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. (Amended during 11/88 supplement: prior code § 18-33-9)

## 9.28.100: VIOLATION; ADDITIONAL REMEDIES:

Violations of sections 9.28.030 through 9.28.070 of this chapter, or their successor sections, are deemed and declared to be a nuisance, and as such may be subject to summary abatement by means of a restraining order or injunction issued by a court of competent jurisdiction. (Prior code § 18-33-10)

# CHAPTER 9.32
# RAT AND RODENT CONTROL

## 9.32.010: DEFINITIONS:

For the purposes of this chapter, the following phrases, terms and words shall have the meanings given in this section:

BUSINESS BUILDING: Any structure, whether public or private, regardless of the type of material used in its construction, located within the boundaries of Salt Lake City, that is adapted to occupancy for residence or for the transaction of business, whether vacant or occupied, for the rendering of professional services, for the display, sale or storage of goods, wares, or merchandise, or for the performance of work or labor, including hotels, rooming houses, boarding houses, apartment houses, taverns, breweries, office buildings, public buildings, stores, markets, restaurants, grain elevators and abattoirs, warehouses, workshops and factories, junkyards, scrap iron businesses or places, lumberyards, coal yards, automobile tire yards, sheds or buildings used for the storage of tires, and any or all similar places where rats may find harborage.

HEALTH OFFICER: The director of the Salt Lake Valley health department, or any duly authorized representative.

OCCUPANT: The individual, partnership or corporation that uses or occupies any business buildings, or part or fraction thereof, whether the actual owner or tenant. In case of vacant business buildings or vacant portions thereof, the owner, agent or custodian shall have the responsibility as occupant.

OWNER: The actual owner, agent or custodian of the business building, whether individual, partnership or corporation. The lessee shall be construed as the "owner", for the purposes of this chapter, when business building agreements hold the lessee responsible for maintenance and repairs.

RAT ERADICATION: The elimination or extermination of rats within buildings or premises by any or all of the accepted measures, such as poisoning, fumigation, trapping, clubbing, etc.

RAT HARBORAGE: Any condition which provides shelter or protection for rats, thus favoring their multiplication and continued existence in, under or outside of any structure.

RESIDENTIAL BUILDINGS: Any structures built for occupancy as living quarters.

VENT STOPPAGE OR RATPROOFING: A form of ratproofing to prevent the ingress of rats into business buildings from the exterior or from one business building to another. (Ord. 1-06 § 30, 2005: prior code § 18-22-1)

## 9.32.020: RATPROOFING PROCEDURES AND STANDARDS:

A. Ratproofing consists of the closing and keeping closed of all openings in the exterior walls, ground or first floors, basements, roofs, sidewalk gratings, sidewalk openings, foundations, elevator shafts, fire escapes, and other places that may be reached and entered by rats by climbing, burrowing or otherwise.

B. The material to be used for ratproofing shall include cement, concrete, brick masonry laid in cement, concrete mortar, sheet metal, and hardware cloth of not less than 19-

gauge having a mesh not larger than one-half inch ($^1/_2$"), and all material for ratproofing shall be of such strength and thickness as to be impervious to rat gnawing. Windows and other openings for light or ventilation, the sills of which are less than thirty inches (30") from the ground or accessible to rats by means of climbing wires or pipes, shall, if open, be covered by hardware cloth conforming to the above gauge and dimensions. All exterior doors shall be protected against the gnawing of rats by the use of materials prescribed above. When closed, all exterior doors shall have a maximum clearance between doors, doorsills and jambs of not exceeding three-eighths inch ($^3/_8$"). In all side and rear doors which are left open at night and those which are left open during the day, but infrequently used, shall be installed hardware cloth doors conforming to the above dimensions and equipped with a self-closing device. All concrete floors and curtain walls shall be at least four inches (4") in thickness. (Prior code § 18-22-2)

## 9.32.030: BUILDINGS TO BE RATPROOFED:

A. All buildings, including business and residential, shall be ratproofed by the owner and freed of rats and maintained in a ratproof and rat free condition by the occupant or tenant to the satisfaction of the director of health or his or her authorized representative.

B. The owners of all ratproofed buildings are required to maintain the premises in a ratproof condition and to repair all breaks or leaks that may occur in the ratproofing without a specific order of the director of health. (Prior code § 18-22-3)

## 9.32.040: NEW OR REMODELED BUILDINGS; PLAN REVIEW REQUIRED WHEN:

When in the opinion of the chief building inspector plans for building remodeling or renovating indicate that such changes or construction will affect the ratproof condition of a building or structure, the chief building inspector shall forward such plans or specifications to the Salt Lake Valley health department for its recommendation with regard to ratproofing or vent stopping. This shall apply both to new buildings or the renovating of existing structures. (Ord. 1-06 § 30, 2005: prior code § 18-22-12)

## 9.32.050: FOODSTUFF STORAGE AREA REQUIREMENTS:

It is unlawful for any person, firm or corporation hereafter to occupy any building or structure wherein foodstuffs are to be stored, kept, handled, sold, held or offered for sale without complying with the ratproof regulations prescribed in this chapter for existing buildings and structures. No license from the city to conduct or carry on a business will be issued to any person, firm or corporation until the requirements of this chapter have been complied with. (Prior code § 18-22-11)

## 9.32.060: ANIMAL FOOD CONTAINER RATPROOFING:

All food and feed within the city for feeding chickens, cows, pigs, horses and other animals shall be stored in rat free and ratproof containers, compartments or rooms, unless stored in a ratproof building. (Prior code § 18-22-15)

## 9.32.070: WIRE AND GUYWIRE RATPROOFING:

Utility companies shall place all wires and/or guywires attached to buildings at least eighteen inches (18") away from openings, and/or attach rat guards, as defined by rules and regulations of the director of the health department. (Prior code § 18-22-14)

## 9.32.080: BUILDINGS; MAINTENANCE OF RATPROOFING:

When a building or other structure shall have been ratproofed in accordance with the regulations prescribed in this chapter, the owner shall, without a specific order of the city director of health and regardless of need for remodeling, repair or installation, maintain such building or structure in a ratproof condition. (Prior code § 18-22-13)

## 9.32.090: NEW CONSTRUCTION AND REPAIRS TO BE RATPROOF:

It is unlawful for any person, firm or corporation hereafter to construct, repair or remodel any building, dwelling, stable or market, or other structure whatsoever, unless such construction, repair, remodeling or installation shall render the building or other structure ratproof in accordance with the regulations prescribed herein and hereunder, provided that only such repairs, remodeling or installation as affect the ratproof condition of any building or other structure shall be considered as subject to the provisions of this chapter. (Prior code § 18-22-10)

## 9.32.100: REPLACEMENT OF RATPROOFING REQUIRED WHEN:

It is unlawful under the provisions of this chapter for the occupant, owner, contractor, public utility company, plumber or any other person to remove and fail to restore in like condition the ratproofing from any business building for any purpose. Further, it is unlawful for any person or agent to make any new openings that are not closed or sealed against the entrance of rats. (Prior code § 18-22-9)

## 9.32.110: STACKING OF LOOSE MATERIALS; RESTRICTIONS:

It is unlawful for any person to permit to accumulate on any premises, improved or vacant, or on any open lot or alley in the city any lumber, boxes, barrels, bottles, cans, containers, junk or other materials that may be permitted to remain thereon unless the same shall be placed on open racks that are elevated not less than eighteen inches (18") above the ground, and evenly piled or stacked. (Prior code § 18-22-19)

## 9.32.120: GARBAGE; COVERED CONTAINERS REQUIRED:

Within the corporate limits of the city, all garbage or refuse consisting of waste animal or vegetable matter upon which rats may feed, and all small dead animals, shall be placed and stored until collected in covered metal containers of a type prescribed by the health officer. (Prior code § 18-22-16)

### 9.32.130: TRASH ACCUMULATION PROHIBITED:

It is unlawful for any person to place, leave, dump or permit to accumulate any garbage, rubbish, trash or junk in any building or on any premises, improved or vacant, or any open lot or alley or elevated loading platforms in the city so that same shall or may afford food or harborage for rats. (Prior code § 18-22-18)

### 9.32.140: DUMPING GARBAGE OR OTHER WASTES PROHIBITED:

It is unlawful for any person, firm or corporation to dump or place on any premises, land or waterway, any dead animals, or any waste vegetable or animal matter of any kind. (Prior code § 18-22-17)

### 9.32.150: RULES AND REGULATIONS; ENFORCEMENT:

The Salt Lake Valley director of health is hereby authorized to adopt rules and regulations necessary to enforce the provisions of this chapter. (Ord. 1-06 § 30, 2005: prior code § 18-22-20)

### 9.32.160: INSPECTION OF BUILDINGS; SCHEDULE AND PROCEDURES:

The director of health or his or her authorized representative is empowered to make unannounced inspections of the interior and exterior of both business and residential buildings to determine full compliance with this chapter, and the director of health or his or her authorized representative shall make periodic inspections of not more than three (3) months of all ratproofed buildings to determine evidence of rat infestation and the existence of new breaks or leaks in their ratproofing and, when evidence is found indicating the presence of rats or openings through which rats may again enter buildings, the director of health or his or her authorized representatives shall serve the owner or occupants with notice and/or orders to abate the condition found. (Prior code § 18-22-4)

### 9.32.170: ABATEMENT; NOTICE REQUIRED:

Upon the discovery of evidence of a violation of this chapter or of rat infestation of any building, the health officer shall give written notice to the owner or occupant of such building to take immediate measures to correct the violation and remove the infestation. Such notices shall specify that the work must be completed within the time specified in the notice, which shall in no event be less than fifteen (15) days from the date of the notice. It is unlawful for any person to fail to comply with the terms of such notice. (Prior code § 18-22-5)

### 9.32.180: ABATEMENT; WORK PERFORMED BY CITY WHEN; COSTS:

Whenever the director of health notifies the occupant or occupants of a business building that there is evidence of rat infestation of the building, such occupant or occupants shall immediately institute appropriate measures for freeing the premises each occupies of all rats, and that unless suitable measures for freeing the building of rats are instituted within fifteen (15) days after receipt of notice and unless continuously maintained in a satisfactory manner until the building is free of rats, the director of health is authorized and directed to free the building of rats at the expense of the owner thereof, and the director of health shall submit bills for the costs thereof to the owner or occupant of the building, and if the same are not paid, the director of health shall certify the amount due from the owner or occupant to the city attorney, and the city attorney shall bring suit to collect the same. (Prior code § 18-22-6)

### 9.32.190: EXTREME CASES; OCCUPIED BUILDINGS MAY BE CLOSED:

Whenever conditions inside or under occupied business buildings provide extensive harborage for rats (in the opinion of the director of health) the director of health is empowered, after due notification in accordance with section 9.32.170 of this chapter, or its successor section, to close such business buildings until such time as such conditions are abated by ratproofing and harborage removal, including, if necessary, the installation of suitable concrete floors in basements, or replacement of wooden first or ground floors with concrete or other major repairs necessary to facilitate rat eradication. (Prior code § 18-22-7)

### 9.32.200: EXTREME CASES; DESTRUCTION OF UNOCCUPIED BUILDINGS:

Whenever conditions inside or under unoccupied business buildings provide extensive harborage for rats (in the opinion of the director of health) the director of health is empowered to require compliance with the provisions of section 9.32.170 of this chapter, or its successor section, and, in the event that such conditions are not corrected within a period of sixty (60) days, or within the time to which a written extension may have been granted by the director of health, the director of health is empowered to institute condemnation and destruction proceedings. (Prior code § 18-22-8)

# CHAPTER 9.36
# MISCELLANEOUS HEALTH REGULATIONS

### 9.36.010: BUILDINGS MUST BE CLEAN AND FREE OF INSECTS AND RODENTS:

It is unlawful for any person, firm or corporation owning, leasing or acting as agent in conducting, operating, controlling, managing or occupying any hotel, apartment house, rooming house, public camp, place of business, public building or residence to permit or allow the floors, ceilings or walls of any such building to become dirty or foul or become or remain infested with bedbugs, cockroaches or any other parasitic insects or rodents. (Prior code § 18-25-49)

### 9.36.020: CLEANUP OF STAGNANT WATER OR OFFENSIVE SUBSTANCES:

When any lot or excavation in the city shall, from any cause whatsoever, become the repository of stagnant water or of any decaying or offensive substances, liquid or solid, it shall be the duty of the owner, occupant or agent of such premises (within a specified time given in a written notice from the Salt Lake Valley health department) to cause such excavation or lot to be drained or cleaned and to be filled with clean earth or other inoffensive substances. (Ord. 1-06 § 30, 2005: prior code § 18-25-44)

### 9.36.030: PRIVIES AND SINKS REQUIRED WHERE:

It is unlawful for the owner of any structure used as a dwelling house, boarding house, factory or for any other purpose where people dwell or are employed, to fail to furnish such premises with such water closets for privies and sinks, etc., as may be required by the Salt Lake Valley health department, and to maintain the same in a sanitary condition. (Ord. 1-06 § 30, 2005: prior code § 18-25-42)

### 9.36.040: OFFENSIVE BUSINESSES; CLEANLINESS REQUIREMENTS:

It is unlawful for the owner or occupant of any brewery, distillery, tannery, livery stable, barn, laundry or factory of any kind, place or premises, to permit the same to become noisome, foul or offensive. (Prior code § 18-25-34)

### 9.36.050: COMMON DRINKING VESSELS PROHIBITED:

It is unlawful for any person to keep or provide or suffer or permit to be kept, for use in common, any drinking vessel in any railroad station, public or private school, public playground, public park, public building or in any other building or premises to which the public is admitted. (Prior code § 18-25-39)

### 9.36.060: PROHIBITED ACTIVITIES AT DRINKING FOUNTAINS:

It is unlawful for any person to expectorate or spit or to perform any ablutions in, upon, at or near any public drinking fountain, or to permit any horses, cattle, dogs or any other animals to come into contact with or drink from said drinking fountain. (Prior code § 18-25-40)

# CHAPTER 9.40
# NUISANCES AND ABATEMENT

### 9.40.010: NUISANCE CONDITIONS DESIGNATED AND UNLAWFUL:

Whatever is dangerous to human life or health and whatever renders soil, air, water or food impure or unwholesome, are declared to be nuisances and to be illegal. (Prior code § 18-26-1)

### 9.40.020: LIABILITY FOR EXISTENCE OF NUISANCES:

Where a nuisance exists upon property and is the outgrowth of the usual, natural or necessary use of property, the landlord thereof, or such landlord's agent, the tenant, or his or her agent, and all other persons having control of the property on which such nuisance exists, shall be deemed to be the authors thereof, and shall be equally liable therefor, but where any such nuisance shall arise from the unusual or unnecessary use to which such property may be put, or from business use to which such property may be put, or from business thereon conducted, then the occupants, and all other persons contributing to the continuance of such nuisance shall be deemed the authors thereof. (Prior code § 18-26-2)

### 9.40.030: CREATING OR MAINTAINING NUISANCES PROHIBITED:

It is unlawful for any person, either as owner, agent or occupant, to create, or aid in creating or contributing to, or to maintain a nuisance. (Prior code § 18-26-3)

### 9.40.040: ABATEMENT OF NUISANCES; HEALTH DIRECTOR POWERS AND DUTIES:

It shall be the duty of the director of health to ascertain and cause all nuisances declared to be such by ordinance to be abated, and he or she shall have authority, either by himself or herself, or by his or her agents or deputies, to enter any house, stable, store or any building, at any time, in order to make a thorough examination of cellars, vaults, sinks or drains; to enter upon all lots and grounds and cause all stagnant waters to be drained off and pools, sinks, vaults, drains, holes or low grounds to be cleansed, filled up or otherwise purified, and to cause all noisome substances to be abated or removed. (Prior code § 18-26-4)

### 9.40.050: COMPLAINTS AND INVESTIGATION; ABATEMENT ORDERS:

Whenever a complaint is made in writing or otherwise of the existence of a nuisance to the Salt Lake Valley health department, the director of health or a regularly appointed inspector shall forthwith investigate and determine whether the alleged nuisance is detrimental to the public health, or the cause of any special disease or mortality, and in case he or she shall so find, the director of health shall notify the occupant, or, if the premises are unoccupied, the owner, agent or person having charge of the premises, in writing, of such finding. The Salt Lake Valley health department shall order and direct the abatement and removal of the same within two (2) days. (Ord. 1-06 § 30, 2005: prior code § 18-26-5)

### 9.40.060: ABATEMENT OF NUISANCES; NOTICE REQUIRED:

Except as provided in section 9.40.050 of this chapter, or its successor section, the director of health may serve a notice in writing upon the owner, occupant or agent of any lot, building or premises in or upon which any nuisance may be found, or upon the person who may be the cause of such nuisance, requiring such person to abate the same in such manner as the director of health may direct, and within a reasonable time to be fixed in the notice; and failure to give a notice as provided herein shall not relieve the author of any

nuisance from the obligation to abate such nuisance, or from the penalty provided for the maintenance thereof. (Prior code § 18-26-6)

### 9.40.070: WORK PERFORMED BY CITY WHEN; COSTS:

In case of neglect or refusal of any person to abate any nuisance defined by ordinance, after notice in writing has been served upon such person, as provided in section 9.40.060 of this chapter, or its successor section, and within the time specified in such notice, it is hereby made the duty of the director of health to abate or procure the abatement thereof, and the expense of such abatement shall be collected from the person so offending. (Prior code § 18-26-7)

# CHAPTER 9.44
# COST RECOVERY FOR HAZARDOUS MATERIALS EMERGENCIES

### 9.44.010: PURPOSE:

This chapter shall provide procedures for recovering costs incurred by the city for city assistance in hazardous materials emergencies pursuant to section 63-5-6(4), Utah Code Annotated. (Ord. 28-90 § 1, 1990)

### 9.44.020: DEFINITIONS:

As used in this chapter:

EXPENSES: 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 and the cost of any contract labor and materials.

HAZARDOUS MATERIALS EMERGENCY: 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. (Ord. 28-90 § 1, 1990)

### 9.44.030: RECOVERY AUTHORIZATION AND PROCEDURE:

The city is empowered to recover, from any person, corporation, partnership or other individual or entity whose negligent or intentional actions cause the hazardous material emergency, expenses incurred by city agencies directly associated with a response to a hazardous materials emergency pursuant to the following procedure:

A. The city shall determine responsibility for the emergency and notify the responsible party by mail of the city's determination of responsibility and the costs to be recovered.

B. The notice shall specify that the party determined responsible may appeal the city's decision before a hearing officer designated by the mayor and establish a date by which the notice of appeal shall be filed. The appeal date shall be no less than fifteen (15) days from the date of the notice.

C. In the event the party determined responsible appeals the determination, the hearing officer shall hold a public hearing to consider any issues raised by the appeal, at which hearing the appealing party and the city shall be entitled to present evidence in support of their respective positions.

D. The hearing officer shall, after the hearing, make a recommendation to the mayor, who shall issue a decision assessing responsibility and costs. (Ord. 28-90 § 1, 1990)

### 9.44.040: NO ADMISSION OF LIABILITY:

The payment of expenses determined owing under this chapter does not constitute an admission of liability or negligence in any legal action for damages. (Ord. 28-90 § 1, 1990)

### 9.44.050: ACTION TO RECOVER COSTS:

In the event parties determined to be responsible for the repayment of hazardous material emergency costs fail to make payment to the city within thirty (30) days after a determination of any appeal by the mayor or thirty (30) days from the deadline for appeal in the event no appeal is filed, the city may initiate legal action to recover from the parties determined responsible the costs determined to be owing, including the city's reasonable attorney fees. (Ord. 28-90 § 1, 1990)

# CHAPTER 9.48
# COST RECOVERY FOR NEGLIGENTLY CAUSED FIRE EMERGENCIES

### 9.48.010: PURPOSE:

This chapter shall provide procedures for recovering costs incurred by the city for city assistance in negligently caused fire emergencies. (Ord. 27-90 § 1, 1990)

### 9.48.020: DEFINITIONS:

As used in this chapter:

EXPENSES: 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 and the cost of any contract labor and materials.

NEGLIGENTLY CAUSED FIRE EMERGENCY: A fire proximately caused by the negligence of an owner or occupier of property and/or structures which presents a direct and immediate threat to public safety and requires immediate action to mitigate the threat. (Ord. 27-90 § 1, 1990)

## 9.48.030: RECOVERY AUTHORIZATION AND PROCEDURE:

The city is empowered to recover from any person, corporation, partnership or other individual or entity whose negligent actions cause fire emergency expenses incurred by city agencies directly associated with a response to a fire emergency pursuant to the following procedure:

A. The city shall determine responsibility for the emergency and notify the responsible party by mail of the city's determination of responsibility and the costs to be recovered.

B. The notice shall specify that the party determined responsible may appeal the city's decision before a hearing officer designated by the mayor and establish a date by which the notice of appeal shall be filed. The appeal date shall be no less than fifteen (15) days from the date of the notice.

C. In the event the party determined responsible appeals the determination, the hearing officer shall hold a public hearing to consider any issues raised by the appeal, at which hearing the appealing party and the city shall be entitled to present evidence in support of their respective positions.

D. The hearing officer shall, after the hearing, make a recommendation to the mayor, who shall issue a decision assessing responsibility and costs. (Ord. 27-90 § 1, 1990)

## 9.48.040: NO ADMISSION OF LIABILITY:

The payment of expenses determined owing under this chapter does not constitute an admission of liability or negligence in any legal action for damages. (Ord. 27-90 § 1, 1990)

## 9.48.050: ACTION TO RECOVER COSTS:

In the event parties determined to be responsible for the repayment of negligently caused fire emergency costs fail to make payment to the city within thirty (30) days after a determination of any appeal by the mayor, or thirty (30) days from the deadline for appeal in the event no appeal is filed, the city may initiate legal action to recover the costs determined to be owing, including the city's reasonable attorney fees. (Ord. 27-90 § 1, 1990)

# Title 10 - HUMAN RIGHTS

## CHAPTER 10.01
## PURPOSE OF TITLE

### 10.01.010: PURPOSE:

It is the intent and purpose of this title to protect the human rights of the citizens of the city of Salt Lake (the "city"). The city is comprised of diverse and varied groups, communities, and individuals. Protection of human rights is critical therefore to the general welfare of the city. The provisions of this title are to be liberally construed to achieve that purpose. (Ord. 15-08 § 1, 2008)

## CHAPTER 10.02
## HUMAN RIGHTS COMMISSION

### 10.02.010: PURPOSE:

A. The city of Salt Lake (the "city") is comprised of diverse and varied groups, communities, and individuals. The practice of discrimination against these groups, communities, or individuals on the grounds of age, ancestry, color, disability, gender, national origin, marital status, medical condition, physical limitation, race, religion, sexual orientation or gender identity, and the related exploitation of prejudice, adversely affects the general welfare of the city and the vitality of its neighborhoods.

B. Discriminatory practices are detrimental because they impede the social and economic progress of the city by preventing all people from contributing to or fully participating in the cultural, spiritual, social and commercial life of the community, essential to the growth and vitality of its neighborhoods and businesses.

C. In developing this chapter, the Salt Lake City council (the "council") has investigated other urban centers throughout the nation and studied the effectiveness of commissions empowered to study issues of diversity, to work with city government and the community, to eliminate potential discrimination in existing and future ordinances and policies, and to encourage and educate its citizenry to facilitate full and equal participation in the life of the city.

D. The Salt Lake City human rights commission (the "commission") is created for the general purpose of advising the council and mayor on nondiscrimination policy and providing resources for educating the citizenry on issues of discrimination and equal treatment in all segments of society. The commission shall also provide advice and recommendations to address specific complaints of discrimination involving Salt Lake City Corporation (the "city") departments and services. (Ord. 15-08 § 2, 2008)

## 10.02.020: DEFINITIONS:

Unless otherwise specified, as used in this chapter:

CITY: Salt Lake City, a municipal corporation of the state of Utah.

COMMISSION: Salt Lake City human rights commission created in section 10.02.030 of this chapter.

COUNCIL: Salt Lake City council.

DISABILITY: A physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such impairment or being regarded as having such an impairment or defined and covered by the Americans with disabilities act of 1990, 42 USC section 12102.

DISCRIMINATION: A practice in employment, immigration, housing, public safety, public transportation or in other city departments or services that unfairly segregates or separates on the grounds of age, ancestry, color, disability, gender, national origin, marital status, medical condition, physical limitation, race, religion, sexual orientation, or gender identity or is unlawful under the United States constitution, the Utah constitution, title VII of the civil rights act of 1964, the age discrimination in employment act, the Americans with disabilities act, the Utah antidiscrimination act of 1965, or the Utah fair housing act.

GENDER: Sex and includes pregnancy, childbirth, and disabilities relating to pregnancy or childbirth.

GENDER IDENTITY: A person's actual or perceived gender related identity, appearance, mannerisms, or other characteristics of an individual with or without regard to the person's sex at birth.

MARITAL STATUS: A person is either single, married, divorced, or separated.

MAYOR: The duly elected or appointed and qualified mayor of Salt Lake City.

MEMBER: A person appointed by the mayor with the advice and consent of the council who is duly qualified as an acting and voting member of the commission.

NATIONAL ORIGIN: The place of birth of an individual or any lineal ancestors.

PERSON: An individual.

SEXUAL ORIENTATION: A person's actual or perceived orientation as heterosexual, homosexual, or bisexual. (Ord. 15-08 § 2, 2008)

## 10.02.030: CREATION AND ORGANIZATION:

A. There is created the human rights commission.

B. The commission shall be composed of nine (9) members.

C. The mayor shall appoint, with the advice and consent of the council:

1. Seven (7) representatives with one representative from each of the seven (7) council districts; and

2. Two (2) representatives from the community who represent the diversity of the city.

D. Each member of the commission shall:

1. Be at least eighteen (18) years of age;

2. Be a resident of Salt Lake City.

E. Each member of the commission initially appointed shall serve from the time of date of the appointment until his or her term expires. Members shall be appointed as provided in subsection C of this section except that those appointed shall draw by lot for terms of office of two (2), three (3), or four (4) years each so that terms of office expire on a staggered basis. Each member's term shall expire on the applicable last Monday in December. All appointed members of the commission shall serve no longer than two (2) consecutive terms.

F. Each member shall perform duties on a voluntary basis without compensation and shall be immune from liability with respect to any decision or action taken during the course of his or her services as provided in Utah Code Annotated, section 63-30d-101 et seq. A member may receive reasonable compensation for authorized administrative, professional, or other bona fide services to the commission pursuant to a written contract in a capacity other than as a commission member.

G. If a vacancy occurs for any reason before the member's term expires, the mayor shall appoint the replacement, with the advice and consent of the council, to fill the vacancy for the unexpired term. In exercising his or her discretion in making appointments, the mayor shall, when advisable, take into consideration the geographic diversity of the city and the bipartisan nature of the commission. (Ord. 15-08 § 2, 2008)

## 10.02.050: REMOVAL FROM OFFICE:

A. Any member may be removed from office by the mayor for cause prior to the normal expiration of the term for which such member was appointed.

B. If any member engages in conduct that, in the opinion of the commission, is prejudicial to its best interests, the commission may recommend removal of such member to the mayor.

C. Any member who shall be absent for one-half ($^1/_2$) of the meetings in any consecutive twelve (12) month period may be removed by the mayor. (Ord. 15-08 § 2, 2008)

## 10.02.060: MEMBERS' ETHICS:

Members shall comply with the provisions of the city's conflict of interest ordinance, title 2, chapter 2.44 of this code. Any violation of the provisions shall be grounds for removal from the commission. (Ord. 15-08 § 2, 2008)

## 10.02.070: MEETINGS; QUORUM:

A. The commission shall meet no less than quarterly. The annual meeting schedule will be set at the first regular meeting after the third Monday in January of each year. The meetings shall comply with title 52, chapter 4, open and public meetings, Utah Code Annotated (1953, as amended) if applicable.

B. Special meetings may be called by a majority of the commission, the chair, or the mayor. The member calling the special meeting must sign the call, and, unless waived in writing, each member not joining in the call must be given not less than twenty four (24) hours' notice. The notice shall be served personally or left at the member's residence or business office. A quorum shall constitute a majority of the commission positions filled for the transaction. The commission may act officially by an affirmative vote of the quorum.

C. The commission shall keep a written record of its proceedings which shall be available for public inspection in the office of the city recorder. The commission shall record the yea and nay votes.

D. The commission shall adopt a system of rules of procedure for conducting meetings. The commission may suspend the rules of procedure by unanimous vote of the members present. The commission shall not suspend the rules of procedure beyond the duration of the meeting when the suspension of rules occurs. (Ord. 15-08 § 2, 2008)

## 10.02.080: ELECTIONS OF OFFICERS:

At its first regular meeting after the third Monday in January, the commission shall select one of its members as chair and another as vice chair. The vice chair shall perform the duties of the chair during the chair's absence or disability. A member may not serve more than two (2) consecutive terms as chair. (Ord. 15-08 § 2, 2008)

## 10.02.090: ADVISORY AUTHORITY:

A. Any action taken by the commission shall be advisory in nature and shall constitute recommendations to the council and the mayor. The council and mayor shall consider the recommendations and review, ratify, modify, or disregard any recommendation submitted.

B. The commission may not implement any action until the council or mayor notifies in writing that the recommendation is ratified or modified and adopted. If modified, the commission shall implement the action only as modified. (Ord. 15-08 § 2, 2008)

## 10.02.100: COMMITTEES:

A. The commission may designate such committee or committees as it desires to study, investigate, consider, or make recommendations on matters which are presented to the commission or undertaken by the commission.

B. In the event the commission desires nonmembers to serve on such a committee, the commission may request the administrator of the police civilian review board, department of human resources, to make the appointment.

C. Committee members shall serve without compensation and shall be immune from liability as provided in subsection 10.02.030F of this chapter. (Ord. 39-10, 2010: Ord. 30-09 § 8, 2009: Ord. 15-08 § 2, 2008)

## 10.02.110: POWERS AND DUTIES:

A. The commission shall make recommendations to the mayor and the council regarding the commission's:

1. Ongoing review of ordinances or policies;

2. Use of educational resources on issues of discrimination and equal treatment;

3. Review of complaints of discrimination involving city departments or city services for the purpose of identifying the possible systemic or institutional sources of such instances of discrimination;

4. Review of legislation, policies, or other action by the city designed to further the elimination of prejudice and discrimination;

5. Review of any pending legislation, policy changes, or other city action that may impact human rights and relations;

6. Research conducted or factual data obtained, within budgetary constraints, on the status and treatment of diverse populations and the best ways to improve human relations, to eliminate discrimination and to secure full and equal participation;

7. Investigation of opportunities to collaborate with other groups to foster nondiscrimination education;

8. Work in partnership to foster positive intergroup relations by instituting and conducting educational programs; and

9. Actions as a resource at the request of community councils.

B. The commission shall report to the council and the mayor no less than once each year on its activities, recommendations, and findings concerning matters on human rights and nondiscrimination policies. The report shall be in writing and made public.

C. Beginning September 30, 2010, the commission shall prepare an annual report for the mayor and city council assessing the effectiveness of the city's actions in implementing chapters 10.04 and 10.05 of this title. (Ord. 63-09 § 2, 2009: Ord. 15-08 § 2, 2008)

# CHAPTER 10.03
# MUTUAL COMMITMENT REGISTRY

## 10.03.010: PURPOSE:

The city is committed to promoting justice, equity, and inclusiveness in the provision of healthcare and many other benefits to all of its citizens that might be offered by the city or by private employers licensed by the city. The city finds that it is made up of a diversity of households and that in those households relationships exist in many different forms. Those forms include committed, unmarried couples in either same or opposite sex relationships; parent and child relationships; other familial relationships; and committed friendships. The city wishes to promote the public health, safety, welfare, and prosperity of its citizens and generally improve overall quality of life by allowing for the efficient and streamlined disposition of healthcare benefits or other benefits that the city or businesses licensed within the city might offer to their employees, including an employee's designee listed on the mutual commitment registry. The city finds that a city maintained list is the best way for the city and for businesses licensed within the city to reliably ascertain whether an employee's designee listed on the mutual commitment registry and beneficiaries are eligible for such benefits. Therefore, it is the policy of the city to allow any two (2) adults in a committed relationship who meet the mutual commitment registry criteria to register with the city and to obtain a certificate attesting to their status. (Ord. 16-08 § 1, 2008)

## 10.03.020: REQUIREMENTS FOR MUTUAL COMMITMENT REGISTRY:

To be eligible to register a relationship of mutual commitment with Salt Lake City, the two (2) individuals (the "declarants") must meet the following criteria:

A. Freely declare that they are solely and mutually committed to each other;

B. Be persons eighteen (18) years of age or older and be unmarried according to the laws of the state of Utah;

C. Be competent to contract;

D. Be directly dependent upon, or interdependent with, each other, sharing a common financial obligation. Acceptable documentation shall include any three (3) of the following five (5) documents:

1. A joint loan obligation, mortgage, lease, or joint ownership of a vehicle;

2. A life insurance policy, retirement benefits account, or will or trust of one declarant designating the other declarant as beneficiary thereto, or will or trust of one declarant which designates the other declarant as executor or successor trustee;

3. A mutually granted power of attorney for purposes of healthcare or financial management;

4. Proof showing that one declarant is authorized to sign for purposes of the other declarant's bank or credit account;

5. Proof of a joint bank or credit account;

E. Currently share a primary residence in Salt Lake City. For these purposes "primary residence" means the place where both declarants reside. The legal right to occupy the residence need not be joint; and

F. Execute a declaration of mutual commitment, attesting to the foregoing requirements and attesting that the parties are in a relationship of mutual commitment, support, and caring; are responsible for each other's physical and financial welfare; and have the present intention to remain in that relationship. (Ord. 16-08 § 1, 2008)

## 10.03.030: DECLARATION OF MUTUAL COMMITMENT:

A. Mutual commitment declarants shall make an official record of their relationship by executing a "declaration of mutual commitment" on the form prescribed by the city.

B. The declaration must include a statement that the persons are in a relationship of mutual commitment, support, and caring, and are responsible for each other's welfare. For these purposes, "mutual support" means that they contribute mutually to each other's maintenance and support.

C. The declaration must include a statement that both persons agree to file a termination of the relationship if there is a change in the status of their relationship such that they cease to meet the criteria for the mutual commitment registry.

D. The sworn declaration shall include the date on which the mutual commitment was registered, the mailing address(es) of both declarants, and the notarized signatures of both declarants. The declaration shall further state that the declarants meet all the criteria for the mutual commitment registry set forth in section 10.03.020 of this chapter.

E. The city shall have no duty to verify the information provided by the individuals filing the declaration of mutual commitment. (Ord. 16-08 § 1, 2008)

## 10.03.040: TERMINATION OF MUTUAL COMMITMENT:

A mutual commitment ends when:

A. Either of the declarants dies; or

B. One or both declarants execute a notice of termination, stating that one or more of the criteria listed in section 10.03.020 of this chapter no longer applies. If only one of the declarants executes the notice of termination, then that declarant shall attest to the fact that he or she has sent a copy of the notice of termination to the other declarant at the other declarant's last known address. This notice requirement does not apply if the termination of the mutual commitment is due to the death of one of the declarants.

C. A person cannot register a mutual commitment until at least six (6) months after any other mutual commitment of which he or she was a declarant ended and a notice that

the mutual commitment ended was given. This does not apply if the earlier mutual commitment ended because one of the members died. (Ord. 16-08 § 1, 2008)

### 10.03.050: REGISTRATION AND FEES:

A. The city recorder's office will keep a record of all declarations of mutual commitment and of all notices terminating a mutual commitment.

B. The fee for filing a declaration of mutual commitment shall be as shown on the Salt Lake City consolidated fee schedule (or such lesser, cost based amount as may be determined by the city recorder), which entitles the persons filing the declaration of mutual commitment to two (2) certified copies of the official statement.

C. No fee will be charged for filing a notice terminating a mutual commitment.

D. An amendment to a declaration may be filed by a declarant with the city recorder's office at any time to show a change in his or her mailing address. The record will be maintained so that amendments and notices terminating a mutual commitment are filed with the declaration of mutual commitment to which they apply. (Ord. 24-11, 2011)

### 10.03.060: RIGHTS:

A. Use Of And Access To City Facilities: All facilities owned and operated by the city, including, but not limited to, recreational facilities shall allow those listed on the mutual commitment registry, and his or her children, to be included in any rights and privileges accorded a spouse and children for purposes of use and access to city facilities.

B. Healthcare Visitation: When a declarant is a patient in any healthcare facility operating within the city, such healthcare facility shall allow the other declarant listed on the mutual commitment registry to visit such patient unless no visitors are allowed or the patient expresses a desire that visitation by the declarant be restricted. As used in this section, "healthcare facility" means every place, institution, building or agency, whether organized for profit or not, which provides facilities with medical services, nursing services, health screening services, other health related services, and supervisory care services.

C. Other Benefits: The city may, from time to time, be asked by the city council or administration or by private employers licensed to do business within the city to have the registry act as verification of the mutual commitment status for other benefits which meet the goals of this chapter to promote the public health, safety and welfare and prosperity of its citizens. (Ord. 16-08 § 1, 2008)

# CHAPTER 10.04

# EMPLOYMENT DISCRIMINATION

## 10.04.010: PURPOSE:

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.

The city has found that discrimination in employment on the basis of sexual orientation and gender identity must be addressed. The denial or deprivation of employment rights 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 chapter is to provide a clear and comprehensive mandate for the prevention and elimination of discrimination in employment in the city against individuals based upon sexual orientation or gender identity and this chapter shall be liberally construed to achieve that purpose. (Ord. 63-09 § 1, 2009)

## 10.04.020: ADMINISTRATION:

The mayor is responsible for administering and implementing this chapter. (Ord. 63-09 § 1, 2009)

## 10.04.030: NO PRIVATE RIGHT OF ACTION; NO SPECIAL RIGHTS:

This chapter 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 chapter 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. 63-09 § 1, 2009)

## 10.04.040: SEVERABILITY:

If any section, sentence, paragraph, term, definition or provision of this chapter 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. 63-09 § 1, 2009)

## 10.04.050: DEFINITIONS:

In this chapter:

ADMINISTRATOR: The person designated by the mayor to receive, investigate, and conciliate complaints under this chapter and includes the administrator's designated

representatives.

CITY: The city of Salt Lake City, Utah.

CITY ATTORNEY: The city's duly appointed city attorney.

COMPLAINANT: A person, including the administrator, who files a complaint under this chapter.

CONCILIATION: 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 administrator.

CONCILIATION AGREEMENT: A written agreement setting forth the resolution of issues by conciliation under this chapter.

DISCRIMINATION: 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.

EMPLOYEE: Any individual applying with or employed by an employer. The term does not include an elected official.

EMPLOYER: 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.

EMPLOYMENT AGENCY: 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.

GENDER IDENTITY: 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.

LABOR ORGANIZATION: 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.

MAYOR: The duly elected or appointed and qualified mayor of Salt Lake City.

OTHERWISE QUALIFIED: 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.

PERSON: One or more individuals, partnerships, associations, corporations, legal representatives, trusts or trustees, receivers and the city.

RELIGIOUS ORGANIZATION: 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.

RESPONDENT: A person identified in a complaint as having committed an unlawful practice under this chapter.

SEXUAL ORIENTATION: A person's actual or perceived orientation as heterosexual, homosexual, or bisexual.

UNLAWFUL PRACTICE: A discriminatory act or practice relating to employment that is prohibited under this chapter. (Ord. 63-09 § 1, 2009)

## 10.04.060: EXEMPTIONS:

This chapter does not apply to:

A. A religious organization;

B. 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); or

C. 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. 63-09 § 1, 2009)

## 10.04.070: UNLAWFUL EMPLOYMENT PRACTICES:

A. 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.

B. 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.

C. 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.

D. 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.

E. 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.

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.

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.

F. 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. 63-09 § 1, 2009)

## 10.04.080: 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. 63-09 § 1, 2009)

## 10.04.090: PROCEDURES FOR FILING COMPLAINTS:

A. 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 with the administrator. A complaint may also be filed by the administrator if the administrator has reasonable cause to believe that a person has committed an unlawful employment practice. A complaint must be filed within one hundred eighty (180) calendar days after an alleged unlawful employment practice has occurred.

B. A complaint must be in writing on a form provided by the administrator, made under oath or affirmation, and contain the following information:

1. The complainant's name, address, and signature;

2. The date the alleged unlawful employment practice occurred;

3. A statement of the facts upon which the allegation of an unlawful employment practice is based; and

4. The respondent's name and address.

C. Promptly after the filing of a complaint, the administrator shall:

1. Provide the respondent named in the complaint written notice that a complaint alleging the commission of an unlawful employment practice has been filed against the respondent;

2. Furnish a copy of the complaint to the respondent; and

3. 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 fifteen (15) days after service of notice of the complaint.

D. Not later than the fifteenth 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:

1. The respondent's name, address, telephone number, and signature of the respondent or the respondent's attorney, if any; and

2. A concise statement of facts in response to the allegations in the complaint, including facts of any defense or exception. (Ord. 63-09 § 1, 2009)

## 10.04.100: INVESTIGATION:

A. Upon the filing of a complaint, the administrator shall commence an investigation to determine the facts behind the complaint and whether there is reasonable cause to believe the respondent committed an unlawful employment practice, except that no investigation may commence if, after reviewing the allegations of the complaint, the administrator 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 administrator shall dismiss the complaint, notify the complainant and respondent and take no further action.

B. In connection with any investigation of a complaint filed under this chapter, the administrator shall seek the voluntary cooperation of any person to:

1. Obtain access to premises, records, documents, individuals, and any other possible source of information;

2. Examine, record, and copy necessary materials; and

3. Take and record testimony or statements of any person reasonably necessary for the furtherance of the investigation.

C. The administrator may request the city recorder to issue an executive branch subpoena or subpoena duces tecum to compel the attendance of a witness or the production

of relevant materials or documents pursuant to title 2, chapter 2.59 of this code. For purposes of subsection 2.59.020A of this code, the administrator shall be deemed the mayor's designee.

D. The administrator may dismiss a complaint during the investigation and prior to referral to the city attorney if the administrator determines that:

1. The complaint was not filed within the required time period;

2. The location of the alleged unlawful employment practice is not within the city's jurisdiction;

3. The employer does not employ a sufficient number of employees in the city to meet this chapter's jurisdictional requirements;

4. The alleged unlawful employment practice is not a violation of this chapter;

5. The complainant refuses to cooperate with the administrator in the investigation of the complaint or enforcement of an executed conciliation agreement;

6. The complainant cannot be located after the administrator has performed a reasonable search; or

7. A conciliation agreement has been executed by the complainant and respondent. (Ord. 63-09 § 1, 2009)

## 10.04.110: CONCILIATION:

A. During or after the investigation, but subsequent to the mailing of the notice of the complaint to the respondent, the administrator shall, if the respondent appears to have committed an unlawful employment practice, attempt to conciliate the complaint. In conciliating a complaint, the administrator 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 employment 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 nondiscrimination in employment practices; and the respondent's agreement to not engage in discriminatory practices in the future.

B. 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 administrator who shall indicate approval by signing the agreement.

C. If a respondent voluntarily enters into a conciliation agreement, the administrator shall immediately dismiss the complaint. (Ord. 63-09 § 1, 2009)

## 10.04.120: DISPOSITION OF A COMPLAINT:

A. If, upon completion of an investigation of a complaint, the administrator determines that an unlawful employment practice has occurred and is unable to secure an acceptable conciliation agreement from the respondent, then the administrator shall refer the case to the city attorney. The administrator shall refer the entire file to the city attorney, who shall determine how best to pursue further action, if any, on the complaint.

B. If the city attorney determines that cause exists to find that an unlawful employment practice occurred and the facts are sufficient to warrant the initiation of an action in justice court, then the city attorney shall provide written notification to the respondent and the complainant that an action to enforce this chapter may be initiated in justice court. If the city attorney determines that there is no cause that an unlawful employment 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 administrator who shall then dismiss the complaint. (Ord. 63-09 § 1, 2009)

### 10.04.130: OFFENSES AND PENALTIES:

A person violates this chapter if the person engages in any action made unlawful by this chapter. An offense committed under this chapter by an employer employing fifty (50) or fewer employees is punishable by a civil fine of not more than five hundred dollars ($500.00). An offense committed under this chapter by an individual employing fifty one (51) or more employees or by an employment agency or labor organization is punishable by a civil fine of not more than one thousand dollars ($1,000.00). (Ord. 63-09 § 1, 2009)

# CHAPTER 10.05
# HOUSING DISCRIMINATION

### 10.05.010: PURPOSE:

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.

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.

The city has found that discrimination in housing on the basis of sexual orientation and gender identity must be addressed. The denial or deprivation of 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 chapter is to provide a clear and comprehensive mandate for the prevention and elimination of discrimination in housing in the city against individuals based upon sexual orientation or gender identity and this chapter shall be liberally construed to achieve that purpose. (Ord. 64-09 § 1, 2009)

### 10.05.020: ADMINISTRATION:

The mayor is responsible for administering and implementing this chapter. (Ord. 64-09 § 1, 2009)

## 10.05.030: NO PRIVATE RIGHT OF ACTION; NO SPECIAL RIGHTS:

This chapter 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 chapter 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. 64-09 § 1, 2009)

## 10.05.040: SEVERABILITY:

If any section, sentence, paragraph, term, definition or provision of this chapter 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. 64-09 § 1, 2009)

## 10.05.050: DEFINITIONS:

In this chapter:

ADMINISTRATOR: The person designated by the mayor to receive, investigate, and conciliate complaints under this chapter and includes the administrator's designated representatives.

CITY: The city of Salt Lake City, Utah.

CITY ATTORNEY: The duly appointed city attorney.

COMPLAINANT: A person, including the administrator, who files a complaint under this chapter.

CONCILIATION: 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 administrator.

CONCILIATION AGREEMENT: A written agreement setting forth the resolution of issues by conciliation under this chapter.

DISCRIMINATION: Any direct or indirect exclusion, distinction, segregation, limitation, refusal, denial, or other differentiation in the treatment of a person or persons 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.

DWELLING: 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.

GENDER IDENTITY: A person's actual or perceived gender identity, appearance, mannerisms, or other characteristics of a person with or without regard to the person's sex at birth.

MAYOR: The duly elected or appointed and qualified mayor of Salt Lake City.

PERSON: Includes one or more individuals, corporations, limited liability companies, partnerships, associations, labor organizations, legal representatives, mutual companies, joint stock companies, trusts, unincorporated organizations, trustees, trustees in cases under the United States bankruptcy code, receivers, and fiduciaries.

REAL ESTATE BROKER OR SALESPERSON: 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.

RELIGIOUS ORGANIZATION: 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.

RENT: To lease, sublease, let, or otherwise grant for a consideration the right to occupy premises not owned by the occupant.

RESIDENTIAL REAL ESTATE RELATED TRANSACTION: The making or purchasing of 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.

RESPONDENT: A person identified in a complaint as having committed an unlawful housing practice under this chapter.

SEXUAL ORIENTATION: A person's actual or perceived orientation as heterosexual, homosexual, or bisexual.

UNLAWFUL PRACTICE: A discriminatory act or practice relating to housing that is prohibited under this chapter. (Ord. 64-09 § 1, 2009)

## 10.05.060: EXEMPTIONS:

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.

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.

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.

This chapter does not apply to: a) the United States government, any of its departments or agencies, or any corporation wholly owned by it; or b) the government of the state of Utah or any of its departments, agencies, or political subdivisions, except for the city. (Ord. 64-09 § 1, 2009)

## 10.05.070: UNLAWFUL HOUSING PRACTICES:

A. Discriminatory Housing Practices: It is a discriminatory housing practice to do any of the following:

1. 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;

2. 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;

3. Represent to any person that any dwelling is not available for inspection, sale, or rental when in fact the dwelling is available;

4. 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;

5. 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;

6. Engage in any discriminatory housing practices because of sexual orientation or gender identity based upon a person's association with another person.

B. Discriminatory Housing Practice By Broker Or Salesperson: 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:

1. 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;

2. 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

3. 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.

C. Exceptions: This chapter does not apply to the following:

1. The sale or rental of any single-family dwelling, if the owner:

a. Does not own an interest in or title to four (4) or more single-family dwellings held for lease or sale at one time located inside the city;

b. Has not sold two (2) or more single-family dwellings inside the city in which the owner did not reside in the dwelling within the twenty four (24) month period preceding the sale or rental of the dwelling; and

c. 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.

2. The rental of a dwelling that is occupied or intended to be occupied by no more than four (4) families living independently of each other, when the owner actually maintains and occupies part of the dwelling as a residence.

3. 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. 64-09 § 1, 2009)

## 10.05.080: 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. 64-09 § 1, 2009)

## 10.05.090: PROCEDURES FOR FILING COMPLAINTS:

A. Any person who claims to have been injured by an unlawful housing practice may file a complaint with the administrator. A complaint may also be filed by the administrator if the administrator has reasonable cause to believe that a person has committed an unlawful housing practice. A complaint must be filed within one hundred eighty (180) calendar days after an alleged unlawful housing practice has occurred.

B. A complaint must be in writing on a form provided by the administrator, made under oath or affirmation, and contain the following information:

1. The complainant's name, address, and signature;

2. The date the alleged unlawful housing practice occurred;

3. A statement of the facts upon which the allegation of an unlawful practice is based; and

4. The respondent's name and address.

C. Promptly after the filing of a complaint, the administrator shall:

1. Provide the respondent named in the complaint written notice that a complaint alleging the commission of an unlawful housing practice has been filed against the respondent;

2. Furnish a copy of the complaint to the respondent; and

3. 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 fifteen (15) days after service of notice of the complaint.

D. Not later than the fifteenth 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:

1. The respondent's name, address, telephone number, and signature of the respondent or the respondent's attorney, if any; and

2. A concise statement of facts in response to the allegations in the complaint, including facts of any defense or exception. (Ord. 64-09 § 1, 2009)

## 10.05.100: INVESTIGATION:

A. Upon the filing of a complaint, the administrator shall commence an investigation to determine the facts behind the complaint and whether there is reasonable cause to

believe the respondent committed an unlawful housing practice, except that no investigation may commence if, after reviewing the allegations of the complaint, the administrator 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 administrator shall dismiss the complaint, notify the complainant and the respondent and take no further action.

B. In connection with any investigation of a complaint filed under this chapter, the administrator shall seek the voluntary cooperation of any person to:

1. Obtain access to premises, records, documents, individuals, and any other possible source of information;

2. Examine, record, and copy necessary materials; and

3. Take and record testimony or statements of any person reasonably necessary for the furtherance of the investigation.

C. The administrator may request the city recorder to issue an executive branch subpoena or subpoena duces tecum to compel the attendance of a witness or the production of relevant materials or documents pursuant to title 2, chapter 2.59 of this code. For purposes of subsection 2.59.020A of this code, the administrator shall be deemed the mayor's designee.

D. The administrator may dismiss a complaint during the investigation and prior to referral to the city attorney if the administrator determines that:

1. The complaint was not filed within the required time period;

2. The location of the alleged unlawful housing practice is not within the city's jurisdiction;

3. The alleged unlawful housing practice is not a violation of this chapter;

4. The complainant refuses to cooperate with the administrator in the investigation of the complaint or enforcement of an executed conciliation agreement;

5. The complainant cannot be located after the administrator has performed a reasonable search; or

6. A conciliation agreement has been executed by the complainant and respondent. (Ord. 64-09 § 1, 2009)

## 10.05.110: CONCILIATION:

A. During or after the investigation, but subsequent to the mailing of the notice of the complaint to the respondent, the administrator shall, if it appears that the respondent has committed an unlawful housing practice, attempt to conciliate the complaint. In conciliating a complaint, the administrator 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 housing 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 nondiscrimination in its practices; and the respondent's agreement to not engage in discriminatory practices in the future.

B. 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 administrator who shall indicate approval by signing the agreement.

C. If a respondent voluntarily enters into a conciliation agreement, the administrator shall immediately dismiss the complaint. (Ord. 64-09 § 1, 2009)

### 10.05.120: DISPOSITION OF A COMPLAINT:

A. If, upon completion of an investigation of a complaint, the administrator determines that an unlawful housing practice has occurred and is unable to secure an acceptable conciliation agreement from the respondent, then the administrator shall refer the case to the city attorney. The administrator shall refer the entire file to the city attorney, who shall determine how best to pursue further action, if any, on the complaint.

B. If the city attorney determines that cause exists that an unlawful housing practice occurred and the facts are sufficient to warrant the initiation of an action in justice court, then the city attorney shall provide written notification to the respondent and the complainant that an action to enforce this chapter may be initiated in justice court. If the city attorney determines that there is no cause that an unlawful housing 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 administrator who shall then dismiss the complaint. (Ord. 64-09 § 1, 2009)

### 10.05.130: OFFENSES AND PENALTIES:

A person violates this chapter if the person intentionally or knowingly violates a provision of this chapter or if the person intentionally or knowingly obstructs or prevents compliance with this chapter. An offense committed under this chapter by a respondent owning or operating twenty (20) or fewer dwellings is punishable by a fine of not more than five hundred dollars ($500.00). An offense committed under this chapter by a respondent owning or operating twenty one (21) or more dwellings or by a real estate broker or salesperson is punishable by a fine of not more than one thousand dollars ($1,000.00). (Ord. 64-09 § 1, 2009)

# Title 11 - PUBLIC PEACE, MORALS AND WELFARE

## CHAPTER 11.04
## OFFENSES BY OR AGAINST PUBLIC OFFICERS AND GOVERNMENT

### 11.04.010: IMPERSONATING AN OFFICER:

It is unlawful for any person falsely to represent himself or herself to be a peace officer, or an officer of any other agency authorized to enforce any law of Salt Lake City or of any other governmental entity, or to attempt any official act or to attempt to act as such officer after his/her removal from the force or after authority to enforce such laws has been removed, or to wear any badge or uniform which has a tendency to be mistaken for the official badge and uniform of the city or of the governmental entity purportedly represented. (Ord. 88-86 § 60, 1986: prior code § 32-10-6)

## 11.04.020: OFFICIAL BADGES, IDENTIFICATION CARDS AND INSIGNIA; UNLAWFUL MANUFACTURE OR USE:

A. Whoever manufactures, sells, issues or possesses any badge or identification card or other insignia of the design prescribed by the Salt Lake City police department other than for use by the police department or an officer or employee thereof, or any colorable imitation thereof, shall be guilty of a misdemeanor.

B. It is unlawful for any person to represent to another or to cause another to believe that a badge has been issued by authority of the city, or cause a person to believe that the holder of a badge has authority to act on behalf of Salt Lake City Corporation if in fact such is not the case.

C. The holder of a badge upon displaying it to another shall state the occupation in which the person is engaged and the business or agency by which he is employed, if any. (Prior code § 32-1-27)

## 11.04.030: INTERFERING WITH OFFICER IN DISCHARGE OF DUTY PROHIBITED:

Every person shall be guilty of a misdemeanor who:

A. Attempts by means of any threat, force or violence to deter, interfere with or prevent a police officer, city fireman, or any other city employee charged with the enforcement of any city ordinance, from performing any official duty imposed upon such officer, fireman or other employee by law; or

B. Wilfully resists, physically delays or physically obstructs a police officer or city fireman or fails to comply with a lawful command of a police officer or city fireman in the discharge or attempt to discharge any official duty of such officer or fireman; or

C. Knowingly resists by the use of force or violence any police officer or city fireman while performing an official duty. (Ord. 73-87 § 1, 1987: prior code § 32-1-5)

## 11.04.040: INTERFERING WITH A HEALTH OFFICIAL:

Every person shall be guilty of a misdemeanor who:

A. Attempts, by means of any threat, force, intimidation or violence, to deter, interfere with or prevent any health department official from performing any official duty of the health department; or

B. Wilfully resists, delays or obstructs a health official in the performance of his/her official duty, or fails to comply with the lawful command of a health official in discharge of his/her official duty; or

C. Knowingly resists, by the use of force or violence, any health official while performing an official duty. (Prior code § 32-10-5)

## 11.04.050: ESCAPE FROM LAWFUL CUSTODY:

It is unlawful for any person convicted of any offense against the ordinances of the city, or under arrest for the commission of any offense against the ordinances of the city, or in lawful custody to escape from such custody. (Prior code § 32-1-6)

## 11.04.060: OBSTRUCTION OF JUSTICE:

A person shall be guilty of a misdemeanor if, with intent to hinder, prevent or delay the discovery, apprehension, prosecution, conviction or punishment of another for the commission of a crime, he/she:

A. Conceals an offense from a magistrate, knowing it has been committed;

B. Harbors or conceals the offender;

C. Provides the offender a weapon, transportation, disguise or other means for avoiding discovery or apprehension;

D. Warns such offender of impending discovery or apprehension;

E. Conceals, destroys or alters any physical evidence that might aid in the discovery, apprehension or conviction of such person; or

F. Obstructs, by force, intimidation, distraction or deception, anyone from performing an act which might aid in the discovery, apprehension, prosecution or conviction of such person. (Prior code § 32-1-5.1)

## 11.04.070: FALSIFYING OR ALTERING GOVERNMENT RECORDS:

It is unlawful for any person to:

A. Knowingly make a false entry or alteration of anything belonging to, or to be received by or to be kept by the city corporation for information or record, or which is required by law to be kept for information or record; or

B. Present or use anything, knowing it to be false, with a purpose that it be taken as a genuine part of information or records referred to in subsection A of this section; or

C. Intentionally destroy, conceal or otherwise impair the verity or availability of information or records referred to in subsection A of this section. (Prior code § 32-10-4)

## 11.04.080: FALSE OFFICIAL OR JUDICIAL NOTICES:

It is unlawful for any person, with a purpose to procure the compliance of another with a request for money made by such person, knowingly to send, mail, deliver or place upon any vehicle a notice or other writing which has no judicial or other official sanction, but which in its format or appearance simulates a summons, complaint, court order, process or parking citation, or contains thereon an insignia or seal of the city corporation, or is otherwise calculated to induce a belief that it does have a judicial or other official sanction of the city corporation. (Prior code § 32-1-26)

## 11.04.090: STATEMENTS CONTAINING FALSE OR DECEPTIVE INFORMATION:

It is unlawful for any person, with an intent to deceive any public official in the performance of his or her official function, to:

A. Make any written false statement which the person does not believe to be true; or

B. Knowingly create a false impression in a written application for any pecuniary or other benefit by omitting information necessary to prevent statements therein from being misleading; or

C. Submit or invite reliance on any writing, which the person knows to be lacking in authenticity; or

D. Submit or invite reliance on any sample, specimen, map, boundary, mark or other object, which the person knows to be false. (Prior code § 32-10-3)

## 11.04.100: CONCEALMENT OF IDENTITY OR FURNISHING FALSE INFORMATION:

Any peace officer, as defined in Utah Code Annotated section 53-13-101 et seq., charged with enforcement of city ordinances, may stop any person in a public place when he has a reasonable suspicion to believe the person has committed or is in the act of committing or is attempting to commit a public offense and may demand the person's name, address and an explanation of his or her actions. It is unlawful for any person stopped and questioned under these circumstances to knowingly and intentionally conceal or attempt to conceal his or her identity, falsely identify himself or herself, or furnish or give false or misleading information to any such peace officer. (Ord. 74-03 § 1, 2003: prior code § 32-10-1)

## 11.04.110: FALSE INFORMATION TO INDUCE THE CITY TO TAKE ACTION OR WITHHOLD ACTION:

It is unlawful for any person to knowingly and intentionally give false information in making an application for any license, or for any zoning variance, or on any matter for which the city will use the information obtained to make a decision to either take action or withhold action. (Prior code § 32-10-2)

### 11.04.120: EMERGENCY SERVICES; FINDINGS ON ABUSE OF SERVICE:

Whereas, the city has experienced repeated calls from citizens for emergency medical services when there exists no real emergency; further, responding to such nonemergency calls requires the use of personnel and equipment so that they are not available in the event of a real emergency; therefore, the purpose of this section and section 11.04.130 of this chapter, or its successor, is to reduce such abuse and the use of the emergency medical services provided by the city corporation, thus keeping personnel and equipment available for use in real emergency situations, conserving energy and reducing costs. (1987 Code: prior code § 14-2-8)

### 11.04.130: EMERGENCY SERVICES; UNLAWFUL TO REQUEST SERVICE WHEN:

A. Any person who shall request the city fire department emergency medical system to respond unnecessarily, falsely, capriciously or for nonemergency situations shall be guilty of a misdemeanor.

B. For the purpose of this section, "nonemergency situations" shall be the following: alcohol intoxication, minor lacerations, minor contusions and sprains, minor illnesses, insect and animal bites not deemed emergencies, rashes, skin disorders, hives without dyspnea (difficulty of breathing), home delivery to avoid doctor and hospital services, venereal disease, patients seeking nonemergency transportation, forehead and scalp lacerations only, cold syndrome, sore throat, earache, hiccough, nervousness, anxiety, toothache, minor bruises, nonlife threatening overdoses, nonlife threatening self-inflicted injuries. (1987 Code: prior code § 14-2-8.1)

### 11.04.140: FAILURE TO APPEAR IN RESPONSE TO A CRIMINAL CITATION:

Any person who wilfully fails to appear before a court pursuant to a citation issued pursuant to the provisions of section 77-7-18, Utah Code Annotated, and successor sections, or pursuant to a criminal summons or any other order of a court, is guilty of a class B misdemeanor, regardless of the disposition of the charge upon which the person was originally cited. (Ord. 79-88 § 1, 1988)

# CHAPTER 11.08
# OFFENSES AGAINST THE PERSON

### 11.08.010: ASSAULT:

An "assault" is an unlawful attempt, coupled with a present ability, to commit a violent injury on the person of another. It is unlawful for any person to commit an assault within the limits of Salt Lake City. (Prior code § 32-1-2)

## 11.08.020: BATTERY:

A "battery" is any wilful and unlawful use of force or violence upon the person of another. It is unlawful for any person to commit a battery within the limits of the city. (Prior code § 32-1-3)

## 11.08.030: TELEPHONE HARASSMENT:

A. A person is guilty of telephone harassment if, with intent to annoy or alarm another, he/she:

1. Makes a telephone call, whether or not a conversation ensues, without purpose of lawful communication, including, but not limited to, making a call or calls and then terminating the call before conversation ensues; or

2. Makes repeated, unwanted telephone calls at extremely inconvenient hours; or

3. Insults, taunts or challenges another by use of telephone communication in a manner likely to provoke a violent or disorderly response; or

4. Telephones another and knowingly makes any false statement concerning injury, death, disfigurement, indecent conduct or criminal conduct of the person telephoned or any member of his/her family, or uses obscene, profane or threatening language with intent to terrify, intimidate, harass or annoy. The making of a false statement as herein set out shall be prima facie evidence of intent to terrify, intimidate, harass or annoy.

B. Telephone harassment is a class B misdemeanor. (Ord. 88-86 § 60, 1986: prior code § 32-1-19)

## 11.08.040: EMERGENCY TELEPHONE ABUSE:

A. A person is guilty of emergency telephone abuse if such person:

1. Intentionally refuses to yield or surrender the use of a party line or a public pay telephone to another person upon being informed that such telephone is needed to report a fire or summon police, medical or other aid in case of emergency, unless such telephone is likewise being used for an emergency call; or

2. Asks for or requests the use of a party line or a public pay telephone on the pretext that an emergency exists, knowing that no emergency exists.

B. Emergency telephone abuse is a class B misdemeanor.

C. For the purposes of subsection A of this section:

1. "Emergency" means a situation in which property or human life is in jeopardy and the prompt summoning of aid is essential to the preservation of human life or property.

2. "Party line" means a subscriber's line or telephone circuit consisting of two (2) or more main telephone stations connected therewith, each station with a distinctive ring or telephone number. (Ord. 88-86 § 60, 1986: prior code § 32-1-20)

### 11.08.050: PLACE OF COMMISSION OF OFFENSE INVOLVING USE OF TELEPHONE:

Any offense committed by use of a telephone as set out in sections 11.08.030 and 11.08.040 of this chapter, or their successors, may be deemed to have been committed at either the place at which the telephone call or calls were made, or at the place where the telephone call or calls were received. (Ord. 88-86 § 60, 1986: prior code § 32-1-22)

### 11.08.060: DEFINITIONS; CRIME OF STALKING; DESIGNATED:

A. Definitions:

COURSE OF CONDUCT: A pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose but serving no legitimate purpose.

1. The course of conduct must cause a reasonable person to suffer severe emotional distress.

2. Constitutionally protected activity is not included within the meaning of "course of conduct".

HARASSES: A knowing and wilful course of conduct directed at a specific person with the intent to seriously alarm, annoy or disturb the person.

B. Guilty Of Stalking: A person is guilty of stalking who repeatedly follows or harasses another person or repeatedly follows a course of conduct against that person with the intent of placing that person in reasonable fear of bodily injury, harm to that person's family members, or damage to property of that person or another.

C. Misdemeanor: Stalking is a class B misdemeanor. (Ord. 61-92 § 1, 1992)

# CHAPTER 11.12

# OFFENSES AGAINST PUBLIC ORDER

## 11.12.010: RIOT:

A. A person is guilty of riot if:

1. Simultaneously with two (2) or more other persons, such person engages in tumultuous or violent conduct and thereby knowingly or recklessly creates a substantial risk of causing public alarm; or

2. Such person assembles with two (2) or more other persons with the purpose of engaging, soon thereafter, in tumultuous or violent conduct, knowing that two (2) or more other persons in the assembly have the same purpose; or

3. Such person assembles with two (2) or more other persons with the purpose of committing an offense against a person or property of another who such person supposes to be guilty of a violation of law, believing that two (2) or more other persons in the assembly have the same purpose.

B. Any person who refuses to comply with a lawful order to withdraw given to him immediately prior to, during or immediately following a violation of subsection A of this section, or its successor subsection, is guilty of riot.

C. It is no defense to a prosecution under this section that withdrawal must take place over private property; provided, however, that no persons so withdrawing shall incur criminal or civil liability by virtue of acts reasonably necessary to accomplish the withdrawal. (Ord. 88-86 § 60, 1986: prior code § 32-1-7)

## 11.12.020: DISTURBING THE PEACE:

A. A person is guilty of disturbing the peace if such person:

1. Refuses to comply with the lawful order of the police to move from a public place;

2. Knowingly creates a hazardous condition;

3. Intending to cause inconvenience, annoyance or alarm, or recklessly creating a risk thereof:

a. Engages in fighting, violent, tumultuous or threatening behavior,

b. Uses words and/or does or makes any unreasonable act, gesture, or display that are intended to cause acts of violence or are inherently likely to cause a violent reaction by the person to whom the words or the act, gesture, or display are addressed and that, under the circumstances, create a clear and present danger of a breach of the peace or imminent threat of violence,

c. Makes unreasonably loud noises in a private place that can be heard in a public place,

d. Maliciously or wilfully disturbs the peace or quiet of another or of any public place by making an unreasonably loud noise or by discharging firearms, or

e. Obstructs vehicular or pedestrian traffic, except as allowed pursuant to the provisions of title 3, chapter 3.50 of this code.

B. "Public place", for the purpose of this section, means any place to which the public or a substantial group of the public has access, and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

C. Disturbing the peace is a class C misdemeanor if the offense continues after a request by a person to desist. Otherwise it is an infraction. (Ord. 16-04 § 1, 2004: Ord. 23-93 § 2, 1993: Ord. 69-92 § 1, 1992: Ord. 23-90 § 1, 1990: Ord. 88-86 § 60, 1986: prior code § 32-1-11)

## 11.12.030: DISRUPTING A MEETING OR PROCESSION:

A. A person is guilty of disrupting a meeting or procession if, intending to prevent or disrupt a lawful meeting, procession or gathering, he/she obstructs or interferes with the meeting, procession or gathering by physical action, verbal utterance, or any other means under circumstances which could cause a breach of the peace.

B. Disrupting a meeting or procession is a class B misdemeanor. (Ord. 88-86 § 60, 1986: prior code § 32-1-12)

## 11.12.040: UNLAWFUL ACTS IN OR ABOUT SCHOOLS, COLLEGES OR UNIVERSITIES:

A. It is unlawful for any person to annoy, disturb, or otherwise prevent or attempt to prevent the orderly conduct of the activities, administration or classes, of any school, college or university.

B. It is unlawful for any person to annoy, disturb, assault or molest any student or employee of any school, college or university while in or at such school, college or university building, or on the grounds thereof.

C. It is unlawful for any person to loiter, idle, wander, stroll, or play in, about or on any school, college or university grounds or building, either on foot, or in or on any vehicle, without having some lawful business therein or thereabouts, or in connection with such school, college, or university or the employees thereof.

D. It is unlawful for any person to conduct himself in an obscene, lewd, wanton or lascivious manner in speech or behavior in, about or on any school, college or university building or grounds.

E. It is unlawful for any person to park or move a vehicle in the immediate vicinity of, or on the grounds of any school, college or university for the purpose of annoying or molesting the students or employees thereof, or to induce, entice or invite students or employees into or on the vehicle for any unlawful purpose. (Prior code § 32-1-25)

## 11.12.050: FAILURE TO DISPERSE:

A. A person is guilty of failure to disperse when such person remains at the scene of a riot, disorderly conduct or an unlawful assembly after having been ordered to disperse by a peace officer.

B. This section shall not apply to a person who attempted to but was unable to leave the scene of the riot or unlawful assembly.

C. Failure to disperse is a class C misdemeanor. (Ord. 88-86 § 60, 1986: prior code § 32-1-10)

## 11.12.060: DRINKING AND DRUNKENNESS IN PUBLIC PLACES:

A. It is unlawful to:

1. Drink liquor in a public building, park or stadium; or

2. Be under the influence of alcohol, a controlled substance, or any substance having the property of releasing toxic vapors to a degree that the person may endanger himself or herself or another, if such person is in a public place or in a private place where he/she unreasonably disturbs other persons.

B. A peace officer or magistrate may release from custody an individual arrested under this section, if he or she believes imprisonment is unnecessary for the protection of the individual or another; or a peace officer may take a person arrested under this section to a detoxification center or other special facility designated by the courts of Utah or by state law, as an alternative to jail incarceration for such offenses.

C. An offense under this section is a class C misdemeanor. (Ord. 88-86 § 60, 1986: prior code § 32-1-4)

## 11.12.065: UNLAWFULLY OPENING, POSSESSING OR CONSUMING AN ALCOHOLIC BEVERAGE IN A PUBLIC PLACE:

A. Unlawful To Have Open Containers Of Alcohol In Designated Areas: No person shall open, possess, or consume from an open bottle, can or other receptacle containing an alcoholic beverage in an unpermitted public place.

B. Definitions: As used in this section:

ALCOHOLIC BEVERAGES: "Beer" and "liquor" as defined in 32A-1-101, alcoholic beverage control act, Utah Code Annotated, or its successor.

OPEN BOTTLE, CAN OR OTHER RECEPTACLE: A container having within it an alcoholic beverage, which container has been opened, its seal broken or the contents of which have been partially consumed.

UNPERMITTED PUBLIC PLACE: 1. Any street, right of way, sidewalk, alley, publicly owned property or state or county road located within the Salt Lake City limits and which abuts upon: a) any county or city owned real property; b) any business required to have a Salt Lake City business license pursuant to title 5, chapter 5.02 of this code;

2. Boarded or abandoned commercial buildings;

3. Vacant lots in areas zoned for commercial or manufacturing uses; or

4. Any publicly owned building or publicly owned real property. "Unpermitted public place" shall not mean or include a premises or area identified in a license or permit issued by the city as authorizing the possession or consumption of alcohol, when there is conformance with the applicable license or permit restrictions; businesses specifically permitted under title 6 of this code; business licensed as home occupations as defined in title 21A of this code; or rental dwellings as defined and licensed in accord with title 5, chapter 5.14 of this code.

C. Penalty: An offense under this section is designated as a class C misdemeanor. (Ord. 74-09, 2009: Ord. 108-94 § 1, 1994)

## 11.12.080: CAMPING AND SLEEPING ON PUBLIC GROUNDS:

A. It is unlawful for any person to camp, lodge, cook, make a fire or pitch a tent, fly, lean to, tarpaulin, umbrella or any other type of ground cover or shelter, or place sleeping bags, bedding or any other type of camping or sleeping equipment on any "public grounds", as defined in subsection B of this section, and it is unlawful for any person using or benefiting from the use of any of the foregoing items of shelter or camping or sleeping equipment to fail to remove the same from such public grounds for more than five (5) minutes after being requested to do so by any police officer or citizen.

B. For the purpose of this section, the term "public grounds" means any real property owned in whole or in part by the United States Of America and its agencies, or the state of Utah or any of its political subdivisions, including Salt Lake City Corporation, upon which no camping or sleeping has been authorized by the owner, but excluding therefrom public streets and parks. (Prior code § 32-3-10)

## 11.12.100: SOLICITATION OF PERSON(S) WITH INTENT TO HAVE ANOTHER COMMIT AN OFFENSE SPECIFIED IN SECTION 58-37-8, UTAH CODE ANNOTATED:

(Rep. by Ord. 65-07 § 1, 2007)

## 11.12.110: WEARING MASKS WITH INTENT TO COMMIT A CRIME IS PROHIBITED:

A. Wearing Mask Prohibited: While wearing a mask, hood, or other device that alters one's facial appearance, no person shall be or appear in any public place with the intent to: 1) avoid identification, while engaged in conduct prohibited by law; or 2) invite another person or group of persons to riot.

B. Definitions:

INTENT: Design, resolve, determination, demonstration of will, or other mental state revealed from the spoken word, uttered sounds, acts or behavior which, when viewed under a totality of circumstances and inferred from facts, consummates in an outward corporate act or which effects a certain result.

PUBLIC PLACE: A physical location within the corporate limits of Salt Lake City, including private property, to which members of the public not holding an ownership interest in such location have legal access. It includes, but is not limited to, premises holding state or city licenses to do business, including those which exclude minors, and all places of public accommodation under state law. However, the term does not include private dwelling areas or other locations where a person has a reasonable expectation of privacy.

C. Violation: A violation of this section shall be punished as a class B misdemeanor. (Ord. 8-02 § 1, 2002)

## 11.12.120: TARGETED RESIDENTIAL PICKETING PROHIBITED:

A. Purpose: The protection of the home is of the highest importance. The public health and welfare and the good order of the community require that citizens enjoy in their homes and neighborhoods a feeling of well being, tranquility, and privacy, and enjoy freedom from being a captive audience to unwanted speech in their homes. The practice of targeted picketing in residential areas causes emotional disturbance and distress to residents, and has the potential to incite breaches of the peace. Full opportunity exists for individuals to exercise their rights of free speech without resorting to targeted residential picketing. The provisions of this section are enacted for the purpose of protecting the significant public interests stated above and not to suppress free speech rights or any particular viewpoint.

B. Definitions:

PICKETING: The stationing or posting of one or more persons to apprise the public, vocally or by standing or marching with signs, banners, sound amplification devices, or other means, of an opinion or a message.

RESIDENCE: Any single-family, duplex, or multi-family dwelling that is not used as a targeted occupant's sole place of business or as a place of public meeting.

TARGETED RESIDENTIAL PICKETING: Picketing that: 1) is specifically directed or focused towards a residence, or one or more occupants of a residence, and 2) takes place within one hundred feet (100') of the property line of that residence.

C. Prohibition: It shall be unlawful for any person, acting alone or in concert with others, to engage in targeted residential picketing in Salt Lake City.

D. Penalty For Violations: Any violation of this section is a class B misdemeanor. (Ord. 51-07 § 1, 2007)

# CHAPTER 11.14

# PARTIES, GATHERINGS OR EVENTS

## 11.14.010: DEFINITIONS:

The following words, phrases and terms as used in this chapter shall have the meanings for this chapter as indicated below:

HOST: A. The person having an ownership or leasehold interest in the premises; or

B. A person who resides at or occupies the premises in any capacity, other than as a mere guest at the party, gathering or event; or

C. The person in charge of the premises; or

D. The person who organized the party, gathering or event; or

E. The person who gave permission to hold the party, gathering or event on the premises;

F. If the party is hosted by an organization, either incorporated or unincorporated, the term "host" includes the officers of the organization;

G. If the host is a minor under eighteen (18) years of age, the term "host" includes the parent or parents or legal guardians of the minor, whether or not they are present at the premises.

NOISE DISTURBANCE: As defined in section 9.28.020 of this code.

PARTY, GATHERING, OR EVENT: Three (3) or more people assembled for a social activity where: a) alcoholic beverages have been or are being consumed contrary to law, b) substances regulated by the Utah controlled substances act are used by any person, or c) the noise from the party, gathering, or event makes a noise disturbance.

PREMISES: The property at which a party, gathering, or event occurs.

SERVICES FEE: The fee imposed by this chapter, calculated to cover, without limitation, related police department costs and reasonable attorney fees. (Ord. 51-09 § 1, 2009)

## 11.14.020: SERVICES FEES:

A. Any person hosting a party, gathering, or event within the city may be liable for services fees. Any services fee may be in addition to such other costs and penalties as may be provided in this code.

B. A services fee is owed for each time a police officer responds to a call or otherwise arrives at a premises to deal with a party, gathering, or event. The amount of the fees and the persons owing the fees are as follows:

1. For nonrental property, the owner of the premises shall owe the fee shown on the Salt Lake City consolidated fee schedule for each visit of one or more police officers;

2. For rental property, the renters shall owe the fee shown on the Salt Lake City consolidated fee schedule for each visit of one or more police officers; in addition, the owner of the premises shall owe the fee shown on the Salt Lake City consolidated fee schedule for the third visit and the fee shown on the Salt Lake City consolidated fee schedule for any additional visits of one or more police officers during any three hundred sixty five (365) day period.

C. All services fees assessed under this chapter shall be due and payable within three (3) business days after the date a written notice of the services fee is sent to the person against whom the services fee is assessed. Any services fee paid within thirty (30) days after the due date shall be reduced by fifty dollars ($50.00). Any services fee paid more than thirty (30) days but less than sixty (60) days after the due date shall be reduced by twenty five dollars ($25.00). Any services fee paid more than sixty (60) days after the due date shall not be reduced. If any services fee is not paid within ninety (90) days after the due date, the city may use such lawful means as are available to collect such services fee. If the city files an action in court to recover such services fee, the city shall be entitled to recovery of its court costs, prejudgment interest, and attorney fees in addition to the services fee due and owing. (Ord. 24-11, 2011)

## 11.14.030: RECOVERY OF ACTUAL COSTS:

In addition to the services fees described in section 11.14.020 of this chapter, the city reserves the right to seek reimbursement for actual costs that exceed the stated services fee, through other legal theories, remedies, or procedures. (Ord. 51-09 § 1, 2009)

## 11.14.040: THIS CHAPTER NOT TO PRECLUDE OTHER APPROPRIATE ACTION:

Nothing in this chapter shall be construed to prevent the arrest or citation of violators of the state penal code or other regulations, ordinances, or laws. (Ord. 51-09 § 1, 2009)

## 11.14.050: ADMINISTRATIVE APPEALS:

A. A Salt Lake City justice court shall consider matters relating to services fees.

B. Any person having received notice of the assessment of a services fee may appear before the Salt Lake City justice court and present and contest the alleged violation upon which the services fee was based.

C. If the Salt Lake City justice court finds that no violation occurred and one or more of the defenses set forth in this section is applicable, the justice court may dismiss the services fee notice, release the defendant from liability for the services fee, or modify the services fee as justice and equity may require. Such defenses are:

1. Wrong name and address on the services fee notice;

2. Compliance with the subject ordinances would have presented an imminent and irreparable injury to persons or property;

3. Such other mitigating circumstances as may be shown by the appellant.

D. If the Salt Lake City justice court finds that a services fee was properly imposed and no applicable defense exists, the justice court may, in the interest of justice and on behalf of the city, enter into an agreement for the timely or periodic payment of the services fee. (Ord. 51-09 § 1, 2009)

# CHAPTER 11.16
# OFFENSES AGAINST PUBLIC DECENCY

## 11.16.010: DEFINITIONS:

As used in this chapter, unless the context requires otherwise:

ADVERTISING PURPOSES: Purposes of propagandizing in connection with the commercial sale of a product or type of product, the commercial offering of a service, or the commercial exhibition of an entertainment.

DISPLAYS PUBLICLY: The exposing, placing, posting, exhibiting or in any fashion displaying in any location, whether public or private, 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, depot or vehicle.

DISTRIBUTE: To transfer possession of or permit to be viewed, heard or examined, with or without consideration.

FURNISHES: To sell, give, rent, loan or otherwise provide.

HOUSE OF PROSTITUTION: Any place, including, but not limited to, a house, an apartment or hotel room, regularly resorted to for the purpose of prostitution.

KNOWINGLY: 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 and if the failure to inspect is for the purpose of avoiding such disclosure.

LEWD SEX ACT: Means, but is not limited to, any act of fellatio, cunnilingus, pederasty or bestiality.

NUDITY: Uncovered, or less than opaquely covered, human genitals, pubic areas, the human female breast below a point immediately above the top of the areola, or the covered human male genitals in a discernibly turgid state. For purposes of this definition, a female breast is considered uncovered if any portion of the nipple and/or the areola is uncovered.

OBSCENE: An act, depiction, representation, description, performance, or any other item, material or conduct in this chapter described, whether actual or simulated in form, which:

A. Taken as a whole, the average person would find appeals to the prurient interest when applying contemporary community standards, and

B. Depicts, describes or portrays "sexual conduct", as defined in this section, in a patently offensive way; and

C. Taken as a whole, lacks serious literary, artistic, political or scientific value.

OBSCENE PERFORMANCE: A play, motion picture, dance, show or other presentation, whether pictured, animated or live, performed before an audience, and which in whole or in part depicts or reveals nudity, sexual conduct, sexual excitement or sadomasochistic abuse, or which includes obscenities or explicit verbal description or narrative accounts of sexual conduct.

OBSCENITIES: Those slang words currently generally rejected for regular use in mixed society, that are used to refer to genitals, female breasts, sexual conduct or excretory functions or products, either that have no other meaning or that in context are clearly used for their bodily, sexual or excretory meaning.

PERSON: Is not to be limited to individuals only, but means and shall include public and private corporations, firms, joint associations, partnerships and the like. The word "person"

as used herein applies to a natural person and shall apply equally to the male and female genders.

PLACE OPEN FOR PUBLIC VIEW: An area capable of use or observance by persons from the general community, where an expectation for privacy for the activity engaged in by individuals is not reasonably justified.

PROSTITUTION: Engaging in sexual conduct for hire.

SADOMASOCHISTIC ABUSE: Flagellation or torture by or upon a person who is nude or clad in undergarments or in revealing or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.

SEXUAL CONDUCT: Human masturbation, sexual intercourse, or any touching of the covered or uncovered genitals, human female breast, pubic areas or buttocks of the human male or female, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent sexual stimulation or gratification, which term shall include, but not be limited to fellatio, cunnilingus, pederasty and bestiality.

SEXUAL EXCITEMENT: The condition of human male or female genitals or the breasts of the female when in a state of sexual stimulation, or the sensual experiences of humans engaging in or witnessing sexual conduct or nudity.

WILFULLY: Simply a purpose or willingness to commit the act or to omit an act required herein. (Ord. 88-86 § 60, 1986: prior code § 32-2-10.1)

## 11.16.020: SEXUAL INTERCOURSE AND SEX ACTS FOR HIRE:

A. It is unlawful for any person to:

1. Commit or offer or agree to commit a sex act for hire;

2. Pay or offer or agree to pay another person to commit a sex act or an act of sexual intercourse for hire;

3. Secure or offer another person for the purpose of committing a sex act or an act of sexual intercourse for hire;

4. Induce, entice or procure, or attempt to induce, entice or procure another person to commit a sex act for hire or an act of sexual intercourse for hire;

5. Make any meretricious display in or near any public place, any place frequented by the public, or any place open to the public view;

6. Knowingly transport any person to any place for the purpose of committing a sex act or an act of sexual intercourse for hire;

7. Knowingly transport any person to any place for the purpose of offering or agreeing to pay another person to commit a sex act or an act of sexual intercourse;

8. Knowingly receive, or offer or agree to receive any person into any place or building for the purpose of performing a sex act or an act of sexual intercourse for hire or knowingly permit any person to remain in any place or building for any such purpose;

9. Direct or offer to direct any person to any place or building for the purpose of committing any sex act or act of sexual intercourse for hire;

10. Aid, abet, allow, permit or participate in the commission of any of the acts prohibited in subsections A1 through A9 of this section.

B. Definitions as used in this section: "Sex act" shall include, but not be limited to, any act of fellatio, cunnilingus, pederasty or bestiality, or masturbation, or any act intended to

provide sexual gratification or excitement.

C. Any person violating the provisions of any of this section shall be deemed guilty of a class B misdemeanor and punished as allowed by state law. (Ord. 23-89 § 1, 1989: Ord. 60-87 § 1, 1987: Ord. 88-86 § 60, 1986: prior code § 32-2-1)

## 11.16.030: HOUSE OF PROSTITUTION:

It is unlawful for any person:

A. To keep, maintain or permit to be maintained upon or in any property owned, occupied or leased by or to such persons, any house of prostitution;

B. To keep, maintain or permit to be kept maintained upon or in any building, place or structure, resorted to or used in whole or in part for purposes of prostitution;

C. To resort to, or reside in any place mentioned in this section for the purpose of performing or obtaining sexual conduct for hire;

D. To keep a house of prostitution;

E. To have control of any building or tenement as owner, agent, guardian or lessee of such owner, after written notice to such owner, agent, guardian or lessee that such building or tenement is being used as a house of prostitution;

F. To rent any building or tenement, knowing that the lessee intends using the same, or any part thereof, for the purpose of providing a house of prostitution. (Ord. 88-86 § 60, 1986: prior code § 32-2-7)

## 11.16.040: PLACING PERSON IN HOUSE OF PROSTITUTION; PENALTY:

A. It is unlawful for any person to:

1. Place a person in the charge or custody of another person for purposes of prostitution, or in a house of prostitution, with intent that such person shall engage in prostitution, or who shall compel any person to reside with him or her or with any other person for purposes of prostitution, or shall compel any such person to reside in a house of prostitution or to live as a prostitute; or

2. Ask or receive any compensation, gratuity or reward, or promise thereof, for or on account of placing in a house of prostitution or elsewhere any person for the purpose of causing such person to cohabit with any person or persons of the opposite sex to whom he or she is not legally married; or

3. Give, offer or promise any compensation, gratuity or reward, to procure any person for the purpose of placing him/her for immoral purposes in any house of prostitution, or elsewhere, against his/her will; or

4. Being married to any person, or being the parent, guardian or other person having legal charge of a person under the age of eighteen (18) years, shall connive at, consent to or permit him/her being or remaining in any house of prostitution or living as a prostitute; or

5. Live with or accept any earnings of a prostitute, or entice or solicit any person to go to a house of prostitution to engage in any sexual conduct with a prostitute; or

6. Entice, procure or in any manner or way induce any person to become a prostitute or to become an inmate of a house of ill fame or prostitution, for purposes of prostitution, or for purposes of employment, or for any purpose whatever, when he/she does not know that the house is one of prostitution; or

7. Decoy, entice, procure or in any manner or way seduce any person under the age of twenty one (21) years to go into or visit, upon any pretext or for any purpose whatever, any house of ill fame or prostitution, or any room or place used for purposes of prostitution.

B. Any person who violates the provisions of subsection A of this section shall be punished:

1. Where physical force or the immediate threat of such force is used upon the person, be guilty of a class B misdemeanor;

2. When no physical force nor the immediate threat of such force is used, be guilty of a class C misdemeanor. (Ord. 88-86 § 60, 1986: prior code § 32-2-3)

## 11.16.050: AIDING PROSTITUTION:

A. A person is guilty of aiding prostitution if he/she:

1. Solicits a person to patronize a prostitute; or

2. Procures or attempts to procure a prostitute for a patron; or

3. Leases or otherwise permits a place controlled by the actor, alone or in association with another, to be used for prostitution or the promotion of prostitution; or

4. Solicits, receives or agrees to receive any benefit for doing any of the acts prohibited by this subsection.

B. Aiding prostitution is a class B misdemeanor. (Ord. 88-86 § 60, 1986: prior code § 32-2-4)

## 11.16.060: SOLICITING FOR IMMORAL PURPOSES:

A. It is unlawful for any person to engage in any conduct within view of any public place for the purpose of or with the intent of inducing, enticing, soliciting or procuring another to engage in sexual conduct for hire.

B. Soliciting for immoral purposes is a class B misdemeanor. (Ord. 57-96 § 1, 1996: Ord. 88-86 § 60, 1986: prior code § 32-2-13)

## 11.16.070: DISORDERLY HOUSES DEEMED PUBLIC NUISANCES:

A. All bawdy and other disorderly houses, houses of ill fame, assignation houses, and houses kept by, maintained for, or resorted to, or used by one or more persons for lewdness or prostitution within the limits of the city, or within three (3) miles of the outer boundaries thereof, are declared to be public nuisances.

B. It is unlawful for any person to keep, maintain or to contribute in any manner to the keeping or maintenance of a public nuisance. (Ord. 88-86 § 60, 1986: prior code § 32-2-8)

## 11.16.080: OBSCENE CONDUCT IN PLACES OF BUSINESS; LICENSE SUSPENSION OR REVOCATION:

A. It is unlawful for any owner, operator, manager or lessee, or any agent, partner, associate or employee of such owner, operator, manager or lessee of any place of business, the business of which is licensed and regulated by the city, to allow or permit an entertainer, employee, patron or any other person to appear in or on said place of business naked, or in indecent attire or lewd dress, except in such businesses licensed as nude entertainment businesses pursuant to the sexually oriented business license ordinance codified at title 5, chapter 5.61 of this code, or to make any obscene exposure of his or her person.

B. Licenses may be suspended or revoked by the mayor for violation on licensed premises of any of the provisions of this section. (Ord. 21-88 § 7, 1988: prior code § 32-2-11)

## 11.16.090: OBSCENE OR LEWD ACTS; ACTS INVOLVING HARD CORE PORNOGRAPHY:

A. It is unlawful for any person wilfully or knowingly either to:

1. Associate in a lewd, lascivious or obscene manner with any person, whether married or unmarried, to engage in open and gross lewdness, lascivious or obscene conduct, or to make any open, public, indecent or obscene exposure of his or her private parts, or the person or private parts of another; or

2. Procure, counsel or assist any person:

a. To act in a lewd or obscene manner,

b. To engage in obscene sexual conduct, an obscene performance or obscene sadomasochistic abuse, or

c. To make any indecent exposure of his or her own or any other person's private parts; or

3. Import, write, compose, stereotype, print, design, copy, draw, paint, or otherwise prepare, publish, sell, offer for sale, display, exhibit by machine or otherwise or distribute or furnish any writing, paper, book, picture, drawing, magazine, pamphlet, print, design, figure, still or motion picture, photograph or negative thereof, photocopy, engraving,

sound recording, card, instrument or other such article which depicts or represents or describes obscene sexual conduct, an obscene performance, obscenities or obscene sadomasochistic abuse, with the intent to distribute the same; or

4. Buy, procure, receive or have in his or her possession any such writing, paper, book, picture, drawing, magazine, pamphlet, print, design, figure still or motion picture, photograph or negative thereof, photocopy, engraving, sound recording, card, instrument or other article which depicts or represents or describes obscene sexual conduct, an obscene performance, obscenities, or obscene sadomasochistic abuse, with the intent to distribute the same; or

5. Write, compose or publish, display publicly or permit to be displayed any notice or advertisement for any writing, paper, book, picture, drawing, magazine, pamphlet, print, design, figure, still or motion picture, photograph or negative thereof, photocopy, engraving, sound recording, card, instrument or other article which depicts or represents or describes obscene sexual conduct, an obscene performance, or obscene sadomasochistic abuse or any obscenities for advertising purposes; or

6. Require as a condition to a sale, allocation, consignment or delivery for resale of any paper, magazine, book, periodical, publication or other merchandise, that the purchaser or consignee receive any material, which material is obscene or is believed by the purchaser or consignee to be obscene, or to deny or threaten to deny a franchise or license, or revoke or threaten to revoke, or impose any penalty, financial or otherwise, by reason of the failure or refusal of such purchaser or consignee to accept such material or to do such acts by reason of the return of such material. (Ord. 88-86 § 60, 1986: prior code § 32-2-10)

## 11.16.100: URINATING IN PUBLIC AND OTHER DISORDERLY CONDUCT:

It is unlawful for any person, while in a place open to public view, to wilfully:

A. Urinate or stool;

B. Engage in sexual conduct, alone or with another person or an animal;

C. Make an intentional exposure of his or her genitals, pubic area, buttocks or any portion of the areola and/or nipple of the female breast;

D. Exhibit the private parts of any horse, bull or other animal in a state of sexual stimulation, or to exhibit such animals in the act of sexual copulation. (Ord. 88-86 § 60, 1986: prior code § 32-2-5)

## 11.16.110: JUDGE OR JURY TO ACT AS SOLE TRIER:

The judge or the jury shall be the sole trier of what is obscene. (Prior code § 32-2-10.3)

## 11.16.120: EXEMPTIONS FROM CHAPTER APPLICABILITY:

This chapter shall not apply to persons who may possess and distribute obscene material or participate in the other conduct which is proscribed, when such possession, distribution or participation occurs in the course of bona fide educational, artistic, scientific, medical or comparable research or study or in the course of law enforcement activities

or in other like circumstances where the nature of possession, distribution or participation is not related to the appeal to prurient interest; in addition, nothing in this chapter shall apply to any recognized historical society or museum, the state law library, any county or city or town law library, the state library, the public library, any library of any college or university, or to any archive or library under the supervision and control of the state, county, municipality or other political subdivision, or to any similar organization or institution of the same class. (Prior code § 32-2-10.2)

# CHAPTER 11.20
# DRUG PARAPHERNALIA

## 11.20.010: PURPOSE OF PROVISIONS:

It is the intent of this chapter to discourage the use of narcotics by eliminating paraphernalia designed for processing, ingesting or otherwise using a controlled substance. (Prior code § 32-8A-1)

## 11.20.020: DRUG PARAPHERNALIA DEFINED:

As used in this chapter, "drug paraphernalia" means any equipment, product or material used or intended for use to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, package, repackage, store, contain, conceal, inject, ingest, inhale, or to otherwise introduce a controlled substance into the human body in violation of chapter 37, title 58, Utah Code Annotated, 1953, as amended, or its successor, or chapter 11.24, or its successor, of this title, as amended, and includes, but is not limited to:

A. Kits used or intended for use in planting, propagating, cultivating, growing or harvesting any species of plant which is a controlled substance or from which a controlled substance can be derived;

B. Kits used or intended for use in manufacturing, compounding, converting, producing, processing or preparing a controlled substance;

C. Isomerization devices used, or intended for use, to increase the potency of any species of plant which is a controlled substance;

D. Testing equipment used, or intended for use, to identify or to analyze the strength, effectiveness or purity of a controlled substance;

E. Scales and balances used or intended for use in weighing or measuring a controlled substance;

F. Diluents and adulterants, such as quinine hydrochloride, mannitol, mannited, dextrose and lactose, used or intended for use to cut a controlled substance;

G. Separation gins and sifters used or intended for use to remove twigs, seeds or other impurities from marijuana;

H. Blenders, bowls, containers, spoons and mixing devices used or intended for use to compound a controlled substance;

I. Capsules, balloons, envelopes and other containers used or intended for use to package small quantities of a controlled substance;

J. Containers and other objects used or intended for use to store or conceal a controlled substance;

K. Hypodermic syringes, needles and other objects used or intended for use to parenterally inject a controlled substance into the human body; and

L. Objects used or intended for use to ingest, inhale or otherwise introduce marijuana, cocaine, hashish or hashish oil into the human body, including, but not limited to:

1. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes, with or without screens, permanent screens, hashish heads or punctured metal bowls,
2. Water pipes,
3. Carburetion tubes and devices,
4. Smoking and carburetion masks,
5. Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand,
6. Miniature cocaine spoons and cocaine vials,
7. Chamber pipes,
8. Carburetor pipes,
9. Electric pipes,
10. Air driven pipes,
11. Chillums,
12. Bongs, and
13. Ice pipes or chillers. (Prior code § 32-8A-2)

## 11.20.030: CRITERIA FOR DETERMINING WHETHER OBJECT IS DRUG PARAPHERNALIA:

In determining whether an object is drug paraphernalia, the trier of fact, in addition to all other logically relevant factors, should consider:

A. Statements by an owner or by anyone in control of the object concerning its use;

B. Prior convictions, if any, of any owner, or of anyone in control of the object, under any state or federal law relating to a controlled substance;

C. The proximity of the object, in time and space, to a direct violation of this chapter;

D. The proximity of the object to a controlled substance;

E. The existence of any residue of a controlled substance on the object;

F. Instructions, whether oral or written, provided with the object concerning its use;

G. Descriptive materials accompanying the object which explain or depict its use;

H. National and local advertising concerning its use;

I. The manner in which the object is displayed for sale;

J. Whether the owner or anyone in control of the object is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;

K. Direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;

L. The existence and scope of legitimate uses of the object in the community;

M. Expert testimony concerning its use. (Prior code § 32-8A-3)

## 11.20.040: UNLAWFUL ACTS INVOLVING DRUG PARAPHERNALIA:

A. It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce a controlled substance into the human body in violation of this chapter.

B. It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, any drug paraphernalia, knowing that the drug paraphernalia will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce a controlled substance into the human body in violation of this chapter.

C. It is unlawful for any person eighteen (18) years of age or over to deliver drug paraphernalia to a minor.

D. It is unlawful for any person to place in this city, in any newspaper, magazine, handbill or other publication, any advertisement, knowing that the purpose of the advertisement is to promote the sale of drug paraphernalia. (Prior code § 32-8A-4)

### 11.20.050: SEIZURE AND FORFEITURE OF MATERIALS:

Drug paraphernalia used in violation of this chapter shall be subject to seizure and forfeiture to the city. (Prior code § 32-8A-5)

### 11.20.060: VIOLATION; PENALTY:

Any person who violates any provision of this chapter shall be guilty of a misdemeanor. (Prior code § 32-8A-7)

# CHAPTER 11.24
# INHALATION OR INGESTION OF CHEMICALS

### 11.24.010: DEFINITIONS:

As used in this chapter, the phrase "chemical substance containing a solvent or chemical compound having the property of releasing toxic vapors or fumes" means and shall include any glue, cement, cleaning fluid, paint thinner, lacquer or lacquer thinner, or other adhesive or solvent containing one or more of the following chemical compounds: acetone, benzene, butyl alcohol, ethyl alcohol, ethylene dichloride, isopropyl alcohol, methyl ethyl ketone, pentachlorophenol, petroleum ether, toluene, trichloroethylene or amyl acetate. (Prior code § 32-8-1)

### 11.24.020: CONTROLLED SUBSTANCES; POSSESSION PROHIBITED; EXCEPTIONS:

A. No person shall knowingly or intentionally possess or use a controlled substance, as defined in the controlled substances act of the Utah Code Annotated 1953, or its successor, unless it is obtained pursuant to a valid prescription or order, or directly from a practitioner authorized to prescribe such substances, while acting in the course of his professional practice, or except as otherwise authorized by the controlled substances act.

B. Violation of this section shall be punished with a punishment provided for a class B misdemeanor. (Prior code § 32-8-5)

### 11.24.030: TOXIC VAPORS OR FUMES; INHALATION PROHIBITED:

No person shall, for the purpose of causing a condition of intoxication, inebriation, excitement, stupefaction or the dulling of such person's brain or nervous system, intentionally smell, ingest or inhale the fumes from any chemical substance containing a solvent or chemical compound having the property of releasing toxic vapors or fumes; provided, however, that nothing in this section shall be interpreted as applying to the inhalation of any anesthesia for medical or dental purposes. (Prior code § 32-8-2)

### 11.24.040: TOXIC VAPORS OR FUMES; SUBSTANCES PROHIBITED WHEN:

No person shall, for the purpose of violating section 11.24.030 of this chapter, or its successor, use or possess for the purpose of so using, any chemical substance containing a solvent or chemical compound having the property of releasing toxic vapors or fumes. No person shall sell, offer to sell, or give to any other person, or obtain for any other person, any chemical substance containing a chemical compound having the property of releasing toxic vapors or fumes, if such person has reasonable cause to suspect that the product sold, offered for sale or obtained, will be used for the purpose set forth in section 11.24.030 of this chapter. (Prior code § 32-8-3)

### 11.24.050: VIOLATION A MISDEMEANOR:

Any person who violates any provision of this chapter shall be guilty of a misdemeanor. (Prior code § 32-8-7)

# CHAPTER 11.28
# GAMBLING

### 11.28.010: ACTS CONSTITUTING GAMBLING DESIGNATED; PROHIBITED:

All gambling and gaming of every kind and description, by playing at cards, dice, faro, roulette, keno, poker, slot machines, devices known as trade machines, or any like machines or devices by whatever name known, or any contrivance or device by or with which money, merchandise or any thing of value may be staked, bet, hazarded, won or lost, upon

chance, or at any other game or scheme of chance whatever, and by betting on the result of horseraces, or on the result of any contest of skill or endurance of men or animals by means of bookmaking, pools, turf exchanges or other devices, for money or other property or value within Salt Lake City is declared to be unlawful. (Prior code § 32-5-1)

### 11.28.020: OWNING, OPERATING, PLAYING OR CARRYING ON CERTAIN ACTIVITIES PROHIBITED:

It is unlawful for any person to play, stake, wager or bet any money, property or thing of value at any game, scheme or device prohibited in this chapter, or to own, conduct, keep or carry on any such game, scheme or device, either as owner, dealer, operator, agent or employee. (Prior code § 32-5-2)

### 11.28.030: WAGERING, BOOKMAKING AND SIMILAR ACTS:

It is unlawful for any person to bet or wager money or any thing of value on the result of any horserace or races, or on the result of any contest of skill or endurance of persons or animals, by means of bookmaking, pools or other devices, in any place commonly known as a turf exchange, or where pool selling or bookmaking for the purpose of enabling bets and wagers for money or things of value on such races to be made, had or received, is conducted and carried on. (Prior code § 32-5-3)

### 11.28.040: GAMBLING HOUSES PROHIBITED:

A. It is unlawful for any person to conduct, keep or maintain a house, building, room or other place where any of the games or schemes prohibited in this chapter are carried on, conducted or operated.

B. It is unlawful for any person knowingly to permit or suffer any of the games or schemes herein declared unlawful to be carried on or kept, maintained or operated in any house, building, room or other place owned by such person in whole or in part, or by him or her leased to any other person. (Prior code § 32-5-4)

### 11.28.050: BETTING ROOMS AND TURF EXCHANGES PROHIBITED:

It is unlawful for any person to conduct, keep, carry on or maintain, by such person or his or her agents or employees, any turf exchange, betting room, or other place, by whatever name known, where bets or wagers on the result of any horserace wherever run, or of any contest of skill or endurance of persons or animals, wherever made or had, are, or may be made, received or paid. (Ord. 88-86 § 60, 1986: prior code § 32-5-5)

### 11.28.060: GAMBLING DEVICES; DESIGNATED; POSSESSION PROHIBITED:

It is unlawful for any person, either as owner, lessee, agent, employee, mortgagee or otherwise, to operate, keep, maintain, rent, use or possess, in or about premises licensed or regulated under the provisions of title 3, chapter 3.04; title 5; title 6 and title 9, chapters 9.04 and 9.20 of this code, as amended, or their successors, any of the following property

commonly used as gambling devices, without any showing or proof that such property was actually used in gambling or as a gaming device: roulette wheel and/or table, crap or dice table, blackjack table, keno board, fan-tan table or layout, or any other gambling table. (Prior code § 32-5-18)

## 11.28.070: GAMBLING DEVICES; OWNING, LEASING AND OTHER ACTS PROHIBITED:

It is unlawful for any person, either as owner, lessee, agent, employee, mortgagee or otherwise, to operate, keep, maintain, rent, exhibit, display, use or conduct within the limits of the city any clock, tape, slot, trades or card machine, or any other machine, punchboard, gift board, contrivance or device upon which money is played, paid, staked or hazarded upon chance, or into which money is paid, deposited or played upon chance, or upon the result of the action, playing and/or use of which money or any commodity or merchandise or any article or thing of value is played, paid, staked, bet, hazarded, won or lost upon chance, and/or any clock, tape, slot, trades or card machine, or other machine, punchboard, gift board, contrivance or device designed to allow or permit money to be staked, played, paid or hazarded upon chance, or designed to allow or permit money to be paid, deposited, played, staked or hazarded into it upon chance, or designed to permit or allow as the result of its action, play or use, money or any commodity or merchandise, or any other article or thing of value to be staked, paid, played, bet, hazarded, won or lost upon chance. (Prior code § 32-5-6)

## 11.28.080: SLOT MACHINES PROHIBITED:

It is unlawful for any person, either as owner, lessee, agent, employee, mortgagee or otherwise, to operate, keep, maintain, rent, use or conduct within the city any machine, contrivance, appliance or mechanical device, upon the result of the action of which money or any commodity, merchandise or other valuable thing is staked or hazarded, and which is operated or played by placing or depositing therein any coins, substitutes for coins, checks, slugs, balls or other article or device, or in any other manner and by means of the action whereof, or as a result of the operation of which, any merchandise, money or article of value, check or token redeemable in or exchangeable for money, or any other thing of value or article representing value, is won or lost, or taken from or obtained from such machine, when the result of the action or operation of such machine, contrivance, appliance or mechanical device is dependent upon hazard or chance. (Prior code § 32-5-7)

## 11.28.090: LOCKED ROOMS; EXPOSING CARDS, DICE OR OTHER OBJECTS:

It is unlawful for any person within the limits of the city to exhibit or expose to view in any locked, barred or barricaded house or room, or in any other place built or protected in such a manner to make it difficult of access or ingress to police officers, or in any place supplied with what is commonly known as a lookout or equipped with signal alarm devices, electric buzzers, or any device or agency capable of being used, or used as a means of giving warning of the presence or approach of police officers, where and when three (3) or more persons are present, any cards, dice, dominoes, fan-tan table, implements or devices whatsoever, or any racetrack sheet, bookmaking paraphernalia, racing chart, or any records, sheets, books, charts or lists showing or purporting to show the names of horses or other animals racing or purported to race at any racetrack or racecourse, and/or the odds on or purported to be on any horse or other animal for any race or purported race. (Prior code § 32-5-8)

## 11.28.100: LOCKED ROOMS; VISITING OR FREQUENTING PROHIBITED WHEN:

It is unlawful for any person within the limits of the city to visit, frequent or resort to any such locked, barred or barricaded house or room, or other place built or protected in a manner to make it difficult of access or ingress to police officers, or any place supplied with what is commonly known as a lookout or equipped with signal or alarm devices, electric buzzers or any device or agency capable of being used, or used as a means of giving warning of the presence or approach of police officers, when any cards, dice, dominoes, fan-tan table or layout, or any gambling table, implement or device whatsoever, or any racetrack sheet, bookmaking paraphernalia, racing chart or any records, sheets, books, charts or lists showing or purporting to show the names of horses or other animals racing or purported to race at any racetrack or racecourse and/or the odds on or purported to be on

any horse or other animal for any race or purported race, are exhibited or exposed to view, where and when three (3) or more persons are present. (Prior code § 32-5-9)

## 11.28.110: WAGERING ON FAN-TAN AND SIMILAR GAMES PROHIBITED:

It is unlawful for any person to play, stake, wager or pay any money, property or thing of value on backgammon, cards, checkers, chess, chuck-a-luck, dominoes, fan-tan, go bang, mahjongg, parchisi or any similar game or games played with beans, buttons, coins or similar material, scheme or device, or to own, conduct, keep or carry on any such game, scheme or device, either as owner, operator, agent or employee, if any wagering is done thereon. (Prior code § 32-5-10)

## 11.28.120: BOOKMAKING AND RELATED ACTS PROHIBITED:

A. 1. It is unlawful for any person to engage in pool selling or bookmaking with or without waiting at any time or place; or for any person to keep or occupy any room, shed, tenement, tent, vehicle, booth or building, flat or vessel, or any part thereof, or to occupy any street, any place, vehicle or stand of any kind upon any public or private grounds within the corporate limits of the city, with or without books, papers, apparatus or paraphernalia, for the purpose of recording, receiving, reporting or registering bets or wagers or purported or pretended bets or wagers, or to sell pools or to make books with or without writing upon the result of trial or contest of skill, speed or power of endurance of persons or beasts, or upon the result of lots, chance, casualty, unknown or contingent event whatsoever; and

2. It is unlawful for any person to receive, register, report or forward in any manner whatsoever any money, thing or consideration of value, bet or wagered or offered for the purpose of being bet or wagered, or to sell pools upon such result or pretended or purported result; and

3. It is unlawful for any person to conduct, keep, carry on or maintain, by such person, or his or her agents or employees, and/or for any person to loiter about, resort to or frequent any turf exchange, pool room or other place, by whatever name known, where bets or wagers or pretended bets or wagers on the result of any horserace, wherever run, or contest or purported contest of skill or endurance of persons or animals, wherever made or had are, or are made, received or paid; and

4. It is unlawful for the owner or lessee or occupant of any part of the premises or vehicle to be used for the purpose of conducting any turf exchange, pool room or other place for the purpose of receiving bets on the result of any horserace or pretended or purported horse race or on the result of any contest or purported contest of skill or endurance of men or animals.

B. 1. It is unlawful for any person to bet or wager anything of value on the result of any horserace or purported horserace, or upon the result of any contest or purported contest of skill or endurance of persons or animals by means of bookmaking, pools or other devices; and

2. It is unlawful for any person to aid, assist or abet in any manner in any of the acts which are hereby forbidden. (Prior code § 32-5-17)

## 11.28.130: LOTTERIES; OPERATING PROHIBITED:

It is unlawful for any person, either as owner, lessee, agent, employee, mortgagee or otherwise, to propose, contrive, set up, open, operate, maintain, conduct, hold, draw or carry on within the limits of the city, any lottery, gift enterprise, raffle or similar scheme, by whatever name the same may be known, for the disposal or distribution of property, money or other valuable thing, in whole or in part, by lot or chance, among persons who have paid any money or have given anything of value or performed any service, or who have agreed to pay any money or to give anything of value or to perform any service for the chance, privilege or opportunity of obtaining such property, money or other valuable thing, or a

portion of it, or for any share or interest therein, upon any agreement, understanding, promise or expectation that it is to be distributed or disposed of in whole or in part by lot or chance among such persons. (Prior code § 32-5-11)

### 11.28.140: LOTTERIES; DISPOSAL OF TICKETS PROHIBITED:

It is unlawful for any person in the city to sell, give away or in any manner whatever dispose of, furnish or transfer to or for any other person, any ticket, chance, share or interest, or any paper, certificate, coupon or instrument purporting or understood to be or to represent any ticket, chance, share, number or interest in or depending upon the event of any lottery, gift, enterprise, raffle or similar scheme, as defined in this chapter. (Prior code § 32-5-12)

### 11.28.150: LOTTERIES; AIDING OR ASSISTING PROHIBITED:

It is unlawful for any person in the city to aid or assist, either by printing, writing, advertising, publishing, distributing or otherwise, in setting up, managing, conducting or drawing any lottery, gift enterprise, raffle or similar scheme, as defined in this chapter, or to aid or assist in selling or disposing of any ticket, paper, certificate, chance or share therein, in whatever form the same may be made. (Prior code § 32-5-13)

### 11.28.160: LOTTERIES; KEEPING OFFICES PROHIBITED WHEN:

It is unlawful for any person in the city to open, set up, conduct or keep, by such person or by any other person, any office or other place for the sale or other disposal of, or for registering the number of any ticket in any lottery, gift enterprise, raffle or similar scheme, as defined in this chapter, or by printing, writing, announcement or otherwise, to advertise or publish the setting up, opening or using of any such office. (Prior code § 32-5-14)

### 11.28.170: LOTTERIES; USING ROOMS PROHIBITED WHEN:

It is unlawful for any person in the city to let or permit to be used any room, building or other place, or any portion thereof, knowing that it is to be used for setting up, managing, conducting, advertising or drawing any lottery, gift enterprise, raffle or other similar scheme, as defined in this chapter, or for the purpose of selling or otherwise disposing of lottery tickets, coupons, numbers, certificates or other tokens entitling the holder, either for himself, herself or another, to participate in such drawing or other distribution or disposal of property. (Prior code § 32-5-15)

### 11.28.180: COURT APPEARANCE; EFFECT OF TESTIMONY WHICH INCRIMINATES:

No person shall be excused from attending and testifying, or from producing books, papers and documents before any court having jurisdiction of the offenses defined in this chapter, upon the ground or for the reason that the testimony or evidence, documentary or otherwise, required of such person, may tend to incriminate them or subject them to a penalty or forfeiture. But no person shall be prosecuted or subjected to any penalty or forfeiture on account of any prosecution, matter or thing concerning which such person may produce evidence, documentary or otherwise, before any court as aforesaid. (Prior code § 32-5-16)

# CHAPTER 11.32
# PUBLIC NUISANCES

## 11.32.010: OFFENSES CONSTITUTING A PUBLIC NUISANCE:

A. A "public nuisance" is a crime against the order and economy of the city, and consists in unlawfully doing any act or omitting to perform any duty, which act or omission either:

1. Annoys, injures or endangers the comfort, repose, health or safety of another person or persons; or

2. Offends public decency; or

3. Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage, any lake, stream, canal or basin, or any public park, square, street or highway; or

4. In any way renders another person or persons insecure in life or the use of property.

B. An act which affects another person or persons in any of the ways specified in this section is still a nuisance regardless of whether or not the extent of annoyance or damage inflicted on individuals is unequal. (Ord. 88-86 § 60, 1986: prior code § 32-10-7)

## 11.32.020: COMMITTING, MAINTAINING OR FAILING TO REMOVE A PUBLIC NUISANCE; CLASS B MISDEMEANOR:

Every person who maintains or commits any public nuisance, as defined by section 11.32.010 of this chapter, or its successor, or who maintains or commits any nuisance or public nuisance declared to be such under any law, ordinance or regulation of Salt Lake City, the punishment for which is not otherwise prescribed, or who wilfully omits to perform any legal duty relating to the removal of such a nuisance or public nuisance, is guilty of a class B misdemeanor. (Ord. 88-86 § 60, 1986: prior code § 32-10-8)

## 11.32.030: ABATEMENT CONDITIONS AND PROCEDURES:

Prosecution for maintaining or committing a public nuisance under section 11.32.010 of this chapter, or its successor, shall not preclude the city from pursuing abatement procedures as may be provided by city ordinance. As an alternative to any abatement procedure specified in any city ordinance, and at the discretion of the city, an action for abatement of public nuisance may be pursued in accordance with the provisions of sections 76-10-806 and 76-10-808, Utah Code Annotated, 1953, as amended, or their successors. (Ord. 88-86 § 60, 1986: prior code § 32-10-9)

# CHAPTER 11.36
# OFFENSES PERTAINING TO PROPERTY

## 11.36.010: DEFINITIONS:

For the purposes of this chapter:

DECEPTION: Occurs when a person intentionally:

A. Creates or confirms by words or conduct an impression of law or fact that is false and that the actor does not believe to be true, and that is likely to affect the judgment of another in the transaction; or

B. Fails to correct a false impression of law or fact that the actor previously created or confirmed by words or conduct that is likely to affect the judgment of another and that the actor does not now believe to be true; or

C. Prevents another from acquiring information likely to affect his judgment in the transaction; or

D. Sells or otherwise transfers or encumbers property without disclosing a lien, security interest, adverse claims, or other legal impediment to the enjoyment of the property, whether the lien, security interest, claim or impediment is or is not valid or is or is not a matter of official record; or

E. Promises performance that is likely to affect the judgment of another in the transaction, which performance the actor does not intend to perform or knows will not be performed; provided, however, that failure to perform the promise in issue without other evidence of intent or knowledge is not sufficient proof that the actor did not intend to perform or knew the promise would not be performed.

OBTAIN: In relation to property, to bring about a transfer of possession or of some other legally recognized interest in property, whether to the obtainer or another, in relation to labor or services, to secure performance thereof; and in relation to a trade secret, to make any facsimile, replica, photograph or other reproduction.

OBTAIN OR EXERCISE UNAUTHORIZED CONTROL: Means, but is not necessarily limited to, conduct heretofore defined or known as common law larceny by trespassory taking, larceny by conversion, larceny by bailee, and embezzlement.

PROPERTY: Anything of value, including real estate, tangible and intangible personal property, captured or domestic animals and birds, written instruments or other writings representing or embodying rights concerning real or personal property, labor or services, or otherwise containing anything of value to the owner, commodities of a public utility nature such as telecommunications, gas, electricity, steam or water, and trade secrets, meaning the whole or any portion of any scientific or technical information, design, process, procedure, formula or invention which the owner thereof intends to be available only to persons selected by such owner.

PURPOSE TO DEPRIVE: To have the conscious object:

A. To withhold property permanently or for so extended a period, or to use under such circumstances that a substantial portion of its economic value, or of the use and benefit thereof would be lost; or

B. To restore the property only upon payment of a reward or other compensation; or

C. To dispose of the property under circumstances that make it unlikely that the owner will recover it. (Ord. 88-86 § 60, 1986: prior code § 32-3-1)

## 11.36.020: THEFT; EVIDENCE TO SUPPORT ACCUSATION:

A. Conduct denominated "theft" in this chapter constitutes a single offense embracing the separate offenses such as those heretofore known as larceny, larceny by trick, larceny by bailees, embezzlement, false pretense, extortion, blackmail and receiving stolen property.

B. An accusation of theft may be supported by evidence that it was committed in any manner specified in sections 76-6-404 through 76-6-410, Utah Code Annotated, or their successors, subject to the power of the court to ensure a fair trial by granting a continuance or other appropriate relief where the conduct of the defense would be prejudiced by lack of fair notice or by surprise. (Ord. 88-86 § 60, 1986: prior code § 32-3-2)

## 11.36.030: THEFT; ELEMENTS:

A person commits theft if such person obtains or exercises unauthorized control over the property of another with a purpose to deprive him or her thereof. (Ord. 88-86 § 60, 1986: prior code § 32-3-2.1)

## 11.36.040: THEFT BY DECEPTION:

A. A person commits theft if such person obtains or exercises control over property of another by deception and with a purpose to deprive him or her thereof.

B. Theft by deception does not occur, however, when there is only falsity as to matters having no pecuniary significance, or puffing by statements unlikely to deceive ordinary persons in the group addressed. "Puffing" means an exaggerated commendation of wares or worth in communications addressed to the public or to a class or group. (Ord. 88-86 § 60, 1986: prior code § 32-3-2.2)

## 11.36.050: THEFT BY EXTORTION:

A. A person is guilty of theft if such person obtains or exercises control over the property of another by extortion and with the purpose to deprive him or her thereof.

B. As used in this section, extortion occurs when a person threatens to:

1. Cause physical harm in the future to the person threatened, or to any other person or to property at any time; or

2. Subject the person threatened or any other person to physical confinement or restraint; or

3. Engage in other conduct constituting a crime; or

4. Accuse any person of a crime, or expose such person to hatred, contempt, or ridicule; or

5. Reveal any information sought to be concealed by the person threatened; or

6. Testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or

7. Take action as an official against anyone or anything, or withhold official action, or cause such action or withholding; or

8. Bring about or continue a strike, boycott or other similar collective action to obtain property which is not demanded or received for the benefit of the group which the actor purports to represent; or

9. Do any other act which would not in itself substantially benefit him or her, but which would harm substantially any other person with respect to that person's health, safety, business, calling, career, financial condition, reputation or personal relationships. (Ord. 88-86 § 60, 1986: prior code § 32-3-2.3)

## 11.36.060: RETAIL THEFT; ACTS CONSTITUTING:

A person commits the offense of retail theft when such person knowingly:

A. Takes possession of, conceals, carries away, transfers or causes to be carried away or transferred, any merchandise displayed, held, stored or offered for sale in a retail mercantile establishment with the intention of retaining such merchandise, or with the intention of depriving the merchant permanently of the possession, use or benefit of such merchandise without paying the retail value of such merchandise; or

B. Alters, transfers or removes any label, price tag, marking, indicia of value or any other markings which aid in determining value of any merchandise displayed, held, stored or offered for sale in a retail mercantile establishment, and attempts to purchase such merchandise personally or in consort with another at less than the retail value with the intention of depriving the merchant of the retail value of such merchandise; or

C. Transfers any merchandise displayed, held, stored or offered for sale in a retail mercantile establishment from the container in or on which such merchandise is displayed to any other container, with the intention of depriving the merchant of the retail value of such merchandise; or

D. Underrings, with the intention of depriving the merchant of the retail value of the merchandise; or

E. Removes a shopping cart from the premises of a retail mercantile establishment with the intent of depriving the merchant of the possession, use or benefit of such cart. (Ord. 88-86 § 60, 1986: prior code § 32-3-2.5)

## 11.36.070: THEFT OF SERVICES:

A. A person commits theft if such person obtains services which he or she knows are available only for compensation by deception, threat, force, or any other means designed to avoid the due payment therefor.

B. A person commits theft if, having control over the disposition of services of another, to which such person knows he or she is not entitled, such person diverts such services to his or her own benefit or to the benefit of another who such person knows is not entitled thereto.

C. As used in this section, "services" means and includes, but is not necessarily limited to:

1. Labor, professional service, public utility and transportation services;

2. Restaurant, hotel, motel, tourist cabin, rooming house and like accommodations including rental housing subject to the Salt Lake City fit premises ordinance (title 18, chapter 18.96 of this code) or its successor;

3. The supplying of equipment, tools, vehicles or trailers for temporary use;

4. Telephone or telegraph service, gas, electricity, water or steam, and the like;

5. Admission to entertainment, exhibitions, sporting events, or other events for which a charge is made. (Ord. 95-91 § 1, 1991: Ord. 88-86 § 60, 1986: prior code § 32-3-2.6)

## 11.36.080: THEFT BY PERSON HAVING CUSTODY OF PROPERTY PURSUANT TO REPAIR OR RENTAL AGREEMENT:

A. Theft Defined: A person is guilty of theft if:

1. Having custody of property pursuant to an agreement between such person or another and the owner thereof whereby the actor or another is to perform for compensation a specific service for the owner involving the maintenance, repair or use of such property, such person intentionally uses or operates it, without the consent of the owner, for his or her own purposes in a manner constituting a gross deviation from the agreed purposes; or

2. Having custody of any property pursuant to a rental or lease agreement where it is to be returned in a specified manner or at a specified time, intentionally fails to comply with the terms of the agreement concerning return so as to render such failure a gross deviation from the agreement.

B. Theft; Classification Of Offenses:

1. Theft is a class B misdemeanor if the value of the property stolen was one hundred dollars ($100.00) or less. (Ord. 88-86 § 60, 1986: prior code § 32-3-2.7)

## 11.36.090: THEFT OF LOST, MISLAID, OR MISTAKENLY DELIVERED PROPERTY:

A person commits theft when:

A. Such person obtains property of another which he or she knows to have been lost or mislaid, or to have been delivered under a mistake as to the identity of the recipient or as to the nature or amount of the property, without taking reasonable measures to return it to the owner; and

B. Such person has the purpose to deprive the owner of the property when he or she obtains the property, or at any time prior to taking the measures designated in subsection A of this section. (Ord. 88-86 § 60, 1986: prior code § 32-3-2.4)

## 11.36.100: PUBLIC LIBRARY PROPERTY; INJURING OR FAILING TO RETURN PROHIBITED:

It is unlawful for any person to mark, tear or in any other manner injure, deface, mutilate or destroy any book, pamphlet or other property of the free public library of Salt Lake City. It is unlawful for any person to fail to return any book, pamphlet or other property of the free public library within five (5) days after the receipt of a notice from the librarian thereof, demanding the return to the library of such property. (Prior code § 32-3-6)

## 11.36.110: MALICIOUS INJURING OR DESTRUCTION OF PROPERTY PROHIBITED:

It is unlawful for any person maliciously:

A. To injure, deface or destroy property of another, either public or private; or

B. To secrete any goods, chattels or personal property of another; or

C. To prepare any deadfall, or to dig any pit, or to arrange any trap, to injure another's person or property; or

D. To take down, injure or remove any monument, street sign, or any tree marked as a boundary of any tract of land or city lot, or to injure, destroy, deface or alter the marks of any monument or street sign; or

E. To maliciously deface, injure or destroy any fence or fountain, or any shade or fruit tree; or

F. To deface, injure or destroy any kind of public or private property; or

G. To deface sidewalks or trees located upon public property with painted or printed handbills, signs, posters or other advertisements. (Prior code § 32-3-4)

## 11.36.120: CRIMINAL MISCHIEF:

A. A person commits criminal mischief if:

1. He or she intentionally and unlawfully tampers with the property of another and thereby:

a. Recklessly endangers human life, or

b. Recklessly causes or threatens a substantial impairment of any public utility service; or

2. He or she intentionally damages, defaces or destroys the property of another;

3. He or she recklessly or wilfully shoots or propels a missile or other object at or against a motor vehicle; horse or carriage, operating under the provisions of title 5, chapter 5.37 of this code, or its successor; bus; airplane; boat; locomotive; train; railway car or caboose; whether moving or standing.

B. Violation of this section is a class B misdemeanor if the actor's conduct causes or is intended to cause pecuniary loss in excess of two hundred fifty dollars ($250.00), and is a class C misdemeanor if the actor's conduct causes or is intended to cause loss of less than two hundred fifty dollars ($250.00). (Ord. 52-89 § 4, 1989: Ord. 88-86 § 60, 1986: prior code § 32-3-5)

## 11.36.130: TRESPASS BY PERSONS AND MOTOR VEHICLES:

A. It is unlawful for any person to take down any fence, or to let down any bars, or to open any gate so as to expose any enclosure, or to ride, drive, walk, lodge, or camp or sleep upon the premises of another without the permission of the owner or occupant thereof, or to remain upon such premises after the permission of the owner or occupant thereof has been revoked by such owner or occupant.

B. It is unlawful for any person to drive or park any motor vehicle, motorcycle or motor driven cycle upon any city owned property not designated for vehicular traffic or parking without permission of the mayor of the city or his or her designated appointee.

C. It is unlawful for any person to operate any type of motor vehicle (including, but not limited to, motorcycles, trail bikes, dune buggies, motorscooters or jeeps) upon the private property of another, without first obtaining the written permission of the person in lawful possession of the property or, if the property is unoccupied, the owner of such property.

D. It is unlawful for any person to operate any type of motor vehicle (including, but not limited to, motorcycles, trail bikes, dune buggies, motorscooters or jeeps) upon any public property, except designated streets, highways or alleys, without first obtaining the written permission of the public entity which is in possession of such property or, if the property is unoccupied, the public entity which owns such property.

E. Every person who operates any type of motor vehicle upon the private property of another or upon any public property, except as hereinabove provided, at all times while so operating such motor vehicle shall maintain in his or her possession the written permission required by the two (2) preceding subsections, except that, if the same

document grants permission to two (2) or more persons, a person named in such document need not have it in his or her possession while another person named in the same document, riding in the same group and not more than three hundred feet (300') from such person, has such document in his or her possession.

F. This section does not prohibit the use of such property by the following:

1. Emergency vehicles;

2. Vehicles of commerce in the course of normal business operations;

3. Vehicles being operated on property devoted to commercial or industrial purposes where such operation is in conjunction with commercial or industrial use and permission for such operation is implied or expressly given by the person in possession of said property;

4. Vehicles operated on property actually used for residential purposes, where such vehicles are there at the express or implied invitation of the owner or occupant;

5. Vehicles being operated on public or private parking lots, where permission to do so is implied or expressly given by the person in possession of such lot.

G. Violation of this section shall be punishable as follows:

1. Trespass in a dwelling shall constitute a class B misdemeanor violation.

2. Entering or remaining upon property, other than a dwelling, where such trespass would cause injury or property damage, shall be a class C misdemeanor.

3. Trespass, other than a dwelling, where no damage or injury occurs, is an infraction. (Ord. 88-86 § 60, 1986: prior code § 32-3-3)

## 11.36.140: PLACING PRINTED MATTER ON VEHICLES:

A. It is unlawful for any person to distribute, deposit, place, throw, scatter or cast, or cause to be distributed, deposited, placed, thrown, scattered or cast, any handbill, circular, card, booklet, placard or other printed or written matter of any type, except notice of parking violations together with an envelope for the payment thereof, in or upon any automobile or other vehicle.

B. The provisions of this section shall not be deemed to prohibit the handing, transmitting or distributing of any noncommercial printed or written matter to the owner or other occupant of any automobile or other vehicle who is willing to accept the same. (Prior code § 32-3-9)

## 11.36.150: EXPECTORATION AND SPITTING IN PUBLIC PLACES:

It is unlawful for any person to expectorate or spit, or throw cigar stumps, cigarette stumps or quids of tobacco on the floor of any street railway car or other public conveyance, or public building, or upon any paved sidewalk or paved crosswalk within the city. (Prior code § 32-3-7)

### 11.36.160: MANUFACTURE OR POSSESSION OF INSTRUMENT FOR BURGLARY OR THEFT, VANDALISM OR DESTRUCTION OF PROPERTY:

Any person who manufactures or possesses any instrument, tool, device, article or other thing adapted, designed or commonly used in advancing or facilitating the commission of any offense under circumstances manifesting an intent to use, or knowledge that some person intends to use, the same in the commission of a burglary or theft, vandalism or destruction of property is guilty of a class B misdemeanor. (Ord. 16-96 § 1, 1996)

# CHAPTER 11.40
# FRAUDS AND CHEATS

### 11.40.020: OBTAINING MONEY OR GOODS UNDER FALSE PRETENSES:

It is unlawful for any person, by false or fraudulent representation or pretense, to obtain from another person any chose in action, money, goods, wares, merchandise, chattels, effects or other valuable thing, with intent to cheat or defraud any person of the same, within the limits of the city; provided, the value of the property so obtained does not exceed one hundred dollars ($100.00). (Prior code § 32-4-1)

### 11.40.030: CHEATS AND SWINDLERS:

It is unlawful for any person to engage in or practice any game, trick or device with the intent to obtain money or other valuable thing from others by trick or fraud, or to aid or assist therein. (Prior code § 32-4-2)

### 11.40.040: USING SLUGS IN VENDING MACHINES:

It is unlawful for any person to knowingly place any token, slug, false or counterfeit coin, or any other similar article whatsoever in any vending machine, coin box telephone, or other receptacle which is designed by the owner, operator, lessee or licensee thereof so that the use or enjoyment of property or service is to be secured by the deposit therein of lawful coin of the United States, for the purpose of securing such property or service; provided, however, that this prohibition shall not apply when the use of such token, slug or similar article is authorized by the owner, operator, lessee or licensee of such vending machine, coin box telephone or other receptacle. (Prior code § 32-4-4)

### 11.40.050: SLUGS OR COUNTERFEIT COINS; MANUFACTURE OR SALE PROHIBITED:

It is unlawful for any person to manufacture, sell or give away any token, slug, blank, disc, tag, false or counterfeit coin, or any other similar article, when such person knows or has

good reason to know that the same will or may be used in any vending machine, coin box telephone or other receptacle which is designed by the owner, operator, lessee or licensee thereof so that the use or enjoyment of property or service is to be secured by the deposit of lawful coin of the United States. Separate offenses shall be deemed to be committed on each day during which an offense under this section occurs or continues. (Prior code § 32-4-5)

### 11.40.060: LEAVING ESTABLISHMENT WITHOUT PAYING PROHIBITED:

It is unlawful for any person to enter any parking lot, public house or place and call for refreshment or parking space or any other service, article or thing, and receive or use the same, and depart or attempt to depart from such place without first paying or reasonably compensating the owner or person in charge thereof, or making satisfactory arrangements with the person in charge thereof for such compensation. (Prior code § 32-4-3)

### 11.40.070: SELLING OR RECEIVING ARTICLES WITH SERIAL NUMBERS OR MARKS REMOVED:

Any person who knowingly buys, sells, receives, disposes of, conceals or has in his or her possession any manufactured item regularly bearing any manufacturer's trademark, identification mark, service mark or serial number, from which such trademark, identification mark, service mark or serial number has been removed, defaced, covered, altered or destroyed, with intent to deprive the owner of the use or possession of the article, is guilty of a misdemeanor. (Prior code § 32-4-8)

# CHAPTER 11.44
# OFFENSES BY OR AGAINST MINORS

### 11.44.010: MISREPRESENTING AGE PROHIBITED WHEN:

It is unlawful for any person under a disability by reason of age to make any false statement, or to furnish, present or exhibit any fictitious or false registration card, identification card, note or other document, or to furnish, present or exhibit such document or documents issued to a person other than the one presenting the same, for the purpose of gaining admission to prohibited premises or for the purpose of procuring the sale, gift or delivery of prohibited articles, including beer, liquor or tobacco. (Prior code § 32-7-5)

### 11.44.020: UNLAWFUL FOR MINORS TO PROCURE SERVICES OF OTHERS WHEN:

It is unlawful for any person under a disability by reason of age to engage or utilize the services of any other person, whether for remuneration or not, to procure for such person under such disability any article which such person is forbidden by law to purchase. (Prior code § 32-7-6)

## 11.44.030: PROCURING PROHIBITED ARTICLES FOR MINORS:

It is unlawful for any person to procure for any person under disability by reason of age any article which such person under such disability is forbidden by law to purchase or have in his or her possession. (Prior code § 32-7-3)

## 11.44.040: TOBACCO; SALE TO PERSONS UNDER NINETEEN:

It is unlawful for any person to sell, give or furnish any cigar, cigarette, or tobacco in any form, to any person under nineteen (19) years of age. (Prior code § 32-7-1)

## 11.44.050: TOBACCO; POSSESSION BY PERSONS UNDER NINETEEN:

It is unlawful for any person under the age of nineteen (19) years to purchase, accept or have in his or her possession any cigar, cigarette or tobacco in any form. (Prior code § 32-7-2)

## 11.44.060: EXPOSING MINORS TO HARMFUL MATERIALS:

A. Definitions: As used in this section:

DISPLAY: Exhibiting any material covered by this section in such a manner that nudity, sexual conduct, sexual excitement or sadomasochistic abuse, which is harmful to minors:

1. Is observable without removing said material from the rack or place at which it is exhibited; or

2. Is observable only upon examination inside the cover thereof; provided, however, that this subsection shall not include material which is under the direct control and supervision of a person eighteen (18) years of age or older and physically located on the business premises as to reasonably prevent minors from the handling or examining any such material.

HARMFUL TO MINORS: That quality of any description or representation, in whatever form, of nudity, sexual conduct, sexual excitement or sadomasochistic abuse, when it:

1. Predominately appeals to the prurient, shameful or morbid interest of minors; and

2. Is patently offensive to prevailing standards in the adult community as a whole with respect to what are suitable materials for minors; and

3. Is utterly without redeeming social importance for minors.

KNOWINGLY: Having:

1. Knowledge of the character of the publication or materials;

2. Failure on notice to exercise reasonable inspection which would disclose the content and character of the publication or materials which are reasonably susceptible to examination by the defendant;

3. General knowledge, reason to know, or a belief or ground for belief which warrants further inspection or inquiry or both of:

a. The character and content of any material described herein which is reasonably susceptible of examination by the defendant, and

b. The age of the minor; provided however, that an honest mistake shall constitute an excuse from liability hereunder if the defendant made a reasonable bona fide attempt to ascertain the true age of such minor.

MINOR: Any person under the age of eighteen (18) years.

NUDITY: 1. The showing of the human female or male genitals, pubic area or buttocks with less than a fully opaque covering;

2. The showing of the human female breast from the beginning of the areola, papilla or nipple to the end thereof with less than a fully opaque covering; or

3. The depiction of the covered male genitals in a discernibly turgid state.

SADOMASOCHISTIC ABUSE: The 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 one so clothed, and presented in a context which appeals to the prurient interest of a sexually deviant group.

SEXUAL CONDUCT: Acts or portrayals which present an illusion of actual or simulated acts of:

1. Masturbation;

2. Homosexuality;

3. Sexual copulation between a human and a beast;

4. Human sexual intercourse;

5. Fellatio;

6. Cunnilingus;

7. Pederasty;

8. Any anal copulation between a human male, another human male, female, or a beast; or

9. Fondling, manipulating, caressing or other erotic touching by any person of the:

a. Genitals of a human,

b. Covered or uncovered pubic area of a human, or

c. Covered or uncovered human female breast; provided, however, that this subsection shall not be interpreted to include within the scope of its prohibition the nursing of an infant child.

SEXUAL EXCITEMENT: The condition of human male or female genitals when in a state of sexual stimulation or arousal.

B. Unlawful Acts:

1. It is unlawful for any person in the city to knowingly sell, loan, display, show or engage in the business of selling, lending, giving away, displaying or advertising for sale, or distributing to minors:

a. Any picture, photograph, drawing, sculpture, motion picture film, or similar visual representation or image of a person or portion of the human body which depicts nudity, sexual conduct, sexual excitement, or sadomasochistic abuse which is harmful to minors; or

b. Any book, pamphlet, magazine, printed matter however reproduced, or sound recording which contains any matter enumerated in subsection B1 of this section, or narrative accounts of sexual excitement, sexual conduct or sadomasochistic abuse which is harmful to minors.

2. It is unlawful for any person to knowingly sell to a minor an admission ticket or pass to a premises wherein there is exhibited a motion picture, show or other presentation which in whole or in part depicts nudity, sexual conduct, sexual excitement, or sadomasochistic abuse which is harmful to minors.

3. It is unlawful for any person to knowingly display or permit to be displayed on any portion of any newsstand, bookstore, magazine shop, store, or on any portion of any business establishment where minors are or may be invited as part of the general public, any photograph, motion picture, still picture, book, pocket book, pamphlet, record, sound recording or magazine, the cover or content of which depicts nudity, sexual conduct, sexual excitement or sadomasochistic abuse which is harmful to minors.

C. Severability: If any part of this section or the application thereof to any person or circumstances shall for any reason be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this law or the application thereof to other persons and circumstances, but shall be confined in its operation to the section, subdivision, sentence or part of the section and the persons and the circumstances directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the city council that this section would have been adopted if such invalid section, provision, subdivision, sentence or part of the section or application had not been included.

D. Scope And Exceptions: Nothing in this section shall be construed to condone or permit adults to have, sell, possess or in any way deal with obscene materials prohibited by other law or ordinance. (Prior code § 32-7-7)

## 11.44.070: CURFEW FOR MINORS:

A. It is unlawful for any minor under sixteen (16) years of age to remain or loiter on any of the sidewalks, streets, alleys or public places in the city between eleven o'clock (11:00) P.M. and five o'clock (5:00) A.M. the following morning.

B. It is unlawful for any minor under eighteen (18) years of age to remain or loiter on any of the sidewalks, streets, alleys or public places in the city between one o'clock (1:00) A.M. and five o'clock (5:00) A.M. the following morning.

C. It is unlawful for any parent, guardian or other person having legal care and custody of any minor dealt with respectively in subsections A and B of this section to knowingly allow or permit any such minor to remain or loiter on any of the sidewalks, streets, alleys or public places in the city, within the times provided in subsections A and B, respectively, of this section, except as provided in subsection D of this section.

D. The provisions of subsections A, B and C of this section shall not apply where the minors dealt with respectively in subsections A and B are:

1. Married;

2. Accompanied by a parent, guardian, or other adult person having the care and custody of such minor;

3. Have, in the minor's possession, a written authorization from the parent or guardian allowing the minor to be out beyond curfew hours. The authorization must be specifically drawn to describe the activity allowed and the time allowed. If the minor is engaged in activities and/or at times not allowed by the parental or guardian note this exemption shall not apply and the officer shall confiscate the note for evidence;

4. Returning home from, going to or being in attendance at any religious or school function, organized dance, theater, sports event or other such associational activity; provided, however, that going to or from such activity shall be by a direct route and within a reasonable time of the commencement or termination of such event;

5. Engaged in legitimate employment and can produce evidence of such employment;

6. In a motor vehicle engaged in normal travel, while traveling to, from or through the city on an interstate trip; or

7. Within the immediate vicinity of such minor's residence.

Prior to charging a person for a violation of this section an officer shall give the person or persons an opportunity to give a reasonable credible account of their conduct and purposes so that the person may show that an exemption in subsection D of this section exists. (Ord. 76-93 § 1, 1993: prior code § 32-7-4)

### 11.44.080: CONSUMPTION OF ALCOHOL BY A MINOR PROHIBITED:

A. It is unlawful for any person under the age of twenty one (21) years to purchase, possess or consume any alcoholic beverage or product, except in accordance with a physician's directions in accordance with law or in accordance with standard medicinal purposes and directions of over the counter items as authorized by the food and drug administration of the United States.

B. It is unlawful for any person under the age of twenty one (21) years to misrepresent his/her age, or for any other person to misrepresent the age of a minor, for the purpose of purchasing or otherwise obtaining an alcoholic beverage product for a minor.

C. A violation of this section shall be punishable as a class B misdemeanor. (Ord. 59-92 § 1, 1992)

## CHAPTER 11.48

# WEAPONS

## 11.48.010: CHILDREN UNDER FOURTEEN; PARENTS' RESPONSIBILITY CONCERNING WEAPONS:

It is unlawful for any parent, guardian or person having charge or control of any child under the age of fourteen (14) years to allow or permit such child to have or possess, with the intent to use within city limits, any firearm, air gun, rubber flipper, or bow and arrow, or any other instrument designed to throw or propel missiles. (Prior code § 32-6-4)

## 11.48.020: CHILDREN UNDER FOURTEEN; WEAPONS SALES PROHIBITED:

It is unlawful for any person, firm or corporation to give, sell or furnish to any minor under the age of fourteen (14) years any firearm, air gun, rubber flipper, bow and arrow, or any other such type instrument designed to propel or throw missiles. (Prior code § 32-6-5)

## 11.48.030: FIREARMS; USE AND POSSESSION PROHIBITED; EXCEPTIONS:

It is unlawful for any person to use, or possess with intent to use in any area within the confines of the city limits, whether public or private, any gun, revolver or firearm of any kind or nature, or air gun, rubber flipper, or bow and arrow, or any other such type instrument designed to propel or throw missiles, unless upon a place specifically designed exclusively for the use of any such type instrument. (Prior code § 32-6-1)

## 11.48.040: CARRYING LOADED FIREARM PROHIBITED:

A. Carrying Loaded Firearm In Vehicle Or On Street: It is unlawful for any person to carry a loaded firearm in a vehicle or on any public street within the corporate limits of the city.

B. Definition: A firearm is deemed to be loaded when:

1. There is an unexpended cartridge, shell or projectile in the firing position;

2. Revolvers and pistols shall also be deemed loaded when the unexpended cartridge, shell or projectile is in a position that the manual operation of any mechanism once would cause the unexpended cartridge, shell or projectile to be fired;

3. A muzzle loading firearm shall be deemed to be loaded when it is capped or primed and has a powder charge and ball or shot in the barrel or cylinders. (Ord. 19-95 § 1, 1995: prior code § 32-6-6.1)

## 11.48.050: THREATENING WITH FIREARMS PROHIBITED:

It is unlawful for any person to draw or exhibit any firearm, whether it is loaded or unloaded, or any other deadly weapon, in an angry or threatening manner, or to unlawfully use the same in any fight or quarrel. (Prior code § 32-6-7)

## 11.48.060: DISCHARGING FIREARMS PROHIBITED:

A. Prohibition; Exceptions: It is unlawful for any person to discharge firearms of any description within the corporate limits of the city, except:

1. At a regularly licensed shooting gallery;

2. At the Salt Lake City police target range;

3. The Utah state armory;

4. At a regularly conducted school as a part of a supervised course of instruction;

5. At a regularly organized gun club shooting range, where the range and facilities have been approved by the mayor or the mayor's designated agent;

6. At a mobile range trailer where range and facilities have been approved by the mayor or the mayor's designee;

7. In areas authorized by the state of Utah for hunting; provided, that:

   a. No rifle, handgun, muzzle loader or shotgun using slugs or 00 buckshot shall be discharged within one mile of any cabin, house or other building regularly occupied by people, and

   b. No shotgun shall be discharged within six hundred feet (600') (200 yards) of any cabin, home or building regularly occupied by people;

8. Police officers in performance of their duties.

B. Ceremonies And Firearm Demonstrations: Unloaded firearms may be discharged using only a powder charge at:

1. Funerals or other memorial ceremonies as part of the ceremony; and

2. Locations approved by the mayor or mayor's designee for demonstrations of firearms. (Ord. 1-98 § 1, 1998: Ord. 55-88 § 3, 1988: prior code § 32-6-2)

## 11.48.070: CONCEALED WEAPONS:

A. It is unlawful for any person, except a peace officer, to carry any slingshot, brass knuckles, firearms, daggers, stiletto, nunchaku stick, or any other instrument or object capable of causing death or serious bodily injury concealed upon his person.

B. It is unlawful for any person, except a peace officer, to carry concealed on his person any dangerous weapon with the intent or the purpose to use the same to harm, maim or injure another person, animal or thing. For the purpose of this subsection:

1. "Dangerous weapon" means any item that, in the manner of its use or intended use, is capable of causing death or serious bodily injury; and

2. In construing whether or not an object or thing not commonly known as a dangerous weapon is a dangerous weapon, the character of the wound produced, if any, and the manner in which the instrument, object or thing was used or intended to be used, are factors which the court shall take into account in deciding the question. (Prior code § 32-6-3)

### 11.48.080: MISSILES AND WEAPONS:

It is unlawful for any person to use, or to carry or possess with the intent to use unlawfully against the person or property of another within the limits of the city, any rock, bottle, brick, club, piece of metal, nunchaku stick, flail, or any kind of weapon. (Prior code § 32-1-24)

### 11.48.090: INCENDIARY MISSILES:

It is unlawful for any person to make, carry, possess or use any type of "molotov cocktail", gasoline or petroleum base firebomb, or other incendiary missile, within the limits of the city. "Molotov cocktail" means a bottle or other container containing gasoline with a fuse type wick inserted therein. (Prior code § 32-1-23)

# CHAPTER 11.50
# ANTIGANG FIREARMS CRIMES

## Article I. General Provisions

### 11.50.010: TITLE:

The provisions of this article shall be known as the *SALT LAKE CITY ANTIGANG FIREARMS CRIMINAL ORDINANCE.* (Ord. 82-93 § 1, 1993)

### 11.50.020: DEFINITIONS:

AMMUNITION: Unexpended bullets or shells for any firearm.

DANGEROUS WEAPON: Any item that in the manner of its use or intended use is capable of causing death or serious bodily injury. The following factors shall be used in determining whether an item, object, or thing not commonly known as a dangerous weapon is a dangerous weapon:

A. The character of the instrument, object or thing;

B. The character of the wound produced, if any; and

C. The manner in which the instrument, object or thing was used.

FIREARMS: Pistols, revolvers, rifles, shotguns, sawed off shotguns, or sawed off rifles or any other device that could be used as a weapon from which a projectile is expelled by the force of exploding gunpowder, except black powder muzzle loading weapons.

FULL AUTOMATIC WEAPON: Any firearm which fires, is designed to fire, or can be readily restored to fire automatically, more than one bullet or other missile without manual reloading, by a single function of the trigger.

HANDGUN: A pistol, revolver or other firearm of any description, loaded or unloaded, from which any shot, bullet, or other missile can be discharged, the length of the barrel of which, not including any revolving, detachable, or magazine breech, does not exceed twelve inches (12").

HUNTING: A. For species with a specific season, the pursuit or shooting of such a species, during a designated hunting season for that species, in an area designated for hunting the species and with a valid hunting license and firearm permitted for hunting such species.

B. For species for which there is no specified season, the pursuit or shooting of any nonseasoned species for which hunting is allowed by law in an area where such hunting is allowed, with a valid license to hunt and in possession of a legal weapon for hunting such species.

C. "Hunting" includes the transportation of firearms by animal or motor vehicles in areas where hunting is allowed by law.

LICENSED DEALER: Any person or business licensed by any city, state, county or federal agency for the sale of firearms.

LICENSED SHOOTING RANGE: A. Lawfully operated target concessions at amusement parks, piers and similar locations, provided that the firearms to be used are firmly chained or affixed to the counters;

B. Commercial trap or skeet fields or shooting ranges, during regular business hours; or

C. Other shooting ranges allowed by law.

LOADED WEAPON: A. Any pistol, revolver, shotgun, rifle, or other weapon described in this article when there is an unexpended cartridge, shell, or projectile in the firing position.

B. Pistols and revolvers when an unexpended cartridge, shell or projectile is in a position whereby the manual operation of any mechanism once would cause the unexpended cartridge, shell or projectile to be fired.

C. A muzzle loading firearm when it is capped or primed and has a powder charge and ball or shot in the barrel or cylinders.

MULTIBURST TRIGGER ACTIVATOR: A device designed or redesigned to be attached to a semiautomatic firearm, which allows the firearm to discharge two (2) or more shots in a burst by activating the device.

POLICE DEPARTMENT: The Salt Lake City police department.

PRIVATE FIREARM SALE: The sale or other transfer of a firearm for value, other than a sale to a licensed dealer.

SAWED OFF SHOTGUN OR SAWED OFF RIFLE: A shotgun or rifle having a barrel or barrels of fewer than eighteen inches (18") in length, or in the case of a rifle, having a barrel or barrels of fewer than sixteen inches (16") in length or any dangerous weapon as defined by the state of Utah made from a rifle or shotgun by alteration, modification or otherwise, if the weapon as modified has an overall length of fewer than twenty six inches (26").

WORKING DAYS: Monday through and including Friday except that legal holidays of the state of Utah shall not be included as working days. (Ord. 82-93 § 1, 1993)

# Article II. Sales

### 11.50.030: SCOPE OF SALE RESTRICTIONS:

The firearm sale provisions of this article shall apply to any private firearm sale within Salt Lake City whether or not from a licensed dealer. (Ord. 82-93 § 1, 1993)

### 11.50.040: IDENTIFICATION REQUIRED BEFORE SALE:

It is unlawful for any firearm to be sold until the seller shall have seen a presently valid identification card, such as a driver's license or similar state issued identification, and the seller is reasonably satisfied that the identification card is genuine, is that of the purchaser, and shows the purchasers age to be that allowed for sale of the firearm to be purchased. The identification card shall include a photograph and the name, address, and date of birth of the purchaser. (Ord. 82-93 § 1, 1993)

### 11.50.050: SELLING FIREARMS AND AMMUNITION TO PERSONS UNDER EIGHTEEN PROHIBITED:

It is unlawful for a firearm or ammunition to be sold to any person under the age of eighteen (18) years unless accompanied by a parent or legal guardian. (Ord. 82-93 § 1, 1993)

### 11.50.060: REVIEW PERIOD FOR FIREARM PURCHASE:

A. It is unlawful for a firearm to be delivered to a purchaser eighteen (18) years of age or older and under the age of twenty five (25) in a private firearm sale less until such time, not to exceed five (5) working days after the purchaser shall have signed, dated and timed a notice of intent to take delivery, in substantially the following form:

*I, [purchaser's name address, date of birth, and driver's license or identification card number] intend to take delivery of a firearm. I have given [seller] notice of this intent to take delivery at _____o'clock __.M. on _____ the day of _____, 19__a firearm described as [make, model and serial #] , and I acknowledge that I cannot lawfully take delivery or possession of the firearm until after _____ o'clock __.M. on _____ the day of _____, 19__.*

B. The seller and buyer involved in such a private firearm sale of a firearm may agree between themselves when the purchase price of the firearm shall be paid.

C. Within twenty four (24) hours of the execution of a notice of intent, the proposed firearm seller shall deliver a true and accurate copy of the notice of intent to the police department for a background check on the proposed purchaser.

D. If the seller fails to deliver the notice of intent to the police department within twenty four (24) hours, the running of the review period shall be suspended until the notice of intent is delivered to the police department. The review period shall resume upon delivery and shall expire upon notification by the police department as provided in subsection E of this section, or its successor, but in no event later than four (4) working days after delivery of the notice of intent to the police department.

E. Upon completion of the review authorized in subsection I of this section, or its successor, the police department shall inform the proposed seller whether the proposed buyer is prohibited by law from the possession or purchase of the firearm or that the possession or purchase is not prohibited.

F. It is unlawful to sell or deliver the firearm to the buyer if the police department has informed the seller that the buyer is prohibited by law from buying or possessing the firearm.

G. If upon expiration of the review period the police department has not informed the proposed seller that the sale is prohibited, the sale may be completed.

H. It is unlawful for the seller to intentionally become unavailable or to otherwise avoid contact with the police department for the purpose of avoiding notification during the review period.

I. The police department is authorized to conduct investigations of criminal history and identification for the purpose of ensuring compliance with this chapter. (Ord. 82-93 § 1, 1993)

### 11.50.070: SALE OF MULTIBURST TRIGGER ACTIVATORS PROHIBITED:

It is unlawful to manufacture, distribute, give, use or sell any multiburst trigger activator. (Ord. 82-93 § 1, 1993)

## Article III. Possession

### 11.50.080: EXCEPTIONS:

The provisions of this article shall not apply to any of the following:

A. United States marshals while engaged in the performance of their official duties;

B. Federal officials required to carry firearms while engaged in the performance of their official duties;

C. Law enforcement officials of the state of Utah or other jurisdiction while engaged in the performance of their officials duties;

D. Common carriers while engaged in the regular and ordinary transport of firearms as merchandise;

E. Persons authorized by the United States or by the state of Utah to carry concealed weapons. (Ord. 82-93 § 1, 1993)

## 11.50.090: SAWED OFF RIFLES, SAWED OFF SHOTGUNS AND FULL AUTOMATIC WEAPONS PROHIBITED:

Unless otherwise provided by law, it is unlawful for any person to possess, own, use or transport any sawed off rifle or sawed off shotgun or full automatic weapon. (Ord. 82-93 § 1, 1993)

## 11.50.100: PROHIBITION OF POSSESSION OF CERTAIN WEAPONS BY MINORS:

Except as specified in section 11.50.110 of this chapter:

A. Minors under eighteen (18) years of age may not possess a handgun;

B. Except as provided by federal law, a minor under eighteen (18) years of age may not possess the following:

1. Rifles,

2. Shotguns,

3. Ammunition,

4. Sawed off rifles or sawed off shotguns,

5. Full automatic weapons, and

6. Any other firearm not specifically listed in this section;

C. Dangerous weapons, other than firearms or ammunition already prohibited in subsections A and B of this section, or their successors, may not be possessed by a minor under eighteen (18) years of age unless the minor:

1. Has the permission of the minor's parent or guardian to have the weapon, or

2. Is accompanied by a parent or guardian while the minor is in possession of the weapon;

D. Any minor under fourteen (14) years of age in possession of a dangerous weapon shall be accompanied by a responsible adult. (Ord. 82-93 § 1, 1993)

## 11.50.110: EXCEPTIONS TO PROHIBITIONS:

It not being the intent of the city to prohibit or restrict the lawful movement of firearms within or through the city for the purpose of engaging in lawful hunting, firearms training or shooting competition, the provisions of subsection 11.50.100A, B1, B2, B3, C, or D of this article, or successor sections, shall not apply to the following:

A. Patrons firing at lawfully operated target concessions at amusement parks, piers, and similar locations, provided that the firearms to be used are firmly chained or affixed to the counters;

B. Any person in attendance at a hunter safety course or a firearms safety course;

C. Any person engaging in practice or any other lawful use of a firearm at an established and licensed shooting range;

D. Any person engaging in a lawfully organized competition involving the use of a firearm;

E. Any minor under eighteen (18) years of age is not considered to be in possession of a handgun, shotgun, rifle, or ammunition if the minor is an employee and on the premises where the minor is employed and the employer lawfully has a handgun, shotgun, rifle or ammunition on the premises;

F. Any hunter with a valid hunting license or other persons who are lawfully engaged in hunting;

G. Any person traveling to or from any activity described in subsection B, C, D, E or F of this section, or their successors, with an unloaded firearm in his possession. (Ord. 82-93 § 1, 1993)

## 11.50.120: PARENT OR GUARDIAN PROVIDING FIREARM TO VIOLENT MINOR:

A parent or guardian may not intentionally or knowingly provide a firearm to, or permit the possession of a firearm by, any minor who has been convicted of a crime of violence or any minor who has been adjudicated in juvenile court for an offense which would constitute a crime of violence if the minor were an adult. (Ord. 82-93 § 1, 1993)

## 11.50.130: PARENT OR GUARDIAN KNOWING OF MINOR'S POSSESSION OF DANGEROUS WEAPON:

Any parent or guardian of a minor who knows that the minor is in possession of a dangerous weapon in violation of section 11.50.100 of this chapter, or its successor, and fails to make reasonable efforts to remove the dangerous weapon from the minor's possession or, if the weapon cannot be reasonably removed, fails to promptly notify the police

department, is guilty of a class B misdemeanor. (Ord. 82-93 § 1, 1993)

### 11.50.140: POSSESSION PROHIBITED UNDER THE INFLUENCE OF DRUGS OR ALCOHOL:

It is unlawful for any person under the influence of any drug or other substance prohibited by statute, or having a blood alcohol content in excess of .08, to be in physical possession of a firearm or to transport a firearm in any vehicle in such a manner that the person under the influence has access to the firearm. (Ord. 82-93 § 1, 1993)

### 11.50.150: PROVIDING FIREARMS TO PERSONS UNDER EIGHTEEN PROHIBITED:

A. It is unlawful for any person to provide a firearm to any person under the age of eighteen (18) years when the possession of the firearms by the minor is in violation of this article III.

B. It is unlawful for any person to provide a sawed off rifle, sawed off shotgun, multiburst trigger activator, or full automatic weapon to any person under the age of eighteen (18) years. (Ord. 82-93 § 1, 1993)

## Article IV. Criminal Penalties

### 11.50.160: VIOLATION; PENALTIES:

Violation of this chapter shall be a class B misdemeanor. (Ord. 82-93 § 1, 1993)

## Article V. Civil Penalties

### 11.50.170: APPLICABILITY:

The civil penalty provisions of this article shall apply to any person selling or possessing a firearm in violation of the provisions of this chapter whether or not that person has been charged or convicted with a criminal offense under this chapter. (Ord. 82-93 § 1, 1993)

### 11.50.180: BUSINESS LICENSE SUSPENSION OR REVOCATION:

A. The city business license of any business selling firearms shall be suspended for not less than thirty (30) days or revoked for the violation of any provision of this chapter.

B. The city business license of any business selling firearms shall be revoked for not less than one year for any second violation of this chapter which has occurred within twelve (12) months of another violation.

C. All other city authorizations required for a business shall be terminated for any business selling any firearm during a period of suspension or revocation. No firearms may be sold by a business after the terminations provided herein except to a licensed firearm dealer.

D. If a business is licensed and engages in sale or activities other than the selling of firearms, the suspension and/or revocation referred to in this section shall apply only to the firearms and ammunition portion of the business. (Ord. 82-93 § 1, 1993)

### 11.50.190: FORFEITURE:

Any firearm or ammunition which a police or other law enforcement officer has probable cause to believe is being sold, transferred, possessed or used in violation of the provisions of this chapter may be seized. Upon a finding by a court that the firearm or ammunition were possessed in violation of this chapter, the firearm or ammunition shall be:

A. Confiscated by the court;

B. Conveyed to the governmental entity seizing the firearm or ammunition; and

C. Upon the expiration of any time for appeal, sold at a public auction or otherwise disposed of by the seizing governmental entity; provided, that sawed off shotguns, sawed off rifles and any handgun, not usable by the seizing agency, shall be destroyed. (Ord. 82-93 § 1, 1993)

# CHAPTER 11.60
# FAILURE TO SUPERVISE A CHILD

### 11.60.010: INTENT/PURPOSE:

The increasing number of criminal episodes committed by children is a negative reflection of our society's attention to family stability, and demonstrates the breakdown of meaningful parental supervision of children. Those who bring children into the world or assume a parenting role, but fail to effectively train, guide, teach and control them, should be accountable at law. Those who need assistance and training should be aided. Those who neglect their parenting duties should be encouraged to be more diligent through criminal sanctions, if necessary. This chapter should be construed to achieve these remedial objectives. (Ord. 68-95 § 1, 1995)

## 11.60.020: FAILURE TO SUPERVISE CHILD:

A person commits the offense of failing to supervise a child or tending to cause the delinquency of a child, if the person:

A. Is the parent, lawful guardian, or other person over the age of eighteen (18) years who is lawfully charged with the care or custody of a child, which adult person resides within the corporate limits of the city; and

B. Fails to provide appropriate and reasonable supervision of the child; or who aids, contributes or becomes responsible for the neglect, abuse or delinquency of the child. For purposes of this section, a person is responsible for the delinquency of a child or has failed to provide appropriate and reasonable supervision when:

1. The child has committed three (3) or more delinquent acts within a two (2) calendar year period, which events have been referred to the juvenile court, or

2. The person fails to undertake counseling requirements ordered by a juvenile court having jurisdiction over the child, or

3. The person fails to take meaningful and reasonable disciplinary or remedial action in response to prior delinquent acts of the child, or

4. The act or failure to act by the person demonstrates a wilful lack of commitment to prevent future delinquent acts by the child;

C. Solicits, requests, commands, encourages or intentionally aids or acts with the child in violation of any federal, state or local law; or

D. Aids, contributes to, or becomes legally responsible for the neglect, abuse or delinquency of the child; or

E. Wilfully abuses, neglects or abandons the child in any manner likely to cause the child unnecessary suffering or serious injury to his/her health or morals; or

F. Provides, encourages or permits the child to possess or consume an alcoholic beverage or a controlled substance. (Ord. 68-95 § 1, 1995)

## 11.60.030: AFFIRMATIVE DEFENSES:

In a prosecution under this chapter, it shall be an affirmative defense that the person charged:

A. Is a direct victim of that act or conduct which resulted in the child being subject to the jurisdiction of the juvenile court; or

B. Reported the act or event to appropriate governmental authorities at or near the time the child committed the wrongful or delinquent act or conduct; or

C. Provided reasonable and appropriate supervision to the child, under the totality of the circumstances. In assessing the reasonableness or appropriateness of the person's

supervisory actions, the court will consider:

1. The severity of the offense committed by the child,

2. The number of prior offenses committed by the child,

3. The person's knowledge of the child's wrongful conduct or behavior,

4. The discipline, counseling or other remedial measures taken by the person, after obtaining knowledge of the wrongful behavior of the child, and

5. Any other action by the person which demonstrates a reasonable commitment and effort to prevent future delinquent or wrongful conduct, behavior or acts by the child. (Ord. 68-95 § 1, 1995)

## 11.60.040: CHILD'S CONVICTION NOT REQUIRED:

It shall not be necessary to obtain an adjudication of delinquency, a conviction or otherwise establish that the child became a delinquent or committed delinquent acts, in order to obtain the conviction of a person under this chapter. (Ord. 68-95 § 1, 1995)

## 11.60.050: DEFINITIONS:

For purpose of this chapter, the following words or phrases have the following meanings:

CHILD: An unemancipated minor, under the age of eighteen (18) years.

DELINQUENT ACT: An act or criminal episode which, if committed by an adult, would be a class A or B misdemeanor or a felony; however, it does not include minor traffic offenses or other misdemeanors not involving moral turpitude.

PERSON: A natural parent; adoptive parent; legal guardian, by virtue of a judicial order; or other person over eighteen (18) years of age who has assumed the parenting role over a child by marriage or custom and practice. (Ord. 68-95 § 1, 1995)

## 11.60.060: PENALTY/COUNSELING:

Violation of this chapter is a class B misdemeanor. To fulfill the primary objective and purpose of this chapter, it is the legislative intent that:

A. Upon a first conviction under this chapter, the court sentence the defendant to complete a program of appropriate counseling;

B. Upon a second conviction under this chapter, the court sentence the defendant to perform not less than one hundred (100) hours of community service, and to complete a program of appropriate counseling. (Ord. 68-95 § 1, 1995)

# Title 12 - VEHICLES AND TRAFFIC

# CHAPTER 12.04
# GENERAL PROVISIONS AND DEFINITIONS

## Article I. General Provisions

### 12.04.010: TRAFFIC REGULATIONS ADOPTED; TITLE AND SCOPE:

A. The following provisions, containing and consisting of this chapter through chapter 12.100 of this title, inclusive, together with the schedules therein referred to and attached and set out in chapter 12.104 of this title, are hereby enacted, adopted and designated by the city as the traffic code of Salt Lake City, and such code may be cited and designated as the traffic code of Salt Lake City and the sections thereof referred to as "section 12.04.010", "section 12.04.020", etc., respectively.

B. The code described in subsection A of this section is adopted in the interest of public convenience, safety and welfare. Every person shall comply with, observe and obey, when applicable to such person, all the provisions, requirements, regulations and orders of the traffic division and city transportation engineer issued in compliance herewith.

C. Every pedestrian shall be cautious, every police officer cooperative and every driver shall be considerate of the rights and welfare of others. (Prior code § 46-1-1)

## Article II. Definitions

### 12.04.020: DEFINITIONS, GENERALLY:

Whenever in this title the following terms are used, they shall have the meanings respectively ascribed to them in this chapter. (Prior code title 46, art. 1 § 1)

### 12.04.030: ALLEY:

"Alley" means a public way within a block primarily intended for service and access to abutting property by vehicles and not designed for general travel. (Prior code title 46, art. 1 § 2)

## 12.04.040: AUTHORIZED EMERGENCY VEHICLE:

"Authorized emergency vehicle" means vehicles of the fire department, police vehicles, and such ambulances and emergency vehicles of municipal departments, public service corporation or private ambulance companies as are designated or authorized as such by the chief of police of this city, and such ambulances and emergency vehicles of the United States and state government as may be operated on the streets of Salt Lake City. (Prior code title 46, art. 1 § 3)

## 12.04.050: BICYCLE:

"Bicycle" means every device: a) propelled by human power; b) upon which any person may ride; and c) having two (2) tandem wheels. "Bicycle" does not include scooters and similar devices. (Ord. 2-06 § 1, 2006: prior code title 46, art. 1 § 4)

## 12.04.060: BUS:

"Bus" means every motor vehicle equipped for carrying more than ten (10) passengers and used for the transportation of persons. (Prior code title 46, art. 1 § 5)

## 12.04.070: BUSINESS DISTRICT:

"Business district" means the territory contiguous to and including a street when, within any six hundred feet (600') along such street, there are buildings in use for business or industrial purposes, including, but not limited to, hotels, banks, office buildings, railroad stations, and public buildings which occupy at least three hundred feet (300') of the frontage on one side or three hundred feet (300') collectively on both sides of the street. (Prior code title 46, art. 1 § 6)

## 12.04.075: CAR SHARING VEHICLE:

"Car sharing vehicle" means a vehicle that is contracted with the city to provide a service to the public as a car sharing vehicle. (Ord. 46-09 § 1, 2009)

## 12.04.080: CENTERLINE:

"Centerline" means single or double continuous or broken yellow or white line or lines marked upon the surface of a roadway to indicate each portion of the roadway allocated to traffic proceeding in two (2) opposite directions and if no line is so painted or otherwise marked, it is an imaginary line in the roadway equally distant from the edges or curbs of the roadway. (Prior code title 46, art. 1 § 7)

### 12.04.090: CENTRAL TRAFFIC DISTRICT:

"Central traffic district" means all streets and portions of streets within the areas described in section 12.104.010, "Schedule 1, Central Traffic District", of this title. (Prior code title 46, art. 1 § 8)

### 12.04.100: CORROSIVE LIQUID:

"Corrosive liquid" means a strong mineral acid or other corrosive fluid which is liable to cause fire when mixed with chemicals or with organic matter. (Prior code title 46, art. 1 § 10)

### 12.04.110: CROSSWALK:

"Crosswalk" means: a) that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the street or highway, measured from the curbs, or in the absence of curbs, from the edges of the traversable roadway; and in the absence of a sidewalk on one side of the roadway, the part of a roadway included within the extension of the lateral lines of the sidewalk at right angles to the centerline; b) any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface. (Ord. 62-02 § 2, 2002: prior code title 46, art. 1 § 11)

### 12.04.120: CROSSWALK LINES:

"Crosswalk lines" means white pavement marking lines that identify a crosswalk. (Ord. 62-02 § 3, 2002: prior code title 46, art. 1 § 12)

### 12.04.130: DRIVER:

"Driver" means every person who drives or is in actual physical control of a vehicle. (Prior code title 46, art. 1 § 13)

### 12.04.140: EXPLOSIVES:

"Explosives" means any chemical compound or mechanical mixture that is commonly used or intended for the purposes of producing an explosive and which contains any oxidizing and combustive units or other ingredients in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion, or by detonation of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructible effects on contiguous objects or of destroying life or limb. (Prior code title 46, art. 1 § 14)

### 12.04.150: FIRE DEPARTMENT:

"Fire department" means the fire department of Salt Lake City, Utah. (Prior code title 46, art. 1 § 15)

### 12.04.160: FISSIONABLE MATERIAL:

"Fissionable material" means any material whose nucleus will split into one or more approximate equal parts when receiving energy from any external source. (Prior code title 46, art. 1 § 15.1)

### 12.04.170: FLAMMABLE LIQUID:

"Flammable liquid" means any liquid which has a flashpoint of seventy degrees Fahrenheit (70°F) or less, as determined by a Tagliabue or equivalent closed cup test device. (Prior code title 46, art. 1 § 16)

### 12.04.180: GROSS WEIGHT:

"Gross weight" means the weight of a vehicle without load, plus the weight of any load thereon. (Prior code title 46, art. 1 § 17)

### 12.04.190: GUIDE DOG:

"Guide dog" means every dog which has been specially trained and is being used for guiding a person wholly or partially blind while such dog is equipped with a harness designed for the purpose of such guiding. (Prior code title 46, art. 1 § 17.1)

### 12.04.200: INTERSECTION:

"Intersection" means:

A. The area embraced within the prolongation or connection of the lateral curb lines, or, if none, then the lateral boundary lines of the roadway of two (2) streets which join one another at, or approximately at, right angles, or the area within which vehicles, traveling upon different streets joining at any other angle, come in conflict.

B. Where a street includes two (2) roadways thirty feet (30') or more apart, then every crossing of each roadway of such divided street by an intersecting street shall be regarded as a separate intersection. In the event such intersecting street also includes two (2) roadways thirty feet (30') or more apart, then every crossing of two (2) roadways

of such street shall be regarded as a separate intersection. (Prior code title 46, art. 1 § 18)

### 12.04.210: LANE LINE:

"Lane line" means a line other than a centerline outlining a traffic lane. (Prior code title 46, art. 1 § 19)

### 12.04.220: LANED STREET OR HIGHWAY:

"Laned street or highway" means a street the roadway of which is divided into four (4) or more clearly marked lanes for vehicular traffic. (Prior code title 46, art. 1 § 20)

### 12.04.230: LIMITED ACCESS STREET, HIGHWAY OR ROADWAY:

"Limited access street, highway or roadway" means every highway, street or roadway in respect to which owners or occupants from abutting lands, and other persons, have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway. (Prior code title 46, art. 1 § 21)

### 12.04.235: MARKED CROSSWALK:

"Marked crosswalk" means a crosswalk for which the lateral lines are marked upon the surface of the roadway. (Ord. 62-02 § 4, 2002)

### 12.04.240: MOTORCYCLE:

"Motorcycle" means every motor vehicle, having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a tractor. (Ord. 88-86 § 68, 1986: prior code title 46, art. 1 § 24)

### 12.04.245: MOTORBUS:

For the purpose of this title "motorbus" means and is defined to be any motor propelled vehicle operated over the streets of the city regularly or at intervals along a definite and regular route, or between definite points within the city for the purpose of carrying passengers for hire, and which vehicle receives, carries and discharges as passengers such persons as offer themselves for transportation along such route or between such points. (Ord. 75-08 § 1, 2008)

### 12.04.250: MOTOR DRIVEN CYCLE:

"Motor driven cycle" means every motorcycle, including every motor scooter, with a motor which produces not to exceed five (5) horsepower, and every bicycle with a motor attached. (Prior code title 46, art. 1 § 23)

### 12.04.260: MOTOR VEHICLE:

"Motor vehicle" means every vehicle which is self-propelled, and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, except vehicles moved solely by human power and motorized wheelchairs. (Ord. 61-88 § 7, 1988: prior code title 46, art. 1 § 22)

### 12.04.270: NEUTRAL ZONE:

"Neutral zone" means the area of space between two (2) sets of double yellow painted lines, or set apart by physical barrier, to separate traffic lanes for vehicles that move in opposite directions upon any street or highway. (Prior code title 46, art. 1 § 25)

### 12.04.280: OWNER:

"Owner" means a person who holds the legal title of a vehicle or in the event a vehicle is subject to an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with immediate right of possession vested in the conditional vendee or lessee, or, in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this title. (Prior code title 46, art. 1 § 26)

### 12.04.290: PARK:

"Park" when prohibited means the standing of a vehicle, whether occupied or not, otherwise than temporarily for purpose of and while actually engaged in loading or unloading. (Prior code title 46, art. 1 § 27)

### 12.04.300: PEDESTRIAN:

"Pedestrian" means any person afoot. (Prior code title 46, art. 1 § 28)

### 12.04.310: PEDESTRIAN STOP LINE:

"Pedestrian stop line" means a single white line not less than six inches (6") in width running at right angles to the crosswalk lines at the curb or edge of the roadway. (Prior code title 46, art. 1 § 29)

### 12.04.320: PERSON:

"Person" means every natural person, firm, copartnership, association or corporation. (Prior code title 46, art. 1 § 30)

### 12.04.330: POLICE DEPARTMENT:

"Police department" means the police department of Salt Lake City, Utah. (Prior code title 46, art. 1 § 31)

### 12.04.340: POLICE OFFICER:

"Police officer" means every officer of the municipal police department, or any officer authorized to direct or regulate traffic or to make arrests for violation of traffic regulations. (Prior code title 46, art. 1 § 32)

### 12.04.350: PRIVATE ROAD OR DRIVEWAY:

"Private road or driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons. (Prior code title 46, art. 1 § 33)

### 12.04.360: RAILROAD:

"Railroad" means a carrier of persons or property upon cars operated upon stationary rails. (Prior code title 46, art. 1 § 34)

### 12.04.370: RAILROAD SIGN OR SIGNAL:

"Railroad sign or signal" means any sign, signal or device erected by authority of a public body or official, or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train. (Prior code title 46, art. 1 § 35)

### 12.04.380: RAILROAD TRAIN:

"Railroad train" means a steam engine, or electric or other motor, with or without cars coupled thereto, operated upon rails. (Prior code title 46, art. 1 § 36)

### 12.04.390: RESIDENCE DISTRICT:

"Residence district" means the territory contiguous to and including a street not comprising a business district, when the property on such street for a distance of three hundred feet (300') or more is in the main improved with residences or residences and buildings in use for business. (Prior code title 46, art. 1 § 37)

### 12.04.400: RIGHT OF WAY:

"Right of way" means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other. (Prior code title 46, art. 1 § 38)

### 12.04.410: ROADWAY:

"Roadway" means that portion of a street or highway improved, designed or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a street includes two (2) or more separate roadways, the term "roadway", as used herein, shall refer to any such roadways separately but not to all such roadways collectively. (Prior code title 46, art. 1 § 39)

### 12.04.420: ROADWAY TRAFFIC ISLAND:

"Roadway traffic island" means a raised area encircled by a roadway which connects two (2) or more thoroughfares, and where the traffic movement in the roadway encircling such area proceeds from one thoroughfare to another without angular crossing. (Prior code title 46, art. 1 § 40)

### 12.04.430: SAFETY ZONE:

"Safety zone" means that area within the crosswalk for the exclusive use of pedestrians, bounded on two (2) sides by the crosswalk lines and on the other two (2) sides by yellow lines or by physical barriers, or otherwise so protected, marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone. (Prior code title 46, art. 1 § 41)

### 12.04.440: SCHOOL BUS:

"School bus" means every bus owned by a public or governmental agency and operated primarily for transportation of school children, or privately owned and primarily operated for the transportation of school children, except such vehicles as are chartered or leased by a school district from a certified contract carrier, or common carrier, when such vehicles are subject to inspection by the public service commission of Utah. (Prior code title 46, art. 1 § 41.1)

### 12.04.450: SIDEWALK AREA:

"Sidewalk area" means that portion of a street or highway, between the curb lines or the lateral lines of a roadway and the adjacent property lines. (Prior code title 46, art. 1 § 42)

### 12.04.460: STOP:

"Stop" when required, means complete cessation from movement. (Prior code title 46, art. 1 § 43)

### 12.04.470: STOP OR LIMIT LINE:

"Stop or limit line" means a single white line not less than twelve inches (12") in width behind which vehicles must stop when directed by a police officer or traffic control device. (Prior code title 46, art. 1 § 44)

### 12.04.480: STOP, STOPPING OR STANDING:

"Stop, stopping or standing", when prohibited, means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control device. (Prior code title 46, art. 1 § 45)

### 12.04.490: STREET OR HIGHWAY:

"Street or highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel. (Prior code title 46, art. 1 § 46)

## 12.04.495: SUGAR HOUSE TRAFFIC DISTRICT:

"Sugar house traffic district" means all streets and portions of streets within the areas described in section 12.104.020, "Schedule 1.5, Sugar House Traffic District", of this title. (Ord. 89-98 § 2, 1998)

## 12.04.500: TAXICAB:

"Taxicab" means every motor vehicle of a distinctive color scheme approved by the chief of police and used for the purposes of transporting persons within the city for hire and licensed as a taxicab by the city commission, provided taxicab as hereinabove defined shall not include buses with a seating capacity of ten (10) persons or more. (Prior code title 46, art. 1 § 47)

## 12.04.510: THROUGH STREET OR HIGHWAY:

"Through street or highway" means every street or portion thereof at the entrances to which vehicular traffic from intersecting streets is required by law to stop or yield the right of way before entering or crossing the same when stop signs or yield right of way signs are erected as provided in this code. (Prior code title 46, art. 1 § 48)

## 12.04.520: TRAFFIC:

"Traffic" means pedestrians, ridden or herded animals, vehicles and other conveyances, either singly or together, while using any street for purposes of travel. (Prior code title 46, art. 1 § 49)

## 12.04.530: TRAFFIC CITATION:

"Traffic citation" means a form notifying a violator to appear at a court or traffic violators' bureau and to answer to a charge of violating a traffic law or code. (Prior code title 46, art. 1 § 50)

## 12.04.540: TRAFFIC CONTROL DEVICES:

"Traffic control devices" means all signs, signals, traffic markings and devices not inconsistent with this title or the "Manual On Uniform Traffic Control Devices" of the state of Utah, placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic. (Prior code title 46, art. 1 § 51)

### 12.04.550: TRAFFIC CONTROL SIGNAL:

"Traffic control signal" means any device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and to proceed. (Prior code title 46, art. 1 § 52)

### 12.04.570: TRAFFIC LANE:

"Traffic lane" means a strip of roadway intended to accommodate the forward movement of a single line of vehicles. (Prior code title 46, art. 1 § 54)

### 12.04.580: TRAFFIC MARKINGS:

"Traffic markings" means all lines, patterns, words, colors or other devices, except signs, set into the surface of, applied upon or attached to the pavement or curbing, or to objects within or adjacent to the roadway, officially placed for the purpose of regulating, warning or guiding traffic. (Prior code title 46, art. 1 § 55)

### 12.04.590: TRUCK:

"Truck" means every motor vehicle designed, used or maintained primarily for the transportation of property. (Prior code title 46, art. 1 § 56)

### 12.04.595: UNMARKED CROSSWALK:

"Unmarked crosswalk" means a crosswalk for which the lateral lines are not marked upon the surface of the roadway. (Ord. 62-02 § 5, 2002)

### 12.04.600: U-TURN:

"U-turn" means turning a vehicle so as to proceed in the opposite direction of travel on the same street. (Prior code title 46, art. 1 § 57)

### 12.04.610: VEHICLE:

"Vehicle" means every device in, on or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively on stationary rails or tracks. (Ord. 2-06 § 2, 2006: prior code title 46, art. 1 § 58)

### 12.04.620: VIOLATOR:

"Violator" means a person who violated or is alleged to have violated any ordinance or code of this city or motor vehicle law of the state of Utah. (Prior code title 46, art. 1 § 59)

# CHAPTER 12.08
# ADMINISTRATION

### 12.08.010: TRAFFIC DIVISION; POWERS AND DUTIES:

It shall be the duty of the traffic division, with the aid of other members of the police department:

A. To enforce the street traffic regulations of the city and all the state vehicle laws applicable to street traffic in the city;

B. To make arrests for traffic violations;

C. To investigate accidents meeting parameters set by the chief of police;

D. To cooperate with the city transportation engineer and other officers of the city in the administration of the traffic laws and in developing ways and means to improve traffic conditions; and

E. To carry out those duties specifically imposed upon the division by the ordinances of the city. (Ord. 5-95 § 1, 1995: prior code title 46, art. 2 § 60)

### 12.08.020: TRAFFIC VIOLATION RECORD KEEPING REQUIREMENTS:

A. The police department shall keep a record of all local violations of the traffic ordinances of the city, or of the state vehicle laws, of which any person has been charged, together with a record of the final disposition of all such alleged offenses. Such record shall be maintained as to show all types of violations and the total of each. Said record shall accumulate during at least a five (5) year period and from that time on the record shall be maintained complete for at least the most recent five (5) year period.

B. All forms for records of violations and notices of violations shall be serially numbered. For each month and year a written record shall be kept available to the public showing

the disposal of all such forms.

C. All records and reports shall be public records. (Prior code title 46, art. 2 § 61)

## 12.08.030: TRAFFIC ACCIDENTS; INVESTIGATION:

The police department may investigate traffic accidents and may arrest and assist in the prosecution of those persons charged with the violation of law causing or contributing to such accidents. (Ord. 4-95 § 1, 1995: prior code title 46, art. 2 § 62)

## 12.08.040: TRAFFIC ACCIDENTS; LOCATION STUDIES:

Whenever the accidents in any particular location become numerous, the traffic division shall cooperate with the city transportation engineer in conducting studies of such accidents and determining remedial measures. (Prior code title 46, art. 2 § 63)

## 12.08.050: TRAFFIC ACCIDENTS; REPORT FILING; CONFIDENTIALITY:

A. The police department shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location. Such reports shall be available for the use and information of the city transportation engineer.

B. The police department shall receive and properly file all accident reports made to it under state law or under the ordinances of the city, but all such accident reports made by drivers shall be for the confidential use of the police department and the city transportation engineer, and no such reports shall be admissible in any civil or criminal proceeding, other than upon the request of the court having jurisdiction to prove compliance with the laws requiring the making of any such report. (Prior code title 46, art. 2 § 64)

## 12.08.060: DRIVER'S FILES; CONTENTS; USE BY TRAFFIC DIVISION:

A. The police department shall maintain a suitable record of all local traffic accidents, warnings, arrests, convictions and complaints reported for each driver, which shall be filed alphabetically under the name of the driver concerned.

B. The traffic division shall study the cases of all the drivers charged with frequent or serious violations of the traffic laws or involved in frequent traffic accidents or any serious accident, shall attempt to discover the reason therefor, and shall take whatever steps are lawful and reasonable to prevent the same or to have the licenses of such persons suspended or revoked.

C. Such records shall accumulate during at least a five (5) year period and from that time on such records shall be maintained complete for at least the most recent five (5) year period. (Prior code title 46, art. 2 § 65)

## 12.08.070: CITY TRANSPORTATION ENGINEER; OFFICE ESTABLISHED; AUTHORITY:

The office of the city transportation engineer is established. The city transportation engineer shall be appointed by the mayor and shall exercise the powers and duties as provided by the ordinances of the city. The city transportation engineer shall be the city traffic engineer and shall exercise the powers and duties as prescribed by law. (Prior code title 46, art. 2 § 66)

## 12.08.080: TRAFFIC CONTROL DEVICES; STANDARDS AND PLACEMENT:

A. The "Manual On Uniform Traffic Control Devices" for streets and highways, 1988 edition, as amended, is adopted by Salt Lake City as the ordinance rules and regulations of the city, three (3) copies of which shall be for use and examination of the public in the office of the city recorder. Said code establishes the standards of design and application of traffic control devices.

B. The city transportation engineer shall place and maintain any and all traffic control devices when and as needed, and shall implement the provisions of said manual in accordance with accepted highway engineering principles. (Ord. 3-95 § 1, 1995: prior code title 46, art. 2 § 67)

## 12.08.090: TRANSPORTATION ENGINEERS; POWERS AND DUTIES:

It is the general duty of the city transportation engineer to determine the installation and proper timing and maintenance of traffic control devices, to conduct engineering analyses of traffic accidents and to devise remedial measures, to conduct engineering investigations of traffic conditions and to cooperate with other city officials in the development of ways and means to improve traffic conditions, and to carry out the additional powers and duties imposed by ordinances of the city and as directed by the mayor. (Prior code title 46, art. 2 § 69)

## 12.08.100: TRAFFIC SPEED AND TRAFFIC SIGNALS:

The city transportation engineer is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds somewhat below the speeds otherwise applicable within the district or at intersections, and shall erect appropriate signs giving notice thereof. (Prior code title 46, art. 2 § 71)

## 12.08.110: SIGNS, MARKINGS AND TRAFFIC ISLANDS:

The city transportation engineer is authorized to place islands, markers or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and such course shall be traveled irrespective of any other provisions of this title. (Prior code title 46, art. 2 § 72)

## 12.08.120: CROSSWALKS, SAFETY ZONES, TRAFFIC LANE MARKINGS:

The city transportation engineer is hereby authorized:

A. To designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where, in his or her opinion, there is particular danger to pedestrians crossing the roadway, and at such other places as he or she may deem necessary;

B. To establish safety zones of such kind and character and at such places as he or she may deem necessary for the protection of pedestrians;

C. To mark lanes for traffic on street pavements at such places as he or she may deem advisable, consistent with the traffic ordinances of the city. (Prior code title 46, art. 2 § 70)

## 12.08.130: HAZARDOUS OR CONGESTED PLACES; TRAFFIC RESTRICTIONS:

The city transportation engineer is hereby authorized to determine and designate, by proper signs, places not exceeding one hundred feet (100') in length in which the stopping, standing or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic. (Prior code title 46, art. 2 § 73)

## 12.08.140: EMERGENCY AND EXPERIMENTAL REGULATIONS:

A. The chief of police, by and with the approval of the city transportation engineer, is hereby empowered to make regulations necessary to make effective the provisions of the traffic ordinances of the city, and to make and enforce temporary or experimental regulations to cover the emergency or special conditions. No such temporary or experimental regulations shall remain in effect for more than ninety (90) days.

B. The city transportation engineer may test traffic control devices under actual conditions of traffic. (Prior code title 46, art. 2 § 68)

## 12.08.150: TRAFFIC SCHOOL PERMITTED:

Salt Lake City Corporation may develop a program to be known as "traffic school" to be used to educate the public as to the laws and safety practices associated with the movement of traffic, including motor vehicles, other self-propelled vehicles, bicycles, other human powered vehicles and pedestrian traffic within the state of Utah. Persons

attending the school shall pay the fee per course, as shown on the Salt Lake City consolidated fee schedule, to offset the costs of the program. (Ord. 24-11, 2011)

# CHAPTER 12.12
# TRAFFIC CODE RULES AND ENFORCEMENT

## 12.12.010: OBEDIENCE TO TRAFFIC CODE REQUIRED:

A. Unlawful Acts: It is unlawful for any person to:

1. Do any act prohibited by this title;

2. Fail or refuse to do any act required by this title;

3. Operate any vehicle in violation of any provision of this title; or

4. Operate any vehicle unless such vehicle is equipped and maintained in compliance with this title.

B. Enhancement On Third Conviction: Upon a third conviction of any moving violation, whether the same violation or different violations, within the prior twelve (12) month period, such third violation is subject to enhancement equivalent to the fine set forth at section 1.12.050 of this code, or its successor or as otherwise provided by law.

C. Infraction And Misdemeanor Penalties: A person convicted of an infraction or a class B misdemeanor, as provided in this chapter, shall be punishable as provided by section 1.12.050 of this code, or its successor. (Ord. 62-02 § 6, 2002: Ord. 29-02 § 12, 2002: prior code title 46, art. 3 § 75)

## 12.12.015: TRAFFIC VIOLATIONS:

A. Infractions: Any person guilty of violating any provision of this title shall be deemed guilty of an infraction, unless such offense is specifically designated as a class B or class C misdemeanor or a civil violation.

B. Civil Violations: The following violations of this title shall be civil violations:

1. Chapter 12.56, "Stopping, Standing And Parking", of this title;

2. Chapter 12.64, "City Parking Permit Program", of this title;

3. Chapter 12.68, "High School Parking Lots", of this title;

4. Chapter 12.76, "Pedestrians", of this title, except for sections 12.76.045 and 12.76.050 of this title; and

5. Chapter 12.92, "Vehicle Weight And Tire Restrictions", of this title.

C. Misdemeanors: The following violations of this title shall be class B misdemeanors:

1. Sections 12.16.010 through 12.16.120 of this title;

2. Sections 12.24.016 and 12.24.018 of this title, regarding driving without owner's and operator's security;

3. Section 12.24.070, "Drinking Alcoholic Beverages In Vehicles", of this title;

4. Section 12.24.080, "Intoxicated Persons In Or About Vehicles", of this title;

5. Section 12.24.100, "Driving Under The Influence Of Drugs And Intoxicants Prohibited; Penalties", of this title;

6. Section 12.24.120, "Class B Misdemeanor; Alcohol And Controlled Substance Related Driving Prohibited While Driving Privilege Denied, Suspended, Disqualified, Or Revoked; Penalty", of this title;

7. Section 12.52.350, "Reckless Driving; Prohibited", of this title;

8. Subsection 12.52.355B of this title;

9. Chapter 12.88, "Vehicle Noise Standards", of this title;

10. Chapter 12.89, "Other Noise Prohibitions", of this title;

11. Chapter 12.96, "Impoundment Of Vehicles", of this title. (Ord. 21-03 § 2, 2003: Ord. 62-02 § 7, 2002: Ord. 29-02 § 13, 2002)

## 12.12.020: POLICE AND FIRE DEPARTMENT OFFICIALS; AUTHORITY:

No person shall fail or refuse to comply with any lawful order or direction of an officer of the police or fire department, in their capacity as such officer. Failure to comply with the vehicle or pedestrian duties set forth at section 12.44.220 of this title shall constitute a violation of this section. (Ord. 31-00 § 6, 2000: prior code title 46, art. 3 § 76)

## 12.12.030: PUBLIC EMPLOYEES, WORKERS AND EQUIPMENT ON STREETS:

A. The provisions of this title shall apply to the driver of any vehicle owned by or used in the service of the United States government, this state or any political subdivision thereof, and it is unlawful for such driver to violate any of the provisions of this title, except as otherwise permitted herein.

B. Unless specifically made applicable, the provisions of this title shall not apply to persons, teams, motor vehicles and other equipment while actually engaged in authorized work upon the surface of the street or upon wires immediately above the surface of the street, but shall apply to such persons, teams, vehicles and equipment when traveling to or from such work. (Prior code title 46, art. 3 § 79)

## 12.12.040: EMERGENCY VEHICLES; EXEMPTION CONDITIONS:

The driver of an emergency vehicle shall be exempt from the driving restrictions imposed by chapters 12.32, 12.36, 12.40, 12.44, 12.48, 12.52, 12.56 and sections 12.100.080, 12.100.090 and 12.100.110 of this title, or their successors, when driving under the following conditions:

A. Such exemption shall apply whenever the authorized vehicle is being driven in response to an emergency call or when used in the pursuit of an actual or suspected violator of the laws, or when responding to but not returning from a fire alarm;

B. Such exemption shall apply only when the driver of the vehicle, while in motion, sounds audible signal by bell, siren or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred feet (500') to the front of such vehicle, except that an authorized emergency vehicle operated as a police vehicle need not be equipped with or display a red light visible from in front of the vehicle. (Prior code title 46, art. 3 § 80)

## 12.12.050: PROPERTY OWNER'S RIGHT TO REGULATE TRAFFIC WHEN:

Nothing in this chapter shall be construed to prevent the owner of real property, used by the public for purpose of vehicular travel by permission of the owner and not as matter of right, from prohibiting such use, or from requiring other or different or additional conditions than those specified in this title, or otherwise regulating such use as may seem best to such owner. (Prior code title 46, art. 3 § 81)

## 12.12.060: RIDING ANIMALS OR USING PUSHCARTS ON ROADWAYS:

Every person propelling any pushcart or riding an animal upon a roadway, and every person driving any animal drawn vehicle, shall be subject to the provisions of this title applicable to the driver of any vehicle, except those provisions of this title which by their very nature can have no application. (Prior code title 46, art. 3 § 77)

## 12.12.070: SKATEBOARDS AND OTHER TOY VEHICLES:

A. No person upon roller skates, rollerblades, in-line 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 on a crosswalk or when utilizing an established bicycle lane on a public roadway, and when doing so said person shall be subject to all of the duties applicable to pedestrians. This section shall not apply on any street while set aside as a play street, as authorized by section 12.32.070 of this title, or its successor.

B. No person upon roller skates, rollerblades, in-line skates, or riding in or by means of any coaster, sled, toy wagon, scooter, skateboard or similar device, shall go upon any sidewalk or other public property within the "central traffic district", as defined in section 12.04.090, or its successor, of this title and made a part hereof by reference, or on any other area where prohibited by signs.

C. No person upon roller skates, rollerblades, in-line skates, or riding in or by means of any coaster, sled, toy wagon, scooter, skateboard or similar device shall go upon any sidewalk or other public property within the "Sugar House traffic district", as defined in section 12.04.495, or its successor, of this title and made a part hereof by reference, or on any other area where prohibited by signs.

D. The foregoing subsections A, B and C of this section shall not apply to police officers acting in the scope and course of their employment. (Ord. 89-98 § 1, 1998: Ord. 17-89 § 1, 1989: Ord. 76-85 § 1, 1985: prior code title 46, art. 3 § 78)

## 12.12.080: REMOVAL OF BRUSH OR OBSTRUCTIONS IMPAIRING VIEW:

The police department may remove from any street, parking, gutter, sidewalk or any other city owned or controlled property all brush, foliage or other obstruction which interferes with or impairs the view of an intersection or a railroad grade crossing, or which creates a traffic hazard. (Prior code title 46, art. 3 § 82)

## 12.12.090: CRUISING:

A. Findings:

1. The Salt Lake City council, after hearing, makes the following legislative findings:

a. Cruising has created a traffic problem on various city streets by causing a steady stream of vehicles to be unable to clear intersections, thus blocking traffic. The traffic blocking is most noticeable downtown on the east-west bound traffic as they are blocked by the north-south traffic stopped in intersections. It is also noticeable on the north-south traffic in the Sugar House area, as vehicles heading north or south are unable to move through intersections due to traffic on 2100 South.

b. The blocked traffic has contributed to motorist frustration and resultant dangerous driving to either avoid the gridlock or dangerous maneuvers around the blocked intersections.

c. Emergency vehicles have difficulty maneuvering through the blocked intersections and traveling along the roads choked with traffic.

d. Traffic along city streets has increased forty percent (40%) since 1997 and accidents have more than doubled.

e. The traffic creates noise of automobiles, horns, engines, screeching tires, etc., that disrupts residents' quiet enjoyment of night.

f. Motorist frustration has resulted in some violent episodes commonly called "road rage".

g. In addition to the road rage that exists among the general population, gang members express their frustration and flash gang signs challenging everyone around. Other gang members pick up on the signs and flash their own challenges. Such confrontations have resulted in two (2) homicides in the downtown area since August 1997.

h. In addition, there are numerous fights, assaults with deadly weapons, and other physical confrontations, which have resulted from heavy traffic congestion and short tempers. The statistics for State Street are:

| | 1997 | 1998 |
|---|---|---|
| Homicides | 1 | 1 |
| Assaults | 402 | 525 |
| Public peace and order | 1,520 | 1,455 |
| Total | 1,923 | 1,981 |

i. Statistics show that the calls for police in the downtown area peak during the hours of eleven o'clock (11:00) P.M. and through four o'clock (4:00) A.M. each night. These calls for service, in part, are caused by cruising and the problems of gridlock, violations of laws and improper driving caused by cruising.

j. Statistics show that the highest demand for police service caused by gridlock, challenges to others and improper driving peak during Friday and Saturday nights.

k. The majority of businesses in Sugar House and downtown areas are closed or are closing by eleven o'clock (11:00) P.M., and very few are open after twelve o'clock (12:00) midnight. Thus there is little business reason for traffic congestion from eleven o'clock (11:00) P.M. to four o'clock (4:00) A.M. Those businesses, which have large populations leaving, such as events at the sports arena located on the block between South Temple and 100 South between 300 and 400 West Streets and Symphony Hall contribute to traffic congestion, but the persons attending have no reason to, and in large part do not "cruise the area" as "cruising" is defined in this section.

l. Commercial parking is available in the traffic congested areas of Sugar House and downtown. Because of the availability of commercial parking, persons, during the hours of eleven o'clock (11:00) P.M. to four o'clock (4:00) A.M. have little need to "cruise the area" looking for public parking stalls.

m. Elimination of those who "cruise the streets" simply as "something to do" will eliminate the vast majority of traffic congestion, noise associated with automobiles, and the resultant dangerous driving and "road rage" during the target hours of eleven o'clock (11:00) P.M. and four o'clock (4:00) A.M. in the downtown and Sugar House areas.

n. Traffic accidents have increased citywide since the fall of 1997. Many traffic accidents occur which involve people cruising while drinking alcohol. Many drivers who are cruising are impaired as they consume alcohol or drugs while involved in the gridlock.

B. Definitions:

CRUISING: The driving of a motor vehicle more than two (2) times between the hours of eleven o'clock (11:00) P.M. and four o'clock (4:00) A.M., in a particular direction, past a traffic control point.

MOBILE TRAFFIC CONTROL POINT: At any point or points within the traffic congested area established by the police department for the purpose of monitoring violations of law.

TRAFFIC CONGESTION AREA: Any area designated and posted as a no cruising area as set out in section 12.104.060, "Schedule 5, No Cruising Zones", of this title, or any area designated and posted as a temporary no cruising area.

C. Cruising Action Prohibited: No person shall drive or permit a motor vehicle under his/her care, custody, or control to be driven in an area posted as a traffic congested area past a traffic control point in a particular direction more than two (2) times between the hours of eleven o'clock (11:00) P.M. and four o'clock (4:00) A.M.

D. Exemptions: This chapter shall not apply to:

1. Any publicly owned vehicle of any city, county, political subdivision, state, or federal agency while in the performance of public duties.

2. Any vehicle licensed for public transportation, including, but not limited to, buses and taxicabs.

3. Any in service emergency vehicle.

4. Any vehicle being driven by a resident of the traffic congestion area, or any vehicle being driven within the traffic congestion area for necessary commercial or medical reasons.

E. Warning Signs Required:

1. Every no cruising area shall be posted with sufficient signs to provide notice of the prohibition.

2. Signs shall be of such size and shape, as the transportation engineer shall deem appropriate in carrying out the transportation engineer's duties as set forth in sections 12.08.080 and 12.08.090 of this title.

F. Temporary No Cruising Zones And Traffic Control Points: Mobile traffic control point or points may be established by an officer of the rank of sergeant or higher, creating a written plan describing: 1) the location of the traffic control point; 2) the date, time and location of the traffic control point; 3) any instructions given to the enforcement officers concerning the traffic control point; 4) a brief statement outlining the problem(s) which resulted in the choosing of the date, time and location of the temporary traffic congestion area; and 5) the location of the warning signs. (Ord. 19-11, 2011: Ord. 22-00 § 1, 2000: Ord. 40-99 §§ 1, 2, 1999)

# CHAPTER 12.16
# ACCIDENTS

## 12.16.010: IMMEDIATE NOTICE OF ACCIDENT REQUIRED:

A. The driver of a vehicle involved in an accident resulting in injury to or death of any person or total property damage to an apparent extent of seven hundred fifty dollars ($750.00) or more shall, immediately by the quickest means of communication, give notice to the police department.

B. Any person guilty of violating this section shall be deemed guilty of a misdemeanor. (Ord. 66-92 § 1, 1992: Ord. 36-91 § 1, 1991: prior code title 46, art. 5 § 91)

## 12.16.020: DRIVER DUTIES; MOVING OF VEHICLES PROHIBITED:

A. Stop And Remain At Scene: The driver of any vehicle involved in an accident described in section 12.16.010 of this chapter shall immediately stop the vehicle he or she was operating at the time of said accident at the scene thereof, and shall remain at the scene of such accident until the requirements of section 12.16.030 of this chapter, or its successor, are fulfilled by such driver.

B. Moving Of Vehicles: No person or persons shall move or cause to be moved any motor vehicle from the scene of an accident until he, she or they have fully complied with the provisions of sections 12.16.010 through 12.16.030 and 12.16.060 of this chapter, or their successors, regarding notice, reporting and identification, as the case may be.

C. Violations: Any person guilty of violating this section shall be deemed guilty of a misdemeanor. (Prior code title 46, art. 5 § 92)

## 12.16.030: DRIVER TO GIVE NAME AND RENDER ASSISTANCE:

A. The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall:

1. Give his or her name, address, and the registration number of the vehicle he or she is driving;

2. Upon request, exhibit his or her operator's license to the person struck, or the driver, occupant of or person attending any vehicle collided with; and

3. Render to any person injured in such accident reasonable assistance, including the carrying or the making of arrangements for the carrying of such person to a physician, surgeon or hospital for medical or surgical treatment, if it is apparent that such treatment is necessary or if such carrying is requested by the injured person.

B. Any person guilty of violating this section shall be deemed guilty of a misdemeanor. (Ord. 88-86 § 68, 1986: prior code title 46, art. 5 § 93)

## 12.16.040: PHYSICAL INCAPACITY OF DRIVER; DUTY OF OCCUPANT:

Whenever the driver of a vehicle is physically incapable of giving immediate notice of an accident as required in section 12.16.010 of this chapter, or its successor, and there is

another occupant in the vehicle at the time of the accident capable of giving such notice, such occupant shall give or cause to be given said notice and shall remain at the scene of the accident until authorized to leave by a police officer. (Prior code title 46, art. 5 § 94)

## 12.16.050: PHYSICAL INCAPACITY OF DRIVER; DUTY OF OWNER:

Whenever the driver is physically incapable of making written report of an accident as required by section 12.16.100 of this chapter, or its successor, and such driver is not the owner of the vehicle, then the owner of the vehicle involved in such accident, within fifteen (15) days after learning of the accident, shall make such report not made by the driver. (Prior code title 46, art. 5 § 99)

## 12.16.060: COLLISION WITH UNATTENDED PROPERTY:

A. The driver of any vehicle which collides with or is involved in an accident with any vehicle or other property which results in damage to the other vehicle or property shall immediately stop, and shall then and there either locate and notify the operator or owner of such vehicle or other property of such driver's name and address and the registration number of the vehicle causing such damage, or shall attach securely in a conspicuous place on the vehicle or other property a written notice giving such driver's name and address and the registration number of the vehicle causing such damage. If applicable, the driver shall also give notice as provided in section 12.16.010 of this chapter, or its successor.

B. Any person failing to comply with said requirements under such circumstances is guilty of a class B violation. (Ord. 21-03 § 2, 2003: Ord. 29-02 § 14, 2002: Ord 66-92 § 2, 1992: prior code title 46, art. 5 § 96)

## 12.16.070: ACCIDENT TO LIVESTOCK ON HIGHWAY:

The owner or person in immediate possession of any livestock involved in an accident with any vehicle shall give notice and make report of such accident as required in sections 12.16.010 and 12.16.100 of this chapter, or successor sections. (Prior code title 46, art. 5 § 102)

## 12.16.080: CONCEALING IDENTITY OR FACTS:

A. No person involved in an accident shall conceal or attempt to conceal his or her identity, falsely identify himself or herself, or give false information concerning the accident to any police officer or to any class A special officer to whom the chief of police has delegated the responsibility to obtain information pertaining to the accident.

B. Any person guilty of violating this section shall be deemed guilty of a misdemeanor. (Prior code title 46, art. 5 § 95)

## 12.16.090: ACCIDENT REPORTS; CONFIDENTIALITY; CERTIFICATE OF COMPLIANCE:

A. All accident reports made by persons involved in accidents or by garages shall be without prejudice to the individual so reporting and shall be for the confidential use of the financial responsibility division of the state department of public safety, other state agencies having use for the records for accident prevention purposes, or for the administration of the laws of this state relating to the deposit of security and proof of financial responsibility by persons driving or the owners of motor vehicles; except that the financial responsibility division of the department of public safety of the state may disclose the identity of a person involved in an accident when such identity is not otherwise known or when such person denies his or her presence at such accident.

B. No such report shall be used as evidence in any trial, civil or criminal, arising out of an accident, except that the financial responsibility division of the department of public safety and the police department shall furnish, upon demand of any person who has or claims to have made such a report, or upon demand of any court, a certificate showing that a specified accident report has or has not been made to the financial responsibility division of the department of public safety solely to prove a compliance or a failure to comply with the requirement that such a report be made to the financial responsibility division of the department of public safety of the state. (Prior code title 46, art. 5 § 103)

## 12.16.100: ACCIDENT REPORTS; DRIVER, WITNESS AND INVESTIGATING OFFICER DUTIES; SUPPLEMENTAL REPORTS:

A. The driver of a vehicle involved in an accident resulting in injury to or death of any person or total property damage to the apparent extent of seven hundred fifty dollars ($750.00) or more shall forward a written report of such accident to the financial responsibility division of the department of public safety of the state within five (5) days after such accident.

B. The financial responsibility division of the department of public safety may require any driver of a vehicle involved in an accident of which report must be made as provided in this section to file supplemental reports whenever the original report is insufficient, in the opinion of the department, and may require witnesses of accidents to render reports.

C. Every law enforcement officer who investigates a motor vehicle accident of which report must be made as required in this section, either at the time of and at the scene of the accident or thereafter by interviewing participants or witnesses, shall forward a written report of such accident to the financial responsibility division of the department of public safety within twenty four (24) hours after completing such investigation.

D. The city police department shall furnish upon request to any applicant copies of officers' reports of any traffic accident on file in such department. A fee in an amount to be determined by the mayor or his or her designee, but not to exceed fifteen dollars ($15.00) for each copy of such report, shall be paid by the applicant in the office of the chief of police, which office shall then issue a receipt therefor which must be presented as a condition precedent to the delivery of such report; provided, however, that any person sixty five (65) years of age or over shall be exempt from the payment of such fee. (Ord. 66-92 § 3, 1992: prior code title 46, art. 5 § 98)

## 12.16.110: ACCIDENT REPORTS; FORM AND CONTENTS:

The police department shall furnish forms for accident reports by this title. The written reports to be made by persons involved in accidents and by investigating officers shall call for sufficiently detailed information to disclose, with reference to the traffic accident, the apparent cause, conditions then existing, and the persons and vehicles involved. (Prior code title 46, art. 5 § 100)

### 12.16.120: GARAGE KEEPERS TO REPORT DAMAGED VEHICLES:

The person in charge of any garage or repair shop located in the city who receives a vehicle which shows evidence of having been involved in an accident for which a written report must be made as provided in section 12.16.100 of this chapter, or its successor, or having been struck by any bullet, shall report to the police department, within twenty four (24) hours after such vehicle is received by the garage or repair shop, giving the vehicle identification number, registration number, and the name and address of the owner or operator of such vehicle. If a damaged vehicle sticker describing the damage is affixed to the vehicle, the person in charge of the garage or repair shop is not obligated to give the notification required by this section. (Prior code title 46, art. 5 § 101)

# CHAPTER 12.20
# ARREST AND CITATION PROCEDURE

### 12.20.010: PARTIES TO VIOLATIONS; CONDITIONS:

(Rep. by Ord. 31-00 § 7, 2000)

### 12.20.020: IMMEDIATE APPEARANCE BEFORE MAGISTRATE REQUIRED WHEN:

Whenever a person is arrested for any violation of this code, the arrested person shall be immediately taken before a magistrate within this city who is nearest or most accessible with reference to the place where said arrest is made, in any of the following cases:

A. When the person arrested demands an immediate appearance before a magistrate;

B. When the person is arrested upon a charge of driving under the influence of intoxicating liquor or narcotic drugs;

C. When the person is arrested upon a charge of failure to stop in the event of an accident causing death, personal injuries or damage to property. (Prior code title 46, art. 19 § 282)

### 12.20.030: MISDEMEANOR CITATION WHEN IMMEDIATE APPEARANCE IS NOT MADE:

A. Upon any class B misdemeanor violation of this title, whenever a person is not immediately taken before a magistrate as provided in the preceding section, the police officer shall prepare in triplicate or more copies, a misdemeanor citation, shall issue one copy of which to the person subject to arrest or prosecution, and shall, within five (5) days, file duplicate copies with the court specified in the citation.

B. Each copy of the citation issued under authority of this title shall contain:

1. The name of the court before which the person is to appear;

2. The name of the person cited;

3. A brief description of the offense charged;

4. The date, time and place at which the offense is alleged to have occurred;

5. The date on which the citation was issued;

6. The name of the peace officer or public official who issued the citation, and the name of the arresting person if an arrest was made by a private party and the citation was issued in lieu of taking the arrested person before a magistrate;

7. The time and date on or before and after which the person is to appear;

8. The address of the court in which the person is to appear; and

9. A notice containing substantially the following language:

*READ CAREFULLY*

*This citation is not a complaint and will not be used as a complaint without your consent. If a complaint is filed you will be provided a copy by the court. You MUST appear on or before the time set in this citation. IF YOU FAIL TO APPEAR A COMPLAINT WILL BE FILED AND THE COURT MAY ISSUE A WARRANT FOR YOUR ARREST.*

C. Any person who wilfully fails to appear before a court pursuant to a citation issued under this section is guilty of a misdemeanor, regardless of the disposition of the charge upon which such person was originally cited. (Ord. 62-02 § 8, 2002: prior code title 46, art. 19 § 282.1)

## 12.20.033: MANDATORY APPEARANCE BEFORE JUSTICE COURT JUDGE:

Violations of the following sections of this title shall require a mandatory appearance before a judge of the justice court for disposition, and shall not be disposed of by payment of bail in the absence of such appearance:

A. Section 12.36.040 of this title.

B. Section 12.48.070 of this title.

C. Section 12.48.080 of this title.

D. Section 12.48.100 of this title.

E. Subsection 12.52.355C of this title.

F. Subsection 12.76.045A1a of this title.

G. Subsection 12.76.045A1b of this title for a second and for each subsequent violation within one year of a previous conviction or forfeiture of penalty for a violation of said subsection. (Ord. 1-06 § 26, 2005)

## 12.20.035: CIVIL VIOLATION CITATION WHEN IMMEDIATE APPEARANCE IS NOT MADE:

A. Upon any civil violation of this title, the enforcement officer: 1) shall prepare in as many copies as may be needed, a civil violation citation, 2) shall issue one copy to the person subject to prosecution, and 3) shall, within five (5) days, file duplicate copies or an electronic copy with the administrative enforcement office as specified in the citation.

B. Each copy of the citation issued under authority of this title shall contain:

1. The name and address of the administrative enforcement office before which the person is to appear;

2. The name of the person cited;

3. A brief description of the violation charged;

4. The date, time and place at which the violation is alleged to have occurred;

5. The date on which the citation was issued;

6. The name of the enforcement officer who issued the citation;

7. The time and date on or before and after which the person is to appear;

8. A notice containing substantially the following language:

*CITATION AND NOTICE TO APPEAR*

*You are required to pay or appear within 20 days from the date of this citation. Failure to follow the instructions on the back of the citation may result in increased costs,*

*attorney fees and other penalties provided by law.*

(Ord. 62-02 § 9, 2002)

### 12.20.040: VIOLATING PROMISE TO APPEAR; MISDEMEANOR:

(Rep. by Ord. 62-02 § 10, 2002)

### 12.20.050: CANCELING OR SOLICITING CANCELLATION OF SUMMONS OR TRAFFIC CITATION:

Any person who cancels or solicits the cancellation of any summons or traffic citation, in any manner other than as provided by this title, shall be guilty of a misdemeanor. (Prior code title 46, art. 19 § 283)

# CHAPTER 12.24
# DRIVER QUALIFICATIONS

### 12.24.010: DRIVER LICENSING REQUIREMENTS:

It is unlawful, and shall constitute a class C misdemeanor, for any person, having been issued a valid operator's license issued by the state or by such person's home state or country, if such operator's license is required of such person under the laws of his or her home state or country, and which license has not been revoked or suspended, to drive a motor vehicle upon the streets of the city unless such person has in his or her immediate possession such license and displays the same upon demand of a police officer of this city; provided, however, that it shall be a defense to any charge under this section that the person so charged produce in court an operator's license as above required theretofore issued to such person and valid at the time of such person's arrest. (Ord. 21-03 § 2, 2003: Ord. 31-00 § 8, 2000: prior code title 46, art. 6 § 114)

### 12.24.011: OPERATING A MOTOR VEHICLE WITHOUT LICENSE:

A. It is unlawful, and shall constitute a class C misdemeanor, for any person, having never been issued a valid operator's license issued by the state or by such person's home state or country, if such operator's license is required of such person under the laws of his or her home state or country, to operate a motor vehicle upon the streets of the city.

B. It is unlawful, and shall constitute a class C misdemeanor, for any person, having never been issued a commercial driver license as required by title 53, chapter 3, part 4,

Utah Code Annotated, or its successor, to operate a commercial motor vehicle as defined by section 53-3-102, Utah Code Annotated, or its successor, upon the streets of the city. (Ord. 21-03 § 2, 2003: Ord. 31-00 § 9, 2000)

## 12.24.012: VIOLATION OF RESTRICTED LICENSE:

A. It is unlawful, and shall constitute a class C misdemeanor, for any person to drive a motor vehicle upon the streets of the city in any manner in violation of the restrictions imposed in a restricted operator's license or a temporary learner permit granted to such person by the state or by such person's home state or country.

B. It is unlawful, and shall constitute a class C misdemeanor, for any person to drive a commercial motor vehicle as defined by section 53-3-102, Utah Code Annotated, or its successor, upon the streets of the city in any manner in violation of the restrictions or endorsements imposed in a restricted commercial driver license or temporary learner permit granted under title 53, chapter 3, part 4, Utah Code Annotated, or its successor. (Ord. 21-03 § 2, 2003: Ord. 62-02 § 11, 2002: Ord. 31-00 § 10, 2000)

## 12.24.013: PROHIBITED USES OF LICENSE CERTIFICATE:

A. It is unlawful, and shall constitute a class C misdemeanor, for a person to:

1. Display, cause or permit to be displayed, or to have in possession any license certificate knowing it is fictitious or altered;

2. Lend or knowingly permit the use of a license certificate issued to him, by a person not entitled to it;

3. Display or to represent as his own a license certificate not issued to him;

4. Refuse to surrender to a peace officer upon demand any license certificate issued by the state or issued by another state or country;

5. Permit any other prohibited use of a license certificate issued to him; or

6. Display a canceled, denied, revoked, suspended, or disqualified driver's license certificate as a valid driver's license certificate.

B. The provisions of subsection A6 of this section do not prohibit the use of a person's driver's license certificate as a means of personal identification. (Ord. 21-03 § 2, 2003: Ord. 31-00 § 11, 2000)

## 12.24.014: VIOLATION OF CLASS OF LICENSE:

It is unlawful, and shall constitute a class C misdemeanor, for any person to drive a class of motor vehicle for which such person is not licensed as required under section 53-3-213, Utah Code Annotated, 1953, as amended, or its successor. (Ord. 21-03 § 2, 2003: Ord. 31-00 § 12, 2000)

## 12.24.016: VEHICLE OWNER DRIVING WITHOUT OWNER'S AND OPERATOR'S SECURITY:

A. It is unlawful for any owner of a motor vehicle with respect to which a security is required under Utah motor vehicle owner's or operator's security laws, to drive such motor vehicle or permit such motor vehicle to be driven upon streets or highways within the corporate limits of the city, without security being in effect, as required by the Utah financial responsibility of motor vehicle owner's and operator's act, section 41-12a-301 et seq., Utah Code Annotated, or their successor sections.

B. The foregoing notwithstanding, no person cited for a violation of this section shall be adjudged guilty of a violation hereof, if such person produces reasonable evidence before the justice court, in accordance with the procedures set forth in title 2, chapter 2.75 of this code, or its successor, that such security was in effect at the time such person was issued a citation for failure to have such evidence in his or her possession. Evidence of such security being in effect may be in the form of an identification card approved by the Utah department of public safety for issuance by an insurer to its insured with respect to the motor vehicle.

C. An increased penalty may be imposed for a second and subsequent offense within three (3) years of a previous conviction or forfeiture of penalty. (Ord. 29-02 § 15, 2002: Ord. 31-00 § 13, 2000)

## 12.24.018: DRIVING WITHOUT OWNER'S AND OPERATOR'S SECURITY:

A. It is unlawful for any person to operate a motor vehicle which is subject to the requirements of insurance contained in the Utah financial responsibility of motor vehicle owner's and operator's act, section 41-12a-301 et seq., Utah Code Annotated, or their successor sections, anywhere within the corporate limits of the city, knowing that the owner of the motor vehicle does not have security in effect as required by the Utah financial responsibility of motor vehicle owner's and operator's act.

B. The foregoing notwithstanding, no person cited for a violation of this section shall be adjudged guilty of a violation hereof if such person produces reasonable evidence before the justice court, in accordance with the procedures set forth in title 2, chapter 2.75 of this code, or its successor, that said security was in effect at the time such person was issued a citation for failure to have such evidence in his or her possession. Evidence of such security being in effect may be in the form of an identification card approved by the Utah department of public safety for issuance by an insurer to its insured with respect to the motor vehicle.

C. An increased penalty may be imposed for a second and subsequent offense within three (3) years of a previous conviction or forfeiture of penalty. (Ord. 29-02 § 16, 2002: Ord. 31-00 § 14, 2000)

## 12.24.020: DRIVERS WITH A DISABILITY; LICENSE PLATES AND PARKING:

A. A person with a disability, whose automobile has affixed thereto as provided by law the license plate designated for persons with a disability issued by the state, shall be entitled to park at any parking meter and in the following identified restricted parking areas, without charge, notwithstanding any other state or municipal parking restriction: freight loading zones, passenger loading zones, and time limited parking zones.

B. It is unlawful for such person with a disability to park for longer than two (2) hours at all meters and restricted parking areas. (Ord. 20-06 § 2, 2006: prior code title 46, art. 6 § 106A)

## 12.24.030: INCOMPETENT DRIVERS DESIGNATED AND PROHIBITED:

No person under the age of sixteen (16) years, and no person with physical or mental disabilities or incapacitated in any particular, temporarily or permanently, shall drive a motor vehicle upon any street or alley, provided such disability or incapacity is such as to interfere with the reasonable and safe operation of such vehicle. (Ord. 20-06 § 1, 2006: prior code title 46, art. 6 § 113)

## 12.24.040: PERMITTING INCOMPETENT TO DRIVE PROHIBITED:

No driver or person having charge or control of any motor vehicle shall require or knowingly permit any prohibited person, as set forth in section 12.24.030 of this chapter, or its successor, to drive the same or knowingly permit or require the operation of any vehicle in any manner contrary to law. (Prior code title 46, art. 6 § 115)

## 12.24.050: INCAPABLE DRIVERS DESIGNATED AND PROHIBITED:

No driver shall operate a vehicle while his or her ability or alertness is so impaired through fatigue, illness or any other cause as to make it unsafe for him or her to drive such vehicle. (Prior code title 46, art. 6 § 112)

## 12.24.060: PERMITTING INCAPABLE DRIVERS TO DRIVE PROHIBITED:

No owner or person in control of a vehicle shall knowingly permit said vehicle to be operated by any person who has physical or mental disabilities to such an extent that such person's judgment or driving ability is impaired. (Ord. 20-06 § 1, 2006: prior code title 46, art. 6 § 111)

## 12.24.070: DRINKING ALCOHOLIC BEVERAGES IN VEHICLES:

A. No person shall drink any alcoholic beverage while driving a motor vehicle or while a passenger in a motor vehicle, whether the vehicle is moving, stopped, or parked on any street or highway.

B. No person shall keep, carry, possess, transport, or allow another to keep, carry, possess or transport in the passenger compartment of a motor vehicle, when the vehicle is on any public street or highway, any container whatsoever which contains any alcoholic beverage, if the container has been opened, the seal thereon broken, or the contents of the container partially consumed.

C. For purposes of this section:

ALCOHOLIC BEVERAGES: Shall have the meaning provided in section 32A-1-5, Utah Code Annotated, or its successor.

PASSENGER COMPARTMENT: The area of the vehicle normally occupied by the driver and his or her passengers, and includes areas accessible to them while traveling, such as a utility or glove compartment, but does not include a separate front or rear trunk compartment or other area of the vehicle not accessible to the driver or passengers while inside the vehicle.

D. The provisions of subsections A and B of this section shall not apply to passengers in the living quarters of a motor home or camper, but the driver of the vehicle will be prohibited from consuming alcoholic beverages as provided in subsection A of this section.

E. The provisions of subsection B of this section shall not apply to passengers traveling in any duly licensed taxicab or bus.

F. Any person convicted of a violation of this section is guilty of a class C misdemeanor. (Ord. 21-03 § 2, 2003: amended during 1/88 supplement: prior code title 46, art. 6 § 109)

## 12.24.080: INTOXICATED PERSONS IN OR ABOUT VEHICLES:

It is unlawful for any person under the influence of alcohol or any drugs to be in or about any vehicle with the intention of driving or operating such vehicle. (Prior code title 46, art. 6 § 108)

## 12.24.090: PERMITTING USE OF VEHICLE BY HABITUAL DRINKER OR DRUG USER:

It is unlawful for the owner of any motor vehicle, or any person having such in charge, to permit same to be driven or operated on any street by any person who is a habitual user of any drugs, or by any person who is under the influence of alcohol or any drugs. (Prior code title 46, art. 6 § 107)

## 12.24.100: DRIVING UNDER THE INFLUENCE OF DRUGS AND INTOXICANTS PROHIBITED; PENALTIES:

A. It is unlawful and punishable as provided in this section for any person to operate or be in actual physical control of a vehicle within this city if the person has a blood or breath alcohol content of 0.08 gram or greater by weight as shown by a chemical test, or if the person is under the influence of alcohol or any drug, or the combined influence of alcohol and any drug to a degree which renders the person incapable of safely driving a vehicle within the city. The fact that a person charged with violating this section is or has been legally entitled to use alcohol or a drug does not constitute a defense against any charge of violating this section.

B. Percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred milliliters (100 ml) of blood, and the percent by weight of alcohol

concentration in the breath shall be based upon grams of alcohol per two hundred ten liters (210 l) of breath.

C. Every person who is convicted of a violation of subsection A of this section shall be guilty of a class B misdemeanor.

1. The court shall, upon a first conviction, impose either:

a. A mandatory jail sentence of not less than forty eight (48) consecutive hours nor more than two hundred forty (240) hours; or

b. Require the person to work in a community service work program for not less than twenty four (24) hours nor more than fifty (50) hours.

2. The court shall also order the person to participate in an assessment and educational series at a licensed alcohol rehabilitation facility, at the person's expense.

3. The court shall also impose a fine of not less than seven hundred dollars ($700.00) nor more than one thousand dollars ($1,000.00).

D. 1. Upon a second conviction of subsection A of this section within five (5) years after a first conviction the court shall impose either:

a. A mandatory jail sentence of not less than two hundred forty (240) consecutive hours nor more than seven hundred twenty (720) hours; or

b. As an alternative to all or a part of a jail sentence, require the person to work in a community service work program for not less than eighty (80) hours nor more than two hundred forty (240) hours.

2. In addition to the requirements of subsection D1a or D1b of this section, the court shall order the person to participate in an assessment and educational series at a licensed alcohol rehabilitation facility, and the court may, in its discretion, order the person to obtain treatment at the person's expense at an alcohol rehabilitation facility.

3. The court shall also impose a fine of not less than eight hundred dollars ($800.00), nor more than one thousand dollars ($1,000.00).

E. 1. Upon a subsequent conviction of subsection A of this section within five (5) years after a second conviction, the court shall impose either:

a. A mandatory jail sentence of not less than seven hundred twenty (720) hours nor more than two thousand one hundred sixty (2,160) hours, with emphasis on serving in the drunk tank of the jail; or

b. As an alternative to all or a part of a jail sentence, require the person to work in a community service work project for not less than two hundred forty (240) hours nor more than seven hundred twenty (720) hours.

2. The court shall also impose a fine of not less than nine hundred dollars ($900.00), nor more than one thousand dollars ($1,000.00).

F. In no event shall any combination of imprisonment and/or community service imposed under subsections C, D and E of this section exceed six (6) months' duration.

G. 1. When the prosecution agrees to a plea of guilty or no contest to a charge of a violation of section 12.52.350 of this title, or its successor, in satisfaction of, or as a substitute for, an original charge of a violation of this section, the prosecution shall state for the record a factual basis for the plea, including whether or not defendant had consumed alcohol or drugs, or a combination of both, in connection with the offense. The prosecutor's statement shall be an offer of proof of the facts which show whether or not defendant had consumed alcohol or drugs, or a combination of both, in connection with the offense.

2. The court shall advise the defendant, before accepting the plea offered under subsection G1 of this section, of the consequences of a violation of section 12.52.350 of

this title, or its successor, in substance as follows:

*If the court accepts the defendant's plea of guilty or no contest to a charge of violating said section 12.52.350, and the prosecutor states for the record that there was consumption of alcohol or drugs, or a combination of both, by the defendant in connection with the offense, the resulting conviction shall be a prior offense for the purpose of subsections D and E of this section.*

H. A peace officer may, without a warrant, arrest a person for a violation of this section when the officer has reasonable cause to believe a violation has in fact been committed by the person, although not in the officer's presence.

I. This section was enacted to be in harmony with and, in substance, the same as section 41-6-44, Utah Code Annotated, 1953, as amended, or its successor. (Ord. 1-06 § 27, 2005: Ord. 23-96 § 1, 1996: Ord. 85-92 § 1, 1992: Ord. 60-92 § 1, 1992: Ord. 82-87 § 1, 1987: prior code title 46, art. 6 § 105)

## 12.24.110: CHEMICAL TESTS AS EVIDENCE:

A. In any action or proceeding in which it is material to prove that a person was driving or in actual physical control of a vehicle while under the influence of alcohol or with a blood alcohol content statutorily prohibited, the results of a chemical test or tests, as authorized under section 41-6-44.10, Utah Code Annotated, 1953, or its successor, shall be admissible as evidence.

B. If the chemical test was taken within two (2) hours of the alleged driving or actual physical control, the blood alcohol level of the person shall, at the time of the alleged driving or actual physical control, be presumed to have been not less than the level of the alcohol determined to be in the blood by the chemical test.

C. If the chemical test was taken more than two (2) hours after the alleged driving or actual physical control, the test result shall be admissible as evidence of the person's blood alcohol level at the time of the alleged driving or actual physical control, but the trier of fact shall determine what weight shall be given to the result of the test.

D. The foregoing provisions of this section shall not prevent a court from receiving otherwise admissible evidence as to a defendant's blood alcohol level, or of other violations of this title, at the time of the alleged driving or actual physical control.

E. This section was enacted to be in harmony with and in substance the same as section 41-6-44.5, Utah Code Annotated, as amended, or its successor. (Prior code title 46, art. 6 § 106)

## 12.24.115: NONALCOHOL AND NONCONTROLLED SUBSTANCE RELATED DRIVING PROHIBITED WHILE DRIVING PRIVILEGE DENIED, SUSPENDED, DISQUALIFIED, OR REVOKED:

Except as provided in section 12.24.120 of this chapter, or its successor, any person whose driving privilege has been denied, suspended, disqualified, or revoked under the laws of the state or under the laws of the state in which the person's driving privilege was granted and who drives any motor vehicle within the city while that driving privilege is denied, suspended, disqualified, or revoked is guilty of an infraction. (Ord. 21-03 § 2, 2003: Ord. 31-00 § 15, 2000)

### 12.24.120: CLASS B MISDEMEANOR; ALCOHOL AND CONTROLLED SUBSTANCE RELATED DRIVING PROHIBITED WHILE DRIVING PRIVILEGE DENIED, SUSPENDED, DISQUALIFIED, OR REVOKED; PENALTY:

A. A person is guilty of a class B misdemeanor who is convicted of driving any motor vehicle within the city while that driving privilege is denied, suspended, disqualified, or revoked under the laws of the state or under the laws of the state in which the person's driving privilege was granted, and which denial, suspension, disqualification, or revocation was for:

1. A refusal to submit to a chemical test under section 41-6-44.10, Utah Code Annotated, 1953, as amended, or its successor;

2. A violation of section 41-6-44, Utah Code Annotated, 1953, as amended, or its successor;

3. A violation of section 12.24.100 of this chapter or its successor;

4. A violation of section 41-6-44.6, Utah Code Annotated, 1953, as amended, or its successor;

5. A violation of section 76-5-207, Utah Code Annotated, 1953, as amended, or its successor;

6. A criminal action that the person pleaded guilty to as a result of a plea bargain after having been originally charged with violating one or more of the sections or ordinances under this chapter;

7. A revocation or suspension which has been extended under subsection 53-3-220(2), Utah Code Annotated, 1953, as amended, or its successor; or

8. Where disqualification is the result of driving a commercial motor vehicle while the person's CDL is disqualified, suspended, canceled, or revoked under subsection 53-3-414(1), Utah Code Annotated, 1953, as amended, or its successor.

B. A person is guilty of a class B misdemeanor whose conviction under subsection A of this section is based upon the person driving a motor vehicle while the person's driving privilege is suspended, disqualified, or revoked in any state for violations corresponding to the violations listed in subsection A of this section.

C. A fine imposed under this section shall be at least the maximum fine for a class C misdemeanor under section 76-3-301, Utah Code Annotated, 1953, as amended, or its successor. (Ord. 31-00 § 16, 2000)

# CHAPTER 12.28
# VEHICLE REGISTRATION AND EQUIPMENT

## 12.28.010: STATE VEHICLE INSPECTION REQUIRED:

No person shall drive, stop or park, nor shall any owner or person in possession cause or knowingly permit to be driven, stopped or parked on any street or alley within this city any vehicle which is required under the laws of the state of Utah to be inspected, unless such vehicle has been inspected as required by the laws of the state. (Ord. 62-02 § 14, 2002: prior code title 46, art. 9 § 176)

## 12.28.020: VEHICLE REGISTRATION AND LICENSE PLATES REQUIRED:

A. Every vehicle, at all times while being driven, stopped or parked upon the streets or alleys of this city, shall:

1. Be registered in the name of the owner thereof in accordance with the laws of the state, unless such vehicle is not required by the laws of Utah to be registered in this state;

2. When required, current validation or indicia of registration attached to the rear plate and in a manner complying with the laws of the state, and free from defacement, mutilation, grease and other obscuring matters so as to be plainly visible and legible at all times; and

3. Display in proper position two (2) valid, unexpired registration plates, one on the front and one on the rear of such vehicle.

B. However, if such vehicle is not required to be registered in this state, and the indicia of registration issued by another state, territory, possession or district of the United States, or of a foreign country, substantially complies with the provisions hereof, such registration shall be considered compliance with this code.

C. Every commercial vehicle, as defined by section 53-3-102, Utah Code Annotated, at all times while being driven, stopped or parked upon the streets or alleys of this city, shall meet the requirements of this section. (Ord. 62-02 § 15, 2002: Ord. 31-00 § 17, 2000: Ord. 62-84 § 1, 1984: prior code title 46, art. 9 § 177)

## 12.28.030: CAMPER; DEFINED:

As used in this section and section 12.28.040 of this chapter, "camper" means any structure that contains a floor that is designed to be mounted on a motor vehicle and is designed to provide facilities for human habitation or camping, and is six feet (6') or more in overall length and five and one-half feet ($5^{1}/_{2}$') or more in height from floor to ceiling at any point, and has no more than one axle designed to support a portion of the weight. (Prior code title 46, art. 9 § 177.4)

## 12.28.040: MOTOR VEHICLE WITH MOUNTED CAMPER; REGISTRATION REQUIREMENTS:

It is unlawful for any person to operate a motor vehicle with a camper mounted upon it upon the streets or alleys of this city, unless the camper mounted on such vehicle is currently registered, with the appropriate decal attached in plain sight at the rear of the camper, as provided by state law; provided, that this section shall not apply to a nonresident owner of a motor vehicle, which vehicle is currently registered and licensed in another state and which has an out of state camper mounted upon it. (Prior code title 46, art. 9 §§ 177.1, 177.3)

## 12.28.050: REGISTRATION CERTIFICATE; CARRYING AND DISPLAY:

The current, valid registration certificate of every motor vehicle shall at all times be carried in the vehicle to which it refers, or shall be carried by the person driving or in control of such vehicle, who shall display the same upon demand of a police officer. (Prior code title 46, art. 9 § 179)

## 12.28.060: REMOVAL OF REGISTRATION PLATES BEFORE SALE:

No person selling a motor vehicle shall deliver possession thereof to a buyer until such seller shall first remove the registration plates from the vehicle. (Prior code title 46, art. 9 § 177.2)

## 12.28.070: REGISTRATION; MUTILATION OR ALTERATION PROHIBITED:

No person shall reprint, mutilate, obscure or in any other manner alter any lawful evidence of registration displayed by any vehicle in this city. (Prior code title 46, art. 9 § 178)

## 12.28.080: CHILD PASSENGERS SAFETY REQUIREMENTS:

A. Definitions: As used in this section, "motor vehicle" means a vehicle defined in section 12.04.260 of this title, or its successor, except authorized emergency vehicles defined in chapter 12.04, article II, of this title, mopeds, campers, sleepers, motorcycles, motor homes, school buses, taxicabs, vehicles owned, operated or leased by a public transit district, commercial vehicles owned or operated by persons holding a certificate of convenience and necessity issued by the state public service commission, or vehicles which weigh over ten thousand (10,000) pounds' gross weight which are not equipped with seat belts by the manufacturer.

B. Child Restraint Device Required: A parent or legal guardian driver, who is transporting his or her child in a motor vehicle on a street or highway within the city, shall:

1. Provide for the protection of a child younger than two (2) years of age by using a child restraining device approved by the commissioner of public safety of the state to restrain the child in the manner prescribed by the manufacturer;

2. Provide for the protection of a child two (2) years of age or older, who is not yet five (5) years of age, by using either a child restraining device or a safety belt approved by the commissioner of public safety of the state to restrain the child in the manner prescribed by the manufacturer.

C. Exceptions: Subsection B of this section does not apply where all seating positions which can be equipped with child restraining devices or safety belts are occupied by other passengers.

D. Violations:

1. A driver convicted of a violation of this section is guilty of an infraction, and shall be penalized not more than the maximum allowed by state law.

2. The court in which a charge is pending shall dismiss the action against a driver who, during or before any court appearance on the matter, submits proof of acquisition, rental or purchase of a child restraint device or safety belt as required by subsection B of this section.

E. Noncompliance Not Evidence Of Standard Of Care Or Duty In Civil Proceedings: Failure to provide and use a child restraining device or safety belt to restrain a child as required under this section may not be considered comparative negligence, nor is the failure to provide and use the restraining device or safety belt admissible as evidence in the trial of a civil action with regard to negligence. (Ord. 21-03 § 2, 2003: Ord. 31-00 § 18, 2000: prior code title 46, art. 24 § 294)

## 12.28.085: SEAT BELT USAGE:

A. Driver And Front Seat Passengers:

1. Except as provided in section 12.28.080 of this chapter, or its successor, for children under five (5) years of age and except as provided in subsection A2 of this section for passengers who are at least five (5) years of age but younger than eighteen (18) years of age, the driver and front seat passengers of a "motor vehicle", as defined in subsection 12.28.080A of this chapter, or its successor, operated on a street or highway in Salt Lake City shall wear a properly adjusted and fastened safety seat belt system, which meets standards promulgated by the Utah department of public safety.

2. The driver of a motor vehicle shall secure or cause to be secured a properly adjusted and fastened safety seat belt system on any passenger in the front seat who is at least five (5) years of age but younger than eighteen (18) years of age.

B. Exceptions: This section does not apply to a driver or front seat passenger of:

1. A motor vehicle manufactured before July 1, 1966;

2. A motor vehicle in which the driver or passengers possess a written verification from a licensed physician that the driver or passenger is unable to wear a safety seat belt system for physical or medical reasons;

3. A motor vehicle which is not required to be equipped with a safety seat belt system under federal law;

4. A motor vehicle operated by a rural letter carrier of the United States postal service while performing the duties of a rural letter carrier; or

5. A motor vehicle engaged in pick up, delivery or service operations involving repeated starts and stops and requiring the front seat occupant to frequently and repeatedly enter and leave the vehicle.

C. Enforcement: Enforcement of this section by law enforcement agents shall be only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of this title other than this section, or another offense.

D. Violations: A person who violates subsection A of this section shall be fined ten dollars ($10.00) per offense.

E. Noncompliance Not Evidence Of Standard Of Care Or Duty In Civil Proceedings: Failure to wear, secure or cause to be secured a properly adjusted and fastened safety seat belt system as required under this section may not be considered comparative negligence, nor is such failure admissible as evidence in the trial of a civil action with regard to negligence. (Ord. 61-88 § 1, 1988)

## 12.28.090: LIGHTS, BRAKES, AND OTHER EQUIPMENT:

A. No person shall drive, move, stop or park, nor shall the owner or person in possession cause or knowingly permit to be driven, moved, stopped or parked on any street or alley, any vehicle:

1. Which is in such unsafe condition as to endanger any person or property;

2. Which is not equipped with those serviceable lamps, reflectors, brakes, horn and other warning and signaling devices, windows, windshields, windshield wipers, mirrors, mufflers, fenders, tires, and other parts and equipment in the position, condition and adjustment meeting the requirements of the laws of the state as to such parts and equipment;

3. Which, when upon a street or highway, is operating more than four (4) headlamps, auxiliary lamps and/or spot lamps on the front of such vehicle, each projecting a beam of an intensity greater than three hundred (300) candlepower at any one time;

4. Which is of such size, weight or condition, or is loaded or equipped in such manner as is in violation of the laws of the state with respect to such vehicle.

B. No person shall do any act forbidden or fail to perform any act required by the laws of the state relating to tires, lamps, brakes, fenders, horns, sirens, whistles, bells and other parts and equipment, and size, weight and load of any vehicle; provided, however, an authorized emergency vehicle may be equipped with and may display flashing lights which do not indicate a right or left turn.

C. Any motorcycle or motor driven vehicle carrying a passenger on a public highway, other than in a sidecar or enclosed cab shall be equipped with footrests for such passenger.

D. No person shall operate any motorcycle or motor driven cycle with handlebars above shoulder height.

E. No person under eighteen (18) years of age shall operate or ride upon a motorcycle or motor driven cycle upon a public highway unless such person is wearing protective headgear which complies with standards established by the state commissioner of public safety. This subsection shall not apply to persons riding within a closed cab. (Ord. 62-02 § 16, 2002: prior code title 46, art. 9 § 174)

## 12.28.095: LIGHTS AND ILLUMINATING DEVICES; DUTY TO DISPLAY; TIME:

A. The operator of a vehicle shall turn on the lamps or lights of the vehicle on a roadway at any time from a half hour after sunset to a half hour before sunrise and at any other time when, due to insufficient light or unfavorable atmospheric conditions, persons and vehicles on the roadway are not clearly discernible at a distance of one thousand feet

(1,000') ahead subject to the exceptions for parked vehicles under section 12.56.090 of this title.

B. Whenever a requirement is made as to distance from which certain lamps and devices shall render objects visible or within which the lamps or devices shall be visible, the provisions apply during the times specified under subsection A of this section for a vehicle without load on a straight, level, unlighted roadway under normal atmospheric conditions, unless a different time or condition is expressly stated.

C. Whenever a requirement is made as to the mounted height of lamps or devices it shall mean from the center of the lamp or device to the level ground upon which the vehicle stands when the vehicle is without a load. (Ord. 2-06 § 3, 2006)

## 12.28.100: MUFFLERS AND EXHAUST SYSTEMS:

Every motor vehicle shall at all times be equipped with a muffler in good working order and in constant operation. Notwithstanding the foregoing, no person shall modify the exhaust system of a motor vehicle in a manner which will amplify or increase or change the character of the noise emitted by the motor of such vehicle above that emitted by the muffler originally installed on the vehicle. No person shall sell, furnish, provide or purchase, nor shall any person attach to any vehicle any device which will or is intended to increase or change the character of the sound of the original muffling equipment on any motor vehicle. No person shall operate a motor vehicle with an exhaust system so modified. (Ord. 31-00 § 19, 2000: prior code title 46, art. 9 § 172)

## 12.28.110: WINDSHIELDS, WINDOWS AND OBSTRUCTIONS TO VISION:

No person shall drive any motor vehicle with any sign, poster or other nontransparent material upon the front windshield, side wings, side or rear windows of such vehicle other than a certificate or other paper required to be so displayed by law, nor shall any person drive any vehicle when the windshield or any window is broken, shattered or in such a defective condition as to impair the driver's vision, or when the driver's vision is obstructed by any article or articles suspended or otherwise attached to such motor vehicle. (Prior code title 46, art. 9 § 171)

## 12.28.120: FUMES AND SMOKE:

The engine and power mechanism of every motor vehicle shall be so equipped and adjusted as to prevent the escape of excessive fumes or smoke. (Prior code title 46, art. 9 § 173)

## 12.28.130: LOADS PROJECTING TO REAR; FLAGS AND LIGHTS REQUIRED:

No person shall drive any vehicle with a load or object upon such vehicle extending four feet (4') or more beyond the bed or body of the vehicle without having during the daytime a red flag at least sixteen inches (16") square attached at the extreme rear end of the load or object so projecting, and so hung that the entire area is visible to the driver of a vehicle approaching from the rear, or a red light or lantern at the extreme rear of the load or object so projecting, during the period of from a half hour after sunset to one hour before sunrise, which shall be plainly visible under normal atmospheric conditions at least five hundred feet (500') to the sides and rear of such vehicle. (Prior code title 46, art. 9 § 175)

## 12.28.140: HEAVY, LARGE, LONG AND OTHER RESTRICTED VEHICLES:

A. Designated Vehicles: All vehicles, combinations of vehicles or combinations of vehicles and load having a length of more than forty five feet (45'), or a width of more than eight feet (8') with load or a width of more than fourteen feet (14') with or without load, and all vehicles registered for thirty six thousand (36,000) pounds' gross weight or more are restricted vehicles.

B. Central Business District Restrictions: No restricted vehicle shall enter or occupy any portion of a central traffic district between the hours of eleven o'clock (11:00) A.M. and six thirty o'clock (6:30) P.M. of any day, and no restricted vehicle shall enter or occupy any city street at any time of the day that is not designated as a restricted vehicle and truck route or a hazardous cargo route as set out in sections 12.104.040, "Schedule 3, Restricted Vehicle And Truck Routes", and 12.104.050, "Schedule 4, Hazardous Cargo Routes", of this title, unless so authorized by a permit issued therefor in accordance with section 12.28.150 of this chapter, or its successor. Exceptions will be made for those instances where designations are on the above mentioned restricted routes.

C. Areas For Driving: All restricted vehicles shall be driven only upon the state highways, including the interstate system, within the city limits, deviating therefrom only when necessary to traverse another street or streets when necessary for loading, unloading or servicing, and then only departing from the said state highway route at the nearest reasonable and practical point; provided, however, that no such vehicle shall be loaded, unloaded or serviced upon any street or part of street if there is usable off street loading, unloading or servicing space available.

D. Commercial Vehicle Routes: Commercial vehicles which service the intracity needs, except those specified in subsections A, B, E and F of this section, shall use the streets designated in section 12.104.040, "Schedule 3, Restricted Vehicle And Truck Routes", of this title.

E. Explosives, Corrosives And Flammable Substances: Vehicles carrying explosives, corrosives or flammable substances, in compliance with department of transportation regulations governing such transportation, may be driven only upon those streets or parts of streets described in chapter 12.104.050, "Schedule 4, Hazardous Cargo Routes", of this title, unless otherwise authorized by a written permit issued by the chief of the city fire department. The United States department of transportation rules and regulations governing transportation of explosives, flammables and other dangerous articles, are applicable to common, contract and private carriers in the city, and are hereby adopted by this reference. In no event shall any such vehicle operating in violation of the department of transportation rules and regulations operate on any street or road in the city.

F. Exemptions: The provisions of this section shall not apply to passenger buses operating under the authority of the state public service commission, nor to authorized emergency vehicles. (Prior code title 46, art. 9 § 180)

## 12.28.150: RESTRICTED VEHICLES; SPECIAL PERMITS:

Special permits of duration of more than one month may be issued by the mayor, or his or her designee, upon application in writing and good cause being shown therefor, or temporary permits for a duration of less than one month may be issued by the chief of police upon application and good cause being shown therefor, authorizing the applicant to operate or move any vehicle as defined in subsection 12.28.140A of this chapter, or its successor, upon any street at any time upon such conditions as may be set forth in the permit. (Ord. 31-00 § 20, 2000: prior code title 46, art. 9 § 181)

### 12.28.160: WEIGHT RESTRICTIONS:

A. It is unlawful for any person to drive or move, or for the owner of any vehicle to cause the vehicle or permit the vehicle to be driven or moved upon any street in the city if such vehicle's weight exceeds the weight limitation provided in section 27-12-151, Utah Code Annotated, 1953, as amended, or its successor.

B. Any police officer having reason to believe that the height, width, length or weight of the vehicle is unlawful is authorized to require the driver to stop and submit to a measurement or weighing of the same. Weighing may be done either by means of portable or stationary scales, and the officer may require that such vehicle be driven to the nearest scales in the event such scales are within two (2) miles. (Prior code title 46, art. 9 § 181.1)

### 12.28.170: MANDATORY REDUCTION OF LOAD:

In addition to issuing any citation for violating the vehicle restrictions contained in section 12.28.140 of this chapter, or the weight restrictions contained in section 12.28.160 of this chapter, or successor sections, the officer who determines that the height, width, length or weight is unlawful may require the driver to stop the vehicle in a suitable place and require that the vehicle remain standing until such portion of the load is removed as is necessary to reduce said load to size limits or width limits as permitted under the ordinance codified herein. All materials so unloaded shall be cared for by the owner or operator of such vehicle at the risk of such owner or operator. (Prior code title 46, art. 9 § 181.2)

### 12.28.180: WIDTH LIMITATIONS FOR VEHICLES:

A. No vehicle shall exceed a total outside width of eight feet (8'), including any load thereon, except that the limitation as to width of a vehicle shall not apply to vehicles or equipment specified in section 27-12-148(2), Utah Code Annotated, or to vehicles operated under the terms of the special permit issued under section 27-12-155, Utah Code Annotated, or any successor sections.

B. No passenger vehicle shall carry any load which extends beyond the line of the fenders on the left side of such vehicle, nor shall any passenger vehicle carry a load which extends more than six inches (6") beyond the line of the fender on the right side thereof. (Prior code title 46, art. 9 § 181.3)

# CHAPTER 12.32
# TRAFFIC CONTROL DEVICES

### 12.32.010: PLACEMENT OF TRAFFIC CONTROL SIGNALS:

The city transportation engineer is authorized to place and maintain traffic control signals as needed. (Ord. 88-86 § 68, 1986: prior code title 46, art. 4 § 90)

## 12.32.020: OBEDIENCE TO SIGNALS:

No driver of a vehicle shall disobey the instructions of any traffic control device placed in accordance with the provisions of this title, unless at the time he is otherwise directed by a police officer, or subject to the exceptions granted the driver of an authorized emergency vehicle in this title. (Prior code title 46, art. 4 § 83)

## 12.32.030: COLOR INDICATIONS FOR SIGNALS; DRIVER AND PEDESTRIAN DUTIES:

(Rep. by Ord. 62-02 § 17, 2002)

## 12.32.040: FLASHING RED OR YELLOW SIGNALS:

(Rep. by Ord. 62-02 § 18, 2002)

## 12.32.045: MEANING OF VEHICULAR SIGNAL INDICATIONS; DRIVER AND PEDESTRIAN DUTIES:

A. The following meanings shall be given to highway traffic signal indications for vehicles and pedestrians. Yielding duties between drivers and pedestrians are further defined in section 12.76.045 of this title or its successor.

1. Steady green signal indications shall have the following meanings:

a. Traffic, except pedestrians, facing a circular green signal indication may proceed straight through or turn right or left except as such movement is modified by lane use signs, turn prohibition signs, lane markings, or roadway design. But vehicular traffic, including vehicles turning right or left, shall yield the right of way to other vehicles within the intersection, and to pedestrians, at the time such signal indication is exhibited.

b. Traffic, except pedestrians, facing a green arrow signal indication, shown alone or in combination with another signal indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other signal indications shown at the same time. Such vehicular traffic shall yield the right of way to pedestrians and to other traffic using the intersection.

c. Unless otherwise directed by a pedestrian signal, pedestrians facing any green signal indication, except when the signal indication is a turn arrow for a vehicular movement in conflict with the desired path of the pedestrian, may proceed across the roadway within any marked or unmarked crosswalk.

2. Steady yellow signal indications shall have the following meanings:

a. Traffic, except pedestrians, facing a steady circular yellow or yellow arrow signal indication is thereby warned that the related green movement is being terminated or

that a red signal indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.

b. Pedestrians facing a steady circular yellow or yellow arrow signal indication, unless otherwise directed by a pedestrian signal, are thereby advised that there is insufficient time to cross the roadway before a red signal indication is shown, and no pedestrian shall then start to cross the roadway.

3. Steady red signal indications shall have the following meanings:

a. Vehicular traffic facing a steady circular red signal indication alone shall stop at a clearly marked stop line. If there is no stop line, traffic shall stop before entering the crosswalk on the near side of the intersection; or if there is no crosswalk, then before entering the intersection. Such traffic shall remain stopped until a signal indication to proceed is shown, or as provided below. Except when a sign is in place prohibiting a turn on red or a red arrow signal indication is displayed, vehicular traffic facing a circular red signal indication may enter the intersection to turn right, or to turn left from a one-way street into a one-way street, after stopping. Such vehicular traffic shall yield the right of way to pedestrians and to other traffic using the intersection.

b. Vehicular traffic facing a steady red arrow signal indication shall not enter the intersection to make the movement indicated by the arrow, (except as described in the option stated below in this subsection A3b) and, unless entering the intersection to make another movement permitted by another signal indication, shall stop at a clearly marked stop line. If there is no stop line, said vehicular traffic shall stop before entering the crosswalk on the near side of the intersection, or if there is no crosswalk, then before entering the intersection, and shall remain stopped until a signal indication permitting the movement indicated by such red arrow is shown.

Option: Where turns are allowed on red and the signal indication is an arrow, a sign may be used to indicate that turns are allowed on red after stopping.

c. Unless otherwise directed by a pedestrian signal, pedestrians facing a steady circular red or red arrow signal indication alone shall not enter the roadway.

4. Flashing signal indications shall have the following meanings:

a. Flashing Yellow: When a yellow lens is illuminated with rapid intermittent flashes, vehicular traffic may proceed through the intersection or past such signal indication only with caution.

b. Flashing Red: When a red lens is illuminated with rapid intermittent flashes, vehicular traffic shall stop at a clearly marked stop line. If there is no stop line, traffic shall stop before entering the crosswalk on the near side of the intersection. If there is no crosswalk, at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection. The right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

c. Flashing Arrows: Flashing red arrow and flashing yellow arrow signal indications have the same meaning as the corresponding flashing circular signal indication, except that they apply only to vehicular traffic intending to make the movement indicated by the arrow.

d. Pedestrians: Pedestrians facing a flashing red or yellow signal may proceed to cross the roadway in a crosswalk only after ascertaining that it is safe to do so and then only with due caution. Vehicular traffic shall yield the right of way to pedestrians crossing a roadway at such intersections.

B. In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions that by their nature have no application. Any stop required shall be made at a sign or marking on the highway pavement indicating where the stop shall be made, but in the absence of any sign or marking the stop shall be made at the signal. (Ord. 62-02 § 19, 2002)

## 12.32.050: PEDESTRIAN WALK AND DON'T WALK SIGNALS:

(Rep. by Ord. 62-02 § 20, 2002)

## 12.32.055: PEDESTRIAN SIGNAL INDICATIONS:

Whenever a pedestrian signal is in place and operating, the illuminated words or symbols shall indicate and govern pedestrians as follows:

A. A steady white "Walk" or walking person (symbolizing walk) signal indication means that, exercising due caution, a pedestrian facing the signal indication may start to cross the roadway in the direction of a signal indication.

B. A flashing orange "Don't Walk" or upraised hand (symbolizing don't walk) signal indication means that a pedestrian shall not start to cross the roadway in the direction of the signal indication, but that any pedestrian who has already started to cross on a steady white "Walk" or walking person (symbolizing walk) signal indication may complete crossing the roadway.

C. A steady orange "Don't Walk" or upraised hand (symbolizing don't walk) signal indication means that a pedestrian shall not enter the roadway in the direction of the signal indication.

D. A countdown clock (displaying time in seconds remaining in the pedestrian crossing phase) in conjunction with the flashing orange upraised hand means that a pedestrian facing the signal indication may start to cross the roadway in the direction of the signal indication, but only if such pedestrian is able to safely walk completely across the street or to a safety island before the countdown clock shows no remaining time. (Ord. 62-02 § 21, 2002)

## 12.32.060: ISLANDS AND TURNING MARKERS IN INTERSECTIONS:

When authorized islands, markers or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications. (Prior code title 46, art. 15 § 258)

## 12.32.070: PLAY STREETS:

Whenever the city council has declared or proclaimed any street, alley or part thereof as a play street, the city transportation engineer shall place and maintain appropriate signs or devices in the roadway indicating and protecting such play area. Whenever such signs or devices are in place and plainly visible, no person shall drive a vehicle, park or permit his or her vehicle to remain parked upon the roadway of any street or alley so proclaimed and marked as a play street. (Prior code title 46, art. 4 § 89)

## 12.32.080: UNAUTHORIZED TRAFFIC CONTROL DEVICES AND COMMERCIAL ADVERTISING; PUBLIC NUISANCE:

A. No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, light, marking or device which purports to be or is an imitation of or

resembles an official traffic control device or railroad sign or signal, or authorized emergency vehicle flashing light; or which attempts to direct the movement of traffic; or which hides from view or interferes with the effectiveness of any official traffic device or any railroad sign or signal; or which is of such brilliant illumination and so positioned as to blind or dazzle a driver on any highway adjacent thereto, and no person shall place or maintain nor shall any public authority permit upon any highway any traffic sign or signal bearing thereon any commercial advertising.

B. This shall not be deemed to prohibit the erection upon private property adjacent to highways of signs giving useful directional information and of a type that cannot be mistaken for official signs.

C. Every such prohibited sign, signal light or marking is declared to be a public nuisance, and the city transportation engineer or any police officer is hereby empowered to remove the same or cause it to be removed without notice. (Prior code title 46, art. 4 § 87)

### 12.32.090: INTERFERING WITH OR REMOVING TRAFFIC CONTROL DEVICES PROHIBITED:

No person shall, without lawful authority attempt to or in fact alter, deface, injure, knock down, drive into, interfere with or remove any traffic control device or any railroad sign or signal or any inscription shield, or insignia thereon or any other part thereof. (Prior code title 46, art. 4 § 88)

### 12.32.100: CLOSED OR RESTRICTED USE HIGHWAYS; OBEDIENCE TO SIGNS:

A. Whenever it is deemed necessary because of construction or maintenance work, or because of emergency to suspend all or part of the travel on a public highway or street or portion thereof, the appropriate highway authority of the state, county or city may restrict the use of, or close, such highway, street or portion thereof.

B. Whenever such highway, street or portion thereof is so restricted or closed to travel, the highway authority shall cause suitable barriers and notices to be posted at the point where the detour road takes off from such closed or restricted highway or street, and such detour shall be clearly indicated by signs and the same shall be adequately maintained.

C. It is unlawful for any person wilfully to fail to observe any barricade, warning light, sign or flagman warning the public that a highway or street, or portion thereof, is restricted or closed to traffic. (Prior code title 46, art. 4 § 88.1)

# CHAPTER 12.36
# SPEED LIMITS

## 12.36.010: SPEED AND OPERATION TO CONFORM TO EXISTING CONDITIONS:

Every person driving a vehicle on a street or alley shall operate the same at a speed and in a manner which is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing, and every driver of a vehicle, in compliance with legal requirements and the duty to use due care, shall use every reasonable means to avoid endangering or colliding with any person, vehicle or other object. (Ord. 2-06 § 4, 2006: prior code title 46, art. 7 § 116)

## 12.36.020: SPEED LIMITS:

Where no special hazard exists that requires a lower speed for compliance with section 12.36.010 of this chapter, or its successor, the speed of any vehicle in excess of limits specified in this title is prima facie evidence that the speed is not reasonable or prudent and that it is unlawful:

A. Twenty Miles Per Hour:

1. Upon meeting or overtaking any school bus which has stopped on the street for the purpose of receiving or discharging any schoolchildren, provided such school bus bears upon the front and rear thereof a plainly visible sign containing the words "school bus" in letters no less than four inches (4") high which can be removed or covered when the vehicle is not in use as a school bus;

2. When passing a school building or the grounds thereof, or through a designated school crossing zone during school recess, or while children are going to or leaving school during opening or closing hours.

B. Twenty Five Miles Per Hour: On all streets and at all places the prima facie speed limit shall be twenty five (25) miles per hour, except as otherwise provided in subsection A of this section, or in such other streets or places as otherwise posted or marked as directed by the city transportation engineer. (Ord. 88-86 § 68, 1986: Ord. 35-86 § 1, 1986: prior code title 46, art. 7 § 117)

## 12.36.030: DRIVING TOO SLOW:

No person shall drive a motor vehicle at such slow speed as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or to comply with law. (Prior code title 46, art. 7 § 118)

## 12.36.040: SPEED OR ACCELERATION CONTESTS PROHIBITED:

No person shall engage in any vehicle speed contest or exhibition, or in any vehicle acceleration contest or exhibition on any street or alley, and no person shall aid or abet any such vehicle speed contest or exhibition or acceleration contest or exhibition on any street or alley. (Prior code title 46, art. 7 § 119)

## 12.36.050: OBSTRUCTING STREETS FOR SPEED CONTESTS PROHIBITED:

No person shall, for the purpose of facilitating, aiding or inducing any vehicle speed contest or exhibition, or vehicle acceleration contest or exhibition, in any manner obstruct or place any barricade or obstruction or assist or participate in placing any such barricade or obstruction upon any street or alley. (Prior code title 46, art. 7 § 120)

### 12.36.060: CITATIONS FOR VIOLATIONS; SPEEDS TO BE DESIGNATED:

In every charge of violation of any speed regulation of this code, the traffic citation shall specify the speed at which the violator is alleged to have driven and the prima facie speed applicable within the district or at the location. (Prior code title 46, art. 7 § 121)

# CHAPTER 12.40
# ONE-WAY STREETS AND ALLEYS

### 12.40.010: ONE-WAY STREETS AND ALLEYS; SIGNS:

Upon those streets and parts of streets and in those alleys designated as "one-way", vehicular traffic shall move only in the indicated direction when signs indicating the direction of traffic are erected and maintained at every intersection where movement in the opposite direction is prohibited. (Ord. 88-86 § 68, 1986: prior code title 46, art. 13 § 208)

### 12.40.020: SIGN LOCATION AND PLACEMENT AUTHORITY:

The city transportation engineer shall place and maintain signs giving notice of said one-way streets and alleys. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic is affected. (Prior code title 46, art. 13 § 209)

### 12.40.030: DIRECTION OF TRAFFIC; TRAFFIC ISLAND REQUIREMENTS:

A. Upon a roadway designated and signposted for one-way traffic, a vehicle shall be driven only in the direction designated.

B. A vehicle passing around a traffic island shall be driven only to the right or counterclockwise around such island unless otherwise indicated by traffic control devices. (Prior code title 46, art. 10 § 188)

# CHAPTER 12.44
# RULES OF THE ROAD

## Article I. Driving And Passing

### 12.44.010: DRIVING ON RIGHT SIDE OF ROADWAY REQUIRED; EXCEPTIONS:

A. Upon all roadways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:

1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;

2. When the right half of a roadway is closed to traffic while under construction or repair;

3. Upon a roadway designed and signposted for one-way traffic.

B. Upon all roadways, any vehicle proceeding at less than the normal speed of traffic at the time and place under the conditions then existing shall be driven in the right hand lane then available for traffic, or as close as practicable to the right hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a lawful left turn. (Prior code title 46, art. 10 § 182)

### 12.44.020: OVERTAKING AND PASSING VEHICLES PROCEEDING IN SAME DIRECTION:

The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to the following provisions:

A. The driver of a vehicle, overtaking another vehicle proceeding in the same direction, shall pass to the left at a safe distance and may not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

B. The driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle and may not increase the speed of his or her vehicle until completely passed by the overtaking vehicle.

C. On a road having more than one lane in the same direction, the driver of a vehicle traveling in a left lane shall, upon being overtaken by another vehicle in the same lane, yield to the overtaking vehicle by moving safely to the right, and may not impede the movement or free flow of traffic in a left lane except:

1. When overtaking and passing another vehicle proceeding in the same direction under the rules governing this movement;

2. When preparing to turn left;

3. When reasonably necessary in response to emergency conditions;

4. To avoid actual or potential traffic moving onto the right lane from an acceleration or merging lane; or

5. When necessary to follow the highway direction signs that direct use of a lane other than the right lane.

D. Violation of this section is an infraction. (Ord. 21-03 § 2, 2003: Ord. 62-02 § 22, 2002: Ord. 88-86 § 68, 1986: prior code title 46, art. 10 § 184)

## 12.44.030: PASSING VEHICLE PROCEEDING IN OPPOSITE DIRECTION:

Drivers of vehicles proceeding in opposite directions shall pass each other to the right and, upon roadways having width for not more than one line of traffic in each direction, each driver shall give to the other at least one-half ($^1/_2$) of the main traveled portion of the roadway as nearly as possible. (Prior code title 46, art. 10 § 183)

## 12.44.040: PASSING ON RIGHT AUTHORIZED WHEN:

A. The driver of a vehicle may overtake and pass upon the right of another vehicle only under the following conditions:

1. When the driver of a vehicle overtaken is making or indicates he is about to make a left turn;

2. Upon a roadway with unobstructed pavement not occupied by parked vehicles of sufficient width for two (2) or more lines of moving vehicles in each direction.

B. The driver of a vehicle may overtake and, allowing sufficient clearance, pass another vehicle upon the right only under conditions permitting such movement in safety. In no event shall such movement be made by driving off the pavement or main traveled portion of roadway. (Prior code title 46, art. 10 § 185)

## 12.44.050: PASSING ON THE LEFT; CONDITIONS AND PROCEDURES:

No vehicle shall be driven to overtake or pass another vehicle proceeding in the same direction, on the left of the center of that portion of any street or highway designed for vehicular traffic, unless:

A. Such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction; and

B. The overtaking vehicle returns to an authorized lane of travel as soon as practical and, in the event the passing movement involves the use of a lane authorized for vehicles approaching from the opposite direction, before coming within two hundred feet (200') of any vehicle approaching from the opposite direction. (Prior code title 46, art. 10 § 186)

## 12.44.060: LANED ROADWAY DRIVING PROCEDURES:

Whenever any roadway has been divided into two (2) or more clearly marked lanes for traffic, the following rules in addition to all others consistent herewith shall apply:

A. In the absence of an extenuating circumstance necessitating an emergency or safety related maneuver, a vehicle shall be driven 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 such driver has given the signal prescribed in section 12.44.140 of this chapter, or its successor.

B. The city transportation engineer may erect signs directing slow moving traffic to use the lane nearest to the right hand edge of the roadway.

C. Where a double centerline is painted on the roadway, no vehicle shall be driven along the street or highway to the left thereof.

D. When any painted traffic marking is indicated as being "wet", no vehicle shall be driven on same.

E. Motorcycles or motor driven cycles shall not be operated more than two (2) abreast in a single lane.

F. All motorcycles and motor driven cycles are entitled to full use of a lane, and no motor vehicle shall be driven in such a manner as to deprive any motorcycle or motor driven cycle of the full use of a lane. This subsection shall not apply to motorcycles or motor driven cycles operated two (2) abreast in a single lane. (Ord. 23-03 § 1, 2003: prior code title 46, art. 10 § 189)

## 12.44.070: LIMITED ACCESS ROADWAYS; ENTRANCES AND EXITS:

No person shall drive a vehicle onto or from any limited access road except at such entrances and exits as are designated and established by public authority. (Prior code title 46, art. 10 § 193)

## 12.44.080: LIMITED ACCESS ROADWAYS; USE RESTRICTIONS:

No pedestrian or other nonmotorized traffic, excluding bicyclists, shall use any limited access roadway except for the sole purpose of crossing the same in the shortest and most direct route, and then only at designated crossings, and such traffic shall yield the right of way to any motorized traffic proceeding upon the limited access roadway. Bicyclists may use the right shoulder of limited access highways except where prohibited by federal or state law or regulation or by an official sign giving notice of such restrictions. No driver shall stop a vehicle on any limited access roadway for the purpose of taking on or discharging any passenger. (Ord. 2-06 § 5, 2006: prior code title 46, art. 10 § 194)

## 12.44.090: FOLLOWING OTHER VEHICLES; CARAVANS AND MOTORCADES:

A. The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of such vehicles and the traffic upon and the condition of the street.

B. The driver of any motor vehicle drawing another vehicle which is following another motor vehicle drawing another motor vehicle, shall, whenever conditions permit, leave sufficient space so that an overtaking vehicle may enter and occupy such space without danger, except that this shall not prevent a motor vehicle drawing another vehicle from overtaking and passing any like vehicle or other vehicle.

C. Motor vehicles being driven upon any roadway in a caravan or motorcade, whether or not towing other vehicles, shall be so operated as to allow sufficient space between each such vehicle or combination of vehicles so as to enable any overtaking vehicle to enter and occupy such space without danger. This provision shall not apply to funeral processions or parades, as authorized in section 12.52.250 of this title, or its successor. (Prior code title 46, art. 10 § 190)

## 12.44.100: DRIVING ON LEFT SIDE OF TWO-WAY ROADWAY PROHIBITED WHEN:

A. No vehicle shall be driven along a highway to the left of the center of a two-way roadway under the following conditions:

1. When approaching the crest of a grade or upon a curve in the roadway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;

2. Where approaching within one hundred feet (100') of or traversing any intersection or any railroad grade crossing;

3. Where the view is obstructed upon approaching within one hundred feet (100') of any bridge viaduct or tunnel;

4. Where a double centerline is painted on the roadway.

B. The foregoing limitations shall not apply on a one-way roadway or where pavement markings or signs indicate otherwise. (Prior code title 46, art. 10 § 187)

## 12.44.110: DRIVING IN DIVIDING SECTION PROHIBITED; EXCEPTIONS:

A. No vehicle shall be driven over, upon or across any "dividing section" of a street or highway, as defined herein, unless:

1. For the purpose of making a left turn, semicircular or U-turn through a plainly marked opening in such dividing section designed and designated for such turn;

2. For the purpose of making a left turn from a dividing section defined on each side by a solid yellow line and a broken yellow line; or

3. A sign authorized and displayed by the city transportation department or the state department of transportation shall otherwise indicate.

B. As referred to in this section, "dividing section" shall consist of the following, when used to divide a street or highway into two (2) separate roadways:

1. An unpaved divided area; or

2. A physical barrier, curbs, or other clearly indicated dividing area so constructed as to impede vehicular traffic across the same; or

3. A dividing area of over two feet (2') in width defined by either:

a. A standard double line marking on each side of the dividing area, each double line marking consisting of two (2) 4-inch wide lines four inches (4") apart, or

b. Other marking, on each side of the dividing area, of a type designated by the city transportation department or state road commission to indicate no driving along a highway to the left thereof. (Prior code title 46, art. 10 § 191)

# Article II. Turns

### 12.44.120: RIGHT OR LEFT TURNS AT INTERSECTIONS:

The driver of a vehicle intending to turn at an intersection shall do so as follows:

A. Both the approach for a right turn and a right turn shall be made as close as practicable to the right hand curb or edge of the roadway.

B. At any intersection where traffic is permitted to move in both directions on each roadway entering the intersection, an approach for a left turn shall be made in that portion of the right half of the roadway nearest the centerline thereof and by passing to the right of such centerline where it enters the intersection, and after entering the intersection the left turn shall be made so as to leave the intersection in the lane nearest to the right of the centerline of the roadway being entered. Whenever practicable, the left turn shall be made in that portion of the intersection of the left of the center of the intersection.

C. At any intersection where traffic is restricted to one direction on one or more of the roadways, the driver of a vehicle intending to turn left at any such intersection shall approach the intersection in the extreme left hand lane lawfully available to traffic moving in the direction of travel of such vehicle and, after entering the intersection, the left turn shall be made so as to leave the intersection, as nearly as practicable, in the left hand lane lawfully available to traffic moving in such direction upon the roadway being entered.

D. When traffic control devices are placed at an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the direction of such indications.

E. The city transportation engineer is authorized to place traffic control devices at intersections indicating the course to be traveled by vehicles turning at such intersections.

F. The city transportation engineer is authorized to determine those intersections at which drivers of vehicles shall not make a right or left turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on signs which may be removed when such turns are unrestricted.

G. Whenever such authorized signs are erected indicating that no right or left turn is permitted, no driver of a vehicle shall disobey the directions of any such sign. (Prior code title 46, art. 11 § 195)

## 12.44.130: TURNING MOVEMENTS; SIGNAL REQUIREMENTS:

A. No person shall turn a vehicle at an intersection unless the vehicle is in a proper position upon the roadway, as required in section 12.44.120 of this chapter, or its successor, or turn a vehicle to enter a private road or driveway, or otherwise turn a vehicle from a direct course, or move right or left upon a roadway unless and until such movement can be made with reasonable safety. No person shall turn any vehicle without giving an appropriate signal in the manner hereinafter provided.

B. A signal of intention to turn right or left or to change lanes shall be given continuously for at least the last three (3) seconds preceding the beginning of the turn or change.

C. Signals required on vehicles by section 12.44.140 of this chapter, or its successor, shall not be flashed on one side only on a disabled vehicle; or as a courtesy or "do pass" to operators of other vehicles approaching from the rear; and shall not be flashed on one side only of a parked vehicle, except as may be necessary for compliance with this section. (Ord. 62-02 § 23, 2002: amended during 1/88 supplement: prior code title 46, art. 11 § 197)

## 12.44.140: SIGNALS TO INDICATE TYPES OF TURNS:

A. The signals herein required shall be given either by means of the hand and arm outside the left side of the vehicle, or by a signal lamp or signal device which will convey an intelligible warning to other traffic approaching from the front or rear; but when a vehicle is so constructed or loaded that a hand and arm signal would not be visible both to the front and rear of such vehicle, then such signals must be given by such lamp or device.

B. Hand and arm signals shall indicate as follows:

1. Left turn: Hand and arm extended horizontally;

2. Right turn: Hand and arm extended upward;

3. Stop or decrease speed: Hand and arm extended downward;

4. Reentering moving traffic lane from parked position: Hand and arm extended horizontally;

5. Changing lanes: Same as subsections B1 and B2 of this section, depending on direction of change.

C. The opening of a door of a vehicle shall not constitute a signal as required by this title. (Prior code title 46, art. 11 § 199)

### 12.44.150: DRIVER MUST TURN AFTER GIVING SIGNAL:

Should the driver of any vehicle give or cause to be given any signal which would indicate to other traffic said driver's intention to turn, such driver must not fail to make such turn nor fail to yield the right of way to all other traffic that would be affected by his or her failure to complete such indicated turn. (Prior code title 46, art. 11 § 200)

### 12.44.160: MOVING INTO TRAFFIC; SIGNAL REQUIRED WHEN:

No person shall move a vehicle which is stopped, standing or parked on a street into a moving traffic lane without giving the signal prescribed in section 12.44.140 of this chapter, or its successor, nor until such movement can be made with reasonable safety, and must give moving vehicles the right of way. (Prior code title 46, art. 11 § 201)

### 12.44.170: SUDDEN STOP OR DECREASE OF SPEED:

No person shall stop suddenly or decrease the speed of a vehicle without first giving an appropriate signal in the manner provided in section 12.44.140 of this chapter, or its successor, to the driver of any vehicle immediately to the rear, when there is opportunity to give such signal. (Prior code title 46, art. 11 § 198)

### 12.44.180: U-TURN RESTRICTIONS:

A. The driver of any vehicle shall not make a U-turn at any intersection or between intersections on any street or highway when such turn is prohibited by a sign or other traffic control device.

B. The driver of any vehicle shall not make a U-turn upon any curve or approach to the crest of a grade where such vehicle cannot be seen for a distance of five hundred feet (500') by the driver of any other approaching vehicle.

C. The driver of any vehicle shall not in any event make a U-turn at any location unless such movement can be made in safety without delaying or interfering with other traffic. (Prior code title 46, art. 11 § 196)

## Article III. Right Of Way And Yielding

## 12.44.190: RIGHT OF WAY AT INTERSECTIONS:

A. The driver of a vehicle approaching an intersection shall yield the right of way to a vehicle which has entered the intersection from a different highway.

B. When two (2) vehicles enter or approach an intersection from different highways at approximately the same time, the driver of the vehicle on the left shall yield the right of way to the vehicle on the right.

C. The right of way rule declared in subsection B of this section is modified at through highways and otherwise as hereinafter stated in this title. (Prior code title 46, art. 12 § 202)

## 12.44.200: TURNING LEFT AT INTERSECTIONS:

The driver of a vehicle within an intersection intending to turn to the left shall yield the right of way to any vehicle approaching from the opposite direction which is within the intersection or so close as to constitute an immediate hazard, during the time such driver is moving within the intersection. (Prior code title 46, art. 12 § 203)

## 12.44.210: ENTERING THROUGH STREETS OR STOP INTERSECTIONS:

A. Except as specified in subsection B of this section, when more than one vehicle enters or approaches an unregulated or an all-way stop intersection from different highways at approximately the same time, the operator of the vehicle on the left shall yield the right of way to the vehicle on the right, unless otherwise directed by a peace officer. An intersection that is unregulated because the traffic control signal is inoperative shall be deemed to be an all-way stop intersection.

B. When approaching an unregulated intersection the operator of a vehicle on a highway that does not continue beyond the intersection shall yield the right of way to the operator of any vehicle on the intersecting highway.

C. Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop as required by section 12.48.030 of this title, or its successor, and after having stopped shall yield the right of way to any vehicle:

1. Which has entered the intersection from another highway;

2. Which is approaching so closely on another highway as to constitute an immediate hazard during the time when such stopped vehicle, if it proceeded, would be moving across or within the intersection;

3. Which had already stopped at another stop sign at such intersection.

D. In the event that a driver, after having driven past a stop sign, is involved in a collision with a pedestrian having right of way in a crosswalk or a vehicle having right of way in the intersection such collision shall be deemed prima facie evidence of such driver's failure to yield the right of way as required by this section, but shall not be considered

negligence per se. (Ord. 59-91 § 1, 1991: Ord. 42-89 § 1, 1989: prior code title 46, art. 12 § 204)

### 12.44.220: APPROACHING EMERGENCY VEHICLE; VEHICLE AND PEDESTRIAN DUTIES:

Upon the immediate approach of an authorized emergency vehicle equipped with at least one lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred feet (500') to the front of such vehicle, or when the driver thereof is giving a signal audible for five hundred feet (500') by siren, exhaust whistle or bell:

A. The driver of every other vehicle shall yield the right of way and shall immediately drive to a position parallel 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, or until otherwise directed by a police officer; and

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 or until otherwise directed by a police officer. (Ord. 31-00 § 21, 2000: Ord. 71-90 § 1, 1990: prior code title 46, art. 12 § 205)

### 12.44.230: RIGHT OF WAY LOST OR FORFEITED:

A. Any person violating any provision of this article 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.

B. The driver of any vehicle traveling at an unlawful speed shall forfeit any right of way which he might otherwise have. (Prior code title 46, art. 12 § 206)

### 12.44.240: YIELD RIGHT OF WAY SIGNS:

The city transportation engineer shall erect and maintain a "yield right of way" sign at such intersections where needed. When such a sign is erected, the driver of a vehicle approaching the same shall in obedience to such sign slow down to a speed reasonable for the existing conditions, or shall stop if necessary as provided in section 12.48.030 of this title, or its successor, and shall yield the right of way to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection. (Prior code title 46, art. 12 § 207)

# CHAPTER 12.48

# STOPS REQUIRED

## 12.48.010: STOP OR YIELD SIGNS; PLACEMENT AUTHORIZED WHERE:

Whenever any ordinance of this city designates and describes a through street, it shall be the duty of the city transportation engineer to place and maintain a stop sign or, on the basis of an engineering and traffic investigation at any intersection, a yield sign on each and every street intersecting such through street unless traffic at any such intersection is controlled at all times by traffic control signals; provided, however, that at the intersection of two (2) such through streets or at the intersection of a through street and a heavy traffic street not so designated, stop signs shall be erected at the approaches of either of said streets as may be determined by the city transportation engineer upon the basis of an engineering and traffic study. (Prior code title 46, art. 14 § 211)

## 12.48.020: LOCATION OF STOP SIGNS:

The city transportation engineer shall erect and maintain a stop sign at all stop controlled entrances to intersections. Every stop sign shall be located as required by the "Uniform Traffic Control Devices For Streets And Highways", 1978 edition. (Ord. 156-79 § 1, 1979: prior code title 46, art. 14 § 213)

## 12.48.030: STOPS REQUIRED AT STOP SIGNS:

Every driver of a vehicle approaching a stop sign shall stop at the crosswalk, before entering the crosswalk, on the near side of the intersection, or, in the event there is no crosswalk, shall stop at a clearly marked stop line, but if none, then at a point perpendicular to the stop sign before entering the intersection, except when directed to proceed by a police officer or traffic control signal. (Ord. 23-03 § 2, 2003: prior code title 46, art. 14 § 214)

## 12.48.040: SIDEWALKS; DRIVING PROHIBITED; EXCEPTIONS; EMERGING FROM OR ENTERING ALLEYS OR DRIVEWAYS:

A. Except for a bicycle or device propelled by human power, a person may not operate a vehicle on a sidewalk or sidewalk area. The provisions of this subsection do not apply on a driveway.

B. The driver of a vehicle emerging from an alley, private driveway, building or other place shall stop such vehicle immediately prior to driving onto a sidewalk or onto the sidewalk area extending across any alley or private driveway, yielding the right of way to any pedestrian or bicycle within or about to enter such sidewalk or sidewalk area as may be necessary to avoid collision and, upon entering the roadway, shall yield the right of way to all vehicles approaching on said roadway.

C. The driver of a vehicle entering an alley or private driveway shall yield the right of way to any pedestrian or bicycle within the sidewalk area extending across such alley, or private driveway.

D. The driver of a vehicle emerging from an alley or private driveway onto a roadway shall turn such vehicle only to the right, unless a different movement can be made in safety and without interfering with other traffic. (Ord. 2-06 § 6, 2006: prior code title 46, art. 14 § 216)

## 12.48.050: STOPPING WHEN TRAFFIC OBSTRUCTED:

No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed. (Prior code title 46, art. 14 § 217)

## 12.48.060: CUTTING THROUGH CORNERS TO AVOID REGULATIONS:

A. No driver of a motor vehicle, motorcycle or vehicle of any kind shall drive through any private driveway or private property, such as an oil station or lot, or similar area, whether vacant or not, with intent to avoid obedience to any traffic regulation set forth in this title; and no person shall drive a motor vehicle, motorcycle or any other vehicle through any private driveway, lot or similar area where any business establishment, manufactory, retail store, drugstore, cafe, confectionery, drive-in food and drink establishment, or drive-in market, 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 the intent of harassing and annoying the owner thereof or his patrons.

B. Driving by any person of a motor vehicle upon or through any such private driveway, lot or similar area without stopping shall constitute prima facie evidence of a violation of this section. (Prior code title 46, art. 14 § 215)

## 12.48.070: RAILROAD GRADE CROSSING; CERTAIN VEHICLES MUST STOP:

A. Except as provided in subsection B of this section, the driver of any vehicle described in regulations issued pursuant to subsection C of this section, before crossing at grade any track or tracks of a railroad, shall stop within fifty feet (50') but not less than ten feet (10') from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, and shall not proceed until it can be done safely. After stopping as required and upon proceeding when it is safe, the driver shall cross only in a gear which will ensure no necessity for manually changing gears while traversing the crossing, and the driver shall not manually shift gears while so crossing.

B. This section shall not apply at:

1. Any railroad grade crossing where traffic is controlled by a police officer or human flagman;

2. Any railroad grade crossing where traffic is regulated by a traffic control signal;

3. Any railroad grade crossing where an official traffic control device gives notice that the stopping requirement imposed by this section does not apply.

C. The department of transportation shall adopt necessary regulations describing the vehicles which must comply with the stopping requirements of this section. In formulating the regulations, the department of transportation shall give consideration to the number of passengers carried by the vehicle and the hazardous nature of any substance carried by the vehicle. Such regulations shall correlate with and so far as possible conform to the most recent regulation of the United States department of transportation. (Ord. 88-86 § 68, 1986: prior code title 46, art. 14 § 220)

## 12.48.080: RAILROAD GRADE CROSSING; STOP REQUIRED; DRIVING AROUND OR UNDER GATES PROHIBITED:

A. Whenever any person driving a vehicle approaches a railroad grade crossing, the driver of such vehicle shall stop within fifty feet (50') but not less than ten feet (10') from the nearest track of such railroad and shall not proceed until such driver can do so safely when:

1. A clearly visible electric or mechanical signal device gives warning of the approach of a train;

2. A crossing gate is lowered, or when a human figure gives or continues to give a signal of the approach or passage of a train;

3. A railroad train approaching within approximately one thousand five hundred feet (1,500') of the highway crossing emits a signal audible from such distance, and such train by reason of its speed or nearness to such crossing is an immediate hazard;

4. An approaching train is plainly visible and is in hazardous proximity to such crossing.

B. No person shall drive any vehicle through, around or under any crossing gate or barrier at a railroad crossing while such gate or barrier is closed or is being opened or closed. (Prior code title 46, art. 14 § 218)

## 12.48.090: CRAWLER TRACTORS, POWER SHOVELS, DERRICKS OR OTHER SLOW EQUIPMENT:

A. No person shall operate or move any crawler tractor, power shovel, derrick, roller, or any equipment or structure having normal speed of six (6) or less miles per hour, or a vertical body or load clearance of less than one-half inch ($^1/_2$") per foot of the distance between any two (2) adjacent axles, or in any event of less than nine inches (9") measured above the level surface of a roadway upon or across any tracks at a railroad grade crossing without first complying with this section.

B. Notice of any such intended crossing shall be given to a station agent of such railroad and a reasonable time shall be given to such railroad to provide proper protection at such crossing.

C. Before making any such crossing, the person operating or moving any such vehicle or equipment shall first stop the same not less than ten feet (10') nor more than fifty feet (50') from the nearest rail line of such railway and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a railroad train, and shall not proceed until the crossing can be made safely.

D. No such crossing shall be made when warning is given by automatic signal or crossing gates or a flagman or otherwise of the immediate approach of a railroad train. (Prior code title 46, art. 14 § 221)

### 12.48.100: SCHOOL BUSES; STOP SIGNALS AND REQUIREMENTS:

A. Every school bus, when operated for the transportation of school pupils, shall bear upon the front and rear thereof a plainly visible sign containing the words "school bus" in letters not less than four inches (4") in height, which can be removed or covered when the vehicle is not in use as a school bus. Every school bus, when operated for the transportation of schoolchildren, shall be equipped with alternating flashing red light signals visible from the front and rear, of a type to be approved and mounted as prescribed by the state road commission; provided, that all school buses purchased or repainted after the effective date hereof shall display the words "school bus" in letters not less than eight inches (8") in height.

B. The driver of any vehicle upon a highway, street or road, upon meeting or overtaking any school bus equipped with signs as herein required which has stopped on a highway, street or road for the purpose of receiving or discharging any schoolchildren and when the school bus is displaying alternating flashing red light signals visible from the front or rear, shall bring such vehicle to a stop immediately before reaching said school bus and shall not proceed until the flashing signals cease operation. The driver of a vehicle upon a highway with roadways separated by a dividing section need not stop upon meeting or passing a school bus which is upon the other roadway.

C. The driver of a school bus shall operate these signals at all times when children are unloading from a school bus to cross a street, highway, or road or when a school bus is stopped for the purpose of loading children who must cross a highway, street or road to board said bus; or at any time when it would be hazardous for vehicles to proceed past the stopped school bus. Such alternating flashing red signals shall not be operated except when the school bus is stopped for loading or unloading schoolchildren or for any emergency purpose. (Prior code title 46, art. 14 § 221.1)

# CHAPTER 12.52
# MISCELLANEOUS DRIVING RULES

### 12.52.010: SAFE OPERATION AND CONTROL BY DRIVER:

A. No driver shall engage in any activity that interferes with the safe control over the driving mechanism of the vehicle.

B. No person shall operate a motorcycle or motor driven cycle while carrying any package, bundle or other article which prevents such person from keeping both hands on the handlebars.

C. No operator shall carry any person, nor shall any person ride, in a position that will interfere with the operation or control of the motorcycle or motor driven cycle, or the view of the operator. (Prior code title 46, art. 15 § 233)

### 12.52.020: DRIVER TO KEEP PROPER LOOKOUT:

No person shall drive a vehicle on the streets of this city without keeping a reasonable and proper lookout for other traffic, objects, fixtures or property thereon or adjacent thereto. (Prior code title 46, art. 15 § 226)

### 12.52.030: DRIVER SEATING RESTRICTIONS:

No driver shall have in his or her lap any other person, adult or minor, nor animal, nor shall such driver be seated in the lap of any person, while the vehicle is in motion. (Prior code title 46, art. 15 § 234)

### 12.52.040: LOCATIONS FOR PASSENGERS:

No person shall ride, and no driver of 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 or her duty, or to persons riding entirely within or upon any motor vehicle in space intended for any load on such vehicle. (Prior code title 46, art. 15 § 227)

### 12.52.050: OBSTRUCTING DRIVER'S VIEW OR DRIVING MECHANISM:

No person shall drive a vehicle when it is so loaded, or when there are in the front seat such number of persons, exceeding three (3), as to obstruct the view of the driver to the front or side of the vehicle, or as to interfere with the driver's control over the driving mechanism of the vehicle. (Prior code title 46, art. 15 § 231)

### 12.52.060: ONE ARM DRIVING:

No driver shall have either arm around another person, nor shall another person have either arm around the driver, while the vehicle is in motion. (Prior code title 46, art. 15 § 235)

### 12.52.070: PASSENGERS NOT TO OBSTRUCT DRIVER'S VIEW OR CONTROL:

No passenger in a vehicle shall ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with the driver's control over the driving mechanism of the vehicle. (Prior code title 46, art. 15 § 232)

### 12.52.080: TELEVISION SETS IN VEHICLES:

No person shall operate or have upon any street any motor vehicle which is equipped or provided with a television so placed that it can be operated, used or observed by the

driver of such motor vehicle. (Prior code title 46, art. 15 § 237)

### 12.52.090: STANDING ON SEATS:

No driver shall operate any vehicle while any person or child is standing on a seat within such vehicle. (Prior code title 46, art. 15 § 236)

### 12.52.100: OPENING VEHICLE DOORS IN TRAFFIC:

A. A person may not open the door of any vehicle on a side available to moving traffic or emerge from any vehicle unless it can be done safely and without interfering with the movement of other traffic.

B. A person may not 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.

C. No person shall open any vehicle door at any time when such vehicle is in motion. (Ord. 2-06 § 7, 2006: prior code title 46, art. 15 § 230)

### 12.52.110: QUIET ZONES DESIGNATED; VEHICLE OPERATION RESTRICTIONS:

The streets or parts of streets described in section 12.104.030, "Schedule 2, Quiet Zones", of this title and made a part hereof, are hereby declared to be "quiet zones". It is unlawful for any person to operate any motor vehicle in an excessively loud or unusually noisy manner in a "quiet zone". (Amended during 1/88 supplement: prior code title 46, art. 15 § 250)

### 12.52.120: BACKING OF VEHICLES; CONDITIONS:

A. No driver shall back a vehicle unless such movement can be made with safety and without interfering with other traffic.

B. No vehicle shall be backed into or around a corner of any intersection.

C. The driver of any vehicle, while backing such vehicle from a driveway onto a street with a marked centerline thereon, shall not back across the centerline, but shall back only into the nearest traffic lane and shall then proceed forward only in the direction of proper traffic travel for such lane of traffic. (Prior code title 46, art. 15 § 225)

## 12.52.130: HEADLIGHTS; USE OF HIGH BEAMS PROHIBITED:

No person shall operate a vehicle within this city when the headlights of such vehicle are emitting a high beam. (Prior code title 46, art. 15 § 240)

## 12.52.140: BICYCLE LANES; VEHICLE RESTRICTIONS:

No motor vehicle shall at any time be driven within or through, or parked or stopped within a marked bicycle lane, except briefly when turning into an intersection, street, alley, driveway or other parking area. A motorbus or school bus may briefly drive within or through, or stop within a marked bicycle lane while in the process of taking on or discharging passengers but, when doing so, said vehicles shall stop as near as practicable to the right hand edge of the roadway. Any vehicle entering or crossing a marked bicycle lane shall yield the right of way to all bicycles within the lane that are close enough to constitute an immediate hazard. (Ord. 14-09 § 1, 2009)

## 12.52.145: OPERATION OF MOTOR VEHICLE NEAR BICYCLE PROHIBITED:

An operator of a motor vehicle may not knowingly, intentionally, or recklessly operate a motor vehicle within three feet (3') of a moving bicycle, unless the operator of the motor vehicle operates the motor vehicle within a reasonable and safe distance of the bicycle. (Ord. 2-06 § 9, 2006)

## 12.52.150: HAZARDOUS AND CONGESTED PLACES; OPERATION RESTRICTIONS:

When official signs or markings are erected at hazardous or congested places, no persons shall stop, stand or park a vehicle in such designated place. (Prior code title 46, art. 15 § 259)

## 12.52.160: DRIVING THROUGH SAFETY ZONES OR DIVIDING SECTIONS:

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. (Prior code title 46, art. 15 § 248)

## 12.52.170: USE OF HORN:

The driver of a motor vehicle shall, when reasonable and necessary to ensure safe operation, give audible warning with the vehicle's horn but shall not otherwise use the horn. (Prior code title 46, art. 15 § 249)

## 12.52.180: UNUSUAL NOISE AND EXCESSIVE SMOKE OR OIL:

No driver of any vehicle shall permit said vehicle to emit any excessive or unusual noises or any annoying smoke. The engine and power mechanism of every motor vehicle shall be so equipped and adjusted so as to prevent the escape of excessive fumes. No motor vehicle operator shall run the vehicle's motor with the cutout open, or make any other unnecessary sound disturbance, or operate a vehicle emitting from any source an unreasonable quantity of smoke, obnoxious gases, vapor or oils. (Prior code title 46, art. 15 § 247)

## 12.52.190: INCREASING MUFFLER NOISE PROHIBITED:

(Rep. by Ord. 31-00 § 22, 2000)

## 12.52.200: PROHIBITION AGAINST ALLOWING UNLICENSED PERSON TO DRIVE; VEHICLE LOAN OR RENTAL REQUIREMENTS:

A. 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 such person is legally licensed to operate such vehicle.

B. Every person renting, leasing or hiring a motor vehicle to another person shall keep a record of the vehicle license number of the motor vehicle so rented, the name and address of the person, the number of the person's operator's license, and the date and place when and where such vehicle operator's license was issued. Such record shall be open to inspection by any peace officer.

C. The information and records required by this section shall be furnished to any peace officer for police purposes on demand. (Ord. 31-00 § 23, 2000: prior code title 46, art. 15 § 251)

## 12.52.210: VEHICLE BUSINESSES; RECORD KEEPING REQUIREMENTS:

Every person engaged in the business, including the operating of a taxicab or auto livery business, of renting or hiring out motor vehicles, as well as the driver so employed or engaged in the driving of any motor vehicle used in any such business, shall keep a true and correct record of every trip made by each such driver so employed, or the said business as operated. Said record shall show the exact time when such person's employment ended and the place where the person's passenger, or if more than one, where each passenger was discharged, which record shall at all times be open to inspection and copying by any police officer of this city upon demand. (Prior code title 46, art. 15 § 252)

## 12.52.220: DEALERS IN USED OR WRECKED VEHICLES OR PARTS; RECORDS TO BE KEPT:

A. It is unlawful for any person engaged in the business of wrecking, buying, selling, exchanging or dealing in used or secondhand motor vehicles, tires, radiators, magnetos,

speedometers, equipment, storage batteries, parts of such vehicles, or accessories of all kinds and descriptions, to fail to keep a record of the purchase, sale, wrecking, exchange or storage of such articles, which shall at all times be open to the inspection of the chief of police or any officer detailed by the chief of police; or to fail, within twenty four (24) hours after the purchase, sale, exchange or acceptance for storage or wrecking of such articles, to make out and deliver to the chief of police a full and complete record of the purchase, sale, exchange or acceptance for storage or wrecking of such used or secondhand motor vehicles, equipment or accessories, and deliver to the chief of police or any officer detailed by the chief of police, when any motor vehicle or motorcycle is wrecked, junked or demolished, the certificates of ownership and/or registration and the license plates last issued upon registration of such vehicle or motorcycle by the licensing state.

B. The report shall contain the name and address of the person from whom purchased or taken in exchange for storage, or to whom sold, the make, state, license number, motor number, body number, generator number, carburetor number, magneto number, storage battery number, or any other mark of identification; make, size and serial number of each tire, including extra tires; style and seating capacity of all secondhand motor vehicles purchased, sold, exchanged or placed in storage; make, size and number of secondhand motor vehicle tires; make and numbers of secondhand radiators, magnetos and speedometers, equipment, storage batteries, parts of vehicles and all other accessories having a serial number, and such other information concerning said articles as may be necessary to prove ownership and identity of said used or secondhand motor vehicles, equipment or accessories. Said report shall be written in the English language in a clear and legible manner, on blanks furnished by the chief of police. (Prior code title 46, art. 15 § 256)

## 12.52.230: FOLLOWING FIRE APPARATUS:

The driver of a vehicle, other than one on official public business, shall not follow any fire apparatus traveling in response to a fire alarm closer than five hundred feet (500'), or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. (Prior code title 46, art. 15 § 238)

## 12.52.240: DRIVING OVER FIRE HOSE PROHIBITED:

No railroad train or vehicle shall be driven over any unprotected hose of the fire department when laid down on any street, alley, private driveway or railroad track, without the consent of the fire department official there in command. (Prior code title 46, art. 15 § 239)

## 12.52.250: FUNERAL PROCESSION; IDENTIFICATION AND RIGHT OF WAY:

A. Each motor vehicle participating in a funeral procession, when accompanied by an adequate police escort or escort service, shall display illuminated headlights thereon and shall follow not more than thirty feet (30') behind the next preceding motor vehicle in such funeral procession, and such vehicles so identified shall have the right of way at any street intersection over all other vehicles except authorized emergency vehicles.

B. For the purposes of this section and section 12.52.260 of this chapter, or its successor, the term "adequate police escort or escort service" means a police escort or other escort service consisting of two (2) escort vehicles or one escort vehicle for each twenty five (25) vehicles, included in the funeral procession, whichever is greater.

C. All motor vehicles in a funeral procession, when accompanied by an adequate police escort or escort service, operated in compliance with this and section 12.52.270 of this chapter, or its successor, may proceed past a red or stop signal, provided such movement is made with due caution and circumspection, and other vehicles shall yield the right of way to such vehicles. If no police escort or escort service is provided, the funeral procession must obey all traffic regulations and traffic control devices. (Prior code title 46,

art. 15 § 243)

### 12.52.260: FUNERAL PROCESSION; TO KEEP TO RIGHT:

Each 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. (Prior code title 46, art. 15 § 244)

### 12.52.270: FUNERAL PROCESSION; DRIVING THROUGH PROHIBITED WHEN:

No driver of a vehicle shall drive between the vehicles comprising a funeral procession when such procession is accompanied by an adequate police escort or escort service while they are in motion and when such vehicles are conspicuously designated as required in this title, except when otherwise directed by a police officer. This provision shall not apply to drivers of authorized emergency vehicles. (Prior code title 46, art. 15 § 242)

### 12.52.280: DRIVING OR RIDING ON SIDEWALKS:

It is unlawful for any person to drive, back, ride, or cause to be driven, backed or ridden any vehicle upon, over or across any public curbing or public sidewalk in the city; provided, however, that a vehicle may be driven, backed or ridden over and across a public sidewalk at any duly constructed or prepared driveway. (Prior code title 46, art. 15 § 254)

### 12.52.290: DRIVING ON NEW PAVEMENT PROHIBITED:

No person shall drive, ride or cause to be driven or ridden any animal, or ride, drive or propel, or cause to be ridden, driven or propelled, any vehicle over or across any newly made pavement in any 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 a sign stating that the street is closed. (Prior code title 46, art. 15 § 255)

### 12.52.300: DESTRUCTIVE OR INJURIOUS MATERIALS ON STREET:

A. No person shall throw or deposit upon any street, any glass bottle, glass, nails, tacks, wire, cans, rock or gravel, or any other substance or material, unless such is done pursuant to a proper permit first had and received from the city.

B. Any person who drops or permits to be dropped or thrown upon any street any destructive or injurious material or any other substance or material whatsoever shall immediately remove the same or cause it to be removed at such person's expense.

C. Any person removing a wrecked or damaged vehicle from a street shall remove any glass or other injurious substance dropped upon the street from such vehicle.

D. No vehicle shall be driven or moved on any street unless such vehicle is so constructed or loaded as to prevent its contents from dropping, sifting, leaking or otherwise escaping therefrom, except that sand or other abrasives may be dropped for the purpose of securing traction or water or other substance may be sprinkled on a roadway in cleaning or maintaining such roadway.

E. No person shall operate on any street any vehicle with any load unless the load and any covering thereon is suitably fastened, secured and confined according to the nature of such load so as to prevent such covering or load from becoming loose, detached or in any manner a hazard to other users of the street.

F. The provisions of this section shall not apply to street maintenance crews, nor to other persons who have received proper authorization from the street department of the city. (Prior code title 46, art. 15 § 241)

## 12.52.310: INTERFERING WITH SAFE OPERATION OF VEHICLE PROHIBITED:

A. No person shall engage in any activity or do any act which interferes with the safe operation of any vehicle.

B. A person shall ride upon a motorcycle or motor driven cycle only while sitting astride the seat, facing forward, with one leg on either side of the motorcycle or motor driven cycle. (Prior code title 46, art. 15 § 229)

## 12.52.320: TAMPERING WITH VEHICLES PROHIBITED:

No person shall climb upon or into or swing upon or hold onto the outside of any motor vehicle, whether the same is in motion or at rest, sound any horn or any other signaling device, 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. (Prior code title 46, art. 15 § 228)

## 12.52.330: ATTACHING SLEDS OR TOBOGGANS TO VEHICLES PROHIBITED:

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 of the streets of the city. (Prior code title 46, art. 15 § 253)

## 12.52.340: NEGLIGENT OPERATION CAUSING COLLISION PROHIBITED:

It is unlawful 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. (Prior code title 46, art. 15 § 224)

## 12.52.350: RECKLESS DRIVING; PROHIBITED:

Any person who drives any vehicle in wilful or wanton disregard for the safety of persons or property is guilty of reckless driving. Any person guilty of violating this section shall be deemed guilty of a misdemeanor. (Prior code title 46, art. 15 § 222)

## 12.52.355: NEGLIGENT OPERATION CAUSING PERSONAL INJURY OR DEATH:

A. Definitions:

BODILY INJURY: Injury not amounting to serious bodily injury.

SERIOUS BODILY INJURY: Bodily injury that creates or causes serious permanent disfigurement, protracted loss, or impairment of the function of any bodily member or organ for longer than six (6) months, or creates a substantial risk of death.

B. Failure To Yield Deemed A Misdemeanor: The operator of any vehicle who negligently fails to yield the right of way as required by any section of this title which failure is the direct proximate cause of serious bodily injury or death to any person, whether such injured or deceased person is a pedestrian or an occupant of a vehicle, shall be deemed guilty of a class B misdemeanor.

C. Failure To Yield Deemed An Infraction: The operator of any vehicle who negligently fails to yield the right of way, as required by any section of this title, which failure is the direct proximate cause of bodily injury to any person, whether such injured person is a pedestrian or an occupant of a vehicle, shall be deemed guilty of an infraction. (Ord. 21-03 § 2, 2003: Ord. 62-02 § 24, 2002)

## 12.52.360: RECKLESS DRIVING; PENALTY:

A. Every person convicted of any violation of section 12.52.350 of this chapter, or its successor, shall be punished by imprisonment for a period of not less than five (5) days nor more than six (6) months or by a fine of not less than twenty five dollars ($25.00) nor more than one thousand dollars ($1,000.00), or by both such fine and imprisonment.

B. On a second or subsequent conviction, the minimum term of imprisonment shall be not less than ten (10) days, and the minimum fine not less than fifty dollars ($50.00). (Prior code title 46, art. 15 § 223)

# CHAPTER 12.56
# STOPPING, STANDING AND PARKING

## 12.56.010: APPLICATION OF CHAPTER PROVISIONS:

The provisions of this chapter prohibiting the standing or parking of a vehicle shall apply at all times, or at those times herein specified, or as indicated on official signs, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device. (Ord. 48-86 § 1, 1986: prior code § 28-3-142)

## 12.56.020: REGULATIONS NOT EXCLUSIVE:

The provisions of this chapter imposing a time limit on parking shall not relieve any person from the duty to observe other and more restrictive provisions prohibiting or limiting the stopping, standing or parking of vehicles in specified places or at specified times. (Ord. 48-86 § 1, 1986: prior code § 28-3-143)

## 12.56.030: VEHICLES; STATE INSPECTION CERTIFICATE:

(Rep. by Ord. 62-02 § 25, 2002)

## 12.56.040: VEHICLES; REGISTRATION AND PLATES:

Every vehicle at all times while being driven, stopped or parked upon the streets or alleys of this city, shall: a) be registered in the name of the owner thereof in accordance with the laws of the state, unless such vehicle is not required by the laws of Utah to be registered in this state; b) display in proper position two (2) valid, unexpired registration plates, one on the front and one on the rear of such vehicle; and c) when required, current validation or indicia of registration attached to the rear plate and in a manner complying with the laws of the state of Utah, and free from defacement, mutilation, grease and other obscuring matters, so as to be plainly visible and legible at all times. However, if such vehicle is not required to be registered in this state, and the indicia of registration issued by another state, territory, possession or district of the United States, or of a foreign country, substantially complies with the provisions hereof, such registration shall be considered as compliance with this code. (Ord. 48-86 § 1, 1986: Ord. 62-84 § 1, 1984: prior code § 28-3-177)

## 12.56.050: CONTINUOUS MOVEMENT REQUIRED:

When signs or traffic markings are erected or placed by the direction of the city, no person shall stop, stand or park a vehicle or permit said vehicle to remain standing at any time, with the exception of certain hours specified, upon any street, parts of a street, or roadway. (Ord. 48-86 § 1, 1986: Ord. 62-84 § 1, 1984: prior code § 28-3-146)

## 12.56.060: PARKING SIGNS REQUIRED:

When by this code or any other ordinance of the city, and except for parking meter zones, any parking time limit is imposed or parking is prohibited on designated streets or parts of streets the city transportation engineer shall erect or place and maintain appropriate signs or traffic markings giving notice thereof and no such regulations shall be effective unless said signs or traffic markings are erected and in place at the time of any alleged violation. (Ord. 48-86 § 1, 1986: prior code § 28-3-148)

## 12.56.080: PROCEDURE FOR LEAVING VEHICLE UNATTENDED:

No driver or person in charge of a motor vehicle shall permit it to stand unattended without first stopping the engine, locking the ignition and removing the key nor, when such motor vehicle is standing upon any perceptible grade, without effectively setting the brakes thereon and turning the front wheels to the curb or side of the street. (Ord. 48-86 § 1, 1986: prior code § 28-3-127)

## 12.56.090: LIGHTS ON PARKED VEHICLES:

A. Whenever a vehicle is lawfully parked upon any street within a business or residence district, no lights need be displayed upon such parked vehicle.

B. Whenever a vehicle is parked upon a street outside of a business or residence district during the hours between one-half ($^1/_2$) hour after sunset and one-half ($^1/_2$) hour before sunrise, such vehicle shall be equipped with one or more lamps which shall exhibit a white light on the roadway side visible from a distance of five hundred feet (500') to the front of the vehicle and a red light visible from a distance of five hundred feet (500') to the rear.

C. Any lighted headlamp upon a parked vehicle shall be depressed or dimmed. (Ord. 48-86 § 1, 1986: prior code § 28-3-126)

## 12.56.100: STOPPING OR PARKING UPON ROADWAYS:

A. 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 inches (12") of the right hand curb or as close as practicable to the right edge of the right hand shoulder.

B. 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 inches (12") 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 inches (12") of the left hand curb or as close as practicable to the left edge of the left hand shoulder. (Ord. 62-02 § 26, 2002: Ord. 101-93 § 3, 1993: Ord. 48-86 § 1, 1986: prior code § 28-3-122)

## 12.56.110: ANGLE OR PARALLEL PARKING; SIGNS OR MARKINGS:

Where signs or traffic markings have been placed by the city transportation engineer after a comprehensive study, no person shall park or stand a vehicle other than between such traffic markings or at any angle to the curb or edge of the roadway other than indicated by such sign or traffic marking. (Ord. 48-86 § 1, 1986: prior code § 28-3-124)

## 12.56.120: PARKING FOR PERSONS WITH A DISABILITY; PUBLIC PROPERTY:

A. Parking For Persons With A Disability At Meters And In Restricted Areas:

1. A person with a disability whose automobile has affixed thereto, as provided by law, the license plate designated for a person with a disability or a transferable motor vehicle identification card issued by the state of Utah, shall be entitled to park at any parking meter and in the following identified restricted parking areas without charge, notwithstanding any other state or municipal parking restriction: freight loading zones, passenger loading zones and time limited parking zones.

2. It is unlawful for such person with a disability to park for longer than two (2) hours at all meters and restricted parking areas.

B. Designated Parking For Persons With A Disability: The city transportation engineer is hereby authorized, at his/her discretion to reserve by appropriate signing, various public areas or property for parking for persons with a disability. It is unlawful for:

1. Any person with a disability to park longer than the time shown on the sign designating the area as "parking for persons with a disability"; or

2. Any vehicle to be parked in an area designated as parking for persons with a disability, unless such vehicle has displayed upon it the parking plate designated for persons with a disability or transferable identification card issued by the state.

C. Unlawful Use Of License Plate For Persons With A Disability: It is unlawful for any person using a vehicle with a license plate designated for persons with a disability or transferable motor vehicle identification card who is not a person with a disability to use parking designated for persons with a disability.

D. Restricted Areas Not Authorized For Special Parking For Persons With A Disability: Nothing herein shall be construed to permit parking by any individual, contrary to or as an exception to the limited purpose of the following designated areas:

1. Any area where official signs or traffic markings absolutely prohibit stopping, standing or parking;

2. Areas reserved for emergency use. "Emergency use", as used herein, means and shall include, but not be limited to, those areas designated by red curb marking, also known as "red zones" designated as ambulance zones; fire hydrant zones as defined in subsection 12.56.440A5 of this chapter, or its successor; fire lanes, as designated in title 18, chapter 18.44 of this code, or its successor, whether on public or private property; or any other designated area of the city posted as restricted for emergency vehicles or emergency use;

3. On a sidewalk area;

4. In front or within five feet (5') of a private driveway;

5. Within ten feet (10') of a private driveway, on Mondays through Saturdays (except holidays) between seven o'clock (7:00) A.M. and six o'clock (6:00) P.M., when a mailbox is located within five feet (5') of such driveway;

6. Within an intersection;

7. Within five feet (5') of a fire hydrant, as measured in both directions along the street or highway curb line, from a line extending from the center of the hydrant to the curb line at its nearest point;

8. On a crosswalk;

9. Within twenty feet (20') of a crosswalk at an intersection;

10. Within thirty feet (30') upon the approach to any flashing beacon or traffic control device located at the side of a roadway;

11. Between a safety zone and the adjacent curb, or within thirty feet (30') of points on the curb immediately opposite the ends of a safety zone, unless authorized signs or markings indicate a different length;

12. Within fifty feet (50') of the nearest rail of a railroad crossing;

13. Within twenty feet (20') of the driveway entrance to any fire station, and on the side of a street opposite the entrance when properly signposted;

14. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct or be hazardous to traffic;

15. Upon any bridge or other elevated structure upon a street, or within a street tunnel or underpass;

16. At any place in any public park, playground or grounds of any public building other than on the roads or parking lots provided for public parking in accordance with provisions of any officially installed signs;

17. On any footpath in any park or playground;

18. Within a fire lane as designated and marked in accordance with the provisions of title 18, chapter 18.44 of this code, or its successor, whether on public or private property;

19. On any median or island, or on any "dividing section", as defined in section 12.44.110 of this title, or its successor;

20. Within fifteen feet (15') of the nearest rail of any light rail track or other railroad track whether on public or private property; or

21. Taxi and bus stands or stops. (Ord. 20-06 § 3, 2006: Ord. 4-90 § 1, 1990: Ord. 56-86 § 1, 1986: Ord. 48-86 § 1, 1986: prior code § 28-3-160)

## 12.56.130: PARKING FOR PERSONS WITH DISABILITIES:

A. No vehicle except those displaying a license plate for persons with disabilities or transferable motor vehicle identification card issued by the state shall park in any parking spot designated for the parking of persons with disabilities. This restriction 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.

B. Any law enforcement agency authorized to enforce parking laws and regulations in Salt Lake City may appoint volunteers to act as its agents to issue parking citations for violations of this section or any other city law or regulation which prescribes a penalty for illegal parking at any parking spot properly designated for the exclusive use of persons with disabilities. A parking citation issued by a volunteer properly appointed under this section has the same force and effect as a citation issued for the same offense by a peace officer or parking enforcement officer authorized to enforce parking laws and regulations in Salt Lake City.

C. A volunteer appointed under this section must be at least eighteen (18) years of age. The law enforcement agency appointing a volunteer under authority of this section may establish any other qualification or criteria for the appointment of such volunteer.

D. A volunteer appointed under this section may not issue a parking citation until the volunteer has received training regarding the proper issuance of parking citations from the appointing law enforcement agency. (Ord. 20-06 § 1, 2006: Ord. 89-94 § 1, 1994: Ord. 4-90 § 2, 1990: Ord. 48-86 § 1, 1986: prior code § 28-3-160.1)

## 12.56.135: PARKING FOR PERSONS WITH DISABILITIES; OUT OF STATE VEHICLES:

The parking privileges granted by sections 12.56.120 and 12.56.130 of this chapter, or their successors, also apply to vehicles displaying a distinctive license plate designated for persons with disabilities or transferable identification card issued by another state, if displayed on a vehicle utilized by a person with a disability. (Ord. 20-06 § 1, 2006: Ord. 4-90 § 3, 1990)

## 12.56.140: PARKING METERS; DEFINITIONS AND MARKING OF SPACES:

A. Definitions:

PARKING METER: Means and includes any mechanical device installed within or upon the curb or sidewalk area immediately contiguous to a parking meter space which, when the mechanism thereof is set in motion, indicates unexpired parking time for the adjacent parked vehicle.

PARKING METER SPACE: An area adjacent to a parking meter upon any street, and shall be designated by a line or other traffic markings, and shall be of sufficient size to permit the parking of only one vehicle, or not more than two (2) motorcycles.

PARKING METER TOKEN: A token authorized by the city to be used in a parking meter installed by the city in order to set in motion the mechanism therein indicating unexpired parking time for the adjacent parked vehicle.

PARKING METER ZONE: Those streets or portions of streets within which the parking of vehicles shall be controlled, regulated and inspected with the aid and use of parking meters.

B. Parking Meter Spaces To Be Marked: The transportation engineer shall establish and designate parking meter spaces by painted lines upon the surface of the roadway or pavement and/or curbing. (Ord. 67-02 § 1, 2002: Ord. 48-86 § 1, 1986: prior code § 28-3-149)

## 12.56.150: PARKING METERS; INSTALLATION:

A. The city transportation engineer shall cause to be installed contiguous to each designated parking meter space, on a parking meter so designated that the deposit of a coin or coins will set the mechanism of the meter in motion or permit the mechanism to be set in motion, so that the meter will show the unexpired parking time applicable to the parking meter space contiguous to the meter, and the meter, when such parking time has expired, shall so indicate by a visible sign. Whenever such sign is visible, the meter is in violation.

B. No person shall park any vehicle in any parking meter space, except as otherwise permitted by this chapter, without immediately depositing in the parking meter contiguous to the space such lawful coin or coins of the United States as are required for such meter and designated by directions on the meter, and when required by the direction on the meter, setting in operation the timing mechanism thereof in accordance with said directions, unless the parking meter indicates at the time such vehicle is parked that an unexpired portion remains of the period for which a coin or coins has been previously deposited.

C. No person, except as otherwise provided by this chapter, shall permit any vehicle parked by such person to remain parked in any parking meter space during any time when the parking meter contiguous to such space indicates that no portion remains of the period for which the last previous coin or coins have been deposited, or beyond the time limited for parking as designated on the meter. (Ord. 56-86 § 1, 1986: Ord. 48-86 § 1, 1986: prior code § 28-3-156)

## 12.56.160: PARKING METERS; SPACES AND TIME LIMITS:

The city transportation engineer shall establish and designate parking meter spaces, including restricted meter spaces, within the parking meter zone, and shall provide for maximum parking times for all meters. (Ord. 48-86 § 1, 1986: prior code § 28-3-150)

## 12.56.170: PARKING METERS; RATES:

Parking meter rates shall be as set forth in the Salt Lake City consolidated fee schedule. A parking meter token may be used in parking meters installed by the city at a rate not to exceed one hour of parking per token. Parking meter tokens shall not be used as legal tender to satisfy any debt to the city and shall only be used in connection with a downtown parking and transit token program. (Ord. 50-12, 2012)

## 12.56.180: PARKING METERS; RESTRICTED SPACES:

No person shall park or permit any vehicle to remain parked in a restricted parking meter space during a restricted period, except those persons included within the class for whose benefit the restriction is imposed. (Ord. 48-86 § 1, 1986: prior code § 28-3-152)

## 12.56.190: PARKING METERS; OVERTIME PARKING PROHIBITED:

A. No person shall park or permit any vehicle to remain parked in any parking meter space adjacent to a meter for a continuous period longer than that designated on the meter, or at any time when the meter violation indicator is shown.

B. No person shall place coins in any expired or unexpired parking meter for the purpose of showing or extending unexpired time with the intent of permitting a vehicle to remain parked at such meter, with unexpired time showing for a continuous period longer than that designated on the meter. (Ord. 48-86 § 1, 1986: Ord. 62-84 § 1, 1984: prior code § 28-3-151)

## 12.56.200: PARKING METERS; NO CHARGE WHEN:

A. Parking spaces may be used without charge on all days of the week between eight o'clock (8:00) P.M. and eight o'clock (8:00) A.M., and during all hours on Saturdays and on Sundays and holidays as enumerated in subsection B of this section. With regard to parking at parking spaces on Saturdays, when signs or traffic markings are erected or placed by the direction of the city transportation engineer limiting the duration of such parking, no person shall park a vehicle or permit such vehicle to remain parked for longer than the time specified, between the hours shown upon any street, parts of a street, or roadway.

B. 1. The word "holiday" means:

a. Every Sunday;

b. January 1, called New Year's Day;

c. The third Monday of January, called Martin Luther King Jr.'s Birthday;

d. The third Monday of February, called Presidents' Day;

e. The last Monday in May, called Memorial Day;

f. July 4, called Independence Day;

g. July 24, called Pioneer Day;

h. The first Monday in September, called Labor Day;

i. The second Monday of October, called Columbus Day;

j. November 11, called Veterans Day;

k. The fourth Thursday of November, called Thanksgiving Day; and

l. December 25, called Christmas.

2. When February 12, July 4, July 24, November 11 or December 25 falls on a Sunday, the following Monday shall be considered the legal holiday, and no other day shall

be considered a holiday. (Ord. 50-12, 2012)

## 12.56.205: PARKING METERS; NO CHARGE FOR ALTERNATIVE FUEL, FUEL EFFICIENT AND LOW POLLUTING VEHICLES; ELECTRIC VEHICLE CHARGING STATIONS:

A. The following definitions shall apply to this section:

ALTERNATIVE FUEL: Propane, compressed natural gas, electricity, or any motor or special fuel that meets the clean fuel vehicle standards in the federal clean air act amendments of 1990, title II, as amended.

ALTERNATIVE FUEL VEHICLE: A vehicle with an engine powered full or part time by an alternative fuel.

CLEAN FUEL LICENSE PLATE: A special group license plate issued by the Utah department of motor vehicles as authorized by Utah code 41-1a-418, or its successor.

DIVISION: The city's transportation division.

ELECTRIC VEHICLE CHARGING STATION: A parking stall equipped with an electrical outlet to charge electric vehicles.

FUEL EFFICIENT VEHICLE: A vehicle that is powered by gasoline or diesel that achieves a city driving fuel efficiency of forty one (41) or more miles per gallon.

LOW POLLUTING VEHICLE: A vehicle that achieves an environmental protection agency (EPA) air pollution score of at least eight (8) on the EPA vehicle rating scale of zero to ten (10).

B. 1. The division shall issue a vehicle windshield sticker to all persons applying for such sticker who provide evidence acceptable to the division that the vehicle for which the sticker is desired is a "fuel efficient vehicle" or a "low polluting vehicle" as defined in subsection A of this section. Motorcycles and other vehicles that are not automobiles shall not be issued a sticker pursuant to this section.

2. The recipient of the sticker shall affix it only to the bottom of the driver's side of the rear window of the vehicle for which it is issued so that it is readily visible.

C. Parking meter spaces may be used without charge on all days of the week at all hours by vehicles properly displaying the sticker referred to in subsection B of this section or vehicles displaying a clean fuel license plate.

D. No person parking a vehicle without charge pursuant to this section shall park or permit such vehicle to remain parked in any parking meter space adjacent to a meter for a continuous period longer than that designated on the meter, nor shall they park in restricted spaces pursuant to section 12.56.180 of this chapter.

E. In assessing the evidence provided by an applicant for such sticker as set forth in subsection B1 of this section, the division may consider:

1. The fuel efficiency information for particular years and models of vehicles determined by the department of energy and the environmental protection agency as shown on their website at www.fueleconomy.gov or its successor website; and

2. The EPA's annual "Green Vehicle Guide" as found at the website www.epa.gov/greenvehicles or its successor website.

F. Use of electric vehicle charging stations is restricted to electric vehicles actively charging their battery at the provided electrical outlet. The division may establish time limits for use of particular electric vehicle charging stations. No person shall use an electric vehicle charging station for longer than the time period specified for that station. Failure to comply with this provision will result in a civil penalty as set forth in section 12.56.550 of this chapter. (Ord. 15-11, 2011)

## 12.56.210: PARKING METERS; SPECIAL USE CONDITIONS AND FEES:

Permission to park in parking meter spaces without the deposit of a coin may be granted by the city transportation engineer or the engineer's designee upon application being made therefor in writing upon the following conditions:

A. A showing of a substantial need to temporarily close off the meters involved to the public use for a stated duration of time,

B. The placing of authorized bags over the meters involved, and

C. The payment daily in advance to the city treasurer according to the following schedule:

1. The fee shown on the Salt Lake City consolidated fee schedule per meter per day, or part thereof.

2. The fee shown on the Salt Lake City consolidated fee schedule per meter per day, or part thereof for an event that: a) continues for not less than three (3) consecutive days, b) significantly fosters area business promotion, and c) has an expected attendance exceeding five thousand (5,000) persons.

3. The fee shown on the Salt Lake City consolidated fee schedule per meter per day, or part thereof during the filming of a movie, television series or commercial.

4. No fee shall be charged to any organization, for up to a total of thirty (30) days in any calendar year, that provides written verification from the internal revenue service that the organization has been granted tax exempt status as a religious or charitable organization under section 501(c)(3) of the internal revenue code, or its successor.

5. No fee shall be charged to any organization using such meter under the direction of the city in connection with a city sponsored special event. (Ord. 24-11, 2011)

## 12.56.220: PARKING METERS; USE OF UNEXPIRED TIME:

The driver of a vehicle entering a parking space at a time when the meter for such space shows unexpired legal parking time may permit such vehicle to remain parked in such space for such time as the meter indicates legal parking time remaining, and may, by depositing the proper coin or coins remain parked in such space for the amount of time allowed therein subject to the limitations provided in section 12.56.180 of this chapter, or its successor. (Ord. 56-86 § 1, 1986: Ord. 48-86 § 1, 1986: prior code § 28-3-159)

## 12.56.230: PARKING METERS; COINS AND KEYS; TAMPERING PROHIBITED:

A. The insertion of any lawful coin or coins in any meter shall not entitle any person to park in such parking meter space during the time parking is prohibited in such parking

meter space.

B. It is unlawful to deposit in any parking meter anything other than lawful coin of the United States, or any coin that is bent, cut, torn, battered or otherwise misshapen. No unauthorized person shall remove, deface, tamper with, open, break, destroy or damage any parking meter. No person shall wilfully manipulate any parking meter in such manner that the indicator will not operate or continue to show the correct amount of unexpired time before a violation.

C. It is unlawful for any person not authorized by Salt Lake City Corporation to have in such person's possession or on his or her person any key which will open the coin box of any parking meter in the streets of the city, or on any public parking area operated and maintained by the city.

D. It is unlawful for any person to duplicate or reproduce in any manner any key which will open the coin box of any parking meter in the streets of the city, or on any public parking area operated and maintained by the city; provided, however, that such keys may be duplicated or reproduced for the use of Salt Lake City Corporation upon written authorization from the mayor to do so. (Prior code § 28-3-158)

## 12.56.235: PARKING IN MORE THAN ONE PARKING METER SPACE:

No person shall park or permit any vehicle to remain parked in more than one parking meter space at a time. (Ord. 101-93 § 4, 1993)

## 12.56.240: AIRPORT PARKING; GENERAL RESTRICTIONS:

A. 1. Parking areas for motor vehicles shall be set aside for airport employees and for the general public. No person shall park a motor vehicle or a trailer in any place at the airport other than those areas designated by the director of airports. No person shall park a motor vehicle in an area designated as an employee parking lot unless the motor vehicle displays a currently effective employee parking sticker issued by the director of airports.

2. For the purpose of this chapter, "motor vehicles" shall be defined by section 12.04.260 of this title, as amended, or its successor.

B. Except as provided in subsection C of this section, no automobile, truck or other motor vehicle shall be parked in or in front of any hangar, except for service or delivery vehicles actually making a delivery, and then only long enough to make such delivery.

C. Tenants of T-hangars and shade hangars may park their motor vehicles in their own hangars when the aircraft are being flown.

D. No person shall park a motor vehicle at the airport in excess of seventy two (72) consecutive hours unless such vehicle is parked in the public parking area or approval is given by the director.

E. No person shall park a motor vehicle in an area designated as a public parking lot without paying the authorized rates, which shall be available in the airport's office of finance and administration. (Ord. 86-98 § 6, 1998: Ord. 25-87 § 2, 1987: prior code § 28-3-285)

## 12.56.250: AIRPORT PARKING; SIGNS AND MARKINGS:

No person shall park a vehicle at the airport other than in a manner and at locations indicated by posted traffic signs and markings. (Ord. 25-87 § 3, 1987: prior code § 28-3-286)

## 12.56.260: CITY EMPLOYEE PARKING; AREAS DESIGNATED:

Certain areas of the city have been designated for parking by employees and officials of Salt Lake City Corporation. Such areas include, but are not limited to, the underground parking facilities below Library Square, parking adjacent to the Salt Lake City and county building, and miscellaneous parking areas designated for vehicles of employees of various departments of Salt Lake City Corporation. (Ord. 1-06 § 28, 2005: Ord. 25-87 § 4, 1987: prior code § 28-3-287)

## 12.56.270: CITY EMPLOYEE PARKING; PERMIT REQUIRED; EXCEPTION:

A. Only vehicles displaying a valid and authorized parking permit issued by the city shall be allowed to park in the areas designated in section 12.56.260 of this chapter, or its successor section. Any parking space in the aforementioned facilities, specifically designated for a particular vehicle by number or other denotation, shall be occupied only by a vehicle displaying a parking permit bearing that particular number or identification.

B. Notwithstanding the foregoing, if specifically authorized by the mayor or his/her authorized agent, a vehicle may be parked in the areas designated in section 12.56.260 of this chapter, or its successor, without displaying a permit as required in subsection A of this section, but then only in the area or stall so designated by the mayor or his/her designated agent. (Ord. 25-87 § 5, 1987: prior code § 28-3-288)

## 12.56.280: CITY EMPLOYEE PARKING; FALSIFYING PERMITS PROHIBITED:

It is unlawful for any person to alter or falsify a parking permit referred to in section 12.56.270 of this chapter, or its successor, or to display a facsimile or copy of such a permit which has not been issued by the city. (Prior code title 46, art. 22 § 259a)

## 12.56.290: CITY EMPLOYEE PARKING; PROHIBITED ACTIVITIES:

A. Subject to the provisions of subsection 12.56.270B of this chapter, or its successor, no person other than the person whose vehicle displays a parking permit referred to in section 12.56.270 of this chapter shall park in any parking areas designated in section 12.56.260 of this chapter, or its successor.

B. No person shall park in a numbered or otherwise denoted parking stall except a vehicle displaying a parking permit as referred to in section 12.56.270 of this chapter, or its successor, bearing the corresponding number or denotation, or as provided in subsection 12.56.270B of this chapter, or its successor. (Ord. 25-87 § 6, 1987: prior code § 28-3-289)

## 12.56.300: RESIDENTIAL PARKING LOTS OWNED BY THE CITY:

A. No person, on the premises of any residential parking lot owned by the city where a sign or signs are posted designating such residential parking lot as a parking lot of Salt Lake City Corporation, shall:

1. Park any vehicle continuously in excess of seventy two (72) hours;

2. Park any boat, trailer or motor home;

3. Park any vehicle over eighteen feet (18') in length or eight feet (8') wide;

4. Abandon any vehicle;

5. Make repairs on any vehicle; or

6. Park any vehicle thereon which does not bear a valid license plate and current Utah inspection sticker.

B. For the purpose of this section, the term "residential parking lot owned by the city" means any area where vehicles may be left unattended upon any property the city may have an ownership interest in, and which has a sign or signs thereon stating that such area is a "residential parking lot of Salt Lake City Corporation".

C. Any vehicle found in violation of any of the foregoing prohibitions upon any residential parking lots owned by the city is hereby declared to be a nuisance, and may be summarily abated by removing any such vehicle by, or under the directions of, or at the request of a police officer or other officer charged with enforcing the parking laws of the city to a place of storage within the city by means of towing or otherwise, as provided in chapter 12.96 of this title, and the provisions of said chapter 12.96 of this title shall govern the disposition of any vehicle so impounded. (Ord. 56-86 § 1, 1986: Ord. 48-86 § 1, 1986: prior code § 28-3-170)

## 12.56.302: HIGH SCHOOL PARKING LOTS; PARKING PERMIT REQUIRED:

A. No high school student or faculty member shall park a motor vehicle in any of the high school parking lots in the Salt Lake City school district without first obtaining each year a parking permit for parking at a particular high school from said district. The permit shall be obtained from the principal of the school at which parking is desired. The permit must be placed in the rear window or in a conspicuous place at the rear of the vehicle for which the permit was obtained and which is parked on such high school property. Such permits are not transferable and possession of a parking permit does not guarantee a specific parking lot or space on such high school property.

B. All parking and nonparking areas shall be designated with the approval of the city transportation engineer, marked, and maintained by the Salt Lake City school district. (Ord. 22-90 § 1, 1990)

## 12.56.303: HIGH SCHOOL PARKING LOT REGULATIONS:

Neither students nor faculty of a city high school shall park a motor vehicle in city high school parking lot areas marked and designated for visitors, or in areas other than where allowed by their respective permit; and no visitors shall park in city high school parking lot areas other than those marked or designated for parking by visitors. No person without a student or faculty parking permit for persons with disabilities shall park a motor vehicle in any parking space marked or designated for persons with disabilities. Delivery vehicles may park in designated delivery areas for a period not to exceed thirty (30) minutes. (Ord. 20-06 § 1, 2006: Ord. 22-90 § 2, 1990)

## 12.56.304: NO PARKING AREAS IN HIGH SCHOOL PARKING LOTS:

No person shall park a motor vehicle in those areas of a high school parking lot where the curb is painted red, in driveways, or in other areas designated as no parking areas, or in unmarked areas such as unmarked roads or alleyways. (Ord. 22-90 § 3, 1990)

## 12.56.310: NO STOPPING OR PARKING; COLOR MARKINGS AND SIGNS:

A. The city transportation engineer is authorized, subject to provisions and limitations of this code, and after a comprehensive study, to place and when required herein shall place and maintain appropriate signs or traffic markings to indicate standing or parking regulations, and such traffic markings shall designate the zones and shall have the meanings herein set forth:

1. Red: Red means no stopping, standing or parking at any time;

2. Yellow: Yellow means no stopping, standing or parking except as designated by appropriate signs or traffic markings.

B. When appropriate signs or traffic curb markings have been erected or placed according to this section, no person shall stop, stand or park a vehicle in any zone contrary to the provisions of this section. (Ord. 48-86 § 1, 1986: Ord. 62-84 § 1, 1984: prior code § 28-3-140)

## 12.56.320: LOADING ZONES AND RESTRICTED PARKING; DESIGNATION AND SIGNS:

The city transportation engineer is hereby authorized to determine the location of passenger and freight curb loading zones and restricted parking zones and shall place and maintain appropriate signs or markings indicating the same and stating the hours during which the provisions of this section are applicable. (Ord. 56-86 § 1, 1986: Ord. 48-86 § 1, 1986: prior code § 28-3-161)

## 12.56.325: LOADING ZONES AND RESTRICTED PARKING; SPECIAL USE CONDITIONS AND FEES:

Permission to park in loading zones and/or restricted parking areas may be granted by the city transportation engineer or the engineer's designee upon application being made therefor in writing upon the following conditions:

A. A showing of a substantial need to temporarily close off the loading zone or restricted parking area to the public use for a stated duration of time, and

B. The payment daily in advance to the city treasurer according to the following schedule:

1. The fee shown on the Salt Lake City consolidated fee schedule per vehicle space in a loading zone or restricted parking area per day, or part thereof.

2. The fee shown on the Salt Lake City consolidated fee schedule per vehicle space in a loading zone or restricted parking area per day, or part thereof for an event that: a) continues for not less than three (3) consecutive days, b) significantly fosters area business promotion, and c) has an expected attendance exceeding five thousand (5,000) persons.

3. The fee shown on the Salt Lake City consolidated fee schedule per vehicle space in a loading zone or restricted parking area per day, or part thereof during the filming of a movie, television series or commercial.

4. No fee shall apply outside the area of the city bounded by the following streets: North Temple, 200 East, 600 South, and 200 West.

5. No fee shall be charged to any organization, for up to a total of thirty (30) days in any calendar year that provides written verification from the internal revenue service that the organization has been granted tax exempt status as a religious or charitable organization under section 501(c)(3) of the internal revenue code, or its successor.

6. No fee shall be charged to any organization using such loading zone or restricted parking area under the direction of the city in connection with a city sponsored special event. (Ord. 24-11, 2011)

## 12.56.330: FREIGHT CURB LOADING ZONES:

A. No person shall stop a vehicle or permit the same to remain stopped for any purpose or length of time other than for the expeditious loading and/or unloading of materials in any place marked as a freight curb loading zone during the hours when the provisions applicable to such zones are in effect.

B. Vehicles so using freight curb loading zones must have a freight license sticker permanently affixed to the front windshield of the vehicle. Said sticker shall be obtained from the business license supervisor upon payment of the base business license fee shown on the Salt Lake City consolidated fee schedule, plus a sticker fee shown on the Salt Lake City consolidated fee schedule and shall be renewable annually. Said sticker is not transferable to any other vehicle, except as provided herein. The maximum number of stickers which may be issued to a business shall be the number of vehicles used by the business for transporting freight. In the event the licensee sells, assigns or transfers such vehicle, the city license may be transferred to a newly acquired vehicle upon application to the city license supervisor. In the event a sticker or permit issued by the city under this chapter is lost or destroyed, the licensee shall forthwith obtain a replacement sticker or permit from the city. The fee for a transfer of a motor vehicle license shall be as shown on the Salt Lake City consolidated fee schedule, for each vehicle. The fee for replacement of a sticker or permit issued by the city under this chapter shall be as shown on the Salt Lake City consolidated fee schedule, per replacement.

C. In no case shall the stop for loading and/or unloading of materials exceed thirty (30) minutes.

D. 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 city licensed vehicle used for the transportation of materials which is waiting to enter or about to enter such zone; provided, however, that the driver must remain with his or her vehicle. (Ord. 24-11, 2011)

## 12.56.340: PUBLIC CARRIER AND BUS STANDS:

The city transportation engineer is authorized and required to establish bus and coach stops and stands for passenger common carrier vehicles other than taxicabs on such public streets in such places and in such numbers as the city transportation engineer shall determine to be of the greatest benefit and convenience to the public, and every such bus and coach stop and stand for common carrier vehicles shall be designated by appropriate signs or markings installed by the city transportation engineer. (Ord. 56-86 § 1, 1986: Ord. 48-86 § 1, 1986: prior code § 28-3-166)

## 12.56.350: BUSES AND TAXICABS; PARKING RESTRICTIONS:

The driver of a bus or taxicab shall not park upon any street upon which parking is prohibited, restricted, limited as to time or registered 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 temporarily 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. 56-86 § 1, 1986: Ord. 48-86 § 1, 1986: prior code § 28-3-167)

## 12.56.360: BUSES AND TAXICABS; STAND USE RESTRICTIONS:

No person shall stand, stop or park any vehicle other than a licensed bus or coach in a bus stop, and then only for the express purpose of and while actually engaged in the loading or unloading of passengers, nor shall any person stop, stand or park any vehicle other than a taxicab in a taxi stand, when such stand or stop has been officially designated and appropriately signed and marked. (Ord. 56-86 § 1, 1986: Ord. 48-86 § 1, 1986: Ord. 62-84 § 1, 1984: prior code § 28-3-168)

## 12.56.370: TAXICAB STANDS; ESTABLISHMENT AND SIGNS:

The city transportation engineer is hereby authorized and required to establish taxicab stands on such public streets in such places and in such manner as the city transportation engineer shall determine to be of the greatest benefit and convenience to the public and every such taxicab stand shall be designated by appropriate signs or markings installed by the city transportation engineer. (Ord. 56-86 § 1, 1986: Ord. 48-86 § 1, 1986: prior code § 28-3-165)

## 12.56.375: CAR SHARING PARKING ESTABLISHMENT AND SIGNS:

The city transportation engineer is authorized to establish car sharing vehicle parking stalls on public streets in such places and in such manner as the city transportation engineer shall determine to be of the greatest benefit and convenience to the public, and every car sharing vehicle parking stall shall be designated by appropriate signs or markings

installed by the city transportation engineer. (Ord. 46-09 § 2, 2009)

### 12.56.380: RESTRICTED PARKING ZONES:

No person shall stop, stand or park a vehicle for any purpose or length of time in any restricted parking zone other than for the purpose to which parking in such zone is restricted, except that a driver of a passenger vehicle may stop temporarily in such zone for the purpose of and while actually engaged in loading or unloading of passengers when such stopping does not interfere with any vehicle which is waiting to enter or about to enter the zone for the purpose of parking in accordance with the purposes to which parking is restricted and the driver must remain in the car. (Ord. 56-86 § 1, 1986: Ord. 48-86 § 1, 1986: prior code § 28-3-164)

### 12.56.390: PARKING IN ALLEYS:

No person shall park a vehicle within an alley except during the necessary and expeditious loading and unloading of merchandise, and no person shall stop, stand or park a vehicle within an alley in such a position as to block the driveway entrance or any abutting property, or interfere with the free movement of traffic through the alley. (Ord. 48-86 § 1, 1986: prior code § 28-3-134)

### 12.56.400: PARKING CONTIGUOUS TO SCHOOLS:

No person shall park a vehicle upon that side of any street contiguous to any school property during school hours. (Ord. 48-86 § 1, 1986: prior code § 28-3-137)

### 12.56.410: ONE-WAY ROADWAY RESTRICTIONS:

In the event a street includes two (2) separate roadways and traffic is restricted to one direction upon each of such roadways, no person shall stand or park a vehicle upon the left side of either of such roadways. (Ord. 48-86 § 1, 1986: prior code § 28-3-139)

### 12.56.420: DOUBLE PARKING, STANDING OR STOPPING:

No person shall park, stand or stop a vehicle upon the roadway side of another vehicle which is parked, standing or stopped except while actually engaged in loading or unloading passengers, or in compliance with directions of a police officer or traffic control device, or when necessary to avoid other traffic. (Ord. 48-86 § 1, 1986: prior code § 28-3-131)

### 12.56.430: STOPPING OR PARKING; ROADWAYS WITHOUT CURB:

A. No person shall stop, park or leave standing any vehicle, whether attended or unattended, upon any roadway constructed without a curb, when it is practical to stop, park or so leave such vehicle off such roadway. In every event, such parked vehicle shall be parked in the direction of lawful traffic movement with an unobstructed width of the roadway opposite the standing vehicle left for the free passage of other vehicles, and a clear view of such stopped vehicles shall be available.

B. This section shall not apply to the driver of any vehicle which is disabled while on the main traveled portion of a street in such manner and to such an extent that it is impossible to avoid stopping and temporarily leaving such disabled vehicle in such position. (Ord. 48-86 § 1, 1986: prior code § 28-3-129)

## 12.56.440: STOPPING OR PARKING; PROHIBITED IN CERTAIN AREAS:

A. No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device, in any of the following places:

1. On a sidewalk area;

2. In front or within five feet (5') of a private driveway;

3. Within ten feet (10') of a private driveway, on Mondays through Saturdays (except holidays) between seven o'clock (7:00) A.M. and six o'clock (6:00) P.M., when a mailbox is located within five feet (5') of such driveway;

4. Within an intersection;

5. Within five feet (5') of a fire hydrant, as measured in both directions along the street or highway curb line from the line extending from the center of the hydrant to the curb line at its nearest point;

6. On a crosswalk;

7. Within twenty feet (20') of a crosswalk at an intersection;

8. Within thirty feet (30') upon the approach of any flashing beacon or traffic control device located at the side of a roadway;

9. Between a safety zone and the adjacent curb, or within thirty feet (30') of points on the curb immediately opposite the ends of a safety zone, unless authorized signs or markings indicate a different length;

10. Within fifty feet (50') of the nearest rail of a railroad crossing;

11. Within twenty feet (20') of the driveway entrance to any fire station, and on the side of a street opposite the entrance when properly signposted;

12. Alongside or opposite any street excavation or obstruction, when stopping, standing or parking would obstruct or be hazardous to traffic;

13. Upon any bridge or other elevated structure upon a street, or within a street tunnel or underpass;

14. At any place where official signs or traffic markings prohibit stopping, standing or parking;

15. At any place in any public park, playground or grounds of any public building other than on the roads or parking lots provided for public parking and then only in accordance with provisions of any officially installed signs, such signs to be installed by the city transportation engineer, pursuant to the authority granted in section 12.08.080 of this title, or its successor;

16. On any footpath in any park or playground;

17. Within a fire lane as designated and marked in accordance with the provisions of section 18.44.010 of this code, or its successor, whether on public or private property;

18. On any median or island, or on any "dividing section", as defined in section 12.44.110 of this title, or its successor; or

19. Within fifteen feet (15') of the nearest rail of any light rail track or other railroad track whether on public or private property.

B. No person shall move a vehicle under such person's control into any such prohibited area, or upon any area not designated for vehicular travel or parking. (Ord. 85-05 § 1, 2005: Ord. 89-99 § 1, 1999: Ord. 48-86 § 1, 1986: Ord. 62-84 § 1, 1984: prior code § 28-3-130)

## 12.56.450: TIME LIMITED PARKING ON CERTAIN STREETS:

A. Purpose Of Section: The city council finds that restricted time parking regulations are designed to require movement of vehicles from designated street parking locations to enable as many members of the public as possible to have access to prime street parking locations. Some members of the public attempt to avoid purposes of restricted time parking by moving their vehicles only enough to cover any markings placed by parking enforcement personnel or by moving their vehicles only to return within a few minutes to the same or approximately the same parking spot.

It is necessary to provide fair and equal access to limited public resources and assets such as prime parking locations.

B. Obedience To Traffic Signs And Markings: When signs or traffic markings are erected or placed by the direction of the city transportation engineer, no person shall park a vehicle or permit such vehicle to remain parked for longer than the time specified, between the hours shown upon any street, parts of a street, or roadway, except Sundays and holidays, as enumerated in subsection 12.56.200B of this chapter, or its successor.

C. Unlawful: It is unlawful for any person to:

1. Park a vehicle on the same time restricted parking block face for longer than the posted time limitation, or having left a parking spot located on a time restricted parking face, reenter the parking anywhere along the same street block face within the same length of time as the posted time limitation plus thirty (30) minutes immediately following the vacation of the place of initial parking; or

2. Remove a temporary mark placed by an enforcement officer except that which may naturally occur as a result of driving the vehicle.

D. Definitions:

BLOCK FACE: The side of the street where the vehicle was parked between two (2) intersecting streets. An alley shall not be considered a street.

STREET AND ALLEY: Have the meanings set forth in sections 12.04.490 and 12.04.030 of this title, respectively, or their successor provisions.

E. Civil Penalty; Continuing Violation: Violation of this section shall constitute a civil violation. It shall be a separate offense for each violation of the posted time limitations.

F. Prior Right To Parking Space: Every driver about to enter a parking space being vacated shall stop his or her vehicle in the actual process of vacating the parking space, and having so waited shall have prior right to the parking space over all other drivers.

G. Interference Prohibited: No driver shall stop his or her vehicle ahead of a parking space being vacated and attempt to interfere with a driver who has waited properly to the rear of a parking space being vacated. (Ord. 43-98 § 2, 1998: Ord. 48-86 § 1, 1986: Ord. 62-84 § 1, 1984: prior code § 28-3-147)

## 12.56.460: STREETS; PARKING PROHIBITED AT ALL TIMES:

When signs or traffic markings are erected or in place on any street, parts of a street, or roadway, giving notice thereof, no person shall park a vehicle or permit such vehicle to remain standing at any time. (Ord. 48-86 § 1, 1986: Ord. 62-84 § 1, 1984: prior code § 28-3-144)

## 12.56.465: PROHIBITED PARKING FOR RESTRICTED VEHICLES:

A. No person shall park, or allow to remain standing, any restricted vehicle, as defined in section 12.28.140 of this title, or its successor section, upon any street, part of a street or roadway of Salt Lake City, except: 1) to load or unload the vehicle as long as the loading or unloading is done expeditiously; or 2) upon restricted vehicle routes and truck routes as defined in section 12.104.040, "Schedule 3, Restricted Vehicle And Truck Routes", of this title and in obedience to traffic signs and markings upon said routes.

B. No person shall park, or allow to remain standing, any restricted vehicle, as defined in section 12.28.140 of this title, or its successor section, upon any privately owned property within the corporate limits of Salt Lake City, if that property is zoned R-1, R-1A, R-2, R-2A, R-3A, R-4, R-5, R-6 or R-7 if the access to the property is accessible only by the use of public streets or roadways where the use of such roadway by such vehicle would be unlawful under the provisions of section 12.28.140 of this title.

C. Subsection B of this section shall not apply to vehicles parked upon privately owned property which has a valid nonconforming or conditional use permit that allows restricted vehicles upon such property. (Ord. 5-93 § 1, 1993: Ord. 1-91 § 1, 1991)

## 12.56.470: STREETS; PARKING PROHIBITED DURING CERTAIN HOURS:

When signs or traffic markings are erected or placed by direction of the city, no person shall park a vehicle or permit said vehicle to remain standing during the hours and days specified by such signs and markings upon any street, parts of a street, or roadway. (Ord. 48-86 § 1, 1986: Ord. 62-84 § 1, 1984: prior code § 28-3-145)

## 12.56.480: PARKING PROHIBITED; LOCATIONS:

No person shall park a vehicle:

A. On any public street or alley where the width of the roadway is less than twenty feet (20');

B. On the south or east side of any public street or alley where the width of the roadway is over twenty feet (20'), but less than thirty feet (30'), unless otherwise directed by traffic control devices; or

C. Upon any private driveway within a central traffic district where the width of the driveway is less than twenty feet (20'). (Ord. 48-86 § 1, 1986: prior code § 28-3-138)

## 12.56.490: OBSTRUCTING TRAFFIC BY PARKING PROHIBITED:

No person shall park any vehicle upon a street in such a manner or under such conditions as to leave available less than ten feet (10') of the width of the roadway for free movement of vehicular traffic. (Ord. 48-86 § 1, 1986: prior code § 28-3-133)

## 12.56.500: PARKING ON SIDEWALK AREA PROHIBITED:

No person shall leave or cause to be left, or parked, any vehicle upon any portion of a street or highway between the curb lines or the lateral lines of a roadway and the adjacent property lines. (Ord. 6-86 § 1, 1986: Ord. 48-86 § 1, 1986: prior code § 28-3-169)

## 12.56.510: PARKING FOR CERTAIN PURPOSES PROHIBITED:

(Rep. by Ord. 11-02 § 1, 2002)

## 12.56.515: NEIGHBORHOOD PARKING LIMITATIONS:

A. Definitions: For purposes of this section the following terms shall have the meanings herein prescribed:

EXCESSIVE VEHICLES: More than one registered vehicle per licensed driver in a household.

HOUSEHOLD: 1. One or more persons related by blood, marriage, adoption, or legal guardianship, including foster children, living together as a single housekeeping unit in a dwelling unit; or

2. A group of not more than three (3) persons not related by blood, marriage, adoption, or legal guardianship living together as a single housekeeping unit in a dwelling unit; or

3. Two (2) unrelated persons and their children living together as a single housekeeping unit in a dwelling unit.

RESIDENTIAL PARKING LOT: As defined at section 12.56.300 of this chapter, or its successor.

VEHICLE: As defined at section 12.04.610 of this title, or its successor.

B. Excessive Vehicle Prohibition: No person shall park or allow to be parked excessive vehicles upon any one or more street, alley, residential parking lot, public right of way or public easement.

C. Exception Permit:

1. Whenever a licensed driver within a household alleges that the limitations of this section will create a hardship because the person has a business vehicle as well as a personal vehicle registered to him/her, such person may file a written petition with the director of the department of public services.

2. The petition shall: a) set forth facts and evidence establishing such hardship; b) show that an exception will not create an excessive burden upon the neighborhood where petitioner resides; and c) request a permit to park both vehicles upon one or more street, alley, residential parking lot, public right of way or public easement.

3. The director of public services may, upon sufficient showing: a) of hardship upon petitioner, and b) that approving the petition will not create an excessive burden upon the neighborhood, approve the issuance of the requested permit. Such permit shall be in effect only as long as the permit holder has both a personal and a business vehicle registered to him/her.

D. Nuisance: Any vehicle found in violation of any of the prohibitions of this section is hereby declared to be a nuisance.

E. Abatement Remedy: The nuisance may be summarily abated as provided in chapter 12.96 of this title. (Ord. 100-99 § 1, 1999)

## 12.56.520: USING STREETS FOR STORAGE PROHIBITED:

No person shall park a vehicle, boat, trailer or other item upon any street for a period of time longer than forty eight (48) hours, except for a car sharing vehicle parked within a designated car sharing vehicle parking stall pursuant to this title. (Ord. 46-09 § 3, 2009)

## 12.56.525: USING STREETS FOR STORAGE OF MOTOR HOMES, BOATS AND TRAILERS PROHIBITED:

No person shall park a motor home, boat, trailer or other item upon any street for a period of time longer than forty eight (48) hours. Motor homes, boats and trailers which are moved from a parking spot and then reparked on the same street block face within twenty four (24) hours from the time of said removal shall be deemed to have been continuously parked for the purposes of this section. "Block face" means the side of the street where the vehicle was parked between two (2) intersecting streets. (Ord. 5-97 § 1, 1997: Ord. 2-95 § 1, 1995)

## 12.56.530: PARKING VIOLATION; OWNER'S RESPONSIBILITY:

Whenever any vehicle shall have been parked in violation of any of the provisions of any ordinance prohibiting or restricting parking, the person in whose name such vehicle is registered shall be prima facie responsible for such violation and subject to the penalty therefor. (Ord. 6-86 § 1, 1986: Ord. 48-86 § 1, 1986: prior code § 28-3-155)

## 12.56.540: MOVING ILLEGALLY PARKED VEHICLES; POLICE AUTHORITY:

Whenever any police officer finds a vehicle parked or standing upon a street and such vehicle is creating a danger to persons or property, such officer is hereby authorized to move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the main traveled part of such street. (Ord. 48-86 § 1, 1986: prior code § 28-3-128)

## 12.56.550: UNAUTHORIZED USE OF STREETS, PARKING LOTS AND OTHER AREAS; PENALTIES:

A. Violation:

1. Any person engaging in the unauthorized use of streets, parking lots or other areas as provided under this chapter, within the city, shall be liable for a civil penalty. Any penalty assessed in subsection B of this section may be in addition to such other penalties as may be provided in this title.

2. "Unauthorized use of streets" means a violation of any restriction or prohibition contained in this chapter or its successor.

B. Civil Penalties: Civil penalties shall be imposed as follows:

| Section Of This Chapter | Penalty |
|---|---|
| | |
| 12.56.040 | $140 .00 |
| 12.56.050 | 135 .00 |
| 12.56.080 | 150 .00 |
| 12.56.100 | 135 .00 |
| 12.56.110 | 135 .00 |

| | | |
|---|---|---|
| | 12.56.120 | 260 .00 |
| | 12.56.130 | 260 .00 |
| | 12.56.150 | 125 .00 |
| | 12.56.180 | 135 .00 |
| | 12.56.190 | 125 .00 |
| | 12.56.205F | 160 .00 |
| | 12.56.210 | 135 .00 |
| | 12.56.235 | 135 .00 |
| | 12.56.240 | 140 .00 |
| | 12.56.250 | 135 .00 |
| | 12.56.290 | 135 .00 |
| | 12.56.300 | 140 .00 |
| | 12.56.302 | 125 .00 |
| | 12.56.303 | 125 .00 |
| | 12.56.304 | 125 .00 |
| | 12.56.310 | 140 .00 |
| | 12.56.330 | 140 .00 |
| | 12.56.350 | 135 .00 |
| | 12.56.360 | 210 .00 |
| | 12.56.380 | 140 .00 |
| | 12.56.390 | 135 .00 |
| | 12.56.400 | 135 .00 |
| | 12.56.410 | 135 .00 |
| | 12.56.420 | 140 .00 |
| | 12.56.430 | 135 .00 |

| | | |
|---|---|---|
| | 12.56.440[1] | 135 .00 |
| | 12.56.440A5 | 147 .00 |
| | 12.56.440A19 | 260 .00 |
| | 12.56.450 | 125 .00 |
| | 12.56.460 | 140 .00 |
| | 12.56.465 | 192 .00 |
| | 12.56.470 | 140 .00 |
| | 12.56.480 | 140 .00 |
| | 12.56.490 | 140 .00 |
| | 12.56.500 | 140 .00 |
| | 12.56.515 | 135 .00 |
| | 12.56.520 | 135 .00 |
| | 12.56.525 | 135 .00 |

Note:
1.With the exception of subsections 12.56.440A5 and A19 of this chapter.

C. Reduction Of Penalties: The civil penalties specified in subsection B of this section shall be subject to the following:

1. Any penalty that is paid within ten (10) days from the date of receipt of notice shall be reduced by the sum of one hundred ten dollars ($110.00).

2. Any penalty that is paid within twenty (20) days from the date of receipt of notice shall be reduced by the sum of seventy dollars ($70.00).

3. Any penalty that is paid within thirty (30) days from the date of receipt of notice shall be reduced by the sum of forty dollars ($40.00).

D. Receipt Of Notice: As used in this section, "receipt of notice" means the affixing of a notice to the vehicle alleged to have been employed in such unauthorized use, or by delivery of such notice to the owner or driver thereof.

E. Other Fees And Assessments: An administrative fee shown on the Salt Lake City consolidated fee schedule shall be assessed for the city's cost of collecting past due debts. (Ord. 33-12, 2012)

## 12.56.560: UNAUTHORIZED USE OF STREETS; STRICT LIABILITY OF OWNER:

Whenever any vehicle shall have been employed in the unauthorized use of streets, the person in whose name such vehicle is registered shall be strictly liable for such unauthorized use and the penalty therefor. (Ord. 48-86 § 1, 1986: prior code § 28-3-179)

## 12.56.570: UNAUTHORIZED USE OF STREETS; APPEAL PROCEDURES:

A. The mayor shall appoint such hearing officers as he or she deems appropriate to consider matters relating to the unauthorized use of streets.

B. Any person having received notice of such unauthorized use, or the owner of any vehicle employed in such use, may appear before a hearing officer and present and contest such alleged unauthorized use.

C. The burden to prove any defense shall be upon the person raising such defense.

D. The hearing officer may find that no unauthorized use occurred and dismiss the ticket.

E. If the hearing officer finds that an unauthorized use occurred but one or more of the defenses set forth in this section is applicable, the hearing officer may dismiss the notice of unauthorized use and release the owner or driver from liability thereunder. Such defenses are:

1. At the time of the receipt of the notice, possession of the subject vehicle had been acquired in violation of the criminal laws of the state;

2. If the notice of unauthorized use alleges a violation of any ordinance pertaining to a parking meter, such meter was mechanically malfunctioning to the extent that its reliability is questionable;

3. Compliance with the subject ordinances would have presented an imminent and irreparable injury to persons or property;

4. Parking notices for overtime parking at a meter or in a time restricted zone received by a city employee or guest while on official Salt Lake City business will be dismissed upon written request from the applicable department director or designee on official letterhead or by electronic mail. The request must be made within ten (10) days of receipt of the notice and must include a brief description of the reason for the request, and be submitted to: Salt Lake City Corporation, Traffic Manager, 333 South 200 East, P.O. Box 145499, Salt Lake City, UT 84114-5499. Parking violations other than overtime parking and meter violations will not be dismissed in this manner;

5. Unlimited time parking by employees of other governmental entities on official business will be allowed at city meters and time restricted locations. In order to qualify, the vehicle must display a placard or sticker issued by Salt Lake City parking enforcement or the vehicle's license plate must be registered with Salt Lake City parking enforcement for enrollment in any license plate recognition system used to regulate parking enforcement. Requests for placards must include a brief description of the reason for the request and be submitted to: Salt Lake City Parking Enforcement, P.O. Box 145552, Salt Lake City, UT 84114-5552. Requests for dismissals of other parking violations will be considered and should be submitted to: Salt Lake City Corporation, Traffic Manager, 333 South 200 East, P.O. Box 145499, Salt Lake City, UT 84114-5499;

6. If the hearing officer finds that the owner of the vehicle is deceased but was living when the ticket was issued;

7. If the hearing officer finds that the vehicle was sold with the original license plates on, and the ticket was received prior to the sale, provided the sale is reported to the

DMV and the bill of sale is provided within twenty (20) days of receipt of the parking notice;

8. If the hearing officer determines that the driver of a vehicle with a valid freight loading sticker was unable to find a freight loading zone and parked at a meter. The freight loading sticker must be properly displayed and the vehicle must not remain longer than the thirty (30) minutes authorized in a freight loading zone. Requests for dismissal must be made by the director or manager of the company within ten (10) days of the receipt of the notice and be submitted to: Salt Lake City Corporation, Traffic Manager, 333 South 200 East, P.O. Box 145499, Salt Lake City, UT 84114-5499.

F. If the hearing officer finds that an unauthorized use occurred but one or more of the defenses set forth in this section is applicable, the hearing officer may reduce the penalty associated therewith, but in no event shall such penalty be reduced below the sum of ten dollars ($10.00). Such defenses are:

1. At the time of receipt of the notice, possession of the subject vehicle had been acquired pursuant to the written lease agreement or similar written agreement;

2. The subject vehicle was mechanically incapable of being moved from such location; provided, however, such 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 use regulation were not clearly visible or comprehensible;

4. At the time of receipt of notice for expired registration, the vehicle was registered but the sticker not displayed, or if the vehicle is registered within five (5) days of the expiration date;

5. At the time of the notice of violation a residential parking permit was valid but not properly displayed;

6. Such other mitigating circumstances as the hearing officer may find, with the written approval of the court's traffic manager, which must include the basis for the decision. A report on such decisions is to be provided to the mayor and city council on a quarterly basis.

G. If the hearing officer finds that an unauthorized use occurred and no applicable defense exists, the hearing officer 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.

H. If the penalty imposed pursuant to this chapter remains unsatisfied after forty (40) days from the receipt of notice, or ten (10) days from such date as may have been agreed to by the hearing officer, the city may use such lawful means as are available to collect such penalty, including costs and attorney fees. (Ord. 67-11, 2011)

## 12.56.580: PARKING AT UNDERGROUND PARKING LOT OF LIBRARY SQUARE; RATES:

A. For purposes of this section, "Library Square" means block 37 between 400 South and 500 South Streets and 200 East and 300 East Streets in Salt Lake City, Utah.

B. Except as otherwise provided in this section, the rates to be charged to the public for parking in the underground parking lot of Library Square shall be: 1) no charge for the first thirty (30) minutes; and 2) one dollar fifty cents ($1.50) for each thirty (30) minute period thereafter. After the first thirty (30) minutes, parking for any portion of a thirty (30) minute period shall be deemed to be parking for the full thirty (30) minute period.

C. For a vehicle displaying a disability special group license plate or a disability windshield placard, the rates to be charged to the public for parking in the underground parking

lot of Library Square shall be: 1) no charge for the first two (2) hours; and 2) one dollar fifty cents ($1.50) for each thirty (30) minute period thereafter. After the first two (2) hours, parking for any portion of a thirty (30) minute period shall be deemed to be parking for the full thirty (30) minute period.

D. The rate for an all day parking privilege shall be twelve dollars ($12.00) per vehicle. For purposes of this subsection, "all day" means a period of ten (10) or fewer hours.

E. The rate for a monthly parking privilege shall be fifty dollars ($50.00) per vehicle. That rate and privilege shall apply on a calendar month basis, without reduction or proration for any use for less than a full calendar month.

F. The mayor or the mayor's designee is hereby authorized to adopt policies for the underground parking lot of Library Square, after consulting with the library director. Those policies may cover subjects such as exempting library employees and city employees from the payment of the parking fees, and the use of the parking lot for special events and in special circumstances. (Ord. 46-10, 2010)

# CHAPTER 12.58
# IDLING OF VEHICLES

## 12.58.010: PURPOSE:

The purpose of this chapter is primarily educational, as well as to protect the public health and improve the environment by reducing emissions while conserving fuel. (Ord. 25-12, 2012)

## 12.58.020: DEFINITIONS:

For purposes of this chapter, these definitions shall apply:

DRIVER: Any driver who drives, operates, or is in actual physical control of a vehicle.

IDLE: The operation of a vehicle engine while the vehicle is stationary or not in the act of performing work or its normal function.

VEHICLE: Any self-propelled vehicle that is required to be registered and have a license plate by the Utah department of motor vehicles. (Ord. 25-12, 2012)

## 12.58.025: PROPERTY SUBJECT TO THIS CHAPTER; ENFORCEMENT:

A. This chapter shall be enforceable on all public property and on private property that is open to the general public, unless the private property owner:

1. Has a private business that has a drive-through service as a component of the private property owner's business operations and posts a sign provided by or acceptable to the city informing its customers and the public of the city's time limit for idling vehicle engines; or

2. Adopts an idle reduction education policy approved by the city.

B. Law enforcement personnel shall exercise reasonable caution and utilize customary safety procedures in their enforcement of this chapter. (Ord. 25-12, 2012)

## 12.58.030: IDLING RESTRICTION WITHIN CITY LIMITS:

No driver, while operating a vehicle within city limits, shall cause or permit a vehicle's engine to idle for more than two (2) minutes, except for the following kinds of idling:

A. Idling while stopped:

1. For an official traffic control device;

2. For an official traffic control signal;

3. At the direction of a police officer;

4. At the direction of an air traffic controller;

5. For airport airside operations requirements.

B. Idling as needed to operate heaters or air conditioners where the temperature is below thirty two degrees Fahrenheit (32°F) or above ninety degrees Fahrenheit (90°F), as measured at the Salt Lake City Airport and determined by the National Weather Service, for the health or safety of a driver or passenger, including service animals.

C. Idling for the minimum amount of time required for the operation of defrosters or other equipment to clear the windshield and windows to provide unobstructed views and ensure visibility while driving.

D. Idling as needed for emergency vehicles to operate equipment.

E. Idling as needed to ascertain that a vehicle is in safe operating condition and equipped as required by all provisions of law, and that all equipment is in good working order, either as part of the daily vehicle inspection, or as otherwise needed.

F. Idling as needed for testing, servicing, repairing, installation, maintenance or diagnostic purposes.

G. Idling for the period recommended by the manufacturer to warm up or cool down a turbocharged heavy duty vehicle.

H. Idling as needed to operate auxiliary equipment for which the vehicle was primarily designed or equipped, other than transporting goods, such as: operating a transportation refrigeration unit (TRU), lift, crane, pump, drill, hoist, ready mixed equipment, except a heater or air conditioner.

I. Idling as needed to operate a lift or other piece of equipment designed to ensure safe loading and uploading of goods or people.

J. Idling to recharge a battery or other energy storage unit of a hybrid electric vehicle.

K. Idling as needed for vehicles that house K-9 or other service animals.

L. Idling by on duty police officers as necessary for the performance of their official duties. (Ord. 25-12, 2012)

## 12.58.040: PENALTIES:

A. Violation: Violation of section 12.58.030 of this chapter is a civil offense and shall be penalized as follows:

1. First three (3) offenses: A warning but no fine.

2. Subsequent offenses: A civil fine in an amount equal to the penalty identified for a parking violation under section 12.56.190 of this title (parking meters; overtime parking).

B. Reduction Of Penalties: The civil penalties specified in subsection A of this section shall be subject to the following:

1. Paid Within Ten Days: Any penalty that is paid within ten (10) days from the date of receipt of notice shall be reduced by the sum of one hundred ten dollars ($110.00).

2. Paid Within Twenty Days: Any penalty that is paid within twenty (20) days from the date of receipt of notice shall be reduced by the sum of seventy dollars ($70.00).

3. Paid Within Thirty Days: Any penalty that is paid within thirty (30) days from the date of receipt of notice shall be reduced by the sum of forty dollars ($40.00).

4. Receipt Of Notice: As used in this section, "receipt of notice" means the affixing of a notice to the vehicle alleged to have been employed in a violation of this chapter, or by delivery of such notice to the owner or driver thereof.

5. Other Fees And Assessments: A forty five dollar ($45.00) administrative fee shall be assessed for the city's cost of collecting past due debts.

C. Strict Liability Of Owner: Whenever any vehicle shall have been employed in a violation of this chapter, the person in whose name such vehicle is registered shall be strictly liable for such violation and the penalty therefor.

D. Appeal Procedures: A violation of this chapter may be appealed as an unauthorized use of the streets pursuant to section 12.56.570 of this title and is subject to subsection

12.56.570H of this title.

E. Outstanding Notices: Notices issued pursuant to this chapter shall be considered notices of unauthorized use of streets within the city for purposes of section 12.96.020 of this title. (Ord. 25-12, 2012)

# CHAPTER 12.60
# RESERVED

# CHAPTER 12.64
# CITY PARKING PERMIT PROGRAM

## 12.64.010: PURPOSE:

A. There exist certain entities within the city, such as hospital and university complexes and other large buildings, which attract commuters seeking parking in nearby areas which are predominantly residential and business in nature. The increased demand often exacerbates the severe shortage of street parking for residents and businesses in such areas.

B. This chapter authorizes a program and implementing procedural system by which residents and businesses within qualifying areas may receive preferential treatment when competing with commuter vehicles for available on street parking in predominantly residential neighborhoods of the city. The enactment of a preferential parking permit program, administered by the transportation engineer and implemented and operated by the parking permit coordinator, can address the adverse effect of motor vehicle congestion caused by the long term parking of commuter vehicles within these areas by:

1. Increasing access to residents and businesses;

2. Increasing traffic/pedestrian safety by reducing traffic congestion;

3. Reducing the adverse environmental impacts on an area created by excessive air and noise pollution and the accumulation of trash and refuse on public streets;

4. Encouraging the use of mass transit, car pooling and other alternative modes of transportation by reducing commuter vehicle traffic that originates from outside the permit area and has no apparent relation to area residents and businesses;

5. Promoting the tranquillity, safety, health and welfare of area inhabitants, which are desirable attributes that are associated with a positive urban environment. (Ord. 69-98

§ 1, 1998: Ord. 77-97 § 6, 1997: Ord. 24-97 § 1, 1997)

## 12.64.020: DEFINITIONS:

A. As used in this chapter:

ADDRESS: The street number and applicable apartment/condominium number for each dwelling unit, business, or other use. Each apartment or commercial unit is regarded as a unique address.

AREA: Refers, irrespective of zoning, to a geographical region, not necessarily contiguous, where residents dwell and businesses may operate.

AREA BUSINESS: Any professional establishment or nonresident property owner whose business property is located within a city parking permit area.

AREA PERMITTEE: An area resident or an area business which has received from the transportation division an authorized area regular permit or an authorized seasonal city permit.

AREA REGULAR PERMIT OR REGULAR PERMIT DECAL: The permanent adhesive decal issued by the parking permit coordinator for assignment to vehicles under the legal control of area residents and businesses.

AREA RESIDENT: Any person who dwells or resides within a parking permit area.

AREA SEASONAL PERMIT: A permanent adhesive decal issued by the parking permit coordinator for assignment to vehicles under the legal control of area residents and businesses of a seasonal city permit area.

AREA VEHICLE: A vehicle that originates from inside a permit area and is under the control of area residents or area business owners and includes automobiles, trucks, motorcycles, or other motor driven forms of transportation. It does not include boats and trailers.

CITY PERMIT AREA OR PARKING PERMIT AREA: Any officially designated permit parking area within the corporate limits of Salt Lake City wherein motor vehicles displaying a valid permit as described herein shall be exempt from parking regulations or restrictions solely applicable to commuter vehicles.

CITY PERMIT PROGRAM: Salt Lake City's permit parking program, as a whole, administered by the transportation engineer and operated by the parking permit coordinator pursuant to the provisions and regulations of this chapter.

COMMUTER VEHICLE: A motor vehicle parked in a city permit parking area that: 1) is not under the control of an area resident, business owner or property owner, and 2) does not bear a permit for the designated area.

DECLARATION: The final action taken by the transportation engineer setting the conditions for either approval or denial of the proposed city permit area.

DIRECTOR OR TRANSPORTATION DIRECTOR OR TRANSPORTATION ENGINEER: The director of the transportation division of the city.

DWELLING: A building, or portion thereof, which is designated for residential purposes. Such dwelling must bear an address assigned by the city engineer. The number of independent dwelling units recognized therein shall not exceed the number authorized under permit for zoning.

EMERGENCY PARKING SITUATION: A parking situation that, in the reasonable opinion of the director, causes a threat to the tranquility, safety, health or welfare of inhabitants of a city neighborhood that will be addressed by implementing temporary permit parking procedures. An emergency situation may include, but is not limited to, the use of a facility within or adjoining a neighborhood that in the reasonable opinion of the director: 1) is likely to result in the neighborhood qualifying as a city parking permit area or a seasonal city parking permit area, whether such use is governmental or otherwise, 2) which use appears to the director to be inimical to one or more of the objectives of the city permit parking program as set forth in subsection 12.64.010B of this chapter or its successor, and 3) where such use can be identified, forecast and is repetitive.

GUEST PERMIT: The portable card stock placard issued by the parking permit coordinator to area residents and area businesses for use on vehicles under the legal control of guests, customers and/or clients during periods when persons operating said vehicles are actually visiting or engaged in business at the permittee's address not to exceed two (2) days per visit.

LEASE: That a person pays rent or other remuneration for use of a parcel of real property as such person's residence or place of business.

OWNS: That a person has at least one-fourth ($^1/_4$) of the fee or equitable interest in a parcel of real property within a city permit parking area.

PERMIT PARKING COORDINATOR: The person designated by the transportation engineer to operate and manage the permit parking program, including the implementation and operation of permit parking areas, on a routine, daily basis.

PERMIT VEHICLE: Any vehicle properly displaying area regular, area seasonal, guest, or temporary visitor permit, issued by the parking permit coordinator for authorized use on such vehicles.

PERMIT YEAR: The twelve (12) month period set for the administration of a city permit area, including the expiration and renewal of permit area regular and guest permits.

PROGRAM: Means and shall refer to the process of designation, administration and enforcement of all city parking permit areas and regulations established by the transportation engineer pursuant to the provisions of this chapter.

REGULAR PERMIT DECALS: The permanent adhesive decal issued by the parking permit coordinator for assignment to vehicles under the legal control of area residents and area businesses.

RESIDENT: A person who resides in the city parking permit area on a regular basis.

SEASONAL CITY PERMIT AREA OR SEASONAL CITY PARKING PERMIT AREA: An area which meets the criteria for a city permit area as set forth in section 12.64.040 of this chapter except that the twenty five percent (25%) or higher occupancy by commuter vehicles is the result of special events occurring continually over a period of less than nine (9) months and more than two (2) months each year.

TEMPORARY CITY PARKING PERMIT AREA: A city parking permit area established on a temporary basis pursuant to section 12.64.175 of this chapter or its successor.

TEMPORARY VISITOR PERMIT: The temporary disposable paper permit issued for a predetermined length of time, not to exceed forty five (45) days, to area residents and area businesses for use on vehicles under the legal control of service persons, operators of construction vehicles or equipment, and long term visitors at the area permittee's address.

B. The masculine form, as used in this chapter, if applicable as shown by the context thereof, shall also apply to a female person. (Ord. 86-05 § 1, 2005: Ord. 69-98 § 1, 1998: Ord. 77-97 § 6, 1997: Ord. 24-97 § 1, 1997)

## 12.64.030: AREA DESIGNATION; AUTHORITY:

The transportation engineer may, upon recommendation of the parking permit coordinator, and pursuant to the provisions hereunder, consider for designation as a city permit parking area any area which satisfies the threshold criteria established below. Where he deems it necessary and appropriate to accomplish the legislative intent and objectives, the transportation engineer may then designate by declaration any qualified area as an approved city permit parking area in which motor vehicles displaying a valid area parking permit may stand or be parked without limitations imposed on commuter vehicles by the parking regulations in the area. Such declaration shall also state the applicable parking regulations and the fees to be charged for permit issuance. (Ord. 69-98 § 1, 1998: Ord. 77-97 § 6, 1997: Ord. 24-97 § 1, 1997)

## 12.64.040: AREA DESIGNATION; CRITERIA:

A. General Criteria: An area shall be deemed eligible for consideration as a city permit parking area if the transportation engineer determines, after evaluation of the surveys and traffic studies prepared at the direction of the parking permit coordinator, that the qualified area is adversely affected by commuter vehicles for any extended period(s) during the day or night, on weekends or holidays.

B. Specific Factors: In determining alleged adverse effects upon an area, the transportation engineer shall analyze and evaluate factors which include, but are not limited to, the following:

1. The extent of the desire and perception of need by the residents for permit parking as evidenced by receipt of verified petitions and ballots as required herein;

2. The extent to which legal on street parking spaces are occupied by motor vehicles during any given time period; and

3. The extent to which vehicles parking in the area during the period proposed for parking regulations are commuter vehicles rather than resident vehicles.

C. Threshold Technical Criteria: The transportation engineer may, upon recommendation of the parking permit coordinator, and pursuant to the provisions hereunder, consider for designation as a city permit parking area, an area whose streets (or portions thereof) qualify by satisfying the following eligibility criteria:

1. Seventy percent (70%) or more of the parking capacity is generally occupied;

2. Such occupancy continues for any consecutive four (4) hour period and such occupancy rate occurs at least four (4) days per week during at least a nine (9) month period per year. If the recommendation is for designation of a seasonal city permit area, the occupancy occurs over a period of more than two (2) months and fewer than nine (9) months;

3. Twenty five percent (25%) of the vehicles occupying the on street spaces are other than area vehicles;

4. The requesting area consists of curb space fronting a minimum of eight (8) standard block faces geographically located within the proposed permit area; and

5. The parking permit coordinator agrees that implementing the proposed permit area will not, to a significant extent, transfer the commuter vehicle parking problem to a different adjacent area should the area under consideration be designated permit parking. (Ord. 69-98 § 1, 1998: Ord. 77-97 § 6, 1997: Ord. 24-97 § 1, 1997)

## 12.64.050: AREA DESIGNATION; PROCESS:

A. Persons desiring to have their area designated permit parking shall consult with the parking permit coordinator or his designee to tentatively establish the boundaries of the area proposed for designation.

B. Upon receipt of a petition containing the signatures of a minimum of twenty five percent (25%) of residents and/or businesses within the area boundary proposed for permit parking designation, the parking permit coordinator shall cause a parking study, or other surveys as may be deemed necessary, to be undertaken as soon as is practicable consistent with scheduling constraints, in order to determine if the proposed area satisfies the eligibility requirements as set forth in section 12.64.040 of this chapter, or its successor. Should the studies reflect that other nearby area streets are similarly congested with curb parking, the parking permit coordinator may require such streets (or portions thereof) to be added to the proposed permit parking area.

C. Upon certification by the parking permit coordinator that the general and technical threshold criteria set forth in section 12.64.040 of this chapter appear satisfied for a proposed area, the petitioners shall be notified that they shall have fifteen (15) days from such notice to: 1) submit a listing of all addresses within the certified area from the most current Polk or Coles city directories and 2) submit a listing from the Salt Lake County assessor's office of each separate tax parcel/property owner of record thereon within the certified area. In the interim, a ballot shall be prepared by the parking permit coordinator for the purpose of determining whether or not he should favorably recommend to the transportation engineer that the proposed area be created. The ballot form shall indicate two (2) choices, a "yes" (in favor of) choice or a "no" (not in favor of) choice for area permit parking designation. In addition a section allowing for "comments" shall be on the ballot.

Upon receipt of the area address and tax parcel listings, the parking permit coordinator shall, consistent with scheduling constraints, mail the ballot to all addresses and property owners of record within the area proposed for designation. The mass mail shall contain the following:

1. The proposal to create a city permit area and the listing of streets (or portions thereof) included within the proposed boundary.

2. An information sheet generically describing the city's permit parking program, and including options related to on street parking restrictions within a permit area, issuance of vehicle permits, and area program fees. The recommendation shall be available for public inspection at the division of transportation office.

3. The official ballot form as prescribed above.

D. For the purpose of counting residents and businesses within the proposed permit parking area, each authorized address shall be given one count. For the purpose of counting owners, each separated tax parcel shall receive an additional count, regardless of whether its owner(s) is a resident or a business. For the purpose of counting petition signatures/ballot votes, only one signature/vote per authorized address shall be counted toward the minimum petition/ballot requirements. Owners may sign/vote for any vacant parcel addresses, but may not sign/vote for occupied addresses. In the case of condominium or other hybrid ownership projects, one count shall be given the owner and one count for a nonowner occupying the unit and one count and vote shall be given to the ownership association for the condominium complex; vacant units shall be treated as vacant rentals above.

E. A thirty (30) day time period, commencing on the date of the mass mailing, shall be allowed for the purpose of voting. After indicating their preference on the ballot, residents and businesses shall return their ballot, on or prior to, the cutoff date (printed on the ballot) to the parking permit coordinator. To determine consensus as to whether or not area residents and area businesses are in favor of proceeding on to the next phase in the area designation process related to establishing the proposed permit parking area, the following criteria shall apply: fifty one percent (51%) or more of eligible residents and businesses, whose ballot has been received by the parking permit coordinator during the period allotted for voting, must indicate by ballot vote that they are not in favor of establishing the permit parking area by checking the "no" (not in favor of) choice listed on the ballot. For areas qualifying as a seasonal parking area, no ballot shall be required. Only a public hearing with residents indicating their favor with the change shall be required.

1. Immediately following the thirty (30) day deadline date specified for balloting, all ballots received by the imposed deadline shall be counted. The "yes" (in favor of) votes and the "no" (not in favor of) votes shall then be tallied separately and a percentage derived for each category by applying the stated formula to count petition signatures/ ballot votes prescribed for in this section.

2. Should the official ballots received by the parking permit coordinator by the deadline date specified to receive such ballots, when tallied, fall below the required fifty one percent (51%) or more of residents and businesses indicating they are not in favor of establishing permit parking, it shall be assumed that a majority of residents and businesses in the area are in favor of permit parking. The parking permit coordinator shall then favorably recommend to the transportation engineer the establishment/ creation of the proposed city permit parking area.

3. Should the official ballots received by the parking permit coordinator within the deadline date specified to receive such ballots, when tallied, meet the required fifty one percent (51%) or more of residents and businesses indicating they are not in favor of establishing permit parking, the area designation process will cease and the parking permit coordinator will take no further action related to establishing permit parking for the area. No new applications for permit parking for the area will be accepted for a period of one year from the date on which the said balloting period expired.

F. Upon receipt of the parking permit coordinator's favorable recommendation to establish a permit parking program for the area, the transportation engineer, as soon as practicable consistent with scheduling constraints, shall fix a time, date and location for a public hearing to consider the parking permit coordinator's recommendation to designate the proposed area of city permit parking area where curb parking is restricted or allowed by permit only. Said hearing shall also be conducted for comment and analysis to determine the boundaries as well as the appropriate area rules and regulations, parking restrictions, issuance of permits, fees and other pertinent matters.

G. At least ten (10) days prior to the hearing date, written notice of the public hearing(s) provided for herein shall be: 1) published in a newspaper of general circulation, 2) posted not more than four hundred feet (400') apart along the streets proposed in the permit area, and 3) mailed to the listed residents, owners and those institutions known to the parking permit coordinator to generate a significant volume of commuter parking in the neighborhood. The notice shall clearly state the purpose of the hearing, the location of the hearing, the proposed boundaries of the permit area, the proposed permit fee schedules and formulas for issuance, and the location where the parking permit coordinator's recommendation is on file and available for public review.

H. Any interested party shall be entitled to appear and be heard on the proposal, subject only to reasonable rules of order that may be established by the transportation engineer. (Ord. 69-98 § 1, 1998: Ord. 77-97 § 6, 1997: Ord. 24-97 § 1, 1997)

## 12.64.060: AREA DESIGNATION; TRANSPORTATION ENGINEER ACTIONS:

A. Within thirty (30) days following the hearing, the transportation engineer shall deny or approve the designation of a city permit parking area as he deems justified under the objectives and procedures above. The transportation engineer shall reduce his decision to writing in the form of a report that shall be filed with the city recorder, accompanied by the parking permit coordinator's recommendation related to the permit parking area and made available to any interested party upon request.

B. The transportation engineer's report shall include:

1. Significant subjects and concerns raised at the public hearing conducted;

2. The findings relative to those designation criteria deemed applicable to the city permit area;

3. Conclusions as to whether the findings, including testimony obtained at the public hearing, justify preferential permit parking for the area under consideration;

4. The transportation engineer's approval (or denial) of the proposed permit parking area;

and, if approved:

5. The proposed boundaries of the city parking permit area;

6. The proposed parking regulations, including administrative provisions for issuing permits; and

7. An implementation schedule indicating when the new permit parking area will become effective.

C. If the transportation engineer approves creation of a city permit parking area, a declaration of designation shall be prepared as an administrative regulation establishing the program for the area, including the boundaries, parking regulations, fees, and other pertinent matters, for its administration and implementation. The declaration shall be mailed to each listed address in the area's designated boundaries. The parking permit coordinator shall promptly implement the program pursuant to the schedule. If the

transportation engineer denies the creation of a city permit parking area, a notice of such denial shall be mailed to each listed address in the area's designated boundaries.

D. Information generated through the original designation process and the designation criteria set forth in this chapter shall also be utilized by the transportation engineer in determining whether to remove any particular existing city permit parking area or portion thereof from designated status and participation in the program.

E. Action by the transportation engineer in creating, deleting or modifying the boundaries applicable in city parking permit areas under this chapter, shall be final. However, the city council may agree to review and to modify such decision(s) by a vote of at least four (4) of its members.

F. The transportation engineer's decision shall be stayed by the filing of a written objection requesting city council review, provided the objection is filed within fifteen (15) days of the filing of the report. The objection shall specify grounds upon which council review is justified. If accepted for review, the matter shall be scheduled for public hearing before the city council, with the mailing of ten (10) days' written notice thereof to the appellant, petitioner of record and the transportation engineer. An objection failing to receive the necessary votes for review shall be deemed an affirmation of the transportation engineer's decision.

G. Actions by the transportation engineer as to the implementation and enforcement shall be considered administrative matters. (Ord. 69-98 § 1, 1998: Ord. 77-97 § 6, 1997: Ord. 24-97 § 1, 1997)

## 12.64.070: SIGNS AND MARKINGS IN DESIGNATED AREAS:

Upon the declaration of the transportation engineer designating a city permit parking area, the parking permit coordinator shall cause appropriate signs, markings and/or meters to be erected in the area, indicating prominently thereon the parking regulations, the effective date, and conditions under which permit parking shall be exempt therefrom. (Ord. 69-98 § 1, 1998: Ord. 77-97 § 6, 1997: Ord. 24-97 § 1, 1997)

## 12.64.080: PARKING PERMIT; APPLICATION; TERM:

Each parking permit issued by the parking permit coordinator office shall be valid for one year or portion thereof to be determined by the parking permit coordinator excluding visitor permits. Permits shall not be transferable, but may be renewed annually upon reapplication in the manner required by the parking permit coordinator. Each application or reapplication for a parking permit shall contain information sufficient to identify the applicant's identity, claim for permit eligibility, authorized residence or business within the city permit parking area, the license number of the motor vehicle for which application is made, and such other information that may be deemed relevant by the parking permit coordinator. Applications shall be accompanied by the fee established in the declaration referred to in section 12.64.070 of this chapter. (Ord. 69-98 § 1, 1998: Ord. 24-97 § 1, 1997)

## 12.64.090: PARKING PERMIT FEES:

To defray program administration costs, fees associated with the city parking permit program shall be established by the declaration of the transportation engineer applicable to the city permit parking area.

The fees shall be as shown on the Salt Lake City consolidated fee schedule. (Ord. 24-11, 2011)

## 12.64.100: PARKING PERMIT; ISSUANCE CONDITIONS:

A. Parking permits shall be issued by the parking permit coordinator's office. Each such permit shall be designed to state or reflect thereon the particular city permit parking area. No more than one parking permit shall be issued for each motor vehicle included on the application. The number of permits available and the manner for allocating permits between various competing resident (as opposed to commuter) vehicles, and the manner in which the process will be administered for each designated area in the program shall be established by the transportation engineer's declaration of designation.

B. The following classifications of persons or entities (listed in order of priority) may be issued parking permits for motor vehicles under their control upon request pursuant to the allocation basis set forth in said declaration:

1. Area residents of the city permit parking area for motor vehicles owned or controlled and regularly parked in the area by household members.

2. Area business owners who own or lease property (and their full time employees) within a city permit parking area for motor vehicles associated with the business use regularly parked in the area. However, no more than one parking permit may be issued for each such motor vehicle.

3. Area residents and area businesses (and the full time employees of area businesses) within a seasonal city permit area during the term set forth in the declaration.

4. Guests, customers, and/or clients of city permit area residents or area businesses who may be provided guest permits by such area permittees for use on vehicles under the legal control of guests, customers and/or clients during periods when persons operating such vehicles are actually visiting or engaged in business at the area permittee's address, for periods not to exceed two (2) days per visit.

5. Temporary visitors as provided by section 12.64.130 of this chapter or its successor.

C. Issuance of a permit shall not guarantee or reserve to the holder thereof an on street parking space within the designated permit parking area. (Ord. 69-98 § 1, 1998: Ord. 77-97 § 6, 1997: Ord. 24-97 § 1, 1997)

## 12.64.110: PARKING PERMIT; DISPLAY REQUIRED:

Permits shall be displayed on the authorized vehicle as provided in the regulations adopted in the declaration. (Ord. 24-97 § 1, 1997)

## 12.64.120: PARKING PERMIT; ACTIVITIES PERMITTED:

A motor vehicle bearing a valid parking permit displayed as provided for herein, shall be permitted to stand or be parked in the permit area for which the permit has been issued without being limited by parking regulations or prohibitions solely applicable to commuter vehicles. The permit does not exempt drivers or owners from complying with general parking regulations and penalties imposed by the traffic code set out in this title, or ordinances. All other motor vehicles not displaying permits that are parked within a city permit parking area shall be subject to the commuter parking regulations adopted by such declaration authorized by this chapter, and the penalties provided for herein. (Ord. 24-97 § 1, 1997)

## 12.64.130: TEMPORARY VISITOR PERMITS:

Each declaration shall authorize the parking permit coordinator to issue temporary visitor parking permits to residents and businesses located within designated permit areas for use of their bona fide transient visitors, service persons, and construction personnel for a limited duration not to exceed forty five (45) days. Prior to expiration, a vehicle bearing a visitor permit shall have all the parking rights, obligations and privileges held by permanent permits. Appropriate requirements or limitations on visitor permits, methods and qualification for fees, shall be recommended in each permit parking area by the parking permit coordinator and contained in the transportation engineer's declaration. (Ord. 69-98 § 1, 1998: Ord. 77-97 § 6, 1997: Ord. 24-97 § 1, 1997)

## 12.64.140: PARKING PERMIT; REVOCATION CONDITIONS:

A. Faithful compliance with the terms of the city parking permit program is a condition subsequent to the privilege of obtaining a permit. Violation of the terms of the city parking permit area shall be deemed a forfeiture of those privileges.

1. Any permit holder convicted for violation of this chapter may be required to surrender such permit as a part of sentencing.

2. The parking permit coordinator is authorized to revoke the city parking permit of any person found to be in violation of this chapter, and upon written notification thereof, the person shall surrender such permit to the parking permit coordinator. Failure, when so requested, to surrender a city parking permit so revoked shall constitute an infraction.

3. In the event the parking permit coordinator has good cause to believe that any person or entity is abusing the visitor permit system described above, he shall so notify the permit holder. Any further application for a visitor permit by such person found abusing the system may be denied for a period of not more than one year.

B. Any person aggrieved by such a determination made by the parking permit coordinator under subsections A2 and A3 of this section shall have the right to appeal to the transportation engineer within seven (7) days of such determination. (Ord. 69-98 § 1, 1998: Ord. 77-97 § 6, 1997: Ord. 24-97 § 1, 1997)

## 12.64.150: ENLARGEMENT OF AREA:

Upon recommendation from the parking permit coordinator that the designation criteria and circumstances indicate that enlargement of an existing permit parking area is warranted and appropriate, the transportation engineer may begin proceedings to enlarge the area by initiating the following procedure:

A. Notice shall be given to all addresses within the proposed permit area expansion boundary of a public hearing to be held. Such notice shall be given as provided for in subsection 12.64.050G of this chapter.

B. Such notice shall contain:

1. The date, time and place of the public hearing to consider the proposed area expansion.

2. A description of the transportation engineer's intentions to enlarge the existing permit parking area.

3. A listing of the streets (or portions thereof) proposed to be added to the existing permit parking area.

4. A listing of the rules and regulations proposed for governing the enlarged permit parking area, including the issuance of permits and fees.

C. The hearing shall be conducted as provided under subsection 12.64.050H of this chapter. The transportation engineer shall take into account the factors justifying the permit parking area expansion in accordance with subsection 12.64.040C of this chapter, with the exception that the requirement stated in subsection 12.64.040C4 of this chapter shall not be considered.

D. Within thirty (30) days of the public hearing the transportation engineer shall approve or deny the proposed permit area enlargement. The transportation engineer shall reduce his decision to writing in the form of a report that shall be filed with the city recorder and made available to any interested party upon request. The report shall follow the format outlined in subsection 12.64.060B of this chapter.

E. If the permit parking area enlargement is approved, a declaration of expansion shall be prepared and distributed using the criteria outlined in subsection 12.64.060C of this chapter. Criteria contained in subsections 12.64.060D through G of this chapter shall apply. (Ord. 69-98 § 1, 1998: Ord. 77-97 § 6, 1997: Ord. 24-97 § 1, 1997)

## 12.64.160: REMOVAL OF AREA DESIGNATION OR DELETION OF STREETS:

Upon recommendation from the parking permit coordinator that the designation criteria and circumstances indicate that removal of permit designation from an entire permit parking area is warranted and appropriate, the transportation engineer may begin proceedings to delete a permit parking area or selected streets of a permit parking area by initiating the following procedure:

A. By giving notice to all addresses within the boundary of the permit parking area proposed to be wholly removed from permit parking designation or within the boundary of an existing permit parking area where certain streets (or portions thereof) are proposed to be deleted from permit parking area, that a public hearing is to be held to consider this action. Such notice shall be given as provided for in subsection 12.64.050G of this chapter.

B. Such notice shall contain:

1. The date, time and place of the public hearing to consider the proposed removal or deletion.

2. A description of the transportation engineer's intention to remove from designation a permit parking area or to delete certain streets (or portions thereof) from an existing permit parking area.

3. A listing of the streets (or portions thereof) proposed for removal from designation or deletion from a permit parking area.

C. The hearing shall be conducted as provided under subsection 12.64.050H of this chapter. The transportation engineer shall take into account the factors justifying the proposed removal of area permit parking designation or the proposed deletion of certain streets (or portions thereof) from an existing permit parking area.

D. Within thirty (30) days of the public hearing the transportation engineer shall approve or deny the proposed removal from permit designation of an entire permit parking area or the proposed deletion of certain streets (or portions thereof) from an existing permit parking area. The transportation engineer shall reduce his decision in writing in the form of a report that shall be filed with the city recorder and made available to any interested party upon request. The transportation engineer's report shall include:

1. Significant subjects and concerns raised at the public hearing conducted;

2. The findings relative to those designation criteria and circumstances which indicate whether or not removal from designation or the deletion of certain streets (or portions thereof) from an existing city permit parking area is warranted;

3. Conclusion as to whether the findings, including testimony obtained at the public hearing, justify the removal from designation or the deletion of certain streets (or portions thereof) from an existing city permit area;

4. The transportation engineer's approval (or denial) of the proposed removal or deletion;

5. If approved, an implementation schedule for removal or deletion.

E. If permit parking area designation is removed from an entire area or if the deletion of certain streets (or portions thereof) from an existing permit parking area is approved, a declaration of removal shall be prepared and distributed using the criteria outlined in subsection 12.64.060C of this chapter. Criteria contained in subsections 12.64.060D through G of this chapter shall apply.

In the case of deleting certain streets (or portions thereof) from an existing permit parking area, the area declaration of designation shall be amended to reflect the approved deletion. (Ord. 69-98 § 1, 1998: Ord. 77-97 § 6, 1997: Ord. 24-97 § 1, 1997)

## 12.64.170: MODIFICATION OF REGULATIONS:

Upon recommendation from the parking permit coordinator that circumstances warrant modification to regulations or restrictions governing an existing permit parking area the transportation engineer may begin proceedings to make such modifications by initiating the following procedure:

A. Notice shall be given to all addresses within the boundary of the existing permit area of a public hearing to be held. Such notice shall be given as provided for in subsection 12.64.050G of this chapter.

B. Such notice shall contain:

1. The date, time and place of the public hearing to consider the proposed area modifications.

2. A description of the transportation engineer's proposed modifications to the existing permit parking area.

3. A listing of the streets (or portions thereof) that will be affected by the proposed modifications.

C. The hearing shall be conducted as provided under subsection 12.64.050H of this chapter. The transportation engineer shall take into account the factors justifying the proposed modifications/changes to rules, regulations and/or restrictions governing the existing parking permit area.

D. Within thirty (30) days of the public hearing the transportation engineer shall approve or deny the proposed modification(s) to the permit area. Should the modification(s) be approved, the parking permit coordinator shall be directed to implement the change(s) as soon as is practicable, consistent with scheduling constraints. The permit area declaration of designation shall also be amended to reflect the new, approved modification(s) to the area rules, regulations and/or restrictions. (Ord. 69-98 § 1, 1998: Ord. 77-97 § 6, 1997: Ord. 24-97 § 1, 1997)

## 12.64.175: EMERGENCY PROCEDURES; TEMPORARY PARKING PERMIT AREA:

In the event the transportation director determines that an emergency parking situation exists, the director may implement procedures for the establishment of a temporary city permit parking area. Such procedures shall, at a minimum, include:

A. Conducting an informal public meeting as soon as is practicable after the determination of the emergency situation. The purposes of the meeting are to allow the director an opportunity to announce to the public the director's determination of the emergency situation and of the details of the director's proposal regarding the establishment of a temporary city permit parking area and of temporary regulations pertaining thereto and to allow verbal public comment at said meeting and continuing written comment thereafter regarding said determination and proposals. The director shall give whatever informal notice of said meeting to the residents, business owners and property owners of the proposed temporary city parking permit area the director deems appropriate under the circumstances. Such notice may include the distribution of flyers throughout the said area. The formal notice requirements of section 12.64.050 of this chapter or its successor shall not apply to this informal meeting.

B. Following the informal meeting and receiving the comments from those in attendance, the director shall make whatever further review and modifications of the proposed temporary city parking permit area and proposed temporary regulations the director may deem appropriate or the director may abandon the proposal. If the director determines to proceed with the proposal after such further review, the director shall reduce such decision to writing in the form of a report that shall be filed with the city recorder and made available to any interested party upon request. Said report shall include:

1. Significant subjects and concerns raised at the informal meeting conducted;

2. Preliminary findings and conclusions justifying the implementation of the temporary city parking permit area and temporary regulations and a declaration of the emergency parking situation;

3. The boundaries of the temporary city parking permit area;

4. The parking regulations, including administrative provisions for issuing permits; and

5. An implementation schedule indicating when the temporary city parking permit area will become effective.

C. No such temporary city parking permit area or temporary regulations shall remain in effect for more than one hundred eighty (180) days.

D. No later than ninety (90) days following the effective date of implementing the temporary city parking permit area, the director shall put into place procedures for the possible designation of a regularly approved city parking permit area as provided in this chapter, to take the place of the temporary city parking permit area.

E. The director shall have discretion to make adjustments as the director may deem appropriate to the boundaries of the temporary city parking permit area and to the temporary parking regulations during the period that the temporary city parking permit area and temporary regulations are in effect. The director shall reduce such adjustments

to writing in the form of amendments to the previously issued report, which amendments shall be filed with the city recorder and made available to any interested party upon request. (Ord. 86-05 § 2, 2005)

### 12.64.180: UNLAWFUL ACTIVITIES; PENALTY:

A. It is unlawful and a violation of this chapter, unless expressly provided to the contrary herein, for any person to stand or park a motor vehicle, or to cause the same to be done contrary to the parking regulations established pursuant hereto. Such violation shall be punishable by a fine not to exceed one hundred dollars ($100.00).

B. It is unlawful and a violation of this chapter for a person to falsely represent himself as eligible for a parking permit, or to furnish false information in an application therefor to the parking permit coordinator office. Such violation shall constitute a class B misdemeanor.

C. It is unlawful and a violation of this chapter for a person holding a valid parking permit issued pursuant hereto to permit the use or display of such permit on a motor vehicle other than that for which the permit is issued. Such conduct shall constitute an unlawful act and violation of this chapter, both by the person holding the valid parking permit and the person who so uses or displays the permit on a motor vehicle other than that for which it is issued. Such violation shall be punishable by a fine not to exceed fifty dollars ($50.00).

D. It is unlawful and a violation of this chapter for a person to copy, produce or otherwise bring into existence a facsimile or counterfeit parking permit in order to evade parking regulations applicable in a city permit parking area. Such violation shall constitute a class B misdemeanor. (Ord. 69-98 § 1, 1998: Ord. 24-97 § 1, 1997)

# CHAPTER 12.68
# HIGH SCHOOL PARKING LOTS

### 12.68.010: CITY REGULATIONS APPLICABLE:

All city traffic and safety regulations with respect to parking and driving in a parking lot must be observed. (Prior code § 28-2-9)

### 12.68.020: PARKING PERMIT; REQUIRED:

A. It is unlawful for either a high school student or faculty member to park a motor vehicle in any of the high school parking lots in the Salt Lake City School District, without first obtaining each year a parking permit for parking at a particular high school from said district. The permit shall be obtained from the principal of the school at which parking is

desired. The permit must be placed in the rear window or in a conspicuous place at the rear of the vehicle for which the permit was obtained and which is parked on such high school property. Such permits are not transferable, and possession of a parking permit does not guarantee a specific parking lot or space on said high school property.

B. All parking and nonparking areas shall be designated, with the approval of the city transportation engineer, marked, and maintained by the Salt Lake City School District. (Prior code § 28-2-1)

### 12.68.030: PARKING REGULATIONS:

It is unlawful for either students or faculty to park a motor vehicle in areas marked and designated for visitors, or in other areas than where allowed by their respective permit, and it is unlawful for visitors to park in areas other than those marked or designated for parking by visitors. It is unlawful for any person without a student or faculty parking permit for persons with disabilities to park a motor vehicle in any parking space marked or designated for persons with disabilities. Delivery vehicles may park in designated delivery areas for a period not to exceed thirty (30) minutes. (Ord. 20-06 § 1, 2006: prior code § 28-2-3)

### 12.68.040: OPERATOR'S LICENSE REQUIRED:

It is unlawful for a student, faculty member or visitor to operate and/or park a vehicle in any high school parking lot of the Salt Lake City School District without a valid Utah operator's license in his or her possession. (Prior code § 28-2-6)

### 12.68.050: PERSONS UNDER EIGHTEEN; PARENTAL PERMISSION REQUIRED:

It is unlawful for any student under the age of eighteen (18) to park a motor vehicle in any Salt Lake City School District parking lot without first submitting in writing parental permission for such student to drive and/or park the specified motor vehicle in the specific high school parking lot. (Prior code § 28-2-7)

### 12.68.060: PARKING PERMIT; FALSE INFORMATION PROHIBITED:

It is unlawful for any person to falsify or make false representation of vehicle registration, facts, or fees in connection with the application for a parking permit. (Prior code § 28-2-2)

### 12.68.070: NO PARKING AREAS:

It is unlawful for any person to park a motor vehicle in those areas where the curb is painted red, in driveways, or in other areas designated as no parking areas, or in unmarked areas such as unmarked roads or alleyways. (Prior code § 28-2-4)

### 12.68.080: ILLEGALLY PARKED VEHICLES; POLICE AUTHORIZED TO MOVE:

Whenever any police officer finds a vehicle standing upon such district high school property in violation of any provision of this chapter, such officer is hereby authorized to have the vehicle removed to the city impound lot pursuant to chapter 12.96 of this title, or its successor. (Prior code § 28-2-8)

### 12.68.090: PARKING PERMIT; REVOCATION FOR ABUSE OF PRIVILEGE:

Any student or faculty member who abuses their privilege of driving and parking on such property, in any way endangering the life or property of others, may be denied or have their parking permit revoked for parking or driving on such school property by the school district. (Prior code § 28-2-10)

# CHAPTER 12.76
# PEDESTRIANS

### 12.76.010: LOCATIONS FOR CROSSING ROADWAYS:

No pedestrian shall cross a roadway:

A. At any place other than in a crosswalk. If no crosswalk exists within a distance of seven hundred feet (700') of the desired point of crossing, a pedestrian may cross by the shortest straight route to the opposite curb after exercising due care and caution and yielding to all vehicular traffic;

B. Between adjacent intersections, at which traffic control signals are in operation, at any place except in a marked crosswalk;

C. At any place other than in a crosswalk upon any through street; or

D. Where a pedestrian tunnel or overhead pedestrian crossing is available. (Prior code title 46, art. 17 § 267)

### 12.76.020: PEDESTRIAN RIGHTS; OBEDIENCE TO TRAFFIC CONTROL SIGNALS:

(Rep. by Ord. 62-02 § 27, 2002)

## 12.76.030: RIGHT OF WAY IN CROSSWALKS; VEHICLE REQUIREMENTS:

(Rep. by Ord. 62-02 § 28, 2002)

## 12.76.040: VEHICLE STOPPED AT CROSSWALK; PASSING PROHIBITED:

(Rep. by Ord. 62-02 § 29, 2002)

## 12.76.045: YIELDING RIGHT OF WAY AT MARKED OR UNMARKED CROSSWALKS; DRIVER AND PEDESTRIAN DUTIES:

A. Driver Duties:

1. With regard to marked or unmarked crosswalks, vehicles shall yield the right of way to:

a. (1) Pedestrians carrying a brightly colored flag customarily used by pedestrians in the city while crossing a street within a crosswalk;

(2) Pedestrians using a white cane or a service animal customarily used by pedestrians having visual impairments;

(3) Pedestrians using a wheelchair or similar wheeled mechanical, electrical or motorized vehicle customarily used by pedestrians having mobility impairments;

(4) Pedestrians exhibiting clear and objective signs of impairment or infirmity of any kind, including, but not limited to, infirmity resulting from advanced age;

(5) Crossing guards with a stop sign upheld; and

b. All other pedestrians;

by coming to a complete stop at the crosswalk and not entering the crosswalk while such pedestrian is lawfully within a marked or unmarked crosswalk and is in the vehicle's travel lane or adjoining lane.

2. Whenever a vehicle is stopping or stopped at a marked or unmarked crosswalk, all approaching vehicles traveling in the same direction as the stopping or stopped vehicle shall also stop to verify that no pedestrian is within their travel lane or an adjoining lane in a marked or unmarked crosswalk.

3. A vehicle turning onto an adjacent roadway shall yield the right of way to pedestrians as explained in subsections A1 and A2 of this section.

B. Increased Penalty:

1. The civil penalty to be assessed against a person for each violation of subsection A1a of this section may be increased beyond the penalty ordinarily assessed for such violation, up to the maximum penalty provided by section 1.12.050 of this code, or its successor.

2. The civil penalty ordinarily assessed for a violation of subsection A1b of this section may be increased for a second and for each subsequent violation within one year of a previous conviction or forfeiture of penalty for a violation of said subsection.

C. Pedestrian Duties:

1. Whenever traffic or pedestrian signals are in place and operation the illuminated indications shall govern pedestrians as explained in sections 12.32.045 and 12.32.055 of this title or their successors. At all other locations pedestrians shall be granted those rights and be subject to those restrictions stated in this chapter.

2. No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard. (Ord. 23-03 § 3, 2003: Ord. 62-02 § 30, 2002)

## 12.76.050: PRECAUTIONS FOR CHILDREN, BLIND AND INCAPACITATED PERSONS:

A. Notwithstanding the foregoing provisions of this chapter, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway, and shall give warning by sounding the horn where necessary, and shall exercise proper precaution upon observing on a roadway any child or any incapacitated person or any person carrying a cane as described in subsection B of this section, or any person being accompanied by a guide dog.

B. A person wholly or partially blind, and with no other person, may carry a cane or walking stick, white in color, or white tipped with red, and seven-eighths ($^{7}/_{8}$) of an inch or more in diameter, as a means of protection and identification as an indication to all traffic to exercise extraordinary care to avoid accidents. (Prior code title 46, art. 17 § 268)

## 12.76.060: WALKING ALONG OR UPON ROADWAY:

A. Where sidewalks are provided, it is unlawful for any pedestrian to walk along and upon an adjacent roadway.

B. Where sidewalks are not provided, any pedestrian walking along and upon a street shall when practicable walk only on the left side of the roadway, or its shoulder, facing traffic which may approach from the opposite direction. (Prior code title 46, art. 17 § 269)

## 12.76.070: SOLICITING RIDES OR EMPLOYMENT:

No person shall stand in a street or roadway for the purpose of soliciting from the occupant of any vehicle a ride, employment, the parking, watching or guarding of a vehicle, or other business. (Prior code title 46, art. 17 § 270)

### 12.76.080: PARENT AND GUARDIAN RESPONSIBILITIES:

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 of the provisions of this chapter. (Prior code title 46, art. 17 § 272)

### 12.76.090: PEDESTRIANS OBSTRUCTING SIDEWALKS PROHIBITED:

Pedestrians shall not obstruct or prevent the free use of sidewalks or crosswalks by other pedestrians. (Prior code title 46, art. 17 § 271)

# CHAPTER 12.80
# BICYCLES

### 12.80.010: LICENSING FOR OWNERS:

A. It is unlawful for any person to operate or ride a bicycle upon any of the streets, alleys, sidewalks or public ways of this city:

1. Unless such bicycle has been registered, licensed, and is displaying the proper license, as hereinafter provided; or

2. After the license has been duly suspended or revoked.

B. Every bicycle, before being so registered and licensed, must be inspected with relation to its frame number, operating condition, brakes, warning device, reflector and handlebars.

C. Any license issued under the provisions of this chapter shall be valid until the transfer of ownership of the bicycle, or until the bicycle license so issued is destroyed, lost or mutilated, at which time such bicycle shall again be so inspected, registered and licensed as herein provided.

D. The fee to be paid for each bicycle license or relicense because of transfer of title or destruction, loss or mutilation of the license, or for any other reason, shall be one dollar ($1.00), payable in advance. (Prior code title 46, art. 18 § 274)

### 12.80.020: DEALER LICENSING:

All dealers required to obtain a license pursuant to the provisions of section 5.18.020 et seq., of this code, or successor sections, shall, at the time of sale of a new or used bicycle, license and inspect such bicycle, if the purchaser is a resident of Salt Lake County or if the bicycle is purchased for use by an individual who is a resident of the county, as determined by completing the questionnaire required to be completed pursuant to the provisions of section 5.18.030 of this code, or its successor. (Prior code title 46, art. 18 § 274.1)

### 12.80.030: POLICE LICENSING POWERS AND DUTIES:

The chief of police is authorized and directed to prepare and issue regulations governing the inspection and licensing of bicycles required to be licensed but not validly licensed by dealers as above required; provided, that any such license so issued or heretofore issued by the police department shall be valid for the life of such bicycle or until the transfer of ownership thereof, or until the license issued to such bicycle becomes destroyed, lost or mutilated, at which time the bicycle shall again be inspected, registered and licensed or relicensed. The cost of any licensing or relicensing under the provisions of this section shall be one dollar ($1.00), payable in advance. (Prior code title 46, art. 18 § 274.2)

### 12.80.035: BICYCLE INSPECTIONS; UPON REQUEST OF OFFICER:

A peace officer may at any time require a person riding a bicycle to stop and submit the bicycle to an inspection and a test as appropriate if the officer has reasonable cause to believe that:

A. The bicycle is unsafe or not equipped as required by law; or

B. The bicycle's equipment is not in proper adjustment or repair. (Ord. 2-06 § 10, 2006)

### 12.80.040: BICYCLE AND DEVICE PROPELLED BY HUMAN POWER SUBJECT TO TITLE; EXCEPTION:

A. Except as provided under subsection B of this section or as otherwise specified herein, a person operating a bicycle or a vehicle or device propelled by human power has all the rights and is subject to the provisions of this title applicable to the operator of any other vehicle except as to special regulations of this code or those provisions which by their nature can have no application.

B. A person operating a bicycle or a vehicle or device propelled by human power is not subject to the penalties related to operator licenses under alcohol and drug related traffic offenses. (Ord. 2-06 § 11, 2006: prior code title 46, art. 18 § 277)

### 12.80.050: PARENT RESPONSIBILITY FOR CHILDREN:

It is unlawful for a parent or custodian of any child and the guardian of any ward to knowingly permit any such child or ward to violate any of the provisions of this chapter. (Prior

code title 46, art. 18 § 273)

## 12.80.060: BRAKES, LIGHTS AND OTHER EQUIPMENT:

(Rep. by Ord. 2-06 § 12, 2006)

## 12.80.061: BICYCLE; PROHIBITED EQUIPMENT; BRAKES REQUIRED:

A. A bicycle may not be equipped with, and a person may not use on a bicycle, a siren or whistle.

B. Every bicycle shall be equipped with a brake or brakes which enable its driver to stop the bicycle within twenty five feet (25') from a speed of ten (10) miles per hour on dry, level, clean pavement. (Ord. 2-06 § 13, 2006)

## 12.80.065: BICYCLES; LAMPS AND REFLECTIVE MATERIAL REQUIRED:

A. Every bicycle in use at the times described in section 12.28.095 of this title shall be equipped with a:

1. Lamp of a type approved by the Utah department of public safety which is on the front emitting a white light visible from a distance of at least five hundred feet (500') to the front; and

2. a. Red reflector of a type approved by the Utah department of public safety which is visible for five hundred feet (500') to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle; or

b. Red taillight designed for use on a bicycle and emitting flashing or nonflashing light visible from a distance of five hundred feet (500') to the rear.

B. Every bicycle when in use at the times described in section 12.28.095 of this title shall be equipped with:

1. Reflective material of sufficient size and reflectivity to be visible from both sides for five hundred feet (500') when directly in front of lawful lower beams of head lamps on a motor vehicle; or

2. In lieu of reflective material, a lighted lamp visible from both sides from a distance of at least five hundred feet (500').

C. A bicycle or its rider may be equipped with lights or reflectors in addition to those required by subsections A and B of this section. (Ord. 2-06 § 14, 2006)

## 12.80.070: RIDING RULES AND REGULATIONS; UNLAWFUL ACTS:

(Rep. by Ord. 2-06 § 15, 2006)

## 12.80.075: CARRYING MORE PERSONS THAN DESIGN PERMITS PROHIBITED; EXCEPTION:

A. Except as provided in subsection B of this section, a bicycle may not be used to carry more persons at one time than the number for which it is designed or equipped.

B. An adult rider may carry a child securely attached to the adult rider's person in a backpack or sling. (Ord. 2-06 § 16, 2006)

## 12.80.085: PERSONS ON BICYCLES, SKATES AND SLEDS NOT TO ATTACH TO MOVING VEHICLES; EXCEPTION:

A. A person riding a bicycle, coaster, skateboard, roller skates, sled, or toy vehicle may not attach it or a person to any moving vehicle on a roadway.

B. This section does not prohibit attaching a trailer or semitrailer to a bicycle if that trailer or semitrailer has been designed for attachment. (Ord. 2-06 § 17, 2006)

## 12.80.095: OPERATION OF BICYCLE ON AND USE OF ROADWAY; DUTIES, PROHIBITIONS:

A. A person operating a bicycle on a roadway at less than the normal speed of traffic at the time and place and under the conditions then existing shall ride as near as practicable to the right hand edge of the roadway except when:

1. Overtaking and passing another bicycle or vehicle proceeding in the same direction;

2. Preparing to make a left turn at an intersection or into a private road or driveway;

3. Traveling straight through an intersection that has a right turn only lane that is in conflict with the straight through movement; or

4. Reasonably necessary to avoid conditions that make it unsafe to continue along the right hand edge of the roadway including:

   a. Fixed or moving objects;

   b. Parked or moving vehicles;

c. Bicycles;

d. Pedestrians;

e. Animals;

f. Surface hazards; or

g. A lane that is too narrow for a bicycle and a vehicle to travel safely side by side within the lane.

B. A person operating a bicycle on a roadway shall operate in the designated direction of traffic.

C. 1. A person riding a bicycle on a roadway may not ride more than two (2) abreast with another person except on paths or parts of roadways set aside for the exclusive use of bicycles.

2. If allowed under subsection C1 of this section, a person riding two (2) abreast with another person may not impede the normal and reasonable movement of traffic and shall ride within a single lane.

D. If a usable path for bicycles has been provided adjacent to a roadway, a bicycle rider may be directed by a traffic control device to use the path and not the roadway. (Ord. 2-06 § 18, 2006)

## 12.80.105: BICYCLES AND HUMAN POWERED VEHICLES OR DEVICES TO YIELD RIGHT OF WAY TO PEDESTRIANS ON SIDEWALKS, PATHS, OR TRAILS; USES PROHIBITED; NEGLIGENT COLLISION PROHIBITED; SPEED RESTRICTIONS; RIGHTS AND DUTIES SAME AS PEDESTRIANS:

A. A person operating a bicycle or a vehicle or device propelled by human power shall:

1. Yield the right of way to any pedestrian; and

2. Give an audible signal before overtaking and passing a pedestrian.

B. A person may not operate a bicycle or a vehicle or device propelled by human power on a sidewalk, path, or trail, or across a roadway in a crosswalk, where prohibited by a traffic control device or ordinance.

C. A person may not operate a bicycle or a vehicle or device propelled by human power in a negligent manner so as to collide with a:

1. Pedestrian; or

2. Person operating a:

a. Bicycle; or

b. Vehicle or device propelled by human power.

D. A person operating a bicycle or a vehicle or device propelled by human power on a sidewalk, path, or trail, or across a driveway, or across a roadway on a crosswalk may not operate at a speed greater than is reasonable and prudent under the existing conditions, giving regard to the actual and potential hazards then existing.

E. Except as provided under subsections A and D of this section, a person operating a bicycle or a vehicle or device propelled by human power on a sidewalk, path, or trail, or across a roadway on a crosswalk, has all the rights and duties applicable to a pedestrian under the same circumstances.

F. A person operating a bicycle or a vehicle or device propelled by human power on a sidewalk shall proceed only in single file. (Ord. 2-06 § 19, 2006)

## 12.80.110: BICYCLES; CARRYING BUNDLE; ONE HAND ON HANDLEBARS:

A. A person operating a bicycle may not carry any package, bundle, or article which prevents the use of both hands in the control and operation of the bicycle.

B. A person operating a bicycle shall keep at least one hand on the handlebars at all times. (Ord. 2-06 § 20, 2006)

## 12.80.120: BICYCLES; PARKING ON SIDEWALK, ROADWAY; PROHIBITIONS:

A. A person may park a bicycle on a sidewalk unless prohibited or restricted by a traffic control device.

B. A bicycle parked on a sidewalk may not impede the normal and reasonable movement of pedestrian or other traffic.

C. A bicycle may be parked on the roadway at any location where parking is allowed:

1. At any angle to the curb or edge of the roadway; and

2. Abreast of another bicycle or bicycles near the side of the roadway.

D. A bicycle may not be parked on a roadway in a manner as to obstruct the movement of a legally parked motor vehicle.

E. In all other respects, bicycles parked anywhere on a roadway shall conform with the provisions of chapter 12.56 of this title, regarding the parking of vehicles. (Ord. 2-06 § 21, 2006)

## 12.80.130: BICYCLES; TURNS; DESIGNATED LANES:

A. A person riding a bicycle and intending to turn left shall comply with section 12.44.120 of this title or subsection B of this section.

B. 1. A person riding a bicycle intending to turn left shall approach the turn as close as practicable to the right curb or edge of the roadway.

2. After proceeding across the intersecting roadway, to the far corner of the curb or intersection of the roadway edges, the bicyclist shall stop, as far out of the way of traffic as practical.

3. After stopping, the bicyclist shall yield to any traffic proceeding in either direction along the roadway he had been using.

4. After yielding and complying with any traffic control device or peace officer regulating traffic, the bicyclist may proceed in the new direction.

C. 1. Notwithstanding subsections A and B of this section, the city transportation engineer may place traffic control devices that require and direct turning bicyclists to travel a specific course.

2. When the devices are placed under subsection C1 of this section, a person may not turn a bicycle other than as directed by the devices. (Ord. 2-06 § 22, 2006)

## 12.80.140: BICYCLES; TURN SIGNALS; EXCEPTIONS:

A. Except as provided in this section, a person riding a bicycle shall comply with section 12.44.140 of this title regarding turn signals and turning.

B. A person is not required to signal by hand and arm continuously if the hand is needed in the control or operation of the bicycle.

C. A person operating a bicycle who is stopped in a lane designated for turning traffic only is not required to signal prior to making the turning movement.

D. A person operating a bicycle may give the required hand and arm signal for a right turn by extending the right hand and arm horizontally to the right. (Ord. 2-06 § 23, 2006)

## 12.80.150: OPERATION OF BICYCLE ON ONE-WAY ROADWAY:

(Rep. by Ord. 14-09 § 2, 2009)

## 12.80.160: CENTRAL TRAFFIC DISTRICT BICYCLE RIDING RESTRICTION:

It is unlawful for operators of bicycles to ride any bicycle upon any sidewalk within the "central traffic district", as defined in section 12.04.090 of this title, or its successor, and as described in section 12.104.010, "Schedule 1, Central Traffic District", of this title, or its successor, and made a part hereof by reference, or on any other area where prohibited by signs, provided, however, the foregoing shall not apply to police officers or parking enforcement officers in the scope and course of their employment. (Ord. 69-11, 2011)

## 12.80.170: BICYCLE RACING; WHEN APPROVED; PROHIBITIONS; EXCEPTIONS; AUTHORIZED EXEMPTIONS FROM TRAFFIC LAWS:

A. Bicycle racing on roadways is prohibited under section 12.36.040 of this title, except as authorized in this section.

B. 1. Bicycle racing on a roadway is permitted when a racing event is approved by the city transportation engineer on a roadway under its jurisdiction.

2. Approval of bicycle roadway racing events may be granted only under conditions:

a. Which assure reasonable safety for all race participants, spectators, and other roadway users; and

b. Which prevent unreasonable interference with traffic flow which would seriously inconvenience other roadway users.

C. Participants in an approved bicycle roadway racing event may be exempted from compliance with any traffic laws otherwise applicable:

1. By agreement with the city; and

2. If traffic control is adequate to assure the safety of all roadway users. (Ord. 2-06 § 26, 2006)

## 12.80.180: ALTERATION OF LICENSE OR FRAME NUMBER PROHIBITED:

No person shall wilfully or maliciously destroy, mutilate or alter the number of any bicycle frame number, any bicycle license issued pursuant to this code or remove, destroy or mutilate any license decal while the same is valid, or operate any vehicle without having attached thereto a valid license decal issued as provided in this code. (Ord. 2-06 § 27, 2006: prior code title 46, art. 18 § 275)

## 12.80.190: LICENSE; SUSPENSION OR REVOCATION WHEN; IMPOUNDMENT:

A. The city judges or judges of juvenile courts who hear traffic cases are hereby empowered to revoke or suspend the license of any bicycle when it appears that the owner of

any bicycle is not the licensee of record, or that the owner of the bicycle or the licensee thereof has used or knowingly permitted the bicycle to be used in violation of this code.

B. The police department is hereby directed and authorized to impound any bicycle so used in violation of this code for a reasonable period of time pending investigation of any alleged violation of this code, or until such bicycle is registered and licensed by the owner thereof and equipped as herein provided. (Ord. 2-06 § 28, 2006: prior code title 46, art. 18 § 279)

### 12.80.200: VIOLATION; PENALTY:

An operator of a bicycle who violates any of the provisions of this chapter shall be punished as an infraction in accordance with subsection 12.12.010C of this title, or its successor. (Ord. 2-06 § 29, 2006: prior code title 4, art. 18 § 279.1)

# CHAPTER 12.84
# MOTORBUS OPERATIONS

### 12.84.010: MOTORBUS DEFINED AND APPLICABILITY OF CHAPTER:

For the purpose of this chapter "motorbus" means and is defined as set forth in section 12.04.245 of this title, or its successor. Nothing in this chapter shall be deemed to apply to any vehicle of which the destination or route is under the direction of the passenger or passengers transported therein, such as taxicabs. (Ord. 75-08 § 3, 2008: prior code § 23-1-1)

### 12.84.020: OWNERS AND DRIVERS; INSURANCE REQUIRED:

In order to ensure the safety of the public, it is unlawful for the owner of any motorbus to drive or operate or permit the same to be driven or operated, or for any person to drive or operate a motorbus unless such owner, operator or driver shall have in force at all times which such motorbus is being driven or operated the public liability and property damage insurance or bond as required by state statute. (Prior code § 23-1-16)

### 12.84.030: SIGNS SHOWING DESTINATION AND OWNERSHIP:

Every motorbus shall carry a sign in letters at least one and one-half inches ($1\frac{1}{2}$") in width, so that the same shall be readily legible to the public, giving the name of the person owning the same, or the name of the person operating the same, and the termini of the route over which it runs. (Prior code § 23-1-2)

### 12.84.040: LIGHTS AND LIGHTED SIGNS AT NIGHT:

Every motorbus operated when it is dusk or dark shall be thoroughly artificially illuminated both on the inside and on the outside that the termini may be readily legible to the public. (Prior code § 23-1-3)

### 12.84.050: LICENSED DRIVERS REQUIRED:

It is unlawful to drive or operate any motorbus upon any street of the city unless it is operated by the person to whom a license has been issued for such bus. (Prior code § 23-1-8)

### 12.84.060: OPERATING WITH UNDERAGE DRIVERS PROHIBITED:

It is unlawful for any person, by himself or herself, agent, servant or employee, to drive or operate, or cause to be driven or operated any motorbus if the driver or operator is less than eighteen (18) years of age. (Prior code § 23-1-9)

### 12.84.070: ALLOWING PASSENGERS IN CERTAIN AREAS PROHIBITED:

It is unlawful to operate or run a motorbus while any person is standing or riding on any place on the outside thereof or while more than one person, besides the driver, is sitting or standing in the part of the bus that is adjacent to the driver in such manner as to obstruct his or her view to the side. (Prior code § 23-1-6)

### 12.84.080: CONVERSING WITH DRIVER PROHIBITED:

It is unlawful for any bus driver to engage in conversation with any passenger or any person while the bus he is operating is in motion, except to give necessary information to passengers or such other persons. It is also unlawful for any person to engage any such bus driver in conversation while the bus operated by such driver is in motion, except to request information or to give necessary directions for stopping the bus. (Prior code § 23-1-17)

### 12.84.090: HAND BAGGAGE IN CHARGE OF PASSENGERS:

It is unlawful for the owner, driver or other person in charge or control of a motorbus to charge or receive any additional amount for the transportation of any hand baggage in charge of a passenger. (Prior code § 23-1-12)

## 12.84.100: ARTICLES LEFT IN BUS TO BE RETURNED:

It is unlawful for the driver or any other employee of a motorbus company, finding any article left in any motorbus, to fail, neglect or refuse to return such article left in such motorbus by any passenger thereof who offers satisfactory proof of ownership, or, if not claimed by such passenger, to deliver such article to the police station in this city within twenty four (24) hours after the finding of such article. (Prior code § 23-1-11)

## 12.84.110: UNLAWFUL TO REFUSE TO TRANSPORT PASSENGERS; EXCEPTIONS:

It is unlawful for any person driving or operating any motorbus to refuse to carry any person offering himself or herself to be carried, and tendering the fare for the same, to any place on the route of such motorbus or between the termini thereof, unless at the time such offer is made the permanent seats of the bus are fully occupied. If a request is made by any person along such route to be carried by the person operating such motorbus and there is unoccupied a permanent seat or seats provided therein which may be occupied, it shall be the duty of the person operating such motorbus to carry such passenger upon tender of the fare therefor; provided, however, that the person driving or operating such motorbus may refuse transportation to any person at the time demand is made to be carried who is in an intoxicated condition, or to any person who at such time may be conducting himself or herself in a manner likely to cause a breach of the peace. (Prior code § 23-1-13)

## 12.84.120: RUNNING PAST OTHER BUSES OR CARS:

It is unlawful for any motorbus operator to run past or within twenty five feet (25') of any other motorbus or street or interurban railway car for the purpose of reaching prospective passengers ahead of such other motorbus or car. (Prior code § 23-1-10)

## 12.84.130: STOPPING BUS IN TRAFFIC LINE:

While in the process of taking on or discharging passengers, the operator of a motorbus shall stop as near as practicable to the right hand edge of the roadway as set forth in section 12.52.140 of this title, or its successor. (Ord. 75-08 § 4, 2008: prior code § 23-1-4)

## 12.84.140: SOLICITING PASSENGERS BY UNUSUAL NOISE PROHIBITED:

It is unlawful to solicit passengers or attract attention to a motorbus by calling or by the use of a horn, bell, whistle or other loud noise. (Prior code § 23-1-5)

## 12.84.150: RIDING OUTSIDE OF BUS PROHIBITED:

It is unlawful for any person to stand, sit or lie upon any part of the motorbus on the outside thereof when the same is in motion. (Prior code § 23-1-7)

### 12.84.160: UNLAWFUL FOR BUS DRIVER TO SMOKE:

It is unlawful for any person operating a motorbus to smoke while passengers are occupying any of the seats in such bus. (Prior code § 23-1-14)

### 12.84.170: UNLAWFUL FOR DRIVER TO DRINK LIQUOR:

It is unlawful for any person while engaged in operating a motorbus to drink intoxicating liquors of any kind. (Prior code § 23-1-15)

# CHAPTER 12.88
# VEHICLE NOISE STANDARDS

### 12.88.010: DEFINITIONS:

For purposes of this chapter, the following definitions shall apply:

A SCALE LEVEL (dB(A) Or dBA): Is expressed in decibels and shall be the sound pressure level which is frequency weighted in accordance with an A-weighting network.

dB(A) LEVEL: The total sound level of all noise, as measured with a sound level meter using the A-weighting network. The unit is the decibel.

DECIBEL (dB): A logarithmic unit of amplitude which denotes the ratio of two (2) quantities.

SOUND LEVEL METER: An instrument including a microphone, an amplifier, an output meter and frequency weighting networks for the measure of noise and sound pressure levels in a specified manner.

SOUND PRESSURE LEVEL (SPL Or Lp): Is expressed in decibels and shall be twenty (20) times the logarithm to the base ten (10) of the ratio of the effective sound pressure to the reference sound pressure. The effective sound pressure shall be the root-mean-square of the instantaneous sound pressure. The reference pressure shall be twenty (20) microneutrons per meter squared. (Prior code title 46, art. 23 § 290)

### 12.88.020: MOTOR VEHICLE NOISE LIMITS:

A. It is unlawful for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved either 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 in subsections A1 and A2 of this section. Noise shall be measured at a

distance of twenty five feet (25') (7.5 m) from the near side of the nearest lane being monitored and at a height of at least four feet (4') (1.2 m).

1. Any motor vehicle with a manufacturer GVW rating of ten thousand (10,000) pounds or more or any combination of vehicle towed by such motor vehicles shall not emit a sound pressure level to exceed eighty eight (88) dB(A).

2. Any motor vehicle with a manufacturer GVW rating of ten thousand (10,000) pounds or less or any combination of motor vehicles towed by such motor vehicles shall not emit a sound pressure level to exceed eighty (80) dBA.

3. Subsections A1 and A2 of this section shall apply only to vehicles traveling on streets with a posted speed of forty (40) miles per hour or less.

B. This section applies 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 this title relating to motor vehicle mufflers for noise control.

C. No person shall sell or lease, or offer for sale or lease any motor vehicle of a type described above which exceeds the maximum decibel levels set forth above.

D. Any vehicle which is found not to be in conformity with this chapter and which is manufactured prior to January 1, 1974, may be exempted from the noise levels specified herein provided a good and sufficient showing can be made:

1. That it is mechanically impossible without major construction to modify such equipment so as to be in compliance; or

2. That to comply would cause irreparable harm or injury to the engine of said vehicle.

E. An exemption may be granted if the mayor, or his or her designated representative, shall be satisfied that a condition as provided above exists rendering compliance impossible, that the vehicle is equipped in all other respects so as to minimize to the maximum degree possible the objectionable noise, and that the noise thus emitted shall not be of such a nature as to necessitate its total prohibition.

F. This provision shall not apply to new equipment which, as manufactured, could have complied with the noise levels specified above, but which has been modified so as to no longer be in compliance. (Prior code title 46, art. 23 § 291)

## 12.88.030: MEASUREMENT OF SOUND LEVEL:

Sound level measurement shall be made with a sound level meter using the A-weighting scale in accordance with those standards promulgated by the Society of Automotive Engineers, the American National Standards Institute, or any other procedure adopted and tested by the city departments charged with enforcing this chapter. (Prior code title 46, art. 23 § 292)

## 12.88.040: ENFORCEMENT AND EVALUATION OF TESTING:

A. The Salt Lake City police department shall enforce the provisions of this chapter. Said department may be equipped with the appropriate equipment for measuring sound

levels, as provided in section 12.88.030 of this chapter, or its successor, for purposes of enforcing this chapter, or may employ appropriate equipment provided by other agencies.

B. Where a motor vehicle is deemed to be in violation of this chapter, the owner may transport it to a central testing location for further evaluation. If such vehicle is reevaluated and found not to be in violation of the decibel standards outlined above, no further proceedings shall be instituted and any citation issued shall be dismissed. (Ord. 31-00 § 24, 2000: prior code title 46, art. 23 § 293)

# CHAPTER 12.89
# OTHER NOISE PROHIBITIONS

## 12.89.010: RADIOS, TELEVISION SETS, TAPE PLAYERS, COMPACT DISK PLAYERS, MUSICAL INSTRUMENTS AND SIMILAR DEVICES:

It is unlawful for any person to use, operate or permit 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:

A. Between the hours of nine o'clock (9:00) P.M. and seven o'clock (7:00) A.M. in a way that is plainly audible at their property boundary or perimeter of the source; or

B. On public property or on a public right of way at any time so as to be plainly audible fifty feet (50') (15.25 m) from the device. Permits to exceed the limits of this section may be issued for special events on public property by the chief of police or the director of the Salt Lake Valley health department upon approval from the agency operating the public property. (Ord. 1-06 § 29, 2005: Ord. 31-00 § 25, 2000: Ord. 91-92 § 1, 1992: Ord. 68-92 § 1, 1992)

## 12.89.020: MEASUREMENT OF SOUND LEVEL:

Sound level measurement shall be made with a sound level meter using the A-weighting scale in accordance with those standards promulgated by the American National Standards Institute, or any other procedure adopted and tested by the city departments charged with enforcing this chapter. (Ord. 91-92 § 1, 1992: Ord. 68-92 § 1, 1992)

## 12.89.030: ENFORCEMENT AND EVALUATION OF TESTING:

Any violation of this chapter shall constitute disturbing the peace. The police department shall enforce the provisions of this chapter. (Ord. 31-00 § 25, 2000: Ord. 91-92 § 1, 1992: Ord. 68-92 § 1, 1992)

# CHAPTER 12.92
# VEHICLE WEIGHT AND TIRE RESTRICTIONS

## 12.92.010: WEIGHT TO BE MARKED ON VEHICLES:

Every wagon or wheeled vehicle required to have tires of width as provided by this chapter shall have fixed on both sides of such wagon or wheeled vehicle, in some conspicuous place, in plain letters and figures, the weight, in pounds, of such wagon or wheeled vehicle, and also the weight capacity, in pounds, of the same. (Prior code § 41-4-5)

## 12.92.020: TIRE SIZE AND DIMENSION SPECIFICATIONS:

A. It is unlawful for any person to transport, haul, drive, propel or convey, or cause to be transported, hauled, driven, propelled or conveyed, any load, weight or burden over or through any of the public streets, avenues or alleys of the city, on any wagon or other four (4) wheeled vehicle not having tires which are known as flat or straight faced, and which tires are of less than the following widths for the following loads or burdens, in pounds weight, the weight of the vehicle not included:

1. Two inches (2") for over two thousand (2,000) pounds and not exceeding three thousand (3,000) pounds;

2. Two and one-half inches ($2^1/_2$") for over three thousand (3,000) pounds and not exceeding four thousand (4,000) pounds;

3. Three inches (3") for over four thousand (4,000) pounds and not exceeding five thousand five hundred (5,500) pounds;

4. Three and one-half inches ($3^1/_2$") for over five thousand five hundred (5,500) pounds and not exceeding seven thousand (7,000) pounds;

5. Four inches (4") for over seven thousand (7,000) pounds and not exceeding eight thousand (8,000) pounds;

6. Four and one-half inches ($4^1/_2$") for over eight thousand (8,000) pounds and not exceeding ten thousand (10,000) pounds;

7. Five inches (5") for over ten thousand (10,000) pounds and not exceeding twelve thousand (12,000) pounds;

8. Six inches (6") for over twelve thousand (12,000) pounds and not exceeding fifteen thousand (15,000) pounds;

9. Eight inches (8") for over fifteen thousand (15,000) pounds and not exceeding thirty thousand (30,000) pounds;

10. For greater weights, a permit to be issued on application to the mayor.

B. For any load or burden exceeding fifty thousand (50,000) pounds, planks of two inches (2") in thickness must be placed, and eight (8) wheels with tires of ten inches (10") in width must be used in conveying the same. (Prior code § 41-4-1)

### 12.92.030: WEIGHT DISTRIBUTION:

All loads or burdens must be so distributed that the weight on each wheel shall be equal, or as nearly so as possible. (Prior code § 41-4-2)

### 12.92.040: TWO WHEELED VEHICLES; TIRE REQUIREMENTS:

A. On all two (2) wheeled wagons or other two (2) wheeled vehicles used for like purposes, the widths of the tires shall be double the width of the tires for the same load or burden as herein required for four (4) wheeled wagons or other four (4) wheeled vehicles.

B. No load of greater weight than four thousand (4,000) pounds (weight of vehicle included) shall be drawn over the city's streets on two (2) wheeled vehicles. (Prior code § 41-4-3)

### 12.92.050: EXCEPTION FOR RUBBER TIRE VEHICLES:

This chapter shall not be construed as applying to wagons or wheeled vehicles with rubber tires. (Prior code § 41-4-4)

### 12.92.060: LOAD LIMITS ON CERTAIN BRIDGE:

It is unlawful for any person to transport any load, including the vehicle or other means of conveyance used in transporting such load, in excess of three thousand (3,000) pounds over or across that certain bridge which spans the Salt Lake City sewer canal located at approximately 17th North and 11th West Streets. (Prior code § 41-4-7)

### 12.92.070: FURNITURE VANS PROHIBITED ON CERTAIN STREETS:

It is unlawful for the owner, driver or other person having charge of any furniture van, moving van or other covered wagon, to cause or permit the same to remain or to stand upon any of the following named streets in the city, unless the said van or wagon is engaged at the time in receiving or delivering freight or goods:

A. Main, West Temple and State Streets, from South Temple Street to Fourth South Street;

B. South Temple, First South, Second South and Third South Streets from First West Street to Second East Street;

C. Fourth South Street from West Temple to Second East Street;

D. Regent Street, Richards Street and Post Office Place, Exchange Place, Cactus Street, Pierpont Avenue or Edison Street. (Prior code § 41-4-6)

# CHAPTER 12.96
# IMPOUNDMENT OF VEHICLES

## 12.96.010: NUISANCE VEHICLES DESIGNATED; ABATEMENT:

A. Nuisance Vehicle Criteria: Pursuant to section 10-8-60, Utah Code Annotated, 1953, or its successor, the city council finds that the disregard for the authorized use of streets within the city poses a danger to the safe movement of traffic within the city, and declares the same to be a nuisance. Vehicles which meet the following criteria are hereby declared to be nuisances:

1. Any vehicle found upon the streets, alleys or public property of the city with faulty or defective equipment or which does not have, in good working condition, all safety items required by state law;

2. Any vehicle left unattended upon any street, alley, bridge, viaduct, or at any location where such vehicle constitutes an obstruction or hazard to the safe movement of traffic;

3. Any vehicle upon a street or other publicly owned property, so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal;

4. Any vehicle, the driver of which has been taken into custody by the police department, under such circumstances as would leave such vehicle unattended on a street, alley, restricted parking areas or other publicly owned property;

5. Any vehicle found parked in such a manner to constitute a fire hazard or an obstruction to firefighting apparatus, including marked hydrants;

6. Any vehicle stopped, standing or parked in violation of any provisions of the traffic code set out in this title, or of the laws of the state of Utah;

7. Any vehicle parked upon a public street for more than forty eight (48) hours without being moved during that period of time.

B. Unauthorized Use Of Streets; Two Or More Notices (Parking Tickets); Nuisance: Any person receiving two (2) or more notices of unauthorized use of streets (parking tickets) within the city, pursuant to chapter 12.56 of this title, which notices are thirty (30) days old or older and have not been dismissed pursuant to subsection 12.56.570E of this title, or its successor subsection, or dismissed or reduced to judgment by a court of competent jurisdiction, shall be guilty of creating a nuisance.

C. Violation; Misdemeanor: Violation of this chapter shall be a misdemeanor.

D. Nuisance Abatement: Any vehicle declared to be a nuisance by the provisions of this chapter may be summarily abated by removing any such vehicle by or under the direction of, or at the request of a police officer or parking enforcement officer to a place of storage within the city by means of towing or otherwise.

E. Remedy Of Impoundment Not Exclusive: The impounding of a vehicle shall not prevent or preclude the institution and the prosecution of criminal proceedings in the district courts or elsewhere against the owner or operator of such impounded vehicle nor shall the impoundment and ultimate sale at auction prevent the collection of outstanding fees, fines, or other penalties due from parking notices involving such vehicle.

F. Defined: "Impoundment" means the immobilization of a vehicle by use of an immobilization device or the towing of a vehicle to a place of storage. (Ord. 47-10, 2010)

## 12.96.020: VEHICLES WITH OUTSTANDING PARKING TICKETS:

A. Two Or More Notices Of Unauthorized Use Of Streets (Parking Tickets): Any vehicle which has two (2) or more notices of unauthorized use of streets within the city, as defined at section 12.56.550 of this title, which notices are forty (40) days old or older and have not been dismissed pursuant to subsection 12.56.570E of this title, or its successor, or dismissed or reduced to judgment by a court of competent jurisdiction, shall be subject to immediate impoundment by towing or by means of an immobilizing device.

B. Immobilized Vehicles; Appeal: For vehicles that have been immobilized under this section, the city contracts with a third party provider authorized to collect payment of the fees stated in section 12.96.025 of this chapter and all outstanding fees, fines and penalties associated with the parking citations that caused the vehicle to be immobilized. Upon payment in full the third party provider will remotely release the immobilization device. This service is available by telephone twenty four (24) hours a day. The vehicle owner may appeal the immobilization after obtaining release of the vehicle by submitting to the city within five (5) business days a written request for a hearing under section 12.96.090 of this chapter.

C. Delay Of Obtaining Vehicle Immobilization Release: If the vehicle has been immobilized for a period of twenty four (24) hours, without arrangements being made for its release, it may be immediately impounded and towed and removed to a place of storage within the city by means of towing or otherwise. In such event, the vehicle owner will be responsible for payment of towing and on street booting release fees as provided under section 12.96.025 of this chapter. (Ord. 57-11, 2011: Ord. 89-10, 2010)

## 12.96.025: TOWING, IMPOUND, STORAGE, AND BOOTING FEES:

There are imposed for the towing, impound, storage, and booting of vehicles under this chapter fees as shown on the Salt Lake City consolidated fee schedule.

A. Damage To Or Failure To Return Immobilization Device: The owner of a vehicle immobilized under this chapter shall be strictly liable for the cost of repair or replacement of an immobilization device damaged or destroyed by attempts to wrongfully remove or tamper with the device and for any damage to the vehicle caused by an attempt to drive while the immobilization device is in place or by failure to return the device within the time limit specified by the city's third party provider. (Ord. 24-11, 2011)

## 12.96.030: IMPOUNDMENT; INFORMATION TO POLICE DEPARTMENT:

Upon calling for the impoundment of any vehicle under the provisions of this chapter, the impounding officer shall notify the police department of the make, model, vehicle identification number, and license number of the vehicle being impounded and the date, time and location of the vehicle at the time of impoundment. (Ord. 43-98 § 4, 1998: Ord. 56-86 § 3, 1986: Ord. 70-82 § 1, 1982: prior code §§ 46-20-284.b(1), 46-26-317(1))

## 12.96.040: PRELIMINARY NOTICE TO OWNER:

Written notice that the vehicle has been impounded shall be sent by certified mail to the owner of record, and any recorded lienholder of the vehicle, as shown by the records of the motor vehicle division of the Utah state tax commission at the last known address as shown on said department's records, within five (5) days, excluding weekends and holidays, of the impoundment of the vehicle. If the registration on the vehicle is from another state, a notice shall be transmitted to the department of motor vehicles in such state, requesting such department to furnish the city with the name and address of the last known registered owner and any lienholder of record. (Ord. 43-98 § 4, 1998: Ord. 56-86 § 3, 1986: Ord. 70-82 § 1, 1982: prior code §§ 46-20-284.b(2), 46-26-317(2))

## 12.96.050: NOTICE TO OWNER; CONTENTS:

The notice described in section 12.96.040 of this chapter, or its successor, shall inform the owner of the vehicle:

A. That the vehicle has been impounded, the location of the vehicle, that impound and storage fees have been assessed and are accruing on a daily basis, and how the vehicle may be claimed;

B. Of the owner's right to an administrative hearing to determine whether there was probable cause to impound the vehicle upon filing a written request with the office of the treasurer for such a hearing within ten (10) business days after the owner has learned of the impound of such vehicle, or within ten (10) business days after mailing of the date set in the notice, whichever occurs first;

C. That the vehicle shall be sold at public auction, as provided by the ordinances of the city, if the vehicle is not claimed by the owner or the lienholder of record prior to such auction. (Ord. 43-98 § 4, 1998: Ord. 56-86 § 3, 1986: Ord. 70-82 § 1, 1982: prior code §§ 46-20-284.b(3), 46-26-317(3))

## 12.96.060: VEHICLE SOLD AT AUCTION WHEN; NOTICE OF AUCTION:

A. If at the expiration of fifteen (15) days after mailing written notice provided for herein such vehicle is not redeemed by the owner or owner's agent, the director of public services or her or his designee shall proceed to sell the same at public auction, provided that notice of the auction is published not less than seven (7) days prior to such auction in a newspaper distributed in Salt Lake County.

B. The notice shall state:

1. The time and place of such auction;

2. Describe the vehicle to be sold with reasonable certainty;

3. The name (if any) shown as owner on the records of the vehicle division of the state tax commission. If the name of the owner is unknown, such fact shall be stated.

C. In addition, a copy of this notice, as published, shall be delivered to the owner of the place of storage.

D. The director of public services or her or his designee may accept or reject all bids for such vehicle but, upon acceptance, the vehicle must be sold to the highest bidder. (Ord. 43-98 § 4, 1998: Ord. 56-86 § 3, 1986: Ord. 70-82 § 1, 1982: prior code §§ 46-20-284.b(4), 46-26-317(4))

## 12.96.070: DISPOSITION OF SALE PROCEEDS:

A. The money received from the sale of any such vehicle shall be applied first to all outstanding fees assessed to said vehicle under section 12.96.025 of this chapter or its successor, then to pay the actual costs of advertising the notice of sale and of auctioning the vehicle, and the balance, if any, shall then be paid into the city treasury.

B. At any time within one year from and after such sale, the former owner of the vehicle sold, or recorded lienholder, upon application to the mayor and upon presentation of satisfactory proof that he or she was the owner or lienholder of record of the vehicle sold, shall be paid the proceeds of such sale less the necessary expenses incurred as identified above. The check shall be made payable jointly to the owner and any recorded lienholder. (Ord. 43-98 § 4, 1998: Ord. 56-86 § 3, 1986: Ord. 70-82 § 1, 1982: prior code §§ 46-20-284.b(5), 46-26-317(5))

## 12.96.080: RECORDS OF IMPOUNDMENT:

The police department or the department charged with enforcement of parking laws shall keep a record for three (3) years from date of sale of all vehicles impounded, by manufacturer's name or make, body type, identification number and license number. It shall also keep records of the names and addresses of all persons claiming the same, together with such other descriptive matter as may identify such vehicles, the nature and circumstances of the impounding thereof, the violation for which such vehicles were impounded, the date of such impounding, and the name and address of any person to whom any such vehicle was released. (Ord. 89-99 § 3, 1999: Ord. 43-98 § 4, 1998: Ord. 56-86 § 3, 1986: Ord. 70-82 § 1, 1982: prior code §§ 46-20-284.b(6), 46-25-317(6))

## 12.96.090: HEARINGS CONCERNING IMPOUNDMENT:

A. A hearing requested pursuant to this chapter, or its successor, shall be conducted before a hearing examiner designated by the city within forty eight (48) hours of receipt of

a written demand for such hearing, Saturdays, Sundays and city holidays excepted, unless such person waives the right to a speedy hearing.

B. The hearing proceedings shall be conducted in an informal manner and shall not be bound by the formal rules of evidence or procedure. The owner or owner's agent shall be accorded the essential elements of due process of law, including notice, and an opportunity to be heard and defend the owner's position.

C. The hearing examiner shall determine whether the city had probable cause, pursuant to city, state and federal laws, to impound the vehicle in question.

D. At the conclusion of the hearing, the hearing examiner shall prepare a written decision and a copy of such decision shall be provided to the person requesting the hearing. The decision of the hearing examiner shall be final. Failure of the registered or legal owner, or the owner's agent, to request or attend such a scheduled postseizure hearing shall be deemed a waiver of the right to such hearing.

E. The hearing examiner shall determine whether there was probable cause to impound the vehicle and, in appropriate cases, whether fees and charges should be reduced in the interest of justice. In the event that the hearing examiner determines that the vehicle should be released without fees or with a reduction in fees, the hearing examiner shall prepare and date a written waiver of such fees. Copies of the waiver shall be furnished the vehicle owner or owner's agent and the police department. The vehicle shall then be released to the owner or the owner's agent, in accordance with the terms of said waiver, or a voucher shall be authorized to reimburse the owner or owner's agent for fees paid to recover the vehicle from impound. If the hearing examiner determines the impound was justified pursuant to city and state enactments, the owner or agent shall be responsible for the impound and storage fees accrued and accruing on the vehicle. (Ord. 89-10, 2010)

## 12.96.100: IMPOUNDMENT; IMPROPERLY REGISTERED, STOLEN OR OTHER VEHICLES:

The police department or public services department shall immediately impound, in a proper place of storage in the city, all vehicles found within the city that are improperly registered, stolen, or bear defaced vehicle identification numbers. Thereafter, the police department shall, within forty eight (48) hours, notify in writing the motor vehicle division of the Utah state tax commission of such impoundment, including the date found, the address where found, the vehicle make, vehicle identification number, registration number, and the date and place of storage. (Ord. 43-98 § 4, 1998: Ord. 70-82 § 1, 1982: prior code § 46-20-284.e)

## 12.96.110: IMPOUNDMENT; ABANDONED AND INOPERABLE VEHICLES:

A vehicle which has been determined to be an abandoned and an inoperable vehicle, as provided by the provisions of section 41-1-79.5, Utah Code Annotated, 1953, or any successor statute, is declared to be a nuisance and may be summarily abated by removing the same under the direction or at the request of a police officer or parking enforcement officer of the city to a scheduled place of disposal within the city by means of towing or otherwise. Any such vehicle may be converted into scrap or otherwise disposed of. (Ord. 43-98 § 4, 1998: Ord. 70-82 § 1, 1982: prior code § 46-20-284.f)

## 12.96.120: RELEASE OF IMPOUNDED VEHICLES:

Before the owner, or the owner's agent or the lienholder of record shall be permitted to remove a vehicle which has been impounded, the owner shall:

A. Furnish satisfactory evidence to the police department of his/her identity and his/her ownership or interest in said vehicle;

B. 1. Request and obtain from the police department or the hearing officer, a written order of release directed to the place of vehicle storage, or to the parking enforcement office if the vehicle has been immobilized. Said order of release shall be issued to the owner or owner's agent or to the lienholder of record, upon:

a. The payment of the towing fee, costs of the immobilizing device, storage fees, and any other costs reasonably incurred from the date of such impounding or immobilization to the time of obtaining the order of release, or

b. Obtaining a waiver of fees after successfully petitioning the city to release the vehicle, without requirement of payment of impound, immobilizing or other costs and fees, or a reduction in said fees and costs, as provided in section 12.96.090 of this chapter, or its successor;

2. In the event a vehicle is not retrieved from the place of storage within twenty four (24) hours after a vehicle release has been issued, or within twenty four (24) hours of having been issued a waiver of fees by a hearing examiner, the owner shall be liable for all subsequent storage fees;

C. Sign a written receipt of said vehicle and deliver the same to the place of storage upon receiving the impounded vehicle. (Ord. 43-98 § 4, 1998: Ord. 56-86 § 3, 1986: Ord. 70-82 § 1, 1982: prior code §§ 46-20-284.d, 46-26-319)

# CHAPTER 12.100
# RAILROADS

## 12.100.010: GRADE CROSSINGS; AUTOMATIC SIGNAL DEVICES REQUIRED WHERE:

The Denver and Rio Grande Western Railroad Company is required to construct at its own expense and to maintain in continuous operation automatic mechanical warning devices for the purpose of warning pedestrians, drivers of vehicles and others crossing its tracks of the approach of its engines and cars:

A. At Second South Street between Fifth West Street and Sixth West Street, where its tracks cross Second South Street;

B. At Sixth South and Fifth West Streets, where its tracks cross Sixth South Street; and

C. At Eighth South Street and Fifth West Street, where its tracks cross Eighth South Street. (Prior code § 35-2-6)

## 12.100.020: AUTOMATIC SIGNAL DEVICES; TYPES AND SPECIFICATIONS:

A. The automatic mechanical warning devices at Second South Street and Fifth West Street and at Eighth South Street and Fifth West Street shall consist of cantilever style railroad crossing signals which extend an arm with a flashing light overhead on either side of the roadway into the intersection when rail traffic is approaching the crossing.

B. The automatic mechanical warning devices at the crossing at Sixth South Street and Fifth West Street shall consist of automatic flashing light signals to be located on both sides of the roadway adjacent to the railroad tracks of the said railroad company.

C. The signals at each of such crossings shall be so constructed as to be automatically actuated by engines and cars on the tracks of the railroad company, and shall be located and adjusted so as to adequately and safely provide warning of the approach of all rail traffic at such crossings. (Prior code § 35-2-7)

## 12.100.030: CITY RIGHTS RESERVED:

The rights of regulating the kind of power to be used in the city in propelling cars on and along railroads, and the speed of the same, together with the price of the license or tax to be paid therefor, shall not, by virtue of any grant or contract, be construed to mean that such right passes to the grantee; but such rights, together with all other powers vested in the mayor or city council for the regulating, controlling or removing of railroads within the city are expressly retained and reserved. (Prior code § 35-2-8)

## 12.100.040: SPEED LIMITS; ESTABLISHED:

It is unlawful for any person to run any locomotive, engine, train or cars operated on rails at a speed greater than twenty five (25) miles per hour in the city, south of 600 North Street, except in the following areas:

A. Between North Temple Street and 300 South Street from 400 West Street to 1100 West Street, in which it is unlawful for any person to run any locomotive, engine, train or cars operated on rails at a speed greater than thirty five (35) miles per hour;

B. Between North Temple Street and 700 South Street from 1100 West Street to the western limits of Salt Lake City, in which it is unlawful for any person to run any locomotive, engine, train or cars operated on rails at a speed greater than fifty (50) miles per hour. (Prior code § 35-2-2)

## 12.100.050: SPEED LIMITS; RESTRICTIONS:

It is unlawful for any person to run any locomotive, engine, train or cars operated on rails at a speed greater than is reasonable and prudent under the circumstances and time existing. (Prior code § 35-2-1)

## 12.100.060: BELL TO BE RUNG[1]:

It is unlawful for any person or persons employed on a locomotive to fail to ring the bell continuously on such locomotive while in motion in the inhabited portions of the city. (Prior code § 35-2-3)

## 12.100.070: TRAINS CROSSING OTHER RAILROAD TRACKS:

All locomotives, cars and trains are required to come to a full stop before crossing any other line of railroad, and at a distance of not less than forty feet (40') therefrom; and when two (2) trains arrive at the same crossing simultaneously, the train on the first constructed track shall have precedence in crossing. (Prior code § 35-2-4)

## 12.100.080: VEHICLES PASSING RAILROAD TRAINS:

The driver of a vehicle shall not overtake and pass upon the left any railroad train proceeding in the same direction, whether actually in motion or temporarily at rest. This provision shall not apply on one-way streets where the tracks are so located as to prevent compliance with the rule or where a police officer may direct otherwise. (Prior code title 46, art. 16 § 260)

## 12.100.090: DRIVING VEHICLES OVER RAILROAD TRACKS:

A. No driver of any vehicle proceeding upon any track in front of a railroad train upon a street shall fail to remove such vehicle from the track as soon as practicable after signal from the operator of such train.

B. When a railroad train has started to cross an intersection, no driver of a vehicle shall drive upon or across the tracks or in the path of such train within the intersection in front of such train. (Prior code title 46, art. 16 § 262)

## 12.100.100: TRAINS NOT TO OBSTRUCT STREETS OR SIDEWALKS:

It is unlawful for any person to permit any train, engine or cars to stand in or upon any street or sidewalk or crossing so as to obstruct the ordinary travel thereon, or to operate switch engines or cars so as to obstruct the free passage over or the ordinary use of the streets. (Prior code § 35-2-5)

## 12.100.110: OBSTRUCTING STREETS FOR LONGER THAN FIVE MINUTES:

No railroad company, railroad engineer, railroad conductor, or any other person operating or in control of the movement of any railroad train or locomotive shall cause or permit any locomotive, railroad car, train of railroad cars or any portion thereof to obstruct any intersection between a railroad and public street so as to prevent any person or vehicle from crossing the railroad tracks at such intersection for a period longer than five (5) minutes, except in cases of unavoidable emergencies or impossibility due to the length of such train while moving at a reasonable speed, in which cases notice shall be given at each such crossing by the engineer, conductor or other employee of the railroad company of

such delay by means of a handheld sign clearly visible to the waiting motorists or pedestrians that such locomotive, railroad car, train or portion thereof will be delayed for more than five (5) minutes at such crossings. (Prior code title 46, art. 16 § 263)

**Footnotes** - Click any footnote link to go back to its reference.
Footnote 1: See also section 14.44.090 of this code.

# CHAPTER 12.104
# SCHEDULES

## 12.104.010: SCHEDULE 1, CENTRAL TRAFFIC DISTRICT[1]:

All that area bounded by the following described lines:

Commencing at the northwest corner of the intersection of North Temple Street and 4th West Street, thence along the west curbline of 4th West Street to the southwest corner of the intersection of 4th West and 5th South Street, thence east along the north curbline of 5th South Street to the northeast corner of the intersection of 2nd East Street and 5th South Street, thence north along the east curbline of 2nd East Street to the northeast corner of the intersection of 2nd East Street and South Temple Street, thence west along the north curbline of South Temple Street to the northeast corner of the intersection of State Street and South Temple Street, thence north along the east curbline of State Street to the northeast corner of the intersection of State Street and North Temple Street, thence west along the north curbline of North Temple Street to the place of beginning.
(Ord. 70-85 § 1, 1985: prior code title 46, schedule 1)

## 12.104.020: SCHEDULE 1.5, SUGAR HOUSE TRAFFIC DISTRICT[2]:

1100 East/Highland Drive from Hollywood Avenue to Sugarmont Drive.

2100 South from 800 East to 1300 East. (Ord. 89-98 § 3, 1998)

## 12.104.030: SCHEDULE 2, QUIET ZONES[3]:

C Street from 13th Avenue to 14th Avenue.

C Street from 8th Avenue to 9th Avenue.

D Street from 8th Avenue to 9th Avenue.

Fairfax Road from Virginia Street to Alta Street.

Virginia Street from Fairfax Road to Wasatch Drive.

100 South Street from 1000 East Street to 1100 East Street.

1000 East Street from 100 South Street to South Temple Street.

1100 East Street from 100 South Street to South Temple Street.

1300 East Street from 700 South Street to 800 South Street.

8th Avenue from B Street to D Street.

9th Avenue from B Street to D Street.

13th Avenue from B Street to C Street. (Prior code title 46, schedule 12)

## 12.104.040: SCHEDULE 3, RESTRICTED VEHICLE AND TRUCK ROUTES[4]:

When appropriate signs have been erected, according to the section designating restricted vehicle and truck routes, it is unlawful for such vehicles to use routes other than those designated below, except for reasons and purposes specified in subsections 12.28.140A, B, C, D and E of this title.

All state highways within the city.

200 South Street from 300 West Street to Redwood Road.

400 West Street from 1000 North Street to North Temple Street.

600 North Street from 300 West Street to 900 West Street.

700 East Street from 400 South Street to South Temple Street.

700 West Street from 900 South Street to 1700 South Street.

900 South Street from 300 West Street to State Street.

900 South Street from 300 West Street to 700 West Street.

900 West Street from North Temple Street to 1000 North Street, then via the state connecting route (freeway) to U.S. 91 at Beck's Hot Springs.

900 West Street from 1700 South Street to 2100 South Street.

1300 East Street from 500 South Street to South Temple Street.

1300 South Street from 300 West Street to 700 West Street.

2100 South Street from State Street via Parley's Way to Parley's Interchange.

Beck Street from north city limits via 300 West Street to south city limits.

Main Street from 200 North Street to North Temple Street.

North Temple Street from 300 West Street to west city limits.

Redwood Road from north city limits to south city limits.

State Street from 900 South Street to 2100 South Street. (Prior code title 46, schedule 13-a)

## 12.104.050: SCHEDULE 4, HAZARDOUS CARGO ROUTES[5]:

400 West Street from the American Oil Refining Co. on 1000 North Street to North Temple Street.

600 North Street from 300 West Street to 900 West Street.

900 North Street from 400 West Street to Beck Street.

900 West Street from North Temple Street to 1000 North Street, then via state connecting route (freeway) to U.S. 91 at Beck's Hot Springs.

Beck Street from the north city limits to 300 West Street, thence along 300 West Street to the south city limits.

Redwood Road from the north city limits to the south city limits.

Vehicles from the east may not enter the city until reaching 2100 South Street and 300 West Street. (Prior code title 46, schedule 13-b)

## 12.104.060: SCHEDULE 5, NO CRUISING ZONES[6]:

300 North to 2100 South, 400 East to 400 West.

Main Street from North Temple to 21st South.

West Temple from North Temple to 21st South.

State Street from North Temple to 21st South.

21st South from 17th East to 300 West. (Ord. 40-99, 1999)

**Footnotes** - Click any footnote link to go back to its reference.
Footnote 1: See section 12.04.090 of this title.
Footnote 2: See section 12.04.495 of this title.
Footnote 3: See section 12.52.110 of this title.

Footnote 4: See section 12.28.140 of this title.
Footnote 5: See section 12.28.140 of this title.
Footnote 6: See section 12.12.090 of this title.

# Title 13 - RESERVED

# Title 14 - STREETS, SIDEWALKS AND PUBLIC PLACES

## CHAPTER 14.06
## ACCOMMODATION OF BICYCLISTS AND PEDESTRIANS AT ALL CITY OWNED TRANSPORTATION FACILITIES IN THE PUBLIC RIGHT OF WAY

### 14.06.010: PURPOSE:

The benefits of bicycling and walking span across many aspects of our daily lives. The social and environmental benefits include healthier citizens and the improved health of our community through a substantial reduction in air pollution. A transportation system that encourages bicycling and walking can also save money, reduce traffic congestion, build community, and improve the overall quality of life. Therefore, the city supports the concept of complete streets, requiring the accommodation of pedestrians and bicyclists throughout the planning process.

All city owned transportation facilities in the public right of way on which bicyclists and pedestrians are permitted by law, including, but not limited to, streets, bridges, and all other connecting pathways, shall be designed, constructed, operated, and maintained so that users, including people with disabilities, can travel safely and independently. (Ord. 4-10 § 1, 2010)

### 14.06.020: GENERAL PROVISIONS AND EXEMPTIONS:

A. Bicycle and pedestrian ways shall be established in the city's new construction and reconstruction projects in the public right of way, subject to budget limitations, unless one or more of the following three (3) exemption conditions is met:

1. Bicyclists and pedestrians are prohibited by law from using the street or city owned transportation facility. In this instance, a greater effort may be necessary to accommodate bicyclists and pedestrians elsewhere within the right of way or within the same transportation corridor.

2. The cost of establishing bikeways or walkways would be excessively disproportionate to the need or probable use. A complete streets committee, consisting of the transportation director, planning director, city engineer, and airport director (if applicable), will determine whether the cost of establishing bikeways or walkways is excessively disproportionate on a project by project basis.

3. Scarcity of population or other factors indicate an absence of need, with consideration given to future population growth.

B. The design and development of the transportation infrastructure shall improve conditions for bicycling and walking through the following additional steps:

1. Planning projects for the long term. Transportation facilities are long term investments that remain in place for many years. The design and construction of new facilities that meet the criteria in the above stated exemption conditions should anticipate likely future demand for bicycling and walking facilities and not preclude the provision of future improvements. For example, a bridge that is likely to remain in place for fifty (50) years might be built with sufficient width for safe bicycle and pedestrian use in anticipation that facilities will be available at either end of the bridge even if that is not currently the case.

2. Addressing the need for bicyclists and pedestrians to cross corridors as well as travel along them. Even where bicyclists and pedestrians may not commonly use a particular travel corridor that is being improved or constructed, they will likely need to be able to cross that corridor safely and conveniently. Therefore, the design of the intersections and interchanges shall accommodate bicyclists and pedestrians in a manner that is safe, accessible and convenient.

3. Exemptions. Exemptions regarding the installation of bikeways and walkways shall be approved by the aforementioned complete streets committee and be documented with supporting data that indicates the basis for the decision.

4. Designing facilities to the best currently available standards and guidelines. The design of facilities for bicyclists and pedestrians should follow design guidelines and standards that are commonly used, such as the AASHTO "Guide For The Development Of Bicycle Facilities", AASHTO's "A Policy On Geometric Design Of Highways And Streets", the Institute of Transportation Engineers recommended practice "Design And Safety Of Pedestrian Facilities", and the U.S. department of transportation sponsored "Designing Sidewalks And Trails For Access Part II: Best Practices Design Guide". (Ord. 4-10 § 1, 2010)

### 14.06.030: CREATION OF COMPLETE STREETS COMMITTEE:

The complete streets committee, consisting of the transportation director, planning director, city engineer, and airport director (if applicable), is hereby established to determine whether the cost of establishing bikeways or walkways is excessively disproportionate on a project by project basis under this chapter. (Ord. 4-10 § 1, 2010)

# CHAPTER 14.08
# STREET AND BUILDING NUMBERING SYSTEM

### 14.08.010: STREET NAMES DESIGNATED ON OFFICIAL MAP:

All streets of the city shall be known by the names by which they are so designated on the official map of Salt Lake City, filed in the office of the public works director on December 3, 1920, and such additions, changes and corrections of the names of streets as shall from time to time be placed on said official map by ordinance. (Prior code § 41-6-1)

### 14.08.015: STREET NAME CHANGE FEES:

A nonrefundable fee as shown on the Salt Lake City consolidated fee schedule shall be paid by any person requesting consideration by the city of a change of the name of any city street. Said fee shall not be payable where such street name change is determined by the city to be necessary in order to eliminate duplication of names or to avoid other

confusion which would have a negative impact upon the providing of emergency services if such street remains unchanged. (Ord. 24-11, 2011)

### 14.08.020: BUILDING NUMBERING SYSTEM:

It shall be the duty of the city engineer, in numbering the houses or buildings upon the streets of the city, to adopt a numbering system in accordance with the Salt Lake County addressing system, allowing one number every 8.25 feet. The initial point shall be the junction of Main Street and South Temple, and the numbering shall extend east, west, north and south with even numbers always on the right, and odd numbers always on the left, looking away from the initial point. In numbering such streets which do not strictly run in a compass direction, the city engineer shall attempt to make such numbering as consistent as possible with the scheme expressed above. (Ord. 88-86 § 63, 1986: prior code § 41-6-2)

### 14.08.030: HOUSE NUMBERS; ISSUANCE; USE REQUIRED:

It is unlawful for any person to erect a house or building within the limits of the city without numbering such house or building with the number designated by the public works director, or for the occupant of any house or building, or for the owner or agent of any unoccupied habitable house or building, to fail for a longer period than ten (10) days after notice from the public works director so to do, to number such a house or building with the number designated by the public works director. (Prior code § 41-6-6)

### 14.08.040: HOUSE NUMBERS; CERTIFICATE AND FEE:

Upon application being made to the public works director, he/she shall issue a certificate giving the correct street number for such house or building, for which he/she shall charge and receive the fee shown on the Salt Lake City consolidated fee schedule. (Ord. 24-11, 2011)

### 14.08.050: HOUSE NUMBERS; DISPLAY SPECIFICATIONS:

When such number has been designated by the public works director, the owner or occupant of such house or building shall cause a painted, carved or cast duplicate of such number at least three inches (3") in height and of a shade in contrast to the background upon which the number is mounted to be placed in a conspicuous position upon the front of such house or building, in a permanent, stationary and durable manner, unobstructed at all times by vines, screens or anything that would tend to hide or obscure the number, and so that the number will be clearly perceptible from a distance of one hundred fifty feet (150'). (Prior code § 41-6-7)

### 14.08.060: HOUSE NUMBERS; USING DIFFERENT SYSTEM PROHIBITED:

It is unlawful for any person to number any house or building in any manner other than that prescribed in this chapter, and it is unlawful for any block or row of houses to be hereafter designated by a distinct numbering of the houses situated therein, and it shall be the duty of the owners of all such blocks or rows of houses now numbered in any manner other than described in this chapter to immediately cause such numbers to conform to the provisions of this chapter. (Prior code § 41-6-9)

# CHAPTER 14.10
# MONUMENTS

## 14.10.010: PROHIBITION AGAINST COVERING MONUMENTS:

It is unlawful for any person to damage, remove or cover with any hard surfacing such as asphalt, concrete or metal any public survey monument or section corner, including the metal ring and cover, except as permitted by this chapter. (Ord. 10-95 § 2, 1995)

## 14.10.020: PUBLIC SURVEY MONUMENT DEFINED:

"Public survey monument" means and includes any survey monument, bench mark or section corner, including metal ring and cover, owned by Salt Lake City, Salt Lake County, the state of Utah, the United States or any department, division or agency of any such governmental entity whether located on privately owned or publicly owned land. (Ord. 10-95 § 2, 1995)

## 14.10.030: PERMIT APPLICATION:

Prior to distributing, damaging, removing, moving or covering any public survey monument a person shall apply for a permit on a form provided by the Salt Lake City engineer's office. (Ord. 10-95 § 2, 1995)

## 14.10.040: PERMIT FEE:

The applicant for a public survey monument permit shall pay with the application the fee shown on the Salt Lake City consolidated fee schedule for the first monument per application and the fee shown on the Salt Lake City consolidated fee schedule for every additional monument on the same application. (Ord. 24-11, 2011)

## 14.10.050: OTHER GOVERNMENTAL ENTITY CONCURRENCE:

The city shall not issue a public survey monument permit for work on a public survey monument owned by another governmental entity until the applicant has provided the city with documentation of the other governmental entity's approval. (Ord. 10-95 § 2, 1995)

## 14.10.060: PERMIT WORK REQUIREMENTS:

Work under a public survey monument permit shall be performed only under the supervision of a licensed land surveyor in accordance with any specifications, requirements and conditions imposed by the Salt Lake City engineer's office and any other entity whose approval is required. (Ord. 10-95 § 2, 1995)

## 14.10.070: PENALTY FOR WORK WITHOUT PERMIT:

A person who disturbs, damages, moves, removes or covers a public monument without a permit as required by this chapter, in addition to any other penalty, shall be required to pay double the permit fee required by section 14.10.040 of this chapter or its successor. (Ord. 10-95 § 2, 1995)

## 14.10.080: CITY RESTORATION, REPLACEMENT, REPAIR OR UNCOVERING:

The city may restore, repair, raise, replace or uncover any public survey monument owned by the city which is disturbed, damaged, moved, removed or covered in violation of this chapter. The cost of such restoration, repair, raising, replacement or uncovering, including any necessary resurveying, shall be paid by the person who disturbed, damaged, moved, removed or covered the public survey monument, or by the person for whom such actions were performed. (Ord. 10-95 § 2, 1995)

## 14.10.090: ITEMIZED STATEMENT OF EXPENSES:

The city shall prepare an itemized statement of all expenses incurred in the restoration, repair, raising, replacement or uncovering, including any necessary resurveying, of any public survey monument which the city is required to restore, repair, raise, replace or uncover. The statement shall be mailed or delivered to the person who caused the city to take such action or to the person for whom the work was performed. The statement shall include the cost of all city personnel. Minimum costs for the following services shall be as shown on the Salt Lake City consolidated fee schedule:

A. Replacing a monument by survey. (This occurs when a monument is destroyed and must be replaced by surveying from other monuments in the area.)

B. Replacing a monument by survey ties. (This occurs when a monument will be disturbed and the city surveyor is notified in advance to allow time for the monument to be referenced.)

Payment of the statement shall be due within twenty (20) days of the mailing or delivery of the statement. The statement shall be deemed delivered when sent by certified mail or hand delivered, addressed to the last known address of the person who caused the city to take action or the person for whom such work was performed. (Ord. 24-11, 2011)

# CHAPTER 14.12
# STREET AND SIDEWALK USE

## Article I. Moving Buildings Or Heavy Equipment

### 14.12.010: PERMIT; REQUIRED WHEN:

It is unlawful for any person to move any house, building, tractor, roller, dragline, caterpillar, steam shovel, road equipment, industrial equipment, or circus or carnival equipment, steel safe, or any other structure or equipment likely to injure, damage or deface the surface, structure or foundation of a street, upon, over, across or along any public street, alley or highway in the city without first obtaining a permit from the department of public services of the city so to do. (Ord. 45-93 § 23, 1993: prior code § 41-3-1)

### 14.12.020: PERMIT; APPLICATION:

The permit required by section 14.12.010 of this chapter shall be issued only upon approval of a written application therefor. The application shall state:

A. The nature and location of the structure or equipment proposed to be moved;

B. The hours of the day or night during which it is planned to move the same; and

C. The public streets, sidewalks, alleys or highways upon, over, across or along which such structure or equipment is to be moved. (Prior code § 41-3-2)

### 14.12.030: APPLICATION; BOND REQUIRED:

A. With the application, the applicant must file a bond in the sum of one thousand dollars ($1,000.00) indemnifying Salt Lake City and any person damaged for any loss or damage of any kind whatsoever arising from the use of the public streets, sidewalks, alleys or highways in moving such structure or equipment.

B. Whenever, in the opinion of the mayor, the bond provided for in this section shall be deemed inadequate for the protection of the city or the public, the mayor may require the bond to be in any sum not exceeding five thousand dollars ($5,000.00). (Ord. 88-86 § 63, 1986: prior code § 41-3-3)

### 14.12.040: ROUTE AND TIME DESIGNATED ON PERMIT; DEVIATIONS UNLAWFUL:

The department of public services shall designate in the permit the hours of the day or night during which such structures or equipment shall be moved, and it shall be unlawful for any person to violate the terms of the permit. (Ord. 45-93 § 24, 1993: prior code § 41-3-4)

### 14.12.050: PERMIT; DISPLAY UPON REQUEST:

Any permit issued pursuant to the terms of this chapter for the moving of structures or equipment shall be displayed to any police officer or street department inspector upon demand that such be displayed. (Prior code § 41-3-5)

### 14.12.060: ILLUMINATION FOR NIGHT USE OF STREETS:

If any structure or equipment is in, upon or near any public street, sidewalk, alley or highway during the night, it shall be equipped with a sufficient number of clearance lights on both sides, and marker lights upon the extreme ends of any projecting load, to clearly mark the dimensions of any such structure or equipment together with any vehicle attached to or conveying such load. (Prior code § 41-3-6)

## Article II. Encroachments

### 14.12.070: PERMIT; REQUIRED WHEN:

A. It is unlawful for any person to erect or construct any stairway or passage leading from a street, avenue, alley, or basement or cellar of any building within the city limits, or to have any encroachment over the city property, or occupy any portion of the street, alley or sidewalk or any portion of the public streets, avenues or alleys of the city, unless the party so constructing the same shall have procured a permit to do so from the mayor or his/her designated agent.

B. No permit shall be issued allowing any person to have an encroachment over the city area or occupy any area under a sidewalk at any street intersection between the property line and the curb line. It is unlawful for any person to occupy such area. (Ord. 88-86 § 63, 1986: prior code § 41-3-7)

### 14.12.080: PERMIT; BOND REQUIREMENTS:

A. The applicant for such permit shall provide a corporate surety bond in the amount of not less than twenty five thousand dollars ($25,000.00), conditioned on the removal of the encroachment on city request, and shall also provide a policy of insurance in the minimum sum of two hundred fifty thousand dollars ($250,000.00) per person, five hundred thousand dollars ($500,000.00) per incident, which names Salt Lake City Corporation as an additional insured and gives the city thirty (30) days' notice of cancellation of the policy for whatever reason.

B. Provided, however, no bond or insurance will be required where the encroachment is for fencing which separates the occupied property from the traveled portion of the right of way for landscaping. Any such fencing or landscaping shall conform to all applicable city ordinances. (Ord. 16-90 § 1, 1990: Ord. 88-86 § 63, 1986: prior code § 41-3-8)

## 14.12.090: ADDITIONAL BOND OR WAIVER REQUIRED WHEN:

A. No permit shall be issued for any of the purposes set forth in section 14.12.070 of this chapter, or its successor, unless the applicant for such permit is the owner of the abutting property; provided, that a permit may be issued to the lessee of such property if the owner shall, in consideration of granting such permit in writing, waive in the name of such applicant, his heirs, executors, administrators, assigns or successors all claims for damages of every name or nature that may occur or accrue to the building abutting on such excavation or to the contents of such building by reason of water from the sewer, curb or water pipe along the street, and in such writing shall agree to indemnify the city against all damages and claims for damages done to the property of any tenant of the building, or other person or property, by reason of water from the sewer, curb or water pipe along the street, resulting in whole or in part by reason of such excavation, which waiver shall be duly acknowledged according to law.

B. If such applicant is the lessee of the abutting property, in consideration of granting such permit, such applicant shall execute a corporate surety bond of not less than twenty five thousand dollars ($25,000.00), which shall be approved as to form by the city attorney. Such bond shall run to the city and to any person injured, and shall be conditioned for the payment of all damages that may be adjudged against the principal named in the bond, or against the city on account of all claims for damages of every name and nature that may occur or accrue to the building abutting on such excavation, or to the contents of the building by reason of water from the sewer, curb or water pipe along the street, and against all damages and claims for damages done to the property of any tenant of the building, or other person or property by reason of water from the sewer, curb or water pipe, along the street resulting in whole or in part by reason of such excavation. (Ord. 88-86 § 63, 1986: prior code § 41-3-10)

## 14.12.100: ALL-EXCAVATION BOND PERMITTED WHEN:

In lieu of the bond above provided for, the applicant may give a corporate surety bond in the penal sum of fifty thousand dollars ($50,000.00), conditioned as above provided, and to cover all excavations maintained by the applicant, or to be made by the applicant, the bond to be renewed from time to time, and kept in force continuously. (Prior code § 41-3-13)

## 14.12.110: BOND; CHANGE IN OWNERSHIP OR LEASEHOLD INTEREST:

If at any time after the approval of any of the bonds above mentioned the ownership of or leasehold in the property therein mentioned shall be changed, the principal and sureties in the bond may have the same canceled and discharged upon obtaining the approval of the mayor of a bond by the new owner or lessee of the premises, which bond shall be for the same amount and shall contain all of the conditions, liabilities and provisions contained in the bond sought to have canceled and discharged; provided, that before any such new bond is accepted by the mayor, the owner of the abutting premises shall, in writing, and in consideration of the accepting of the new bond, execute the waiver and agreement to indemnify the city as hereinbefore provided; and that before any such bond shall be accepted by the mayor, the new lessee of the abutting premises shall execute a new bond in consideration of the accepting of the new bond, containing the conditions, obligations and agreements to be contained in the bond herein provided to be executed by a lessee upon the granting of the permit herein mentioned. (Ord. 88-86 § 63, 1986: prior code § 41-3-11)

## 14.12.120: NO TITLE ACQUIRED BY PERMITTEE:

No property owner or lessee shall acquire any title to land in any street, sidewalk, alley or highway by virtue of any permit issued pursuant to this chapter allowing the occupation of an area in such street, sidewalk, alley or highway. (Prior code § 41-3-14)

# Article III. Miscellaneous Regulations

### 14.12.130: REMOVAL OF PARKING METERS:

A. Permission to remove a parking meter or meters from the street may be granted by the transportation engineer or the engineer's designee upon application being made therefor in writing showing a substantial need to temporarily close off metered parking spaces to the public use for a stated duration of time, together with payment in advance to the city treasurer of the fee, shown on the Salt Lake City consolidated fee schedule, per meter so removed per day, or part thereof. However, no fee shall be charged to: 1) any organization, for up to a total of thirty (30) days in any calendar year, that provides written verification from the internal revenue service that the organization has been granted tax exempt status as a religious or charitable organization under section 501(c)(3) of the internal revenue code, or its successor, or 2) any organization using such meter space under the direction of the city in connection with a city sponsored special event. The petitioner shall be responsible for, and install, meter post replacements according to city specifications, as set forth by the transportation engineer.

B. When restricted parking areas are requested to be reserved for exclusive use by the petitioner and it is necessary to temporarily remove existing parking meters in order to relocate such restricted parking, the foregoing meter removal provisions shall apply. (Ord. 24-11, 2011: Ord. 29-03 § 3, 2003: Ord. 42-02 § 2, 2002: prior code § 41-3-16)

# CHAPTER 14.20
# SIDEWALK USE RESTRICTIONS

### 14.20.010: SIDEWALK OBSTRUCTIONS PROHIBITED:

It is 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, ice, water, mud, garbage, cans, or other like substances;

B. Any lumber, wood, boxes, fencing, building material, dead trees, tree stumps, merchandise or other thing which shall obstruct such public street or sidewalk or any part thereof, or the free use and enjoyment thereof, or the free passage over and upon the same, or any part thereof, without the permission of the mayor or his/her designee. (Ord. 88-86 § 62, 1986: prior code § 38-3-1)

### 14.20.020: DRIVING OR RIDING ON SIDEWALK:

It is unlawful for any person to drive a self-propelled vehicle or team, or lead, drive or ride any animal upon any sidewalk, except across a sidewalk at established crossings. (Prior code § 38-3-6)

### 14.20.030: RECEIVING GOODS AND MERCHANDISE:

It is unlawful for any person to place or keep, or suffer to be placed or kept upon any sidewalk, any goods, wares or merchandise which such person may be receiving or delivering without leaving a ten foot (10') passageway clear upon such sidewalk; and it is unlawful for any person receiving or delivering such goods, wares or merchandise to suffer the same to be or remain on such sidewalk for a longer period than one hour. (Prior code § 38-3-5)

### 14.20.040: SIDEWALKS TO BE SWEPT IN FRONT OF BUSINESSES:

It is unlawful for the owners or occupants of places of business within the city to fail to cause the sidewalk abutting thereon to be swept or cleaned as necessary to prevent an unreasonable accumulation of dirt, garbage or other material obstructing the sidewalk. (Ord. 88-86 § 62, 1986: prior code § 38-3-12)

### 14.20.050: CELLAR DOORS AND OTHER OPENINGS IN STREETS OR SIDEWALKS:

It is unlawful for the owner or occupant of any building having a cellar or other opening upon any street or sidewalk to fail to keep the door or other covering thereof in good repair and safe for the passage of the customary traffic on such street or sidewalk; and if the owner or occupant of any such building neglects or refuses to repair properly any such door or covering for twenty four (24) hours after notice from the director of public services to do so, the director shall forthwith cause such repairs to be made at the expense of the owner or occupant. (Ord. 45-93 § 25, 1993: Ord. 88-86 § 62, 1986: prior code § 38-3-3)

### 14.20.060: WATER FROM ROOF; DISCHARGE ON SIDEWALKS PROHIBITED:

It is unlawful for any person owning, occupying or having control of any premises to suffer or permit water from the roof or eaves of any house, building or other structure, or from any other source under the control of such person, to be discharged and spread upon the surface of any sidewalk. (Prior code § 38-3-4)

### 14.20.070: SNOW TO BE REMOVED FROM CITY SIDEWALKS:

It is unlawful for the owner, occupant, lessor, or agent of property abutting a paved city sidewalk to fail to remove or cause to be removed from the length and breadth of the entire sidewalk abutting such property all hail, snow, or sleet falling thereon, within twenty four (24) hours after such hail, snow, or sleet has ceased falling at the Salt Lake City Airport as reported by the National Weather Service. Each day such sidewalk is not so cleared shall constitute a new violation. (Ord. 81-10, 2010)

## 14.20.080: OBSTRUCTING RIGHT OF WAY WITH SNOW PROHIBITED:

It is unlawful to place snow removed from private property in the public way. It is unlawful to place snow removed from sidewalks, drive approaches or other public places in a manner so as to cause a hazard to vehicular or pedestrian traffic. (Ord. 32-89 § 1, 1989)

## 14.20.090: GAMES ON SIDEWALKS OR STREETS:

It is unlawful for any person to obstruct any sidewalk or street by playing games thereon, such as marbles, jumping rope, flying of kites, hackey sack, coasting, or to annoy or obstruct the free travel of any foot passenger, team or vehicle. (Ord. 88-86 § 62, 1986: prior code § 38-3-7)

## 14.20.100: LOITERING ON SIDEWALK:

It is unlawful for any person to remain standing, lying or sitting on any sidewalk for a longer period than two (2) minutes, in such manner as to obstruct the free passage of pedestrians thereon, or wilfully to remain standing, lying or sitting thereon in said manner for more than one minute after being requested to move by any police officer, or wilfully to remain on any sidewalk in such manner as to obstruct the free passage of any person or vehicle into or out of any property abutting upon said sidewalk or any property having access to such sidewalk. (Ord. 88-86 § 62, 1986: prior code § 38-3-9)

## 14.20.110: FAILURE TO REMOVE HAIL, SNOW, AND SLEET; CIVIL PENALTIES:

A. Any owner, occupant, lessor, or agent of property abutting a paved city sidewalk who fails to comply with section 14.20.070 of this chapter is guilty of a civil violation. Such violation shall be handled by the Salt Lake City justice court in accordance with the procedures set forth in title 2, chapter 2.75 of this code, or its successor. Notice of a civil violation may be given: 1) to the owner, occupant, lessee, or agent of the property by hand delivery or 2) by mailing of the notice by first class mail to the owner of record.

B. The civil penalty for violation of this section shall be as set forth below:

1. For any property with street front footage of two hundred feet (200') or less:

   a. Fifty dollars ($50.00) for each day hail, snow, or sleet is not removed from sidewalks within twenty four (24) hours;

   b. Seventy five dollars ($75.00) for each day hail, snow, or sleet is not removed from sidewalks within forty eight (48) hours; and

   c. One hundred dollars ($100.00) for each day hail, snow, or sleet is not removed from sidewalks within seventy two (72) hours.

2. For any property with street front footage of more than two hundred feet (200'):

   a. One hundred dollars ($100.00) for each day hail, snow, or sleet is not removed from sidewalks within twenty four (24) hours;

   b. One hundred fifty dollars ($150.00) for each day hail, snow, or sleet is not removed from sidewalks within forty eight (48) hours; and

c. Two hundred dollars ($200.00) for each day hail, snow, or sleet is not removed from sidewalks within seventy two (72) hours. (Ord. 81-10, 2010)

# CHAPTER 14.28
# STREETS AND SIDEWALKS; UNLAWFUL ACTS

## 14.28.010: DEPOSITING MATERIAL ON STREETS PROHIBITED:

It is unlawful for any person intentionally or carelessly to throw, cast, put into, drop or permit to fall from a vehicle and remain in any street, gutter, sidewalk or public place any stones, gravel, sand, coal, dirt, manure, garbage, leaves, lawn or hedge clippings or rubbish of any kind, or any other substance which shall render such highway unsafe or unsightly or shall interfere with travel thereon. (Prior code § 41-2-1)

## 14.28.020: POSTING BILLS PROHIBITED:

It is unlawful for any person, acting for himself or herself, through an agent, or for such agent, to print, paint, write, mark, paste, or in any way post up any notice, card, advertisement or other device upon any tree, post, pole, device or standard, upon any street or sidewalk at any time, except as may be provided by law. (Prior code § 41-2-4)

## 14.28.030: BONFIRES ON PAVED STREETS PROHIBITED:

It is unlawful for any person to build, maintain or assist in building or maintaining any fires upon any of the paved streets of the city, or upon any street within the fire limits. (Prior code § 41-2-2)

## 14.28.040: SLEDDING AND COASTING ON STREETS:

It is unlawful for any person to coast or slide with any sled, sleigh, toboggan or vehicle, upon any public street, avenue, sidewalk or alley within the city; provided, however, that the mayor, by public notice or proclamation, may authorize the use of certain streets, avenues or alleys for coasting during the winter season. During the period for which such notice or proclamation shall be issued, coasting and sliding upon such streets or avenues as may be designated by the proclamation or notice shall be permissible. (Prior code § 41-2-3)

## 14.28.050: STANDING, LYING OR SITTING ON STREETS OR HIGHWAYS:

It is unlawful for any person to remain standing, lying or sitting on any street or highway in a manner which obstructs the free passage of vehicular or pedestrian traffic thereon, or which creates a hazard to any person, or to wilfully remain on such street or highway in a manner which obstructs the free passage of any person or vehicle into or out of any property abutting upon such street or highway, or any property having access to such street or highway. (Prior code § 41-2-5)

### 14.28.060: CAMPING AND RELATED ACTIVITIES PROHIBITED:

It is unlawful for any person to camp, lodge, sleep, cook, make a fire or pitch a tent, fly, lean to, tarpaulin, umbrella, or any other type of ground cover or shelter, or place sleeping bags, bedding or any other type of camping or sleeping equipment upon any portion of a street, as defined in this title, as amended, or its successor, and it is unlawful for any person using or benefiting from the use of any of the foregoing shelter or camping or sleeping equipment to fail to remove the same from any such street for more than five (5) minutes after being requested to do so by any police officer or citizen. (Prior code § 41-2-6)

# CHAPTER 14.32
# CONSTRUCTION, EXCAVATION AND OBSTRUCTIONS IN THE PUBLIC RIGHT OF WAY

## Article I. Preamble, Definitions And General Requirements

### 14.32.010: PREAMBLE:

It is the express policy of the city to minimize the frequency and extent of construction activities in the public way, and to more effectively control and manage construction activities in the public way, for the purpose of: a) minimizing the disruption of traffic, b) protecting the city's investment in its infrastructure by preserving the serviceable life of its streets, sidewalks, curbs, gutters and other improvements, c) promoting the efficient flow of traffic, and d) generally promoting the public safety and welfare of the residents of, and visitors to, the city. Accordingly, all construction and excavation in, and obstruction of, the public way shall be subject to the procedures and requirements of this chapter. (Ord. 70-99 § 1, 1999)

### 14.32.015: DEFINITIONS:

As used in this chapter:

APARTMENT HOUSE: A building comprising four (4) or more dwelling units designed for separate housekeeping tenements.

APPLICANT: Any person who makes application for a permit.

APPURTENANCES: Miscellaneous concrete surfaces within the public way, such as parking bays and carriage walks.

BUSINESS: Any place in the city in which there is conducted or carried on principally or exclusively any pursuit or occupation for the purpose of gaining a livelihood.

CITY: Salt Lake City Corporation.

CITY ENGINEER: The city engineer, or his/her authorized representative.

COMPETITIVE UTILITY PROVIDER: Each person who provides public utility services within the city in competition with one or more persons providing the same or similar services.

DEFECTIVE CONCRETE: The existence of any of the following conditions within the public way:

A. The displacement of sidewalk, curb, gutter and driveway approach sections or appurtenances either horizontally or vertically to a point that one section or any part of a section is separated by at least one-half inch ($^1/_2$") from the other; or

B. The presence of a minimum of three (3) cracks of any length or width between score marks and/or expansion joints in any sidewalk, curb, gutter and drive approach sections or appurtenances; or

C. The presence of spalling over more than twenty five percent (25%) of the surface area of any sidewalk, curb, gutter and drive approach sections or appurtenances; or

D. The existence of settling, spalling or depressions in a sidewalk, curb, gutter and drive approaches or appurtenances, which allow water to become entrapped or cause ice pockets; or

E. The existence of similar signs of deterioration in sections of sidewalk, curb, gutter and drive approaches or appurtenances contiguous to sections which are in a condition as defined in subsections A through D of this definition to such an extent that they can reasonably be considered as part of the overall defective areas, or which must be replaced to effect a proper correction of the defective sections. A drawing illustrative of the foregoing is adopted as part of this chapter. Three (3) copies of the defective concrete replacement criteria drawing shall be kept on file in the city recorder's office and the city engineer's office.

EMERGENCY: Any unforeseen circumstances or occurrence, the existence of which constitutes a clear and immediate danger to persons or property, or which causes interruption of utility services.

ENGINEERING REGULATIONS, CONSTRUCTION SPECIFICATIONS, AND DESIGN STANDARDS: The latest version of the engineering regulations, or standard specifications and details for municipal construction published by the city engineer.

FACILITY OR FACILITIES: Any wires, lines, cables, coaxial cables, conduit, manholes, ducts, pipelines, tunnels, vaults, ditches, tracks, poles, antennas, transceivers, amplifiers, switches, electronic devices, structures or other improvements of any kind or nature, whether fixed or movable.

FAILURE: A work site restoration which fails to meet city engineer specifications, or which results in a deteriorated or substandard condition within the duration of the warranty period. Failure includes settlement of surfaces, deterioration of materials, and other surface irregularities. Measurement of failure shall be further defined in the engineering regulations.

IN ONE OWNERSHIP: Ownership of two (2) or more lots or tracts of land by the same person, even though such person may own such lots or tracts of land jointly with dissimilar persons.

MAJOR WORK: Any reasonably foreseeable work in the public way that will: a) affect the public way for more than ten (10) calendar days, b) involve a street cut of more than one hundred feet (100') in length, or c) involve a street cut of more than two hundred (200) square feet.

MULTIPLE DWELLING UNITS: Four (4) or more dwelling units designed for separate housekeeping tenements when such units are so situated as not to constitute an apartment house, when such units are located on the same lot or tract of land, or on two (2) or more lots or tracts of land which are connecting and in one ownership.

NEW STREET: Any street which has been constructed or reconstructed within the two (2) year period immediately preceding the date of determination, which construction or reconstruction shall consist of the construction of new subbase, or the reworking of existing pavement subbase, and the application of new surfacing, or the additions of at least

three inches (3") of new pavement surfacing overlay.

OBSTRUCTION: Any rubbish, glass, material, wood, ashes, tacks, metal, earth, stone, structure, or other object, thing or substance which may interfere with or obstruct the free use or view of the public way by travelers, or injure or tend to injure or destroy or render unsightly the surface of a public way, or which may cause or tend to cause such public way to become restricted in its intended uses or unsafe or dangerous for travelers thereon.

OWNER: Any person, including the city, owning any facility or facilities that are, or are proposed to be installed or maintained in the public way.

PERMIT: A permit issued under this chapter for construction, excavation or other work in, or obstruction of, the public way.

PERMITTEE: Any person who has been issued a permit and has agreed to fulfill the requirements of this chapter.

PERSON: Means and includes any natural person, partnership, firm, association, public utility company, corporation, company, organization, or entity of any kind.

PIPE DRIVEWAY: A driveway approach which uses a pipe or other means to bridge the gutter.

PROPERTY OWNER: Person or persons having legal title to property and/or equitable interest in the property, or the ranking official or agent of a company having legal title to property and/or equitable interest in the property.

PUBLIC UTILITY COMPANY: Any company providing gas, electricity, water, telephone, or other utility product or services for use by the general public, whether or not such company is subject to the jurisdiction of the public service commission, and whether or not such utility product or services are generally available throughout the city, or are available only within a limited portion of the city.

PUBLIC WAY: Means and includes all public rights of way and easements, pathways, walkways and sidewalks, public streets, public roads, public highways, public alleys, and public drainageways including the surface, subsurface and above surface space, now or hereafter existing as such within the city. It does not, however, include utility easements not within public ways of the city.

PUBLIC WAY ORDINANCE: Any city ordinances or combination of ordinances governing use of the public right of way.

REFERENCED: When relating to survey monuments, means a monument which has been measured from locally set (usually within 100 feet) survey points sufficient to enable the monument to be reestablished if disturbed.

RESIDENCES: Buildings or dwellings comprising not more than three (3) dwelling units designed for separate housekeeping tenements and where no business of any kind is conducted, except such home occupations as are allowed and defined in the zoning ordinances of the city.

RESIDENT: The person or persons currently making their home at a particular dwelling.

RESURFACED STREET: Any street which has, within a two (2) year period immediately preceding the date of determination, received a bituminous pavement overlay application of between one and three inches (3") of thickness.

SECTION: A portion of the concrete which is set apart by expansion joints and/or construction joints.

TELECOMMUNICATION FACILITIES: All equipment and personal property used in connection with the provision of telecommunication services either within or outside of the city, including, without limitation, all conduits, wiring, cables, fiber optic cables, switches, manholes, poles, antennas, transceivers, amplifiers and all other electronic devices, equipment and related appurtenances.

TEMPORARY STRUCTURE: A facility constructed or installed for use during the construction of a project, but not a permanent part of the project, such as scaffolding, fences, trash containers, trailers, or portable offices.

TRAFFIC BARRICADE MANUAL: The manual on proper barricading and traffic control practices, published by the transportation engineer.

TRANSPORTATION ENGINEER: The city transportation engineer or his/her authorized representative.

USE PERMIT: Any writing from the city authorizing a user to use any portion of the public way, including, without limitation, any franchise agreement, lease, permit, license or

easement.

USER: Any person which uses or proposes to use the public way, or any facilities located wholly or partially within the public way, for any purpose, other than as a member of the general public, all as more particularly described in the public way ordinance.

WORK IN THE PUBLIC WAY: Means and includes all activity which involves the physical occupancy or other obstruction of the public way.

WORK SITE RESTORATION: Means and includes the restoration of the original ground or paved hard surface area to comply with engineering regulations, and includes, but is not limited to, repair, cleanup, backfilling, compaction, and stabilization, paving and other work necessary to place the site in acceptable condition following the conclusion of the work, or the expiration or revocation of the permit. (Ord. 70-99 § 1, 1999)

## 14.32.020: ORDERS, RULES AND REGULATIONS:

In addition to the requirements set forth in this chapter, the city engineer may adopt such orders, rules and regulations which are reasonably necessary to accomplish the purposes of this chapter and are consistent herewith. (Ord. 70-99 § 1, 1999)

## 14.32.025: PERMIT REQUIRED; PERSONS ELIGIBLE FOR PERMIT:

A. Any person desiring to perform any work of any kind in the public way shall first apply for and obtain a permit for such work. It is unlawful for any person to commence work in the public way until the engineer has approved the application and until a permit has been issued for such work, except as specifically provided to the contrary in this chapter.

B. No person shall be eligible to apply for or receive a permit, save and except the following:

1. Contractors licensed by the state as general contractors;

2. Public utility companies;

3. The city;

4. Residents installing, replacing, or maintaining less than five hundred (500) square feet or one hundred (100) linear feet of sidewalk, curb and gutter, or driveway approach, or other work approved by the city engineer, upon a portion of the public way adjacent to their residence;

5. Persons performing work which requires the use and occupation of the public way, such as the construction of scaffolding, the staging of cranes, the installation or maintenance of electric signs, glass, awnings, and painting or cleaning of buildings or sign boards or other structures.

C. It is lawful for a city, county, or state employee to perform routine maintenance work, not involving excavations, without first having obtained a permit therefor.

D. A permit is not required for hand digging excavations for installation or repair of sprinkler systems and landscaping within the nonpaved areas of the public way. However, conformance to all city specifications is required.

E. Permits pertaining to emergency work are addressed in section 14.32.100 of this chapter. (Ord. 70-99 § 1, 1999)

## 14.32.030: PERMIT APPLICATION REQUIREMENTS:

A. Applications for a permit shall be filed with the city engineer on a form or forms to be furnished by the city engineer, and shall contain:

1. The name, address, telephone, and facsimile number of the applicant. Where an applicant is not the owner of the facility to be installed, maintained or repaired in the public way, the application also shall include the name, address, telephone, and facsimile number of the owner;

2. A description of the location, purpose, method of the proposed work, and surface and subsurface area to be affected;

3. A plan showing the proposed location of the work and the dimensions of any excavation and the facilities to be installed, maintained, or repaired in connection with the work, and such other details as the city engineer may require;

4. A copy or other documentation of the use permit authorizing the applicant or owner to use or occupy the public way for the purpose described in the application. Where the applicant is not the owner of the facility or facilities to be installed, maintained, or repaired, the applicant must demonstrate in a form and manner specified by the city engineer that the applicant is authorized to act on behalf of the owner;

5. The proposed start date of work;

6. The proposed duration of the work, which shall include the duration of the restoration of the public way physically disturbed by the work;

7. Written certification that all material to be used in the work and restoration of the public way, will be on hand and ready for use so as not to delay the work and the prompt restoration of the public way;

8. Written certification that the applicant and owner are in compliance with all terms and conditions of this chapter, the orders, and all applicable rules and regulations of the city engineer, and that the applicant and owner are not subject to any outstanding assessments, fees or penalties that have been finally determined by the city;

9. Evidence of insurance as required by section 14.32.065 of this chapter;

10. A performance deposit as required by section 14.32.070 of this chapter; and

11. Any other information that may reasonably be required by the city engineer. (Ord. 70-99 § 1, 1999)

## 14.32.035: PERMIT APPLICATION APPROVAL CRITERIA:

A. Factors to be considered by the city in reviewing the permit for approval, and the scope and timing of approved work, shall include, among other things, the following:

1. The capacity of the public way to accommodate the facilities proposed to be constructed and installed, and the compatibility of such new facilities with existing facilities;

2. Any damage to or disruption of public or private facilities, improvements, or landscaping then existing in the public way;

3. The public interest in minimizing the cost and disruption of construction from numerous excavations in the public way;

4. Any then existing excavation restrictions imposed by the city engineer pursuant to section 14.32.085 of this chapter;

5. The availability of alternatives to excavation, including, without limitation, the existence of excess capacity in the public way;

6. The qualifications and reputation of the applicant;

7. The financial strength of the applicant, including the applicant's ability to provide the required bonding and security; and

8. Potential conflicts with other uses of the public way.

B. The city engineer may deny the issuance of permits to persons who have shown by past performance that they will not consistently conform to the engineering regulations, construction specifications, design standards or the requirements of this chapter; provided that prior to any such denial, such person shall be given written notice of the basis for such denial, and shall be given a reasonable opportunity to be heard in connection therewith.

C. When necessary, in the judgment of the city engineer, to fully determine the relationship of the work proposed to existing or proposed facilities within the public ways, or to determine whether the work proposed complies with the engineering regulations, construction specifications and design standards, the city engineer may require the filing of engineering plans, specifications and sketches showing the proposed work in sufficient detail to permit determination of such relationship or compliance, or both, and the application shall be deemed suspended until such plans and sketches are filed and approved.

D. The disapproval or denial of an application by the city engineer may be appealed by the applicant to the director of public services, by the filing of a written notice of appeal within ten (10) days of denial. The director of public services shall hear such appeal and render his/her decision, within fifteen (15) days following notice of such appeal.

E. In approving or disapproving work within the public way, or permits therefor; in the inspection of such work; in reviewing plans, sketches or specifications; and generally in the exercise of the authority conferred upon him/her by this chapter, the city engineer shall act in such manner as to preserve and protect the public way and the use thereof. (Ord. 6-01 § 3, 2001: Ord. 70-99 § 1, 1999)

## 14.32.040: COMPLETION DATE FOR WORK:

A. Work shall be completed within thirty (30) days from the starting date, or within such shorter period as shall be directed by the city engineer. Such determination shall be based upon factors reasonably related to the work to be performed under the permit. Such factors may include, in addition to other factors related to the work to be performed, the following:

1. The scope of work to be performed under the permit;

2. Maintaining the safe and effective flow of pedestrian and vehicular traffic on the public way affected by the work;

3. Protecting the existing improvements to the public way impacted by the work;

4. The season of the year during which the work is to be performed as well as the current weather and its impact on public safety and the use of the public way by the public;

5. Use of the public way for extraordinary events anticipated by the city.

The city engineer shall be notified by the permittee of commencement of the work within twenty four (24) hours prior to commencing work. The permit shall be valid for the time period specified in the permit.

B. If the work is not completed during such period, the permittee may apply to the city engineer for an additional permit or an extension, which may be granted by the city engineer for good cause shown and upon compensating the city for any damages associated with such delay.

C. The length of the extension requested by the permittee shall be subject to the approval of the city engineer. No extension shall be made that allows work to be completed between November 16 of each year through March 31 of the following year, without payment of winter fees. (Ord. 70-99 § 1, 1999)

## 14.32.045: PERMIT; NO TRANSFER OR ASSIGNMENT:

Permits shall not be transferable or assignable, and work shall not be performed under a permit in any place other than as specified in the permit. Nothing herein contained shall prevent a permittee from subcontracting the work to be performed under a permit; provided, however, that the holder of the permit and, in the case of a permit issued in the name of a general contractor, the person for whom work is being performed by such general contractor, shall be and remain responsible for the performance of the work under the permit, and for all bonding, insurance and other requirements of this chapter and under said permit. (Ord. 70-99 § 1, 1999)

## 14.32.050: OWNER AND APPLICANT BOTH RESPONSIBLE:

The terms and provisions of the permit, the terms and provisions of this chapter, and the terms and provisions of any applicable orders, rules and regulations, shall be binding upon and applicable to both: a) the applicant, and b) in the case of an applicant who is not also the owner, the owner on whose behalf the applicant is acting. (Ord. 70-99 § 1, 1999)

## 14.32.055: PERMIT CONSTITUTES AGREEMENT:

The acceptance of any permit shall constitute such an agreement by the permittee to comply with all of the terms, conditions and requirements of this chapter. (Ord. 70-99 § 1, 1999)

## 14.32.060: LIABILITY AND INDEMNIFICATION:

Each permit, except one obtained for work involving the city, shall incorporate by reference and require the permittee and the owner to comply with the liability and indemnity

provisions set forth below in this section.

A. Responsibility Of Owner And Permittee: Each owner and permittee is wholly responsible for the quality of the work performed in the public way and both the owner and permittee are jointly responsible for all consequences of any condition of such work and any facilities installed in the public way. The issuance of any permit, the performance of any inspection or repair, the making of any suggestion, the issuance of any approval, or the acquiescence of any person affiliated with the office of the city engineer shall not excuse any owner or permittee from such responsibility or liability.

B. Indemnification, Defense, And Hold Harmless:

1. Each owner and permittee shall agree on its behalf and that of any successor or assign to indemnify, defend, protect, and hold harmless the city, including, without limitation, each of its officers, agents, and employees, from and against any and all actions, claims, costs, damages, demands, expenses, fines, injuries, judgments, liabilities, losses, penalties, or suits including, without limitation, attorney fees and costs (collectively, "claims") of any kind allegedly arising directly or indirectly from:

a. Any act or omission by, or negligence of, the owner or the permittee or its subcontractors, or the officers, agents, or employees of either, while engaged in the performance of the work authorized by the permit, or while in or about the property subject to the permit for any reason connected in any way whatsoever with the performance of the work authorized by the permit, or allegedly resulting directly or indirectly from the maintenance or installation of any equipment, facility, facilities or structures authorized under the permit, including, without limitation, injuries relating to falling objects or failure to maintain proper barricades and/or lights as required;

b. Any accident, damage, death or injury to any contractor or subcontractor, or any officer, agent, or employee of either of them, while engaged in the performance of the work authorized by the permit, or while in or about the property for any reason connected with the performance of the work authorized by the permit, or arising from liens or claims for services rendered or labor or materials furnished in or for the performance of the work authorized by the permit, including, without limitation, injuries relating to falling objects or failure to maintain proper barricades and/or lights as required;

c. Any accident, damage, death, or injury to any person(s) or accident, damage, or injury to any real or personal property or goodwill in, upon, or in any way allegedly connected with the work authorized by the permit from any cause or claims arising at any time, including, without limitation, injuries relating to falling objects or failure to maintain proper barricades and/or lights as required; and

d. Any release or discharge, or threatened release or discharge, of any hazardous material caused or allowed by permittee about, in, on, or under the work site subject to the permit or the environment. As used herein, "hazardous material" means any gas, material, substance, or waste which, because of its quantity, concentration, or physical or chemical characteristics, is deemed by any federal, state, or local governmental authority to pose a present or potential hazard to human health or safety or to the environment. "Release" when used with respect to hazardous materials shall include any actual or imminent disposing, dumping, emitting, emptying, escaping, injecting, leaching, leaking, pumping, pouring, or spilling. (Ord. 70-99 § 1, 1999)

## 14.32.065: INSURANCE:

A. Each owner or permittee shall maintain in full force and effect, throughout the term of the permit, an insurance policy or policies issued by an insurance company or companies authorized to do business in the state and rated either: 1) "A-", or better, or 2) listed in the U.S. treasury department's then current listing of approved sureties by A. M. Best Company at the time the permit is issued. Policy or policies shall afford insurance covering all operations, vehicles, and employees, as follows:

1. Workers' compensation insurance and employers' liability insurance providing statutory benefits.

2. Commercial general liability insurance with limits not less than two hundred fifty thousand dollars ($250,000.00) each occurrence combined single limit for bodily injury and property damage, including contractual liability; personal injury; explosion, collapse, and underground (xcu); products; and completed operations.

3. Business automobile liability insurance with limits not less than two hundred fifty thousand dollars ($250,000.00) each occurrence combined single limit for bodily injury and property damage, including owned, nonowned, and hired auto coverage, as applicable;

Notwithstanding the minimum insurance limits set forth above, insurance limits shall not be less than the then applicable statutory governmental immunity limit. The city engineer, with the concurrence of the city attorney, may increase the minimum insurance limits as to any permit as the best interests of the city may dictate, based on a balancing of the risks and benefits.

B. Said policy or policies shall include the city and its officers and employees jointly and severally as additional insureds (except for workers' compensation insurance), shall apply as primary insurance, shall stipulate that no other insurance affecting the city will be called on to contribute to a loss covered thereunder, and shall provide for severability of interests. Said policy or policies shall provide that an act or omission of one insured, which would void or otherwise reduce coverage, shall not reduce or void the coverage as to any other insured. Said policy or policies shall afford full coverage for any claims based on acts, omissions, injury, or damage which occurred or arose, or the onset of which occurred or arose, in whole or in part, during the policy period. Said policy or policies shall be endorsed to provide thirty (30) calendar days' advance written notice of cancellation or any material change to the city engineer.

C. Should any of the required insurance be provided under a claims made form, the insured owner or permittee shall maintain such coverage continuously throughout the term of the permit, and without lapse, for a period of three (3) years beyond the expiration or termination of the permit, to the effect that, should occurrences during the term of the permit give rise to claims made after expiration or termination of the permit, such claims shall be covered by such claims made policies.

D. Should any of the required insurance be provided under a form of coverage that includes a general annual aggregate limit or provides that claims investigation or legal defense costs be included in such general annual aggregate limit, such general aggregate limit shall be double the occurrence or claims limits specified above in subsection A of this section.

E. Such insurance shall in no way relieve or decrease permittee's and owner's obligation to indemnify the city under subsection 14.32.060B of this chapter or any other provision of this chapter.

F. Certificates of insurance, in the form satisfactory to the city engineer, evidencing all coverages above, shall be furnished to or maintained on file with the city engineer before issuance of a permit, with complete copies of policies furnished promptly upon the city engineer's request.

G. A property owner performing work adjacent to his/her residence may submit proof of a homeowner's insurance policy in lieu of the insurance requirements of this section.

H. A public utility company may be relieved of the obligation of submitting certificates of insurance if such company shall submit satisfactory evidence in advance that it is insured in the amounts set forth in this chapter, or has complied with state requirements to become self-insured. Public utilities may submit annually evidence of insurance coverage in lieu of individual submissions for each permit.

I. The city engineer, with the concurrence of the city attorney, may modify the insurance requirements set forth above as they pertain to a particular permit, as the best interests of the city may dictate, based on a balancing of the risks and benefits. (Ord. 70-99 § 1, 1999)

## 14.32.070: BOND; REQUIRED WHEN:

Except as noted in this chapter, each applicant, before being issued a permit, shall provide the city with an acceptable corporate surety bond of fifteen thousand dollars ($15,000.00) to guarantee faithful performance of the work authorized by a permit granted pursuant to this chapter, and compliance by such applicant with the terms and conditions of the permit, applicable city ordinances, and the regulations, specifications and standards promulgated by the city relative to work in the public way. The amount of the bond required may be increased or decreased in the discretion of the city engineer whenever it appears that the amount and cost of the work to be performed, and not satisfactorily completed, may vary from the amount of bond otherwise required under this chapter. (Ord. 46-01 § 1, 2001: Ord. 70-99 § 1, 1999)

## 14.32.075: BOND; CONDITIONS; TERM:

A. The bond required by section 14.32.070 of this chapter or its successor shall guarantee to the city that the permittee shall fully comply with the requirements of the permit, applicable city ordinances, and the regulations, specifications and standards promulgated by the city relative to work in the public way, and respond to the city in damages for failure to conform therewith.

B. The bond shall guarantee all of permittee's obligations of performance arising during the period beginning on the date the permit is issued, and ending on the date three (3) years after completion of the work to the satisfaction of the city.

C. The limitation of the duration of the bond to three (3) years shall not operate to limit obligations of the permittee which extend beyond, or arise after, such three (3) year period under the terms of the permit, applicable city ordinances, or the regulations, specifications and standards promulgated by the city. (Ord. 46-01 § 2, 2001: Ord. 70-99 § 1, 1999)

## 14.32.080: COORDINATION OF WORK WITHIN THE PUBLIC WAY:

A. The city engineer shall, on or prior to October 1 of each year, publish in a newspaper of general circulation within the city, and mail to all persons who have made written request to the city engineer therefor, a schedule identifying the location and anticipated start date and completion date of all street construction or reconstruction and overlays constituting major work, anticipated to be performed within the city during the three (3) year period beginning on the next succeeding January 1. Such schedule shall be updated quarterly and shall be available for inspection at the office of the city engineer.

B. Each user and prospective user shall provide to the city engineer, on or before November 1 of each calendar year, on a form approved by the city engineer, a construction schedule which identifies, in reasonable detail, the location, and anticipated start date and completion date, of all anticipated major work to be conducted within the public way during the three (3) year period beginning on the next succeeding January 1. Failure of a user to identify work in the construction schedule shall not of itself preclude the issuance of a permit for such work; provided, however, that the city engineer may deny the permit until the proposed work can be considered by the city engineer in connection with the imposition of excavation restrictions and the publication of notice thereof pursuant to subsection 14.32.085C of this chapter.

C. Any requests to maintain the confidentiality of information submitted pursuant to subsection B of this section shall be considered by the city in accordance with the provisions of the Utah governmental immunity act, title 63, chapter 30, Utah Code Annotated, or any successor provisions. It shall be the general policy of the city engineer to disclose information in order to facilitate coordination among users and avoid unnecessary or prolonged excavation of city streets.

D. The city engineer shall use the information provided pursuant to subsection B of this section to coordinate construction activities in the public way, to identify conflicts and

opportunities for coordination, and to determine the nature and scope of any excavation restrictions to be imposed for affected portions of the public way. The city engineer may, in his discretion, and for the purpose of realizing the objectives set forth in section 14.32.010 of this chapter: 1) schedule work in the public way in the order in which applications are filed, and without regard to other work in the public way; 2) either delay or accelerate the commencement date of certain work so that such work is performed simultaneously; or 3) either delay or accelerate the commencement date of certain work so that such work is performed in sequence, or is separated by a reasonable period of time.

E. Each applicant shall use the information available pursuant to subsections A and B of this section, or otherwise, to coordinate, in good faith, its proposed work in the public way with work proposed by the city or other users. (Ord. 70-99 § 1, 1999)

## 14.32.085: EXCAVATION RESTRICTIONS:

A. The city engineer shall, from time to time, impose excavation restrictions on portions of the public way, as provided in subsection B of this section. Except as provided in section 14.32.090 of this chapter, the city engineer shall not issue a permit for any portion of the public way subject to an excavation restriction, contrary to the terms of such restriction.

B. 1. Excavation restrictions shall be imposed by the city engineer for seven (7) years following the completion of new streets, and for three (3) years following the resurfacing of streets.

2. Following the completion of any work in the public way pursuant to a permit, the city engineer shall impose excavation restrictions of five (5) years either: a) solely on the owner performing such work, or b) on such owner and on such other prospective permittee or class of permittees as the city engineer shall determine.

3. Excavation restrictions shall be imposed by the city engineer on any portion of the public way for so long as excess capacity exists in such portion of the public way.

4. The excavation restrictions imposed by the city engineer may be either limited or comprehensive in scope. For example, a limited restriction on excavation for construction of telecommunication lines shall not preclude excavations for gas utility lines. A comprehensive restriction shall restrict all activity in the affected portion of the public way, except as otherwise provided in this chapter. In addition, the categories identified in subsections B1 through B3 of this section are not mutually exclusive. For example, the city engineer may impose a comprehensive three (3) year restriction on a resurfaced street, and at the same time a limited five (5) year restriction on electric utility facilities for the same street, if electric utility facilities were installed at the time of the street resurfacing.

5. The nature, scope and duration of the restriction shall be consistent with the terms described in the notice provided for in subsection C of this section.

6. The nature, scope and duration of each excavation restriction shall be evidenced in writing, which writing shall be maintained in the files of the city engineer, and shall be available for inspection during regular business hours at the office of the city engineer.

C. The city engineer shall publish, or cause to be published, on or before December 31 of each year, a notice advertising his/her intent to impose excavation restrictions relating to portions of the public way which will be under construction during the next succeeding calendar year. The notice shall be published at least once each week for three (3) consecutive weeks in a newspaper of general circulation within the city, which is used by the city for the publication of legal notices; provided that the first publication shall be on or before December 31. In addition, such notice shall be mailed by the city engineer to each person which has made written request therefor. Such notice shall describe: 1) the nature of the project giving rise to the restriction; 2) the portion of the public way affected by the restriction; 3) the effective date of the restriction; 4) the duration of the restriction; and 5) the nature of the restriction. The notice shall invite all potential users to whom the restriction will apply to participate in the project in the manner described by the city engineer, which may include: 1) locating facilities in the same trench as an applicant, 2) sharing the cost of joint facilities with such applicant, 3) collocating facilities within a common conduit, 4) entering into lease arrangements with the applicant for use of facilities, 5) constructing separate facilities in the project area

within the same time frame, 6) otherwise cooperating in a manner mutually agreeable to such users or 7) participating in the project in such manner as the city engineer determines shall be in the best interests of the city. All collocations shall comply with applicable building and safety codes or requirements. Such notice shall further provide that all interested users must file a permit application with the city engineer not later than six (6) weeks prior to the estimated date of commencement of construction of the proposed project. Nothing herein shall require the city engineer to publish notice of an excavation restriction which applies to only one user, provided that written notice of such excavation restriction is mailed or otherwise provided to such user. (Ord. 70-99 § 1, 1999)

## 14.32.090: EXCEPTIONS TO EXCAVATION RESTRICTIONS:

The city engineer shall temporarily or permanently suspend an excavation restriction for any of the following reasons:

A. To permit work to be performed by the city;

B. To permit emergency repair work, or, in the discretion of the city engineer, work which could not reasonably have been anticipated by the applicant at the time of publication of the notice described in subsection 14.32.085C of this chapter;

C. Excess capacity no longer exists in the restricted portion of the public way;

D. To permit the installation of service laterals, the need for which could not have been reasonably anticipated at the time of publication of the notice described in subsection 14.32.085C of this chapter; or

E. Suspension of the restriction is otherwise in the city's best interest. (Ord. 70-99 § 1, 1999)

## 14.32.095: EXCESS CAPACITY:

Each competitive utility provider applicant shall, as a condition of the permit: a) demonstrate to the city that the facilities proposed to be installed are reasonably anticipated to provide sufficient capacity to satisfy the needs of such applicant for a minimum of five (5) years following installation, and b) install additional facilities designed to provide double the capacity indicated in a) above, or such lesser or greater additional capacity as shall reasonably be required by the city engineer. By way of example, and without limiting the generality of the foregoing, an applicant proposing to install one "quad" conduit shall install two (2) quad conduit. Such excess capacity shall be owned by the applicant, but shall be leased or otherwise made available to other users pursuant to the city's public way ordinance. The city engineer may waive this requirement if, in the judgment of the city engineer, the requirement will have the effect of precluding a less intrusive alternative. For example, a user proposing to bore under the public way may be relieved of this requirement if a surface cut would be required to install excess capacity. (Ord. 70-99 § 1, 1999)

## 14.32.100: EMERGENCY WORK:

A. Any person maintaining pipes, lines or other facilities in the public way may proceed with work upon existing facilities without a permit when emergency circumstances

demand the work to be done immediately; provided, a permit could not reasonably and practicably have been obtained beforehand.

B. In the event that emergency work is commenced on or within any public way of the city during regular business hours, the city engineer shall be notified within one-half ($^1/_2$) hour from the time the work is commenced. The person commencing and conducting such work shall take all necessary safety precautions for the protection of the public and the direction and control of traffic, and shall ensure that work is accomplished according to the engineering regulations, the "Manual On Uniform Traffic Control Devices", the Salt Lake City traffic barricade manual, and other applicable laws, regulations and generally accepted industry practices.

C. Any person commencing emergency work in the public way during nonbusiness hours without a permit shall immediately thereafter apply for a permit or give notice during the first hour of the first regular business day on which city offices are open for business after such work is commenced, and a permit may be issued which shall be retroactive to the date when the work has begun, at the discretion of the city engineer. (Ord. 70-99 § 1, 1999)

## 14.32.105: COMPLIANCE WITH SPECIFICATIONS, STANDARDS AND TRAFFIC CONTROL REGULATIONS:

A. The work performed in the public way shall conform to the requirements of the engineering regulations, design standards, construction specifications and traffic control regulations of the city, copies of which shall be available from the city engineer and kept on file in the office of the city recorder and the city engineer, and shall be open to public inspection during office hours.

B. All excavations shall be conducted in a diligent and expeditious manner resulting in a minimum amount of interference or interruption of street and pedestrian traffic. All weather pedestrian access to businesses shall be provided. Suitable, adequate and sufficient barricades and/or other structures will be available and used where necessary to provide safe and efficient traffic flow, and to prevent accidents involving property or persons. Barricades must be in place until all of the permittee's equipment is removed from the site and the excavation has been backfilled and the public way restoration has been completed. From sunset to sunrise, all barricades and excavations must be clearly outlined by adequate signal lights, torches, etc. The transportation division, the police department and the fire department shall be notified at least twenty four (24) hours in advance of any planned excavation requiring street closure or traffic detour. (Ord. 46-01 § 3, 2001: Ord. 70-99 § 1, 1999)

## 14.32.110: JOB SITE PERMITTEE IDENTIFICATION:

During construction, and during any other period of time that the public way remains obstructed, the permittee shall post at the site a sign with minimum two inch (2") high letters and otherwise meeting the requirements of the city engineer, indicating permittee's name, or company name, telephone number, and both daytime and after hours telephone numbers. At least one sign shall be posted for each block face affected by the construction. (Ord. 46-01 § 4, 2001: Ord. 70-99 § 1, 1999)

## 14.32.115: PARKING METER REMOVAL OR OCCUPATION:

Where any of the activities permitted by this chapter require the removal or extended occupation of parking meters, applicant shall comply with conditions set forth in section 14.12.130 of this title, or its successor. (Ord. 70-99 § 1, 1999)

## 14.32.120: STATE HIGHWAY PERMITS:

A. Holders of permits for work on state highways within the city limits, issued by the department of transportation of the state, shall not be required to obtain permits from the city under the provisions of this chapter, unless the work extends beyond the back side of the curb. Any city permit shall not be construed to permit or allow work in a state highway within the city without a state permit.

B. The city engineer shall have the right and authority to regulate work under state highway permits with respect to hours and days of work, and measures required to be taken by the permittee for the protection of traffic and safety of persons and property. (Ord. 70-99 § 1, 1999)

## 14.32.125: RELOCATION OF STRUCTURES IN PUBLIC WAYS:

A. The city engineer may direct any person owning or maintaining facilities or structures in the public way to alter, modify or relocate such facilities or structures. Sewers, pipes, drains, tunnels, conduit, pipe driveways, vaults, trash receptacles and overhead and underground gas, electric, telephone and communication facilities shall specifically be subject to such directives. The person owning or maintaining the facilities or structures shall, at their own cost and expense and upon reasonable written notice by the city, promptly protect, or promptly alter or relocate such facilities or structures, or part thereof, as directed by the city. In the event that such person refuses or neglects to conform to the directive of the city, the city shall have the right to break through, remove, alter or relocate such part of the facilities or structures without liability to such person. Such person shall pay to the city all costs incurred by the city in connection with such work performed by the city, including also design, engineering, construction, materials, insurance, court costs and attorney fees, and all costs of construction delays caused by such person's failure to promptly relocate facilities.

B. Any directive by the city engineer shall be based upon one of the following grounds:

1. The facility or structure was installed, erected or is being maintained contrary to law, or determined by the city engineer to be structurally unsound or defective;

2. The facility or structure constitutes a nuisance as defined under state statute or city ordinance. (This section shall not, however, be deemed to diminish the vehicle impound authority of the police department under title 12, chapter 12.96 of this code, or its successor.);

3. The authority under which the facility or structure was installed has expired or has been revoked;

4. The facility or structure is not in conformity with or interferes with public or private improvements proposed for the area; or

5. The public way is about to be repaired or improved and such facilities or structures may pose a hindrance to construction.

C. Any directive of the city engineer under this section shall be under and consistent with the city's police power. Unless an emergency condition exists, the city engineer shall make a good faith effort to consult with the person regarding any condition that may result in a removal or relocation of facilities in the public way to consider possible avoidance or minimization of removal or relocation requirements and provide the directive as far enough in advance of the required removal or relocation to allow the person a reasonable opportunity to plan and minimize cost associated with the required removal or relocation.

D. This obligation does not apply to facilities or structures originally located on private property pursuant to a private easement, which property was later incorporated into the public way, if that prior private easement grants a superior vested right.

E. Any person owning or maintaining facilities or structures in the public way who fails to alter, modify or relocate such facilities or structures upon notice to do so by the city engineer shall be guilty of a misdemeanor. All costs of alteration, modification or relocation shall be borne by the person owning or maintaining the facilities or structures involved.

F. 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 facilities and appurtenances on, over or under the public way, in which event the city shall not be liable therefor to any person. The city shall notify a person 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 subsection. (Ord. 70-99 § 1, 1999)

## 14.32.130: IMPACT OF EXCAVATION ON EXISTING IMPROVEMENTS:

A. If any sidewalk or curb ramp is blocked by excavation work, a temporary sidewalk or curb ramp shall be constructed or provided. Said temporary improvement shall be safe for travel and convenient for users, and consistent with city standards for such.

B. 1. At any time a permittee disturbs the yard, residence or the real or personal property of a private property owner or the city, such permittee shall ensure that such property is returned, replaced and/or restored to a condition that is comparable to the condition that existed prior to the commencement of the work.

2. The costs associated with the disturbance and the return, replacement and/or restoration shall be borne by the permittee. Further, a permittee shall reimburse a property owner or the city, for any actual damage caused by the permittee, its subcontractor, or its independent contractor, in connection with the disturbance of such property. However, nothing in this subsection shall require the permittee to pay a subscriber or private property owner when that subscriber or private property owner requests that the permittee remove, replace or relocate improvements associated with the service provided by the permittee to the property owner and when the permittee exercises due care in the performance of that service, or when the subscriber or private property owner provided false information to the permittee on which the permittee relied to its detriment.

C. Examples of types of acts specifically included in this section are the following:

1. Removal of sod, lawn, shrubbery, flowers, trees, driveways, or fence, to install, trench, repair, replace, remove or locate, equipment, cable or other appurtenances of the permittee;

2. Installation or removal of equipment or other appurtenances of the permittee's facilities within a private property owner's property or residence which requires drilling, excavating, plastering, or the like on the part of the permittee;

3. Temporarily relocating or moving a piece of personal property or a fixture of a private property owner (such as a motor vehicle, fence, air conditioning, heating unit, or the like) in order to perform some sort of construction, maintenance or repair by the permittee; or

4. Permanently removing a permittee's equipment or other appurtenances due to the revocation, termination or nonrenewal of the franchise (if applicable).

D. Existing drainage channels, such as gutters or ditches, shall be kept free of dirt or other debris so that natural flow will not be interrupted. When it is necessary to block or otherwise interrupt flow of the drainage channel, a method of rerouting the flow must be submitted for approval by the director of the city's department of public utilities prior to the blockage of the channel.

E. The requirements imposed upon the permittee extend to any subcontractor or independent contractor that the permittee might employ to perform the tasks pursuant to the permit.

F. The requirements of this section shall not apply to the removal by a permittee, of a permanent structure placed by a property owner in a public way, unless such property owner has received prior written permission from the city granting the property owner the right to install a permanent structure on a public way, and such written permission has been recorded in the office of the county recorder. (Ord. 70-99 § 1, 1999)

## 14.32.135: RESTORATION OF PUBLIC PROPERTY:

A. The permittee shall, at its own expense, restore all public way facilities modified, damaged or removed by the permittee to a condition that is comparable to or better than the condition that existed prior to the commencement of the work, as required by the engineering regulations, design standards and specifications promulgated by the city from time to time. Such regulations, design standards and specifications shall require, at a minimum, that restoration work be performed beyond the walls of any trench for a minimum distance of twenty four inches (24") on each side of the trench for trenches less than forty two inches (42") deep, and a minimum distance of thirty six inches (36") on each side of the trench for trenches deeper than forty two inches (42"); provided, however, that the city engineer may determine not to require restoration of the street surface beyond the walls of any trench located in a street scheduled to be reconstructed by the city within three (3) years following completion of the excavation work, if the cost of such work exceeds the benefit to the city, and the site can otherwise be restored to the satisfaction of the city for such three (3) year period. All restoration work shall be accomplished within the time limits set forth in the permit, unless additional time is granted in writing by the city engineer.

B. Without limiting the generality of the foregoing, and unless otherwise authorized by the city engineer in the permit, all paving and replacement of street facilities shall be completed within three (3) calendar days from the time the excavation commences on major or collector streets, and within seven (7) calendar days from the time the excavation commences on all other streets, except as provided for during excavation in winter or during weather conditions which do not allow paving according to applicable standards and specifications. In winter, a temporary patch must be provided, to be replaced with permanent materials when weather permits. In all excavations, restoration of pavement surfaces shall be made immediately after backfilling is completed or concrete is cured. If work is expected to exceed the above duration, the permittee shall submit a detailed construction schedule for approval. The schedule will address means and methods to minimize traffic disruption and complete the construction as soon as reasonably possible. (Ord. 46-01 § 5, 2001: Ord. 70-99 § 1, 1999)

## 14.32.140: REPAIR AND MAINTENANCE OBLIGATION OF PERMITTEE:

Each owner and permittee that causes work to be performed in the public way shall be responsible to maintain, repair, or reconstruct the site of the work so as to maintain a condition acceptable to the city engineer until such time as the public way is reconstructed, repaved, or resurfaced. (Ord. 70-99 § 1, 1999)

## 14.32.145: TAMPERING WITH TRAFFIC BARRICADES:

It is unlawful for any person maliciously or wantonly or without authorization and legal cause to extinguish, remove or diminish any light illuminating any barricade or excavation or to tear down or remove any rail, fence or barricade protecting any excavation or other construction site. (Ord. 70-99 § 1, 1999)

### 14.32.150: CONFLICT WITH GOVERNING PROVISIONS:

Should there be a conflict between the provisions of this chapter and the provisions of any other ordinance, agreement, franchise, or other document governing the excavation of a public way, the more restrictive provisions of the aforesaid documents shall apply. (Ord. 70-99 § 1, 1999)

## Article II. Occupying The Public Way While Working On Private Property

### 14.32.200: PERMIT REQUIRED FOR CERTAIN WORK:

A. Required For Obstruction Of Public Way: Except for a period of ten (10) days prior to scheduled city sponsored cleanup campaigns, the terms and conditions of which shall be described in flyers or mailings produced and distributed by the city, it is unlawful for any person to place, cast, deposit, permit, erect, or suffer to remain in or upon any public way in the city any "obstruction" as defined in this chapter, without obtaining from the city engineer permission so to do, and then only in strict accordance with the terms and conditions of these ordinances and of the express permission granted.

B. Required For Occupation Of Street With Building Material: It is unlawful for any person to occupy or use any portion of a public way for the storage of construction or landscaping materials and/or equipment without first making application for and receiving a permit for the occupation or use. However, no fence construction pursuant to these ordinances and no building material shall remain in place on any public way after the ending date of the permit, unless said permit is extended by the city engineer.

C. Required For Scaffold Or Staging Over Public Way: It is unlawful for any person to erect, build, maintain, swing or use any scaffold, fence or any other temporary structure over or upon the public way without first obtaining a permit for that purpose and paying the fee for such permit.

D. Not Required When: A permit is not required for use of the public way, other than as noted in this article. However, all persons working within the public way shall properly protect travelers thereon by conformance to the Salt Lake City traffic barricade manual. Any obstruction of a travel lane on any collector or arterial street, as defined in the Salt Lake City official street map, for a period of more than twenty (20) minutes shall be barricaded in accordance with a traffic plan approved by the transportation engineer. (Ord. 17-00 § 1, 2000: Ord. 70-99 § 1, 1999)

### 14.32.205: PERMIT LIMITATIONS:

A. Removal Of Obstruction And Rubbish Required: No portion of a public way other than that set forth in the permit shall be used for depositing materials for future work or for receiving rubbish from such work. All obstructions and other rubbish shall be removed by the permittee at such times as the city engineer may direct and in case of the neglect or refusal of such permittee to remove such rubbish or obstruction, the city engineer may cause it to be removed at the permittee's expense in accordance with the law.

B. Restriction To Eight Feet: No permit to occupy the public way with building materials or barricade fence shall be granted that will allow occupation of more than eight feet (8') in the roadway portion of the public way. This distance may be extended to a maximum distance of fifteen feet (15') at the discretion of the city transportation engineer when, in his/her opinion, additional space is deemed necessary and when the additional space will not adversely impact traffic flow.

C. Maintenance Of Drainage Channels: Existing drainage channels such as gutters or ditches shall be kept free of dirt or other debris so that natural flow will not be interrupted. When it is necessary to block or otherwise interrupt flow of the drainage channel, a method of rerouting the flow must be submitted for approval by the city engineer prior to blockage of the channel.

D. Maintenance Of Pedestrianways: Barricades or covered walkways placed in accordance with the Salt Lake City barricade manual, shall be provided at all times for the protection of the general public when any work or storage of material which has been approved and is being accomplished within the public right of way. (Ord. 70-99 § 1, 1999)

# Article III. Installation, Modification Or Replacement Of Public Way Improvements

## 14.32.300: PURPOSE AND BENEFIT OF PROVISIONS:

A. Purpose: This article is enacted for the purpose of promoting the health, safety and welfare of the inhabitants of the city by keeping sidewalks, curb, gutters, drive approaches and appurtenances, such as parking bays and carriage walks in safe, usable condition. To this end it is deemed the responsibility of owners to notify the city of any defective concrete existing at their property and, upon replacement of the defective concrete, to pay an amount equal to the resulting benefit to the improved property.

B. Benefit: It is hereby found and determined that the replacement of defective concrete will result in an improvement benefiting the adjoining property in the amount of fifty percent (50%) of the total replacement cost in the case of property used as a residence or residences, and one hundred percent (100%) of the total replacement cost in the case of property used as multiple dwelling units, an apartment house, a business, or for any purpose other than as a residence. The difference in resulting benefits as compared to the cost of replacement is based upon a finding of the city council of factors indicating substantially greater benefits to properties used for the purpose other than as residences. (Ord. 70-99 § 1, 1999)

## 14.32.305: DEFECTIVE CONCRETE; DUTY OF OWNER OR TENANT:

Any person owning real property in the city and any tenant of real property in the city shall:

A. 1. Report to the city engineer's office the fact that any defective concrete exists in front of or along the side of the property owned or occupied by such owner or tenant;

2. The owner shall correct the problem and may elect to proceed to correct the problem in accordance with section 14.32.320 of this chapter or its successor, and

B. Take such temporary steps as needed to protect the public from the hazard until the hazard is repaired. (Ord. 70-99 § 1, 1999)

## 14.32.310: DEFECTIVE CONCRETE; DISCOVERY BY CITY:

In the event any defective concrete is discovered or observed by the city, the city shall have the right to give notice to the owner of the adjacent property the same as if reported by

the owner or tenant. The owner and/or tenant shall have the same duties as set forth in section 14.32.305 of this chapter or its successor. (Ord. 70-99 § 1, 1999)

## 14.32.315: DEFECTIVE CONCRETE; NOTICE TO REPLACE; CONTENTS:

Whenever the city receives notice of any defective concrete, or discovers same and the city deems that such concrete is defective, it must be replaced. Upon such determination by the city, it may notify the property owner whose property is adjacent to the defective concrete where such replacement is needed that the owner shall have the options provided in section 14.32.320 of this chapter or its successor, for the method of replacement. Such notice shall also set forth the cost of replacement to the owner in the event such replacement is made by the city or by a contractor employed by the city. (Ord. 70-99 § 1, 1999)

## 14.32.320: DEFECTIVE CONCRETE; REPAIR OPTIONS AND COSTS:

After notice is given as specified in section 14.32.315 of this chapter, or its successor, the replacement of any defective concrete may be made in the manner as herein set forth, and the cost thereof shall be paid as follows:

A. If the adjacent property is a residence, the owner may employ a contractor or act as a contractor to make the required replacement. Such replacement must be done according to city specifications, to the satisfaction and approval of the city engineer, only after obtaining the required permit and shall be completed within sixty (60) calendar days of receipt of the notice provided for in the preceding section. Replacement made under this subsection shall be at the sole cost and expense of the owner. Election by the owner to proceed under this subsection shall be entirely voluntary on the part of the owner and the replacement costs paid by the owner shall not be deemed to be an assessment by the city.

B. If the adjacent property is a residence, the owner may agree in writing, upon forms approved by the city attorney, to pay fifty percent (50%) of the cost thereof in advance, and the city shall pay the remaining fifty percent (50%) of the cost of replacement, such amount being equal to the resulting benefit to the property. In such case, the city shall make the replacement or employ a contractor to make same, subject to the availability of funds.

C. For replacement made to defective concrete adjacent to an apartment house, business, multiple dwelling units and any other case other than a residence, the owner of the adjacent property shall pay one hundred percent (100%) of the total cost of such replacement, said amount being equal to the resulting benefit to the property. Such replacement may be accomplished, at the option of the owner, by a contractor employed by the owner or, upon payment to the city of the total cost thereof in advance, by the city. If done by a contractor employed by the owner, such replacement must be done according to city specifications, to the satisfaction and approval of the city engineer. It shall be done only after obtaining the required permit and completed within sixty (60) calendar days, weather permitting, of receipt of notice provided for in this chapter.

D. The owner must notify the city engineer, within seven (7) calendar days of receipt of the notice provided for in the preceding section, under which option said owner wishes to proceed.

E. In the event the owner refuses to or does not notify the city engineer as to the option elected by the owner for the necessary replacement, or if the owner submits a written request to have his or her property included in a special improvement district, the city may then create a special improvement district for the purpose of making the required replacement after such district is created, and levy assessment on the property in accordance with section 17A-3-301 et seq., Utah Code Annotated, 1953, as amended, or its successor. The assessment of the owner's portion of the total replacement cost shall be equal to the benefit received by the owner in accordance with the provisions of subsections B and C of this section. Such assessment shall be designated by the ordinance creating the special improvement district to be paid by the owner of the property assessed over a period of five (5) years from the effective date of such ordinance.

F. This section shall not preclude payment being made for replacement to defective concrete adjacent to a residence by the city under special conditions, such as the city receiving a federal grant for such replacement, a low income abatement, as provided in section 14.32.335 of this chapter, or its successor, for the city to pay all or a portion of said cost. Prior to making any abatement in excess of fifty percent (50%) in the case of a residence, the mayor must first establish a written executive policy concerning what percentage the city will pay. (Ord. 70-99 § 1, 1999)

## 14.32.325: ORDINARY REPAIRS:

Any repairs required to be made to sidewalk or appurtenances which are not defective, as defined in this chapter, shall constitute ordinary repairs. In the event the city determines that any ordinary repair should be made, the entire cost thereof shall be borne by the city, subject to availability of funds. (Ord. 70-99 § 1, 1999)

## 14.32.330: WAIVER OF REPLACEMENT REQUIREMENT:

In the event the city determines that any defective concrete should not be replaced because of a contemplated overall street repair or replacement project, lack of funds or other good reason, the city engineer or the city engineer's designee may temporarily waive the requirement of replacement. (Ord. 70-99 § 1, 1999)

## 14.32.335: ABATEMENT OF ASSESSMENT; CONDITIONS:

Assessments shall be equal and uniform according to the benefits received; however, when the owner of a residence adjacent to any defective concrete which requires replacement shall have a combined family income at or below the levels established by the department of housing and urban development in its "Income Limits For Housing And Community Development, Section 8 Program For Salt Lake City And Ogden, Utah SMSA", as amended from time to time, the entire cost of replacement may be paid by the city, subject to the availability of funds. Such owner must file an application therefor with the city, in order for payments to be abated. In order for the above income guidelines to become effective for the purposes of this section, the city must receive notice of such amendment and same must be adopted by the mayor by executive action. (Ord. 70-99 § 1, 1999)

## 14.32.340: SPECIFICATIONS AND GRADES FOR CONSTRUCTION:

All construction authorized by the permit issued under this chapter shall be constructed in accordance with the specifications and grades approved by the city engineer, 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. (Ord. 70-99 § 1, 1999)

## 14.32.345: SIDEWALKS; INSPECTION AND APPROVAL:

All sidewalks constructed in accordance with the permits authorized by this chapter shall be subject to inspection and approval by the city engineer. (Ord. 70-99 § 1, 1999)

### 14.32.350: DRIVEWAY CONSTRUCTION:

A. Permits: No permit shall be granted by the city engineer without the favorable recommendation of the transportation engineer, for any driveway exceeding thirty feet (30') in width except:

1. Industrial M-1, M-1A, M-2 and M-3 districts, as set forth in title 21A of this code, wherein driveways not exceeding forty feet (40') in width may be permitted; and

2. In developed areas where street construction requires replacement of existing nonconforming driveways, the city engineer, upon favorable recommendation from the transportation engineer, may allow replacement of such nonconforming driveways when relocation of the driveway is not practical and will adversely affect traffic.

B. Concrete Thickness: No driveway, including a sidewalk section through a driveway, shall be less than six inches (6") thick; provided, however, that the city engineer may require that any driveway, including sidewalk, must be at least eight inches (8") thick when, in the opinion of the city engineer, such driveway and sidewalk will be used for heavy trucks, vehicles or equipment.

C. Multiple Drives, Islands And Landscaping: When more than one driveway is required for any parcel of land, a sidewalk island of at least twelve feet (12') in width shall be provided and landscaped between such multiple driveways, except in developed areas, where the street construction requires replacement of existing driveways with nonconforming islands. In such circumstances, the city engineer, upon the favorable recommendation of the transportation engineer, may allow the replacement of driveways with nonconforming islands or separations of less than twelve feet (12') in width, when relocation of the driveway is not practical and will not adversely affect traffic. The city engineer may direct that areas between such multiple drives that are less than twelve feet (12') in width be paved, if landscaping is impractical.

D. Corner Lot And Violation: In no case shall a permit be granted for a driveway which will be within ten feet (10') of the property line where it abuts any intersecting street.

E. Denial For Dangerous Conditions: Where, in the opinion of the city engineer, upon recommendation of the transportation engineer, it would be dangerous because of traffic, or because a driveway conflicts with any permanent improvements or waterway, the city engineer may refuse to issue the requested driveway permit. Such denial by the city engineer shall be final unless the applicant appeals the matter to the appeals hearing officer. The appeals hearing officer shall have the authority and discretion to either affirm the city engineer's decision or specify the conditions and location upon which a driveway may be permitted.

F. Pipe Driveway; Property Owner Responsibility: Permits for pipe driveways shall be issued only for locations which meet criteria established by the city engineer, and where no other practical means is available to prevent vehicles from dragging on the street or driveway. Pipe driveways are installed solely for the convenience of the abutting property owner and must conform to Salt Lake City design standards. The owner is responsible for keeping pipe driveways structurally sound and free of debris so as not to impede the gutter flow. (Ord. 8-12, 2012: Ord. 70-99 § 1, 1999)

## Article IV. Fees And Charges

### 14.32.400: EXCAVATION PERMIT FEES:

A. Fees: The city engineer shall charge, and the city treasurer shall collect, upon issuing a permit, the fees shown on the Salt Lake City consolidated fee schedule for review of the application and site inspection of:

1. Excavation.

2. Multiple utility excavation.

3. Portions of the public way to which excavation restrictions apply. Excavation permits for portions of the public way to which excavation restrictions apply, when permitted pursuant to the provisions of this chapter, shall be issued only upon written authorization of the city engineer and the permit fees shall be two (2) times the normal rates published in this section. The city engineer may also require persons working in such portions of the public way to employ extraordinary measures in restoring said street such as applying seal coat or other surface treatment to maintain the overall integrity of the surface. The value of such extraordinary measures may, in the discretion of the city engineer, be used to offset the additional fees.

4. Poles and anchors.

B. Higher Fee: Where any of the foregoing subsections specify a higher fee for any period, such higher fee shall be applicable if any portion of the work is completed during the higher fee period.

C. Permit Extension: Fee as shown on the Salt Lake City consolidated fee schedule. The city engineer may deny this permit extension when work is not proceeding on the project in a satisfactory manner. (Ord. 24-11, 2011)

## 14.32.405: PUBLIC WAY IMPROVEMENT FEES:

The city engineer shall charge, and the city treasurer shall collect, upon issuing a permit, the fees shown on the Salt Lake City consolidated fee schedule for review of the application and site inspection of public way improvements.

A. For in-kind replacement of existing sidewalk, curb and gutter, or driveway approach, a no charge permit will be issued.

B. Where a higher fee for any period is specified on the Salt Lake City consolidated fee schedule, such higher fee shall be applicable if any portion of the work is completed during the higher fee period. (Ord. 24-11, 2011)

## 14.32.410: PUBLIC WAY OBSTRUCTION PERMIT FEES:

The city engineer shall charge, and the city treasurer shall collect, upon issuing a permit, the following fees for review of the application and site inspection of obstructions in the public way:

A. Monthly Fee (Construction Barricades Requiring More Than 5 Days): In addition to excavation fees:

1. Flat fee for all or any part of a block face: As shown on the Salt Lake City consolidated fee schedule.

2. Each additional block face: As shown on the Salt Lake City consolidated fee schedule.

3. Permit extension: As shown on the Salt Lake City consolidated fee schedule.

B. Short Term Occupation Of The Public Way (5 Days Or Less): Scaffolding or other temporary structures over public way, or storage of construction materials or soil. Permit up to and including five (5) days: As shown on the Salt Lake City consolidated fee schedule, per setup. No fee shall be charged for scaffolding or staging done behind an approved barricade fence.

C. Permit Extension: The fee for each permit extension shall be as shown on the Salt Lake City consolidated fee schedule. (Ord. 24-11, 2011)

## 14.32.415: AUTHORIZATION OF ADDITIONAL CHARGES:

Additional charges to cover the reasonable cost and expenses of any required engineering review, inspection, and work site restoration associated with each undertaking may be charged by the city to each permittee, in addition to the permit fee. (Ord. 70-99 § 1, 1999)

## 14.32.418: BARRICADE PERMIT FEES:

The transportation director shall charge the fee shown on the Salt Lake City consolidated fee schedule, upon reviewing and processing a barricade permit plan proposal. (Ord. 24-11, 2011)

## 14.32.420: PERMIT FEE WAIVERS:

The city engineer may waive permit fees or penalties or a portion thereof, provided for in this chapter, when he/she determines that such permit fee or penalty: a) pertains to construction or rehabilitation of housing for persons whose income is below the median income level for the city; or b) pertains to an encroachment on the public way involving a beautification project which furthers specific goals and objectives set forth in the city's strategic plan, master plans, or other official documents, including decorative street lighting, building facade lighting, flower and planter boxes, and landscaping. (Ord. 70-99 § 1, 1999)

## 14.32.425: TELECOMMUNICATION RIGHT OF WAY PERMITS:

A. Definitions: For purposes of this section, the following terms shall have the following meanings:

CABLE: Any optical fiber, copper or other line, wire or cable, of any dimension: 1) encased in its own sheathing and physically installed and handled as a discrete facility, 2) used by a person for the transmission of telecommunication signals, and 3) situated wholly or partially in the city's right of way.

CONDUIT: Any pipe, pipeline, housing, structure or similar facility: 1) the primary purpose of which is the housing of cables, and 2) which is situated wholly or partially in the city's right of way. For purposes of calculating the charge assessed pursuant to this section, any conduit four inches (4") in diameter or smaller shall be deemed a single conduit, and any conduit larger than four inches (4") in diameter shall be deemed multiple conduits in increments of four inches (4"), with any increment in excess of a multiple of four (4) being deemed a separate conduit. By way of example, a conduit with a diameter of eight inches (8") shall be deemed to be two (2) conduits, whereas a conduit with a diameter of nine inches (9") shall be deemed to be three (3) conduits.

CONDUIT EQUIVALENT: In the case of one or more cables: 1) owned by a single cable owner, 2) situated in the city's right of way, and 3) not housed within a conduit, such number of such cables as may practicably have been housed within a four inch (4") conduit, had the owner elected to install such cables within a four inch (4") conduit, as determined by the city engineer; provided, however, that a single conduit equivalent shall include only those cables which occupy a contiguous space within the right of way not exceeding eighteen inches (18") in width.

CONSUMER PRICE INDEX: The U.S. city average geographic index for the components including "all urban consumers" based on "all items", as published for the month of October prior to the January in which the recalculated charge is to take effect by the U.S. department of labor, bureau of labor statistics, or in the event the consumer price index is no longer published, the generally accepted replacement index, if any.

EXISTING AGREEMENT: A telecommunications right of way lease, a franchise, or similar contract between the city and a conduit owner or cable owner relating to the use of the city's right of way, in effect on the effective date hereof.

LINEAR FOOT CHARGE: An annual charge payable to the city as and to the extent provided in this section, by each conduit owner or cable owner in an amount equal to the linear footage of conduit or conduit equivalent owned by such conduit owner or cable owner, as determined by the city engineer, times one dollar ($1.00). Effective January 1, 2005, and January 1 of each year thereafter, the linear foot charge in effect for the prior calendar year shall be adjusted to reflect the one year percentage increase or decrease, if any, in the consumer price index.

MINIMUM CHARGE: The minimum annual charge payable by a conduit owner or cable owner under this section, which shall initially be five hundred dollars ($500.00). Effective January 1, 2004, and January 1 of each year thereafter, the minimum charge in effect for the prior calendar year shall be adjusted to reflect the one year percentage increase or decrease, if any, in the consumer price index.

OWNER: The person owning a conduit or cable. For purposes of this section, each conduit or cable shall be deemed owned by only one person. In the case of a conduit or cable owned by more than one person, "owner" shall mean the person which, from time to time, has the greater ownership interest in such conduit or cable. In the event each such person has an equal ownership interest in such conduit or cable, "owner" shall mean the person so designated to the city by the persons sharing equal ownership or, in the absence of such designation, the person designated by the city.

PERSON: Any individual, partnership, association, joint venture, limited liability company, corporation or other legal entity.

RIGHT OF WAY: Any present or future street, alley, viaduct, bridge, road, lane and public way within the city, including the surface, subsurface and airspace, and shall not include any city park, pleasure grounds or other recreational areas, or other property owned by the city.

TELECOMMUNICATION RIGHT OF WAY PERMIT: A contract, including a franchise agreement, between the city and any person, authorizing such person to occupy an identified portion of the right of way with conduit or cable. Telecommunication right of way permits shall contain terms and conditions governing and relating to the use of the right of way, and the city's management thereof, substantially similar to the terms and conditions generally included in existing agreements.

TELECOMMUNICATION SIGNALS: Information in electromagnetic frequency, electronic or optical form, and including, but not limited to, voice, video or data: 1) whether or not the transmission medium is owned by the provider itself, 2) whether or not the transmission medium is wireline or wireless, and 3) whether or not the information is in digital or analog form.

B. Telecommunications Right Of Way Permit Required: No person may construct, install, maintain, situate, or permit to remain situated, any conduit or cable within any portion of the right of way without a telecommunications right of way permit; provided, however, that no telecommunication right of way permit shall be required in connection with a cable situated within a conduit, the owner of which conduit has a telecommunication right of way permit from the city.

C. Existing Agreement: Persons currently operating under an existing agreement may continue operating under such existing agreement for the remaining term thereof, subject to payment of the charge imposed by subsection D of this section, if applicable.

D. Annual Charge Imposed: There is hereby imposed and assessed upon: 1) each conduit owner, 2) each owner of cable which is not situated within a conduit, and 3) each person authorized to use a cable under the circumstances described in subsection F of this section, as a rental payment and compensation to the city for such owner's use of a portion of the right of way, an annual charge equal to the greater of: 1) the linear foot charge or 2) the minimum charge. The charge hereby imposed and assessed shall be effective on and after July 1, 2004; provided that the charge may not apply to certain owners, or with respect to certain conduits or cables, until a later date, as provided herein. Such charge shall be payable on a calendar year basis; provided that: 1) the charge payable July 1, 2004, shall be prorated over the remaining six (6) months of calendar year 2004, and 2) the charge shall be prorated on a monthly basis for new construction effective the date of commencement of construction, and otherwise for owners effective as of and including the month in which the charge becomes effective as to such owners or such owners' conduit or cable. Any rental payments paid by an owner to the city under an existing agreement shall be prorated over calendar year 2004, and applied as a credit against the charge hereby imposed on such owner. Payments under this subsection shall be paid to the city by January 31 each year. If payment is not received by January 31, a penalty is imposed equal to ten percent (10%) of the amount due. In addition, for each calendar month that a payment is late, compound interest equal to two percent (2%) per month will accrue.

E. Excess Conduit With Cables Which Have Not Been Actively Used Excepted From Charges: Excess conduit which contains cables which have never been actively used and cables which have never been actively used which are not in conduit shall not be subject to such charge until the calendar year in which such cables are first put to use. If such a cable is put into active use, the owner shall so notify the city engineer within thirty (30) days of activation.

F. Additional Exception To Charges Imposed: No charge shall be imposed under subsection D of this section on a conduit owner with respect to any portion of a conduit if such portion of conduit is occupied by any cable, the operation of which generates gross receipts or gross revenues subject to the license tax authorized under the Utah municipal telecommunications license tax act, title 10, chapter 1, part 4, Utah Code Annotated, or successor provisions, or any other gross revenue or gross receipts based tax, fee or charge. If such portion of conduit is also occupied by cable: 1) the operation of which does not generate gross receipts or gross revenues subject to the above described taxes, fees or charges, and 2) which is owned by a person other than the conduit owner, or which cable a person other than the conduit owner has the legal right to use in connection with the operation of such other person's trade or business, then the charge described in subsection D of this section shall be imposed, with respect to such cable, on such other person; provided, however, that in the event two (2) or more persons occupy such conduit, each such person shall be responsible for paying only a portion of the charge imposed by subsection D of this section, in an amount equal to the total charge, divided by the number of such persons.

G. Exception To Existing Agreements And Charges Imposed: Any conduit owner or cable owner who is currently operating such conduit or cable under an existing agreement shall be subject to the charge imposed under subsection D of this section only if such existing agreement includes language recognizing the possibility that the terms and conditions of such existing agreement may be subject to change. In such event, the charge imposed under subsection D of this section shall be payable in lieu of, and not in addition to, the payment otherwise payable under the terms of such existing agreement. Conduit owners or cable owners operating under existing agreements and not so subject to the charge imposed under subsection D of this section shall continue paying to the city the amounts set forth in such existing agreements until such existing agreements terminate, at which time such conduit owners or cable owners shall be subject to the charge imposed under subsection D of this section.

H. Abatement Of Rental Charge: Any cable owner whose cable is situated within a conduit owned by a conduit owner subject to the charge imposed under subsection D of this section, may apply to the city for the abatement of the rental charge or other payment payable by such cable owner under an existing agreement. Such abatement shall be effective from and after the date of receipt of any application accompanied by information sufficient to: 1) identify the conduit owner, and 2) establish the applicability of the charge imposed under subsection D of this section to such conduit owner.

I. Permit Requirements: Each telecommunication right of way permit shall include a requirement that the permittee provide to the city, and update on at least a semiannual basis, an as built survey of all conduit and cables, and all equipment and improvements ancillary and appurtenant thereto, situated within the right of way, in such electronic format as shall be compatible with the city's computerized GIS system, as determined by the city engineer.

J. Federal Or State Limits: To the extent that federal or state law limits the amount of charges which the city may impose on, or the compensation it may require from, a

conduit owner or a cable owner, nothing in this section shall require the payment of any greater amount, unless and until the federal or state limits are raised.

K. Severability: To the extent any requirement of this section or of any telecommunications right of way permit is held by a court of competent jurisdiction, pursuant to a final, nonappealable ruling, to violate federal or state law, such requirement shall be deemed severed from this chapter or such telecommunications right of way permit, and the remainder of the requirements hereof or thereof shall continue in full force and effect. (Ord. 5-10 § 1, 2010: Ord. 49-04 § 1, 2004)

# Article V. Applicability To City

### 14.32.500: APPLICABILITY TO CITY:

The provisions of this chapter shall apply generally to the city and its departments, except as follows:

A. Subsections 14.32.030A9 and A10 of this chapter.

B. Section 14.32.060 of this chapter.

C. Section 14.32.065 of this chapter.

D. Section 14.32.070 of this chapter.

E. Section 14.32.095 of this chapter.

F. Section 14.32.110 of this chapter.

G. Section 14.32.125 of this chapter.

H. Section 14.32.410 of this chapter.

I. Section 14.32.425 of this chapter. (Ord. 49-04, 2004: Ord. 70-99 § 1, 1999)

# Article VI. Enforcement

### 14.32.600: WORK WITHOUT PERMIT; PENALTY:

A. A stop order may be issued by the city engineer directed to any person or persons doing or causing any work to be done in the public way without a permit. The abutting property owner shall be responsible for causing work to be done.

B. Any person found to be doing work in the public way without having obtained a permit, as provided by this chapter, shall be required to pay a permit fee equal to two (2) times the normal permit fee. For replacement work, where a fee is not normally charged, the normal permit fee for new construction shall apply. (Ord. 70-99 § 1, 1999)

## 14.32.605: FAILURE TO COMPLY; PENALTY:

A. Any permit may be revoked or suspended and a stop order issued by the city engineer, after notice to the permittee for:

1. Violation of any condition of the permit, the bond, or of any provision of this chapter;

2. Violation of any provision of any other ordinance of the city or law relating to the work;

3. Existence of any condition or the doing of any act which does constitute, may constitute or cause a condition endangering life or property.

B. A suspension or revocation by the city engineer, and a stop order, shall take effect immediately upon entry thereof by the city engineer and notice to the person performing the work in the public way. (Ord. 70-99 § 1, 1999)

## 14.32.610: DEFAULT IN PERFORMANCE; PENALTY:

Whenever the city engineer finds that a default has occurred in the performance of any term or condition of the permit, written notice thereof may be given to the principal and to the surety on the bond, if there is a surety bond. Such notice shall state the work to be done, the estimated cost thereof, and the period of time deemed by the city engineer to be reasonably necessary for the completion of the work. (Ord. 70-99 § 1, 1999)

## 14.32.615: COMPLETION TIME; CITY TO PERFORM WORK WHEN; COSTS:

In the event that the surety (or principal), within a reasonable time following the giving of such notice (taking into consideration the exigencies of the situation, the nature of the work, and the requirements of public safety and for the protection of persons and property), fails either to commence and cause the required work to be performed with due diligence, or to indemnify the city for the cost of doing the work, as set forth in the notice, the city may perform the work, at the discretion of the city engineer, with city forces or contract forces or both, and suit may be commenced by the city attorney against the contractor and bonding company and such other persons as may be liable, to recover the entire amount due to the city, including attorney fees, on account thereof. In the event that cash has been deposited, the costs of performing the work may be charged against the amount deposited, and suit brought for the balance due, if any. (Ord. 70-99 § 1, 1999)

### 14.32.620: FAILURE TO CONFORM TO DESIGN STANDARDS; PENALTY:

For failure to conform to the design standards and regulations, the city engineer may:

A. Suspend or revoke the permit;

B. Issue a stop order;

C. Order removal and replacement of faulty work;

D. Require an extended warranty period;

E. Negotiate a cash settlement to be applied toward future maintenance costs. (Ord. 70-99 § 1, 1999)

### 14.32.625: APPEAL OF SUSPENSION, REVOCATION, OR STOP ORDER:

Any suspension or revocation or stop order by the city engineer may be appealed by the permittee to the director of public services by filing a written notice of appeal within ten (10) days of the action of the city engineer. The director of public services shall hear such appeal, if written request therefor be timely filed, as soon as practicable, and render his/her decision within a reasonable time following filing of notice of appeal. (Ord. 6-01 § 4, 2001: Ord. 70-99 § 1, 1999)

### 14.32.630: VIOLATION; PENALTY:

A violation of any provision of this chapter, or failure to comply with a stop order, shall be a class B misdemeanor. Each day the violation exists shall be a separate offense. No criminal conviction shall excuse a person from otherwise complying with the provisions of this chapter. (Ord. 70-99 § 1, 1999)

# CHAPTER 14.36
# NEWSRACKS

### 14.36.010: PURPOSE AND INTENT OF PROVISIONS:

The city council hereby finds and declares:

A. The primary intended use of the streets and sidewalks of the city is the movement of people and property. Generally speaking, the city considers its streets and the real property interests therein to be a valuable asset, one which it intends to control by regulation and will not allow to be appropriated by private enterprise.

B. The city has an obligation to the general public to ensure reasonably unobstructed passage over the public ways in a clean, safe and orderly manner.

C. The city has an obligation to protect the health and safety of the public, and to protect persons, including minors, from unwilling exposure to explicit sexual material.

D. Inappropriately located newsracks can pose a significant hazard and annoyance to pedestrians, abutting landowners, vehicles, and the maintenance of public improvements.

E. The uncontrolled construction, placement and maintenance of newsracks unreasonably interferes with the public's right to safe and unobstructed passage and tends to physically and visually clutter the public rights of way and required setbacks. Such placement, construction and maintenance of newsracks must be reviewed in relationship to proximity, design and use of other existing or proposed street improvements and furniture of the streetscape, including, but not limited to, signs and lampposts, parking meters, bus shelters and benches, planters, telephone booths, traffic devices, bus stop areas, loading zones, and landscaped setbacks.

F. The city's central business district and an expanded area surrounding it are particularly congested and important areas. The aesthetically pleasing and functional design and regulation of the use of streets and sidewalks in the expanded central business district are extremely important in developing and maintaining order for the public good.

G. The city has gone to great lengths in its street improvement program in existing and proposed beautification projects within the expanded central business district to create an aesthetically pleasing and harmonious streetscape which also functions safely and efficiently. Outdoor newsracks, as part of the streetscape furniture, should be designed, constructed and placed in this area according to the proposed pattern to carry out those objectives.

H. Historically, the use of the streets for commercial enterprise has been precluded to preserve the streets for public purposes and to avoid the appropriation of public property or the creation of unfair economic advantage to businesses competing in the business district on private property. Distribution of newspapers has been a notable, but limited exception allowed in business districts to accommodate convenient dissemination of the news to encourage an informed citizenry, even though such distribution from newsracks competes with normal retail or subscription methods. Use of city owned property and publicly owned sidewalks in commercial districts where subscription is less common should not be absolutely denied, but is subordinate to the property's use for public purposes. This private use of the city owned property and publicly owned sidewalks, afforded certain constitutional protection under freedom of expression, is being regulated to ensure subordination to public purposes and protection to the city and its residents, by indemnifying the city against any liability arising out of this use of public property.

I. Daily newspapers of general circulation provide the most comprehensive and detailed information regarding local advertising and state and local news. This information is of greatest interest to those in the expanded central business district, and becomes stale on a daily basis requiring rapid turnover.

J. The above strong compelling governmental interests compete against public interests in freedom of expression and the private commercial interests of distributors. The city desires, in the time, place and manner provisions codified in this chapter, to balance those interests. (Ord. 18-91 § 1, 1991: prior code § 20-39-1)

## 14.36.020: TITLE:

This chapter may be referred to as the *SALT LAKE CITY NEWSRACK ORDINANCE*. (Ord. 18-91 § 3, 1991)

## 14.36.030: PERMIT REQUIRED:

It is unlawful to place or maintain a newsrack on property owned by the city or on publicly owned sidewalks without obtaining a permit for distributing materials through newsracks on such property pursuant to the provisions of this chapter. (Ord. 18-91 § 3, 1991)

## 14.36.040: DEFINITION OF NEWSRACK:

For the purpose of this chapter, "newsrack" means any outdoor self-service or coin operated container, rack or structure used or maintained for the distribution of newspapers, news periodicals or other printed material. (Ord. 18-91 § 3, 1991)

## 14.36.050: NEWSRACK ALLOWED ONLY IN SPECIFIED AREAS:

A. Newsracks on city owned property or on publicly owned sidewalks shall be lawful within the expanded central business district ("ECBD") which is defined to include the area of downtown bounded on the north by the north side of North Temple Street; on the east by the east side of 200 East Street; on the south by the south side of 500 South Street; and on the west by the west side of 400 West.

B. Outside the ECBD the existing newsracks which substantially conform to the provisions of this chapter and which are listed on exhibit A to the ordinance codified herein, a copy of which shall be filed with the city recorder along with said ordinance, may remain in their present location subject to section 14.36.260 of this chapter.

C. The airport may make such rules and regulations governing the location and fees for newsracks as the airport director deems reasonably necessary to ensure the safety and efficient operation of the airport.

D. Other than as allowed by subsections A, B and C of this section, it is unlawful to own, operate, place or maintain a newsrack on city owned property or publicly owned sidewalks. (Ord. 18-91 § 3, 1991)

## 14.36.060: YEARLY PERMIT OR CERTIFICATION:

Anyone desiring to use newsracks on city owned property or publicly owned sidewalks shall, prior to any initial use, and thereafter before July 31 of each year, submit the required permit application or certification as specified below. (Ord. 18-91 § 3, 1991)

## 14.36.070: PERMIT APPLICATION:

An application for a permit to distribute through newsracks on city owned property or publicly owned sidewalks ("permit") shall be filed with the zoning administrator upon a form provided by the administrator and shall include the following:

A. The name, address, and telephone number of the applicant;

B. The name, address, and telephone number of a responsible person whom the city may notify or contact at any time concerning the applicant's newsracks;

C. Evidence of the applicant's qualification to do business in the state of Utah;

D. Evidence of the applicant's Salt Lake City business license;

E. The name of the materials to be distributed by the newsrack;

F. The number of newsracks on city owned property or publicly owned sidewalks which will be, or are expected to be, maintained by the applicant; and

G. The evidence of insurance or self-insurance required by section 14.36.140 of this chapter. (Ord. 18-91 § 3, 1991)

## 14.36.080: PERMIT FEE:

The permit application shall be accompanied by the fee shown on the Salt Lake City consolidated fee schedule, per newsrack to partially defray the cost of reviewing the permit application. (Ord. 24-11, 2011)

## 14.36.090: ISSUANCE OF PERMIT:

The zoning administrator shall issue a permit upon filing the completed application and payment of the application fee. (Ord. 18-91 § 3, 1991)

## 14.36.100: CERTIFICATION APPLICATION:

For any subsequent year after a newsrack permit has been issued the permittee shall, on or before July 31 of each subsequent year, submit a certificate, on a form to be provided by the city, which shall include the following:

A. Any changes in the information provided to the city by the permit application; and

B. A map of the expanded central business district and the city showing the location of newsracks subject to the permit which are maintained by the permittee. If the permit holder distributes more than one publication through the newsracks the map shall identify which publication is distributed at which newsrack location. (Ord. 18-91 § 3, 1991)

## 14.36.110: CERTIFICATE FEE:

Accompanying the certificate filing shall be the fee shown on the Salt Lake City consolidated fee schedule, per newsrack to partially defray the city's cost of reviewing the certificate and the information contained therein. (Ord. 24-11, 2011)

## 14.36.120: TRANSITIONAL FILINGS:

After the ordinance codified herein becomes effective, any person owning or maintaining a newsrack on city owned property or publicly owned sidewalks shall obtain a permit by filing a permit application and section B of the yearly certification on or before July 31, 1991. The filing shall be accompanied by a fee in the amount of five dollars ($5.00) per newsrack to partially defray the city's costs of processing the permit and certification. This initial filing shall be all the filing required until July 31, 1992. (Ord. 18-91 § 3, 1991)

## 14.36.130: HOLD HARMLESS:

Anyone owning or maintaining a newsrack on city owned property or publicly owned sidewalks shall indemnify, defend and hold Salt Lake City and its officers and employees harmless for any loss or damage, including attorney fees, arising out of the use or placement of such newsrack(s). (Ord. 18-91 § 3, 1991)

## 14.36.140: INSURANCE REQUIREMENTS:

Anyone owning or maintaining a newsrack on city owned property or publicly owned sidewalks shall maintain liability insurance with an insurer insuring against all liability that the owner or maintainer of the newsrack may incur by virtue of the placement, care, use, operation and existence of the newsrack. Such insurance shall have a limit of no less than two hundred fifty thousand dollars ($250,000.00) for each occurrence or, if the provisions of the Utah governmental immunity act are modified, such other limit as may be required to protect the city from liability. This insurance shall name the city as an additional insured and may not be cancelable without thirty (30) days' prior written notice to the city. In lieu of such insurance, a permittee may obtain a waiver of such insurance from the zoning administrator upon a showing, acceptable to the city attorney, that such person has sufficient unencumbered assets available for attachment and execution to satisfy any judgment that would be rendered against it up to two hundred fifty thousand dollars ($250,000.00). The permittee shall provide evidence of insurance or evidence of sufficient assets, as the case may be, to the zoning administrator each year with the permit application or certification. (Ord. 18-91 § 3, 1991)

## 14.36.150: NUMBER OF NEWSRACKS PER BLOCK:

There shall be no more than thirty two (32) newsracks on any one block, which, for this chapter, shall mean any numbered whole block as shown on the original plat of the city. (Ord. 18-91 § 3, 1991)

## 14.36.160: GROUPING OF NEWSRACKS:

Between intersecting streets which define blocks, newsracks shall be placed together in not more than three (3) groups of not more than eight (8) newsracks in any group. Each group on the same face of any block shall be separated by a distance of not less than one hundred feet (100'). Each newsrack within a group shall be separated no more than two feet (2') from the nearest other newsrack within the group. Groups located within thirty feet (30') of an intersection shall be considered to be on both block faces. In the event that the design of any special improvement district requires a different grouping pattern on any block face, the grouping on that block face shall be as required by the special improvement district design. (Ord. 18-91 § 3, 1991)

## 14.36.170: CONCENTRATION OF PUBLICATIONS:

No more than eight (8) newsracks on any block may dispense the same publication. No more than three (3) newsracks on any block face shall dispense the same publication. Newsracks placed within thirty feet (30') of an intersection shall be counted in the total allowed for each block face. (Ord. 18-91 § 3, 1991)

## 14.36.180: LOCATION RESTRICTIONS:

No newsrack shall be located adjacent to any mailbox, post, pole, water feature, art or monument, or adjacent to or within any raised planter, except when pedestrian circulation space between such items and the newsrack is not needed and sufficient space for maintenance of such items and newsracks is provided, or if the original design of such items specifically provides for newsracks in an integrated design feature, or if the city engineer specifies a particular location for placement, or in a manner which unsafely:

A. Impedes or interferes with the reasonable use of a crosswalk, display window or building entrance;

B. Impedes or interferes with the reasonable use of any kiosk, bench, trash receptacle, drinking fountain, bicycle rack, driveway, alley, or bus shelter;

C. Interferes with the reasonable use of any fire hydrant, traffic signal box, fire call box, police call box, or other emergency facility;

D. Impairs or interferes with pedestrian traffic;

E. Interferes with or impairs the vision of operators of vehicles at street intersections;

F. Reduces the clear, unimpeded sidewalk width to:

1. Ten feet (10') on sidewalks over twelve feet (12') in width, or

2. Less than three-fourths ($^3/_4$) of the width of the sidewalk on sidewalks less than twelve feet (12'), with a four foot (4') minimum.

In determining an unimpeded sidewalk, features such as fountains, fire hydrants or similar structures shall be considered. (Ord. 18-91 § 3, 1991)

## 14.36.190: LOCATION CHANGES:

So long as the provisions of this chapter are complied with, newsracks may be moved from one permitted location to another permitted location. Additional complying newsracks may be installed by a permittee during the year of any permit or certification. If any newsracks are added after the yearly permit or certification filing, the permittee shall pay the past full year's fee for such added locations at the time of the next yearly filing. (Ord. 18-91 § 3, 1991)

## 14.36.200: RIGHTS GRANTED:

The approval of any location for use as a newsrack shall not be construed as granting the user any right or interest to or in the property owned by the city. The rights granted by this chapter are merely a license to use the property for permitted purposes, subject to the provisions of this chapter. (Ord. 18-91 § 3, 1991)

## 14.36.210: ANCHORAGE OF NEWSRACKS:

Newsracks shall be anchored to the ground or sidewalk at their site. Newsracks may not be anchored to trees, posts or poles with chains, rope, cable or otherwise. The permittee shall be responsible for any damage or repairs caused or necessitated by the removal or installation of any newsrack to bring the site to its original condition, ordinary wear and tear excepted. (Ord. 18-91 § 3, 1991)

## 14.36.220: DESIGN STANDARDS:

All permitted newsracks shall comply with following design standards:

A. Height: As measured from the surface of the sidewalk to the highest point of the newsrack, no newsrack shall exceed:

1. A height of fifty inches (50") when located adjacent to a building or structure, including light poles and similar features, of equal or greater height; or

2. A height of five feet (5') when located adjacent to a building stacked with multiple racks; or

3. Three feet (3') in other locations.

B. Other Dimensions: No newsrack shall exceed:

1. A depth of two feet (2'); and

2. A length of two feet (2').

C. Color: Newsracks shall be flat black, or the designated fixture color as part of any special improvement district with an overall street design theme which specifies particular colors. In the event that the design of a special improvement district requires that newsracks be enclosed within particular materials or colors, any permittee with newsracks within such district shall be notified of the pending requirements and shall comply with them.

D. Advertising: Newsracks shall carry no advertising except a logo or other information identifying the newspaper. This information may be displayed on the newsrack limited to a height of six inches (6") and width of thirteen inches (13") on the upper two-thirds ($^2/_3$) of the sides and a height of three inches (3") and width of twenty inches (20") on the bottom one-third ($^1/_3$) of the front. (Ord. 18-91 § 3, 1991)

## 14.36.230: NONEMERGENCY REMOVAL; PERMITTEES:

A. Notice: If at any time it is determined by the city that a permittee's newsrack is not in compliance with the requirements of this chapter, a "notice of intent to remove" shall be issued, in writing, to the permittee. Such notice will state the violation or violations which constitute the basis of the proposed removal. The notice shall contain the date, time and place for hearing to be held before removal.

B. Hearing: The hearing shall be held not less than ten (10) days from the time of service of notice. Prior to the hearing the permittee may file a written response to the notice specifically setting forth the reason or reasons the newsrack should not be removed. At the hearing the zoning administrator shall determine whether the newsrack complies with the provisions of this chapter. In the event that the zoning administrator determines the newsrack is not in compliance with this chapter, the newsrack shall be removed by the owner within ten (10) days or otherwise brought into compliance. If the newsrack is not moved as required the city may remove the newsrack and recover the expense of removal from the owner.

C. Appeal: The permittee may appeal any decision or order to the mayor or the mayor's designee. Any appeal shall be filed in writing within ten (10) days of the decision and shall specify the basis for the appeal. The mayor shall consider the appeal based on the written submissions. (Ord. 18-91 § 3, 1991)

## 14.36.240: EMERGENCY REMOVAL; PERMITTEES:

A. Removal: In the event that a city zoning inspector or the city police or fire department determine that the location or operation of the newsrack constitutes an immediate physical threat to public life, safety or health the newsrack may be removed by the city immediately without any prior notice or hearing. This provision shall not be enforced in any way related to the content or expression of the material distributed by the newsrack.

B. Notice And Hearing: In the event of such an emergency removal the city shall immediately contact the permittee's representative designated pursuant to subsection 14.36.070B of this chapter and inform the representative of the removal and the reason(s) therefor. If requested by the representative, the city shall hold an immediate hearing before the zoning administrator to determine whether or not the removed newsrack constituted an immediate threat to the public's life, safety and health. In the event that the zoning administrator determines that the newsrack did not constitute such an immediate threat, the city shall immediately, at its own expense, replace the newsrack at its location. In the event that no immediate hearing is requested by the permittee's representative, a hearing as provided in subsection 14.36.230B of this chapter shall be held.

C. Appeal: The permittee may appeal any decision or order to the mayor or the mayor's designee. Any appeal shall be filed in writing within ten (10) days of the decision and shall specify the basis for the appeal. The mayor shall consider the appeal based on the written submissions. (Ord. 18-91 § 3, 1991)

## 14.36.250: UNAUTHORIZED NEWSRACKS:

Any newsracks on city owned property or publicly owned sidewalks, except those for which a permit has been obtained pursuant to this chapter, shall be impounded by the city without prior notice or hearing. The city shall take reasonable efforts to determine the owner of the newsrack and shall notify the owner of the impoundment. The owner of any impounded newsrack shall be responsible for the expense of removal and storage of such newsrack. If the owner fails to reclaim the impounded newsrack and pay the expenses of removal and storage within thirty (30) days from notice of impoundment, the newsrack may be deemed unclaimed property and may be disposed of pursuant to law. (Ord. 18-91 § 3, 1991)

## 14.36.260: NONCOMPLYING DESIGNS OUTSIDE ECBD:

A. Newsracks which are not in the ECBD but whose location is permitted by subsection 14.36.050B of this chapter, as listed on exhibit A, and for which a permit has been obtained, shall comply with the design standards of section 14.36.220 of this chapter before July 1, 2001, or at any such earlier date when the city owned property or publicly owned sidewalk where the newsrack is located is substantially repaired or altered by a special improvement district or other similar project. (Ord. 18-91 § 3, 1991)

## 14.36.270: NONCOMPLYING LOCATIONS WITHIN ECBD:

Newsracks for which a permit has been obtained and which either comply with the design standards of section 14.36.220 of this chapter, or are temporarily exempted from such compliance pursuant to section 14.36.280 of this chapter, which are located at a site which does not comply with the location requirements of section 14.36.180 of this chapter may remain in the present location until July 1, 1996, or any such earlier date when the city owned property or publicly owned sidewalk where such newsrack is located is substantially repaired or altered by a special improvement district or other similar project. (Ord. 18-91 § 3, 1991)

## 14.36.280: NONCOMPLYING DESIGNS WITHIN ECBD:

Newsracks for which a permit has been obtained, which are anchored to a location permitted by either section 14.36.180 or 14.36.270 of this chapter and which are substantially in

compliance with the design provisions of section 14.36.220 of this chapter, except that the colors allowable may include white newsracks or blue and white newsracks, may remain with their present design until July 1, 1996, or any such earlier date when the city owned property or publicly owned sidewalk where the newsrack is located is substantially repaired or altered by a special improvement district or similar project. (Ord. 18-91 § 3, 1991)

# CHAPTER 14.38
# SIDEWALK ENTERTAINERS AND ARTISTS

## 14.38.010: PURPOSE AND INTENT OF PROVISIONS:

The city council hereby finds and declares:

A. Salt Lake City ordinances prohibit the conduct of any business or the sale of any goods or merchandise from any stand or structure upon certain streets or sidewalks of the city; however, the city has by ordinance provided for certain exceptions to the foregoing prohibition, including exceptions for sidewalk vending carts, sidewalk sales by abutting businesses, and newsracks;

B. It is in the public interest to enliven and increase the presence of the arts and create a festive atmosphere in certain downtown and other commercial areas, and in larger city parks, by encouraging artists to express themselves on certain city sidewalks and in certain larger city parks;

C. It is in the public interest to encourage artists to display or perform their artwork on certain city sidewalks and in larger city parks, to provide opportunities for these artists to fully express themselves, and to provide greater opportunities for the public to experience such artwork;

D. It is in the public interest to encourage and promote the community of artists who desire to display or perform their artwork on certain city sidewalks and in larger city parks;

E. It is in the public interest that the first amendment rights of artists be advanced by allowing them to display or perform their artwork on certain city sidewalks and in larger city parks, subject to reasonable time, place, and manner regulations governing such displays or performances;

F. The city has an obligation to the general public to provide reasonable access to and use of city open space and to provide reasonably unobstructed passage over the public ways in a clean, safe, and orderly manner;

G. The primary purpose of public sidewalks is for the passage of pedestrians from one point to another;

H. The city has established various zoning districts within the city in recognition of the differing character, nature and use of specific areas of the city, and it is in the public interest, both for citizens and artists, to concentrate artists in those districts where their activities would be most compatible with the primary character, nature and use of the district; it is in the public interest to concentrate artists primarily in the downtown, gateway and Sugar House commercial districts because these districts are specifically

designed to accommodate larger crowds and allow for the safer display or performance of artwork; it is in the public interest to exclude artists from those areas that are primarily residential or industrial, contain only small scale or neighborhood commerce (e.g., section 21A.26.020, "CN Neighborhood Commercial District" and 21A.26.030, "CB Community Business District", of this code), are intended to serve primarily the automobile driving consumer (e.g., sections 21A.26.040, "CS Community Shopping District" and 21A.26.050, "CC Corridor Commercial District", of this code), or are otherwise unsuited for the display or performance of artwork as the presence of artists on the public sidewalks and parking strips in these areas is likely to: 1) result in greater pedestrian and/or traffic congestion; 2) threaten the public health, safety, and welfare of the citizenry; 3) create visual blight or impact the aesthetic value of the communities; 4) impact access to and egress from businesses and residential areas; 5) block sight easements to businesses and residential areas; 6) prevent the free flow of vehicular and pedestrian traffic; 7) impede the response time of safety personnel; 8) intrude upon the look, feel and quiet enjoyment of a neighborhood; 9) hinder or interfere with the business of local merchants who provide an important tax base for the city; or 10) force citizens to be exposed to unwanted, unwelcome and unsolicited messages or noise with no avenue of escape;

I. The city has a history of issuing permits for special events and free expression activities in the city's parks, including some parks that are nine (9) acres or less in size, and it is in the public interest to continue to allow special events and free expression activities in those parks as provided by title 3, chapter 3.50 of this code; it is also in the public interest, however, to otherwise exclude artists not obtaining such permits from those city owned parks that are nine (9) acres or less in size, as those city parks are located primarily in residential areas (or areas intended by the city zoning ordinances to become residential areas), and are intended to serve and do serve primarily as family and recreational activity centers where citizens can enjoy the peace, quiet, and tranquility of the city's open space; the presence of artists in these smaller city parks on an ongoing and unregulated basis and without a permit to hold a special event or free expression activity is inconsistent with these purposes; the city's larger parks are more amenable to the display or performance of artwork without a permit to hold a special event or free expression activity; limiting artists to the larger parks or to the boundaries of short term, permitted special event or free expression activity under title 3, chapter 3.50 of this code will better accommodate the competing interests of artists and those wishing to enjoy the peace, quiet and tranquility of the city's parks;

J. It is in the public interest to promote special events and free expression activities, to ensure that those participating or visiting such special events and free expression activities are allowed to do so peacefully and without undue interference, to ensure that those desiring to participate or visit such special events and free expression activities enjoy free and unimpeded ingress and egress to and from such special events and free expression activities, and that the speech or expressive activity of third parties not actually involved with the special event or free expression activity is not unduly confused with the speech or expressive activity of those organizing, participating or visiting the special event or free expression activity;

K. Special events require efficient ingress and egress of event patrons, and patrons should be protected from having to enter into roadways or streets as they line up to enter a special event if passage to a special event is blocked;

L. While it is in the public interest to protect the first amendment rights of artists to display or perform their artwork for sale or compensation, it is also in the public interest to require those artists wishing to display or perform their artwork for sale or compensation to register with the city and pay a nominal fee as such registration will allow the city to better monitor this commercial activity, enforce generally applicable commercial and business ordinances that may apply to such commercial activity, and protect the consuming public; these public interests do not apply to artists who display or perform their artwork for free; and

M. The above strong significant governmental interests compete with public and private interests in freedom of expression, the personal and commercial interests of entertainers and artists, the personal and commercial interests of the city's merchants, and the interest of the general public to use and enjoy city property; the city therefore desires, through the following reasonable time, place, and manner regulations, to balance those competing interests and protect the health, safety, and welfare of the citizens and visitors to the city, preserve the quality of life of city residents and business owners alike, preserve the property values and character of neighborhoods surrounding city owned property, support the local merchant economies, and provide artists with opportunities to exercise their constitutional rights to display and perform their artwork on certain city sidewalks or in larger city parks. (Ord. 25-04 § 1, 2004)

## 14.38.020: TITLE:

This chapter may be referred to as the *SALT LAKE CITY SIDEWALK ENTERTAINMENT AND ART DISPLAYS ORDINANCE*. (Ord. 25-04 § 1, 2004)

## 14.38.030: DEFINITIONS:

For the purposes of this chapter, the following words or phrases shall have the following meanings:

ART: A type of expressive activity, often characterized by pictorial or visual display: a) that is intended to convey particular ideas, concepts, opinions, emotions, points of view, or other messages and b) for which there is a reasonable likelihood that those who view it will understand it to convey such communicative elements or messages. "Art" includes, for example, paintings, drawings, photography, sculptures, etchings, and live entertainment. "Art" may also include T-shirts and other clothing items, baskets, jewelry, and other similar craft items where such items incorporate communicative elements or contain messages. "Art" does not include mere commercial merchandise not itself inextricably intertwined with some communicative element or not intended and reasonably understood to convey a message such as the following: items that are mass produced primarily for commercial sale, vials of fragrant oils, prayer beads, fashion bracelets and other nonexpressive jewelry items, nonmessage bearing T-shirts or other clothing items, playing cards, collectibles (e.g., Olympic pins and plates), souvenirs (e.g., shot glasses and pens), balloons, or food or other items intended primarily for human consumption.

ARTIST: A sidewalk entertainer or a sidewalk artist.

AVAILABLE CITY PROPERTY: A. Sidewalk and park strips. Portions of publicly owned sidewalks and park strip areas within the following commercially zoned districts (but excluding landscaped areas in the middle of any public street):

1. Section 21A.26.060, "CSHBD Sugar House Business District", of this code;

2. Section 21A.30.020, "D-1 Central Business District", of this code;

3. Section 21A.30.030, "D-2 Downtown Support District", of this code;

4. Section 21A.30.040, "D-3 Downtown Warehouse/Residential District", of this code;

5. Section 21A.30.045, "D-4 Downtown Secondary Central Business District", of this code; and

6. Section 21A.31.020, "G-MU Gateway-Mixed Use District", of this code;

B. Larger city parks. Areas specifically designated by the director of public service, in accordance with subsection 14.38.050B of this chapter, within those city operated parks (not necessarily limited to those parks identified in title 15, chapter 15.04 of this code) that are larger than nine (9) acres;

C. Library plaza. Any area or areas within the library plaza specifically designated by the director of public services in accordance with subsection 14.38.050B of this chapter; and

D. Washington Square.

DISPLAY: Includes any display of art, whether or not for sale or compensation.

DOWNTOWN LIBRARY BLOCK: The city block bounded by 200 East Street, 400 South Street, 300 East Street, and 500 South Street.

ENTERTAINMENT: Includes, but is not necessarily limited to, the following activities when performed for the general public: acting, singing, playing musical instruments, pantomiming, juggling, performing magic, dancing, reading, puppetry, sidewalk art (i.e., working with nonpermanent, water soluble media, such as chalk, pastels or watercolors

directly on the pavement) and reciting.

LIBRARY PLAZA: The outdoor areas on the downtown library block.

PERFORM: Includes performing entertainment for the general public, with or without charge.

SIDEWALK ART: Works of art displayed upon publicly owned property.

SIDEWALK ARTIST: Any person who displays sidewalk art.

SIDEWALK ENTERTAINER: A person, or group of persons together, who perform(s) sidewalk entertainment.

SIDEWALK ENTERTAINMENT: Entertainment performed or provided by a person or group of persons together upon publicly owned property. (Ord. 25-04 § 1, 2004)

## 14.38.040: DISPLAYS AND PERFORMANCES ALLOWED ONLY IN SPECIFIED AREAS:

Subject to sections 14.38.050, 14.38.060 and 14.38.070 of this chapter, sidewalk art may be displayed, and sidewalk entertainment may be performed, only upon available city property. It is unlawful to display sidewalk art or to perform sidewalk entertainment on publicly owned sidewalks, park strip areas, city operated parks, or other areas of city property that do not constitute available city property. (Ord. 25-04 § 1, 2004)

## 14.38.050: LOCATION RESTRICTIONS:

A. Sidewalk And Park Strips: No artist may perform sidewalk entertainment or display sidewalk art in any of the following places, even within available city property:

1. Within fifteen feet (15') of the intersection of a sidewalk with any other sidewalk, marked or unmarked crosswalk, or midblock crosswalk; displays shall not obstruct sightlines of motorists or pedestrians at crosswalks or intersections;

2. Within the inner eight feet (8') of any sidewalk twelve feet (12') or greater in width, "inner" meaning as measured from the edge of the sidewalk farthest from the adjacent street or park strip;

3. Within the inner three-fourths ($^3/_4$) of the width of any sidewalk less than twelve feet (12') in width, but in no event nearer than six feet (6') from the inner edge of any sidewalk, "inner" meaning as measured from the edge of the sidewalk farthest from the adjacent street or park strip;

4. Within eight feet (8') of an imaginary perpendicular line running from any building entrance or doorway to the curb line;

5. Within eight feet (8') of any parking space or access ramp for persons with disabilities, fire lane, taxi zone, or loading zone;

6. Within ten feet (10') of the boundary of any designated bus stop;

7. Within eight feet (8') of any office window or display window;

8. Within eight feet (8') of any fire hydrant;

9. In the case of sidewalk artists, within one hundred feet (100') on the same linear block face of a door to any business or gallery displaying or selling artwork as its predominant business activity, whether or not for compensation, if that business has direct access to the city sidewalk; or

10. In the case of sidewalk entertainers, within one hundred feet (100') on the same linear block face of a door to any business, theater, stadium, auditorium, or other place where entertainment is routinely performed, whether or not for charge, if that business has direct access to the city sidewalk.

B. Larger Parks, The Library Plaza, And Washington Square: The director of public services shall designate areas within city operated parks larger than nine (9) acres, the library plaza, and Washington Square that shall constitute available city property. In making such designations the director of public services shall take into consideration the interests: 1) of providing artists reasonable opportunities for self-expression, 2) of providing reasonable opportunities for the public to experience the artists' work, 3) of the public to peaceably enjoy the city's parks, the library plaza, and Washington Square, and 4) of adequately maintaining park, library plaza, and Washington Square vegetation and properties. No artist may perform sidewalk entertainment or display sidewalk art within city operated parks larger than nine (9) acres, within the library plaza, or within Washington Square except within those areas designated by the director of public services under this section.

C. Special Events And Free Expression Activities: No artist shall perform sidewalk entertainment or display sidewalk art within one hundred fifty feet (150') of any special event or free expression activity for which a permit has been issued under title 3, chapter 3.50 of this code while such special event or free expression activity is occurring, if such special event or free speech activity involves, incorporates, promotes, includes, or contains art, artwork, or entertainment activity, unless such artist has permission to do so from the sponsor of the special event or free speech activity. Such distance shall be measured from any boundary of the applicable permitted special event or free expression activity area. The one hundred fifty foot (150') restriction set forth in this subsection shall not apply in those instances in which fences, streets, hedges, bodies of water, or other natural or manmade barriers or obstacles are located between the artist and the special event or free expression activity such that there is no significant likelihood that an objective observer would reasonably believe that the artist is a participant in or a part of the special event or free expression activity. (Ord. 20-06 § 1, 2006: Ord. 60-04 § 1, 2004: Ord. 25-04 § 1, 2004)

## 14.38.060: SPACE RESTRICTIONS:

A. With respect to art displayed upon publicly owned sidewalks and/or park strip areas, including those areas located within available city property:

1. No artist may display sidewalk art directly on the surface of the sidewalk or ground, or on a blanket or board placed immediately on the sidewalk or ground or on top of a trash receptacle;

2. No artist's display of sidewalk art may exceed six feet (6') in height from ground level or six feet (6') in length;

3. The display of any sidewalk art may not be less than twenty four inches (24") above the sidewalk or ground if the display surface is parallel to the sidewalk or ground, and may not be less than twelve inches (12") above the sidewalk or ground if the display surface is vertical or slanted;

4. Where a rack or other display structure is placed on top of or above a table or other base, the size of the base shall not be less than the size of the display structure placed thereon;

5. Nothing placed on the base of any display shall exceed the size limitations contained in this section;

6. No artist displaying sidewalk art shall use any area other than the area immediately beneath the surface of the display space for the storage of items for display; and

7. Nothing used by a sidewalk entertainer as a prop or aid in his or her performance shall exceed the size and other limitations set forth in this section or/and applicable to displays.

B. No art displays, stands, props, or other equipment or structures may remain on property owned by the city or on city owned sidewalks between the hours of eleven o'clock (11:00) P.M. and eight o'clock (8:00) A.M. (Ord. 25-04 § 1, 2004)

## 14.38.070: REGISTRATION REQUIRED:

It is unlawful for any artist, even on available city property, to place or maintain a display of art for sale or compensation, or to perform sidewalk entertainment for compensation, without first registering to sell sidewalk art or perform sidewalk entertainment on such property pursuant to the provisions of this chapter. (Ord. 25-04 § 1, 2004)

## 14.38.080: YEARLY REGISTRATION:

Any sidewalk artist or sidewalk entertainer desiring to use available city property for the sale of sidewalk art or performance of sidewalk entertainment for compensation shall, prior to any initial use and annually thereafter, submit the required registration form and registration fee as specified below. (Ord. 25-04 § 1, 2004)

## 14.38.090: REGISTRATION FORM:

Registrations to use available city property for the display or performance of art, for compensation, shall be made with the city's property manager upon a form provided by the property manager and shall include the following information:

A. The name, address, and telephone number of the registrant;

B. The name, address, and telephone number of a responsible person whom the city may notify or contact at any time concerning the registrant's entertainment or display;

C. A description of the type of sidewalk art to be displayed for sale or sidewalk entertainment to be performed, including an explanation of the dimensions and layout of any display and a diagram, drawing, or other pictorial representation of any proposed display; and

D. The length of time for which the registration is desired (not to exceed 12 months). (Ord. 25-04 § 1, 2004)

## 14.38.100: REGISTRATION FEE:

The registration form shall be accompanied by the registration fee shown on the Salt Lake City consolidated fee schedule to partially defray the city's cost of reviewing the registration form, issuing the registration certificate, enforcing this chapter and otherwise recouping those maintenance, public health and safety, or other costs and expenses related to this chapter. (Ord. 24-11, 2011)

## 14.38.110: ISSUANCE OF REGISTRATION CERTIFICATE:

A. The city's property manager shall issue a registration certificate upon receipt of a completed registration form and receipt of the registration fee in accordance with sections 14.38.090 and 14.38.100 of this chapter. The property manager shall provide a copy of each such issued registration certificate, including any photos or descriptions of the art or display, to the city's civil enforcement unit administrator or his/her designee.

B. The time for processing registration forms as specified in this section shall begin to run from the receipt of a completed registration form. Not more than three (3) business days after receipt of a fully completed registration form, the property manager shall either issue or deny the registration certificate, and shall notify, in writing, the registrant of such issuance or denial. If, within that time period, the property manager fails to notify the registrant of the denial of the registration certificate, the registration certificate shall be deemed to have been issued.

C. The registrant may appeal the denial or revocation of a registration certificate by the property manager by filing with the mayor a written notice of appeal. The notice of appeal shall be filed within ten (10) days after receipt of written notice of denial or revocation of the registration certificate. The mayor or his/her designee may consider the appeal based upon the written submissions, or may, for good cause shown, hear oral evidence and argument. Any appeal shall be decided by the mayor or his/her designee within five (5) business days after receipt of the written notice of appeal. (Ord. 43-10, 2010)

## 14.38.120: HOLD HARMLESS:

Anyone using available city property for sidewalk entertainment or sidewalk art shall indemnify, defend, and hold the city and its officers and employees harmless for any loss or damage, including attorney fees, arising out of such use of such property. This obligation shall not extend to any claims of loss, damage, or injury sustained by any person or persons, to damage to property, or to expenses, including reasonable attorney fees, resulting from actions or omissions not within the artist's reasonable control or to the acts or omissions to act by the city, its officers or employees, or other third persons. (Ord. 25-04 § 1, 2004)

## 14.38.130: SPECIAL EVENTS:

A. The restrictions of this chapter notwithstanding, nothing herein shall prohibit the city from authorizing persons to conduct sidewalk entertainment, display sidewalk art, or conduct vending operations within such areas as the city may deem appropriate, as a part of a special event or free expression activity. Special event artists or sidewalk entertainers shall not be governed by this chapter, but shall be governed by title 3, chapter 3.50 of this code or such other ordinance, city policy, or executive order as may be applicable. During such special event or free expression activity the city may require other sidewalk artists or sidewalk entertainers to relocate and perform or display art at another available location within available city property.

B. The foregoing notwithstanding, and notwithstanding any provision of title 3, chapter 3.50 of this code to the contrary, no special event or free expression activity shall be allowed within one hundred fifty feet (150') of any other special event or free expression activity for which a permit has been issued under title 3, chapter 3.50 of this code while such special event or free expression activity is occurring, if both of such special events or free speech activities involve, incorporate, promote, include, or contain art, artwork, or entertainment activity, unless the sponsor of such special event or free speech activity has permission to do so from the sponsor of the other special event or free

speech activity. Such distance shall be measured from the nearest boundaries of the applicable permitted special events or free expression activity areas. (Ord. 25-04 § 1, 2004)

## 14.38.140: RIGHTS GRANTED:

By allowing the use of city owned property for sidewalk entertainment or sidewalk art displays the city does not grant the user any property right or interest to or in any property owned by the city. The rights granted by this chapter are subject to the provisions of this chapter and other applicable laws. The sidewalk artist displaying sidewalk art shall be personally present at such display at all times when such sidewalk art is on display, except for thirty (30) minutes in every two (2) hour time period. (Ord. 25-04 § 1, 2004)

## 14.38.150: VIOLATION; REMOVAL:

If at any time the city determines that an artist's use of available city property or the display placed thereon is not in compliance with the requirements of this chapter or other applicable law, a civil notice of violation, as provided by title 2, chapter 2.75 of this code, shall be issued to the artist by an authorized city official. If, after receipt of civil notice of violation, an artist fails or refuses to remove any display in violation, the city may, after consultation with the city attorney or his/her designee, impound such display. Although prior notice of such impoundment shall not be required, the city shall take reasonable efforts to promptly notify the artist following the impoundment. The owner of any impounded display shall be responsible for the expense of removal and storage of such display. If the owner fails to reclaim the impounded display and pay the expenses of removal and storage within thirty (30) days after notice of impoundment, the display may be deemed unclaimed property and may be disposed of pursuant to law. If in subsequent proceedings on the underlying citation it is determined that the city made an error in impounding the display, the city shall, forthwith, at its own expense, replace the display at its location. This provision shall not be enforced in any way related to the content or expression of the material displayed, distributed, or performed by the artist. (Ord. 25-04 § 1, 2004)

## 14.38.160: EMERGENCY REMOVAL:

A. Removal: If a city zoning inspector or the city police or fire department(s) determines that an artist's use of available city property or any display placed thereon constitutes an immediate physical threat to public life, safety, or health, the offending display may be removed by the city immediately, without any prior notice or hearing. This provision shall not be enforced in any way related to the content or expression of the material displayed, distributed, or performed by the artist.

B. Notice And Hearing: In the event of such an emergency removal the city shall immediately contact the artist, if known. The city shall inform the artist or the artist's representative of the removal and the reason(s) therefor. If requested by the artist, the city shall hold an expedited hearing before the city's property manager to determine whether or not the removed display constituted an immediate threat to the public's life, safety, or health. If the city's property manager determines that the display did not constitute such an immediate threat, the city shall forthwith, at its own expense, replace the display at its location.

C. Appeal: The artist or the artist's representative may appeal any decision or order by filing with the mayor a written notice of appeal. Any such notice of appeal shall be filed in writing within five (5) days of the removal decision and shall specify the basis for the appeal. The mayor or his/her designee may consider the appeal based on the written submissions, or may, for good cause shown, also hear oral evidence and argument. Any appeal shall be decided by the mayor or his/her designee within two (2) business days. (Ord. 25-04 § 1, 2004)

### 14.38.170: PENALTIES:

Any violation of this chapter shall constitute a civil violation and shall be handled as provided by title 2, chapter 2.75 of this code. The civil penalty for each such civil violation shall be one hundred dollars ($100.00). Three (3) or more civil violations within a one year period shall constitute a misdemeanor. (Ord. 43-10, 2010)

# CHAPTER 14.40
# UTILITY POLES AND WIRES

### 14.40.010: PERMIT; REQUIRED WHEN; REMOVAL OF POLES:

A. It is unlawful for any person to set or erect in or on any public street, alley or way of the city, or in or on any public ground within the city or of the city, any pole or poles for any purpose, without first having procured from the city engineer a permit therefor.

B. The city engineer may issue a permit for the location of poles referred to in this chapter, which permit shall be issued if the poles and structures contemplated are in conformity in type, size and condition with other poles and structures in the general area.

C. The city engineer may, at any time any street, alley or way is about to be paved or otherwise improved, require all persons maintaining poles in the center of or adjacent to such street, alley or way to remove or relocate the same to conform such poles to plans for improvement of the area. (Prior code § 41-8-2)

### 14.40.020: PERMIT; ISSUANCE ONLY TO FRANCHISE HOLDER:

No permit for the erection or maintenance of any telegraph, telephone, electric light, street railroad, electric railroad or other poles in any of the streets of the city shall be issued to any person, unless such person is a holder of a franchise from the city, granting certain specified and privileged uses of such streets; provided, that a copy of such franchise shall be placed on file with the director of public services for his/her guidance, and provided that nothing in this section shall be construed to authorize the erection of any pole without a permit from the director of public services. (Ord. 6-01 § 5, 2001: Ord. 77-97 § 9, 1997: prior code § 41-8-3)

### 14.40.030: PERMIT; APPLICATION AND FEE:

All applications for permits to erect poles must be in writing addressed to the director of public services, must be signed by the person desiring to erect the poles therein specified, must state the place or places where it is desired to erect poles, and must be accompanied by the fee shown on the Salt Lake City consolidated fee schedule for each pole, permission to erect which is applied for. Such application must be left with the director of public services and be filed in his/her office. (Ord. 24-11, 2011)

## 14.40.040: BOND REQUIREMENTS:

It is unlawful for any person to erect or maintain any telegraph, telephone, street railroad, electric light or electric railroad poles within the corporate limits of the city without having first executed and delivered to the city a bond in the sum of twenty five thousand dollars ($25,000.00), to be approved by the mayor, conditioned that such person will indemnify and save the city harmless from any and all damages that may be caused by reason of the erection, maintenance, operation, management or use of such telegraph, telephone, street railroad, electric light or electric railroad poles or the wire thereon within the city. (Prior code § 41-8-1)

## 14.40.050: POLES AT INTERSECTIONS:

It is unlawful for any person to erect or maintain any pole or other obstruction in the intersection outside of the curb line of any street of the city, except upon plans and specifications submitted to and approved by the city engineer. (Prior code § 41-8-6)

## 14.40.060: CENTER OF STREET POLES:

It is unlawful for any person to erect poles of any character for any purpose in the center of any street in the city, except upon plans and specifications submitted to and approved by the director of public services. (Ord. 6-01 § 7, 2001: Ord. 77-97 § 11, 1997: prior code § 41-8-7)

## 14.40.070: POLE APPEARANCE AND DESIGNATION:

It is unlawful for any person to erect or maintain any pole or poles in any street of the city, unless such pole, if wooden, is peeled and neatly trimmed of knots, presenting a smooth appearance, and, whether wooden or steel, painted with a color approved by the director of public services. The name of the corporation erecting or maintaining such pole or poles shall also be designated on the pole or poles in a manner approved by the director of public services. (Ord. 6-01 § 8, 2001: Ord. 77-97 § 12, 1997: prior code § 41-8-8)

## 14.40.080: WIRES; HEIGHT AND DISTANCE SPECIFICATIONS:

A. It is unlawful for any person to attach any telegraph, telephone or electric light, electric or power wire to any pole in the streets of the city at a distance of less than eighteen feet (18') from the grade of the street at the base of the pole.

B. It is likewise unlawful for any person to attach wires thereon used for a different purpose at a distance of less than three feet (3') from wires previously attached; provided, that this section shall not be construed to prevent any person already having wires attached to a pole from attaching additional wires at a distance of less than three feet (3'), nor from preventing any person, when authorized or directed by the director of public services, from attaching wires to poles at a distance of less than three feet (3') from existing wires when the new wires and the existing wires are used for similar currents; provided, further, that when directed by the director of public services, for the purpose of

crossing other wires or other obstructions, the heights and distance of wires may be varied. (Ord. 6-01 § 9, 2001: Ord. 77-97 § 13, 1997: prior code § 41-8-9)

### 14.40.090: USE FOR FIRE ALARM OR TELEGRAPH PURPOSES:

In case the corporation of the city desires at any time to put in operation any fire alarm or police telegraph system, it reserves to itself the right to use the top of, or a space near the top of, any and all telegraph and telephone poles, free of expense, for the purpose of attaching wires thereto for use in such fire alarm or police telegraph, and the granting of any franchise to any person to erect poles for any of the purposes indicated in this chapter shall be with the above reservation of privilege and right. (Prior code § 41-8-11)

### 14.40.100: POLES NOT TO INTERFERE WITH OTHER UTILITIES:

It is unlawful for any person to erect or to cause to be erected any pole or poles in any street when the erecting thereof will in any manner interfere with any sewer connection, gas or water main or pipe, or which will in any way interfere with the free use of said streets, and the director of public services is prohibited from granting any permit for the erection of poles, the setting of which will in any manner violate this section. (Ord. 6-01 § 10, 2001: Ord. 77-97 § 14, 1997: prior code § 41-8-5)

### 14.40.110: PULLING DOWN OR DEFACING POLES PROHIBITED:

It is unlawful for any person wilfully or negligently to injure, pull down, break or deface any telegraph, telephone, electric light or power pole or wire erected or standing in the streets of the city. (Prior code § 41-8-12)

## CHAPTER 14.44
## RAILROADS

### 14.44.010: TRACKS TO CONFORM TO GRADE; EXCEPTION:

All railroad companies shall make their railroad tracks conform to what is, or may hereafter be, the established grade to the street or place through which their railroads pass, and no company shall have the right to take up, remove, carry away, or cause or permit to be taken up, removed or carried away, any rock, gravel, earth or other material from any street or public place for any purpose, except by permission of the mayor, and under the direction of the director of public services. (Ord. 6-01 § 11, 2001: Ord. 77-97 § 15, 1997: prior code § 35-1-4)

## 14.44.020: TRACKS TO BE LAID IN CENTER OF STREET:

The tracks of all railroads shall be laid in the center of the streets, unless otherwise directed by the mayor. (Prior code § 35-1-8)

## 14.44.030: GRADE CROSSINGS; PLANKING AND PAVING:

A. Every railway company operating within the boundaries of the city shall keep every portion of every city street or alley upon or across which their tracks shall be or are constructed and maintained in good and safe condition to accommodate public travel. For this purpose, each railway company will install and maintain the materials required in the manner specified from time to time in writing by the mayor to surface and maintain the same in good condition for public travel.

B. The portions of the street or alley surfaces to be so maintained by all such railway companies shall include all the space between their different rails and tracks and also the space outside the outer rail of each outside track for a distance of two feet (2'), measured from the outside edge of the rail, for the full width of the street or alley, including sidewalks, or length of said street or alley, unless otherwise directed by the mayor.

C. At all times, the surface of the street or alley shall be maintained level with the top of the rails on the track. After being directed in writing to surface or perform maintenance work on an area of trackage, each such railway company shall complete the work specified by the mayor within seven (7) days on small roadway repairs or thirty (30) days for major capital improvements, or such other reasonable time as specified by the city. Every railway company which fails or refuses to comply with such notice, within the time specified, shall pay to the city all costs and expenses incurred by the city or others at its direction for performing the required surfacing and/or maintenance work and the city may thereafter recover such costs and expenses, including attorney fees incidental thereto, in a civil action brought against such railway company in any court having jurisdiction thereof. (Prior code § 35-1-5)

## 14.44.040: VIADUCTS AND BRIDGES; REQUIRED WHEN:

Such railroads shall, when required by the mayor, construct suitable viaducts over all streets when life or property may be endangered by the ordinary public use of the streets over, upon or across which such railroads are constructed. (Prior code § 35-1-3)

## 14.44.050: VIADUCTS AND BRIDGES; AT EMBANKMENTS AND EXCAVATIONS:

All railroad companies shall, at their own expense, construct viaducts and bridges for the cross streets, now existing or hereafter opened, intersecting the embankments or excavation of their railroads; they shall also make such grades or excavations as, in the opinion of the mayor, may be required to make the passage over the railroad embankments easy and convenient for all the purposes for which streets are usually used; and they shall make such drains and sewers as their embankments and excavations may make necessary. (Prior code § 35-1-2)

## 14.44.060: PROTECTION OF STREETS AND DRAINAGE FACILITIES:

It is unlawful for any person to construct a railroad within the limits of the city without complying with the following provisions:

A. Such railroad shall, at its own expense, construct and keep in good repair all water ducts, sewers, drains, street crossings, receiving basins, and all fixtures connected therewith, and all fixtures connected with the distribution of water or sewage in the city which may be affected by the construction of the railroad.

B. All construction, alteration and repairs must be done under the supervision of the director of public services and shall be subject to the approval of the mayor. (Ord. 6-01 § 12, 2001: Ord. 77-97 § 16, 1997: prior code § 35-1-1)

## 14.44.070: CONSTRUCTION OF TRACKS CROSSING OTHERS:

Nothing in any ordinance or resolution granting a right of way or franchise for a railroad shall be construed to prohibit the mayor from granting permission to any other railroad company to cross any railroad track already laid, and when any railroad shall intersect any other railroad, the rails of each shall be so cut or altered as to permit the cars to pass without obstruction. It is unlawful for any person wilfully to obstruct any railroad in the manner herein prohibited. It is unlawful for any person wilfully to construct a railroad in order to obstruct the free passage of another railroad. (Prior code § 35-1-7)

## 14.44.080: OBSTRUCTIONS TO STREETS; REMOVAL AND RESTORATION CONDITIONS:

If, at any time after the commencement of the construction of any railroad, it shall appear to the mayor that any part thereof shall constitute an obstruction or impediment to the ordinary use of any street or place, or that it is being operated contrary to the regulations of the city, the railroad company shall, on notice from the mayor, and within the time therein specified, provide a remedy satisfactory to the mayor; should the company fail or refuse to obey the directions of such notice, the mayor may, upon the expiration of the time limited in such notice, cause the obstruction or impediment to be removed, and the street or place restored at the expense of the railroad company which may be recovered in a civil action in any court having jurisdiction thereof. (Prior code § 35-1-6)

## 14.44.090: RAILROAD HORNS AND WHISTLES; RESTRICTIONS[1]:

A. No railroad shall cause or permit a locomotive horn, whistle or bell to be sounded at Salt Lake City intersections located within a designated quiet zone except when, in the judgment of the operator of the locomotive, it is necessary to do so to prevent damage to property or injury to persons.

B. The provisions of this section prohibiting the sounding of a horn or whistle at specified intersections shall not be enforced until the city transportation director gives notice of a quiet zone to the affected railroads. Notice shall be given by sending a certified letter, return receipt requested, to the affected railroads, with a copy to the city recorder, city prosecutor, and to the city attorney. Said notice shall specify the intersections to which the quiet zone applies. (Ord. 17-01 § 1, 2001)

## 14.44.095: 900 SOUTH STREET RAILROAD HORN QUIET ZONE:

Notwithstanding the provisions of section 14.44.090 of this chapter, and ordinance 81-04, as amended, and until such ordinance is no longer in effect, with respect to the rail line that parallels 900 South Street at approximately 950 South, and effective for all streets from Redwood Road to 700 West Street, inclusive, no operator of a railroad locomotive or any other railroad vehicle shall cause or permit any locomotive mounted audible warning device to be sounded any further than nine hundred feet (900') distant from any street/track crossing, measuring such distance from the front of an approaching locomotive or other railroad vehicle to the middle of the pavement of an upcoming street, except when, in the judgment of the operator of the locomotive or vehicle, it is necessary or prudent to sound such device to prevent damage to property or injury to persons. (Ord. 81-04, 2004: Ord. 47-03 § 1, 2003)

**Footnotes** - Click any footnote link to go back to its reference.
Footnote 1: See also section 12.100.060 of this code.

# CHAPTER 14.48
# DECORATIVE STREET LIGHTING PROGRAM

## 14.48.010: TERMS AND CONDITIONS:

In addition to all other street lighting programs provided by the city, the city may offer a decorative street lighting program which permits the location of private street lighting facilities in the parkway strip, or on other city property; provided, that such program shall be subject to the following conditions:

A. The program shall be voluntary. No property owner shall be required to install, or to consent to the installation of, lighting facilities adjacent to his or her property.

B. All costs related to the street lighting facilities, including costs of acquisition, installation, operation and maintenance, shall be borne by the property owners participating in the program; provided, that the city may pay any administrative costs and expenses and all permit fees.

C. Street lighting facilities located adjacent to an owner's property shall be connected to such owner's electrical service, and the payment of all electric utility charges related to the street lighting facilities shall be the responsibility of such property owner.

D. Each participating property owner shall obtain from the city a revocable permit setting forth the terms and conditions of the use of city property for street lighting purposes, which revocable permit shall be signed by the city and the property owner and recorded in the office of the Salt Lake County recorder. Such revocable permit shall provide that the obligations on the part of the property owner contained therein shall run with the land.

E. All street lighting facilities shall meet certain standards, promulgated from time to time by the transportation division, regarding aesthetics, quality of manufacture, durability, warrantability, location and installation. (Ord. 11-96 § 1, 1996: Ord. 10-96 § 3, 1996)

# CHAPTER 14.52
# DISPOSITION OF CITY OWNED ALLEYS

## 14.52.010: DISPOSITION OF CITY'S PROPERTY INTEREST IN ALLEYS:

The city supports the legal disposition of Salt Lake City's real property interests, in whole or in part, with regard to city owned alleys, subject to the substantive and procedural requirements set forth herein. (Ord. 24-02 § 1, 2002)

## 14.52.020: POLICY CONSIDERATIONS FOR CLOSURE, VACATION OR ABANDONMENT OF CITY OWNED ALLEYS:

The city will not consider disposing of its interest in an alley, in whole or in part, unless it receives a petition in writing which demonstrates that the disposition satisfies at least one of the following policy considerations:

A. Lack Of Use: The city's legal interest in the property appears of record or is reflected on an applicable plat; however, it is evident from an on site inspection that the alley does not physically exist or has been materially blocked in a way that renders it unusable as a public right of way;

B. Public Safety: The existence of the alley is substantially contributing to crime, unlawful activity, unsafe conditions, public health problems, or blight in the surrounding area;

C. Urban Design: The continuation of the alley does not serve as a positive urban design element; or

D. Community Purpose: The petitioners are proposing to restrict the general public from use of the alley in favor of a community use, such as a neighborhood play area or garden. (Ord. 24-02 § 1, 2002)

## 14.52.030: PROCESSING PETITIONS:

There will be three (3) phases for processing petitions to dispose of city owned alleys under this section. Those phases include an administrative determination of completeness; a public hearing, including a recommendation from the planning commission; and a public hearing before the city council.

A. Administrative Determination Of Completeness: The city administration will determine whether or not the petition is complete according to the following requirements:

1. The petition must bear the signatures of no less than eighty percent (80%) of the neighbors owning property which abuts the subject alley property;

2. The petition must identify which policy considerations discussed above support the petition;

3. The petition must affirm that written notice has been given to all owners of property located in the block or blocks within which the subject alley property is located;

4. A signed statement that the applicant has met with and explained the proposal to the appropriate neighborhood organization entitled to receive notice pursuant to title 2, chapter 2.62 of this code; and

5. The appropriate city processing fee shown on the Salt Lake City consolidated fee schedule has been paid.

B. Public Hearing And Recommendation From The Planning Commission: Upon receipt of a complete petition, a public hearing shall be scheduled before the planning commission to consider the proposed disposition of the city owned alley property. Following the conclusion of the public hearing, the planning commission shall make a report and recommendation to the city council on the proposed disposition of the subject alley property. A positive recommendation should include an analysis of the following factors:

1. The city police department, fire department, transportation division, and all other relevant city departments and divisions have no reasonable objection to the proposed disposition of the property;

2. The petition meets at least one of the policy considerations stated above;

3. Granting the petition will not deny sole access or required off street parking to any property adjacent to the alley;

4. Granting the petition will not result in any property being landlocked;

5. Granting the petition will not result in a use of the alley property which is otherwise contrary to the policies of the city, including applicable master plans and other adopted statements of policy which address, but which are not limited to, midblock walkways, pedestrian paths, trails, and alternative transportation uses;

6. No opposing abutting property owner intends to build a garage requiring access from the property, or has made application for a building permit, or if such a permit has been issued, construction has been completed within twelve (12) months of issuance of the building permit;

7. The petition furthers the city preference for disposing of an entire alley, rather than a small segment of it; and

8. The alley property is not necessary for actual or potential rear access to residences or for accessory uses.

C. Public Hearing Before The City Council: Upon receipt of the report and recommendation from the planning commission, the city council will consider the proposed petition for disposition of the subject alley property. After a public hearing to consider the matter, the city council will make a decision on the proposed petition based upon the factors identified above. (Ord. 24-11, 2011)

## 14.52.040: METHOD OF DISPOSITION:

If the city council grants the petition, the city owned alley property will be disposed of as follows:

A. Low Density Residential Areas: If the alley property abuts properties which are zoned for low density residential use, the alley will merely be vacated. For the purposes of this section, "low density residential use" shall mean properties which are zoned for single-family, duplex or twin home residential uses.

B. High Density Residential Properties And Other Nonresidential Properties: If the alley abuts properties which are zoned for high density residential use or other nonresidential uses, the alley will be closed and abandoned, subject to payment to the city of the fair market value of that alley property, based upon the value added to the abutting properties.

C. Mixed Zoning: If an alley abuts both low density residential properties and either high density residential properties or nonresidential properties, those portions which abut the low density residential properties shall be vacated, and the remainder shall be closed, abandoned and sold for fair market value. (Ord. 24-02 § 1, 2002)

### 14.52.050: PETITION FOR REVIEW:

Any party aggrieved by the decision of the city council as to the disposition of city owned alley property may file a petition for review of that decision within thirty (30) days after the city council's decision becomes final, in the third district court. (Ord. 24-02 § 1, 2002)

# CHAPTER 14.54
# DEDICATION OF PRIVATE STREETS TO PUBLIC OWNERSHIP

### 14.54.010: PURPOSE:

The purpose of this chapter is to establish policy and procedures for the dedication of private streets to public ownership. Private alleys are excluded from this policy. (Ord. 88-10, 2010)

### 14.54.020: POLICY:

It is the policy of Salt Lake City Corporation that:

A. The city will not make a proactive effort to bring private streets into public ownership unless there is a compelling public interest;

B. Private streets created as part of a platted subdivision will not be considered for public ownership unless there is a compelling public interest;

C. Existing private streets may be considered for public ownership when requested by property owners abutting the private street. That request will come in the form of a private street dedication petition. The petition must be signed by property owners representing one hundred percent (100%) of the total linear front footage of the street. By signing the petition, the petitioners agree it is their intent to dedicate the street to public ownership;

D. Private streets will not be considered for public ownership unless:

1. The underground utilities meet city standards or until the utilities are brought up to city standards;

2. The street surface features meet current city standards or are brought into an acceptable degree of compliance. Numerous factors will be considered through the petition process and the fact that the underground and surface standards are met does not guarantee that the street will be brought into public ownership. There are certain city standards that the city will not consider waiving or reducing (grade, surface, width), as they relate to health and safety and ability to provide services. Streets will not be considered for public ownership if they have less than sixteen feet (16') of clear paved way, not including parking. If the clear paved width, not including parking, is between sixteen (16) and twenty feet (20'), the city will consider public ownership if there is a compelling public interest. Grade of the street must meet current city street grade standards; and

3. Deteriorated retaining walls and other private property features abutting the proposed public ownership are removed, repaired, or replaced by the property owners to ensure public safety;

E. Salt Lake City will not pay the cost of underground (utilities, etc.) or surface (curb, gutter, sidewalks, concrete, etc.) improvements to bring the street up to city standards. The burden is on the private street property owners to fund necessary improvements. Private street property owners may pursue funding options to upgrade the street to city standards through the city's community development block grant (CDBG), capital improvement program (CIP), or special assessment area (SAA) programs if the private street was not expressly created in a platted subdivision. City funds will not be expended on streets created as a part of a platted subdivision, on the policy basis that taxpayer funds should not be expended to address deficiencies in standards consciously chosen by the property developer. If directed by the mayor, the city may make repairs to water or sewer lines in an emergency situation involving a substantial risk to health or safety and on the basis that the owner will reimburse the city;

F. If matching funding is requested from the city through the CDBG or CIP programs, or through creation of an SAA, the request will be considered through the routine processes for allocation of those funds and will not be given priority;

G. The city will not agree to split the ownership of utilities and streets unless there is compelling public benefit;

H. If a private street was created as part of a planned development, the city will not pay, or share the cost of repairing or improving the street. If the street was created through a planned development, an amendment to the planned development is required. There must be a compelling public interest proven for public ownership to be considered. The amendment process will be reviewed by the planning commission with a recommendation forwarded to the city council;

I. The city has no affirmative duty to inform residents if their street or utility is private. However, as a courtesy, when a customer signs up for water service, the city will make a reasonable effort to inform the customer if their street or the water utility line is private;

J. The city will not take ownership of a street that does not allow public access;

K. The city will not take ownership of a street that is targeted for redevelopment as identified in a city master plan;

L. The city must be able to safely and efficiently provide services (fire protection, garbage collection, snow removal, etc.) along the street in order to dedicate a private street to public ownership;

M. No specific rights or guarantees for use of the street, such as on street parking, are conveyed to private street owners when a private street becomes publicly owned; and

N. The city will not consider the acceptance of an existing private street to public ownership unless it is demonstrated that the street dedication achieves at least one of the following objectives:

1. The street currently provides, or can provide with improvements:

   a. Access to open space, public facilities/uses or other public amenities;

   b. Mid-block pedestrian access;

   c. An improvement to the surrounding pedestrian or vehicular circulation pattern;

   d. An identified planning goal as noted in the adopted master plan for the neighborhood;

2. Dedicating the private street to public ownership will encourage reinvestment in the community;

3. Dedication of the street will improve public health, safety, and general welfare. (Ord. 88-10, 2010)

### 14.54.030: ADMINISTRATIVE PROCEDURES:

The mayor is authorized to adopt additional, consistent administrative procedures necessary to implement this policy. (Ord. 88-10, 2010)

# Title 15 - PARKS AND RECREATION

## CHAPTER 15.04
## PARKS, PLAY FIELDS AND GOLF COURSES

### 15.04.010: APPLICABILITY OF PROVISIONS:

The provisions of this chapter shall apply to the public parks and playgrounds as named and described in the succeeding sections of this chapter. (Prior code § 27-8-1)

### 15.04.030: DESCRIPTION OF IONE MCKEAN DAVIS MEMORIAL PARK:

Ione McKean Davis Memorial Park is described as follows:

Beginning at the northeast corner of Lot 4, Block 13, Sunnyside Park Subdivision, said corner being West 33.0 feet and South 35.0 feet from City Monument at the intersection of 900 South Street and 20th East Street; thence south 252.45 feet to the southeast corner of Lot 1, Block 13, Block 27, 5 Acre Plat "C" Salt Lake City Survey; said point is also a point on curve, radial line bears north; thence northwesterly along the arc of a curve to the right 66.208 feet, radius 252.699 feet to a point of reverse curve, radial line bears S 15 degrees 00'42" W; thence northwesterly along the arc of a curve to the right 83.500 feet, radius 318.699 feet, to a point of tangency; thence east 34.86 feet to a point of curve, radial line bears north; thence northeasterly along the arc of a curve to the left 75.290 feet, radius 35.013 feet; thence N 33 degrees 15'00" W 216.822 feet to a point on a curve, radial line bears N 6 degrees 15'51" E; thence easterly along the arc of a curve to the left 44.83 feet, radius 410.050 feet to a point of tangency; thence east 158.000 feet to the point of beginning.
Contains 0.7217 acre.
(Ord. 23-86, 1986: prior code § 27-8-32)

## 15.04.040: DESCRIPTION OF DILWORTH PARK:

Dilworth Park is described as follows:

Beginning at the southwest corner of Lot 4, Block 6, 5 Acre Plat "C", B.F.S.; thence S. 89 deg. 52' E. 761.24 feet; thence N. 0 deg. 09'40" E. 326.67 feet; thence N. 89 deg. 52' W. 290.5 feet; thence S. 62 deg. 46' W. 204.0 feet; thence S. 0 deg. 11'30" W. 51.89 feet; thence N. 89 deg. 52' W. 289.58 feet; thence S. 0 deg. 11'30" W. 181.0 feet to the point of beginning.
(Prior code § 27-8-2)

## 15.04.060: DESCRIPTION OF ENSIGN DOWNS:

Ensign Downs is described as follows:

Beginning at a point 50.0 feet north and 30.06 feet west of the northeast corner of Lot 1, Ensign Downs Plat "B" Subdivision and running thence N. 15 deg. 06' W. 861.66 feet to the south line of Greenstroke Drive; thence southwesterly along the southerly line of Greenstroke Drive to the intersection with Highfall Road; thence southeasterly along the easterly line of Highfall Road to the intersection with Dorchester Drive; thence southeasterly along the northerly line of Dorchester Drive to the point of beginning.
(Prior code § 27-8-4)

## 15.04.070: DESCRIPTION OF FAIRMONT PARK:

Fairmont park is described as follows:

The area bounded between 9th East Street and 11th East Street and between Sugarmont Avenue and I-80 excepting the lots being 110.27 feet in depth on both sides of Simpson Avenue extending 726.0 feet east of 9th East Street.
(Prior code § 27-8-5)

## 15.04.080: DESCRIPTION OF JORDAN PARK:

Jordan park is described as follows:

The area bounded between 9th West Street and the Jordan River and between Montague Avenue and Fremont Avenue, excepting two (2) areas described as follows:

Beginning at the northwest corner of the intersection of Fremont Avenue and 8th West Street; thence west along the north line of said avenue 437.90 feet; thence north 2,150 feet; thence east 287.90 feet; thence north 25.00 feet; thence east 150.0 feet; thence south 240.0 feet to the point of beginning. Also, Lots 8 and 9, Block 2, Silver Park Subdivision, all being located in Section 11, T. 1 S., R. 1 W., Salt Lake Base and Meridian.
(Amended during 1/88 supplement: prior code § 27-8-6)

## 15.04.090: DESCRIPTION OF LAIRD PARK:

Laird park is described as follows:

All of Lots 20 through 40, Block 5, together with the included vacated alleys, Colonial Heights Subdivision, located in Block 28, 5 Acre Plat "C", Big Field Survey.
(Prior code § 27-8-7)

## 15.04.100: DESCRIPTION OF LIBERTY PARK:

Liberty park is described as follows:

All of Block 19, 5 Acre Plat "A", Big Field Survey, being further described as the area between 5th East Street and 7th East Street between 9th South Street and 13th South Street.
(Prior code § 27-8-8)

## 15.04.110: DESCRIPTION OF LINDSEY GARDENS:

Lindsey Gardens is described as follows:

Beginning at the southwest corner of Block 112, Plat "D", Salt Lake City Survey; thence east 594.22 feet; thence north 1,154.58 feet; thence west 165.0 feet; thence north 192 feet more or less; thence west 51.50 feet; thence north 220.50 feet, more or less, to the south line of 11th Avenue; thence west 212.72 feet; thence south 412.5 feet to the south line of 10th Avenue; thence west 165.0 feet to the east line of M Street; thence south 1154.58 feet to the point of beginning.
(Prior code § 27-8-9)

## 15.04.120: DESCRIPTION OF MADSEN PARK:

Madsen park is described as follows:

All of Lots 15 through 29, Western Subdivision, located in Block 57, Plat "C," Salt Lake City Survey, being located between Ninth West Street and Chicago Street on the north side

of South Temple Street.
(Prior code § 27-8-10)

## 15.04.130: DESCRIPTION OF MEMORY GROVE PARK:

Memory Grove park is described as follows:

All of Canyon Road from the north line of 4th Avenue to the intersection with Bonneville Boulevard. Also all of Lots 3 through 10, Block 3, Plat "K," Salt Lake City Survey and the following described area: Beginning at the Southwest corner of Block 71, Plat "D," Salt Lake City Survey; thence west 100 feet more or less to the east boundary of the Canyon Road Subdivision; thence northerly along said line 336 feet more or less to the northeast corner of Lot 9 of said subdivision; thence N. 76 deg. 14 min. 42 sec. W. 70.47 feet to the east line of said Canyon Road; thence northerly along said east line to the intersection of Canyon Road with Bonneville Boulevard; thence southeasterly around a curve to the right and southerly along the west line of said Bonneville Boulevard 3,500 feet more or less to the south line of Eleventh Avenue; thence west 165 feet; thence south 83.0 feet; thence S. 87 deg. 28 min. 28 sec. W. 128.02 feet; thence south 55.0 feet; thence west 122.5 feet; thence south 1,960 feet more or less to the north line of Sixth Avenue; thence west 100.0 feet; thence S. 11 deg. 01 min. 17 sec. W. 83 feet more or less; thence west 214.26 feet; thence south 330.0 feet to said point of beginning; also that area located north of Lot 10 of said Block 3, Plat "K," Salt Lake City Survey and between the east lines of East Capitol Street and Bonneville Boulevard, and the west line of said Canyon Road.
(Prior code § 27-8-11)

## 15.04.140: DESCRIPTION OF CHARLES LEE MILLER PARK:

Charles Lee Miller Park is described as follows:

Beginning at the northeast corner of Lot 77, Block 13, Douglas Park Subdivision, a subdivision of part of Block 29, Five Acre Plat "C," Big Field Survey and running thence N. 89° 56'40" E. 104.39 feet to a point on a 284.91 foot radius curve to the right, said point being also the northwest corner of Lot 1, Block 13, said subdivision; thence southwesterly 149.18 feet along the arc of said curve to point of tangency, said point being also the northwest corner of Lot 10, Block 13, said subdivision; thence S. 29°57'20" W. 77.00 feet to point of curvature on a 373.49 foot radius curve to the right, said point being also the northwest corner of Lot 13, Block 13, said subdivision; thence 260.75 feet along the arc of said curve to a point of reverse curvature with a 555.00 foot radius curve to the left, said point being also the northeast corner of Lot 27, Block 13, said subdivision; thence 387.46 feet along the arc of said curve to a point which is also the northwest corner of Lot 39, Block 13, said subdivision; thence S. 29°57'20" W. 131.60 feet; thence West 28.49 feet to the northwesterly corner of Lot 22, Block 1, Upper Yale Park, a subdivision, a part of Block 29, Five Acre Plat "C," Big Field Survey; thence S. 42°45'00" W. 108.32 feet; thence S. 16°54'04" W. 238.68 feet; thence S. 49°27'20" W. 263.94 feet; thence N. 0°01'04" W. 314.46 feet to southwest corner of Lot 14, Block 29, Five Acre Plat "C," Big Field Survey; thence N. 89°57'20" E. 5.00 feet; thence N. 41°01'45" E. 228.08 feet to the southeast corner of Lot 40, Block 13, Douglas Park Subdivision, a subdivision of part of Block 29, Five Acre Plat "C," Big Field Survey; thence N. 39°57'20" E. 7.47 feet; thence N. 50°02'40" W. 14.50 feet; thence N. 29°45'06" E. 25.40 feet; thence N. 39°57'20" E. 50.00 feet; thence S. 50°02'40" E. 19.00 feet; thence N. 39°57'20" E. 200.00 feet to point of tangency on a 313.30 foot radius curve to the right, said point being also the northeast corner of Lot 51, Block 13, said subdivision; thence 136.70 feet along the arc of said curve to a point of reverse curvature with a 575.30 foot radius curve to the left, said point being also the northeast corner of Lot 59, Block 13, said subdivision; thence 301.23 feet along the arc of said curve to a point of tangency, said point being also the northeast corner of Lot 72, Block 13, said subdivision; thence N. 34°57'20" E. 232.41 feet to the point of beginning.
(Prior code § 27-8-30)

## 15.04.145: DESCRIPTION OF PARLEY'S HISTORIC NATURE PARK:

Parley's Historic Nature Park is described as follows:

Beginning at the North $^{1}/_{4}$ Corner of Section 26, Township 1 South, Range 1 East, Salt Lake Base and Meridian; thence N90°00'00"E 212.49 feet; thence S64°56'27"E 266.56 feet; thence S33°44'23"E 1032.23 feet; thence S77°48'47"W 138.87 feet; thence N89°59'10"W 307.14 feet to a point on the north boundary of North Canyon Rim Subdivision and following said subdivision for the next three courses; thence N84°15'12"W 100.13 feet; thence S86°07'52"W 147.34 feet; thence N82°09'12"W 293.80 feet; thence N00°02'04"W 382.55 feet; thence N77°13'49"W 153.24 feet; thence S00°00'00"E 157.00 feet; thence S51°03'50"W 136.80 feet; thence S00°00'00"E 151.85 feet; thence S23°30'00"W 196.32 feet; thence N90°00'00"W 25.00 feet; thence S00°00'00"E 20.00 feet; thence N90°00'00"W 80.00 feet to the Northeast corner of Canyon Rim Addition #3 Subdivision; thence along said subdivision N73°06'11"W 707.39 feet; thence N41°18'28"W 399.53 feet; thence N55°00'00"W 141.35 feet; thence N30°04'01"W 74.28 feet; thence N55°59'31"W 399.92 feet; thence S00°00'00"E 56.03 feet to the Northeast corner of Pleasant View Heights Addition Subdivision and along said subdivision the next five courses; thence N66°50'00"W 203.40 feet; thence N79°58'26"W 100.52 feet; thence N31°30'00"E 13.93 feet; thence N58°30'00"W 155.00 feet; thence S31°20'09"W 74.75 feet; thence N07°21'40"W 195.11 feet; thence N90°00'00"E 969.73 feet; thence N00°00'00"E 578.00 feet; thence S71°37'21"E 15.08 feet; thence S40°41'00"E 80.00 feet; thence S80°20'00"E 136.00 feet; thence N73°35'00"E 47.67 feet; thence S75°12'01"E 141.52 feet; thence S44°40'00"E 64.45 feet; thence S55°36'00"E 164.10 feet; thence S73°30'00"E 197.49 feet; thence S00°00'00"E 59.79 feet; thence S65°10'23"E 243.58 feet; thence N23°00'00"E 114.00 feet; thence S68°16'30"E 111.00 feet; thence S69°30'00"E 214.46 feet; thence S00°00'00"E 99.11 feet to the point of beginning, contains 60.76 acres more or less.
(Ord. 5-11, 2011)

## 15.04.150: DESCRIPTION OF PIONEER PARK:

Pioneer Park is described as follows:

All of Block 48, Plat "A," Salt Lake City Survey, being the area between Third and Fourth South Streets and Third and Fourth West Streets.
(Amended during 1/88 supplement: prior code § 27-8-12)

## 15.04.155: DESCRIPTION OF POPLAR GROVE PARK:

Poplar Grove Park is described as follows:

Beginning at a point on the east line of 11th West Street and the south line of Seventh South Street, said point being located in the northwest quarter of the northwest quarter of Section 11, T. 1 S., R. 1 W., Salt Lake Base and Meridian, and running thence east 132.0 feet; thence south 30.0 feet; thence east 132.0 feet to the west line of Emery Street; thence south along said line 673.0 feet; thence west 132.0 feet; thence south 263.0 feet to the north line of Indiana Avenue; thence west 132.0 feet to said east line of 11th West Street; thence north 966 feet to the point of beginning.
(Ord. 26-88 § 1, 1988: prior code § 27-8-16)

## 15.04.160: DESCRIPTION OF RESERVOIR PARK:

Reservoir Park is described as follows:

All of Block 33, Plat "F," Salt Lake City Survey, being the area between First South and South Temple Streets and University and Thirteenth East Streets.
(Prior code § 27-8-13)

## 15.04.165: DESCRIPTION OF MIGNON B. RICHMOND PARK:

Mignon B. Richmond park is described as follows:

Beginning at a point that is West 99.000 feet from the northeast corner of Lot 5, Block 20, Plat B, Salt Lake City Survey; County of Salt Lake, State of Utah; thence East 264.000 feet; thence South 230.000 feet; thence East 16.500 feet; thence South 75.000 feet; thence West 148.500 feet; thence North 65.750 feet; thence West 156.750 feet; thence North 74.250 feet; thence East 24.750 feet; thence North 165.00 feet to the point of beginning, as described from original survey of Block 20, Plat B, Salt Lake City Survey. Containing 1.72 acres more or less.
(Ord. 29-88 § 1, 1988)

## 15.04.170: DESCRIPTION OF RIVERSIDE PARK:

Riverside park is described as follows:

Beginning at the point of intersection of the northerly line of the 5th North Street-6th North Street Diagonal and the east line of the Jordan River right-of-way line and running thence southeasterly along the northerly line of said diagonal street for a distance of 983.2 feet, more or less, to the northerly line of Waverly Subdivision; thence N. 89 deg. 59 min. 30 sec. E. 71.0 feet, more or less, to the southwest corner of Lot 1, Catherine Circle Subdivision; thence North 0 deg. 00 min. 55 sec. W. 214.50 feet; thence N. 89 deg. 59 min. 30 sec. E. 474.95 feet to the west line of 13th West St.; thence N. 0 deg. 00 min. 55 sec. W. 297.0 feet; thence west 559.0 feet; thence north 150.0 feet; thence N. 34 deg. 34 min. E. 211.5 feet; thence N. 5 deg. W. 63.33 feet; thence N. 54 deg. 29 min. 35 sec. W. 314.0 feet thence N. 29 deg. 22 min. 14 sec. W. 129.73 feet; thence north 26 deg. 45 min. West 140.0 feet to the south line of 7th North Street; thence west 166.50 feet; thence north 96.04 ft. to the southeast corner of Lot 1, Rose Park Circle Subdivision; thence N. 79 deg. W. 51.7 feet; thence N. 71 deg. 09 min. W. 122.0 feet; thence N. 71 deg. 10 min. 40 sec. E. 192.0 feet; thence north 2.0 feet; thence N. 83 deg. 22 min. W. 27.22 feet to the east right-of-way line of the Jordan River; thence S. 1 deg. 57 min. 06 sec. E. 970.0 feet, more or less, to the point of beginning.
(Prior code § 27-8-14)

## 15.04.180: DESCRIPTION OF SHERWOOD PARK:

Sherwood park is described as follows:

Beginning at the southwest corner of Lot 1, Block 3, Sherwood Forest Addition Subdivision, Section 3, T. 1 S., R. 1 W., Salt Lake Base and Meridian, said point being on the north line of Fourth South Street, and running thence north 718.5 feet; thence west 396.0 feet; thence north 20 feet, more or less to the south line of Third South Street; thence west 82.5 feet; thence south 169 feet; thence west 445.2 feet; thence south 388 feet; thence east 345.2 feet; thence south 169 feet; thence east 578.5 feet to the point of beginning.
(Prior code § 27-8-15)

## 15.04.200: DESCRIPTION OF STRATFORD PARK:

Stratford park is described as follows:

Beginning at a point 66.0 feet west and 137.0 feet north from the southwest corner of Lot 47, Crystal Heights Subdivision, and running thence north 60.0 feet; thence west 125.0 feet; thence north 275.0 feet; thence N. 89 deg. 50 min. 58 sec. W. 263 feet more or less to the east line of Preston Street; thence south 335.0 feet; thence S. 89 deg. 50 min. 58 sec. E. 388 feet more or less to the point of beginning, being located in the southeast quarter of the southeast quarter of Section 21, T. 1 S., R. 1 E., Salt Lake Base and Meridian.
(Prior code § 27-8-17)

## 15.04.210: DESCRIPTION OF SUGARHOUSE PARK:

Sugarhouse park is described as follows:

Beginning at the west quarter corner of Section 21, T. 1 S., R. 1 E., Salt Lake Base and Meridian, said point also being the southeast corner of Lot 1, Block 1 of Union Heights Subdivision, and running thence N. 0 deg. 13 min. 44 sec. E. along the east boundary of Block 1 of said subdivision and along said line extended 2,420 feet more or less to a point that is 50 feet south of the centerline of 21st South Street, as shown on the Utah State Highway Commission drawing, Federal Aid Project 97-C of 1935; thence running easterly on a line parallel to and 50 feet south from the centerline of said 21st South Street a distance of 2,280 feet more or less to the west line of the Salt Lake City Board of Education property; thence S. 0 deg. 17 min. 36 sec. W. 699.5 feet; thence N. 89 deg. 42 min. 24 sec. W. 378.4 feet; thence S. 0 deg. 17 min. 36 sec. W. 660.0 feet to the south line of said Board of Education property; thence S. 89 deg. 42 min. 24 sec. E. 1,178.4 feet to a point 37 feet west of the 17th East Monument line; thence southerly 775 feet more or less to a point 880 feet west of said monument line, said point also being the west boundary of the Country Club property; thence along said west boundary S. 19 deg. 22 min. W. 411.04 feet to the northeast corner of Lot 378 of Highland Park Plat "A" of said Section 21; thence N. 80 deg. 47 min. 58 sec. W. along the north line of said Highland Park Plat "A" 2,831.9 feet to the point of beginning, excluding therefrom the right-of-way of federal highway Interstate 80.
(Prior code § 27-8-18)

## 15.04.220: DESCRIPTION OF SUNNYSIDE PARK:

Sunnyside park is described as follows:

Beginning at a point on the north line of Sunnyside Avenue, said point being 543.78 feet east of the west line of Section 9, T. 1 S., R. 1 E., Salt Lake Base and Meridian, and running thence N. 0 deg. 02 min. 01 sec. W. 800 feet; thence S. 89 deg. 59 min. 50 sec. W. 1,243.78 feet; thence S. 0 deg. 02 min. 01 sec. E. 300 feet; thence S. 89 deg. 59 min. 50 sec. W. 400 feet; thence S. 0 deg. 02 min. 01 sec. E. 500 feet; thence N. 89 deg. 59 min. 50 sec. E. 1,643.78 feet to the point of beginning.
(Prior code § 27-8-19)

## 15.04.230: DESCRIPTION OF WARM SPRINGS PARK:

Warm Springs park is described as follows:

Beginning at a point 68.0 feet east of the City Monument at the intersection of Wall Street and Second West Street, said point being north 1,080 feet more or less and east 420 feet more or less from the south quarter corner of section 25, T. 1 N., R. 1 W., Salt Lake Base and Meridian, said point being also on the east line of said Second West Street, and running thence north along said line 325 feet more or less to the intersection with the east line of Beck Street; thence N. 24 deg. 22 min. 53 sec. W. along said east line of Beck Street 645 feet more or less to the south fence line of the Salt Lake City Animal Shelter; thence N. 65 deg. 37 min. 07 sec. E. 284 feet more or less to the west boundary of the State Road Commission property; thence S. 26 deg. 06 min. E. 90 feet along said property line; thence S. 11 deg. 16 min. W. 69.3 feet; thence N. 81 deg. 53 sec. E. 120.8 feet to west line of Victory Road; thence S. 32 deg. 34 min. E. 1,130 feet more or less along said line to the Utah Power and Light Company's north property line; thence S. 43 deg. 30 min. W. along said property line 405 feet more or less to the east line of said Wall Street; thence N. 49 deg. 04 min. W. along said line 180 feet more or less to a point; thence N. 58 deg. 49 min. W. also along said line 424.9 feet to the point of beginning.
(Amended during 1/88 supplement: prior code § 27-8-20)

## 15.04.240: DESCRIPTION OF GEORGE WASHINGTON PARK:

George Washington park is described as follows:

Beginning at a point West 1,331.30 feet from the East Quarter Corner of Section 11, Township 1 South, Range 2 East, Salt Lake Base and Meridian, said point further described as being on the east-and-west quarter line for said Section 11, and running thence South 1,150 feet more or less to a point on the curve of a 1,795.10 foot radius curve to the right, said curve further described as being the north right-of-way line for the frontage road adjacent to Interstate 80; thence Northwesterly along the arc of said curve 850 feet more or less to a point of tangency; thence continuing along said North right-of-way line N. 56°25'00" W. 685 feet more or less to a point on the north-and-south quarter line of said Section; thence N. 65°58'47" E. 1,007.22 feet to a point on the east-and-west quarter line of said section; thence N. 42°36'50" W. 1,358.82 feet to the north-and-south quarter line of said Section; thence S. 54°27'43" W. 430.12 feet; thence N. 56°48'32" W. 794.64 feet; thence N. 17°29'16" W. 382.68 feet; thence N. 33°12'23" E. 657.34 feet; thence S. 51°57'50" E. 2,653.55 feet; thence South 455 feet more or less to the point of beginning.
(Prior code § 27-8-31)

## 15.04.250: DESCRIPTION OF MUNICIPAL BALLPARK:

Municipal ballpark is described as follows:

The area bounded by 7th East Street to the west, 8th East Street to the east, 13th South Street to the north and to a line 111.25 feet north of the north line of Harrison Avenue to the south.
(Prior code § 27-8-26)

## 15.04.260: DESCRIPTION OF WHITE SOFTBALL PARK:

White softball park is described as follows:

The area is bounded by North Temple Street to the north, Learned Avenue to the south, 10th West Street to the east and 11th West Street to the west.
(Prior code § 27-8-29)

## 15.04.270: DESCRIPTION OF BONNEVILLE GOLF COURSE:

Bonneville golf course is described as follows:

Beginning at a point on the east line of 21st East Street, said point being S. 0 deg. 11 min. 30 sec. W. 148.0 feet and east 34.56 feet from the City Monument at Hubbard Avenue and 21st East Street, said point being also located in Block 25, 5 Acre Plat "C", Big Field Survey, and Section 10, T. 1 S., R. 1 E., Salt Lake Base and Meridian and running thence east 678.0 feet to the west line of 22nd East Street; thence south 25.0 feet; thence east 228.0 feet; thence north 25.0 feet; thence east 747.28 feet to the centerline of said Section 10; thence south 240.36 feet to the center of the section; thence S. 89 deg. 51 min. 30 sec. E. 2,643.37 feet along the quarter Section line to the west quarter corner of Section 11; thence S. 89 deg. 40 min. E. 434.4 feet along the quarter Section line; thence south 33.0 feet; thence west 54.4 feet; thence S. 0 deg. 09 min. 33 sec. E. 1,658 feet more or less to the north line of Lot 28, Oak Hills Plat "A-1"; thence S. 89 deg. 58 min. 57 sec. W. 310.0 feet; thence S. 44 deg. 55 min. 08 sec. W. 98.88 feet; thence S. 89 deg. 58 min. 57 sec. W. 1,655 feet more or less to the east line of Wasatch Drive; thence north 150 feet along said line; thence S. 89 deg. 58 min. 57 sec. W. 985.27 feet to said centerline of Section 10; thence north 52.06 feet along said line; thence N. 70 deg. 00 min. 34 sec. W. 225.24 feet to a point on a 110 foot radius curve to the left, whose tangent bears N. 10 deg. W.; thence northwesterly 153.59 feet along said curve to a point of tangency; thence west 680.0 feet; thence north 100.0 feet; thence west 266.92 feet more or less to the east line of Foothill Drive; thence N. 33°15' W. 704.66 feet to the intersection with said east line of 21st East Street; thence N. 0°11'30" E. 950.70 feet along said line to the point of beginning.

(Prior code § 27-8-22)

## 15.04.280: DESCRIPTION OF FOREST DALE GOLF COURSE:

Forest Dale golf course is described as follows:

The area bounded by I-80 to the north, 9th East Street to the west, a line 571.59 feet north of and parallel to the north line of 27th South Street to the south, and by the Jordan and Salt Lake Canal to the east.
(Prior code § 27-8-23)

## 15.04.290: DESCRIPTION OF GLENDALE PARK GOLF COURSE:

Glendale park golf course is described as follows:

The area bounded by the Brighton-North Point Canal to the west, Jordan River to the east, 17th South Street to the north, and 21st South Street to the south.
(Prior code § 27-8-24)

## 15.04.300: DESCRIPTION OF NIBLEY PARK GOLF COURSE:

Nibley park golf course is described as follows:

Beginning at the point common to Lots 6, 7, 12 and 13, Block 30, 10-acre Plat "A", Big Field Survey, said point being the northeast corner of Lot 2, Homefield Subdivision, and also on the existing city limit line, and running thence west 555.5 feet; thence north 574.2 feet; thence west 203.5 feet to the east line of 5th East Street; thence north along said line 1,148.4 feet to the south line of 27th South Street; thence east along said line 1,448.60 feet to the west line of the widened 7th East Street; thence south 1,182.0 feet to said city limit line; thence west along said line 935.5 feet; thence south 254.1 feet; thence east 240.5 feet to the east line of said Lot 7; thence south 287.1 feet along said line to the point of beginning.
(Prior code § 27-8-27)

## 15.04.310: DESCRIPTION OF ROSE PARK GOLF COURSE:

Rose park golf course is described as follows:

Beginning at a point on the east line of Redwood Road, said point being south 231.0 feet and east 55 feet more or less from the south quarter corner of Section 22, T. 1 N., R. 1 W., Salt Lake Base and Meridian, and running thence east 450 feet more or less to the west right-of-way line of the Jordan River; thence northerly along said line 535 feet more or less; thence S. 50° E. 123 feet, more or less to the southwest corner of Lot 4, Rose Park Plat "G-1" Subdivision; thence eastwardly along the south line of said Lot, 149.09 feet to Lot 3 of said subdivision; thence N. 5°44'25" E. 118.34 feet; thence S. 89°59'34" E. 2,083.84 feet to a point of tangency with a 549.73 foot radius curve to the right; thence southeastwardly along said curve 379.73 feet to a point of tangency; thence S. 39°59'34" E. 287.68 feet; thence S. 89°59'34" E. 30.88 feet; thence north 435.0 feet more or less; thence N. 11°45' W. 687.0 feet more or less; thence N. 89°26'57" W. 1,798.87 feet; thence N. 0°11'27" E. 288.0 feet; thence west 480.0 feet more or less, to the west bank of the Jordan River; thence northwesterly along the west bank of the Jordan River to the east line of Redwood Road; thence southerly along said east line to the point of beginning.

(Prior code § 27-8-28)

## 15.04.320: DESCRIPTION OF STEINER AQUATIC CENTER:

Steiner Aquatic Center is described as follows:

A. Parcel 1: Beginning at a point on the east right-of-way of Guardsman Way which is the southwest corner of Parcel No. 2, Tract "L" as shown on the United States Department of Interior, Bureau of Land Management Plat of Section 4, T1S, R1E SLB&M, dated December 2, 1976, a point which is east 699.98 feet and north 1,099.78 feet from Fort Douglas Military Monument No. 3 as shown on City Atlas Plat No. 70; thence N. 00°02'01" W. 160.00 feet along the east right-of-way of Guardsman Way; thence N. 15°26'16" E. 590 feet; thence N. 44°50'52" E. 202.12 feet; thence N. 89°59'50" E. 320.00 feet; thence S. 00°02'01" E. 1,171.43 feet; thence N. 89°59'10" W. 220.00 feet; thence N. 00°59'50" W. 400 feet to the point of beginning. Contains 12.14 acres more or less.

B. Parcel 2: Beginning at a point on the east right-of-way of Guardsman Way, a point which is east 699.98 feet and north 1,259.82 feet from Fort Douglas Military Monument No. 3 as shown on City Atlas Plat No. 70; thence N. 00°02'01" W. 370.00 feet; thence N. 89°59'10" E. 102.40 feet; thence S. 15°26'16" W. 383.87 feet to the point of beginning. Contains 0.435 acre more or less.
(Ord. 84-90 § 1, 1990)

## 15.04.330: DESCRIPTION OF DONNER TRAIL PARK:

Donner Trail park is described as follows:

A. Parcel 1: Salt Lake County Tax Id. No. 16-11-177-001-0000
Beginning at a point on curve that is east 2,460.22 feet and south 2,532.30 feet from the Northwest Corner of Lot 1, Section 11, Township 1 South, Range 1 East, Salt Lake Base and Meridian; thence southwesterly along a curve to the right 84.37 feet; thence northwesterly along a curve to the right 86.6 feet; thence northwesterly along a curve to the left 538.17 feet; thence N89°40'W 545.71 feet; thence southwesterly along a curve to the left 454.96 feet; thence S36°55'W 75.6 feet; thence westerly along a curve to the right 39.27 feet; thence N53°05'W 360.98 feet; thence northwesterly along a curve to the right 304.62 feet; thence N49°35'E 225.26 feet to the south line of Rotary Park; thence the following eight courses along said south line, S52°28'01"E 508.33 feet; N66°16'33"E 306.63 feet; N18°04'47"E 131.25 feet; N70°47'46"E 164.47 feet; S69°06'27"E 85.44 feet; S34°39'37"E 122.07 feet; S72°58'04"E 522.02 feet; S83°56'37"E 300.17 feet; thence S0°14'34"W 184.04 feet to the point of beginning, containing 11.97 acres more or less.

B. Parcel 2: Salt Lake County Tax Id. No. 16-11-152-005-0000
Beginning at a point that is south 2,635.51 feet and east 255.83 feet from the Northwest Corner of Lot 1, Section 11, Township 1 South, Range 1 East, Salt Lake Base and Meridian; thence N00°50'29"E 302.18 feet; S89°40'E 71.76 feet; thence southeasterly along a curve to the right 31.85 feet; thence southeasterly along a curve to the left 146.14 feet; thence S53°05'E 280.35 feet; thence N89°40'W 154.156 feet; thence N00°50'29"E 50 feet; thence N89°40'W 250.754 feet; thence S00°50'29"W 50 feet; thence N89°40'W 10.6 feet to the point of beginning, contains 1.22 acres more or less.

C. Parcel 3: Salt Lake County Tax Id. No. 16-11-153-001-0000
Lot 11, Canyon View park subdivision.
(Ord. 14-07 § 1, 2007)

# CHAPTER 15.08
# PARK AND PLAYGROUND RULES

## 15.08.010: APPLICABILITY OF CHAPTER PROVISIONS:

It is unlawful for any person to do or to allow or permit any of the acts prohibited by this chapter in any public park or playground in Salt Lake City or in any place now, or which may hereafter be, set aside or used as a public park or playground under the jurisdiction of the city, whether within or without the city limits. (Prior code § 27-5-1)

## 15.08.020: PARK HOURS; DESIGNATED:

A. All public parks and playgrounds of the city shall be closed to the public between the hours of eleven o'clock (11:00) P.M. and five o'clock (5:00) A.M. the following morning, with the exception of:

1. Charles Lee Miller park, which shall be closed to the public between the hours of nine o'clock (9:00) P.M. and five o'clock (5:00) A.M. the following morning;

2. Pioneer park, which shall be closed to the public: a) from May 1 through September 30, between the hours of eleven o'clock (11:00) P.M. and five o'clock (5:00) A.M. the following morning; and b) from October 1 through April 30, between one-half ($^1/_2$) hour after sunset to seven o'clock (7:00) A.M. the following morning, except that in connection with events or activities at Pioneer park for which a permit has been issued under title 3, chapter 3.50 of this code, the director of public services, or his or her designee, shall, at the request of the sponsor of such event or activity, allow Pioneer park to remain open until eleven o'clock (11:00) P.M. for not to exceed three (3) consecutive days during which the event or activity is occurring;

3. Donner Trail park, which shall be closed to the public between the hours of ten o'clock (10:00) P.M. and five o'clock (5:00) A.M. the following morning; and

4. With the exception of City Creek park, which shall be closed to the public between the hours of eleven o'clock (11:00) P.M. and five o'clock (5:00) A.M. the following morning, all public parks and playgrounds of the city five (5) acres or less in size, whether or not specifically named or described in this title, which shall be closed to the public between the hours of ten o'clock (10:00) P.M. and five o'clock (5:00) A.M. the following morning.

B. The Memorial House in Memory Grove shall be closed to public use at twelve o'clock (12:00) midnight; outdoor activities on the leased south lawn shall be closed at eleven thirty o'clock (11:30) P.M.; and the Memorial House shall be locked and vacant no later than two o'clock (2:00) A.M. Between twelve o'clock (12:00) midnight and two o'clock (2:00) A.M., use of the Memorial House shall be limited to employees cleaning the premises after an activity.

C. No person or persons shall be permitted in said parks or playgrounds, either on foot or on or in any type of vehicle, during such hours unless for the express purpose of traveling directly through the park or playground on a public street that passes through the park or playground. (Ord. 25-08 § 1, 2008: Ord. 14-07 § 2, 2007: Ord. 19-06 § 1, 2006: Ord. 31-01 § 2, 2001: Ord. 35-94 § 1, 1994: Ord. 3-93 § 1, 1993: prior code § 27-6-1)

### 15.08.030: PARK HOURS; EXEMPTION:

Provided, however, that section 15.08.020 of this chapter, or its successor section, shall not apply to a person or persons who are in the park in conformity with a function or activity for which a permit has previously been authorized pursuant to the provisions of section 15.08.080 of this chapter, or its successor section. (Prior code § 27-6-2)

### 15.08.040: ADVERTISING MATERIAL DISTRIBUTION:

Subject to the provisions of title 3, chapter 3.50; title 5, chapter 5.65; and title 14, chapter 14.38 of this code, or their successor chapters, no person shall distribute any handbill or circulars, or post, place or erect any bills, notices, papers or advertising device or matter of any kind, except such advertising on seats placed on city owned golf courses as may be authorized in writing by Salt Lake City Corporation. (Ord. 22-02 § 2, 2002: prior code § 27-5-6)

### 15.08.050: BEER AND ALCOHOLIC BEVERAGES:

It is 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 described in chapter 15.04 of this title, or its successor chapter, provided that this provision shall not apply to those parks in which the city has expressly granted a concessionaire operating in the park a license to sell beer. In Memory Grove Park, alcohol may be served and consumed only on the leased Memorial House premises, including the south lawn area, subject to provisions of any lease agreement which the city may enter into. Sacramental wines may be consumed in conjunction with permitted activities such as weddings in the chapel in the Memorial Grove Park or as otherwise specified in an agreement with the city for management of the Memorial House operations. (Ord. 31-01 § 2, 2001: Ord. 3-93 § 2, 1993: prior code § 27-7-1)

### 15.08.060: BUSINESS ACTIVITIES:

Subject to the provisions of title 3, chapter 3.50; title 5, chapter 5.65; and title 14, chapter 14.38 of this code, or their successor chapters, no person shall practice, carry on or conduct or solicit any trade, occupation, business or profession, without written permission of the mayor. (Ord. 22-02 § 3, 2002: prior code § 27-5-17)

### 15.08.070: INTERFERENCE WITH ANIMALS OR FOWL:

A. Unlawful Acts: No person shall annoy, injure, release from confinement, or in any manner interfere with any swan, duck, goose, bird, or animal on the property of the city.

B. Unleashed Dogs:

1. Except as set forth in subsections B2 and B3 of this section, no person shall suffer or permit any dog to enter or remain in a public park or playground unless it be led by a leash of suitable strength, not more than six feet (6') in length.

2. Dogs shall be permitted to run off leash only in areas of parks and public spaces specifically authorized by city ordinance, specifically designated by the director of public services as "off leash areas", and clearly identified by signage as such. Said areas shall be as follows:

a. Designated areas of Memory Grove Park known as the Freedom Trail section,

b. The municipal ballpark, also known as Herman Franks Park, except for the fenced youth baseball diamonds and playground area,

c. Designated areas of Jordan Park,

d. Designated areas of Lindsey Gardens,

e. Designated areas of Parley's Historic Nature Park, as set forth in chapter 15.10 of this title, or its successor, and

f. Experimental areas referred to in subsection 8.04.390C of this code, or its successor subsection.

3. While in such areas dogs shall at all times remain under control of the dog's owner or custodian. "Under control" means that a dog will respond on command to its owner or custodian.

C. Animals To Be Controlled: No person shall ride or drive any horse or animal not well broken and under perfect control of the driver.

D. Livestock And Animals: No person shall lead or let loose any cattle, horse, mule, goat, sheep, swine, dogs, or fowl of any kind.

E. Tethering Animals: No person shall hitch or fasten any horse or other animal to any tree or any other place or structure not especially designated and provided for such purpose. (Ord. 6-11, 2011)

## 15.08.080: CAMPING:

A. No person shall camp, lodge, or pitch a tent, fly, lean to, tarpaulin or any other type of camping equipment in any park or playground except:

1. In cases of local emergency as declared by the mayor of the city.

2. Youth groups the majority of whose members' ages are at least eight (8) years of age, but no more than seventeen (17) years of age, under the following conditions:

a. The youth are accompanied by adult leaders in the ratio of two (2) adults for every ten (10) youth at all times while the youth are camping in a city park.

b. The youth group provides adequate police and fire security to ensure the safety of the campers and garbage removal and cleanup. The sponsor shall submit a plan along with an application for a special events permit to the city which shall be reviewed and approved by the public services department director, the fire and police chiefs, or their designees, who will forward a recommendation to the mayor as to whether or not the request for camping should be granted. Application for the special

events permit shall be made directly to the special events coordinator who shall forward all accompanying information to the appropriate departments.

c. The youth group files a bond in the amount of ten thousand dollars ($10,000.00) to compensate the city for any damage to the park caused by the youth group during their camping activities.

d. The youth group files a certificate of insurance in the aggregate amount of one million dollars ($1,000,000.00), which names the city as an additional insured.

e. No camping is allowed in any one park for more than forty eight (48) continuous hours in any thirty (30) day period.

f. The youth group shall comply with all ordinances and park regulations relating to city parks.

g. No more than sixty (60) people shall be allowed to camp at one time.

B. The public services department director shall issue rules and regulations for the use of parks and parking lot areas for camping and parking of vehicles. Said rules shall specify in which parks camping will be allowed, whereon the location camping may be allowed and restrict activities of campers with regard to noise, fires, attaching structures to the ground, and specifying qualifications for security personnel.

C. It is unlawful for any person, unauthorized or authorized, to fail to remove any camping equipment from any city park or playground for more than five (5) minutes after being requested to do so by any city official or police officer. (Ord. 25-01 § 1, 2001: prior code § 27-5-9)

## 15.08.090: FIRE MAKING:

No person shall make or kindle a fire for any purpose. (Prior code § 27-5-8)

## 15.08.100: FIREWORKS, FIREARMS AND EXPLOSIVES:

No person shall carry or discharge any firearms, firecrackers, rockets, torpedoes, powder, or any other fireworks or explosives. (Prior code § 27-5-3)

## 15.08.110: GAMBLING:

No person shall play or bet at or against any game which is played, conducted, dealt or carried on with cards, dice, slot machine, wheels or other device, for money, chips, credit, cigars, candy, merchandise or any other thing representative of value, or maintain or exhibit any cards, dice, table, wheel, machine or other instrument or device for betting, gambling or gaming. (Prior code § 27-5-16)

## 15.08.120: HUNTING AND FISHING:

No person shall hunt or fish at any park or public grounds. (Prior code § 27-5-24)

### 15.08.130: LITTERING:

No person shall throw or deposit any bottles, tin or tin cans, broken glass, nails, tacks, crockery, wire, paper, clothes, scrap or sheet iron, boxes, boards, lumber or stone, or any rubbish or garbage. (Prior code § 27-5-20)

### 15.08.140: PLAY AREA RESTRICTIONS:

No person shall play or engage in any game, excepting at such place as shall be specially set apart for that purpose. (Prior code § 27-5-18)

### 15.08.150: INJURING OR DESTROYING PROPERTY:

A. Trees, Shrubs, Buildings: No person shall 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, flower; or mark, or write upon any building, monument, fence, bench or other structure.

B. Removal Or Destruction Of Property: No person shall cut, remove, injure or destroy any wood, turf, grass, soil, rock, sand or gravel. (Prior code §§ 27-5-4, 27-5-5)

### 15.08.160: RESTROOM FACILITY USE RESTRICTIONS:

No person over eight (8) years of age shall enter or use any water closet designated for members of another sex in a public park or playground. (Prior code § 27-5-23)

### 15.08.170: SELLING MERCHANDISE:

Subject to the provisions of title 3, chapter 3.50, title 5, chapter 5.65, and title 14, chapter 14.38 of this code, or their successor chapters, no person shall sell or offer for sale any merchandise, article or thing whatsoever, without the written consent of the mayor within any park or playground, or within a distance of sixty feet (60') of any boundary line of any public park or playground. (Ord. 22-02 § 4, 2002: prior code § 27-5-12)

### 15.08.180: SWIMMING AND WADING:

No person shall 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. (Prior code § 27-5-7)

### 15.08.190: UNAUTHORIZED ASSEMBLY:

No person shall conduct, carry on or participate in any commercially related special event or free expression activity in any city park except pursuant to the provisions of title 3, chapter 3.50 of this code. (Ord. 23-93 § 3, 1993: prior code § 27-5-21)

### 15.08.200: VEHICLE RESTRICTIONS:

A. Use Of Roads Or Drives: No person shall ride or drive any horse or other animals, or propel any vehicle, cycle or automobile elsewhere than on the roads or drives provided for such purposes, and never on the footpaths.

B. Excessive Speed: No person shall 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.

C. Business Vehicles: No person shall drive or have any dray, truck, wagon, cart, perambulator, motor vehicle or other traffic vehicle, carrying or regularly used or employed in carrying gifts, merchandise, lumber, machinery, oil, manure, dirt, sand or soil, or any article of trade or commerce, or any offensive article or material whatsoever upon any road or drive, except such as may be specially provided or designated for such use. (Prior code §§ 27-5-10, 27-5-14, 27-5-19)

# CHAPTER 15.10
# PARLEY'S HISTORIC NATURE PARK USE AND MANAGEMENT

### 15.10.010: SCOPE:

In addition to the park and playground rules set forth in chapter 15.08 of this title, the provisions of this chapter shall govern the use and management of Parley's Historic Nature Park. In the event of a conflict between the provisions of chapter 15.08 of this title and this chapter, the provisions of this chapter shall apply. (Ord. 7-11, 2011)

## 15.10.020: PURPOSE AND POLICY OBJECTIVES:

This chapter is enacted to provide rules for the use and management of the Parley's Historic Nature Park and is intended to help achieve the following policy objectives:

A. Protect the riparian corridor and water quality;

B. Protect and restore cultural and natural resources, including water resources, plant communities, wildlife and habitat, biodiversity, and historical sites;

C. Restore damaged areas, including historic features, appropriate user created trails, culvert erosion areas, eroded hillsides and stream banks, riparian corridor vegetation and habitat, and abate noxious weeds;

D. Minimize potential for disasters, including fire, floods, threats to water quality, and extreme climatic variations;

E. Maintain and enhance multiple park uses with minimal conflict, including off leash dog walking; walking, trail running and hiking, including ADA access where possible; regional trails and connections; BMX and cycling; water access; and nature appreciation and education;

F. Identify dog off leash recreation areas;

G. Maintain emergency and maintenance access;

H. Limit undesirable impacts on neighboring property; and

I. Encourage self-policing and volunteer education. (Ord. 7-11, 2011)

## 15.10.030: PARK USE AND MANAGEMENT PLAN:

The Parley's Historic Nature Park comprehensive use and management plan, dated February 15, 2011, is hereby adopted by this reference and shall be used as an advisory guide for the use and management of the Parley's Historic Nature Park. Notwithstanding the advisory nature of the plan, the interim use plan map, dated February 15, 2011, illustrating and delineating current conditions, and current and future restoration and buffer areas, and the comprehensive use plan map, dated February 15, 2011, illustrating and delineating Parley's Historic Nature Park features referenced in this chapter, are hereby adopted. The use and management of the park shall be as shown on these maps and in accordance with the provisions of this chapter. (Ord. 7-11, 2011)

## 15.10.040: PARK ENTRANCE POINTS:

A. The Parley's Historic Nature Park shall be accessed only from the following four (4) places as shown on the interim and comprehensive use plan maps adopted by reference in section 15.10.030 of this chapter:

1. Entrance A: On the west boundary of the park, located adjacent to the east parking lot of Tanner Park, denominated as "Entrance A" on the interim and comprehensive use plan maps;

2. Entrance B1: On the west end of Parley's Trail, located adjacent to the west parking lot of Tanner Park, denominated as "Entrance B1" on the interim and comprehensive use plan maps;

3. Entrance B2: Near the east boundary of the park, located along Parley's Trail, east of I-215, denominated as "Entrance B2" on the interim and comprehensive use plan maps; and

4. Entrance C: On the south boundary of the park, located approximately at 2870 East, denominated as "Entrance C" on the interim and comprehensive use plan maps.

B. Dogs may enter the park only at entrances A, B1, and B2, except that the mayor may elect to allow dogs to enter the park at entrance C as permitted in subsection 15.10.060D of this chapter. (Ord. 7-11, 2011)

## 15.10.050: TRAILS:

A. Trails shall be established and maintained only as shown on the interim and comprehensive use plan maps adopted by reference in section 15.10.030 of this chapter and in accordance with the requirements of this section.

B. All approved trails shall be clearly marked.

C. Unapproved, user created trails existing as of February 15, 2011, shall be evaluated by the mayor, or the mayor's designee, as follows:

1. Trails identified as irreparable shall be closed and revegetated to a natural state.

2. Trails identified as appropriate and reparable shall be repaired and shall thereafter be deemed an approved trail.

3. Trails identified as appropriate and usable shall be deemed an approved trail.

D. Any trails approved pursuant to subsections C2 and C3 of this section shall be shown on the comprehensive use plan map adopted by reference in section 15.10.030 of this chapter. Copies of the updated map shall be transmitted to the city council.

E. User created trails appearing after February 15, 2011, shall be closed and revegetated to a natural state. (Ord. 7-11, 2011)

## 15.10.060: DOG OFF LEASH AND ON LEASH TRAILS AND AREAS:

A. Within Parley's Historic Nature Park dogs shall be on leash or off leash as provided in this section. The physical boundaries of dog on leash and off leash areas and trails shall be clearly marked and shall be shown on the interim and comprehensive use plan maps adopted by reference in section 15.10.030 of this chapter.

B. Dogs shall be on leash, on trail within or immediately adjacent to the following places:

1. Any historic site area designated on the comprehensive use plan map;

2. Within the Parley's Trail right of way, except as otherwise permitted in subsection D of this section; and

3. Within the west Tanner Park Parking Lot to the Parley's Trail and the east Tanner Park Parking Lot to the Parley's Historic Nature Park regulation sign located at the first turn, top of the hill.

C. Dogs shall be prohibited on the south loop trail located between the pedestrian bridges over Parley's Creek and on the trail from entrance C to the south loop trail, except as otherwise permitted in subsection D of this section.

D. After riparian, wetland, and spring restoration is deemed successfully established and user compliance with park rules is assessed, dogs may be allowed on the following trails as determined by the mayor in accordance with applicable management policies of the comprehensive use and management plan:

1. The south loop trail;

2. The trail from entrance C to the south loop trail;

3. The trail connecting the central dog off leash area to Parley's Trail; and

4. That portion of Parley's Trail connecting the east and central dog off leash areas.

E. Dogs and public access and use shall be prohibited in protection, natural, restoration, and buffer areas shown on the interim and comprehensive use plan maps adopted by reference in section 15.10.030 of this chapter, except as shown otherwise on such maps and as permitted by the provisions of this chapter.

F. Dogs shall be permitted in designated off leash areas and on trails identified for off leash use on the interim and comprehensive use plan maps. (Ord. 7-11, 2011)

## 15.10.070: RIPARIAN CORRIDOR, WETLAND, AND NATURAL SPRING AREAS:

A. Riparian corridor, wetland, and natural spring areas shown on the interim and comprehensive use plan maps adopted by reference in section 15.10.030 of this chapter shall be maintained and protected in accordance with this section.

B. The provisions of section 21A.34.130 (riparian corridor overlay district) of this code shall apply to the Parley's Historic Nature Park except as follows:

1. Except as provided in subsection B3 of this section, there shall be no disturbance of land (trails or development) located within fifty feet (50') of the Parley's Creek annual high water level (AHWL).

2. Natural springs and wetlands shall be preserved and protected by twenty five (25) to fifty foot (50') buffer zones, boardwalks, and/or signage, as determined by the mayor or the mayor's designee. When use of boardwalks is not feasible, trails shall be aligned or realigned as needed to avoid encroachment within natural spring and/or wetland buffer zones. If adverse impacts are not reasonably preventable, public use in or near springs and wetlands may be restricted consistent with management strategies set forth in the comprehensive use and management plan.

3. Designated Parley's Creek access areas, bridges, and boardwalks may be established, repaired, and maintained subject to applicable provisions of section 21A.34.130 of this code. (Ord. 7-11, 2011)

## 15.10.080: PARLEY'S CREEK PUBLIC ACCESS AND USE AREAS:

A. Public access to and use of Parley's Creek shall be permitted as shown on the interim and comprehensive use plan maps adopted by reference in section 15.10.030 of this chapter. Such public access and use areas:

1. Shall be designed to prevent stream bank erosion, sedimentation, and pollution input to Parley's Creek, and

2. May be closed for maintenance and protection of water quality.

B. Dogs may run at large within the public access and use areas described in subsection A of this section, except:

1. Within a protection, natural, restoration, or buffer area as provided in section 15.10.090 of this chapter, and

2. As needed to maintain water quality. (Ord. 7-11, 2011)

## 15.10.090: PROTECTION, NATURAL, RESTORATION, AND BUFFER AREAS:

A. Protection, natural, restoration, and buffer areas shown on the interim and comprehensive use plan maps adopted by reference in section 15.10.030 of this chapter shall be maintained and managed to avoid damage or degradation, and/or to allow restoration, as the case may be. Recognized best management practices shall be employed in such areas:

1. Riparian corridor, wetland, and natural spring areas except as otherwise provided in section 15.10.070 of this chapter;

2. Areas with steep slopes;

3. Areas and trails with soils susceptible to slope failure, erosion, and/or excessive sedimentation;

4. Highly vegetated areas which function as natural filters to prevent pollutants from being introduced in stream areas;

5. Areas with substantial native vegetation and habitat; and

6. Areas which, if not protected, would be likely to result in impaired water quality.

B. Public access to any area may be temporarily prohibited as needed to protect:

1. Public safety;

2. Water quality;

3. An overused area, as determined by the mayor or the mayor's designee, which may be severely damaged if public use and access is not temporarily prohibited to allow restoration and avoid further degradation and possible permanent closure; and

4. Any restored and/or revegetated area.

C. Protection, natural, restoration, and buffer areas shall be clearly marked. (Ord. 7-11, 2011)

### 15.10.100: CONFLICT OF LAW:

If any provision of this chapter conflicts with a provision of an applicable state or federal law or regulation, such law or regulation shall supersede the conflicting provision of this chapter. (Ord. 7-11, 2011)

# CHAPTER 15.12
# PUBLIC SQUARES

### 15.12.010: PURPOSE OF PROVISIONS:

The purpose of this chapter is to designate certain public properties located in commercial centers and not in close proximity to churches, schools and residential areas, to be used for public squares, malls and pleasure grounds. Because of the location of such public properties, the restrictions of subsection 6.08.120B of this code, as amended, or its successor section, with respect to the close proximity to a public park of class B nonprofit clubs are overly harsh since such nonprofit clubs do not cause the same concern in a nonresidential environment. Such public properties specifically designated in section 15.12.020 of this chapter, or its successor section, shall not be considered parks under this

code, as amended. (Ord. 28-86 § 2, 1986: prior code § 27-10-1)

## 15.12.020: AREAS DESIGNATED:

The following shall be designated as public squares, malls and pleasure grounds, as provided in section 15.12.010 of this chapter, or its successor section:

A. Washington Square, described as follows:

Being all of Block 38, Plat "A", Salt Lake City, encompassing the area between Fourth and Fifth South Streets and between State and Second East Streets.

B. 500 West Street Commons, described as follows:

Being all of the following described property, encompassing the median islands in 500 West Street between North Temple Street and 400 South Street:

1. The median island in 500 West Street between 400 South Street and 250 South Street, more particularly described as follows:

Beginning south 454.78 feet and east 5.33 feet from the Northwest corner of Block 62, Plat A, Salt Lake City Survey, located in the West half of Section 1, Township 1 South, Range 1 West, Salt Lake Base and Meridian; thence S00°01'22"E 58.24 feet to a point of curve, chord bears S27°40'58"W 7.91 feet; thence southwesterly 8.23 feet along an 8.51 foot radius curve to the right to a point of reverse curve, chord bears S27°39'00"W 11.46 feet; thence southerly 11.92 feet along a 12.34 foot radius curve to the left; thence S00°01'22"E 112.81 feet to the point of curve, chord bears S27°41'37"E 11.46 feet; thence southeasterly 11.92 feet along a 12.34 foot radius curve to the left to a point of reverse curve, chord bears S27°43'41"E 7.91 feet; thence southerly 8.23 feet along an 8.51 foot radius curve to the right; thence S00°01'18"E 133.96 feet to a point of curve, chord bears S27°41'05"W 7.91 feet; thence southwesterly 8.23 feet along an 8.51 foot radius curve to the right to a point of reverse curve, chord bears S27° 39'04"W 11.46 feet; thence southerly 11.92 feet along a 12.34 foot radius curve to the left; thence S00°01'15"E 238.41 feet to a point of curve, chord bears S27°41'33"E 11.46 feet; thence southeasterly 11.92 feet along a 12.34 foot radius curve to the left to a point of reverse curve, chord bears S27°43'34"E 7.91 feet; thence southerly 8.23 feet along an 8.51 foot radius curve to the right; thence S00°01'15"E 33.50 feet to a point of curve, chord bears S10°15'03"W 155.91 feet; thence southwesterly 156.75 feet along a 437.18 foot radius curve to the right to a point to reverse curve, chord bears S10°09'50"W 176.90 feet; thence southerly 177.86 feet along a 491.89 foot radius curve to the left to a point of reverse curve, chord bears S46°45'23"W 8.03 feet; thence westerly 9.00 feet along a 5.51 foot radius curve to the right to a point of compound curve, chord bears N46°47'47"W 8.03 feet; thence northwesterly 9.00 feet along a 5.51 foot radius curve to the right; thence N00°01'15"W 90.58 feet; thence N06°06'32"W 75.43 feet; thence N00°01'15"W 195.47 feet to a point of curve, chord bears N27°41'05"E 7.91 feet; thence northeasterly 8.23 feet along an 8.51 foot radius curve to the right to a point of reverse curve, chord bears N27°39'04"E 11.46 feet; thence northerly 11.92 feet along a 12.34 foot radius curve to the left; thence N00°01'15"W 238.41 feet to a point of curve, chord bears N27°42'58"W 11.46 feet; thence northwesterly 11.92 feet along a 12.33 foot radius curve to the left to a point of reverse curve, chord bears N27°41'32"W 7.91 feet; thence northerly 8.23 feet along an 8.52 foot radius curve to the right; thence N00°01'18"W 133.96 feet to a point of curve, chord bears N27° 40'58"E 7.91 feet; thence northeasterly 8.23 feet along an 8.51 foot radius curve to the right to a point of reverse curve, chord bears N27°39'09"E 11.46 feet; thence northerly 11.92 feet along a 12.33 foot radius curve to the left; thence N00°01'22"W 112.81 feet to a point of curve, chord bears N27°42'16"W 11.46 feet; thence northwesterly 11.91 feet along a 12.33 foot radius curve to the left to a point of reverse curve, chord bears N27°42'16"W 7.92 feet; thence northerly 8.23 feet along an 8.52 foot radius curve to the right; thence N00°01'22"W 233.87 feet to a point of curve, chord bears N77°31'49"E 39.06 feet; thence northeasterly 54.14 feet along a 20.00 foot radius curve to the right to a point of compound curve, chord bears S12°28'22"E 188.52 feet; thence southeasterly 190.01 feet along a 437.22 foot radius curve to the right to the point of beginning, contains 1.63 acres more or less.

2. The median island in 500 West Street between 200 South Street and 100 South Street, more particularly described as follows:

Beginning west 43.78 feet and north 2.95 feet from the Northwest corner of Block 65, Plat A, Salt Lake City Survey, located in the Northwest Quarter of Section 1, Township 1 South, Range 1 West, Salt Lake Base and Meridian. The following courses are along the top back of curb; thence S00°00'36"E 65.15 feet to a point of curve, chord bears S13°15'01"W 208.55 feet; thence southwesterly 210.42 feet along the arc of a 454.61 foot radius curve to the right to a point of reverse curve, chord bears S24°35'47"W 33.76 feet; thence southwesterly 33.76 feet along the arc of a 505.27 foot radius curve to the left to a point of reverse curve, chord bears N78°39'50"W 39.22 feet; thence westerly 54.91 feet along the arc of a 20 foot radius curve to the right; thence N00°00'36"W 291.10 feet to a point of curve, chord bears N44°58'53"E 28.28 feet; thence

northeasterly 31.41 feet along the arc of a 20 foot radius curve to the right; thence N89°58'21"E 60.34 feet to a point of curve, chord bears S45°01'07"E 28.29 feet; thence southeasterly 31.42 feet along the arc of a 20 foot radius curve to the right to the point of beginning, contains 0.63 acres more or less.

3. The median island in 500 West Street between 100 South Street and South Temple Street, more particularly described as follows:

Beginning west 43.80 feet and south 3.05 feet from the Southwest corner of Block 80, Plat A, Salt Lake City Survey, located in the Northwest Quarter of Section 1, Township 1 South, Range 1 West, Salt Lake Base and Meridian. The following courses are along the top back of curb, Point is also point of curve, chord bears S44° 58'39"W 28.28 feet; thence southwesterly 31.41 feet along the arc of a 20 foot radius curve to the right; thence S89°58'21"W 60.34 feet to a point of curve, chord bears N45° 01'21"W 28.29 feet; thence northwesterly 31.42 feet along the arc of a 20 foot radius curve to the right; thence N00°01'04"W 655.89 feet to a point of curve, chord bears N60°32'34"E 17.42 feet; thence northeasterly 21.14 feet along the arc of a 10 foot radius curve to the right to a point of reverse curve, chord bears N89°58'58"E 70.01 feet; thence easterly 73.57 feet along the arc of a 67.72 foot radius curve to the left to a point of reverse curve, chord bears S60°34'41"E 17.42 feet; thence southeasterly 21.14 feet along the arc of a 10 foot radius curve to the right; thence S00°01'04"E 655.88 feet to the point of beginning, contains 1.56 acres more or less.

4. The median island in 500 West Street at South Temple Street, more particularly described as follows:

Beginning west 64.72 feet and north 19.23 feet from the Northwest corner of Block 80, Plat A, Salt Lake City Survey, located in the Northwest Quarter of Section 1, Township 1 South, Range 1 West, Salt Lake Base and Meridian. The following courses are along the top back of curb, Point is also point of curve, chord bears S89° 58'48"W 58.83 feet; thence westerly 65.16 feet along the arc of a 42.06 foot radius curve to the right to a point of compound curve, chord bears N00°01'07"W 99.01 feet; thence northerly 110.30 feet along the arc of a 69.26 foot radius curve to the right to a point of compound curve, chord bears N89°58'48"E 58.83 feet; thence easterly 65.15 feet along the arc of a 42.06 foot radius curve to the right to a point of compound curve, chord bears S00°01'18"E 99.01 feet; thence southerly 110.30 feet along the arc of a 69.26 foot radius curve to the right to a point of beginning, contains 0.22 acres more or less.

5. The median island in 500 West Street between South Temple Street and North Temple Street, more particularly described as follows:

Beginning west 44.00 feet and north 22.04 feet from the Southwest corner of Block 83, Plat A, Salt Lake City Survey, located in the Northwest Quarter of Section 1, Township 1 South, Range 1 West, and Southwest Quarter of Section 36, Township 1 North, Range 1 West, Salt Lake Base and Meridian. The following courses are along the top back of curb, Point is also point of curve, chord bears S60°32'26"W 17.42 feet; thence southwesterly 21.14 feet along the arc of a 10.00 foot radius curve to the right to a point of reverse curve, chord bears S89°58'48"W 70.01 feet; thence westerly 73.57 feet along the arc of a 67.72 foot radius curve to the left to a point of reverse curve, chord bears N60°34'49"W 17.42 feet; thence northwesterly 21.14 feet along the arc of a 10.00 foot radius curve to the right; thence N00°01'12"W 73.40 feet to a point of curve, chord bears N12°20'04"E 192.64 feet; thence northerly 194.14 feet along the arc of a 450.17 foot radius curve to the right to a point of compound curve, chord bears N57°20'40"E 37.77 feet; thence northeasterly 39.90 feet along the arc of a 35.00 foot radius curve to the right; thence East 2.33 feet to a point of curve, chord bears S45° 00'36"E 35.35 feet; thence southeasterly 39.26 feet along the arc of a 25.00 foot radius curve to the right; thence S00°01'12"E 256.96 feet to a point of beginning, contains 0.57 acres more or less.
(Ord. 67-06 § 1, 2006: Ord. 28-86 § 2, 1986: prior code § 27-10-2)

## 15.12.030: USE RESTRICTIONS:

The following restrictions relating to public parks and playgrounds under this code, as amended, shall be fully applicable to the public properties designated in section 15.12.020 of this chapter, but not the restrictions relating to the proximity of class B nonprofit clubs to public parks, and, in the case of the public property designated in subsection 15.12.020B of this chapter, not the restrictions relating to the proximity of class C beer establishments, class C nonprofit clubs, or any other establishments that sell or serve alcoholic beverages, to public parks, for the reasons set forth in the statement of purpose in section 15.12.010 of this chapter, or its successor section:

Sections 5.68.020, 5.74.200 and 11.12.080 of this code or their successor sections; chapter 15.08 of this title (except that 500 West Street commons shall be closed to the public from dusk until dawn), or its successor chapter. (Ord. 67-06 § 2, 2006: Ord. 28-86 § 2, 1986: prior code § 27-10-3)

# CHAPTER 15.14
# FEES FOR USE OF CITY AND COUNTY BUILDING FACILITIES

## 15.14.010: DEFINITIONS:

For the purpose of this chapter the following words shall have the meanings as given in this section:

DEPOSIT: A cleaning or damage deposit which shall be refundable if the facilities are left in a clean and undamaged condition.

DIRECT COST: The city's actual cost, other than for cleaning or replacement or repair of damaged property, incurred as a result of the use of space within the city and county building by a person, organization or group. Direct costs include, but are not limited to, room or building preparation or setup and special security, are payable in advance of use of the space, and are nonrefundable once such costs are incurred.

FEE: A nonrefundable user charge for the use of space within the city and county building.

RELIGIOUS OR CHARITABLE ORGANIZATION: Any organization which provides to the city written approval from the internal revenue service that such organization has been granted tax exempt status under section 501(c)(3) of the internal revenue code, or its successor; or any organization which is organized for a civic, charitable or religious purpose and which is not engaged in business for economic profit. (Ord. 56-92 § 1, 1992)

## 15.14.020: WEDDING, RECEPTION, PARTY, MEETING, AND FILMING FEES:

Any person, organization or group desiring to use the facilities within the city and county building or the grounds of Washington Square shall pay the fee for the use of such facilities as shown on the Salt Lake City consolidated fee schedule:

A. Social Activities:

1. Wedding Ceremony; No Food: Wedding ceremony only where no food is involved, with a time limit of two (2) hours. A deposit as shown on the Salt Lake City consolidated fee schedule shall also be required.

2. Activity With Food: A wedding, party or other social activity involving food. A deposit as shown on the Salt Lake City consolidated fee schedule shall also be required.

B. Filming: Any motion picture, video, or still photograph taken for other than private parties doing filming for their own noncommercial use shall pay fees and deposits for the use of such facilities as shown on the Salt Lake City consolidated fee schedule:

1. For filming which involves the following numbers of staff, crew or other persons at the filming site who are employed by or associated with the filming entity, the fee for each four (4) hour block or portion thereof during which the city's facilities or grounds are being used, plus a onetime deposit for the event, as follows:

a. Fewer than eight (8) persons: The fee shown on the Salt Lake City consolidated fee schedule per four (4) hours plus the deposit shown on the Salt Lake City consolidated fee schedule.

b. Eight (8) to fifteen (15) persons: The fee shown on the Salt Lake City consolidated fee schedule per four (4) hours plus the deposit shown on the Salt Lake City consolidated fee schedule.

c. More than fifteen (15) persons: The fee shown on the Salt Lake City consolidated fee schedule per four (4) hours plus the deposit shown on the Salt Lake City consolidated fee schedule.

2. For filming by a "religious or charitable organization", as defined at section 15.14.010 of this chapter or its successor, or by a public entity no fee shall be charged, but a onetime deposit for the event shall be required according to the number of staff, crew and other persons at the filming site who are employed by or associated with the filming entity as follows:

a. Fewer than eight (8) persons: The deposit shown on the Salt Lake City consolidated fee schedule.

b. Eight (8) to fifteen (15) persons: The deposit shown on the Salt Lake City consolidated fee schedule.

c. More than fifteen (15) persons: The deposit shown on the Salt Lake City consolidated fee schedule.

C. Miscellaneous Meetings: All other meetings, uses or activities shall pay a fee for the use of such facilities according to the following schedule:

1. Regular City Business Hours: During regular business hours between eight o'clock (8:00) A.M. and five o'clock (5:00) P.M., Monday through Friday: The fee shown on the Salt Lake City consolidated fee schedule. A deposit shown on the Salt Lake City consolidated fee schedule shall also be required. Meetings or activities during said business hours shall be limited to a maximum of forty (40) persons and shall be for no more than three (3) hours' duration.

2. Nonbusiness Hours: At any other time on weekdays and during nonbusiness hours and at any time on Saturdays, Sundays and legal holidays: The fee shown on the Salt Lake City consolidated fee schedule per hour. A deposit shown on the Salt Lake City consolidated fee schedule shall also be required.

D. Damage; Other Expenses From Use:

1. Setoff Against Deposit: Whenever a deposit is required under this chapter, any property damage or expense incurred by the city as a result of the use by a person, organization or group shall be deducted from such deposit, and the balance shall be refunded to the user.

2. Costs In Excess Of Deposit: In the event cleaning, property damage expenses incurred by the city resulting from the use of the city facilities exceed the amount of any deposit required hereunder, the person, organization or group which reserved the use of the facilities shall be liable to Salt Lake City for such costs, damages or expenses in excess of the deposit. A reasonable deposit in a sum greater than that set forth herein may be required by the city of any person, organization or group whose previous use of city facilities has resulted in damages, costs or expenses to the city in excess of the required deposit, or when the manager of the support services division reasonably expects, because of the size of an organization or group, that the city's costs of cleaning the facilities following the event will exceed the amount of the deposit provided hereunder.

3. Use Debarment: The city may refuse the use of city facilities to any person, organization or group: a) whose previous use of said facilities has resulted in costs, damage or expenses to the city in excess of a required deposit; or b) which has failed or refused to pay the city for such expenses to the city previously incurred in excess of a required deposit; or c) whose prior use of city facilities resulted in a violation of a Salt Lake City ordinance or state or federal law.

E. Supplemental Charge For Exclusive Building Use: Any person or entity which desires exclusive use of the entire city and county building for an activity as provided under this chapter shall pay a surcharge fee shown on the Salt Lake City consolidated fee schedule in addition to all other fees which may otherwise be applicable hereunder.

F. Fee And Deposit Exceptions:

1. Religious, Eleemosynary, Charitable Organizations: Religious, eleemosynary or charitable organizations as defined in section 15.14.010 of this chapter or any successor law are exempt from paying fees provided in this chapter, provided they pay required deposits for use at other than regular business hours and provided they obtain all permits and otherwise comply with all other applicable laws, rules, regulations and conditions regarding the space or area utilized. This exemption shall not apply to supplemental direct cost or exclusive use fees.

2. Government Entities And Neighborhood Civic Organizations: Governmental entities and neighborhood civic organizations, recognized pursuant to title 2, chapter 2.60 of this code, are exempt from the fee and deposit requirements of this chapter, provided they obtain all applicable permits and comply with all other applicable laws, rules, regulations and conditions regarding the spaces or area utilized. This exemption shall not apply to supplemental direct cost or exclusive use assessments.

G. Supplemental Direct Cost Assessment: In addition to any fees or deposits which may be payable under any provision of this chapter, all direct costs reasonably anticipated by the manager of the city's support services division shall be payable to the city in advance of the use of said city facilities by any private person, organization or group, or by any religious or charitable organization or public entity. (Ord. 24-11, 2011)

## 15.14.030: RESERVATIONS REQUIRED:

Any use of the city and county building by any private person, organization or group, or by any public entity other than Salt Lake City Corporation, or by any religious or charitable organization, shall be coordinated through the manager of the city's support services division or the successor to that position. Whenever there is a conflict between an event scheduled to be held in the city council chambers and a regularly scheduled meeting of the city council, the needs of the city council shall take precedence. (Ord. 56-92 § 1, 1992)

## 15.14.040: HOURS OF USE:

No weddings, receptions, meetings or other events shall be held within the city and county building between the hours of twelve o'clock (12:00) midnight and six o'clock (6:00) A.M. of any day. No wedding shall be held within the city and county building between the hours of eight o'clock (8:00) A.M. and five o'clock (5:00) P.M., Monday through Friday, when the building is open for governmental business. No setting up for any wedding, reception, meeting or other event shall be allowed prior to five o'clock (5:00) P.M. on Monday through Friday when the building is open for governmental business. All such events scheduled to begin prior to twelve o'clock (12:00) midnight of any day shall conclude no later than twelve o'clock (12:00) midnight of the day so scheduled. (Ord. 17-95 § 2, 1995: Ord. 56-92 § 1, 1992)

## 15.14.050: RESTRICTIONS ON USE; NOTICE REQUIRED FOR RELIGIOUS USE OR CLAIMS OF CONSTITUTIONALLY PROTECTED BUILDING USE RIGHTS:

A. School Social Functions: Regardless of any other provision of this chapter, the facilities within the city and county building shall not be used at any time for school sponsored, affiliated or related proms, dances or social functions.

B. Religious Use: Prior to approval of any request by a religious organization for use of said facilities, such request shall be reviewed by the city attorney or his/her designee to ascertain whether such use would be in violation of the first amendment to the constitution of the United States or of article I, section 4 of the constitution of Utah.

C. Free Speech: Any applicant who asserts a constitutional free speech or other privileged building use shall identify such claim in the application. Upon filing, the matter will be referred to the city attorney for evaluation and recommendation before denial.

D. Use Of Open Flame: No open flame at any activity or event is permitted or will be allowed without the city fire marshal's prior written authorization. (Ord. 17-95 § 3, 1995: Ord. 56-92 § 1, 1992)

# CHAPTER 15.16
# FEES FOR PARK AND RECREATION FACILITIES

## 15.16.010: ATHLETIC FACILITY RESERVATION FEES:

A. Except as may be provided under written agreement with the city, any person, organization or group desiring to utilize any city owned athletic facility, may reserve that facility according to the fees shown on the Salt Lake City consolidated fee schedule.

Those reserving athletic facilities shall also be assessed the fee shown on the Salt Lake City consolidated fee schedule per staff hour for any cleaning required of the parks division after the athletic facility is used.

B. Weekday reservations must be made and paid in full at least twenty four (24) hours in advance. Weekend reservations must be paid in full by the Thursday prior. (Ord. 24-11, 2011)

## 15.16.020: PICNIC FACILITY RESERVATION FEES:

Any person, organization or group desiring to reserve picnic facilities shall pay the fee shown on the Salt Lake City consolidated fee schedule for the use of such facilities.

Recreation kits shall be rented for the fee shown on the Salt Lake City consolidated fee schedule which shall be payable at the time of pick up. Kits must be returned the weekday following the park reservation or Monday following a weekend reservation. A five dollar ($5.00) late fee shall be charged each day thereafter. After ten (10) days, a replacement fee shall be assessed, in addition to the late fees, for all lost or nonreturned recreation kits as follows:

| | | |
|---|---|---|
| Equipment bags | $ 50.00 | each |
| Volleyball nets | 25.00 | each |

| | | |
|---|---|---|
| Ball bats | 20.00 | each |
| Horseshoes | 12.95 | each |
| Footballs | 7.50 | each |
| Soccer balls | 6.95 | each |
| Volleyballs | 5.95 | each |
| Softballs | 3.00 | each |
| | | |
| Replacement of entire kit | 173.50 | |

(Ord. 24-11, 2011)

### 15.16.030: GOLF COURSES; GREEN FEES UNTIL DECEMBER 31, 1992:

(Rep. by Ord. 18-00 § 1, 2000)

### 15.16.031: GOLF COURSES; GREEN FEES:

A. Fees Imposed: There shall be imposed on any person playing golf at any of the city golf courses the fees shown on the Salt Lake City consolidated fee schedule. Fees and policies listed in this section shall become effective January 1, 2012. All fees include sales tax unless otherwise noted.

1. Green Fees: Senior and junior green fees shall be valid Monday through Friday all day and Saturday, Sunday, and recognized holidays after twelve o'clock (12:00) noon.

2. Grandfathered Senior Season Golf Passes: In 1997, the decision was made by the Salt Lake City golf division, with the approval of the city council, to phase out the senior season pass program and to effectively grandfather the senior season pass program for qualified senior season pass holders based on their continued participation. Senior season passes for calendar years subsequent to 1997 were available solely to those individuals who had purchased calendar 1997 senior season passes on or before June 30, 1997. No other senior season passes were issued after this date. Senior season pass holders were required to renew their passes annually in order to remain eligible for a senior season pass. Any senior season pass holder who failed to renew a senior season pass for any year would not be eligible for any further senior season pass. Grandfathered senior season golf passes may not be used Fridays through Sundays, on defined holidays, or for group reservation play. The fees pertaining to the grandfathered senior season pass program are shown on the Salt Lake City consolidated fee schedule.

3. School Golf Teams: Green fees for school golf team special play (high school and collegiate golf teams) shall be as shown on the Salt Lake City consolidated fee schedule.

4. Tee Times: Green fees for advance tee time reservations (minimum 18 holes) shall be as shown on the Salt Lake City consolidated fee schedule.

5. Tee Time Cancellations: The department of public services, with concurrence of the mayor, may set reasonable regulations with regard to amounts of refunds for cancellations and time in which cancellations must be made.

6. Frequent Player Discount Card (Nontransferable): Golfers may obtain from the Salt Lake City golf division administration office a nontransferable frequent player discount card, subject to the following terms and conditions:

a. The annual purchase price of the card is shown on the Salt Lake City consolidated fee schedule, plus tax.

b. The card is valid at all city operated golf courses.

c. The card is valid for one calendar year from the date of purchase.

d. Cardholders shall receive a ten percent (10%) to thirty percent (30%) discount from the standard adult, senior, or junior green fee rate for which the cardholder qualifies based on the day and time of play.

e. Cardholders shall receive a twenty percent (20%) discount on the purchase of range balls at any time.

f. Discounted fees shall be rounded up to the next twenty five cent ($0.25) increment.

g. The card shall be presented at time of play in order to receive green fee or range ball discounts.

h. Except for junior and senior discounts, the card is not valid with any other discount offer.

i. The card is not valid for use for tournament or group play.

j. Lost or stolen cards shall be subject to the replacement fee shown on the Salt Lake City consolidated fee schedule.

7. Birdie Passport (Weekday 9-Course): Golfers may obtain from the Salt Lake City golf division administration office a nontransferable annual card called the birdie passport to be presented at the golf course in lieu of payment for green fees. This annual passport is subject to the following terms and conditions:

a. The card may be used at any time Monday through Thursday and Friday until twelve o'clock (12:00) noon at the following courses: Bonneville, Forest Dale, Glendale, Jordan River Par-3, Mountain Dell Lake, Mountain Dell Canyon, Nibley Park, Rose Park, and Wingpointe.

b. The adult price for the card is shown on the Salt Lake City consolidated fee schedule, plus tax.

c. The senior price for the card is shown on the Salt Lake City consolidated fee schedule, plus tax.

d. The card is valid for one year from the date of purchase.

e. The card is not valid on holidays.

f. The purchase price for the card and program availability are subject to change annually.

g. Lost or stolen cards shall be subject to the replacement fee shown on the Salt Lake City consolidated fee schedule.

8. Double Eagle Passport (Unlimited 9-Course): Golfers may obtain from the Salt Lake City golf division administration office a nontransferable annual card called the double eagle passport to be presented at the golf course in lieu of payment for green fees. This annual passport is subject to the following terms and conditions:

a. The card may be used at any time seven (7) days a week (including holidays) at the following courses: Bonneville, Forest Dale, Glendale, Jordan River Par-3, Mountain Dell Lake, Mountain Dell Canyon, Nibley Park, Rose Park, and Wingpointe.

b. The adult price for the card is shown on the Salt Lake City consolidated fee schedule, plus tax.

c. The senior price for the card is shown on the Salt Lake City consolidated fee schedule, plus tax.

d. The card is valid for one year from the date of purchase.

e. The purchase price for the card and program availability are subject to change annually.

f. Lost or stolen cards shall be subject to the replacement fee shown on the Salt Lake City consolidated fee schedule.

9. Junior Par Passport (May Through August): Junior golfers may obtain from the Salt Lake City golf division administration office a nontransferable card called the junior par passport to be presented at the golf course in lieu of payment for green fees. This passport is subject to the following terms and conditions:

a. The card may be used May 1 through August 31.

b. The card may be used at any time Monday through Thursday, Friday before twelve o'clock (12:00) noon and Saturday and Sunday after twelve o'clock (12:00) noon at all Salt Lake City golf courses.

c. The card is not valid on holidays.

d. The junior price for the card is shown on the Salt Lake City consolidated fee schedule, plus tax.

e. The purchase price for the card and program availability are subject to change annually.

f. Lost or stolen cards shall be subject to the replacement fee shown on the Salt Lake City consolidated fee schedule.

10. Junior Eagle Passport (Annual): Junior golfers may obtain from the Salt Lake City golf division administration office a nontransferable annual card called the junior eagle passport to be presented at the golf course in lieu of payment for green fees. This annual passport is subject to the following terms and conditions:

a. The card may be used May 1 through August 31 at any time Monday through Thursday, Friday before twelve o'clock (12:00) noon, and Saturday and Sunday after twelve o'clock (12:00) noon at all Salt Lake City golf courses.

b. The card may be used September 1 through April 30 after twelve o'clock (12:00) noon Monday through Thursday and Saturday and Sunday. The card is not valid on Fridays.

c. The card is valid for one year from the date of purchase.

d. The junior price for the card is shown on the Salt Lake City consolidated fee schedule, plus tax.

e. The card is not valid on holidays.

f. The purchase price for the card and program availability are subject to change annually.

g. Lost or stolen cards shall be subject to the replacement fee shown on the Salt Lake City consolidated fee schedule.

11. Private Lessons: Private lesson fees may be established by the individual teacher. Private lesson fees shall be approved annually by Salt Lake City golf administration.

B. Use Of Senior And Junior Discount Fees: Senior and junior discount fees provided for in this chapter may not be used for group reservation play, or before twelve o'clock (12:00) noon on Saturdays, Sundays, or recognized holidays.

C. Golf CIP Fund: One dollar ($1.00) per nine (9) hole round at each golf course for all green fee types shall be allocated to a dedicated golf capital improvement fund. Nine percent (9%) of all passport annual fees shall be allocated to this fund.

D. Definitions:

JUNIOR: Any person seventeen (17) years of age or younger.

RECOGNIZED HOLIDAYS: Memorial Day, Independence Day, Pioneer Day, and Labor Day.

SENIOR: Any person sixty five (65) years of age or older.

E. Adjustment Of Fees: The director of public services, with approval of the mayor, shall have the authority, at any time, to reduce the fees listed in this section for any city golf course, if the director deems it necessary to reduce fees in order to increase the use of the golf course. (Ord. 76-11, 2011)

## 15.16.035: GOLF COURSES; GROUP RESERVATIONS:

Reservations for exclusive use of a course such as for group play or tournaments shall be allowed in accordance with the following guidelines:

A. Tournament Fees: Additional fees above and beyond the regular green and cart fees shall be required for group play or tournaments.

A per person minimum tournament fee shall be charged as shown on the Salt Lake City consolidated fee schedule.

1. One hundred percent (100%) of the per person tournament fee shall be credited toward pro shop merchandise certificates for the group with the following exception: The golf course shall have the option of designating up to twenty percent (20%) of the tournament fee as a scoring fee for groups requiring scoreboard or scorekeeping services from or arranged by the city's golf staff. For groups paying the scoring fee, the balance of the per player tournament fee shall be credited toward pro shop merchandise certificates.

B. Green Fees: Green fees shown on the Salt Lake City consolidated fee schedule shall be charged for each participant.

C. Reasonable Regulations Set By Department Of Public Services: The department of public services, with concurrence of the mayor, may set reasonable regulations with

regard to:

1. How many days in advance of the date for which the facility is reserved that all reservation and green fees must be paid;

2. Amounts of refunds for cancellations and time in which cancellations must be made;

3. Rescheduling "rainouts";

4. Minimum and maximum number of golfers;

5. Cart reservations;

6. Minimum and maximum numbers of holes to be reserved for group play;

7. Dates and times for taking group reservations;

8. Golf courses for which group reservations may be made;

9. Fees for special services requested of the city over and above services normally provided; however, such costs shall reflect actual city costs, including overhead;

10. How many group reservations a person or group can make in a single calendar year;

11. How many group reservations a person can make per request;

12. Making reservations by phone or in person.

D. Adjustment Of Fees: The director of public services, with approval of the mayor, shall have the authority, at any time, to reduce the fees listed in this section for any city golf course, if the director deems it necessary to reduce fees in order to increase the use of the golf course. (Ord. 24-11, 2011)

## 15.16.060: TENNIS COURT USE FEES:

A. Fee Categories: The fees imposed for use of city tennis courts are set forth in the Salt Lake City consolidated fee schedule under the following categories of uses:

1. Tennis courts other than in Liberty Park or the Dee Smith Tennis Courts.

2. Tennis courts in Liberty Park or the Dee Smith Tennis Courts:

a. Outdoor Courts:

(1) Basic Use Fee (Court Fee): A person, or multiple persons, desiring to play tennis on any outdoor tennis court shall pay a single basic use fee per hour per court during the hours that such person or persons make use of such court.

(2) Nontournament Reservation Fee (Reservation Fee): Except as provided in subsection A2a(3) of this section regarding tournaments, a person making a reservation

of an outdoor tennis court, before the day of use, shall pay a reservation fee for each court reserved. This reservation fee shall be in addition to the basic use fee described above.

(3) Tournaments (Tournament Reservation Fee): Any person, group, or organization desiring to reserve any outdoor tennis courts for the purpose of conducting a tournament may do so only if the director of tennis for the site to be used has first approved such tournament. The person, group, or organization conducting the tournament shall pay, in advance and in addition to the basic use fee, a tournament reservation fee for each court so reserved.

b. Indoor (Bubble) Courts:

(1) Basic Use Fee (Court Fee): Except as provided in subsection A2b(2) of this section regarding prepaid fees and subsection A2b(4) of this section regarding tournaments, a person, or multiple persons, desiring to play tennis on any indoor (bubble) tennis court shall pay a single basic use fee per hour per court during the hours that such person or persons make use of such court.

(2) Seasonal Prepaid Fee (Prepaid Court Fee): A person may pay a prepaid court fee in order to reserve the use of a particular indoor (bubble) tennis court on a recurring basis on a particular day and time during the entire tennis season that the bubble is in place during a particular year. Such recurring use must be at least once per week. The prepaid court fee is assessed on a per hour per court basis, and must be prepaid for the entire tennis season before such use begins.

(3) Reservation Fee: There is no reservation fee for the indoor (bubble) courts.

(4) Tournaments (Tournament Fee): Any person, group, or organization desiring to reserve any indoor (bubble) tennis courts for the purpose of conducting a tournament may do so only if the director of tennis for the site to be used has first approved such tournament. The person, group, or organization conducting the tournament shall pay, in advance and in lieu of the basic use fee, a tournament fee that will be assessed on a per hour per court basis for each court so used.

B. Hours Of Operation: The fees referenced in this section shall apply only on Monday through Friday, from seven o'clock (7:00) A.M. until closing time, and on Saturdays, Sundays, and holidays from eight o'clock (8:00) A.M. until closing time. (Ord. 46-12, 2012)

## 15.16.080: AQUATIC CENTER FEES:

(Rep. by Ord. 45-12, 2012)

## 15.16.090: RECREATION PROGRAM FEES:

A. The director of public services and the director of community and economic development, with approval of the mayor, shall establish a fee schedule for recreation program fees; provided, however, that the maximum fees charged shall be as follows:

1. City Special Events: The majority of special events produced or sponsored by Salt Lake City shall be free to the public. These events include, but are not limited to, Bike Bonanza, Friday Night Flicks, 4th Of July Celebration at Jordan Park, Fireworks for 24th Of July Celebration at Liberty Park, Monster Block Party, Highland Bagpipe Experience, Salt Lake City Gets Fit Online Tracking, The People's Market, and the International Culture Fest.

The Salt Lake City Gets Fit 5K is currently charging the admission fee shown on the Salt Lake City consolidated fee schedule. The Salt Lake City Gets Fit Volleyball Tournament charges the admission fee shown on the Salt Lake City consolidated fee schedule. These admission fees will not exceed the amount shown on the Salt Lake

City consolidated fee schedule, per person. These fees represent a partial recovery of the costs to produce these events.

Fees for additional special events and festivals that may be produced or sponsored by Salt Lake City, or held on city owned or city managed property, shall be established consistent with fees for similar events as set forth in the above fee schedule.

2. Programs And Fees: Youth and family programs:

| **Programs** | **Fees** |
|---|---|
| After school program | Effective fall 2010, monthly after school fees will be: |
| | $10.00 for participants with a household income of $10,000.00 or less per year; |
| | $35.00 for participants with a household income of more than $10,000.00 per year but less than or equal to 42% of the area median income, or with free lunch status; |
| | $75.00 for participants with a household income of more than 42% but less than or equal to 60% of the area median income, or with reduced lunch status; |
| | $125.00 for participants with a household income of more than 60% but less than or equal to 80% of the area median income; |
| | $150.00 for participants with a household income of more than 80% but less than or equal to 100% of the area median income; |
| | $200.00 for participants with a household income of more than 100% of the area median income; |
| | $200.00 for participants who are not residents of Salt Lake City, regardless of their income or lunch status. |
| | For purposes of the after school program, area median income shall be determined based on the federal housing and urban development guidelines for the Salt Lake City metropolitan statistical area. |
| Summer program | Fees will be charged on a monthly basis as follows: |
| | $10.00 for participants with a household income of $10,000.00 or less per year; |
| | $50.00 for participants with a household income of more than $10,000.00 per year but less than or equal to 42% of the area median income, or with free lunch status; |
| | $100.00 for participants with a household income of more than 42% but less than or equal to 60% of the area median income, or with reduced lunch status; |
| | $150.00 for participants with a household income of more than 60% but less than or equal to 80% of the area median income; |
| | $225.00 for participants with a household income of more than 80% but less than or equal to 100% of the area median income; |
| | $400.00 for participants with a household income of more than 100% of the area median income; |
| | $400.00 for participants who are not residents of Salt Lake City, regardless of their income or school lunch status. |
| | For purposes of the summer program, area median income shall be determined based on the federal housing and urban development guidelines for the Salt Lake City metropolitan statistical area. |

B. The director of public services and the director of community and economic development, in establishing fees within the limitations provided in this section, shall determine the fee based upon the recoupment of costs incurred by city personnel for their time in making the reservations and in their involvement with the activity. The fees charged do not represent the payment of any consideration for the use of the land, which is provided at no cost, fee, or consideration. (Ord. 24-11, 2011)

### 15.16.100: CEREMONY PERMIT FEES:

Fees for holding weddings and other formal ceremonies at city parks shall be as shown on the Salt Lake City consolidated fee schedule per day plus the fee shown on the Salt Lake City consolidated fee schedule per staff hour from setup to take down for a parks attendant. (Ord. 24-11, 2011)

### 15.16.110: FOOD AND BEVERAGE SERVICE PERMITS:

The city shall allow organized youth sports leagues to use city owned food and beverage facilities in city parks or to bring in temporary facilities to support and serve participants in and patrons of youth sports conducted in city parks. Youth leagues desiring to provide such service to participants or patrons shall apply for a seasonal food and beverage service permit from the parks division director, in addition to any other permits required by other governmental entities. Seasonal youth league food and beverage service permit fees shall be as follows:

A. The fee shown on the Salt Lake City consolidated fee schedule per season for the use of city owned food and beverage service facilities, including storage;

B. The fee shown on the Salt Lake City consolidated fee schedule per season for the use of temporary facilities brought in by the league that require hookup to city utilities; and

C. The fee shown on the Salt Lake City consolidated fee schedule per season for the use of temporary facilities brought in by the league requiring no hookup. (Ord. 24-11, 2011)

# CHAPTER 15.20
# PENALTY FOR PARKS AND RECREATION VIOLATIONS

### 15.20.010: VIOLATION OF PROVISIONS; UNLAWFUL:

It is unlawful for any person to do any act prohibited by chapters 15.04 through 15.16 of this title, or to fail or refuse to do any act required by chapters 15.04 through 15.16 of this title, or their successor chapters. (Ord. 74-80 § 3, 1980: prior code § 27-10-1)

### 15.20.020: VIOLATION OF PROVISIONS; PENALTY:

Any person guilty of violating any provision of chapters 15.04 through 15.16 of this title, or their successor chapters, shall be deemed guilty of an infraction, and may not be imprisoned, but shall be punishable by a fine not to exceed two hundred ninety nine dollars ($299.00). (Ord. 74-80 § 3, 1980: prior code § 27-10-2)

# CHAPTER 15.21
# RECREATION ENTERPRISE FUND

(Rep. by Ord. 49-06 § 3, 2006)

# CHAPTER 15.24
# CEMETERIES

## Article I. General Regulations

### 15.24.010: ADMINISTRATION AND ENFORCEMENT:

The city cemetery shall be under the immediate supervision of the city sexton/maintenance supervisor, under the direction of the director of public services. It shall be the duty of the city sexton/maintenance supervisor to enforce the provisions of this title in respect to the city cemetery, and to perform such other work as may be required by the director of public services. (Ord. 48-93 § 1, 1993: prior code § 6-1-1)

### 15.24.020: RECEIPTS DEPOSITED WITH TREASURER:

(Rep. by Ord. 54-99 § 1, 1999)

### 15.24.030: EMPLOYEE CONFLICT OF INTEREST RESTRICTIONS:

No employee of the city assigned to work at the city cemetery shall be interested in any manner in any monumental, vault, casket manufacturing or kindred business, and shall not

in any manner solicit business or trade for himself/herself or any other person, or receive directly or indirectly, any profits or rewards growing out of the sale or placing of any monuments, caskets, vaults or markers. (Prior code § 6-1-5)

### 15.24.040: SPEED LIMIT IN CEMETERY:

It is unlawful for any person to ride or drive any vehicle within the limits of the city cemetery at a speed greater than fifteen (15) miles per hour. (Prior code § 6-1-4)

### 15.24.050: MOTORCYCLES AND BICYCLES PROHIBITED:

It is unlawful for any person to ride a motorcycle within the limits of the city cemetery. (Ord. 48-93 § 1, 1993: prior code § 6-1-7)

### 15.24.060: UNAUTHORIZED VEHICLES:

It is unlawful for any person to ride, drive or propel any vehicle, cycle, automobile or truck on property within the limits of the city cemetery on other than designated roadway without the prior written permission of the city sexton/maintenance supervisor. This section, however, shall not apply to restrict the use or operation of city maintenance vehicles within the cemetery. (Ord. 48-93 § 1, 1993: prior code § 6-1-9)

### 15.24.070: PLANTING RESTRICTIONS:

No person other than an authorized employee of the department of public services shall plant any tree, shrub, bush, plant or flower upon any property within the cemetery. (Ord. 45-93 § 29, 1993: prior code § 6-1-10)

### 15.24.080: ARTIFICIAL FLOWER DISPLAYS:

No flower displays using artificial flowers shall be placed or installed in the city cemetery between March 1 and October 31, of any calendar year, except on Memorial Day when they can be placed or installed in the cemetery so long as they are displayed only in containers or wreaths. (Prior code § 6-1-6)

### 15.24.090: DOGS PROHIBITED:

It is unlawful for any person to take a dog into the city cemetery, or to allow or permit any dog in such person's care or custody to remain within the limits of the city cemetery, whether loose, on a leash, or in arms. (Prior code § 6-1-8)

### 15.24.100: INJURING OR REMOVING CEMETERY PROPERTY PROHIBITED:

It is unlawful for any person to injure, deface, break, destroy or remove any headstone, tombstone, monument, tree, shrub, or any other property in the city cemetery. (Prior code § 6-1-3)

## Article II. Lots And Gravesites

### 15.24.110: SALE AUTHORIZED; PROCEDURE:

The city sexton/maintenance supervisor shall, upon application of a purchaser, sell gravesites in the city cemetery which shall be described by plat, lot or portion of lot. (Ord. 48-93 § 1, 1993: prior code § 6-2-1)

### 15.24.120: PRICE FOR GRAVESITES:

The price for each gravesite sold in the various locations within the city cemetery shall be as follows:

A. Adult Gravesite: Beginning July 1, 2009, the price for an adult gravesite shall be seven hundred eighty dollars ($780.00) for Salt Lake City residents and one thousand two hundred seventy four dollars ($1,274.00) for non-Salt Lake City residents.

B. Infant Gravesite: Beginning July 1, 2009, the price for an infant gravesite shall be five hundred sixteen dollars ($516.00) for Salt Lake City residents and eight hundred twelve dollars ($812.00) for non-Salt Lake City residents. (Ord. 28-09 § 1, 2009)

### 15.24.130: WHAT PRICE INCLUDES:

The payment specified in section 15.24.120 of this chapter, or its successor section, shall not include payment for any of the services provided in any other article in this chapter, but shall include payment for continuing care, which shall consist solely of filling the grave, placing topsoil thereon, filling and seeding the gravesite with suitable grass seed, and watering and cutting such grass until such time as the gravesite is transferred to another party. (Ord. 49-01 § 2, 2001: prior code § 6-2-3)

### 15.24.140: INSTALLMENT CONTRACTS; AUTHORIZED WHEN:

A. The city sexton/maintenance supervisor may sell gravesites on installment contracts, provided that such contracts comply with the following provisions:

1. The date of final payment shall be no later than twelve (12) months following the date of the contract;

2. The contract shall provide for no more than twelve (12) equal monthly installments;

3. Interest on installment contracts for the purchase of gravesites shall be charged up front in the amount of six percent (6%) of the total contract. This rate of interest results in an effective percentage rate of 10.89 percent when applied to twelve (12) equal payments, with the first payment commencing thirty (30) days following the contract day. If the contract balance is paid early, the final payment will be recalculated so that interest is not overpaid by the purchaser;

4. The contract shall provide that in the event of default in any installment payment for a period of sixty (60) days, the city shall have the option of declaring the entire contract balance, together with accrued interest, due and payable immediately, and upon the failure of the purchaser to pay such balance immediately, the interest of the purchaser to the unused gravesite or sites shall revert to the city, and the contract shall have no further force and effect in law or equity against the city, but shall remain enforceable against the purchaser for any balance due on used gravesites.

B. Such contract may be in the form of a nonnegotiable installment note payable to Salt Lake City Corporation, provided the note contains the provisions specified in this section. (Ord. 48-93 § 1, 1993: Ord. 2-92 § 1, 1992: prior code § 6-2-4)

## 15.24.150: INSTALLMENT CONTRACTS; RECEIPT OF BURIAL RIGHTS:

At the time of sale, the city sexton/maintenance supervisor shall issue to each installment purchaser a receipt of burial rights, which receipt shall be issued in consecutive serial numbers and shall describe gravesite or sites in lots or portions of lots and plats in accordance with the official cemetery survey. (Ord. 48-93 § 1, 1993: prior code § 6-2-5)

## 15.24.160: DUPLICATE CERTIFICATES OF BURIAL RIGHTS:

The city sexton/maintenance supervisor shall keep a duplicate of all certificates of burial rights issued by the city sexton/maintenance supervisor as part of the records of the city cemetery. (Ord. 48-93 § 1, 1993: prior code § 6-2-7)

## 15.24.170: INSTALLMENT CONTRACTS; TRANSFER BY CERTIFICATE:

When the installment contract, provided by the provisions of section 15.24.150 of this chapter, or its successor section, is fully paid by the purchaser, or in the event full payment for the gravesite or sites is made at the time of sale, the city shall transfer by certificate of burial rights, signed by the mayor or the city sexton/maintenance supervisor for and on behalf of the city, the title to the burial rights in such gravesite or sites to the purchaser, and such his/her heirs, successors and assigns, subject to the trust imposed upon the city with respect to the maintenance of the city cemetery as a burial ground for deceased persons. (Ord. 48-93 § 1, 1993: prior code § 6-2-6)

## 15.24.180: TRANSFER OF CERTIFICATE; RECORDING FEE:

The fee for recording a transfer of the certificate of burial rights from the original purchaser to another party shall be shown on the Salt Lake City consolidated fee schedule. No such transfer shall be binding upon the city until such transfer fee has been paid and the transfer recorded by the city sexton/maintenance supervisor. (Ord. 24-11, 2011)

## 15.24.190: UNUSED LOTS; CITY RIGHTS:

If, for a period in excess of sixty (60) years and one day of purchase of any cemetery lot, the grantee, or persons claiming through the grantee:

A. Have not used portions of the lots or parcels for purposes of burial and have not provided for the care of the lots or parcels beyond that uniformly provided for all lots of the cemetery, and during the sixty (60) year period have not given the city written notice of any claim or interest in the lots or parcels; or

B. Have not used a portion of the lots or parcels for purposes of burial and have not kept the lots or parcels free of weeds or brush, but have allowed them to remain entirely unimproved for more than twenty (20) years, and such lots or parcels are located in a portion of the cemetery such that they adjoin or are adjacent to improved parts of the cemetery and by reason of their unimproved conditions detract from the appearance of the cemetery, or interfere with the cemetery's harmonious improvements, or furnish a place for growth of weeds and brush; the city may, by following the procedures set forth in section 8-5-1, Utah Code Annotated, 1953, as amended, or its successor, demand of the grantee or persons claiming through the grantee, either:

1. That they file with the city sexton/maintenance supervisor a written notice of claim or interest in and to the lots or parcels accompanied by evidence of their claim within fifty (50) days after service of a copy of notice of demand, or

2. That they keep the premises clear of weeds and in a condition of harmony with other adjoining lots. (Ord. 48-93 § 1, 1993: Ord. 88-86 § 19, 1986: prior code § 6-2-14)

## 15.24.195: ALTERNATIVE COUNCIL PROCEDURES FOR NOTICE; TERMINATION OF RIGHTS:

A. As an alternative to the procedures set forth in section 15.24.190 of this chapter, the city council may pass a resolution demanding that the owner of a lot, site, or portion of the cemetery, which has been unused for burial purposes for more than sixty (60) years, file with the city recorder notice of any claim to the lot, site, or parcel.

B. The city council shall then cause a copy of the resolution to be personally served on the owner in the same manner as personal service of process in a civil action. The resolution shall notify the owner that the owner must, within sixty (60) days after service of the resolution on the owner, express interest in maintaining the cemetery lot and submit satisfactory evidence of an intention to use the lot for a burial.

C. If the owner cannot be personally served with the resolution of the city council as required in subsection B of this section, the city council shall publish its resolution for three (3) successive weeks in a newspaper of general circulation within Salt Lake County and mail a copy of the resolution within fourteen (14) days after the publication to the owner's last known address, if available.

D. If, for thirty (30) days after the last date of service or publication of the city council's resolution, the owner or person with a legal interest in the cemetery lot fails to state a valid interest in the use of the cemetery lot for burial purposes, the owner's rights are terminated and that portion of the cemetery shall be vested in Salt Lake City Corporation. (Ord. 49-01 § 1, 2001)

## 15.24.200: UNUSED LOTS; PURCHASE BY CITY SEXTON/MAINTENANCE SUPERVISOR AUTHORIZED WHEN:

The city sexton/maintenance supervisor, when directed so to do by the mayor, may purchase for the city, with funds provided for that purpose by the city council, any unused lots or portions of lots located in the city cemetery at a price of one-half ($^1/_2$) the current resident rate. It is unlawful, however, for the city sexton/maintenance supervisor or any other employee of the city to trade, deal in or make a profit, directly or indirectly, out of any transaction involving the sale, purchase or transfer of any cemetery lot. (Ord. 54-99 § 4, 1999: Ord. 48-93 § 1, 1993: prior code § 6-2-11)

## 15.24.210: RECORDING OF PLATS AND CONVEYANCES:

The city sexton/maintenance supervisor shall file with the Salt Lake County recorder all records required by state statute relating to cemetery plats and ownership thereof. (Ord. 48-93 § 1, 1993: prior code § 6-2-12)

## 15.24.220: LOTS; CONTINUING CARE REQUIRED:

A. All lots in the city cemetery shall be continually maintained by the city. The sale of the burial right to any lot shall be subject to a continuing care fee shown on the Salt Lake City consolidated fee schedule. Said fee shall be collected from the person purchasing the burial right to such lot, and in consideration of the payment of said fee the city shall continually care for and maintain such lot until said lot is transferred to another party. Upon any sale or other transfer of the burial right to any cemetery lot, a continuing care fee shown on the Salt Lake City consolidated fee schedule, per lot shall be payable to the city by the transferee.

B. No grave opening upon any lot shall be authorized by the city sexton/maintenance supervisor if a continuing care fee is owed upon such lot until such fee is paid. The execution of an installment note in accordance with the provisions of this chapter shall be deemed payment in order to authorize grave openings. (Ord. 24-11, 2011)

## 15.24.230: LOTS; CHANGES AND SERVICES RESTRICTED:

No improvement, change or service, other than continuing care as defined in this chapter, shall be made upon any gravesite by the owner or owners thereof without the prior written approval of the city sexton/maintenance supervisor for such changes or services, nor without payment to the city of the reasonable cost of all such improvements, changes or services requested and approved. (Ord. 49-01 § 4, 2001: Ord. 48-93 § 1, 1993: prior code § 6-2-9)

## 15.24.240: HEADSTONES, TOMBSTONES AND FENCES; GRADE LIMITATIONS:

A. The owners of gravesites or relatives of deceased persons buried in the city cemetery are required to erect, in a manner satisfactory to the city sexton/maintenance

supervisor, headstones, tombstones or other suitable monuments at the heads of graves, with the name of the deceased person plainly inscribed thereon. Such headstones, tombstones or other suitable monuments shall be flush with the surface of the ground or have a base of concrete no less than four inches (4") larger than the marker on all sides which is flush with the surface of the ground. Further, all headstones, tombstones or other suitable monuments must be in an orderly row and reasonably in line with all other such markers in that plot.

B. No person shall erect or maintain any fence, wall, corner post, coping, hedge or boundary of any kind upon any lot, gravesites or lots in the cemetery, nor grade the ground or land thereof. The city sexton/maintenance supervisor shall, whenever requested, furnish the true lines of such lots according to the official survey, and shall prevent and prohibit any marking of the same, save and except by official landmarks, and shall prevent and prohibit any grading thereof that might destroy or interfere with the general slope of the land. (Ord. 49-01 § 5, 2001: Ord. 48-93 § 1, 1993: prior code § 6-2-10)

# Article III. Interment And Disinterment

### 15.24.250: BURIALS MUST BE IN CEMETERIES; EXCEPTION:

It is unlawful for any person to bury the body of a deceased person within the limits of the city, except in the burying grounds located therein, unless by permission of the mayor. (Prior code § 6-3-1)

### 15.24.260: BURIALS; CITY SEXTON/MAINTENANCE SUPERVISOR AUTHORITY:

All interments in the city cemetery shall be under the direction of the city sexton/maintenance supervisor, who shall dig or cause to be dug all graves required for the burial of the dead. (Ord. 48-93 § 1, 1993: prior code § 6-3-3)

### 15.24.270: BURIALS; CERTIFICATE OR PERMIT REQUIRED:

Before any interment, the city sexton/maintenance supervisor shall require of any person requesting interment a certificate of burial rights. Such certificate may be obtained by purchasing the same, if the applicant has not yet purchased the gravesite, or by presentation of a written permit from the owner or nearest relative of the owner thereof. All such certificates and permits shall be filed with the city sexton/maintenance supervisor, and it is unlawful for any person to inter any person in the city cemetery without complying with the provisions of this section. (Ord. 48-93 § 1, 1993: 1987 Code: prior code § 6-3-6)

### 15.24.280: PERMIT REQUIREMENTS:

The city sexton/maintenance supervisor shall not inter or permit the interment of any body unless it is accompanied by a burial, removal or transit permit issued in accordance with state statutes and this code. The city sexton/maintenance supervisor shall endorse upon the permit the date of interment over his/her signature, and shall forthwith return it to the local registrar in accordance with state statutes and this code. (Ord. 48-93 § 1, 1993: prior code § 6-3-4)

## 15.24.290: FEES FOR CITY SEXTON/MAINTENANCE SUPERVISOR'S SERVICES:

A. The city sexton/maintenance supervisor shall collect from those requiring his/her services, fees shown on the Salt Lake City consolidated fee schedule for the following services:

1. For opening and closing a single infant grave of five feet (5') in length or less;

2. For opening and closing a single adult grave for cement receptacle;

3. Fees for removal of remains of deceased individuals:

   a. Adult removal from existing grave,

   b. Infant removal from existing grave,

   c. Removal of cremains;

4. For the burial of cremains;

5. For opening and closing a double deep grave;

6. For opening and closing the top of an existing double deep grave;

7. Fees for removal and lowering of deceased individuals:

   a. Adult Salt Lake City resident,

   b. Adult non-Salt Lake City resident,

   c. Infant Salt Lake City resident,

   d. Infant non-Salt Lake City resident;

8. For marker monitoring fees:

   a. Ground level marker,

   b. Upright marker.

   For purposes of this section, "ground level marker" means a marker that can be passed over by the city's lawn mowers without obstruction. All markers that are not ground level markers shall be known as "upright markers";

9. For opening and closing a grave at the Fort Douglas Cemetery;

10. For opening and closing a grave at the Jewish Cemetery.

B. For burials not completed by four o'clock (4:00) P.M. on any day, the fee shown on the Salt Lake City consolidated fee schedule per hour shall be charged in addition to any other fees and costs provided for in this chapter.

C. For any burial on a Saturday, the fee shown on the Salt Lake City consolidated fee schedule shall be charged in addition to any other fees and costs provided for in this chapter.

D. For any burial on a Sunday or holiday, the fee shown on the Salt Lake City consolidated fee schedule shall be charged in addition to any other fees and costs provided for in this chapter. (Ord. 24-11, 2011)

## 15.24.300: RECORDKEEPING REQUIREMENTS:

The city sexton/maintenance supervisor shall keep a record of all interments made, including cremations, in the city cemetery, which shall state the name of the deceased person, place of death, date of burial, and name and address of the funeral director. These records shall be open to public inspection at all times. (Ord. 48-93 § 1, 1993: prior code § 6-3-5)

## 15.24.310: BURIAL ABOVEGROUND PROHIBITED:

It is unlawful for any person to bury the body of a deceased person in any structure above the ground in the city cemetery. (Prior code § 6-3-10)

## 15.24.320: BURIAL OF CONVICTED MURDERERS PROHIBITED:

There shall not be interred in any cemetery within the city limits the body of any person known to the law as a murderer except in a plot or portion of such cemetery which has been definitely designated and set apart for the burial of such persons. (Prior code § 6-3-2)

## 15.24.330: USE OF WOOD RECEPTACLES PROHIBITED:

A. It is unlawful for any person to bury the body of a deceased person in a wood receptacle at the Salt Lake City Cemetery, except as provided in subsection B of this section.

B. A body of a deceased infant may be buried in a wood receptacle, provided that such infant is buried in a grave already occupied by the body of another person or the body of the infant is buried in either section Y or west 15, which sections are designated as baby land. (Prior code § 6-3-11)

### 15.24.340: DISINTERMENT AND REMOVAL:

It is unlawful for any person to disinter any body buried in the city cemetery or in any cemetery within the limits of Salt Lake City except under the direction of the city sexton/maintenance supervisor. Before disinterment, the city sexton/maintenance supervisor shall require a permit issued by the board of health and a written order from the owner of the lot authorizing such removal, which order shall be filed and preserved by the city sexton/maintenance supervisor. All such removals shall be recorded by the city sexton/maintenance supervisor in a book kept for that purpose. (Ord. 48-93 § 1, 1993: prior code § 6-3-7)

### 15.24.350: DEATH FROM CONTAGIOUS DISEASES; DISINTERMENT CONDITIONS:

It is unlawful for any person to remove the body of a person who has died of a contagious disease within two (2) years from the date of burial, unless such a body has been buried in a hermetically sealed coffin, and is found to be so encased. (Prior code § 6-3-8)

# CHAPTER 15.28
# CAPITAL PROJECTS FUND

### 15.28.010: CREATION; ADMINISTRATION:

A. Capital Projects Fund Created: All funds received from leases on special use facilities and public buildings in city parks, including, but not limited to, Memorial House in Memory Grove, Chase Home in Liberty park, Raging Waters, Derks Field and Oak Hills Tennis Center, shall be placed in the parks' capital projects fund and kept separate and apart from all other city funds. For purposes of this section, the term "special use facility" shall not include any facility for which a fee is charged pursuant to chapter 15.16 of this title with the exception of Oak Hills Tennis Center.

B. Use Of Funds: This fund shall be used for capital developments, improvement and repairs within the city parks and recreation system, including the renovation of existing park facilities, and the creation of new facilities. Revenue generated from the lease of a specific facility may be used for capital development and improvement of other park facilities, and need not be restricted to renovation of the facility generating the revenue.

C. Administration: The collection, accounting and expenditure of funds shall be in accordance with existing fiscal policy of the city and the fund shall be administered by the department of public services. (Ord. 45-93 § 30, 1993: Ord. 49-88 § 1, 1988)

# CHAPTER 15.30
# SMOKING PROHIBITED IN CITY PARKS, RECREATIONAL AREAS, AND CEMETERIES, AND NEAR MASS GATHERINGS

## 15.30.010: DEFINITIONS:

CITY PARK: Means and includes city owned parks, public squares, ball diamonds, golf courses, soccer fields, and other recreation areas, Library Square, city owned cemeteries and trails, but not designated smoking areas specified by the city.

MASS GATHERING: An outdoor assembly of one hundred (100) or more people on city owned property that reasonably can be expected to continue for two (2) or more hours.

SMOKE OR SMOKING: Means and includes possession, carrying, or holding a lighted pipe, cigar, or cigarette of any kind, or any other lighted smoking equipment, or the lighting or emitting or exhaling of smoke of a pipe, cigar, or cigarette of any kind, or of any other lighted smoking equipment. (Ord. 81-06 § 1, 2006)

## 15.30.020: PROHIBITIONS:

Smoking is hereby prohibited in city parks, light rail train stations, within twenty five feet (25') of bus stops, and within fifty feet (50') of mass gatherings. A violation of this chapter is an infraction punishable by a fine not to exceed twenty five dollars ($25.00) but not by imprisonment. Police officers shall have the discretion to issue a "warning" if they deem it is in the best interests of the city for the first offense. (Ord. 81-06 § 1, 2006)

## 15.30.030: EXCEPTIONS:

A. American Indian/Alaska Native Ceremonies:

1. A person is exempt from the restrictions of this chapter if the person:

   a. Is a member of an American Indian/Alaska Native tribe whose members are recognized as eligible for the special programs and services provided by the United States to American Indians/Alaska Natives who are members of those tribes;

   b. Is an American Indian/Alaska Native who actively practices an American Indian/Alaska Native religion, the origin and interpretation of which is from a traditional American Indian/Alaska Native culture;

   c. Is smoking tobacco using the traditional pipe of an American Indian/Alaska Native tribal religious ceremony, of which tribe the person is a member, and is smoking the pipe as part of that ceremony; and

   d. The ceremony is conducted by a pipe carrier, American Indian/Alaska Native spiritual person, or medicine person recognized by the tribe of which the person is a member and by the American Indian/Alaska Native community.

2. A religious ceremony using a traditional pipe under this section is subject to any applicable state or local law, except as provided in this section.

B. First Amendment Activities: A person is exempt from the restrictions of this chapter if the person is smoking or using smoking materials to exercise protected First Amendment activity, such as smoking or use of materials for bona fide religious purposes. (Ord. 81-06 § 1, 2006)

### 15.30.040: POSTING OF SIGNS:

"No smoking" signs or the international "no smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly and conspicuously posted in every city park. (Ord. 81-06 § 1, 2006)

# Title 16 - AIRPORTS

## CHAPTER 16.04
## DEFINITIONS

### 16.04.010: DEFINITIONS, GENERALLY:

The following words and phrases, whenever used in this title, shall be defined as provided in this chapter unless a different meaning is specifically or more particularly described. (Prior code § 2-1-3)

### 16.04.020: ACROBATIC:

"Acrobatic" means maneuvers intentionally performed by an aircraft involving an abrupt change in its altitude, an abnormal altitude or an abnormal acceleration thereof. (Prior code § 2-1-4)

### 16.04.030: AIRCRAFT OPERATIONS:

"Aircraft operations" means an aircraft arrival at or departure from the airport, with or without FAA airport traffic control service. (Prior code § 2-1-5)

### 16.04.040: AIRCRAFT PARKING AREA:

"Aircraft parking area" means the area or areas of the airport set aside and designated for the parking of aircraft. (Prior code § 2-1-6)

### 16.04.050: AIRPORT:

"Airport" means and has reference to all of the areas comprising Salt Lake City International Airport, Salt Lake City Airport II, and the Tooele Valley Airport, as appropriate, as they now exist or as may hereafter be expanded and exist, together with all their appurtenant facilities. A territorial division thereof may be designated by number. (Ord. 77-04 § 1, 2004: prior code § 2-1-7)

### 16.04.060: AIRPORT RULES AND REGULATIONS:

"Airport rules and regulations" means the provisions of this title, as amended, and any rules and regulations issued by the director. (Prior code § 2-1-8)

### 16.04.070: AIR TRAFFIC:

"Air traffic" means aircraft in operation anywhere in the airspace above and on the surface of the area embraced by the airport, and normally used for the movement of aircraft. (Prior code § 2-1-9)

### 16.04.080: CITY:

"City" means and has reference to Salt Lake City, a municipal corporation of the state of Utah. (Prior code § 2-1-10)

### 16.04.090: COMMERCIAL VEHICLE:

"Commercial vehicle" means a vehicle used or maintained for the transportation of persons or property for hire, compensation or profit. (Prior code § 2-1-11)

### 16.04.100: CONTROL TOWER:

"Control tower" means the FAA air traffic control tower at Salt Lake City International Airport. Whenever used within this title, it shall refer to operations at Salt Lake City International Airport only. (Prior code § 2-1-12)

### 16.04.110: DIRECTOR:

"Director" means the duly appointed and qualified department head of the city department designated as the "department of airports", selected and appointed by the mayor with the recommendation of the airport board and with the advice and consent of the city council. (Ord. 86-98 § 7, 1998: prior code § 2-1-13)

### 16.04.120: DOPING:

"Doping" means the application of a preparation to strengthen and tighten aircraft fabric. (Prior code § 2-1-14)

### 16.04.130: ENGAGING IN AERIAL APPLICATIONS:

"Engaging in aerial applications" means a person engaged in the business of aerial crop dusting, spraying or firefighting. (Prior code § 2-1-15)

### 16.04.140: ENGAGING IN AIRCRAFT FUEL AND OIL DISPENSING SERVICE:

"Engaging in aircraft fuel and oil dispensing service" means a person engaged in the business of dispensing fuels and oil and other related services. (Prior code § 2-1-16)

### 16.04.150: ENGAGING IN AIRCRAFT RENTAL:

"Engaging in aircraft rental" means a person engaged in the rental of aircraft. (Prior code § 2-1-17)

### 16.04.160: ENGAGING IN AIRCRAFT SALES:

"Engaging in aircraft sales" means a person engaged in the sale of new and/or used aircraft. (Prior code § 2-1-18)

### 16.04.170: ENGAGING IN AIRFRAME AND/OR POWER PLANT REPAIR:

"Engaging in airframe and/or power plant repair" means a person engaged in the business of repairing or servicing aircraft airframes or power plants. (Prior code § 2-1-19)

## 16.04.180: ENGAGING IN AIR TRANSPORTATION SERVICE:

"Engaging in air transportation service" means a person engaged in the transportation of a person or persons and/or property according to the applicable following conditions:

A. A certified air carrier which holds a certificate of public convenience and necessity issued under section 401 of the federal aviation act of 1958, as amended, or its successor, other than an air carrier which holds a certificate of public convenience and necessity for supplemental air service;

B. A supplemental air carrier as defined in title 1, general provisions definitions, section 101(32) of the federal aviation act of 1958, as amended, or its successor; or

C. An air taxi operator subject to part 298, as amended, of the economic regulations of the civil aeronautics board and engaged directly in air transportation of passengers and/or property and who does not hold a certificate of public convenience and necessity issued by the civil aeronautics board pursuant to section 401 of the federal aviation act of 1958, as amended, or its successor, or other economic authority issued by the civil aeronautics board. (Prior code § 2-1-20)

## 16.04.190: ENGAGING IN COMMERCIAL FLIGHT SERVICE:

"Engaging in commercial flight service" means a person engaged in commercial air activities such as, but not limited to, banner towing, aerial advertising, aerial photography, aerial survey, firefighting, fire patrol, pipeline patrol, power line patrol, cloud/fog seeding operations, or any other operations including FAR part 135 operations. (Prior code § 2-1-23)

## 16.04.200: ENGAGING IN MULTIPLE SERVICE:

"Engaging in multiple service" means a person engaged in two (2) or more commercial aeronautical activities. (Prior code § 2-1-21)

## 16.04.210: ENGAGING IN RADIO, INSTRUMENT OR PROPELLER SERVICE:

"Engaging in radio, instrument or propeller service" means a person engaged in the sales and service of aircraft radios, instruments or propellers, and shall include repairs and installations of new and/or used aircraft radio equipment and parts, aircraft instruments, or propellers. (Prior code § 2-1-22)

## 16.04.220: ENGAGING IN TRAINING SCHOOL:

"Engaging in training school" means a person engaged in conducting a pilot flight training school instruction as is necessary to prepare a student pilot to take a written examination

and flight check ride for obtaining a pilot certificate or appropriate aircraft rating from the FAA. (Prior code § 2-1-24)

### 16.04.230: FAA:

"FAA" means the federal aviation administration. (Prior code § 2-1-25)

### 16.04.240: FAR:

"FAR" means the federal aviation regulations. (Prior code § 2-1-26)

### 16.04.250: FIXED BASE OPERATOR:

"Fixed base operator" means a person, subject to the provisions of a lease with the city, engaging in the selling, servicing, renting or leasing of new and/or used aircraft, parts, aircraft accessories and hardware; custom repair, overhauling and modification of general accessories and hardware; overhauling and modification of aircraft and/or aircraft equipment; and includes the conducting of charter flight services, aerial photography, advertising, mapmaking, aerial firefighting or crop dusting services. (Prior code § 2-1-27)

### 16.04.260: GENERAL AVIATION:

"General aviation" means and shall include all phases of aviation other than aircraft manufacturing, military aviation scheduled and nonscheduled, and regulated air carrier operations. (Prior code § 2-1-28)

### 16.04.270: ITINERANT OPERATIONS:

"Itinerant operations" means all aircraft arrivals and departures other than local aircraft operations. (Prior code § 2-1-29)

### 16.04.280: LANDING AREA:

"Landing area" means the runways, taxiways, intermediate turnoffs, and adjoining areas. (Prior code § 2-1-30)

## 16.04.290: LOCAL AIRCRAFT OPERATIONS:

"Local aircraft operations" means:

A. Aircraft operating only in local traffic pattern or within sight of the tower at the airport;

B. Aircraft that are known to be departing from, or arriving from, flight in local practice areas located within a twenty (20) mile radius of the control tower at the airport; and

C. Aircraft making simulated instrument approaches or low passes at the airport. (Prior code § 2-1-31)

## 16.04.300: MAYOR:

"Mayor" means the duly elected or appointed and qualified chief executive and administrative officer of Salt Lake City, or his/her authorized representative. (Prior code § 2-1-32)

## 16.04.310: MOTOR VEHICLE:

"Motor vehicle" means any vehicle propelled by an internal combustion or electric motor. (Prior code § 2-1-33)

## 16.04.320: OWNER:

"Owner", when referring to vehicles or aircraft, means a person who holds the legal title to any aircraft or vehicle. If such aircraft or vehicle is the subject of any agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement coupled with an immediate right of possession vested in the conditional vendee or lessee, or, in the event the mortgagor of any aircraft or vehicle is entitled to possession, then such conditional vendee, lessee or mortgagor thereof shall be deemed the owner for purposes of this title. (Prior code § 2-1-34)

## 16.04.330: PARKING AREA:

"Parking area" means any portion of the airport which is set aside for parking of vehicles. (Prior code § 2-1-35)

## 16.04.340: PEDESTRIAN:

"Pedestrian" means any person traveling afoot within the borders of the airport. (Prior code § 2-1-36)

### 16.04.350: PERSON:

"Person" means and includes a natural person, copartnership, firm, association or corporation. (Prior code § 2-1-37)

### 16.04.360: PROVIDING AN AIRCRAFT PARTS HOUSE:

"Providing an aircraft parts house" means a person engaged in the business of storing and dispensing aircraft parts. (Prior code § 2-1-38)

### 16.04.370: RAMP:

"Ramp" means a paved area of the airport normally used for the parking and taxiing of aircraft. (Prior code § 2-1-39)

### 16.04.380: STATE:

"State" means and has reference to the state of Utah. (Prior code § 2-1-40)

### 16.04.390: TRAFFIC:

"Traffic" means pedestrians and vehicles, either singly or together, while using any roadway or walkway within the airport. (Prior code § 2-1-41)

### 16.04.400: VEHICLE:

"Vehicle" means a device in, upon or by which any person or property is or may be propelled, moved, transported, hauled or drawn upon any roadway within the airport. (Prior code § 2-1-42)

### 16.04.410: ZONES:

A. "Bus zone" means that space reserved for loading and unloading buses.

B. "Limousine zone" means that space reserved for loading and unloading limousines.

C. "Loading gate" means that space reserved for loading and unloading aircraft.

D. "Loading ramp" means equipment used in loading and unloading aircraft.

E. "Loading zone" means that space adjacent to a curb, reserved for the exclusive use of vehicles during the loading or unloading of passengers, property or materials.

F. "Taxicab stand" means the space reserved for loading and unloading taxicabs. (Prior code § 2-1-43)

# CHAPTER 16.08
# AIRPORT MASTER PLAN EXTERIOR BOUNDARIES

## 16.08.010: DECLARATION OF POLICY:

The city council finds that:

A. Aircraft transportation of all kinds is rapidly accelerating and expanding in all its fields and requires and will require increasingly larger areas for landing facilities, terminal facilities, warehouse facilities, hangar and other facilities to accommodate such transportation;

B. Salt Lake City International Airport and Airport II are situated in the center of the great intermountain west, and as such will attract and serve an ever expanding aircraft transportation system and efforts are being made to increase the number of airlines using said airports;

C. In order to meet the needs of the aircraft industry using such airports, it is necessary that immediate steps be taken to enlarge the airports and their facilities;

D. It is necessary that the city make plans for the enlargement of the airports to provide the necessary accommodations and to protect the air space needed therefor;

E. It is further necessary to adopt a master plan which will define and fix the exterior boundaries of the area necessary for the orderly and convenient expansion of such airport facilities in order to keep abreast of the needs and requirements of the air transportation industry which the airports should and will serve. (Ord. 88-86 § 12, 1986: prior code

§ 2-17-1)

### 16.08.020: SALT LAKE CITY INTERNATIONAL AIRPORT BOUNDARIES:

The boundaries of the Salt Lake City International Airport shall be as set forth in the records of the Salt Lake County recorder, which may be restated in airport rules and regulations. (Ord. 77-04 § 2, 2004: Ord. 43-93 § 1, 1993: prior code § 2-17-2)

### 16.08.030: SALT LAKE CITY AIRPORT II AND TOOELE VALLEY AIRPORT BOUNDARIES:

A. The boundaries of the Salt Lake City Airport II shall be as set forth in the records of the Salt Lake County recorder, which may be restated in airport rules and regulations.

B. The boundaries of the Tooele Valley Airport shall be as set forth in the records of the Tooele County recorder, which may be restated in airport rules and regulations. (Ord. 77-04 § 3, 2004: Ord. 56-94 § 1, 1994: prior code § 2-17-3)

# CHAPTER 16.12
# AIRPORT LOCATION AND REGULATIONS

## Article I. General Regulations

### 16.12.010: SALT LAKE CITY INTERNATIONAL AIRPORT:

A. Location: Salt Lake City International Airport is four (4) miles west of the downtown business section of Salt Lake City at an elevation of four thousand two hundred twenty six feet (4,226').

B. Traffic Pattern: The normal traffic pattern for aircraft using the west runway is a rectangular path to the west of the airport. The traffic pattern for aircraft using the east runway is a rectangular path to the east of the airport.

C. Altitude Restrictions: It is unlawful to operate an aircraft over the city at an altitude of less than two thousand feet (2,000') above the ground. This provision does not apply to:

1. Aircraft flying a normal traffic pattern in the process of landing at or takeoff from Salt Lake City International Airport; or

2. Flights pursuant to subsection 16.16.180A of this title; or

3. Flights under two thousand feet (2,000') authorized by the mayor in writing when there is a demonstration of need; restrictions are imposed by the mayor requiring the low altitude flight be consistent with FAR 91.79; and the filing with the city of adequate insurance or other security (approved as to form by the city attorney), sufficient to protect the city and the public.

D. Runways: Salt Lake City International Airport has three (3) runways, two (2) north-south and one northwest-southeast.

1. Runway 34L-16R is a precision instrument runway and will accommodate aircraft with weights up to three hundred twenty thousand (320,000) pounds (dual tandem gear rated).

2. Runway 34R-16L is normally used by general aviation aircraft. It will accommodate aircraft with weights up to two hundred sixty thousand (260,000) pounds (dual tandem gear rated).

3. Runway 32-14 is normally used by general aviation aircraft. It will accommodate aircraft having a total weight of thirty five thousand (35,000) pounds or less. (Ord. 65-86 § 1, 1986: prior code § 2-1-1)

## 16.12.020: SALT LAKE CITY AIRPORT II:

A. Location: Salt Lake City Airport II is eleven (11) miles south of Salt Lake City International Airport at an elevation of four thousand six hundred five feet (4,605'). It is used by general aviation aircraft only. UNICOM radio facilities, runway and taxiway lights, fixed base operator facilities, and hangars are available.

B. Traffic Patterns: The traffic patterns for Salt Lake City Airport II are rectangular patterns west of the airport.

C. Runways: The runway alignment at Salt Lake City Airport II is 34-16, one hundred feet by five thousand six hundred four feet (100' x 5,604'), paved and lighted. The runway will accommodate aircraft with weights of thirty five thousand (35,000) pounds or less. (Prior code § 2-1-2)

## 16.12.030: RULES AND REGULATIONS; ADOPTION AND CONTENTS:

A. Subject to approval by the mayor, the director shall have the power and authority and is hereby empowered and authorized, upon the basis of passenger flow, security reasons or where necessitated by the peculiar character of the airport, to adopt reasonable rules and regulations pertaining to the solicitations of contributions for charitable, religious or political purposes on the airport.

B. Such rules and regulations may provide for the following:

1. Conducting such activities in such manner as to maintain a free flow of pedestrians and vehicular traffic, maintain security of the airport, and avoid excessive disruption of normal activities and movement of passengers and vehicles;

2. Designating areas upon the airport in which such activities may not be conducted;

3. Determining the number of persons who may engage in such activities at any specific time and the duration of the activity. (Prior code § 2-2-14)

## 16.12.040: ALL REGULATIONS APPLICABLE TO THE AIRPORT:

No person shall commit any violation of this code, as amended, while on the airport. For the purposes of this section, the airport shall be deemed to be a public place. (Prior code § 2-14-1)

## 16.12.050: USE OF AIRPORT PROPERTY; PERMISSION REQUIRED:

A. Permission granted by the city or an authorized agent thereof, expressly or by implication, to enter upon or use the airport or any part thereof, including aircraft owners, operators, pilots, crew members, mechanics, servicemen and passengers, spectators, sightseers, officers and employees of airlines, agents and employees of sales agencies, flight operators, lessees and other persons occupying space at the airport, persons doing business with the airport, its lessees, sublessees and permittees and all other persons whatsoever, shall be upon an implied agreement to comply with airport rules and regulations.

B. All general aviation aircraft normally based at the airport shall have such aircraft registered with a fixed base operator or the director. The registration must include type and make of aircraft, aircraft registration number, the owner's name, address and telephone number and next of kin.

C. The airport management shall have the authority to take such steps as may be necessary for the handling, policing and protection of the public while present at the airport, subject to the review of the director. (Prior code § 2-2-1)

## 16.12.060: COMMERCIAL ACTIVITIES; PERMIT REQUIREMENTS:

No person shall use the airport, or any portion thereof, for any revenue producing commercial activity without first obtaining an appropriate permit for such activity from the director and paying the rates and charges prescribed for such use. No person not so authorized shall operate, service or repair aircraft or carry on any business of any nature upon the airport premises. (Prior code § 2-2-7)

## 16.12.070: CONDUCT OF AVIATION BUSINESS:

Any person wishing to use the airport as a base for conducting a business in any form of commercial aviation, including building of structures, shall first make application in writing and secure permission from the director, and shall pay the fees and charges prescribed for such use. The carrying of passengers for hire or reward, including, but not limited to, air

taxi, charter or rental, for the purpose of this title, is considered to be a conduct of aviation business. (Prior code § 2-2-8)

### 16.12.080: CONDUCT OF GENERAL BUSINESS:

Any person wishing to engage in the business or concession of selling food, refreshments or any other commodity or service upon the airport or upon any land acquired by the city for use in connection with the airport, or upon or in any of the buildings, structures, land, parking places, walkways, roadways or other facilities used or operated in connection with the airport, shall make application in writing and secure permission from the director, and shall pay the fees and charges prescribed for such use. (Prior code § 2-2-9)

### 16.12.090: PERSONS EMPLOYING PROFESSIONAL SKILLS:

Any person wishing to use the airport, its facilities and services, for the purpose of utilizing his or her professional skill or the professional skill of his or her employees for profit, shall possess all applicable licenses, shall make a written application therefor and procure permission from the director, and shall pay the fees and charges prescribed for such use. (Ord. 77-04 § 4, 2004: prior code § 2-2-10)

### 16.12.100: GUESTS OF PILOTS AND OPERATORS; RESPONSIBILITY:

The provisions of this title shall apply to pilots, owners and operators of private aircraft and vehicles, and they shall be responsible for the observance of airport rules and regulations by persons accompanying them as their guests, invitees, students or passengers. (Prior code § 2-2-12)

### 16.12.110: USERS AND VISITORS; RISK AND LIABILITY:

Persons visiting or using the airport and its facilities shall do so at their own risk and shall assume full responsibility for their own acts and the acts of their agents, employees, guests and invitees, and shall save and hold harmless and defend the city, its officers, employees and agents from liability for any loss, damage or injury resulting from their use thereof, and shall save and hold harmless and defend the city, its officers, employees and agents from the claims of others arising out of such use when such use is in the course of any business transaction or other matter whatsoever with such user and at the latter's request, solicitation, invitation, permission or license. (Prior code § 2-2-2)

### 16.12.120: REVOCATION OF USE PRIVILEGE:

Any person refusing to comply with this title or airport rules and regulations may be removed from the airport upon order of the director and may be deprived of further use of the airport and its facilities. (Ord. 70-04 § 1, 2004: prior code § 2-2-3)

## 16.12.130: USE OF AIRPORT FACILITIES; RESTRICTED AREAS:

A. Entering Posted Areas: No person shall enter any restricted area except by permission of the director, which permission shall be in the form of appropriate identification. Such identification must be worn on the left front side of the outer garment at all times a person is within any such restricted area, except when actually handling cargo/ baggage, performing aircraft/equipment maintenance, or during inclement weather, when the badge must be presented upon request. No person shall use the identification of another or allow another person to use his or hers.

B. Disclosure Of Confidential Information: No person may disclose confidential information regarding security to any person not authorized to have the information. This includes, but is not limited to, disclosing combinations to combination locking devices used for airport security purposes.

C. Duplication Of Airport Keys: No person may duplicate keys or keying devices without permission from the director.

D. Screening Requirements: No person shall be in any area beyond the screening checkpoints unless that person has been screened in compliance with federal requirements or is exempt therefrom.

E. Security: No tenant or its employees shall allow or permit any person or vehicle to enter any area except that immediately controlled by the tenant unless that person or vehicle is properly escorted or badged/marked as required by security regulations.

F. Perimeter Gates: No person with a gate access card shall leave a perimeter gate open after entering or exiting therethrough unless the gate is attended. (Ord. 42-87 § 1, 1987: prior code § 2-2-21)

## 16.12.140: TERMINAL USE FEES; AIRCRAFT AND PASSENGER SERVICES:

There is imposed on any person using the passenger terminal facilities of Salt Lake City International Airport for enplaning or deplaning passengers into or from transport type aircraft the following fees for the use of aircraft apron facilities, baggage claim facilities and other common and public use facilities:

A. For twenty two (22) or fewer flights in a calendar month, a use fee for the joint bag claim and other facilities will be computed as shown on the Salt Lake City consolidated fee schedule plus a use fee shown on the Salt Lake City consolidated fee schedule, per flight.

B. For more than twenty two (22) flights in a calendar month, a use fee for the joint bag claims and other facilities will be computed as shown on the Salt Lake City consolidated fee schedule plus a use fee shown on the Salt Lake City consolidated fee schedule per flight for the first twenty two (22) flights. For flights in excess of twenty two (22) in a calendar month, only the use fee for the joint bag claims as computed per passenger enplaned and shown on the Salt Lake City consolidated fee schedule will be imposed.

C. If the international arrivals building is used, a use fee shown on the Salt Lake City consolidated fee schedule.

D. For use of the executive terminal on the east side of Salt Lake City International Airport, a use fee shown on the Salt Lake City consolidated fee schedule, per flight.

E. Any airline having a valid and existing (not terminated or expired) agreement with the city covering the use of baggage claim and terminal facilities at Salt Lake City International Airport shall be exempt from the use fee imposed by subsections A and B of this section. (Ord. 24-11, 2011)

## 16.12.150: TERMINAL USE FEES; ANNUAL SPACE RENTAL:

A. There is hereby imposed on any person not having a valid and existing (not terminated or expired) agreement or permit from the city a use fee, computed by multiplying the number of square feet of space in the terminal used exclusively by any person by the annual rent rate per square foot of space in the terminal as is from time to time being charged commercial airlines in accordance with the formula in exhibit C, part I(b) of the airport use agreement dated July 1, 1978, and designated by the algebraic symbol "RM".

B. The annual rental rate for basement and baggage make up space shall be charged in the above manner at the rate of 0.5 RM. Payment of said use fee or acceptance of payment of said use fee shall not be construed as creating any type of tenancy whatsoever or as authorizing the continued use or occupancy of such space. (Prior code § 2-2-27)

## 16.12.155: APRON USE FEES; OFF AIRPORT IN FLIGHT CATERERS:

A. There is imposed upon any person engaging in food and beverage in flight catering services at the airport whose business premises is at a location other than on the airport, a fee for use of the aircraft apron or parking area and related facilities and other common and public use facilities at the airport.

B. The fee for such use shall be seven percent (7%) of such person's gross sales at the airport. Within fifteen (15) days of the end of each month such person shall provide an audited statement to the director or his designee showing such person's actual gross receipts for sales at the airport, accompanied by a check for said percentage of gross sales. City shall have the right to audit such person's records, concerning such sales, at any time during normal business hours.

C. Any person who fails to comply with the foregoing may be prohibited from obtaining access to the airport apron or parking area and related facilities.

D. "Engaging in food and beverage in flight catering services" means a person engaged in the business of preparing food and beverages and using or supplying such to others for use at or on aircraft flights from the airport. (Ord. 76-90 § 1, 1990)

## 16.12.160: LANDING FEES:

A. Computation: There is hereby imposed on every operator engaged in the business of transporting by air persons or property for hire, including, but not limited to, travel clubs, common carriers, contract carriers, foreign air carriers and charter operators, a landing fee for each aircraft (fixed wing) landing made at Salt Lake City International Airport. The landing fee shall be computed by multiplying the landing fee rate, as amended from time to time and charged to commercial airlines in accordance with the

formula in exhibit C, part I(a) of the airport use agreement with participating air carriers dated July 1, 1978, by the number of thousands of pounds, or fraction thereof, of certified maximum gross landing weight, as defined in the federal air regulations, of the aircraft, whether the aircraft is actually in revenue service or not.

B. Exemptions:

1. Any air carrier that has a valid and existing (not terminated or expired) airport use agreement with the city providing for the payment of landing fees for use of Salt Lake City International Airport shall be exempt from the landing fee imposed by this section.

2. Any such operator that is a fixed base operator based at Salt Lake City International Airport and operates a charter or air taxi service on a request basis shall, unless such operator has a valid and existing agreement with the city providing for the payment of landing fees as established by ordinance, be exempt from the landing fee imposed by this section.

C. Helicopters: There is hereby imposed on every operator, not otherwise exempt, of a helicopter for the carriage of persons or property for hire for a landing fee for each helicopter landing made at Salt Lake City International Airport as shown on the Salt Lake City consolidated fee schedule, per landing, regardless of weight.

D. Landing Defined: The term "landing" as used in this section means and includes all landings, whether revenue or nonrevenue. The foregoing notwithstanding, the term "landing", for purposes of landing fee computation, shall not include the situation where an aircraft departs from the Salt Lake City International Airport for another destination and, without making a stop at another airport, said aircraft is forced to return to and land at Salt Lake City International Airport because of meteorological conditions, mechanical or operating causes, or for similar emergency or precautionary reasons. (Ord. 24-11, 2011)

## 16.12.170: CARGO CARRIER RAMP USE FEE:

A. Imposed: There are hereby imposed on every operator, engaged in the business of transporting property by air for hire, cargo carrier ramp use fees for each separate use of the cargo ramp facility at Salt Lake City International Airport. The cargo carrier ramp use fee shall be computed on an annual basis by the city, for each fiscal year, first determining the cost of:

1. Investment by the city for construction of the ramp;

2. Associated site development costs;

3. Administrative and maintenance costs;

4. A percentage equal to two percent (2%) of the total costs as outlined above representing the city's return on this investment.

B. Cost Formula: The investment costs associated with the ramp shall be amortized over a twenty (20) year period for the purpose of determining a yearly investment cost at an interest rate equal to the rate charged participating airlines for city investment as detailed in the airport use agreements. The city shall then take the sum of the yearly investment cost, the cost of administration and maintenance, and the percentage return on city investment, and shall allocate them as follows:

1. Thirty five percent (35%) of total yearly cost to aircraft usage;

2. Sixty five percent (65%) of total yearly cost to gross weight.

C. Fee Determination: After these costs are allocated, fees to be charged to aircraft using the facilities shall be determined as follows:

1. The amount determined in subsection B1 of this section shall be divided by the total number of aircraft utilizing the cargo ramp facilities in the prior year to determine a flat rate fee to be charged to each aircraft per use.

2. The amount determined in subsection B2 of this section shall be divided by the total gross certified landing weight of aircraft utilizing the cargo ramp in the prior year to establish a basic rate per one thousand (1,000) pounds, or fraction thereof, of maximum gross certified landing weight and shall be charged according to each aircraft per use.

D. Payment: Bills shall be submitted to the airline on a monthly basis and shall be payable within thirty (30) days of day of receipt. (Ord. 24-11, 2011)

## 16.12.180: AIRCRAFT PARKING FEES:

A. There are established the following classes of fees for the parking of aircraft at the Salt Lake City International Airport:

1. Monthly parking fees for airport based aircraft on airport controlled space, as shown on the Salt Lake City consolidated fee schedule.

2. Daily transient aircraft parking fees on airport controlled space, as shown on the Salt Lake City consolidated fee schedule.

B. Any person engaging in air transportation services having an assigned gatehold shall be exempt from all parking fees in this section. (Ord. 24-11, 2011)

## 16.12.190: FUEL ROYALTIES:

A. There is imposed upon any person offering aviation fuel for sale upon the airport the following royalties:

1. A fuel royalty equal to six cents ($0.06) per gallon of fuel delivered to any person at the airport.

B. Any person selling fuel at the airport shall, on or before the twelfth day of each month submit to the city a detailed statement showing all fuel delivered to such person during the preceding calendar month. The city shall then bill such person for the preceding calendar month, taking into account the customary shrinkage allowance of two percent (2%). Such bill shall be paid within ten (10) days of the receipt thereof from the city.

C. Any person required to and paying a landing fee imposed by section 16.12.160 of this chapter, or its successor, or required by an existing agreement shall be exempt from the provisions of this section. (Ord. 28-96 § 1, 1996: Ord. 68-90 § 1, 1990: prior code § 2-2-28)

## 16.12.195: CUSTOMER FACILITY CHARGE:

A. There is hereby imposed a customer facility charge (CFC) on each transaction day, up to and including a maximum of twelve (12) days per contract, for the rental of a vehicle from an on airport rental car company (airport rental car company).

B. The executive director of the Salt Lake City department of airports or designee is authorized to implement and administer the CFC program on behalf of the city, through concession and/or lease contracts or other means, including, without limitation, the rules and regulations of the airport. The CFC charges may be precollected for future use, as specified in section 16.12.200 of this chapter.

C. The CFC shall not exceed five dollars ($5.00) per transaction day during the first year following the effective date. Thereafter, the method of calculating the CFC and the amount of such CFC shall be determined by the executive director of the Salt Lake City department of airports on behalf of the city. However, the CFC shall not exceed ten dollars ($10.00) per transaction day. City may at any time and for any reason, change the amount of the CFC or discontinue it upon written notice to any affected airport rental car company.

D. The airport rental car company shall collect the CFC and shall hold the CFC in trust for the benefit of the city. The CFC at all times shall be property of the city and the airport rental car company shall have no ownership or property interest in the CFC. The airport rental car company shall segregate, separately account for and disclose all CFCs as trust funds in its financial statements, and shall maintain adequate records that account for all CFCs charged and collected.

E. Airport rental car companies shall list the CFC separately on its customer invoice, describing it as a "customer facility charge".

F. The airport rental car company shall remit directly to the Salt Lake City department of airports on a monthly basis all CFCs that were collected or should have been collected from its airport customers. The CFCs shall be received no later than the last day of the month following the month in which the CFCs were collected.

G. The airport rental car company shall submit to the Salt Lake City department of airports on a monthly basis a transaction report, which includes transaction days, a summary of daily business transactions in connection with the airport, an accounting of all fees charged to airport customers in connection with such transactions, and such other information as required by city in form and substance satisfactory to the Salt Lake City department of airports. (Ord. 9-11, 2011)

## 16.12.200: FUNDS; DISPOSITION AND ACCOUNTING:

A. All funds received from fuel, taxes, rentals, concessions, customer facility charges, or any other source by the airport shall be placed in the airport enterprise funds and kept separate and apart from all other city funds. The collection, accounting, and expenditure of all airport funds shall be in accordance with existing fiscal policy of the city.

B. Funds received from customer facility charges shall be used for paying the city's capital costs for construction and improvement of rental car facilities at the airport, including costs that support environmental sustainability; paying a pro rata share of city's costs for joint use infrastructure, such as roadways, ready return and quick turnaround areas allocable to rental car usage; building reserves for renewal and replacement capital costs; paying common costs of a shuttle bus operation for rental car customers; funding transportation costs and other costs associated with interim operations during construction phasing and relocation of rental car operations; paying the city's costs for infrastructure for future lease areas for service center, including site prep; funding debt service associated with rental car facilities; or funding city's costs for such

other rental car related purpose as the city determines. (Ord. 9-11, 2011)

## 16.12.210: REPAIRS TO AIRCRAFT:

A. No aircraft, aircraft engine, propeller or appliance shall be repaired in any area of the airport other than that area specifically designated or approved by the director. The director has designated that a person who properly leases an enclosed hangar at the airport may make or cause to be made necessary repairs, maintenance and inspections that are required by federal aviation regulations to maintain the aircraft in an airworthy condition when the same are not otherwise prohibited by this title, but only for the aircraft listed in the lease.

B. No repair will be made on any aircraft in a hangar other than that aircraft normally assigned to that hangar. Corporate aircraft maintenance hangars or areas, however, are considered as designated repair areas for maintenance on their own corporate aircraft.

C. All repairs on aircraft are to be made by properly certified mechanics, except those items of "preventive maintenance" performed by the owner or operator in accordance with the provisions of FAR, part 43.

D. Items of preventive maintenance may be performed in tiedown areas. (Ord. 77-04 § 5, 2004: prior code § 2-2-22)

## 16.12.220: ADVERTISING MATERIALS:

No person shall post, distribute or display signs, advertisements, circulars, printed material or written matter at the airport, without the written permission of the director. This section shall not apply when such distribution or displays are for religious, charitable or political purposes, which events shall be controlled by all other applicable provisions. (Ord. 88-86 § 8, 1986: prior code § 2-2-15)

## 16.12.225: GRAPHICS STANDARDS:

No person shall knowingly violate airport graphics standards as they shall be established and changed from time to time by the director. (Ord. 42-87 § 11, 1987: prior code § 2-19-19)

## 16.12.230: AUCTIONS AND SALES:

There shall be no auctions or other special sales held on any airport property without the prior consent of, and in the manner prescribed by, the director. (Prior code § 2-2-23)

### 16.12.240: COMMERCIAL PHOTOGRAPHY:

No person shall take still, motion or sound pictures at the airport for commercial purposes without the permission of the director. (Prior code § 2-2-16)

### 16.12.250: ANIMALS:

Animals may be permitted at the airport if controlled by a leash or other means which will secure the control thereof by the owner or person in charge of the same. No person shall bring an animal to the airport except under complete control. No person while at the airport shall allow any animal to escape from such person's control. Any person bringing an animal to the airport agrees to indemnify fully, defend and save and hold harmless the city, its officers, agents and employees from and against all losses, damages, claims, liabilities and causes of action of every kind or character and nature, as well as costs and fees, including reasonable attorney fees connected therewith and expenses of the investigation thereof, based upon or arising out of damages or injuries to third persons or their property caused by the negligence of such person. The city shall give to such person prompt and reasonable written notice of any such claim or action and such person shall have the right to investigate, compromise and defend the same to the extent of his or her own interest. (Ord. 77-04 § 6, 2004: Ord. 88-86 § 9, 1986: prior code § 2-2-18)

### 16.12.260: FIREARMS AND EXPLOSIVES:

No person, except authorized peace officers, post office, customs, express and air carrier employees, members of the armed forces of the United States or members of the national guard, on official duty, shall carry any loaded or unloaded firearm, explosive, ammunition or other dangerous weapon or device except an unloaded firearm or ammunition being transported in a private aircraft in a manner that complies with law, or being delivered for shipment by an air carrier directly to the air freight office or the airline ticket counter in compliance with law. (Ord. 77-04 § 7, 2004: Ord. 42-87 § 6, 1987: prior code § 2-14-3)

### 16.12.270: ROADS AND WALKS:

No person shall hinder or obstruct the use of any roadway or walkway provided for vehicular or pedestrian travel, or otherwise use or occupy the same except in accordance with the ordinary use thereof for the particular class of traffic involved. (Prior code § 2-2-17)

### 16.12.280: SANITATION AND LITTERING:

No person shall drop, throw or otherwise release or permit to be released upon the airport premises any garbage, paper, refuse, cans, building materials, rags, litter or other waste material, except in proper receptacles. (Prior code § 2-14-2)

### 16.12.285: DEPOSIT OR LEAKAGE OF MATERIALS ONTO AIRPORT PREMISES:

A. No person shall discard or deposit any glass, nails, wire, cans, rocks or gravel, or any other substance or material on the airport. Any such discards or deposits shall be removed at such person's expense.

B. No vehicle shall be driven or moved upon the airport unless such vehicle is so constructed, loaded and/or covered so as to prevent its contents from dropping, sifting, leaking or otherwise escaping therefrom. (Ord. 42-87 § 7, 1987: prior code § 2-14-8)

## 16.12.290: PEDESTRIANS ON RUNWAYS OR TAXIWAYS:

Pedestrian traffic in any form is strictly forbidden on runways, taxiways and across ramps between concourses. Exceptions may be granted by the director, in writing. (Ord. 42-87 § 1, 1987: prior code § 2-2-24)

## 16.12.300: TAMPERING WITH CITY PROPERTY:

No person shall interfere or tamper with any property of the city at the airport or ride, drive or park any vehicle or walk upon any portion of the airport not intended for such use without authorization from the director. (Prior code § 2-2-6)

## 16.12.310: FLYING OF MODEL AIRPLANES AND OTHER OBJECTS:

No person shall fly any model airplane, kite, model rocket, balloon, or other airborne device on the airport or controlled properties without the express prior written approval of the director. (Ord. 77-04 § 8, 2004: prior code § 2-14-7)

## 16.12.320: TRESPASS AND DAMAGE TO PROPERTY:

No person shall:

A. Destroy, damage, deface or disturb in any way any building, sign, equipment, marker or other structure, tree, flower, lawn or other public property on the airport;

B. Trespass on any airport property or within any building on airport property;

C. Interfere or tamper with or damage any part of the airport or any equipment thereof;

D. No unauthorized person shall interfere or tamper with any aircraft or start the engine of any aircraft. (Prior code § 2-14-5)

### 16.12.325: HUNTING AND SHOOTING PROHIBITED:

There shall be no hunting or shooting on the airport, its related or controlled properties without the express prior written approval of the director. (Prior code § 2-14-6)

### 16.12.330: ABANDONING AIRPLANES, VEHICLES OR OTHER PROPERTY:

No person shall park and abandon any airplane, boat, trailer, automobile, truck or other personal property within the limits of the airport. Vehicles and personal property of any nature shall be removed from the airport premises immediately upon request of the director. (Prior code § 2-14-4)

### 16.12.340: TAMPERING WITH AIRCRAFT PROHIBITED:

No person shall enter, climb upon or tamper with any aircraft without permission of the proper authority, or commit any act which would endanger an aircraft landing at, taxiing on or taking off from the airport. (Prior code § 2-2-5)

### 16.12.350: UNLAWFUL ENTRY OF HANGARS OR OTHER BUILDINGS:

No person shall enter any hangar or portion of any building occupied by any person under a lease or license from the city without consent of such licensee. However, this section does not abrogate the city's right to enter any leased hangar or building as provided in any of the city's written lease agreements, or city authority of law. (Prior code § 2-2-4)

### 16.12.360: LIABILITY FOR DAMAGE TO AIRPORT PROPERTY:

A. Any person causing damage of any kind to the airport, or any of the fixtures thereof, shall be liable for such damage to the city. Damage to field lighting or other airport facilities shall be paid for by the owner of the aircraft or vehicle involved or by the operator or pilot responsible therefor.

B. Any damage to any of the physical property on the airport, its related and/or controlled properties, shall be reported immediately to the director. (Prior code § 2-2-11)

## Article II. Soliciting And Freedom Of Expression

## 16.12.370: SOLICITING OR CANVASSING; PREREQUISITES:

Soliciting or canvassing by any person for any purpose whatsoever shall be prohibited within the airport, its buildings and facilities, unless written permission is obtained from the director. If an information card required by title 5, chapter 5.66 of this code is presented to the director, the director shall grant permission to conduct the solicitations at the airport, provided the information cardholder agrees to abide by reasonable rules and regulations adopted by the director as authorized by section 16.12.030 of this chapter, or its successor. (Ord. 88-86 § 7, 1986: prior code § 2-2-13)

## 16.12.380: FREEDOM OF EXPRESSION; PURPOSE OF PROVISIONS:

The regulations hereinafter set out are hereby declared to be necessary for the accomplishment of the following purposes:

A. To ensure that persons seeking to exercise constitutional freedoms of expression can communicate effectively with users of the airport;

B. To ensure adequate nearby police facilities for the protection of persons exercising their constitutional freedoms;

C. To restrict such activities to public areas of airport buildings and premises;

D. To protect persons using the airport from repeated communications or encounters which might constitute harassment or intimidation;

E. To ensure the free and orderly flow of pedestrian traffic through the airport premises;

F. To ensure that only nonprofit charitable, political or religious organizations are permitted to solicit funds on the airport premises;

G. To ensure that properly authorized persons, groups and organizations seeking to solicit funds have adequate exposure to the traveling public; and

H. To restrict such solicitation of funds to public areas of airport buildings and premises. (Prior code § 2-2-29)

## 16.12.390: PERMIT REQUIRED; SOLICITING RESTRICTIONS:

Any person, group or organization desiring to engage in solicitation of funds at any airport owned by the city, which solicitation involves the exercise of activities which are constitutionally protected, including, but not limited to, the distribution of noncommercial, nonobscene or any other goods of whatever nature, in conjunction with a request for a donation, the sale of any such literature or other goods, or the mere solicitation of funds, shall be allowed to engage in such activity provided that the following conditions are met:

A. Such solicitation does not result in interference with the transportation function of the airport;

B. The solicitation does not constitute a commercial activity;

C. Such person, group or organization shall have first secured the information card required by title 5, chapter 5.66 of this code, or its successor, and

D. The person, group or organization desiring to solicit funds at the airport shall first obtain a written permit therefor from the director. For purposes of obtaining such permit, there shall be submitted to the director a written application setting forth the following:

1. The full name, mailing address and telephone number of the person, group or organization sponsoring, promoting or conducting the solicitation,

2. The full name, mailing address and telephone number of the individual person or persons who will have supervision of and responsibility for the proposed solicitation,

3. The purpose of the proposed solicitation,

4. The dates and hours during which the solicitation is proposed to be carried out, and the expected duration of the proposed solicitation, and

5. The number of persons proposed to be engaged in such solicitation. (Ord. 88-86 § 10, 1986: prior code § 2-2-30)

## 16.12.400: PROHIBITED CONDUCT AND ACTIVITIES:

In the solicitation of funds, the following requirements shall apply:

A. No sound or voice amplifying apparatus or noisemaking devices shall be used;

B. No sign or printed matter shall be attached to any "solicitation booth", except such as may be necessary to identify the organization which is conducting the solicitation, and any such sign must conform with the airport decor and signing scheme;

C. No person soliciting funds shall in any way indicate to the public that he or she is a representative of the city or the city's airports;

D. Funds shall neither be demanded nor required in return for written material or other items such as flowers or candy which are proffered to the general public as "free", "gifts", or "gratuities"; and

E. The solicitations referred to herein shall be conducted strictly in conformity with the terms and conditions of these regulations, and of title 5, chapter 5.66 of this code, and all other applicable laws and ordinances. (Ord. 86-98 § 9, 1998: prior code § 2-2-31)

## 16.12.410: PERMIT ISSUANCE CONDITIONS:

Upon receipt of an application containing information as described in subsection 16.12.390D of this chapter, or its successor, the director shall forthwith issue a permit to the applicant if there is space available in the airport terminal, applying only the limitations and regulations set forth in the ordinances set out herein. The director shall exercise no judgment regarding the purpose or content of the proposed activity, and shall exercise no discretion over the issuance of a permit hereunder, except as provided in such ordinances, it being the intent of these ordinances that the issuance of a permit by the director under this section shall be a routine clerical and ministerial function. In no event, however, shall the director issue a permit for a period of time in excess of thirty (30) days. (Prior code § 2-2-32)

## 16.12.420: SOLICITATION BOOTH REQUIREMENTS:

Each permit issued by the director shall specify, in accordance with the provisions of the ordinances codified herein, the areas in which the proposed solicitation booth shall be located; provided, however, that such location shall provide reasonable access to the general public. Solicitations shall be conducted only from a solicitation booth which shall be furnished by the director. Such booth shall be located within the permissible areas at such points as may be designated from time to time by the director. (Prior code § 2-2-33)

## 16.12.430: APPORTIONMENT OF AVAILABLE SPACE:

A. In the event that two (2) or more persons, groups, or organizations seek to conduct the activities described herein at the same time, the director shall apportion the available areas between them or among them on as equitable a basis as possible.

B. In no event, however, shall more than three (3) persons be engaged in any solicitations permitted by these rules and regulations in any one area at the same time.

C. When the director receives more applications for permits than the director is able to grant by following this rule, permits shall be granted on a first come first serve basis and the director may impose such reasonable and equitable restrictions as to allowable dates, hours or numbers of participants as may reasonably be required to provide, as much as possible, fair and equal opportunities for all applicants, while ensuring the efficient and effective operation of the transportation function of the airport. (Prior code § 2-2-35)

## 16.12.440: RELOCATION OF ACTIVITIES:

The director may move such permitted activities from one area to another upon reasonable written notice to the permit holder when such move or moves are necessary for the efficient and effective operation of the transportation function of the airport. Such move, however, shall not unreasonably interfere with the permittee's access to the general public. (Prior code § 2-2-34)

## 16.12.450: FACE TO FACE DISCUSSIONS; CONDITIONS:

The foregoing regulations shall not prevent or prohibit any person, group or organization from communicating their views in face to face discussions at locations in the airport other than the solicitations booth. Such communications, however, shall be conducted only in or upon those premises which are nonsecured, public use areas. Further, under no circumstances shall the same be conducted:

A. Beyond the security checkpoints through which passengers and visitors are required to pass when moving toward aircraft gate positions; i.e., on the side of the security checkpoints where the gate positions of arriving and departing aircraft are located;

B. In any areas reserved for particular uses, such as parking areas, restroom facilities, restaurants, ticket counters or baggage claim areas;

C. Within ten feet (10') of any area leased exclusively to a tenant of the airport;

D. Within thirty feet (30') of any security checkpoint; or

E. Within ten feet (10') of any stairwell, elevator, enclosed concession, any holding areas within the airport concourses or any doors of general public circulation. (Amended during 1/88 supplement: prior code § 2-2-36)

## 16.12.460: FACE TO FACE DISCUSSIONS; CONDUCT PROHIBITED:

In conducting any face to face discussion or in an attempt to engage any person or persons in such discussions, no person shall:

A. In any way obstruct, delay or interfere with the free movement of any other person, seek to coerce or physically disturb any other person, or hamper or impede the conduct of any authorized business at the airport;

B. Use any sound or voice amplifying apparatus on the premises of the airport;

C. Receive or accept any donation of money (but may direct to a location established under section 16.12.420 of this chapter, or its successor, any person wishing to make such a donation) except at a solicitation booth;

D. Use any noisemaking device;

E. In any way indicate to the public that he or she is a representative of the city, or the city's airports;

F. Misrepresent his or her identity; or

G. In any manner disrupt the orderly business of the airport. (Ord. 86-98 § 10, 1998: prior code § 2-2-37)

# CHAPTER 16.16
# GENERAL FLIGHT REGULATIONS

## 16.16.010: FEDERAL, STATE AND LOCAL REGULATIONS APPLICABLE:

No person shall navigate any aircraft, land aircraft upon, fly aircraft from or conduct any aircraft operations on or from the airport other than in conformity with pertinent federal, state and city laws and rules and regulations. (Prior code § 2-3-1)

## 16.16.020: PILOTS; U.S. AIRMAN'S CERTIFICATE REQUIRED:

It is unlawful for any person to pilot within the city any civil aircraft unless such person is the holder of a currently effective pilot certificate issued by the government of the United States, but this restriction shall not apply to any person certificated by a foreign country with which the United States has a reciprocal agreement. (Prior code § 2-3-2)

## 16.16.030: AIRCRAFT; U.S. REGISTRATION REQUIRED:

It is unlawful for any person to land upon or fly any aircraft from the airport unless there is prominently displayed in such aircraft a current certificate of registration and a currently effective certificate of airworthiness issued by the FAA, but this restriction shall not apply to any aircraft certificated by a foreign country with which the United States has a reciprocal agreement. (Prior code § 2-3-3)

## 16.16.040: COMMERCIAL FLIGHT PREREQUISITES:

It is unlawful for any person to carry passengers for hire or reward in any aircraft unless such person has been certificated by the FAA as a commercial pilot, and it is unlawful for any person to pilot any aircraft in a commercial flight which does not qualify under requirements of the FAA for transportation of persons or property for hire or reward. (Prior code § 2-3-4)

## 16.16.050: ARMED FORCES PERSONNEL AND AIRCRAFT:

All officers and members of the armed forces of the United States, either active or reserve, while engaged in the service of the United States and all aircraft owned by and/or operated exclusively under direction of the armed forces shall be subject to the provisions contained in this chapter except as to certification of aircraft and airmen. (Prior code § 2-3-5)

## 16.16.060: AIRCRAFT OWNER RESPONSIBILITIES:

No aircraft owner or operator shall lease to another or otherwise permit any person to operate any aircraft on or within the limits of the airport until such owner or operator has assured himself or herself that:

A. The lessee or permittee has in his/her possession a currently effective pilot certificate qualifying him/her to operate the particular aircraft involved, or a student pilot certificate properly endorsed for the flight involved;

B. The pilot has in his/her possession a currently effective medical certificate; and

C. The pilot has an understanding and working knowledge of FAA airport traffic control procedure, airport rules and regulations, and the use of aircraft radio. (Prior code § 2-3-11)

## 16.16.070: LANDING FIELD ESTABLISHMENT CONDITIONS:

It is unlawful for any person to set up or to maintain within the limits of the city any landing field for aircraft without special permission first obtained from the mayor in writing. (Prior code § 2-3-17)

## 16.16.080: TRAFFIC RULES FOR FLIGHT OPERATIONS:

In addition to FAR 91, the traffic rules set out in this chapter shall govern flight operations at the airport. (Prior code § 2-4-1)

## 16.16.090: CONTROL TOWER:

Air and ground traffic shall be under the direction of the control tower when operating within the movement area at Salt Lake City International Airport. All instructions to personnel of aircraft and vehicular traffic shall be transmitted by radio or by flashing light gun signals. (Prior code § 2-4-3)

## 16.16.100: RADIO COMMUNICATIONS:

(Rep. by Ord. 77-04 § 9, 2004)

## 16.16.110: KNOWLEDGE OF FIELD RULES REQUIRED:

All pilots and student pilots shall learn and have a working knowledge of airport field rules, traffic patterns, and practice and restricted areas of the city and the near vicinity thereof. (Prior code § 2-3-12)

## 16.16.120: AIRPORT BEACON LIGHTED DURING DAYLIGHT HOURS; IFR:

(Rep. by Ord. 77-04 § 10, 2004)

## 16.16.130: SERVICING EQUIPMENT:

The director shall authorize and designate the placement and parking of all aircraft servicing equipment of the airlines and other aircraft on the airport. (Prior code § 2-4-4)

## 16.16.140: PORTABLE EQUIPMENT MUST BE SECURED:

Portable loading ramps, baggage trucks and other such portable equipment shall be equipped with brakes, or if not so equipped, shall be secured by suitable locking devices when not in use. (Prior code § 2-9-5)

## 16.16.150: EXCEEDING AIRPORT WEIGHT LIMITS PROHIBITED:

No person shall land, take off or taxi an aircraft on the ramps, runways and taxiways of the airport with a gross weight in excess of the design limits for such ramps, runways and taxiways, or in excess of such weight limitations as the director may from time to time establish and publish in the "FAA Airport Facility Directory". (Ord. 77-04 § 11, 2004: prior code § 2-4-2)

## 16.16.160: HOLDING OR BOARDING ON RUNWAYS PROHIBITED:

No person shall board or disembark from any aircraft on the landing or takeoff area except in case of an emergency, nor shall any aircraft hold on a runway or landing strip while instructors are coaching students. Instructors shall not solo students except from the end of runways and in so doing shall clear the runway before disembarking from aircraft. (Prior code § 2-9-1)

## 16.16.170: FLIGHT OVER THE CITY; RESTRICTIONS:

Persons flying any aircraft within the limits of the city or the airport shall operate the same as to cause a minimum of noise and inconvenience and shall not endanger property or the lives of others. (Prior code § 2-3-14)

## 16.16.180: FLIGHT OVER THE CITY; MINIMUM ALTITUDE:

A. General Restrictions: Except as directed by FAA air traffic control, aircraft flown over residential or business areas of the city shall comply with minimum altitude as specified in regulations promulgated by the federal aviation administration.

B. Exemption For Flying Reindeer On Christmas Eve: On Christmas Eve only, flying reindeer and any cargo they may be towing shall be exempt from the provisions of subsection A of this section. (Ord. 77-04 § 12, 2004: Ord. 92-85 § 1, 1985: prior code §§ 2-3-8, 2-3-8(e))

## 16.16.190: DEMONSTRATION FLIGHTS AND GROUND DISPLAYS:

A. No flight or ground demonstrations shall be conducted on the airport without the express written approval of the director.

B. This shall not apply to aircraft sales demonstrations. (Ord. 77-04 § 13, 2004: prior code § 2-3-20)

## 16.16.200: AEROBATICS RESTRICTIONS:

It is unlawful for any person to aerobatically fly an aircraft:

A. Over any business, industrial or residential area of the city;

B. Over any open air assembly of persons within the corporate limits of the city; or

C. Within the corporate limits of the city while carrying passengers for hire or reward. (Prior code § 2-3-16)

## 16.16.210: RECKLESS AIRCRAFT OPERATION; PENALTY:

Any person who manifests a wilful disregard for the safety of persons or property may, after providing reasonable notice to such person and opportunity for hearing on the matter,

be denied the use of the airport. If such disregard is due to any violation of airport rules and regulations or regulations in force and effect of the state or the FAA, denial of use of the airport may be for such period of time as in the discretion of the director is deemed advisable. (Prior code § 2-3-13)

### 16.16.220: REPAIRING AIRCRAFT ON LANDING AREA PROHIBITED:

No person having charge or control of an aircraft shall permit the same to remain unnecessarily on any part of the landing or takeoff area for the purpose of repairs. (Prior code § 2-9-2)

### 16.16.230: ACCIDENT REPORT REQUIREMENTS:

A. When, within the limits of the airport, death or injury to persons or damage to aircraft or other property results from collision, mishaps or accident involving any aircraft, or in or around any aircraft, a report shall be made immediately by the pilot or the registered owner to the FAA district safety office, the Utah state division of aeronautics, and to the director, stating the make and registration number of the aircraft, the time and place of the accident, and giving such other information as may be required in approved accident reports.

B. In the event of an accident occurring on the airport involving any aircraft, no vehicle or personnel will be permitted on the landing areas without the express approval of the airport management and/or the control tower. Aircraft in the air will continue to circle or land, wind permitting, on an unobstructed runway as directed by the control tower. (Prior code § 2-3-7)

### 16.16.240: DAMAGE BY AIRCRAFT; RESPONSIBILITY:

Any person who operates an aircraft in a negligent manner resulting in damage to airport equipment or buildings shall be required to reimburse the city for such damages. (Prior code § 2-3-19)

### 16.16.250: DAMAGE BY AIRCRAFT; LIEN FOR PAYMENT OF COSTS:

The director may claim a mechanic's lien and hold any aircraft until all fees and charges for materials, labor and damages to airport property have been paid. (Prior code § 2-9-4)

### 16.16.260: DAMAGED AIRCRAFT; REMOVAL RESPONSIBILITY:

Every aircraft owner, pilot and agent, severally, shall be responsible for the prompt removal of wrecked aircraft, together with such debris as may be resulted therefrom, as soon as permitted by FAA regulations. Care shall be used so as not to damage airport property. (Prior code § 2-9-3)

### 16.16.270: TAIL SKIDS PROHIBITED:

(Rep. by Ord. 77-04 § 14, 2004)

### 16.16.280: DROPPING OBJECTS FROM AIRCRAFT:

It is unlawful to drop any material, object or refuse from an aircraft while taxiing upon the airport or while in flight within the limits of the airport or the city unless prior permission has been obtained in writing from the FAA, the Utah state aeronautics commission and the mayor. (Prior code § 2-3-9)

### 16.16.290: JUMPING OR PERMITTING JUMPING FROM AIRCRAFT:

A. Except in case of emergency, it is unlawful for any person aboard an aircraft in flight to jump from such aircraft at any point over the corporate limits of the city, or to land within the corporate limits of the city from an aircraft in flight, whether the jump therefrom is made within or outside the corporate limits without having first obtained permission from the mayor in writing.

B. Except in case of emergency, it is unlawful for the pilot or other persons in charge of an aircraft in flight to permit any person aboard to jump therefrom over the corporate limits of the city without such person having first obtained permission from the mayor in writing. (Prior code § 2-3-10)

### 16.16.300: SKYDIVING:

Skydiving operations shall not be conducted on or in the immediate vicinity of the airport without the prior written permission of the director. (Ord. 80-86 § 1, 1986: prior code § 2-3-22)

### 16.16.310: GLIDERS, BALLOONS AND SIMILAR VEHICLES PROHIBITED:

No gliders, hang gliders, heligliders, hot air balloons and similar aircraft like vehicles shall be operated on or from Salt Lake City International Airport or Salt Lake City Airport II. (Ord. 77-04 § 15, 2004: prior code § 2-3-21)

### 16.16.320: ULTRALIGHT VEHICLES:

Ultralight vehicles, as defined in 14 code of federal regulations section 103.1 or any successor thereto, shall be prohibited from operating at the Salt Lake City International Airport or Salt Lake City Airport II. (Ord. 77-04 § 16, 2004: Ord. 42-87 § 3, 1987: prior code § 2-3-23)

# CHAPTER 16.20
# TRAFFIC PATTERN

(Rep. by Ord. 77-04 §§ 17, 18, 19, 20, 2004)

# CHAPTER 16.24
# RUNNING ENGINES

## 16.24.010: AIRPORT EMPLOYEE SAFETY PRECAUTIONS:

Persons employed at the airport shall observe every precaution for their own safety when in the vicinity of turning propellers or jet engines and it shall be their duty to warn others of inherent dangers. (Prior code § 2-11-5)

## 16.24.020: STARTING ENGINES:

(Rep. by Ord. 77-04 § 21, 2004)

## 16.24.030: RUNUP OF JET OR JET PROP ENGINES:

(Rep. by Ord. 77-04 § 22, 2004)

## 16.24.040: RUNUP AREAS:

Aircraft engines shall be run up only in the areas designated by the director or the control tower. The aircraft shall be so placed that hangars, shops, groups of persons and other

aircraft will not be in the path of the propeller stream or the blast from jet engines. The aircraft shall also be so placed that noise from such engine runup will not unreasonably inconvenience others. (Prior code § 2-11-3)

### 16.24.050: RUNNING ENGINES IN HANGARS PROHIBITED:

No person shall start an aircraft engine or run it while in a hangar. (Prior code § 2-11-2)

# CHAPTER 16.28
# TAXIING OF AIRCRAFT

### 16.28.010: STANDARDS; FAR RULES APPLICABLE:

All aircraft shall be governed by the standard FAR-91 rules of taxiing and by the provisions of the following sections. (Prior code § 2-5-1)

### 16.28.020: CARE AND SAFETY PRECAUTIONS:

Aircraft shall be taxied carefully, having due regard for the safety of other aircraft, vehicles and persons. (Prior code § 2-5-3)

### 16.28.030: CLEARANCE AT RAMPS AND TERMINAL AREAS:

Persons taxiing past aircraft parked on ramps or in front of the terminal buildings shall use extreme caution. Adequate clearance shall be given when passing other aircraft, vehicles or persons. (Prior code § 2-5-2)

### 16.28.040: CROSSING RUNWAYS:

Aircraft, vehicles and pedestrians shall not cross any runway or taxiway at Salt Lake City International Airport until clearance by the control tower has been received. (Ord. 1-06 § 31, 2005: Ord. 77-04 § 23, 2004: prior code § 2-5-4)

### 16.28.050: PASSING OTHER AIRCRAFT:

Aircraft may pass other aircraft at Salt Lake City International Airport while taxiing only if cleared to do so by the control tower. (Prior code § 2-5-5)

### 16.28.060: AREAS FOR TAXIING OR TOWING:

No aircraft shall be taxied or towed on any area, other than the areas normally used for operation of aircraft, without the express prior written approval of the director. (Prior code § 2-5-8)

### 16.28.070: TAXIING IN AND OUT OF HANGARS:

No aircraft shall be moved into or out of any hangar with an engine running. (Prior code § 2-5-6)

### 16.28.080: JET AND PROP JET POWERED AIRCRAFT:

No jet or prop jet aircraft shall be taxied on the airport where the exhaust blast is likely to cause injury to persons or damage to property, runways, aprons or taxi strips. If it is impossible to taxi aircraft without causing such damage, engines must be shut down and the aircraft towed to its destination. (Prior code § 2-5-7)

# CHAPTER 16.32
# TAKEOFF PROCEDURES

### 16.32.010: STANDARDS; FAR RULES APPLICABLE:

All aircraft shall be governed by the standard FAR-91 rules for takeoff and by the provisions of the following sections of this chapter. (Prior code § 2-6-1)

### 16.32.020: TOWER CLEARANCE REQUIRED:

Takeoff at Salt Lake City International Airport shall not be commenced until clearance has been received from the control tower. (Prior code § 2-6-2)

### 16.32.030: MANNED BALLOONS; LAUNCH SITE REQUIREMENTS:

It is unlawful for any person to launch any manned balloon or other similar aircraft within the corporate limits of the city, except at a launch site which meets the following requirements:

A. The launch site is sufficiently large and open so that nothing will be contacted by the balloon upon takeoff;

B. The terrain is suitable for such operations;

C. The launch must not interfere with the safe operation of any of the city's airports. (Ord. 77-04 § 32, 2004: prior code § 2-6-11)

## CHAPTER 16.36
## LANDING RULES

### 16.36.010: STANDARDS; FAR RULES APPLICABLE:

All persons piloting or flying aircraft shall be governed by the standard FAR-91 rules for landing in addition to the following provisions set out in this chapter. (Prior code § 2-8-1)

### 16.36.020: USE OF RUNWAYS REQUIRED:

Landings and takeoffs will be confined to paved runways. (Ord. 77-04 § 35, 2004: prior code § 2-8-7)

### 16.36.030: PASSING AIRCRAFT WHILE LANDING PROHIBITED:

No person shall land, maneuver or operate an aircraft in such a manner as to pass, or impair, restrict or impede the movement of, another aircraft. (Ord. 77-04 § 39, 2004: prior code § 2-8-6)

# CHAPTER 16.40
# AIRCRAFT PARKING RULES

## 16.40.010: AREAS FOR PARKING:

No person shall park any aircraft in any area on the airport other than that prescribed by the director. (Prior code § 2-10-1)

## 16.40.020: PARKING ON APRON:

Aircraft shall be parked only on painted parking spots designated for that use. (Prior code § 2-10-4)

## 16.40.030: AIRLINE PARKING POSITIONS:

No person shall park any aircraft on the airline parking positions for a period longer than that agreed to by the airline having jurisdiction over the position. No person shall park any aircraft so as to interfere with the proper use of airline equipment on the airline parking positions. (Prior code § 2-10-5)

## 16.40.040: AIR TAXI AND TRANSIENT PARKING:

Aircraft parking for air taxi and transient aircraft desiring to park at the city's airports may only do so in the areas designated by the department of airports as being provided for that purpose. (Ord. 77-04 § 40, 2004: prior code § 2-10-6)

## 16.40.050: SECURING OF UNATTENDED AIRCRAFT:

No person shall leave an aircraft unattended unless within a hangar or otherwise properly tied or secured. Owners shall assume the risk of damage to their own aircraft and shall be liable for any injury to persons or damage to others' property caused by their negligence in permitting the movement of their aircraft when attended or unattended. (Prior code § 2-10-2)

### 16.40.060: OWNER RESPONSIBLE FOR SECURING AIRCRAFT:

It shall be the duty of aircraft owners and operators to securely fasten their airplanes in a manner that prevents harm or damage. (Ord. 77-04 § 41, 2004: prior code § 2-10-3)

### 16.40.070: ORDERLY PARKING; CLEANLINESS OF AREA:

Each operator and attendant shall be responsible for the orderly parking of aircraft in the area adjacent to his or her hangar or hangars and for the cleanliness of the area he or she uses. (Prior code § 2-10-7)

### 16.40.080: PAYMENT OF RATES AND CHARGES REQUIRED:

It is unlawful for any person to park an aircraft in any area designated for parking without paying the prescribed rates and charges for such parking. (Prior code § 2-10-8)

### 16.40.090: VIOLATIONS; IMPOUNDING OF AIRCRAFT:

Any aircraft parked in violation of this chapter may be impounded by the director. Such aircraft shall not be released except upon payment by the owner, pilot or operator of such aircraft of a fee in the amount of fifteen dollars ($15.00) for the cost of impound, together with the parking fee then due and all storage and towing charges reasonably resulting from such impounding to the time of payment of all fees and release of the aircraft. The impounding of an aircraft shall not prevent or preclude the institution and prosecution of criminal proceedings in the circuit court or elsewhere against the owner or operator of such impounded aircraft. (Prior code § 2-10-9)

# CHAPTER 16.44
# NOISE RESTRICTIONS

### 16.44.010: DEFINITIONS:

For the purposes of this chapter the following definitions shall apply:

AIRPLANE: Any civil, subsonic turbojet powered airplane exceeding seventy five thousand (75,000) pounds in maximum certificated takeoff weight.

STAGE 1 AIRPLANE: An airplane that does not meet the stage 2 or 3 noise levels prescribed in section C36.5(a)(2) or C36.5(a)(3) of appendix C of federal aviation regulations part 36, or its successor.

STAGE 2 AIRPLANE: An airplane that complies with the noise levels prescribed in section C36.5(a)(2) of appendix C of federal aviation regulations part 36 (including use of the

applicable tradeoff provisions).

STAGE 3 AIRPLANE: An airplane that complies with the noise levels prescribed in section C36.5(a)(3) of appendix C of federal aviation regulations part 36 (including use of the applicable tradeoff provisions). (Ord. 77-04 § 42, 2004: prior code § 2-20-1)

### 16.44.020: AIRPORT USE RESTRICTIONS:

No airplane may take off or land at Salt Lake City International Airport unless it is a stage 2 or 3 airplane. Any noise compliant airplane, however, may continue to operate at the airport. (Prior code § 2-20-2)

# CHAPTER 16.48
# FIRE PROTECTION

### 16.48.010: FIRE PREVENTION RESPONSIBILITY:

Every person using the airport or its facilities in any way shall use the utmost caution to prevent fire. (Prior code § 2-13-1)

### 16.48.020: FIRE EXTINGUISHER REQUIREMENTS:

Every building on the airport and every repair shop, doping or welding room shall be equipped with adequate fire extinguishers and first aid equipment approved by the city fire marshal. Such extinguishers and equipment shall be maintained in first class working condition at all times and it shall be the duty of the director to designate some person to examine the same and report their condition to the director as frequently as the director shall require. (Prior code § 2-13-13)

### 16.48.030: SMOKING LIMITATIONS:

Smoking shall be prohibited in those areas of airport buildings where no smoking signs are posted. (Prior code § 2-13-2)

### 16.48.040: HEATING AND FUEL BURNING EQUIPMENT:

All heating equipment and fuel burning appliances installed in any structure shall be in accordance with the provisions of this code relating to such installation. (Prior code § 2-13-6)

### 16.48.050: FLOORS TO BE FREE OF FLAMMABLE MATERIAL:

All lessees shall keep the floors of hangars, shops, storerooms, aprons and areas adjacent thereto leased by them, free of all grease, waste or other flammable material. (Prior code § 2-13-10)

### 16.48.060: WASTE RECEPTACLE REQUIREMENTS:

Metal receptacles with self-closing covers shall be provided for the disposal of oil waste, rags and other rubbish, and the contents thereof shall be removed at least daily. (Prior code § 2-13-11)

### 16.48.070: FUEL AND FLAMMABLE LIQUID STORAGE:

Aircraft fuel and other flammable liquids shall be stored in accordance with the requirements of this code relating to fire and fire prevention, including, but not limited to, the provisions of title 18 of this code, as amended. (Prior code § 2-13-3)

### 16.48.080: LUBRICATING OIL STORAGE:

No person shall keep or store lubricating oils in or about the hangars unless stored in closed containers. (Prior code § 2-13-16)

### 16.48.090: LEAKING FUEL OR OIL:

No person shall keep any aircraft stored in a hangar or tied down on any ramp, without providing for the containing of leaking fuel or oil. Repairs of any damage resulting from failure to observe proper containment of such leaks shall be made at the expense of the aircraft owner. (Prior code § 2-13-17)

### 16.48.100: CLEANING OF AIRCRAFT:

No person shall use flammable and/or volatile materials in the cleaning of any aircraft, aircraft engine, propeller or appliance unless such cleaning operations are conducted in open areas, as designated outside buildings and a safe distance from the same or other aircraft, or in a room specifically set aside for that purpose, which room must be properly fireproofed and equipped with adequate and readily accessible fire extinguishing apparatus. (Prior code § 2-13-5)

### 16.48.110: PAINTING AND DOPING OF AIRCRAFT:

Painting and doping is prohibited except in rooms adequately ventilated and approved by the city fire marshal. The doping and/or painting of aircraft, or parts thereof, shall not be permitted in any aircraft parking area, taxiway, shade hangar, or T-hangar. (Prior code § 2-13-4)

### 16.48.120: WELDING AND SIMILAR OPERATIONS:

No welding operations, nor the use of any appliance with an open flame or highly heated part shall be allowed except in shop space designated for such purpose by the director. (Prior code § 2-13-8)

### 16.48.130: OPEN FLAME OPERATIONS:

No person shall conduct any open flame operations in any hangar or building, or part thereof, unless specifically authorized by the director. (Prior code § 2-13-15)

### 16.48.140: HEATING OF OIL:

No person shall heat oil in any manner except with steam, hot water, hot air or electric heaters. (Prior code § 2-13-7)

### 16.48.150: STORAGE OF MATERIALS:

No person shall store or stock material or equipment in such a manner as to constitute a fire hazard. (Prior code § 2-13-14)

### 16.48.160: ACCUMULATION OF LITTER PROHIBITED:

No boxes, crates, rubbish, paper or other litter shall be permitted to accumulate in, about or around any hangar, and all oil, paint and varnish cans, bottles or other containers shall be removed from the hangar immediately upon being emptied. (Prior code § 2-13-12)

### 16.48.170: MOTOR VEHICLES IN HANGARS PROHIBITED:

Except as provided in section 12.56.240 of this code, or its successor, no automobile or other motor vehicle shall be driven into or allowed to remain inside any hangar ordinarily used for the storage or parking of aircraft for hire or reward except when necessary for some operation requiring its entrance therein, or as set forth in section 16.60.065 of this title. A hangar, or portion of a hangar, set aside and ordinarily used as a repair shop, however, is exempted from this provision. (Ord. 77-04 § 44, 2004: prior code § 2-13-9)

### 16.48.180: ALARMED FIRE ESCAPE DOORS:

No person may enter or exit through or activate any alarmed emergency fire escape door for other than its intended use without the prior permission of the director. (Ord. 42-87 § 2, 1987: prior code § 2-2-39)

# CHAPTER 16.52
# REFUELING AND DEFUELING

### 16.52.010: AIRCRAFT REFUELING; REQUIRED PROCEDURES:

The refueling of all aircraft and vehicles shall be accomplished only by use of fuel trucks or pumps and pits approved by the director. Fueling equipment shall meet National Fire Prevention Association standards. Any other refueling procedures require prior written permission from the director. (Ord. 42-87 § 4, 1987: prior code § 2-12-2)

### 16.52.020: AIRCRAFT REFUELING; AUTHORIZED DISPENSERS:

No aircraft shall be refueled except by fuel dispenser authorized by the director. (Prior code § 2-12-1)

### 16.52.030: FUEL AND FUELING DISPENSERS; AUTHORIZED OPERATIONS ONLY:

A. Except as set forth in this section, only those persons or businesses having valid written lease agreements for commercial flight operations at the airport shall be allowed to have fueling dispensers on their leased premises. All such facilities shall comply with all laws and regulations relating thereto, and the director shall approve the location and construction of all such facilities.

B. Fuel which is delivered to the airport for the purpose of storage or resale on airport premises shall only be delivered to facilities located in an area which has been designated by the director as a fuel farm.

C. Any persons or businesses owning or having a valid written lease agreement for hangar space at the airport but which are not authorized to perform commercial flight operations at the airport shall be allowed to have fueling dispensers on their premises for storage purposes only, and not for delivery or resale purposes or any other purposes, if such persons or businesses own or lease a single hangar having an area of ten thousand (10,000) square feet or more. All such facilities shall comply with all laws and regulations relating thereto, and the director shall approve the location and construction of all such facilities. (Ord. 18-93 § 1, 1993: prior code § 2-12-19)

## 16.52.035: SELF-FUELING:

Aircraft owners or pilots desiring to conduct self-fueling operations shall notify the director in writing, obtain a written permit from the airport and comply with the terms thereof. (Ord. 42-87 § 5, 1987: prior code § 2-12-20)

## 16.52.040: FIRE EXTINGUISHER REQUIREMENTS:

Adequate fire extinguishers shall be kept within easy reach of all fueling and draining operations. (Prior code § 2-12-15)

## 16.52.050: GROUNDING; REQUIRED WHEN:

During period of fueling, refueling or defueling of any aircraft, the aircraft and fuel dispensing or draining apparatus shall be properly grounded to a point or points of zero electrical potential to prevent ignition of volatile gases by static electricity. (Prior code § 2-12-6)

## 16.52.060: GROUNDING; SPECIFIC EQUIPMENT:

All hoses, funnels and appurtenances used in fueling and draining operations shall be properly equipped with a grounding device. (Prior code § 2-12-11)

## 16.52.070: MAINTENANCE OF FUELING EQUIPMENT:

Fueling and defueling equipment, including hoses, valves, nozzles and such other equipment as may be used, shall be maintained in a safe operating and nonleaking condition. (Prior code § 2-12-10)

## 16.52.080: JET FUEL DISPENSING OPERATIONS:

Jet fuel dispensing operations shall provide for the recirculation of the fuel prior to and during delivery of fuel to the aircraft. (Prior code § 2-12-16)

### 16.52.090: REFUELING MEASUREMENT EQUIPMENT:

All refueling vehicles shall be equipped with functioning refueling measurement equipment. (Prior code § 2-12-12)

### 16.52.100: SMOKING PROHIBITED:

No smoking shall be permitted within fifty feet (50') of a refueling truck or within fifty feet (50') of an aircraft fuel tank while such aircraft is being refueled or defueled. (Prior code § 2-12-4)

### 16.52.110: ATTENDANT REQUIRED WHEN PASSENGERS IN AIRCRAFT:

During the refueling or defueling of any aircraft, no passenger or passengers shall be permitted in such aircraft unless a cabin attendant is stationed at or near the cabin door. (Prior code § 2-12-5)

### 16.52.120: REFUELING IN BUILDINGS PROHIBITED:

There shall be no fueling operations conducted in any building on the airport. (Prior code § 2-12-13)

### 16.52.130: REFUELING OR DEFUELING PROHIBITED WHEN:

No aircraft shall be refueled or defueled while the aircraft engine is running or while such aircraft is in a hangar or other enclosed place, or while being warmed by the application of external heat. (Prior code § 2-12-3)

### 16.52.140: OPERATING ELECTRICAL EQUIPMENT PROHIBITED WHEN:

During fuel handling in or about any aircraft, no person shall operate any radio transmitter or receiver, or shall switch electrical appliances off or on in such aircraft. (Prior code § 2-12-8)

### 16.52.150: STARTING ENGINES PROHIBITED WHEN GASOLINE ON GROUND:

No person shall start the engine of any aircraft whenever gasoline is on the ground or pavement thereunder. When gasoline is spilled or leaks from gasoline equipment or from aircraft, those persons in charge thereof shall immediately notify the airport fire department. (Prior code § 2-12-9)

### 16.52.160: PREVENTION OF FUEL OVERFLOW:

Persons engaged in aircraft fuel handling shall exercise care to prevent overflow of fuel. (Prior code § 2-12-7)

### 16.52.170: REFUELING VEHICLES; PARKING RESTRICTIONS:

Refueling vehicles shall be parked in areas approved by the director and at least fifty feet (50') from other aircraft and buildings except when actively fueling. (Ord. 77-04 § 45, 2004: prior code § 2-12-14)

### 16.52.180: WASHING AIRCRAFT WITH PETROLEUM PRODUCTS:

If petroleum products are used in the washing of aircraft, such washing shall be done only in those areas designated for such purpose. (Prior code § 2-12-17)

### 16.52.190: DUMPING OF OIL PROHIBITED:

Persons changing oil in their own aircraft shall not dump drained or surplus oil upon the surface of the ground on airport property, or into storm drains. (Prior code § 2-12-18)

# CHAPTER 16.56
# AERONAUTICAL SERVICES; LEASING AIRPORT PROPERTY

### 16.56.010: AERONAUTICAL SERVICE BUSINESS REQUIREMENTS:

A. Any person desiring to perform aeronautical services at or from the airport must submit to the director, prior to commencing any operation, information satisfactory to the director that the prospective tenant meets the minimum standards established herein for engaging in such business on the airport.

B. The applicant shall submit to the director a verified statement, including a complete summary of the general nature of the applicant's general aviation operation, and if an individual, his/her name and address, or if a partnership, the names and addresses of all the partners, or if a corporation, association or organization, the names of the president, vice president, secretary, and full time managing officer or managing employee.

C. Any person operating as a fixed base operation shall require all employees to participate in fire, rescue or other emergency training conducted by the city fire department on a schedule convenient to both parties.

D. All personnel of lessee are required to hold FAA certificates and ratings and must maintain such certificates and ratings.

E. Any person offering any services, or combinations thereof, shall do so under written lease or permit agreement with the city. In the event services are provided under a permit agreement, the following shall apply:

1. Such permit will be issued for a period of one year. In the event the permit is abandoned by the holder, or is canceled by the director: a) for failure to comply with the airport rules and regulations, or the directives issued pursuant thereto, or b) for violation of any of the provisions of this title, as amended, there shall be no refund of permit fees previously paid or accrued.

2. Employees of fixed base operators or others operating under contract with the city, which contracts allow the contracting party to perform such services, shall not be required to obtain the permit provided for by this section in order to perform services on behalf of such contracting party.

3. The permit holder shall maintain and keep available for inspection by the director, at reasonable times and places, in accurate form, such permanent written records as may be necessary to show the nature of services performed pursuant to such permit, when, where and for whom the services were performed and the charge therefor. The permit holder shall submit to the director, not less than every six (6) months, a statement of the charges made during the preceding six (6) months, for the services performed pursuant to such permit.

4. The permit holder shall meet such other qualifications as may from time to time be established by the director, and shall conduct the services for which the permit is issued without discrimination and in accordance with the airport rules and regulations.

5. The permit holder shall indemnify, hold harmless and defend the city from any and all claims of liability for personal injury, death, or property damage resulting from permittee's operation at the airport. Any and all permits shall contain language similar to that required of leasehold operations as stated in section 16.56.020 of this chapter, or its successor.

6. All permit holders shall comply with the airport rules and regulations.

7. All permit holders shall obtain and keep current the appropriate license or licenses as required by the city, county, state and federal authorities to engage in the business or activities conducted by such holders.

8. The director may cancel any permit for failure of the permittee to comply with the airport rules and regulations or directives issued pursuant thereto or this title, as amended. A permit shall be canceled only after reasonable notice to the permittee and an opportunity to be heard by the airport board's general aviation subcommittee, whose decision shall be final. (Ord. 86-98, 1998: prior code § 2-19-1)

## 16.56.020: MANDATORY AND MINIMUM STANDARD LEASE CLAUSES:

The following minimum standards for leasehold operations at the airport shall include therein the building codes, as adopted in this code, and the state and the appropriate API standards for the handling of aviation fuels. All leases concerning aeronautical services at the airport shall contain the following provisions:

A. Fair Operation: The lessee agrees to operate the premises leased for the use and benefit of the public and to furnish such service on a fair, equal and not unjustly discriminatory basis to all users thereof, and to charge fair, reasonable and not unjustly discriminatory prices for each unit or service. The lessee, however, may be allowed to make reasonable and nondiscriminatory discounts, rebates or other similar types of price reductions to volume purchasers.

B. Compliance Requirements: The lessee, for himself/herself, and for his/her heirs, personal representatives, successors in interest and assigns, as part of the consideration hereof, does hereby covenant and agree, as a covenant running with the land, that in the event facilities are constructed, maintained or otherwise operated on the property described in this lease for a purpose for which a department of transportation program or activity is extended, or for any other purpose involving the provision of a similar service or benefit, a lessee shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to title 49, code of federal regulations, department of transportation, subtitle A, office of the secretary, part 21, nondiscrimination in federally assisted programs of the department of transportation - effectuation of title VI of the civil rights act of 1964 and any provisions of such regulations as may in the future be amended.

C. Nondiscrimination Covenants: The lessee, for himself/herself, and for his/her heirs, personal representatives, successors in interest and assigns, as part of the consideration hereof, does hereby covenant and agree, as a covenant running with the land:

1. That no person, on the grounds of race, color or national origin, shall be excluded from participation in, denied the benefits of or be otherwise subjected to discrimination in the use of such facilities;

2. That in the construction of any improvements on, over or under such land and the furnishing of services thereof, no person on the grounds of race, color or natural origin shall be excluded from participation in, denied the benefits of, or otherwise be subject to discrimination; and

3. That the lessee shall use the premises in compliance with all other requirements imposed by, or pursuant to title 49, code of federal regulations, department of transportation, subtitle A, office of the secretary, part 21, nondiscrimination in federally assisted programs of the department of transportation - effectuation of title VI of the civil rights act of 1964 and any provisions of such regulations as may in the future be amended.

D. Termination Of Lease: In the event of a breach of any of the nondiscrimination covenants pursuant to part 21 of the regulations of the office of the secretary of transportation, the lessor shall have the right to terminate this lease and to reenter and repossess said land and the facilities thereon and hold the same as if said lease had never been made or issued.

E. Servicing Aircraft: It is clearly understood and agreed by the lessee that no right or privilege has been granted which would operate to prevent any person, firm, or corporation operating aircraft on the airport from performing services on its own aircraft with its own regular employees (including, but not limited to, maintenance and repair) that it may choose to perform.

F. Exclusive Right: It is understood and agreed that nothing herein contained shall be construed to grant or authorize the granting of an exclusive right.

G. Improvement Of Landing Area: Lessor reserves the right to further develop or improve the landing area of the airport as it sees fit, regardless of the desires or views of the lessee and without interference or hindrance from lessee.

H. Maintenance And Repair: Lessor reserves the right, but without obligation to lessee, to maintain and keep in repair the landing areas of the airport and all public facilities of the airport, together with the right to direct and control all activities of lessee in this regard.

I. National Emergency: During the time of war or national emergency, lessor shall have the right to lease the landing area or any part thereof to the United States government for military or naval use, and if such lease is executed the provisions of this instrument, insofar as they are inconsistent with the provisions of the lease to the government, shall be suspended.

J. Protection Against Obstruction: Lessor reserves the right to take any action it considers necessary to protect the aerial approaches of the airport against obstruction, together with the right to prevent lessee from erecting, or permitting to be erected, any building or other structure on or adjacent to the airport which, in the opinion of the lessor, would limit the usefulness of the airport or constitute a hazard to aircraft.

K. Federal Agreements: This lease shall be subordinate to the provisions of any existing or future agreement between lessor and the United States, relative to the operation and maintenance of the airport, the execution of which has been or may be required as a condition precedent to the expenditure of federal funds for the development of the airport.

L. Right To Close Airport: The lessor reserves the right to temporarily close the airport or any of the facilities thereon for maintenance, improvement, or for the safety of the public.

M. Assignment Of Lease: Lessor reserves the right to approve or deny any assignment of this lease or sublease of the premises.

N. Indemnification:

1. It is understood and agreed that the lessee is an independent contractor and not an agent or employee of the city, and the city is an independent contractor and not an agent or employee of the lessee with regard to its acts or omissions hereunder.

2. Lessee agrees to indemnify fully, defend and save and hold harmless the city, its officers, agents and employees from and against all losses, damages, claims, liabilities and causes of action of every kind of character and nature as well as costs and fees, including reasonable attorney fees connected therewith, and expenses of the investigations thereof, based upon or arising out of damages or injuries to third persons or their property caused by the negligence, intentional acts or omissions of lessee, its officers, agents or employees. City shall give to lessee prompt and reasonable written notice of any such claims or action, and lessee shall have the right to investigate, compromise and defend the same to the extent of its own interests. In carrying out any of the provisions herein, or in exercising any power or authority granted to lessee, there shall be no liability upon any official of Salt Lake City Corporation, Salt Lake City airports, their authorized assistants, consultants or employees, either personally or as officials of the city, it being understood that in such matters they act as agents and representatives of Salt Lake City Corporation.

3. It is further understood and agreed that the city assumes no responsibility for any damages or losses that may occur to the lessee's property, except the only obligation that the city assumes is that it will not wilfully, intentionally or negligently damage the property of the lessee.

Note: These minimum standards do not abrogate existing leases on the airport, as of the effective date hereof. (Ord. 86-98 § 12, 1998: prior code § 2-19-2)

## 16.56.030: LEASE PROPOSAL REQUIREMENTS:

The city will not accept an original request to lease land or facilities at the airport unless the proposed lessee submits in writing a proposal which sets forth the scope of operations proposed, which shall include the following:

A. The services the applicant will offer;

B. The amount of land that the applicant desires to lease;

C. The building space the applicant will construct or lease;

D. The number of aircraft the applicant will provide;

E. The number and qualifications of persons the applicant will employ;

F. The proposed hours of operation;

G. The amount and types of insurance coverage the applicant will maintain;

H. Evidence of the applicant's financial capability to perform and provide the above services and facilities. (Prior code § 2-19-3)

## 16.56.040: BOND REQUIREMENTS:

A. Upon the execution of the lease agreement and prior to entering the premises, the lessee shall provide to the city a performance bond, written with a company or companies acceptable to the city, conditioned upon the faithful and true performance, observation and compliance with all of the terms, conditions and provisions of the lease agreement. Such performance bond shall be in an amount based upon twenty percent (20%) of the minimum guaranteed annual rental and fees, rounded to nearest one hundred dollars ($100.00). In lieu of such performance bond, the city may, upon the approval of the director, accept a cash deposit equivalent to the performance bond, and the city shall not be required to pay any interest on the deposit.

B. Airport users each shall provide to the city a performance bond, written with a company or companies acceptable to the city, conditioned upon the faithful performance, observation and compliance with this title. Such performance bond shall be in an amount based upon twenty percent (20%) of the user's projected annual landing and other fees, rounded to the nearest one hundred dollars ($100.00). In lieu of such performance bond, the city may, upon the approval of the director, accept a cash deposit equivalent to the performance bond, and the city shall not be required to pay any interest on such deposit. (Ord. 42-87 § 10, 1987: prior code § 2-19-4)

## 16.56.050: MISCELLANEOUS BUSINESSES; ANNUAL FEE:

Minimum requirements associated with any business for profit not specifically addressed in this title shall be as provided by the director. In providing the minimum requirements herein, the director shall treat all similar type services equally. Permittee shall pay to the city the annual fee shown on the Salt Lake City consolidated fee schedule prior to issuance of the permit agreement. (Ord. 24-11, 2011)

## 16.56.060: AERIAL APPLICATION OPERATIONS:

Any person desiring to engage in aerial application operations must hold an agricultural aircraft operator certificate issued by the FAA under part 137 of the FAA regulations, comply with requirements of the state and political subdivisions thereof, and as a minimum, do the following:

A. Register the business with the director, stating the scope of activities to be entered into;

B. Enter into a lease in which the leasehold shall contain adequate square feet of land to provide for buildings, aircraft parking and tiedown, and parking space for loading vehicles and equipment;

C. Construct or lease a building providing adequate square footage of properly lighted and heated space for housing office, restrooms and storage. Such building shall contain public telephone facilities;

D. Provide at least one person holding a current FAA commercial certificate, properly rated for the aircraft to be used and meeting the requirements of part 137 of the FAA regulations and applicable regulations of the state;

E. Provide at least one aircraft, which shall be airworthy, meeting all the requirements of part 137 of the FAA regulations and applicable regulations of the state. Such aircraft shall be owned or leased by agreement in writing and based on the lessee's leasehold;

F. Provide storage and containment of noxious chemical materials in a segregated, safe area protected from public access;

G. Provide availability of aircraft suitably equipped for agriculture or firefighting operations with adequate safeguards against spillage of noxious chemical materials on the runways or taxiways or dispersal by wind force to other operational areas on the airport;

H. The hours of operation shall be as required by each individual lessee;

I. Provide proof of insurance coverage in the form of a policy or certificate of insurance, written by an insurance company or companies acceptable to the city, in an amount not less than five million dollars ($5,000,000.00) combined single limit bodily injury liability and property damage liability. Such policy or certificate of insurance shall be filed with the city, shall name Salt Lake City Corporation as an additional insured and shall contain a statement that in the event of cancellation or material change in the policy the insurer will give thirty (30) days' prior written notice to the city. The coverages as provided above shall be increased if, in the opinion of the mayor or his/her designee, such is warranted. (Ord. 88-86 § 18, 1986: prior code § 2-19-13)

## 16.56.070: AIRCRAFT FUEL AND OIL DISPENSING SERVICES:

Any person desiring to dispense aviation fuels and oil and provide other related services, such as aircraft parking, shall, as a minimum, do the following:

A. Register the business with the director stating the scope of activities to be entered into;

B. Obtain appropriate certification to comply with FAA regulations and maintain such certification in a current status;

C. Enter into a lease in which the leasehold shall contain adequate square feet of land to provide for building or buildings, adequate aircraft parking area and dispensing equipment;

D. Construct or lease a building which will provide adequate square footage of properly lighted and heated floor space for office, public lounge and restrooms. Such building shall contain public telephone facilities;

E. Provide at least one properly trained person who shall be on duty during all hours of operation;

F. Provide emergency starting equipment, adequate fire extinguishers, adequate towing equipment, and wheel chocks;

G. Provide as a minimum two (2) dispensers, metered, filter equipped, fixed or mobile, for dispensing aviation fuels in sufficient quantity to supply the demand, adequate stock of appropriate lubricants, and separate dispensing pumps and meters for each grade of fuel to be dispensed;

H. Fueling service shall be provided from six o'clock (6:00) A.M. to thirty (30) minutes after sundown, seven (7) days per week. At least one fixed base operator, however, shall be open twenty four (24) hours per day, seven (7) days per week. Such twenty four (24) hour per day requirement shall not be applicable at Airport II unless there exists two (2) or more fixed base operators at the airport;

I. Provide insurance coverage, written with an insurance company or companies acceptable to the city, in an amount not less than one million dollars ($1,000,000.00) combined single limit bodily injury liability and property damage liability. Such policy or certificate of insurance shall be filed with the city, shall name Salt Lake City Corporation as an additional insured, and shall contain a statement that in the event of cancellation or material change in the policy the insurer will give thirty (30) days' prior written notice to the city. The above coverages shall be increased when, in the opinion of the city, such is warranted. (Prior code § 2-19-9)

## 16.56.080: AIRCRAFT PARTS HOUSE:

Any person desiring to provide an aircraft parts house must, as a minimum, do the following:

A. Register the business with the director, stating the scope of activities to be entered into;

B. Enter into a lease in which the leasehold shall contain adequate square feet of land for required building;

C. Construct or lease a building providing adequate square footage of properly lighted and heated space to house office, restroom facilities, and minimum shop and hangar space as required for FAA repair shop certification. Such building shall contain public telephone facilities;

D. Provide knowledgeable personnel in sufficient number to meet the requirements of operation;

E. The normal operating hours will be at the operator's discretion. The services, however, shall be reasonably available to the public;

F. Provide proof of insurance coverage in the form of a policy or a certificate of insurance with a company or companies acceptable to the city, in an amount not less than one million dollars ($1,000,000.00) combined single limit bodily injury liability and property damage liability. Such policy or certificate of insurance shall be filed with the city, shall name Salt Lake City Corporation as an additional insured, and shall contain a statement that in the event of cancellation or material change in the policy the insurer will give thirty (30) days' prior written notice to the city. The coverages as provided above shall be increased if, in the opinion of the mayor or his/her designee, such is warranted. (Ord. 88-86 § 14, 1986: prior code § 2-19-11)

## 16.56.090: AIRCRAFT RENTAL:

A. Minimum Requirements: Any person desiring to engage in the rental of aircraft to the public must, as a minimum, do the following:

1. Register the business with the director, stating the scope of activities to be performed;

2. Enter into a lease in which the leasehold shall contain adequate square footage of land to provide space for aircraft parking and building or buildings;

3. Lease or construct a building which will provide adequate square footage of properly heated and lighted space for housing of offices, restrooms and public space. Such building shall contain a telephone for public use;

4. Provide at least one person having a current pilot certificate with appropriate ratings. The office shall be attended during all hours of operations;

5. Provide at least one airworthy aircraft owned or leased in writing to the lessee;

6. Accomplish all work and maintain all aircraft in accordance with FAA regulations, and have all work inspected according to state and federal regulations;

7. Provide proof of insurance coverage in the form of a policy or a certificate of insurance, with a company or companies acceptable to the city, for all aircraft owned, in amounts not less than one million dollars ($1,000,000.00) combined single limit bodily injury liability and property damage liability and not less than one hundred thousand dollars ($100,000.00) per seat passenger liability. Such policy or certificate of insurance shall be filed with the city, shall name Salt Lake City Corporation as an additional insured, and shall contain a statement that in the event of cancellation or material change in the policy the insurer will give thirty (30) days' prior written notice to the city. The amounts under the basic coverage, as provided above, may be increased if, in the opinion of the city, it is warranted.

B. Operating Hours: The normal operating hours of an aircraft rental business will be at the operator's discretion. The services, however, shall be reasonably available to the public.

C. Fees: If the right to perform aircraft rental on the airport is granted to any person by permit agreement as stated in subsection 16.56.010E of this chapter, or its successor, such person shall pay the fee shown on the Salt Lake City consolidated fee schedule, per year for each aircraft such person owns which will be used in the performance of aircraft rental. Ownership as used herein shall be as the term "owner" is defined in section 16.04.320 of this title, or its successor. The permittee will supply the director a list of all aircraft with the corresponding FAA "N-number" for all aircraft to be used in the performance of aircraft rental. Such fees will be paid prior to the issuance of the permit agreement. The payment of annual fees above will be increased or decreased by aircraft the permittee adds or may delete in the performance of aircraft rental during the time said permit agreement is in place. Permittee shall be subject to all conditions of this section except space requirements as stated in subsections A2 and A3 of this section. (Ord. 24-11, 2011)

## 16.56.100: AIRCRAFT SALES:

A. Any person desiring to engage in business of commercial sale of new and/or used aircraft must, as a minimum, do the following:

1. Register the business with the director, stating the scope of activities to be entered into;

2. Enter into a lease in which the leasehold shall contain adequate space for operation of the business to be conducted;

3. Provide proof of insurance coverage, in the form of a policy or certificate of insurance written by an insurance company or companies acceptable to the city, in amounts not less than one million dollars ($1,000,000.00) combined single limit bodily injury liability and property damage liability and not less than one hundred thousand dollars ($100,000.00) per seat passenger liability. Said policy or certificate of insurance shall be filed with the city, shall name Salt Lake City Corporation as an additional insured, and shall contain a statement that in the event of cancellation or material change in the policy the insurer will give thirty (30) days' prior written notice to the city. The above coverage shall include aircraft held for sale and/or demonstration by the lessee but owned by others;

4. Provide the buyer proof that the aircraft to be sold is certificated under FAA regulations as airworthy, or provide the buyer with a statement of the work required to meet all regulations in order to obtain certification;

5. Provide or contract for all necessary service to fulfill implied and expressed warranties on aircraft within the terms of the contract.

B. If the right to perform aircraft sales on the airport is granted to any person by permit agreement as stated in subsection 16.56.010E of this chapter, or its successor, such person shall pay a fee of one hundred dollars ($100.00) prior to issuance of the permit agreement. Permittees shall be subject to all the requirements of this section except space requirements as stated in subsection A2 of this section.

C. Transacted sales by persons normally not in the business of aircraft sales on a commercial basis are exempt from this section. (Prior code § 2-19-5)

## 16.56.110: AIRFRAME AND/OR POWER PLANT REPAIR:

Any person desiring to engage in airframe and/or power plant repair service must, as a minimum, do the following:

A. Register the business with the director, stating the scope of activities to be entered into;

B. Enter into a lease in which the leasehold shall contain adequate space for operation of the business to be conducted, or if no space is required, otherwise comply with sections 16.12.070 and 16.12.090 of this title;

C. Provide the appropriate certification to comply with FAA regulations, and maintain such certificate in a current status;

D. Provide proof of insurance coverage in the form of a policy or a certificate of insurance with a company or companies acceptable to the city, in an amount not less than one million dollars ($1,000,000.00) combined single limit bodily injury liability and property damage liability. Such policy or certificate of insurance shall be filed with the city, shall name Salt Lake City Corporation as an additional insured, and shall contain a statement that in the event of cancellation or material change in the policy the insurer will give thirty (30) days' written notice to the city. The above coverages shall be increased when, in the opinion of the city, the number and type of aircraft serviced warrants same;

E. Accomplish all work in accordance with FAA regulations and have all work inspected according to state and federal regulations. (Ord. 77-04 § 46, 2004: prior code § 2-19-6)

## 16.56.120: AIR TRANSPORTATION SERVICE:

The following shall apply to any person desiring to engage in scheduled air transportation service:

A. Such person must hold a current FAA certificate with ratings appropriate for the functions to be accomplished.

B. Prior to entering into an agreement for any space to be leased from the city, and prior to commencing any operations at the airport for conduct of the business of air transportation, the prospective lessee must present to the director information satisfactory to the director that the lessee meets the minimum standards established by the city for engaging in the business of air transportation.

C. Each prospective lessee shall submit to the director a verified statement, including a complete summary of the general nature of its air transportation business and if an individual, such person's name and address, or if a partnership, the names and addresses of all the partners, or if a corporation, association or other organization, the names and addresses of the president, vice president, secretary, and full time managing officer or station manager.

D. The lessee may be required to submit a financial statement and credit ratings acceptable to the city.

E. The lessee must be a certified air carrier who holds a certificate of public convenience and necessity issued under section 401 of the federal aviation act of 1958, as amended, or its successor, other than an air carrier which holds a certificate of public convenience and necessity for supplemental air service; or a supplemental air carrier as defined in title 1, general provisions definitions, section 101(32) of the federal aviation act of 1958, as amended, or its successor; or an air taxi operator subject to part 298 of the economic regulations of the civil aeronautics board and engaged directly in air transportation of passengers and/or property, and who does not hold a certificate of public convenience and necessity issued by the civil aeronautics board pursuant to section 401 of the federal aviation act of 1958, as amended, or other economic authority issued by the civil aeronautics board.

F. All airlines and air transportation companies must meet the following minimum standards for the conduct of business at the airport:

1. The lessee shall lease space in the terminals on the west side of Salt Lake City International Airport providing adequate square footage of space for passengers and crew members of itinerant aircraft, office, passenger gatehold, and satisfactory arrangements for checking of passengers, handling of luggage and ticketing.

2. The lessee shall provide at least one FAA certificated commercial pilot who is appropriately rated to conduct air taxi service as offered. At its option, the city may require the lessee to provide assurance satisfactory to the city of its continued availability of suitable aircraft with qualified operating crews.

3. The lessee shall provide at least one 4-place aircraft which shall meet all the requirements of the commercial operator's certificate held.

4. The normal operating hours will be at the operator's discretion. The services, however, shall be reasonably available to the public eight (8) hours per day, five (5) days per week. Scheduled lessees must supply to the city a schedule of their flights, shall operate at all times on a scheduled basis, and shall comply with all city, county, state and federal laws, rules, regulations and ordinances.

5. Each airline and air transportation company shall provide proof of insurance coverage in the form of a policy or certificate of insurance, written with a company or companies acceptable to the city, in an amount not less than twenty five million dollars ($25,000,000.00) combined single limit bodily injury liability and property damage liability. Such policy or certificate of insurance shall be filed with the city, shall name Salt Lake City Corporation as an additional insured, and shall contain a statement that in the event of cancellation or material change in the policy the insurer will give thirty (30) days' prior written notice to the city. The city, at its option, may require insurance coverage in excess of the coverage provided for above if in the opinion of the city it is warranted. (Prior code § 2-19-12)

## 16.56.130: COMMERCIAL FLIGHT SERVICE:

A. Any person desiring to engage in the commercial flight services shall, as a minimum, do the following:

1. Provide at least one person having a current pilot certificate with appropriate ratings for the aircraft to be flown;

2. Provide at least one properly certificated aircraft owned or leased in writing to the lessee which is maintained according to the standards of a commercial operation under the appropriate FAR;

3. Provide proof of insurance coverage in the form of a policy or a certificate of insurance, written by a company or companies acceptable to the city, for all aircraft owned or leased by lessee in amounts not less than one million dollars ($1,000,000.00) combined single limit bodily injury liability and property damage liability and not less than one hundred thousand dollars ($100,000.00) per seat passenger liability. Such policy or certificate of insurance shall be filed with the city, shall name Salt Lake City Corporation as an additional insured, and shall contain a statement that in the event of cancellation or material change in the policy the insurer will give thirty (30) days' prior written notice to the city. The coverages as provided above shall be increased if, in the opinion of the mayor or his/her designee, such is warranted.

B. If the right to perform commercial flight service on the airport is granted to any person by permit agreement, as stated in subsection 16.56.010E of this chapter, or its successor, such person shall pay the fee shown on the Salt Lake City consolidated fee schedule, per year. If the person performing a commercial flight service is the owner (as the term "owner" is defined in section 16.04.320 of this title, or its successor), of the aircraft used in the performance of a commercial flight service, the person performing a commercial flight service shall pay an additional fee shown on the Salt Lake City consolidated fee schedule per aircraft per year for each aircraft used in the performance of a commercial flight service. The permittee will supply the director a list of all aircraft with the corresponding FAA "N-number" for all owned aircraft to be used in the performance of commercial flight service. Such fees will be paid prior to the issuance of the permit agreement. The payment of annual fees above will be increased or decreased by owned aircraft the permittee adds or may delete in the performance of commercial flight service during the time the permit agreement is in place. The permittee shall be subject to all conditions of this section except space requirements as stated in subsection A2 of this section. (Ord. 24-11, 2011)

## 16.56.140: COMPLETE FIXED BASE OPERATION:

Any person desiring to engage in a complete fixed base operation must, as a minimum, do the following:

A. Register the business with the director, stating the scope of activities to be entered into;

B. Provide sales, servicing, rental and display of franchised aircraft, aircraft engine overhaul, repair and maintenance (at least demonstrated capability to perform minor repairs coupled with possession of the necessary tools, jacks, towing equipment, tire repair equipment, etc.), and airframe repair and maintenance service for business and/or personal aircraft by FAA certificated mechanics with appropriate airframe and/or power plant ratings;

C. In providing aircraft rental and sales, provide for the following:

1. Availability, during specified hours, of aircraft commensurate with the scope of planned activity as specified in this chapter,

2. Sales or distributorship franchise for an aircraft manufacturer for new aircraft, or adequate sources of used aircraft,

3. Suitable sales and office facilities, which may be leased, rented or constructed on the airport property,

4. Satisfactory arrangements at the airport for repairing and servicing of sold aircraft during the sale guarantee period, as specified in sections 16.56.080, 16.56.100, 16.56.110 and 16.56.170 of this chapter, or their successors,

5. Minimum stocks of spare parts peculiar to the aircraft types for which sales privileges are granted;

D. Provide, at lessee's option, radio repair and overhaul services, sale at wholesale or retail of any aircraft parts and accessories, and/or propeller repair or overhaul services as licensed by the FAA and as prescribed in this chapter;

E. Any person who desires to operate as a fixed base operator shall meet the following minimum standards:

1. Lease existing facilities or construct a building to provide adequate square footage of shop space meeting local and state industrial code requirements, plus adequate office space. Such facility shall contain a public telephone,

2. Provide full time FAA certificated mechanics in such fields as airframe and engine maintenance, electronic instrument maintenance, and others as required,

3. Provide minimum equipment, such as, but not limited to, machine tools, jacks, lifts and test centers, as required for its operation,

4. Make arrangements for access to, or for the provision of, such minimum capacity for the storage of aircraft as the director shall specify, and shall be required to remove any nonairworthy aircraft from the airport premises within a reasonable time,

5. Promptly remove from the public landing area, as soon as permitted by cognizant FAA and CAB authorities, any disabled aircraft owned or controlled by the lessee, coupled with the availability of or arrangements made for suitable tractors, towbars, jacks, dollies, and other equipment as might be needed to remove the largest aircraft that normally could be expected to be operated from the lessee's facility,

6. Meet all applicable safety requirements, if painting of aircraft is anticipated;

F. Furnish, as may be required by the city, such primary line service to the public on a nondiscriminatory basis as the sale of aviation petroleum fuel and aircraft propellant products, the rental of aircraft parking areas, storage and/or hangar space (including demonstrated capability to efficiently and safely move aircraft to such areas and store them in compliance with local regulations), pilot training with FAA certified instructors, aircraft rental facilities, aircraft charter, and flight maintenance facilities;

G. Provide, as may be required by the city, the following:

1. At all fueling locations, suitable space in a convenient location to service the type of aircraft using the airport,

2. Tank storage capacity, either above or below ground as mutually agreed upon, for aviation fuels,

3. Adequate grounding rods at all fueling locations to eliminate hazards of static electricity, together with mobile and/or fixed pumping equipment which meets all applicable safety requirements, with reliable metering devices subject to independent inspection, and with a pumping efficiency capable of filling jet aircraft including the "jumbo" or" bus" series within a reasonable time,

4. Uniformed personnel on full time duty during all hours of operation;

H. Maintain an adequate staff of employees with skills, licenses and certificates appropriate to the activity provided as specified in these minimum standards;

I. Conform to all safety, health and sanitary codes;

J. Provide energizers, starters, passenger loading steps, oxygen and compressed air, together with such other equipment and supplies as may be required to serve the types of aircraft using its facility;

K. Remove snow and otherwise clean up lessee's fueling and aircraft parking areas and possess the equipment necessary for this purpose;

L. Furnish, as may be required by the city, a financial statement and credit rating acceptable to the city;

M. Provide insurance coverage written with an insurance company or companies acceptable to the city in amounts not less than two million dollars ($2,000,000.00) combined single limit bodily injury liability and two million dollars ($2,000,000.00) hangar keeper's liability insurance. Such policy or certificate of insurance shall be filed with the city, shall name Salt Lake City Corporation as an additional insured, and shall contain a statement that in the event of cancellation or material change in the policy, the insurer will give thirty (30) days' prior written notice to the city. The above levels of coverage shall be increased if, in the opinion of the mayor or his/her designee, such is warranted;

N. Be available, either individually or in connection with the other fixed base operators situated at the airport, for repair service and emergency service during the night hours, weekends and holidays, to ensure that aircraft repair service is available for general aviation users at all times. This service shall be provided for the public and/or general aviation users. In any event, each fixed base operator shall remain open for business at least eight (8) hours daily, five (5) days each week. The lessee may be required by the city to supply, on a twenty four (24) hour basis, seven (7) days per week, facilities for the sale of aviation petroleum, fuel and aircraft propellant products. Likewise, lessee may be required to provide basic facilities and employees to handle the tiedown and/or hangar space for aircraft on a seven (7) day, twenty four (24) hour basis. (Ord. 88-86 § 17, 1986: prior code § 2-19-16)

## 16.56.150: FLIGHT TRAINING:

A. Any person desiring to engage in pilot flight instruction shall provide, as a minimum, the following:

1. Registration: Register the business with the director, stating the scope of activities to be entered into;

2. Lease: Enter into a lease in which the leasehold shall contain reasonable space which is adequate for operation of the business to be conducted;

3. Certification: Obtain appropriate certification to comply with FAA regulations and accomplish all flight checks and other requirements to maintain such certification in a current status;

4. Insurance:

a. Provide proof of insurance coverage in the form of a policy or a certificate of insurance, with a company or companies acceptable to the city, in the minimum amounts established by section 63-30-34, Utah Code Annotated, or its successor, as maximum amounts for which a governmental entity may be held liable,

b. A flight instructor using an aircraft which it does not own shall be in compliance with this section if the aircraft owner carries insurance in type and amounts equal to or greater in coverage than the above, and the aircraft owner's insurer names the flight instructor as a named insured on the aircraft owner's insurance policy,

c. Such policy or certificate of insurance shall be filed with the city, shall name Salt Lake City Corporation as an additional insured, and shall contain a statement that in the event of cancellation or material change in the policy the insurer will give thirty (30) days' prior written notice to the city. The above coverage shall be increased when, in the opinion of the mayor or his/her designee, such is warranted.

B. If the right to perform flight training on the airport is granted to any person by permit agreement as stated in subsection 16.56.010E of this chapter, or its successor, such person shall pay the fee shown on the Salt Lake City consolidated fee schedule, per year. If the person performing flight training is the owner (as the term "owner" is defined in section 16.04.320 of this title, or its successor), of the aircraft used in the performance of flight training, the person performing flight training shall pay an additional fee shown on the Salt Lake City consolidated fee schedule per aircraft per year for each aircraft used in the performance of flight training. The permittee will supply the director a list of all aircraft with the corresponding FAA "N-number" for all owned aircraft to be used in the performance of flight training. Such fees will be paid prior to the issuance of the permit agreement. The payment of annual fees above will be increased or decreased by owned aircraft the permittee adds or may delete in the performance of flight training during the time the permit agreement is in place. The permittee shall be subject to all conditions of this section except space requirements as stated in subsection A2 of this section. (Ord. 24-11, 2011)

## 16.56.160: FLYING CLUB REGULATIONS:

A. Approval Required: Flying clubs shall be permitted at the airport only upon prior written approval of the director.

B. Definition Of Flying Club: "Flying club" means an association or group of more than three (3) individuals jointly owning or leasing an aircraft where payment is made to the club for the operating time of such aircraft. The registration certificate issued by the FAA must show the names of all owners if the club is not incorporated, and the aircraft must be registered in the name of any incorporated flying club.

C. Organization: Flying clubs must be organized as nonprofit corporations under the laws of the state, or as duly organized nonprofit, functioning unincorporated associations for the purpose of:

1. Fostering flying for pleasure;

2. Development of skills in aeronautics, including pilotage or navigation; and

3. The development of an awareness and appreciation of aviation requirements and techniques by the general public in the field of aviation and aeronautics.

D. Documents Required: Flying clubs shall furnish the director with copies of their bylaws, articles of incorporation, operating rules, membership agreements, and the location and address of the club's registered office. The director shall also be furnished with a current roster of all officers and directors, including places of residence, business addresses and telephone numbers, who shall be responsible for compliance by the club members with all aviation laws and airport rules and regulations.

E. Commercial Operation Prohibited: Neither flying clubs nor any individual member thereof shall provide instruction to other than its members or engage in charter service or in any commercial operation at the airport.

F. Membership Records: Flying clubs shall keep a membership record of all members, containing full names and addresses, past and present members included, together with the date their membership commenced and terminated, and the investment share held by each member. Such records shall be available for review at any reasonable time by the director.

G. Operation Of Aircraft:

1. All aircraft owned, leased or used by flying clubs shall be registered with the director, and may not be leased or loaned to others for any commercial use, purpose or venture. The club's aircraft shall not be used by other than bona fide members for rental or by anyone for charter or taxi lease.

2. An aircraft operated, owned or leased by a flying club shall meet all airworthiness requirements of the appropriate federal agency.

3. The flying club shall not derive greater revenue from the use of its aircraft than the amount necessary for its actual operation, maintenance and replacement.

H. Rule And Regulation Compliance: All flying club members must comply with all FAA, state and airport rules and regulations.

I. Insurance Required: Each aircraft owned by the flying club must have liability insurance coverage in amounts not less than one million dollars ($1,000,000.00) combined single limit bodily injury liability and property damage liability, and not less than one hundred thousand dollars ($100,000.00) per seat passenger liability. Certificates of such insurance coverage shall be filed with the director and the policy shall contain a provision whereby such insurance may be canceled only after giving thirty (30) days' written notice to the director. The above levels of coverage shall be increased if, in the opinion of the mayor or his/her designee, such is warranted.

J. Holding Harmless: The flying club shall indemnify, defend and hold harmless the city from any and all claims of liability for personal injury, death or property damage, or any and all other damages whatsoever resulting from its operation at the airport. (Amended during 1/88 supplement: Ord. 88-86 § 18, 1986: prior code § 2-19-17)

## 16.56.170: RADIO, INSTRUMENT OR PROPELLER REPAIR SERVICE:

A. Any person desiring to provide a radio, instrument or propeller repair service must, at a minimum, do the following:

1. Register the business with the director, stating the scope of activities to be entered into;

2. Obtain appropriate certification to comply with FAA regulations and maintain such certification in a current status;

3. Enter into a lease in which the leasehold shall contain adequate square feet of land for required building;

4. Construct or lease a building providing adequate square footage of properly lighted and heated space for housing office, restroom facilities and minimum shop and hangar space as required for FAA repair shop certifications. Such building shall contain public telephone facilities;

5. Provide at least one FAA certified repairman qualified in accordance with the terms of the repair station certificate;

6. The normal operating hours of such service will be at the operator's discretion. The services, however, shall be reasonably available to the public;

7. Provide proof of insurance coverage in the form of a policy or certificate of insurance, written by an insurance company or companies acceptable to the city, in an amount not less than one million dollars ($1,000,000.00) combined single limit bodily injury liability and property damage liability. Such policy or certificate of insurance shall be filed with the city, shall name Salt Lake City Corporation as an additional insured, and shall contain a statement that in the event of cancellation or material change in the policy the insurer will give thirty (30) days' prior written notice to the city. Insurance coverage limits may be required to be increased when it is deemed by the city that the risk exposure is greater than the minimum requirements herein.

B. If the right to perform radio instrument or propeller repair on the airport is granted to any person by permit agreement as stated in subsection 16.56.010E of this chapter, or its successor, such person shall pay the fee shown on the Salt Lake City consolidated fee schedule prior to issuance of the permit agreement. The permittee shall be subject to all conditions of this section except space requirements, as stated in subsections A3 and A4 of this section. (Ord. 24-11, 2011)

## 16.56.180: MULTIPLE SERVICES:

A. Any person desiring to engage in two (2) or more commercial aeronautical activities must, as a minimum, do the following:

1. Register the business with the director, stating the scope of activities to be entered into;

2. Obtain appropriate certification to comply with FAA regulations, and maintain such certification in a current status;

3. Enter into a lease for multiple services in which the leasehold shall contain adequate square feet of land to provide space for specific use area requirements established for services to be offered. Specific use space need not be cumulative where a combination use can be reasonably and feasibly established, the determination of which is to be made by the city;

4. Construct or lease a building containing adequate square footage to provide properly lighted and heated space for office, public lounge, pilot briefing, and restrooms. Such building shall contain public telephone facilities. Repair stations must provide minimum shop and hangar space as required for FAA repair shop certification;

5. Assign multiple responsibilities, as needed, to personnel in order to meet personnel requirements for all activities, provided such personnel meet requirements for all activities engaged in;

6. Meet all requirements for aircraft for the specific activities to be engaged in; however, multiple uses can be made of all aircraft, except aerial applicator aircraft, to meet these requirements. In order to meet these requirements, however, a minimum of two (2) aircraft must be owned or leased, under the direct control of the lessee, and based on the lessee's leasehold;

7. Provide all equipment specifically required for each activity;

8. Provide all services specifically required for each activity during the hours of operation as required for that activity under these minimum standards;

9. Adhere to the operating schedule as required for each activity;

10. Obtain the highest single coverage in the amounts and types of insurance established for each specific activity.

B. If the right to perform multiple services at the airport is granted to any person by permit agreement as stated in subsection 16.56.010E of this chapter, or its successor, such person shall be responsible for payment of all fees as established for each aeronautical activity engaged in, as specified in this chapter; provided, however, fees for owned aircraft (as the term "owner" is defined in section 16.04.320 of this title, or its successor) will be assessed for one aeronautical activity only. The permittee shall be subject to all conditions of this section except space requirements as stated in subsections A3 and A4 of this section. (Prior code § 2-19-15)

# CHAPTER 16.60
# MOTOR VEHICLE OPERATION

## Article I. General Regulations

### 16.60.001: AUTHORITY TO ESTABLISH RULES AND REGULATIONS:

To the extent authorized by the provisions of this chapter and consistent with other applicable provisions of this code, the department director, under guidance and direction from the mayor, may enter into contracts deemed necessary or desirable and may establish rules and regulations necessary to administer the provisions of this chapter and any security or operating requirements applicable to the Salt Lake City International Airport. (Ord. 86-10, 2010)

### 16.60.005: EXEMPTIONS FROM REQUIREMENTS OF THIS CHAPTER:

Vehicles licensed and operated by a government agency, a university or school district, the Utah transit authority, an ambulance service, and others, as may be designated in department rules and regulations, and others, as may be designated by the director, are exempt from the requirements of this chapter. (Ord. 86-10, 2010)

## 16.60.010: COMPLIANCE WITH STATE AND OTHER REGULATIONS:

A. No person shall operate a motor vehicle on the airport except in strict compliance with applicable laws of the state, city ordinances, and department rules and regulations.

B. No person or owner shall drive, or permit to be driven, stopped or parked on any street, parking lot, alleyway or driveway within the airport, any vehicle which is required under the laws of the state to be inspected and registered unless such vehicle has been inspected and registered, and has attached thereto in proper position a valid and unexpired certificate of inspection as required by the laws of the state.

C. All vehicles operated on airport property, including ramp areas, shall be maintained in a safe operating condition. (Ord. 86-10, 2010)

## 16.60.020: DRIVING ON LOADING AREAS; RESTRICTIONS:

A. Any motorized vehicle being used on the ramp as a service vehicle shall display the department issued identification sticker. Each such vehicle shall also bear company identification visible from fifty feet (50') on both sides of the vehicle.

B. No person or vehicle is permitted in, on, or around any secured area, such as, but not limited to, any hangar, landing field, runway, apron or taxi strip, without prior permission from the department director.

C. Automobiles, trucks and other equipment (including airport maintenance and emergency vehicles) being driven on any landing area, runway, taxi strip, or apron shall display a standard checkered flag or flashing amber or red light, as appropriate, if operated during the nighttime, or, when applicable, be marked in accordance with federal aviation administration regulations or as directed by the department director, and shall not be operated without prior permission of the control tower. (Ord. 86-10, 2010)

## 16.60.030: VEHICLE RAMP OPERATIONS:

A. Speed Limits: Motor vehicles shall be operated on established streets and roadways within the airport in strict compliance with speed limits posted on traffic signs. They shall also be maintained and operated in conformity with all motor vehicle regulations and laws of the state and city. Motor vehicles being operated on any passenger loading ramp, aircraft parking ramp, or in any area immediately adjacent to the terminals or hangars, shall be driven cautiously and at a safe and reasonable speed, but not to exceed twenty (20) miles per hour.

B. Use Of Ramp Roadways: Vehicles shall only be operated within the limits of the designated painted roadways on the air operations areas, except as required to perform aircraft servicing and airfield inspections.

C. Traffic Markings On Paved Surfaces: Vehicle operators shall observe all traffic markings painted on pavement surfaces of the aircraft operations area.

D. Yield Right Of Way To Aircraft: All vehicles shall yield right of way to any aircraft when the aircraft is under tow or has its engines operating. No vehicle shall proceed past such aircraft until the vehicle's progress will not impede the aircraft's movement. This section does not preclude the establishment of agreements to the contrary between the city and the federal aviation administration. (Ord. 86-10, 2010)

### 16.60.040: COMMON CARRIERS:

No common carrier, vehicle for hire, or ground transportation vehicle shall load or unload passengers at the airport at any place or in any manner other than that designated by the department director. (Ord. 86-10, 2010)

### 16.60.050: ACCIDENTS TO BE REPORTED:

Any person involved in an accident resulting in personal injury or damage to property on the airport shall report such accident promptly to the office of the department director. (Ord. 86-10, 2010)

### 16.60.060: PROHIBITED VEHICLES AND ANIMALS:

No go-cart, motorbike, bicycle, house trailer, or similar vehicle, or horse, shall be permitted on any landing area, ramp, taxiway, or hangar area without approval of the department director, except for bicycles that are secured and delivered to an aircraft for transport, or motorcycles used for surface transportation in a hangar area. (Ord. 86-10, 2010)

### 16.60.065: PARKING AREAS:

A. Parking areas for motor vehicles shall be set aside for airport employees and the general public. No person shall park a motor vehicle or a trailer in any place on the airport other than those areas designated by the department director or as expressly set forth in this title. No person shall park a vehicle in an area designated as an employee parking lot unless such person has complied with all rules and regulations, and other requirements for employee parking as established by the department.

B. Tenants of T-hangars and shade hangars may park their motor vehicles in their own hangars when the aircraft is being flown, or in front of their hangar if they are present. Service or delivery vehicles may park next to a tenant's hangar long enough for delivery. All others shall park in public lots.

C. No person shall park a motor vehicle on the airport in excess of seventy two (72) consecutive hours unless it is parked in the public parking area or with the authorization of the airport.

D. No person shall park a motor vehicle in an area designated as a public parking lot unless such person pays the authorized rate for such parking lots. A schedule of parking rates shall be available in the airport office of finance and administration. (Ord. 86-10, 2010)

### 16.60.067: PARKING VEHICLES:

No person shall park a vehicle on the airport other than in the manner and at locations indicated by posted traffic signs and markings. Each hour a vehicle remains parked in violation of this section shall be a separate offense. (Ord. 86-10, 2010)

### 16.60.070: IMPOUNDMENT AUTHORIZED WHEN:

Any vehicle parked in violation of department rules and regulations may be impounded or relocated by a certified peace officer. The owner thereof shall pay for the tow charge, regular parking fees, and other penalties and related charges. (Ord. 86-10, 2010)

### 16.60.075: PASSENGER COURTESY CARTS:

A. No person may operate any vehicle inside a city owned building at the airport without proper authority. The owner of any such authorized vehicle shall install and maintain a speed governor on each such vehicle which will prevent the vehicle from exceeding five (5) miles per hour. Vehicles at all times shall be maintained in a safe operating condition. Any person operating such vehicle shall yield to pedestrians, not pass pedestrians unless there is enough space to leave an eighteen inch (18") clearance between vehicle and pedestrian, and otherwise operate the vehicle in a safe manner.

B. The department director may prohibit the operation of such vehicles at the airport or limit their use at any time. (Ord. 86-10, 2010)

## Article II. Ground Transportation Businesses

### 16.60.080: PURPOSE OF ARTICLE II PROVISIONS:

The provisions set out in this article are enacted for the purpose of:

A. Requiring persons who conduct business at the airport by providing ground transportation service to assist the city in defraying the expense of providing certain facilities and services provided for ground transportation vehicles and services using the airport, and to create an equitable assessment of fees for its use; and

B. Requiring such persons to adhere to department rules and regulations regarding the operation of ground transportation vehicles to ensure that such are conducted in a safe, efficient, and cost effective manner for the public benefit. (Ord. 86-10, 2010)

## 16.60.090: DEFINITIONS:

The following words and phrases, when used in this chapter, shall have the meanings defined and set forth in this section:

AIRPORT SHARED RIDE SERVICE: Ground transportation provided by an authorized ground transportation business contracted through the department of airports to provide on demand shared ride service to and from the Salt Lake City International Airport.

AIRPORT SHARED RIDE VEHICLE: Any authorized ground transportation vehicle operating under contract with the department of airports to provide airport shared ride service.

AUTHORIZED GROUND TRANSPORTATION BUSINESS: Any business operating any ground transportation vehicle, which has a current, valid business license as required by the city and which:

A. Registers the business in accordance with the requirements established by the department, and

B. Is current with all fees or charges imposed by the department or city.

AUTOMOBILE: Any motor vehicle with passenger seating for five (5) persons or less not including the driver.

BUS: Any motor vehicle with a seating capacity of twenty five (25) passengers or more, not including the driver.

BUSINESS: A voluntary association legally formed and organized to carry on a business in Utah in the legal name of the association, including, without limitation, a corporation, limited liability company, partnership, or sole proprietorship.

CIVIL NOTICE: The written notice of a ground transportation violation.

COURTESY VEHICLE: Any motor vehicle regularly operated on Salt Lake City streets for transportation of customers and/or baggage without making a specific separate charge to the passenger for such transportation.

DEPARTMENT: The Salt Lake City department of airports.

DEPARTMENT DIRECTOR: The director of the Salt Lake City department of airports.

DEPARTMENT RULES AND REGULATIONS: Rules and regulations developed and adopted by the department director to govern ground transportation service and businesses at the airport.

FIXED SCHEDULE: Ground transportation service operating on a regular time schedule previously announced as to time of departure and arrival between the airport and definitely established and previously announced points along definitely established and previously announced routes regardless of whether there are passengers or freight to be carried.

GROUND TRANSPORTATION APPEAL COMMITTEE: A committee established by the department director to hear and rule on appeals, suspensions, and other matters related to ground transportation in and connected with the city.

GROUND TRANSPORTATION BUSINESS: Any business operating any ground transportation vehicle.

GROUND TRANSPORTATION SERVICE: The transportation of passengers by a ground transportation business.

GROUND TRANSPORTATION VEHICLE: Any motor vehicle used for the transportation of persons using Salt Lake City streets for commercial purposes regardless of whether a fee or fare is collected, which includes, but is not limited to, any airport shared ride vehicle, automobile, bus, courtesy vehicle, hotel vehicle, limousine, minibus, special transportation vehicle, specialty vehicle, taxicab, van, or trailer being towed by a ground transportation vehicle.

HOTEL VEHICLE: Any motor vehicle regularly operated by a ground transportation business under contract to or directly by a motel, hotel, or other lodging business to provide transportation of customers and/or baggage for the contracted establishment, for which transportation the customer is charged a separate fee or fare, and which is subject to a

contract filed with the department providing for operating the vehicle.

LIMOUSINE: Any vehicle described by its manufacturer or aftermarket manufacturer as a limousine or a luxury vehicle such as, but not limited to, a Cadillac Escalade, Chevrolet Suburban, Lincoln Town Car, or Mercedes Benz, with a driver furnished, who is dressed in professional business attire or a chauffeur's uniform. A limousine may be deemed a hotel vehicle if the service provided is prearranged and minimum fare is charged as provided in this chapter.

MINIBUS: Any motor vehicle with a seating capacity of thirteen (13) to twenty four (24) passengers, not including the driver.

ON DEMAND AIRPORT SERVICE OR ON DEMAND SERVICE: Transportation provided by an authorized airport ground transportation business which is not "scheduled service" nor "prearranged service from the airport" as defined in this section.

PREARRANGED SERVICE FROM THE AIRPORT: Transportation from the airport to points within the corporate limits of Salt Lake City provided by an authorized ground transportation business which is contracted for between such business and the person to be transported, or by an agent of the person, prior to the arrival of the person at the Salt Lake City International Airport. Prearranged service from the airport shall include airport ground transportation contracted for by an airline company on behalf of its own passengers whose regular air travel may have been disrupted in some manner. An agent may include a travel agent, family member, employee, business or meeting planner, but excludes an authorized ground transportation business. Prearranged service to the airport shall be provided on the same basis as permitted under title 5, chapter 5.71 of this code.

SCHEDULED SERVICE: Transportation provided by an authorized ground transportation business on a fixed schedule posted with the department in advance of such transportation.

TAXICAB: A motor vehicle with a seating capacity of five (5) passengers or less, not including the driver, or a van with a passenger seating capacity of six (6) to twelve (12), not including the driver, used in the on demand for hire transportation of passengers or baggage over the public streets and not operated over a fixed route or upon a fixed schedule, but which is subject for contract hire by persons desiring special trips from one point to another, as provided under title 5, chapter 5.72 of this code, or its successor chapter, and authorized to operate in Salt Lake City by contract with the department.

VAN: Any licensed motor vehicle other than those designated as a limousine with a passenger seating capacity of six (6) to twelve (12), not including the driver. (Ord. 86-10, 2010)

## 16.60.095: BUSINESSES AUTHORIZED TO PROVIDE GROUND TRANSPORTATION:

It shall be a violation to operate a ground transportation vehicle at the airport, unless such vehicle is part of an authorized ground transportation business. (Ord. 86-10, 2010)

## 16.60.097: GROUND TRANSPORTATION DESTINATIONS:

A. All authorized ground transportation businesses may provide scheduled service or prearranged service from the airport.

B. Only authorized airport shared ride service vehicles, taxicabs, courtesy vehicles, and hotel vehicles may provide on demand service at the airport, except that courtesy vehicles and hotel vehicles may provide on demand service only to and from the hotel, motel, or other lodging business with whom they hold a current contract for transportation services. The department director may waive these restrictions if the director determines that circumstances at the airport exist that create congestion, security concerns, emergency conditions, or other operational problems, and that a temporary suspension of this limitation is in the best interests of the city to address such circumstances.

C. All authorized ground transportation businesses may provide on demand, scheduled service and prearranged service from the airport to destinations outside of the

corporate limits of Salt Lake City. (Ord. 86-10, 2010)

### 16.60.100: PASSENGER PICK UP ZONES:

All persons operating a ground transportation vehicle on the premises of the airport shall pick up passengers only in areas as designated by the department director. Ground transportation vehicles may occupy such area only for the period of time established by the department director. (Ord. 86-10, 2010)

### 16.60.110: COMMERCIAL CHARGES:

Commercial charges may be imposed by the city for the use of airport facilities and services. Any business located at, or doing business on, the airport shall pay all established fees applicable to such business. (Ord. 86-10, 2010)

### 16.60.120: GROUND TRANSPORTATION FEES REQUIRED:

No ground transportation vehicle or business shall use the airport's roadways or facilities without paying required fees established under section 16.60.110 of this chapter. (Ord. 86-10, 2010)

### 16.60.130: PAYMENT OF FEES:

Payment of required fees shall be made in the manner prescribed by the department director consistent with department rules and regulations and applicable provisions of this code. (Ord. 86-10, 2010)

### 16.60.140: CITY ORDINANCES APPLICABLE TO AIRPORT:

All applicable ordinances set forth in this code, including, without limitation, title 5, chapters 5.71 and 5.72 of this code or their successors, shall apply to the airport. Pursuant to applicable provisions of this code, the department director may enter into contracts and establish rules and regulations for taxicab operations specific to the airport. (Ord. 86-10, 2010)

### 16.60.180: GROUND TRANSPORTATION BOOTHS:

There may be established within the terminal buildings at the airport one or more ground transportation booths for the exclusive use of authorized ground transportation

businesses to assist the public to arrange for transportation, including travel reservations and ticket sales. These booths may be made available to businesses in accordance with applicable contracts and/or department rules and regulations.

A. No authorized ground transportation business may solicit passengers at the airport except at a bona fide ground transportation booth established by the department director and operated by the authorized ground transportation business.

B. No person or business including any ground transportation business may contract for passenger meet and greet services on behalf of any ground transportation business without written permission of the department director.

C. In addition to civil penalties, any violation of these solicitation restrictions by any driver or representative of any authorized ground transportation business may result in such driver or business being barred from any further entry to an airport terminal as a driver or authorized ground transportation business employee.

D. No representative of any authorized ground transportation business shall transport baggage or cargo in behalf of a customer to or from the airport without documentation such as baggage claim tickets or transfer documents clearly indicating the authority of such representative to transport such baggage. Said representative shall produce such documentation for inspection upon request by an authorized official of the department. (Ord. 86-10, 2010)

### 16.60.190: STAGING AND PARKING OF GROUND TRANSPORTATION VEHICLES:

Any use of a staging area, parking facilities, taxi stands, parking areas, traffic lanes or other areas and facilities used by authorized ground transportation vehicles are subject to department rules and regulations. (Ord. 86-10, 2010)

### 16.60.200: SIGNS:

Signs may be posted at the airport by authorized ground transportation businesses if such signs are in accordance with applicable city ordinances, department contracts, department rules and regulations, and have been approved by the department director. (Ord. 86-10, 2010)

# CHAPTER 16.64
# VIOLATION, PENALTY AND ENFORCEMENT

### 16.64.010: PROHIBITIVE NATURE OF REGULATIONS:

It is a violation for any person to do any act prohibited by law, to fail or refuse to do any act required by law, to operate any vehicle or aircraft in violation of any provisions of this

title or department rules and regulations, or to operate any vehicle or aircraft unless such vehicle or aircraft is equipped and maintained as provided in this title or other applicable law. (Ord. 86-10, 2010)

### 16.64.020: REMOVAL AUTHORIZED WHEN:

Any person using airport property, operating any vehicle or handling any aircraft in violation of this title or other applicable law, or by refusing to comply therewith, may be removed or ejected from the airport, and may be deprived of the further use of the airport and its facilities for such length of time as may be deemed necessary by the department director to ensure the safeguarding of the same and the public and its interest therein. (Ord. 86-10, 2010)

### 16.64.025: VIOLATION; PENALTY:

Any person guilty of violating any provision of this title shall be deemed guilty of a class B misdemeanor, except the violation of certain sections of this title as set forth in section 16.64.030 of this chapter, which shall constitute civil violations. (Ord. 86-10, 2010)

### 16.64.030: CIVIL PENALTIES AND ENFORCEMENT:

A. Any person in violation of this title, department rules and regulations, or other applicable law are subject to civil penalties and any other lawful action as may be taken by the department director to ensure the safe and effective operations of the airport.

B. The city may revoke, suspend, or deny renewal of a city business license to operate a ground transportation business for violation of any provision of this title, department rules and regulations, or other applicable law as provided under title 5, chapter 5.02 of this code.

C. The department may revoke, suspend or deny renewal of an operator's badge, department automated vehicle identification tag, or department inspection seal for violation of any provision of this title, department rules and regulations, or other applicable law. The person or business affected may request, in writing filed with the department, an appeal hearing before the ground transportation appeal committee. Any such revocation, suspension or denial of renewal shall remain in effect until the party against whom such action is taken requests reinstatement, and the ground transportation appeal committee determines that reinstatement is appropriate.

D. If any named party fails to comply with civil penalties imposed under this chapter, such party may be subject to suspension, revocation, or nonrenewal of a city license to operate a ground transportation business, operator's badge, department automated vehicle identification tag and department inspection seal.

E. Civil penalties may be imposed as set forth below. The named party in the civil notice shall be liable for a civil penalty. Any penalty assessed in connection with this section may be in addition to any other penalty that may be imposed by law or department rules and regulations.

F. Violations of the following shall constitute civil violations and be subject to the following penalties:

| Code | Amount Of Penalty | Violation |
|---|---|---|
| Article I. | | |
| General Regulations | | |
| 16.60.010 | $500 .00 | Vehicle operations on airport |
| 16.60.020 | 1,000 .00 | Secured area vehicle operations |
| 16.60.030 | 1,000 .00 | Ramp area vehicle operations |
| 16.60.040 | 200 .00 | Unauthorized passenger load/unload |
| 16.60.050 | 1,000 .00 | Failure to report accident |
| 16.60.060 | 1,000 .00 | Prohibited vehicle or animal in secure area |
| 16.60.065 | 200 .00 | Parking area restrictions/failure to pay fees |
| 16.60.067 | 100 .00 | Parking violation posted signs |
| 16.60.075 | 500 .00 | Courtesy cart operations |
| Article II. | | |
| Ground Transportation Businesses | | |
| 16.60.095 | 1,000 .00 | Unauthorized ground transportation vehicle |
| 16.60.097 | 500 .00 | Unauthorized prearranged/on demand transport |
| 16.60.100 | 200 .00 | Unauthorized passenger pick up |
| 16.60.120 | 500 .00 | Failure to pay fees |
| 16.60.180A,B,D | 500 .00 | Unauthorized solicitation or baggage transport |
| 16.60.190 | 100 .00 | Unauthorized staging/use of grounds and facilities |
| 16.60.200 | 500 .00 | Unauthorized posting of signs |

(Ord. 86-10, 2010)

## 16.64.050: ENFORCEMENT PROCEDURES; CIVIL NOTICE OF GROUND TRANSPORTATION VIOLATION:

A. Civil notices under this chapter, other than those involving revocations, suspensions, denials or approvals of a business license, operator's badge, department automated vehicle identification tags and department inspection seals shall be heard by the Salt Lake City justice court. Any named party may appear before a hearing officer and present and contest an alleged violation as provided in title 2, chapter 2.75 of this code, or its successor.

B. The burden to prove any defense shall be upon the person raising such defense. Nothing herein shall affect the city's burden to prove each element of the underlying charge by a preponderance of evidence.

C. If the hearing officer finds that no violation of this chapter occurred, or that a violation occurred but one or more of the defenses set forth in this section is applicable, the hearing officer may dismiss the civil notice and release the named party from liability thereunder, or may reduce the penalty associated therewith as he or she shall determine. Such defenses are:

1. The civil notice does not contain the information required by this chapter;

2. Compliance with the subject ordinances would have presented an imminent and irreparable injury to persons or property; or

3. Such other mitigating circumstances as may be approved by the city attorney's office. (Ord. 86-10, 2010)

### 16.64.060: EXPEDITED APPEAL OF EXCLUSION:

Any named party who is excluded from pursuing commercial activities under this chapter, and has not had a hearing before the ground transportation appeal committee regarding such exclusion as provided for in this chapter, may request an expedited appeal of the action that resulted in such exclusion. Such appeal shall be requested in writing by the party so excluded to the department. The department shall promptly investigate the facts relating to such exclusion. If the evidence indicates such exclusion is improper under this chapter, the department director may reverse the action that resulted in such exclusion. If the department director does not reverse such action, the action resulting in such exclusion shall be heard and determined by the ground transportation appeal committee in accordance with the provisions of this chapter. If a preponderance of the evidence indicates such exclusion is proper under this chapter the ground transportation hearing committee shall uphold such exclusion. (Ord. 86-10, 2010)

# Title 17 - PUBLIC SERVICES

## CHAPTER 17.04
## WATERSHED AREAS

## Article I. General Provisions And Permits

## 17.04.010: DEFINITIONS:

For the purposes of this chapter, the following terms, phrases and words shall have the meanings set forth in this section:

APPROVED SPRING: A naturally occurring spring which:

A. Produces each day an amount of water equal to the minimum quantity and quality of water required by state law, Salt Lake County and the Salt Lake City ordinances, and Salt Lake Valley health department regulations for a residence within the watershed area;

B. Produces water which at all times meets at least the minimum health standards of state and Salt Lake Valley health department regulations;

C. Produces less than one hundred (100) gallons of water per minute during the period between September 15 and October 1;

D. Is not a watercourse or a tunnel, mineshaft, well or any other artificial structure;

E. The department of public utilities finds that the development of the spring will not have a substantial adverse effect upon wetlands created by such spring or the riparian zone below such spring;

F. The department of public utilities finds that the development of the spring will not cause any degradation of water quality under federal, state, county and city laws and regulations.

AQUIFER: An underground formation that contains and transmits ground water.

DEPARTMENT: The Salt Lake Valley health department.

DIRECTOR: The director of the Salt Lake City department of public utilities or his/her authorized representative.

HEALTH DIRECTOR: The director of the Salt Lake Valley health department or his/her authorized representative.

LIMITING DISTANCE: The distance by horizontal measurement from the normal bank of a stream or the high water line of a reservoir as determined by the department.

NONPOINT DISCHARGE: Any surface or subsurface discharge of wastewater to a designated watershed stream segment or tributary, from diffused source(s) or conveyance(s).

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 or agent of the owner, or an executrix, administrator, administratrix, trustee or guardian of the estate of the owner.

PERSON: Any individual, public or private corporation and its officers, partnership, association, firm, trustee, executor of any estate, the state or its departments, institution, bureau, agency, county, city, political subdivision or any legal entity recognized by law.

POINT SOURCE DISCHARGE: Any surface or subsurface discharge of wastewater, treated or otherwise, to a designated watershed stream segment or tributary, from a discrete conveyance.

POLLUTION: Any manmade or man induced alteration of the chemical, physical, geological, radiological or biological integrity of water under standards of the Utah state department of health or the environmental protection agency (EPA).

PUTRESCIBLE MATERIAL: Any organic material subject to biological decomposition with the production of offensive odors associated with anaerobic or facultative aerobic conditions, including, but not limited to, dead animals, garbage, manure, compost and vegetable matter.

RESERVOIR: Any natural or artificial lake or pond, except a stormwater detention basin.

RESIDENCE: A single-family dwelling.

SALT LAKE CITY WATERSHED AREA OR CITY WATERSHED: The watershed area supplying drinking water to the residents of Salt Lake City or the Salt Lake City water system for drinking or residential uses, including, but not limited to:

A. All of Big Cottonwood watershed area lying east of the Salt Lake City water intake, which is located east of Wasatch Boulevard in the mouth of the canyon;

B. All of the Parley's Canyon watershed area lying north and east of the Salt Lake City Mountain Dell Reservoir Dam;

C. All of the City Creek Canyon watershed area lying north and east of Salt Lake City's City Creek treatment plant sludge beds;

D. All of the Little Cottonwood Canyon watershed area extending fifty feet (50') on both sides of Little Cottonwood Creek east from the Little Cottonwood Creek radial gate intake structure, which structure is located approximately six hundred feet (600') west of Wasatch Boulevard, east to the intersection of Little Cottonwood Road and the North Fort of Little Cottonwood Road and all of the watershed area east of the Little Cottonwood Canyon Road and North Fork of Little Cottonwood Road;

E. All of the Emigration Canyon watershed area that contributes water to Emigration Creek from Burr Fork and Killyon Canyon above a point at the intersection of state Highways 65 and 172;

F. Any other watershed area designated by law, either existing or to be defined in the future by the governing authority of Salt Lake City.

SEWAGE: A combination of liquid or water carried wastes produced by man, animal or fowl from residences, business buildings, institutions, industrial establishments, agriculture, recreation and other locations, including septic tanks, privy vaults and cesspools, together with ground, surface and stormwater.

SUPERINTENDENT OF WATERWORKS: An official who, under the executive direction of a governing authority, has charge of all facets of the water supply and distribution systems in a given jurisdiction; in Salt Lake City it is the director.

WATERCOURSE: Aqueducts, pipelines, natural or artificial streams or channels through or in which water at any time flows.

WATERSHED AREA: The entire area in any canyon above the intake of the city within which water drains into any stream or tributary thereof or any artesian or flowing well basin and/or having an existing or proposed water intake of the city within which water drains into any stream, tributary, or aquifer where such waters are taken by or may be taken by the city into its waterworks system for the culinary and domestic use of the inhabitants thereof.

WATERWORKS SYSTEM: Any facility used to divert surface or underground water into a system for distribution to culinary users, including, but not limited to, diversion works, treatment or appurtenant facilities, plants, aqueducts, pipes and other distribution facilities.

WELL: Any artificially made pipe, shaft or hole sunk into the earth below the ground surface into a water bearing strata from which water may be taken. (Ord. 1-06 § 30, 2005: Ord. 50-93 § 1, 1993)

## 17.04.020: PREAMBLE; PERMIT; REQUIRED FOR WATER USE; CONDITIONS:

Beginning in 1888, the city acquired extensive water rights to Wasatch Canyon stream flows through exchange agreements with irrigation companies and control over the city's watersheds through state and federal legislation. Under state law, the city can only sell its surplus water outside the city's limits. The city has determined that except for snowmaking, fire protection and water from possible canyon springs it does not have surplus water for sale in its watershed canyons. This determination is based upon the following: Canyon waters are extremely valuable to the city because they are the city's closest high quality water supplies; water from canyon streams can be delivered to most city customers by gravity flow without pumping; and water used for snowmaking affords a degree of storage as it is usually the last to melt. Additionally, the city has made major capital

expenditures for facilities to treat water coming from the canyons and they operate most economically when they have greater quantities of water to treat. Also, controlling issuance of new permits for water supply in the watershed area hereunder is consistent with the city's 1989 watershed management plan for the protection of the city's watersheds.

A. No permits issued prior to enactment of the ordinance codified herein may be amended except as to the sources of the water supply. No permit shall be amended to enlarge the service boundary or increase the water supply.

B. No new use of Salt Lake City water in the watershed areas of the city shall be made by any individual whomsoever without such person first obtaining a permit for such water use from the city. Subject to the other terms of this chapter, a permit may be issued on an interruptible basis only to:

1. The owner, or lessee where the owner is a governmental entity, of property in a watershed area for the purpose of supplying water from an approved spring for a residence located on such property;

2. The owner, or lessee where the owner is a government entity, of property in a watershed area for snowmaking or fire protection;

3. The federal government, the state of Utah or a political subdivision thereof for the purpose of supplying water for use on property owned or leased for use by such governmental entity.

C. The city shall not be required to issue a permit in any case, but may do so in its sole discretion as provided in this section. The city may include in any permit conditions for spring development or use.

D. All permittees take water at their own risk where the source of supply is other than treated water from the regular city pipeline system, and all permits issued shall so state.

E. When the approved spring which an applicant desires to use is a spring which is already being used under a permit from the city, the city shall not issue a new permit unless: 1) utilization of the water from such spring by the applicant will not interfere with the supply to the other then existing permittees using such approved spring, 2) the then existing permittees using such approved spring who own a water system shall approve of such new connection to their system, except for the spring box or other spring capturing device, and 3) the existing permit shall be amended in a manner satisfactory to the then existing permittees and the city to take into account required conditions 1) and 2) of this subsection. The city retains the right to authorize a tap or connection for a new permittee to any spring box or other spring capturing device.

F. An applicant for a permit may be required by the city to supply as part of the application an environmental report with respect to the proposed water system.

G. Any change application required to be filed with the state engineer for the use of the water from an approved spring shall be filed by the permittee only with the city's prior written approval in the city's name at the permittee's sole expense.

H. The geographic area served pursuant to an issued permit shall not be expanded beyond the original geographic area which is to be served under the permit on the date it is issued. (Ord. 50-93 § 1, 1993)

## 17.04.030: CHARGES FOR USE OF WATER:

The policies, rates or fees for sale of surplus water in the watershed area shall be recommended by the city's public utilities advisory committee and approved by the director of

public utilities. All said policies, rates or fees are subject to review and approval of the city mayor and council. Such rates shall not exceed the city's special county water rates. (Ord. 50-93 § 1, 1993)

## 17.04.040: PERMIT; RIGHTS PERMISSIVE ONLY:

A. All permits issued pursuant to the provisions of this chapter shall be deemed to give permissive rights to the use of water only and such use shall be permitted only during periods when the city has surplus water for sale. Such permits shall be subject to immediate suspension or revocation when the city in its sole judgment determines that surplus water is no longer available from the city sources of supply.

B. Except as otherwise provided above, permits shall have original terms of no more than thirty (30) years and be renewable only upon such terms as the city shall determine in its sole discretion. (Ord. 50-93 § 1, 1993)

## 17.04.050: EASEMENTS AND SERVICE CONNECTIONS:

An applicant for a permit must supply satisfactory evidence that the applicant will be able to provide at applicant's sole expense all easements necessary for the transportation of water from the approved spring to the point where it is to be used. All users shall make and maintain connections at their sole expense and shall construct and maintain at their sole expense any and all water lines, spring boxes, valves, etc., necessary to supply culinary water to their premises. All connections and appurtenances, both as to materials used and method of construction, shall be subject to the approval of the city. (Ord. 50-93 § 1, 1993)

## 17.04.060: PERMIT; REVOCATION CONDITIONS:

All permits issued pursuant to the provisions of this chapter shall be subject to revocation by the public utilities director, or health director, subject to review by the mayor. Permits may be revoked for any of the following causes:

A. Nonpayment of water bills;

B. Violation of any of the sanitary regulations now existing or which may hereafter be enacted pertaining to the watershed area by permittee or any of the permittee's family, licensees or agents;

C. Waste of water due to any cause not immediately remedied by permittee;

D. Use for any purpose other than those allowed by city permit;

E. Violation of this chapter or any condition specified in a permit;

F. The city has no surplus water; and

G. Any other cause deemed necessary by the director or health director to protect the safety, health and welfare of the inhabitants of the city's water service area. (Ord. 50-93 § 1, 1993)

### 17.04.065: EXCHANGE OF WATER RIGHTS:

The city shall not be precluded from making agreements for the exchange of water rights within the city's watershed, or to resolve disputes involving existing water rights or alleged water rights, if the city determines that to do so is in the city's best interest. (Ord. 50-93 § 1, 1993)

## Article II. Subdivisions

### 17.04.070: CONSTRUCTION; APPROVAL REQUIRED; CONDITIONS:

It is unlawful to plan or construct any subdivision in a watershed area of the city without securing approval therefor in accordance with the provisions of this chapter. No subdivision in the watershed area shall be approved without compliance with the requirements set forth in sections 17.04.080 through 17.04.110, inclusive, of this chapter, or their successor sections. (Ord. 50-93 § 1, 1993)

### 17.04.080: WASTE DISPOSAL SYSTEM REQUIREMENTS:

All applicants for a water use permit on the watershed area shall comply with all city, county, department and state waste disposal system regulations. (Ord. 50-93 § 1, 1993)

### 17.04.090: PLANS AND OTHER SPECIFICATIONS:

All applicants for a water use permit within the city's watershed areas shall submit to the proper governing authority all other plans, specifications and drawings required by applicable law or ordinances. (Ord. 50-93 § 1, 1993)

### 17.04.100: CONSTRUCTION PERMIT APPROVAL CONDITIONS:

Approval by other agencies of the general subdivision layout shall not be considered approval for a water use permit. (Ord. 50-93 § 1, 1993)

### 17.04.110: SALE OF LOTS PRIOR TO CONSTRUCTION APPROVAL:

If any lot is sold before approval for construction and a water use permit has been issued by the director and the department, the seller must notify the buyer that construction has not been approved. (Ord. 50-93 § 1, 1993)

## Article III. Livestock And Other Animals

### 17.04.120: LIVESTOCK; AT LARGE PROHIBITED; PERMITS:

No livestock shall be allowed, such as, but not limited to, cattle, horses, sheep, hogs, or any other domestic animals, to run at large within the city's watershed area, except where such livestock are permitted in writing by the director or health director. (Ord. 50-93 § 1, 1993)

### 17.04.130: LIVESTOCK; PROHIBITED NEAR STREAMS:

Except as permitted in writing by the director, no person shall permit any horses, cattle, sheep, hogs or other animals to water directly from a stream in a watershed area. (Ord. 50-93 § 1, 1993)

### 17.04.140: LIVESTOCK; DEEMED ESTRAYS WHEN; IMPOUNDMENT:

Whenever any loose cattle, horses, sheep, hogs or other animals are found within the "watershed area", as herein defined, of the city without a written permit from the director, the director shall cause any such animals to be impounded and dealt with according to law. (Ord. 50-93 § 1, 1993)

### 17.04.150: CORRALS AND OTHER STRUCTURES PROHIBITED:

No person shall construct or maintain any corral, sheep pen, pigpen, chicken coop, stable, or any other such structure or outhouse within Salt Lake City's watershed areas, except as permitted in writing by the director. (Ord. 50-93 § 1, 1993)

### 17.04.160: DOGS; PERMIT REQUIREMENTS:

Owners or lessees of residences located within the Salt Lake City watershed area may be allowed to maintain a dog within the watershed areas of the city only with and subject to a written permit from the director.

A. Applicants shall submit to the Salt Lake County division of animal control certification of property ownership within city's watershed, or if a lessee, an owner's certification.

B. Applicants for such permits must submit a request to the department and obtain prior written approval, which must include their proposed method of housing and fencing in the dog. Such housing and the fenced enclosure shall be maintained in a clean and sanitary condition at all times and subject to inspection at any time by proper authorities.

C. Applicants shall submit their proposed method of animal waste disposal for prior approval. Fecal waste must be disposed of on a daily basis in a manner approved by the Salt Lake Valley health department so as to prevent contamination of the watershed area.

D. Proposed applicants will sign a written statement certifying that they agree to be governed and will abide by the following:

1. The enclosure used for the keeping of the dog will be maintained in a clean and sanitary condition at all times.

2. All dog fecal waste will be cleaned up on a daily basis and disposed of in an acceptable manner.

3. The dog will not be allowed off the owner's property, even if it is on a leash, except when it is entering or leaving the property in a vehicle. At these times, when the animal is outside its enclosure, the animal must be on a leash.

4. All permitted dogs shall wear special designation tags at all times.

5. No more than one dog permit will be allowed for any residence.

6. Owners of permitted dogs shall be subject to Salt Lake County animal control regulations and the Salt Lake City and county watershed regulations except as specified above.

E. Applicants shall pay the regular dog fees for keeping of such animal plus a special permit fee shown on the Salt Lake City consolidated fee schedule to the Salt Lake County division of animal control for keeping the animal in city watershed areas. Prior to the issuance of any such permit, applicants shall submit a surety bond acceptable in force to the Salt Lake Valley health department, or cash in the amount of one hundred dollars ($100.00), to ensure compliance with the above regulations.

F. Any dog permit owner who is found to be in violation of any of the above requirements shall forfeit such person's dog permit and the required bond or cash to the Salt Lake Valley health department. Permit owners shall also be subject to all other applicable fines and penalties as required by law. Should an applicant whose permit and bond have been forfeited desire to apply for another such permit, the same fees shall be required, but the required bond shall be in the sum of three hundred dollars ($300.00). After a second forfeiture the required bond shall be five hundred dollars ($500.00). (Ord. 24-11, 2011)

## 17.04.170: DOGS; PROHIBITED IN DESIGNATED AREAS:

It is unlawful for any owner or person keeping, harboring, having charge or control of any dog, to permit such dog to be taken into or allowed to run loose or on a leash within the following described watershed areas:

A. All of the Big Cottonwood watershed area lying east of the city water intake, which is located east of Wasatch Boulevard in the mouth of said canyon;

B. All canyon watershed areas except when being transported in a motor vehicle in Parley's Canyon, on county roads or state highways or in canyon watershed areas, by permit from the director;

C. All of the City Creek Canyon watershed area lying north and/or east of Salt Lake City's City Creek treatment plant sludge beds and in other areas of City Creek Canyon above the entrance when a written permit is required by the director. (Ord. 50-93 § 1, 1993)

# Article IV. Water Use And Sanitary Facilities

### 17.04.180: RULES AND REGULATIONS:

The director and health director are authorized and directed to prescribe rules and regulations not contrary to law, for governing all matters of sanitation within the Salt Lake City watershed area. (Ord. 50-93 § 1, 1993)

### 17.04.190: GARBAGE AND SEWAGE DISPOSAL SYSTEM SUPERVISION:

Approvals for the location, construction and maintenance of all garbage or sewage disposal systems, vaults and privies, and the disposal of garbage and human waste, shall be under the direct supervision and control of the director and/or the health director. (Ord. 50-93 § 1, 1993)

### 17.04.200: WATER USING FACILITIES; PERMIT REQUIRED:

It is unlawful for any person to construct, use or maintain any closet, privy, outhouse, cesspool, urinal or sewage disposal system, or any public bathhouse, swimming tank or swimming pool at any place within the "watershed area", as defined in this chapter, of the city unless such closet, privy, outhouse, cesspool, urinal or sewage disposal system, public bathhouse, swimming tank or other such facility is provided with effective germ destroying appliances, and without first having obtained from the director and health director a permit for the construction, use and maintenance of same. (Ord. 50-93 § 1, 1993)

### 17.04.210: SANITARY SEWAGE DISPOSAL SYSTEM REQUIRED:

Any person who owns, operates, maintains or permits the use of any house, cottage, cabin, human habitation or camping place shall be required to provide and maintain a sewage disposal system satisfactory to the director and health director, and upon such person's failure to do so, the health director shall have and there is conferred upon the director the authority to close, seal and prevent the use of such house, cabin, human habitation or camping place. (Ord. 50-93 § 1, 1993)

### 17.04.220: SEWAGE DISPOSAL REQUIREMENTS:

It is unlawful for any person:

A. To deposit any human excreta within the city watershed (except that a backpacker or hiker may pothole and cover excreta with at least 6 inches of soil, and at least 300 feet from live water) other than into a toilet connected to public sewerage or into a chemical type toilet approved by the health director. Other methods of disposal may be approved by the director or health director provided they do not create any health hazard or pollution problem. Vaults, privies, chemical privies and privies connected to holding tanks may be permitted with written approval of the director provided the effluent from such tanks is treated in conformance with the Utah state department of health code of waste disposal regulations and transported from the city watershed by a licensed scavenger to an authorized dumping station. It also is unlawful:

1. To construct, use or maintain any cesspool(s) for disposal of human waste anywhere within the city watershed;

2. To discard garbage or debris in the watershed area;

3. To damage, vandalize or destroy any authorized toilet or privy within the city watershed area without permission from the owner.

B. Construction of any sewer lint in the city watershed area shall not begin until there is written approval received from the director and the health director.

C. The director shall require the pumping of sewage storage vault(s) in accordance with applicable laws.

D. A sewage disposal system or privy within any city watershed area shall be sealed immediately if it is unsanitary or does not comply with the requirements of applicable laws, ordinances or regulations. Such a facility may not be used until it conforms to the requirements of applicable laws, ordinances or regulations. It is unlawful for any person to use or maintain any such facility after it has been sealed in accordance with the provisions of this subsection.

E. When the director or health director determines that a privy or other source of pollution is a hazard to the watershed or water supply system, or both, and the hazard cannot be adequately remedied or corrected, the director or health director shall order the destruction and removal of the privy or source of pollution. Cost of all remedies shall be borne by the owner. (Ord. 50-93 § 1, 1993)

## 17.04.230: GARBAGE OR HUMAN WASTE DISPOSAL; PERMIT REQUIRED:

It is unlawful for any person other than Salt Lake County to collect or dispose of garbage or human waste within the watershed areas described in this chapter without a permit from the health director, and no such permit shall be granted to any person except a licensed scavenger and then only with the equipment that has already been approved for such work by the health director. (Ord. 50-93 § 1, 1993)

## 17.04.240: SEPTIC TANKS; PERMIT CONDITIONS:

Septic tanks and/or drain fields may be used for the disposal of wastewater from sinks, washbowls and bathtubs (gray water). The location and construction of the same must be approved by written permit granted by the director or health director. (Ord. 50-93 § 1, 1993)

## 17.04.250: CHEMICAL TOILETS OR PRIVIES:

Chemical toilets or privies shall be installed and used within the city's watershed only with the prior written approval of the director or health director. (Ord. 50-93 § 1, 1993)

## 17.04.260: SANITARY FACILITIES; ALTERATIONS:

No person shall alter any existing, or construct or install any new, receptacle for human excreta without first having the plans thereof approved by the health director and director and all receptacles for human excreta shall be operated and maintained in a manner approved by the director and the health director. (Ord. 50-93 § 1, 1993)

## 17.04.270: SANITARY FACILITIES; EMPTYING REQUIREMENTS:

A. All vaults or other approved receptacles used by any person for storage of human excreta shall be emptied completely at least once each year. Additionally, whenever the level of human excreta in such vault or receptacle is allowed to reach eighty percent (80%) of capacity or a point twelve (12) or less inches below any removal or leakage point, or the ceiling of such vault or receptacle, whichever point is lower, a notice of violation will be issued to the owner or operator of the facility using such vault or receptacle, allowing twenty four (24) hours for complete removal of such excreta. Upon any failure to comply with a notice to remove all excreta within twenty four (24) hours, the house, cabin, human habitation or camping place, or other facility involved in such notice shall be closed and sealed to prevent its use until the owner or operator of such facility complies herewith. All owners and others having control over the use of such vaults are encouraged to keep the level of excreta below sixty percent (60%) of the vault's capacity to allow sufficient reserve for emergencies.

B. No person shall fail to exercise the necessary care to prevent contamination of any spring, marsh, watercourse, water source or reservoir within the watershed area of the city in emptying a vault or other approved receptacle, or to fail to provide such transportable receptacle with a tightly fitting cover, securely fastened during the process of removal to the place of ultimate disposal, or to transport such transportable receptacle except by a licensed scavenger service. (Ord. 50-93 § 1, 1993)

## 17.04.280: HAULING OF HUMAN WASTE REQUIRED:

The effluent from any tank or privy for human excreta must be hauled (by a licensed scavenger) at the cost of the owner or occupant to an approved sewage disposal site. (Ord. 50-93 § 1, 1993)

## 17.04.290: PROHIBITED LOCATION OF TOILET VAULTS:

No person shall construct, locate or maintain any vault for the deposit or storage of human excreta within one hundred (100) linear feet from the edge of any spring, marsh, watercourse, water source or reservoir within the watershed area of the city, or at any place or in such manner as to contaminate or threaten to contaminate the same. (Ord. 50-93 § 1, 1993)

### 17.04.300: UNLAWFUL TO BREAK CONDEMNING SEAL:

It is unlawful for any person to break or remove any seal placed by the health director, or any deputy or inspector acting under the health director's direction, upon any privy, closet, urinal or other place where human waste is deposited, or to use any such place so sealed until the nuisance is abated. (Ord. 50-93 § 1, 1993)

## Article V. Water Pollution And Other Unlawful Activities

### 17.04.310: NUISANCES PROHIBITED:

It is unlawful for any person to commit any nuisance whatsoever in any watershed area of the city. (Ord. 50-93 § 1, 1993)

### 17.04.320: POLLUTION OF CANYON WATERS PROHIBITED:

It is unlawful for any person to do or allow to be done any act that will pollute any source of water of the city, and in particular, it is unlawful for any person to do or allow to be done any of the things described in this chapter in any canyon or along any stream of water used by the inhabitants of the city for water supply anywhere within the watershed area of the city. (Ord. 50-93 § 1, 1993)

### 17.04.330: PROHIBITED ACTS:

It is unlawful for any person to bathe, swim or wash clothes, diapers, eating or cooking utensils, or any other object of any kind in any spring, marsh, watercourse, water source, water stream or reservoir within the city watershed. (Ord. 50-93 § 1, 1993)

### 17.04.340: CAMPING AND CAMPFIRE RESTRICTIONS:

A. Picnicking And Camping: No person shall spread or eat any picnic or lunch at places forbidden or unauthorized by the director or health director, who may require that picnicking or camping be confined to certain designated places. Except as stated below, no person shall camp overnight within the city's watershed areas, except within areas authorized, designated and posted as campgrounds for overnight camping during the camping season as designated by the director or the United States forest service, and except in connection with backpacking where the campsite is at least one-half ($^1/_2$) mile from any access or other roadway and at least two hundred feet (200') (61 m) from any spring, stream or other water source.

B. Restrictions From Campfires And Smoking: The director shall have power and authority to erect all signs necessary to forbid the making or having campfires, bonfires, or

any other kind of combustible material ignited, and to prohibit smoking, except in designated places, in any of the watersheds under the jurisdiction of the director. The director may set aside certain areas in city watersheds in which campfires and smoking may be restricted or prohibited. (Ord. 50-93 § 1, 1993)

### 17.04.350: GLASS BREAKAGE PROHIBITED:

No person shall throw or break bottles or glass anywhere within the watershed area. (Ord. 50-93 § 1, 1993)

### 17.04.360: GARBAGE DEPOSIT PROHIBITED:

No person shall throw or deposit any garbage or other refuse matter of any kind anywhere within the city watershed, except into a garbage disposal site or container designated by the health director. (Ord. 50-93 § 1, 1993)

### 17.04.370: PUTRESCIBLE MATERIAL PROHIBITED:

No person shall deposit any garbage, vegetable or any putrescible matter in any spring, marsh, watercourse, water source or reservoir within the watershed of the city, or put the same into or upon the ground within the city watershed unless sufficient and adequate provisions are first made to prevent their being washed or carried into any such water source or supply. No person shall deposit, pile, unload or leave any garbage or other refuse or putrescible material at any place within the "watershed area" as herein defined. (Ord. 50-93 § 1, 1993)

### 17.04.375: HERBICIDE, PESTICIDE AND FERTILIZER RESTRICTIONS:

A. Use Prohibited; Exception: The outdoor use of herbicides, pesticides and fertilizers in any watershed area is prohibited, except in accordance with a permit for such use issued by the director. On or before July 1, 2001, the director shall adopt regulations governing the issuance of such permits. Such regulations shall identify chemicals, or specify the procedure for identifying chemicals, the use of which in watershed areas: 1) are determined by the director to be beneficial to the watersheds, such as herbicides to eradicate nonnative plant species, or to save native plants from insect pests, or 2) are demonstrated by the applicant to the satisfaction of the director to have no adverse impact on watershed or watershed ecosystems. Such regulations shall also include approved application methods, and may limit herbicide/pesticide application to licensed professionals. In adopting such regulations and making all required determinations, the director may rely on accepted industry and trade literature, studies or other information, taking into account special circumstances relating to the watershed areas. Public safety, the cost of water treatment and the long term protection of the watershed shall be given priority over any other considerations. Regulations so adopted may be revised from time to time as the director deems appropriate. Permits shall be issued only in accordance with regulations so adopted and revised by the director.

B. Approved Herbicide And Pesticide List: The following herbicides and pesticides are approved for use in the watershed, if used according to the product label. The listed herbicides and pesticides should be applied in a manner so as not to allow drift or over spray to hit open water. Conservative application methods are to be used in all watershed areas. Hand sprayers and spot spraying are recommended for application sites around stream banks. Spraying plans should be canceled and active spraying should be discontinued if rain is anticipated within twenty four (24) hours of application. Designated watershed areas are listed on GIS maps for ease of locating areas of special concern.

Azafenidin
Chlorsulfuron
Glyphosate
Metsulfuron
Pendimenthalin
Prodiamine
2,4-D amine
3,6-dichloro-o-anisic acid

Herbicides and pesticides are to be applied by licensed applicators only.

C. Permits: In accordance with Salt Lake City ordinance (watershed protection), the regulations governing permits for outdoor use of herbicides, pesticides and fertilizers in watershed restricted areas are as follows:

1. Only chemicals listed on the city's published list can be used:

   a. Listed chemicals are restricted to those recommended by experts and currently considered safe for usage in watershed areas.

   b. Most biological products are safe; however, notification and approval of use are required prior to use.

   c. No private watershed homeowner is allowed to store or apply large quantities of chemicals (greater than 0.5 gallons concentrated material).

   d. All pesticides must be stored in such a manner as to avoid freezing.

   e. Spilled material must be cleaned up immediately; saturated soil must be removed, put in a sealed container and taken out of the canyon for disposal at the Salt Lake Valley household hazardous waste facility, 6030 W. 1300 S., SLC. Do not leave the contaminated soil where the contaminant can be washed out by rain and get into the stream. Report any spill greater than six (6) ounces of concentrated material.

   f. Pesticides are to be used only in accordance with label and labeling directions or as modified or expanded and approved by the department.

2. Chemical applications are restricted as follows:

   a. Applications within one hundred feet (100') of a waterway are prohibited.

   b. Pesticides must be used in such a manner and under such wind and other conditions as to prevent contamination of people, pets, fish, wildlife, crops, property, structures, lands, pasturage or waters (more than 100 feet away) from the area of use.

   c. Homeowner applications more than ten feet (10') high are prohibited.

   d. Homeowner applications covering more than 0.25 acre are prohibited.

   e. All equipment containing pesticides and drawing water from any water source must have an effective antisiphon device to prevent backflow.

   f. Large scale applications (greater than 0.25 acre) must be done by a licensed professional applicator (all other restrictions apply).

3. Bulk chemicals (greater than 100 pounds) are not allowed to be stored in the watersheds, or transported into or through them except under certain circumstances.

a. Transport of herbicides on I-80 is not restricted, although any traffic accidents within the city's watershed involving spilled herbicides must be reported to public utilities.

b. Trucks entering the canyons must carry verification of volume and composition of materials on their trucks (in case of spills).

c. Materials for specifically approved applications will be allowed even if in excess of limit, permit must be available on request.

4. Fertilizers are restricted except for revegetation.

a. Where applicable, a soil analysis may be required to determine the amount of fertilizer allowed.

b. Temporary irrigation may be permitted for revegetation. (Ord. 26-01 § 1, exh. A, 2001)

# Article VI. Enforcement

### 17.04.380: INTERFERING WITH OFFICERS PROHIBITED:

It is unlawful for any person to interfere with, molest, hinder or obstruct the director, the health director, law enforcement officers or any of their agents or employees while in the performance of the duties imposed by this chapter. (Ord. 50-93 § 1, 1993)

### 17.04.390: VIOLATION; PENALTY:

Any person violating any provision of this chapter shall be punished by a fine in any sum less than one thousand dollars ($1,000.00), or by imprisonment not to exceed six (6) months, or both such fine and imprisonment. (Ord. 50-93 § 1, 1993)

### 17.04.400: TRESPASSING:

A. It is unlawful for any person to take down any fence, or to let down any bars, or to open any gate so as to expose any enclosure, or to ride, drive, walk, lodge, or camp or sleep upon the premises of another within the city watershed without the permission of the owner or occupant thereof.

B. It is unlawful for any person to operate any type of motor vehicle (including, but not limited to, motorcycles, trail bikes, bicycles, dune buggies, motor scooters or jeeps) upon the private property of another, within the city watershed without first obtaining the written permission of the person in lawful possession of the property or, if the property is unoccupied, the owner of such property.

C. It is unlawful for any person to operate any type of motor vehicle (including, but not limited to, motorcycles, trail bikes, bicycles, dune buggies, motor scooters or jeeps) upon any public property, within the city watershed except within designated streets, highways or alleys, without first obtaining the written permission of the public entity which is in possession of such property or, if the property is unoccupied, the public entity which owns such property.

D. Every person who operates any type of motor vehicle upon the private property of another or upon any public property, except as hereinabove provided, at all times while so operating such motor vehicle shall maintain in his possession the written permission required by the two (2) preceding subsections, except that, if the same document grants permission to two (2) or more persons a person named in such document need not have it in his possession while another person named in the same document, riding in the same group and not more than three hundred feet (300') from such person, has such document in possession.

E. This article does not prohibit the use of such property by the following:

1. Emergency vehicles;

2. Vehicles of commerce in the course of normal business operations. (Ord. 50-93 § 1, 1993)

# Article VII. Appropriations Of Water

### 17.04.410: APPLICATIONS FOR APPROPRIATIONS OF WATER; PROTESTS:

It is the city's general policy to file a protest with the state engineer with respect to any application which is inconsistent with this chapter or with respect to a use for which no permit has been issued pursuant to this chapter, including, without limitation, changes in place of diversion, purpose of use, importation of water from other watersheds, drilling of wells, and transfer of water rights into watershed areas; provided, however, that the city's director of public utilities and the city attorney shall determine whether to file such a protest in any particular case. (Ord. 50-93 § 1, 1993)

# Article VIII. Adoption Of Public Law

### 17.04.420: WATERSHED IMPROVEMENT ACT:

Salt Lake City Corporation adopts by reference as though fully stated herein, the Salt Lake City watershed improvement act of 1990, public law 101-634 (the act), enacted by the senate and house of representatives of the United States of America and approved on November 28, 1990. The city accepts and will abide by the terms of the act. (Ord. 50-93 § 1, 1993)

# CHAPTER 17.08
# CITY CREEK CANYON

## 17.08.010: RULES AND REGULATIONS:

In addition to all of the requirements set forth in division I of this title pertaining to watershed areas, City Creek Canyon shall be subject to the rules set forth in this chapter, and it is unlawful for any person to do or permit to be done any of the things set forth in this chapter in City Creek Canyon or in City Creek. (Ord. 50-93 § 2, 1993)

## 17.08.020: RESERVATION AND FEE PAYMENT REQUIRED:

City Creek Canyon will be closed to public vehicular traffic except by reservations and payment of fees for the use of canyon picnic facilities. (Ord. 50-93 § 2, 1993)

## 17.08.030: PICNIC FACILITIES; RESERVATION FEES:

Any person or group desiring to reserve picnic facilities shall pay the fee shown on the Salt Lake City consolidated fee schedule for the use of such facilities as determined by the public utilities advisory committee and approved by the director. (Ord. 24-11, 2011)

## 17.08.040: DRIVING RESTRICTIONS:

It is unlawful for any person to drive, ride or propel, or cause or permit to be driven, ridden or propelled, any vehicle in the canyon at a speed exceeding posted speed limits or is too fast to existing conditions or is greater than is reasonable and safe, or so as to endanger life, limb or property in any respect whatever, or upon approaching any bridge, sharp curve, dugway or descent, or traversing such bridge, curve, dugway or descent, to fail to have such vehicle under control at all times. (Ord. 50-93 § 2, 1993)

## 17.08.050: ANIMALS:

Animals in City Creek Canyon are subject to the provisions of section 17.04.160, or its successor, of this title. (Ord. 50-93 § 2, 1993)

## 17.08.060: BREAKING GLASS PROHIBITED:

No person shall break bottles or glass anywhere within City Creek Canyon. (Ord. 50-93 § 2, 1993)

## 17.08.070: CAMPING PROHIBITED:

It is unlawful for any person to camp on any land within City Creek Canyon. (Ord. 50-93 § 2, 1993)

### 17.08.080: FIRES PROHIBITED; EXCEPTION:

No person shall build any fire except in a clearly designated fireplace or in an area set aside by the city for fires. (Ord. 50-93 § 2, 1993)

### 17.08.090: FIREARM DISCHARGE RESTRICTIONS:

No person shall discharge any firearm, within the City Creek watershed area, except in areas allowed for game hunting under section 11.48.060, or its successor, of this code. (Ord. 50-93 § 2, 1993)

### 17.08.100: VEGETATION, TREES AND SHRUBBERY; PERMIT REQUIRED FOR REMOVAL:

It is unlawful for any person to dig up, cut down, injure, carry off, or remove in any manner, vegetation, wood or underwood, tree or timber, or branches of trees or shrubbery within or from City Creek Canyon except by permit from the director. (Ord. 50-93 § 2, 1993)

### 17.08.110: NUISANCES PROHIBITED:

No person shall commit or permit any nuisance to exist in the canyon. (Ord. 50-93 § 2, 1993)

# CHAPTER 17.12
# METROPOLITAN WATER DISTRICT

### 17.12.010: CREATION AND INCORPORATION OF DISTRICT:

It is ordained that the public convenience and necessity require the incorporation of a metropolitan water district for the purpose of providing an adequate water supply for the inhabitants of the territory within the corporate boundaries of Salt Lake City. Said metropolitan water district is hereby incorporated under the laws of the state of Utah, and particularly under the metropolitan water district act. The cities to be included within the district are Salt Lake City and Sandy City, and the name of the district shall be "metropolitan water district of Salt Lake and Sandy". (Ord. 23-01 § 1, 2001)

### 17.12.020: BOARD OF TRUSTEES; NUMBER OF MEMBERS:

The board of trustees of the metropolitan water district shall consist of seven (7) members, with five (5) trustees appointed by Salt Lake City and two (2) trustees appointed by Sandy City pursuant to existing agreements between the two (2) cities and the metropolitan water district. (Ord. 23-01 § 1, 2001)

### 17.12.030: BOARD OF TRUSTEES; APPOINTMENT:

The five (5) Salt Lake City members of the board of trustees of the metropolitan water district shall be appointed in a manner consistent with state law. (Ord. 23-01 § 1, 2001)

### 17.12.040: BOARD OF TRUSTEES; QUALIFICATIONS:

The Salt Lake City appointed members of the board of trustees of the metropolitan water district shall be registered voters, property taxpayers and residents of Salt Lake City. No person shall be eligible for Salt Lake City appointment to the board of trustees who is an officer or employee of the city. A Salt Lake City appointed trustee shall forfeit his or her position as trustee if at any time after appointment such trustee becomes an officer or employee of the city. The appointment of trustees shall be made without regard to partisan political affiliations and shall be made from citizens of the highest integrity, attainment, competence and standing in the community of Salt Lake City. (Ord. 23-01 § 1, 2001)

### 17.12.050: BOARD OF TRUSTEES; TERM OF OFFICE:

The term of office for each Salt Lake City appointed trustee shall be four (4) years. (Ord. 23-01 § 1, 2001)

# CHAPTER 17.16
# CULINARY WATER SYSTEM

## Article I. Service Conditions

### 17.16.010: FURNISHING OF WATER; APPLICATION REQUIRED:

A. No culinary water shall be furnished to any house, tenement, apartment, building, place, premises or lot, whether such water is for the use of the owner or tenant, unless the

application for water shall be made in writing, signed by such owner or the owner's duly authorized agents, in which application the owner shall agree to pay for all water furnished thereto according to city ordinances, rules and regulations.

B. In case an application to furnish water shall be made by a tenant of the owner, as a condition of granting the same, such owner or the owner's duly authorized agent must either cosign the application or sign a separate agreement which provides that, in consideration of the granting of such application, the owner will pay for all water furnished such tenant, or any other occupant of the place named in the application, in case such tenant or occupant shall fail to pay the same in accordance with the city's ordinances, rules and regulations. (Prior code § 49-6-1)

## 17.16.020: APPLICATION; CONTENTS:

The applicant shall state fully and truly the purpose for which water is required, and shall agree to conform to and be governed by such ordinances, rules and regulations as may be prescribed by the city for the control of the water supply. The applicant(s) agrees to be responsible for and pay all bills due the city on account of materials or labor furnished, as provided in this chapter, as well as for all water delivered to the premises. (Prior code § 49-6-2)

## 17.16.030: PREVIOUS CHARGES MUST BE PAID:

Before water will be turned on to any premises, all charges against the premises that are due and payable to the city for water, or any service, material or supplies pertaining thereto furnished thereon, must have been paid. (Prior code § 49-6-3)

## 17.16.040: WATER CONNECTION FEES AND CERTAIN CONNECTION REQUIREMENTS:

A. A connection fee shown on the Salt Lake City consolidated fee schedule will be imposed for each permanent connection to the city's culinary water system for metered water service and automatic fire line, detector check and fire system connections.

B. When a residential building is demolished and the existing service is reused for a replacement structure within five (5) years after demolition, no new connection fees will be charged. If the meter size is increased, a credit shall be given in the amount of the previously paid connection fee. After five (5) years from date of demolition, the property owner will be required to pay a new meter connection fee.

C. When a commercial building, such as a hotel, motel, industrial building, etc., is demolished the water connection fee shall be based and charged on the new additional use pursuant to subsection A of this section. After five (5) years from the date of demolition, the property owner will be required to pay a new water connection fee.

D. All connection fees shall be paid prior to city issuance of a building permit, except connection fees for water main extensions covered in section 17.16.300 of this chapter, which shall be paid pursuant to such section.

E. In all cases, the pipe and type of materials to be furnished and installed in the public right of way, or per written agreement, are to be maintained by the city, shall be

approved by the public utilities director and shall be under the director's exclusive control. All excavation and other permits necessary shall be obtained at the expense of the applicant. Pipe and material outside the public way and pipe and materials installed as private pipelines or services shall be maintained by the property owners.

F. All water main extensions shall be made at the expense of the person, persons or corporation petitioning for the extension, and shall be made without special taxes being levied to pay for the same. All water mains shall be extended, at minimum, to the far end of the lot being serviced. All roads shall be subgraded prior to installation of the public utilities facilities.

G. Additional charges will be imposed for the cost, installation, and inspection of meters. Said fees will be fixed and charged as determined by the director of the department of public utilities on a cost basis. (Ord. 24-11, 2011)

### 17.16.050: UNSCHEDULED CHARGES SET BY DIRECTOR:

All other charges for other size connections, and all work done by the public utilities department, including cutting and replacing pavement where necessary, shall be fixed and charged as determined by the public utilities director. (Ord. 24-11, 2011)

### 17.16.060: PIPE REPLACEMENT CHARGES:

Where an old service pipe is replaced by a new service pipe of a different size, the charge shall be the same as for the installation of a new service meter. (Prior code § 49-6-10)

### 17.16.070: FRANCHISE FEES FOR USE OF CITY STREETS:

A. Purpose: The public utilities department is operated as an enterprise fund, and the city receives no revenue from the department's use of city streets. The city's objective in enacting the ordinance codified herein is to fairly and equally charge for the department's use of the city's streets the same cumulative charges the city has imposed against utility companies for their use of city streets under other city ordinances.

B. Amount: In addition to the other charges provided for in this chapter, the department shall pay, to the city, a franchise fee equal to six percent (6%) of the gross revenues received by the department from the operation of the public utility. The department is authorized to add to each billing for water, sewer, and stormwater sewer services rendered within city limits, a fee equal to the fee imposed by this subsection. Funds collected under this section shall be distributed to the city's general fund within forty five (45) days after the close of each month in any calendar year, together with a report of such revenue showing the general service and the actual amounts collected. (Ord. 49-10, 2010)

## Article II. Water Shortages

## 17.16.080: WATER USE MAY BE LIMITED BY PROCLAMATION:

In the event of the scarcity of water, whenever it shall be necessary, in the judgment of the mayor, the mayor shall, by proclamation, limit the use of water for other than domestic purposes, to such extent as may be required for the public good. (Prior code § 49-6-46)

## 17.16.090: VIOLATION OF PROCLAMATION PROHIBITED; PENALTY:

It is unlawful for any person, by himself or herself, family, servants or agents, to violate any proclamation made by the mayor in pursuance of section 17.16.080 of this chapter, or its successor chapter, and if any violation thereof shall occur, then in addition to any other penalty therefor the water supply to the premises upon which such violation occurs shall be shut off, and if shut off on that account, it shall not be turned on again until the payment of such amount for each violation of the proclamation as the mayor shall determine. (Prior code § 49-6-47)

## 17.16.092: WATER SHORTAGE MANAGEMENT:

A. Declaration Of Policy: Given the prevailing semiarid climate of the region, the limited water resources available to Salt Lake City, and the vitally important role an adequate supply of municipal and industrial (M&I) water plays in maintaining a healthy and safe environment in the community, it is hereby declared to be the policy of Salt Lake City that, during times of water shortage caused by drought, facilities failure or any other condition or event, M&I water usage within the city's water service area shall be managed, regulated, prioritized and restricted in such a manner as to prevent the wasteful or unreasonable use of water, and to preserve at all times an adequate supply of M&I water for essential uses.

B. Water Shortage Contingency Plan: The director of the department of public utilities shall cause to be prepared and implemented a water shortage contingency plan (the "plan"). Such plan may be included as part of, or prepared separately from, the water conservation master plan provided for in section 73-10-32, Utah Code Annotated, and shall be revised from time to time as conditions and circumstances warrant. The plan shall, among other things: 1) establish graduated stages of water shortage severity, and 2) establish appropriate M&I water use restriction response measures for each stage. The plan shall include guidelines and criteria for determining the appropriate stage to be implemented under various water supply, delivery, and demand conditions. Each plan stage of water shortage, and the accompanying use restrictions, shall be implemented by declaration of the mayor, upon the advice and recommendation of the director pursuant to the plan guidelines.

C. Compliance: Compliance with the water use restriction response measures called for under any applicable plan stage may be either recommended or mandatory, as specified in the plan. The plan may not provide for mandatory restrictions on residential or commercial customers until either: 1) the projected water supply from all sources is sixty percent (60%) or less of the average annual water supply, or 2) the director otherwise determines that, in the exercise of his or her best professional judgment, the city is unable to meet anticipated essential water needs without implementing such mandatory measures.

D. Enforcement: The director shall enforce compliance with all mandatory response measures set forth in the plan through the imposition and collection of civil fines, as provided in section 17.16.792 of this chapter. Nothing herein or in section 17.16.792 of this chapter shall prevent the city from exercising any other available means, either in law or equity, of enforcing compliance with the plan.

E. Plan Nonexclusive: The creation and implementation of the plan shall be in addition to, and not exclusive of, any other steps taken by the city from time to time to conserve water or manage limited water supplies, including mayoral proclamations issued pursuant to section 17.16.080 of this chapter. (Ord. 50-03 § 1, 2003)

# Article III. Plumbers

## 17.16.100: CONNECTIONS FROM MAINS; SPECIFICATIONS:

The service pipes and connections from the main to the water meter, including the meter box, a meter yoke and valve are to be placed within the parking strip by a licensed, bonded plumber, to city standards, and subject to city inspection and approval. The city shall install and applicant will pay the city's costs of such installation when so determined by the director of public utilities. The plumber shall warrant the work and facilities installed by him/her against defects in workmanship or materials for a period of one year from date of acceptance thereof by the city. (Prior code § 49-6-4)

## 17.16.110: REQUIREMENTS FOR PLUMBERS:

The requirements set forth in sections 17.16.120 through 17.16.140, 17.16.180, 17.16.240, 17.16.420 and 17.16.450 of this chapter, and successor sections, shall apply to all persons performing any plumbing work in or upon any of the mains, connections or appliances appertaining to the city waterworks, and any violation of such sections or failure to comply therewith shall be deemed a violation of this section. (Prior code § 49-6-32)

## 17.16.120: LICENSE, REGISTRATION AND BOND REQUIRED:

Within the city's service area, no person shall make any connections to, or in any manner perform any work upon any of the mains, connections or appliances pertaining to the city waterworks until such person shall have secured a license, been registered, and filed, where applicable, a performance bond guaranteeing the installation of the water facilities within the city's service area as required by ordinance and statute. (Ord. 8-90 § 2, 1990: prior code § 49-6-33)

## 17.16.130: PERMIT; REQUIRED FOR WORK ON WATER PIPES:

No alteration, addition or disconnection in or about any water pipes, or apparatus connected with the city's waterworks shall be made by any plumber or any consumer of water without a written permit to do such work granted by the public utilities director. (Prior code § 49-6-34)

## 17.16.140: CONFORMITY WITH CITY REGULATIONS:

Plumbers will be required in all cases to comply with and conform to city's rules governing consumers in the location and placing of meters, boxes, valves and other facilities. (Prior code § 49-6-35)

# Article IV. Water Supply And Service Pipes

## 17.16.150: ANALYSIS OF CITY WATER REQUIRED:

It shall be the duty of the health director to make or cause to be made sufficient bacteriological analysis, to meet the standard methods of the American Public Health Association, of the water furnished by the city through its water system, and report the same to the public utilities director. (Prior code § 49-6-71)

## 17.16.160: SERVICE PIPES; PERMIT REQUIRED FOR CONNECTION:

No connection of service pipes shall be made without first obtaining a permit therefor from the public utilities department, and no other extensions shall be made to another water user from such service pipe, either within the city or county area where water service is extended by agreement. (Prior code § 49-6-12)

## 17.16.170: SERVICE PIPES; MATERIALS AND INSTALLATION:

All service and other pipes used underground shall be of a type and size approved by the director of the department of public utilities, laid not less than four feet (4') below the surface of the ground, and of sufficient strength to stand the water pressure. All work upon alterations or extensions of water pipes, shall be subject to acceptance of the director. (Prior code § 49-6-11)

## 17.16.180: SERVICE PIPES; MINIMUM SIZE:

The minimum size for service pipe shall be three-fourths inch ($^{3}/_{4}$"). (Prior code § 49-6-39)

## 17.16.190: SERVICE TO INDIVIDUAL BUILDINGS:

No consumer shall be permitted to conduct water pipes across lots or buildings to adjoining premises, and each house abutting on a city water main must be supplied through its own separate service pipe running at right angles to the main. (Prior code § 49-6-13)

## 17.16.200: SERVICE TO MULTIPLE BUILDINGS; CONDITIONS:

Two (2) or more buildings on the same lot or on contiguous lots may, by written permission of the public utilities director, be supplied through a water meter, where such premises are owned by the same person and such person becomes responsible for the payment of all bills due the city. Upon a separation in ownership, the person who has been responsible for the payment of all bills due the city shall continue to be responsible for all water service to the buildings of such premises until such time as new applications have been signed by the new owners and separate meters have been installed at the expense of such owner or owners. (Prior code § 49-6-15)

## 17.16.210: SEPARATE TRENCHES FOR WATER AND SEWER PIPES:

No water pipe shall be roughed out closer than three feet (3') from the sewer pipe at the foundation of any building, and shall not be laid in the same trench with the sewer line or be so constructed as to cross the sewer line, and no water pipes shall be laid in the same trench as sewer, gas or any other pipe, but a separate trench must be provided for such water pipe at least three feet (3') horizontally from all other pipelines. (Prior code § 49-6-16)

## 17.16.220: RESPONSIBILITY FOR COSTS OF SERVICE:

A. Before water will be supplied through such service pipe, some person(s) must agree in writing to be responsible for and pay for all water delivered through the service meter.

B. Where water is now supplied through one service to one or more houses or persons, the public utilities director may, in his/her discretion, either refuse to furnish water until separate services are provided, or may continue the supply, on condition that one person shall be responsible for and pay for all water delivered through the service meter. (Prior code § 49-6-18)

## 17.16.230: SERVICE PIPES; VALVE ARRANGEMENT:

Valves required for service pipes must be so arranged that the supply to each separate house or premises may be controlled by a separate meter valve. (Prior code § 49-6-17)

## 17.16.240: VALVES; LOCATION; ACCESSIBLE POSITION:

When a water pipe enters a building, plumbers must supply such pipe with a valve with a handle or wrench fixed thereto for the purpose of turning the same. Such valve shall be placed on the pipe in an accessible position. All such pipes shall enter buildings at the excavated portions thereof. All valves, meters and connections for meters shall be located in accessible places. (Prior code § 49-6-38)

## 17.16.250: VALVES; REPOSITIONING AFTER REPAIRS:

In all cases when plumbers shall make repairs to pipes or fixtures on any premises, they shall leave the water turned on or turned off as they found it when they entered the premises to make such repairs. (Prior code § 49-6-37)

### 17.16.260: VALVES; UNAUTHORIZED OPERATION PROHIBITED:

It is unlawful for any person other than duly authorized employees of the department of public utilities to open or close any water valve in the water system of the city. (Prior code § 49-6-29)

### 17.16.270: WATER SHUTOFF AUTHORIZED WHEN:

Salt Lake City reserves the right at any time, without notice, to shut off the water from its mains for the purpose of making repairs or extensions, or for other purposes, and no claim shall be made against the city, by reason of any breakage whatsoever, or for any damage that may result from shutting off the water for repairing, laying or relaying mains, hydrants or other connections, or for any other reason whatsoever. (Prior code § 49-6-30)

### 17.16.280: GOOD REPAIR OF PRIVATE SERVICE REQUIRED:

All water takers shall keep their service pipes, connections and other apparatus in good repair and protected from frost at their own expense. (Prior code § 49-6-31)

## Article V. Water Main Extensions

### 17.16.290: PERMIT AND EXPENSE RESPONSIBILITY:

Where the city water mains do not extend to the premises to be served, a permit may be issued by the public utilities director when, in the director's opinion, it is impractical to extend a standard water main, provided applicant, at his/her own expense, extends a service pipe to the point where the city main is to be tapped. (Prior code § 49-6-14)

### 17.16.300: INSTALLATION PROCEDURES AND EXPENSES:

All water main extensions shall be made at the expense of the person, persons or corporation petitioning for the extension, and shall be made without special taxes being levied to pay for the same. All water mains shall be extended, at minimum, to the far end of the lot being serviced. All roads shall be subgraded prior to installation of the public utilities facilities. All service connection fees shall be paid for each lot to be served thereby prior to installation of the water main extension. A bonded plumbing contractor shall set all meter boxes, yokes and meters in the parking area of the street at the center of each lot or such other location as is approved by the city, install all service laterals from the main to the meter and tap the main. All water mains and water facilities installed shall be subject to the acceptance of the department of public utilities. (Ord. 57-99 §§ 1, 3, 1999[1]: Ord. 8-90 § 1, 1990: prior code § 49-6-72)

### 17.16.310: ADVANCING EXPENSE OF EXTENSIONS:

Any person desiring to have the water mains within the city extended, and being willing to advance the whole expense of such extension and also, in designated areas, being willing to advance the additional expenses necessary for aid to construction of supply lines, pumping plants, reservoirs and related facilities, may make application to the city by petition containing a description of such proposed extension, accompanied by a map showing the location thereof, which petition shall also contain an offer to advance the whole expense of making the same as the expense shall be certified to by the public utilities director, and to enter into a contract for payment of such expense. (Prior code § 49-6-73)

### 17.16.320: STATEMENT OF COSTS FOR EXTENSIONS:

Upon the receipt of such petition and map, and before the petition is granted, the city shall submit to the petitioner and the mayor a certified statement showing the whole cost and expense of making such extension. (Prior code § 49-6-74)

### 17.16.330: DEPOSIT OF EXTENSION EXPENSES WITH CITY:

If the city grants the petition, before any work shall be done on such extension, and within thirty (30) days or such other time as the city shall indicate after the granting thereof, the cost and expense of making such extension, as certified by the public utilities director, shall be deposited with the city treasurer. (Prior code § 49-6-75)

### 17.16.335: REFUND OF EXPENSES:

The certified cost of the petitioner's installation of such new extension or money deposited pursuant to sections 17.16.310, 17.16.320 and 17.16.330 of this chapter, or successor sections, may be partially or completely refunded, without interest thereon, only under the following conditions:

A. For a period of fifteen (15) years from the date on which such an extension is completed and approved in writing by the city, the city will add a charge to be refunded to the petitioner, as set forth below, for each connection made to such extension pursuant to a written request for a service lateral connection thereto from a property owner.

B. Such charge shall be a front footage charge prorated against the property to be served, based upon the said cost of installation of said extension prorated over the total front footage of the petitioner's property fronting on such extension.

C. In no event shall reimbursement for any extension hereunder exceed the amount of the deposit required therefor under section 17.16.330 of this chapter or its successor, or the cost of extension under section 17.16.320 of this chapter or its successor, less the prorated front footage charge against the petitioner's property to be served.

D. Title to all facilities installed in connection with such extension, except service lines, shall vest in the city, and any easements and rights of way, if any, deemed necessary for such extension by the director of the department of public utilities shall be conveyed without cost to the city prior to the commencement of any construction. (Ord. 83-90 § 2, 1990: Ord. 56-87 § 1, 1987: prior code § 49-6-76)

### 17.16.337: RETURN OF CITY'S EXPENSES:

A. During a period of fifteen (15) years from the date on which an extension is completed where the city has advanced all or part of the funds for such extension and has decided to obtain a refund of expense therefor for connections thereto, the city shall make a proportional charge based upon the following formula for any connection to such extension pursuant to a written request for a service lateral connection thereto from a property owner.

B. Such charge shall be a front footage charge prorated against the property to be served, based upon the said cost of installation of the extension prorated over the total front footage of the petitioner's property fronting on the extension. (Ord. 83-90 § 3, 1990: Ord. 56-87 § 1, 1987: prior code § 49-6-76.1)

### 17.16.340: REQUEST FOR IMPROVEMENT DISTRICT FOR CERTAIN EXTENSIONS:

A. Any person desiring to have water mains of the city extended without advancing the cost and expense thereof, as hereinbefore provided, may make application for the establishment of an improvement district therefor by petition to the city showing the location and extent of such proposed extension. If the city chooses to do so, the city shall attempt to establish an improvement district pursuant to state law.

B. The city may establish an improvement district on its own initiative pursuant to state law. (Prior code § 49-6-77)

### 17.16.345: LOT HYDRANT; FEE:

When a culinary water service meter is not used for construction purposes, then during any lot or subdivision construction in the city's service area, the contractor shall install for each lot a hose bib (standpipe with automatic drain) meeting the requirements of the city's director of public utilities. A flat fee, as shown on the Salt Lake City consolidated fee schedule, for water used during construction per residential lot shall be charged to and paid by the contractor. Commercial properties shall pay metered rates. (Ord. 24-11, 2011)

## Article VI. Meters

### 17.16.350: WATER USED IN BUILDING CONSTRUCTION TO BE METERED:

Where a building is to be erected, application shall be made for service pipe in the regular manner, and all water consumed in the construction of such building shall be paid for at regular meter rates. (Prior code § 49-6-60)

### 17.16.360: WATER USE CONDITIONS:

It is unlawful for any person, other than a city or county firefighter in the course of employment, to use water from the city mains except with a written water sales permit from the

department of public utilities or through a meter, as provided in this chapter. (Prior code § 49-6-61)

### 17.16.370: METER FURNISHED BY CITY:

A meter of a type approved by the director of the department of public utilities will be furnished and, except as provided in section 17.16.040 of this chapter, or its successor, maintained by the city upon payment of all installation, connection and other charges by the applicant as provided in this chapter. (Prior code § 49-6-5)

### 17.16.380: METER DEPOSITS REQUIRED WHEN:

Water takers who are not the owners of the premises, or who do not have a long term lease of five (5) years or longer on which metered water service is being supplied, shall pay to the department of public utilities, for deposit with the city treasurer, an amount sufficient to cover the cost of water rates which may accumulate. The amount deposited shall be not less than twice any monthly or bimonthly bill for water consumed over the preceding year on such premises, but in no case shall it be less than fifty dollars ($50.00). (Prior code § 49-6-64)

### 17.16.390: COVER FOR PROTECTION FROM TRAFFIC LOADS:

A. Wherever water services have been installed or are to be installed on any premises, in such a location that the meter box is or may be subject to vehicular traffic, then it shall be the responsibility of the owner or occupant of the premises to install or have installed entirely at such owner's expense, a standard heavy concrete meter box with ductile iron ring and cover of sufficient strength to withstand the load of such vehicular traffic without breaking.

B. If the owner or occupant of any such premises fails to make such installation as above provided, the department of public utilities may, in addition to any and all other remedies afforded it by law, remove the meter, if one is already installed, and terminate all water services to such premises until the proper installation is made or provided; or the department may make such installation and bill the owner or occupant for the cost to the city of making such installation. (Prior code § 49-6-8)

### 17.16.400: METER MAINTENANCE CHARGES:

A. After the one year guarantee of the plumber or if the city makes the installation, the city shall maintain all water connections of three-fourths inch ($^3/_4$") and one inch (1") sizes within the city, or as otherwise determined by written contract, from the point of connection with the water main up to and including the meter, where the meter is set in the parking.

B. All maintenance and replacement, where necessary, on all service lines above one inch (1") in size, is to be kept at the entire expense of the consumer. (Prior code § 49-6-7)

### 17.16.410: TESTING OF METERS; COSTS:

Should any water taker using a water meter desire to have the meter on such person's premises tested, the charge shall be as shown on the Salt Lake City consolidated fee schedule, where the meter is found to be correct, or to register in favor of the consumer, but where found to be overregistering, the cost of such test shall be borne by the city. (Ord. 24-11, 2011)

### 17.16.420: OPENING METER BOXES; DAMAGES:

The opening of meter boxes by plumbers by any means other than a proper wrench is unlawful. Any plumber breaking a meter box cover or bolt will be required to pay for the repair of same in addition to the penalty prescribed. (Prior code § 49-6-40)

### 17.16.430: INTERFERING WITH METER PROHIBITED:

It is unlawful for any person by himself or herself, family, servants or agents, to open, interfere with, injure, deface or in any way impair the workings of any water meter. (Prior code § 49-6-68)

### 17.16.440: REMOVING METER PROHIBITED; EXCEPTION:

It is unlawful for any person other than a duly authorized employee of the public utilities department to remove any water meter from any premises. (Prior code § 49-6-69)

### 17.16.450: TURNOFF ALLOWED FOR CERTAIN REPAIRS:

In case of leaks or other accidents damaging service pipes, or other apparatus connected with the city waterworks, plumbers may shut off the water at the meter to make necessary repairs. (Prior code § 49-6-36)

## Article VII. Subdivisions And Private Water Service

### 17.16.460: APPROVAL REQUIRED PRIOR TO EXTENSION OF WATER MAINS:

No water mains or pipes shall be laid nor shall permission be given to lay water mains or pipes to supply water from the waterworks system of the city to the occupants of any plat,

addition or subdivision of any block, lot or tract of ground within the city, unless the plat, addition or subdivision shall have been approved by the city. (Prior code § 49-6-78)

### 17.16.470: PRIVATE WATER SERVICE; PERMIT REQUIREMENTS:

When permission is granted by the city to any person to put in a private water service, the whole cost of installing the same shall be paid by the persons obtaining such permission. All such water services shall be maintained and kept in good repair by the owners and users thereof, at their own cost and expense. In all cases an approved valve and other facilities and control equipment shall be installed at a location approved by the department of public utilities for each separate premises. (Prior code § 49-6-79)

### 17.16.480: CONNECTION TO PRIVATE PIPELINE WITHOUT PERMIT:

Should anyone connect to a private pipeline which is connected to a city main without a permit from the city department of public utilities, water may be shut off at the main until a permit is taken out and all costs and charges, including the expense of shutting off and turning on is paid. (Prior code § 49-6-80)

### 17.16.490: PRIVATE LINES; MASTER METERING PERMITTED WHEN:

When a private water main supplying more than one house is connected to the city water mains, the public utilities director may require a master meter to be installed near the point where the connection is to be made to the city main. This installation will be at the expense of the owners of the private line according to the regular rates for meter installation. Responsible parties must agree to pay all bills for water served through such meter at regular meter rates. (Prior code § 49-6-81)

### 17.16.500: PRIVATE LINES; MINIMUM CHARGE FOR SERVICE CONNECTION:

The standard minimum charge for each service connection taking off from said private line will be made. (Prior code § 49-6-82)

### 17.16.510: CONNECTION TO CITY MAIN REQUIRED WHEN:

Whenever a city water main shall have been laid in front of premises already connected to a private pipe, the owner or occupant shall, upon notice from the public utilities director, make application for reconnecting the premises to the city water main and pay for reconnection costs as determined by the public utilities director. The city will tap the main and extend a service pipe, reconnecting the premises at the meter and the owner must extend such owner's pipe to the meter in front of said premises at his or her own cost. The owner also shall furnish city approved pipe sufficient for city to make the connection. (Prior code § 49-6-83)

## Article VIII. Fire Protection And Fire Hydrants

## 17.16.520: UNMETERED FIRE PROTECTION PIPES PERMITTED WHEN:

Pipes to be used only in case of fire will be allowed within buildings on the following conditions:

A. Applicant must petition the city in writing for permission to install any unmetered or metered fire protection pipe system, and all installation and connection costs and charges in connection therewith shall be paid by the applicant.

B. Except for the water source connection, such fire pipes must be entirely unconnected with any other system and must not serve any other function.

C. Fire hose connections must contain adequate seals or other measures acceptable to the director of public utilities, so that they can only be used for fighting fires.

D. All nonmetered fire system connections to the city water system shall be subject to a charge as determined by the public utilities director. (Prior code § 49-6-41)

## 17.16.530: FIRE PROTECTION PIPES; METER REQUIRED WHEN:

Should water be used through unmetered fire pipes or fire pipes with detector meters or fire pipes having only outside fire hydrants attached for other than fire purposes, the public utilities director may require the disconnection of the fire system until adequate payment is made for use of the water, and the director may require that an approved meter be installed upon the fire system at the owner's expense, and no water shall be delivered to such fire system until such meter is paid for and installed and the estimated unmetered water used is paid for. The type of meter installation shall be determined by the public utilities director. (Ord. 83-90 § 4, 1990: prior code § 49-6-42)

## 17.16.540: FIRE HYDRANTS; CONTROL AND REPAIR AUTHORITY:

Except as modified by chapter 17.20, articles I and II of this title, all fire hydrants within the limits of the city shall be under the control of and shall be kept in repair by the public utilities director. (Prior code § 49-6-19)

## 17.16.550: FIRE HYDRANTS; ACCESS FOR FIRE DEPARTMENT AND STREET USE:

The fire department shall at all times have free access to all fire hydrants. Water may also be furnished from the fire hydrants under the supervision of the public utilities director to street sprinkling and flushing trucks operated by the city. (Prior code § 49-6-20)

## 17.16.560: FIRE HYDRANTS; USE BY CONTRACTORS; FEES:

The public utilities director may give permission, for which a fee shall be set and charged by the director, for the use of water from fire hydrants by applicants who are engaged in

work on public streets. (Prior code § 49-6-21)

### 17.16.570: USE OF WATER FROM HYDRANTS; APPLICATION:

Applications for the use of water from fire hydrants must be made in writing upon forms furnished by the public utilities department, stating the purpose for which the water is to be used, approximate length of time the applicant desires to use the water, and must be signed by the applicant or the applicant's authorized agent, agreeing to the conditions for such use, rate and payment as set and determined by the director. (Prior code § 49-6-22)

### 17.16.580: HYDRANT EQUIPMENT FURNISHED; DEPOSIT:

A meter, cutoff valve, outlet connection to said valve and a hydrant wrench shall be furnished by the public utilities department, which equipment must be returned to the public utilities department as soon as the use of the water from the fire hydrant is completed. A minimum deposit will be required from the applicant for the guarantee of the return of the meter and equipment in good condition. The applicant shall reimburse the city for its replacement cost for any item(s) not returned. (Prior code § 49-6-23)

### 17.16.590: FIRE HYDRANTS; CHARGES FOR WATER:

A minimum charge will be made for the use of said water commencing at the time equipment for fire hydrants is delivered to the applicant and until said equipment is again delivered to the waterworks storehouse and a receipt for the same given by the department. A deposit may be required to guarantee the payment of any charge made for the use of water. All water used through a meter shall be paid for at the same rates as are provided on the Salt Lake City consolidated fee schedule. (Ord. 24-11, 2011)

### 17.16.600: FIRE HYDRANTS; PROPER USE REQUIRED:

The applicant must close the hydrant and disconnect the cutoff valve from the hydrants when not using the water, thereby leaving the hydrants free and clear for use by the fire department. (Prior code § 49-6-25)

### 17.16.610: FIRE HYDRANTS; APPLICANT RESPONSIBLE FOR DAMAGE:

Any damage to the fire hydrant or equipment of the public utilities department after release to the applicant and prior to return must be paid for by the applicant, and the permit of said applicant may be revoked at once by the public utilities department upon applicant's failure to strictly comply with the rules and regulations of the public utilities department and the ordinances of the city governing the use of water from fire hydrants. (Prior code § 49-6-26)

### 17.16.620: FIRE HYDRANTS; UNAUTHORIZED USE PROHIBITED:

It is unlawful for any person, other than those duly authorized, to open or operate any fire hydrant or to tamper or interfere with or attempt to draw water therefrom, or in any way to obstruct the approach thereto. (Prior code § 49-6-27)

### 17.16.630: UNAUTHORIZED POSSESSION OF HYDRANT EQUIPMENT:

It is unlawful for any person(s), without proper authority, to have in their possession any wrench for a fire hydrant or water valve. (Prior code § 49-6-28)

## Article IX. Rates And Payments

### 17.16.640: CHANGES TO REGULATIONS AND RATES:

Nothing herein contained shall prohibit the city from amending, altering or adding to the provisions of this chapter in relation to the water supply, or the rules or regulations which may be adopted in conformity therewith, provided that no alteration in water rates shall apply to any permission given or contract made for the use of water until after the expiration of such permission or contract, unless allowed thereby. (Prior code § 49-6-70)

### 17.16.650: SPECIAL OR TEMPORARY RATES:

Water for special or temporary uses other than named in the schedule of water rates set forth in succeeding sections may be furnished at rates to be fixed by the director of the department of public utilities. (Prior code § 49-6-50)

### 17.16.660: PAYMENTS REQUIRED BEFORE SERVICE TURNED ON:

Before the water is turned on, all unpaid bills for water must be paid in full, together with a turnon fee of twenty one dollars ($21.00). (Prior code § 49-6-55)

### 17.16.670: MINIMUM CHARGES:

Each customer shall pay the following minimum fixed charge shown on the Salt Lake City consolidated fee schedule, effective for all meter readings during the periods from and including July 1, 2011, and thereafter until further amended, to cover meter reading, billing, customer service and collection costs. (Ord. 41-11, 2011)

## 17.16.680: METER RATES:

Each customer shall pay for each hundred cubic feet of water supplied through such customer's meter, effective for all meter readings during the periods from and including July 1, 2011, and thereafter until further amended, at the rates shown on the Salt Lake City consolidated fee schedule. (Ord. 41-11, 2011)

## 17.16.690: AVERAGE RATE CHARGED WHEN METER FAILS:

When for any reason the water meter shall fail to register, or the meter cannot be read, a bill shall be rendered at the average rate of consumption for like periods of time. (Prior code § 49-6-57)

## 17.16.700: BILLING PERIOD:

Bills for water used through meters shall be rendered monthly or bimonthly; the public utilities director shall determine from time to time when monthly or bimonthly meter readings shall be made and bills rendered. (Prior code § 49-6-53)

## 17.16.710: DUTY TO PAY UNAFFECTED BY DEPOSIT:

All bills for water rates must be paid promptly without reference to the deposit. (Prior code § 49-6-66)

## 17.16.720: DEPOSIT; APPLICATION TO UNPAID BILLS WHEN:

Whenever any consumer of water shall have failed to pay for water supplied or services rendered to such premises, the money deposited, or any part thereof, may be applied to the payment of such delinquent bills by the public utilities director. (Prior code § 49-6-67)

## 17.16.730: DEPOSIT; CERTIFICATE; REFUNDS:

The public utilities department shall issue a certificate of deposit. The amount deposited shall be refunded by the city treasurer to the holder upon the surrender of the certificate properly endorsed, provided all water bills and other charges are paid. (Prior code § 49-6-65)

## 17.16.740: ABATEMENT FOR NONUSE OF WATER; CONDITIONS:

Any water user to avail himself or herself of an abatement for nonuse of water on a meter shall report to the public utilities director, and have water turned off at such user's

premises, and the meter may be removed at the option of the public utilities director. Before water service will again be supplied, written notification must be made to the public utilities director. Abatements will not be allowed for less than thirty (30) days. (Prior code § 49-6-59)

### 17.16.750: USING WATER WITHOUT PAYMENT PROHIBITED:

It is unlawful for any person, by himself, herself, family, servants or agents to use the water coming through the water mains without first agreeing to and paying for all water delivered, as provided in this chapter. (Prior code § 49-6-43)

### 17.16.760: NONPAYMENT; REQUIRED TURNOFF CONDITIONS:

If any bills rendered as aforesaid are not paid by the owner or other applicant within fifteen (15) days after their rendition, the public utilities director shall cause water being served to the owner or other applicant to be turned off. The uncollected amount may be transferred to any active account under the owner's or applicant's name, and upon failure to pay said bill after at least five (5) days' prior written notice, water being served to that account shall be turned off. (Prior code § 49-6-54)

### 17.16.770: INSPECTION; ACCESS TO PREMISES BY CITY OFFICERS:

Free access shall at all ordinary hours be allowed to the public utilities director, or other authorized persons, to all places supplied with water from the city waterworks system, to examine, maintain and operate any part of the water system, determine the amount of water used, the manner of its use, and make all necessary shutoffs for vacancy, delinquency and violations of this division. (Prior code § 49-6-49)

### 17.16.780: WATER TURNOFF AUTHORITY; RESTORATION OF SERVICE:

It shall be the duty of the public utilities director to cause water supply to be shut off on the premises of any water taker who shall fail to make application and pay the charges therefor for the installation of water meter within fifteen (15) days after notice in writing from the public utilities director so to do, and the water shall not be turned on for use on such premises until a meter has been installed and all charges and rates paid in full, together with the required charge for turning on the water. (Prior code § 49-6-63)

### 17.16.790: DELINQUENT PAYMENT; PENALTY:

In case of vacancy, where service is discontinued or meter taken out, unless delinquent bills are paid within thirty (30) days after the service has been discontinued a penalty of ten percent (10%) shall be charged in addition to the regular bill. (Prior code § 49-6-56)

### 17.16.792: WATER SHORTAGE CONTINGENCY PLAN; CIVIL FINES:

A. Any customer of the city's municipal and industrial water system found to be in violation of any mandatory water use restriction in effect from time to time under the water shortage contingency plan established under section 17.16.092 of this chapter, shall be subject to the following maximum civil fines:

| | |
|---|---|
| First violation | $ 100 .00 |
| Second violation | 250 .00 |
| Third violation | 500 .00 |
| Fourth violation and thereafter | 1,000 .00 |

The violation level shall be based on violation history for the preceding twelve (12) months. A civil fine for a customer's first violation shall be imposed only after the issuance of a written warning to such customer. Any civil fine based on a violation susceptible to corrective action shall be imposed only after failure by the customer to take such corrective action within a reasonable period of time, as determined by the director, taking into account the nature of the action needed and the anticipated cost. "Customer", for purposes of this section and section 17.16.092 of this chapter, shall mean and include any person responsible, whether by ordinance or by contract between the city and such person, to pay the water charges on any account for use of water from the city's municipal and industrial water treatment and distribution system, whether the location at which such water is used is situated within or outside of the corporate limits of the city. It is the intent of the city that compliance with the provisions of section 17.16.092 of this chapter, as enforced pursuant to this section, by customers situated outside of the corporate limits of the city, shall be a contractual condition of continued water service.

B. Any customer subject to a civil fine under this section shall be notified by the director, in writing, of the date, nature, and circumstances of the violation, which notification shall be delivered by posting such notice at a conspicuous location on the property, and by mailing notice, by certified mail, no more than fifteen (15) calendar days after the date of occurrence of the violation. The notice shall advise the customer of his/her right to protest the fine to a hearing officer, which shall be the director or his or her designee, within ten (10) business days after receipt of the notice. The hearing officer shall have the authority to adjust the fine to take into account any extenuating circumstances. Any determination by the hearing officer may be appealed to a three (3) member water shortage appeals panel. The city council shall designate three (3) members of the public utilities advisory committee to serve on the panel; provided, however, that the director may designate other members of the PUAC to serve as alternates as needed. All decisions of the water shortage appeals panel shall be final.

C. All fines collected pursuant to this section shall be set aside in a segregated fund within the public utilities enterprise fund, and used exclusively for paying all or a portion of the costs and expenses incurred by the city in connection with the implementation and administration of the plan and other elements of the city's water conservation program. (Ord. 50-03 § 2, 2003)

## Article X. Unlawful Activities

### 17.16.800: DIRECT PIPE CONNECTIONS TO STEAM BOILERS:

It is unlawful for any person to fill any steam boiler used for power purposes directly from the city water system. Such boilers must be provided either with a tank and be supplied therefrom, or with proper check valves approved by the city. (Prior code § 49-6-48)

### 17.16.810: TAMPERING WITH WATER SUPPLY PROHIBITED:

It is unlawful for any person, by himself, herself, family, servants or agents, without authority, to open any valve or other fixture attached to the city's system of water supply, or in any way to injure, deface or impair any part or appurtenance of the city waterworks, or to cast anything into any reservoir or tank belonging to city. (Prior code § 49-6-44)

### 17.16.820: UNAUTHORIZED USE OF WATER PROHIBITED:

It is unlawful for any person, after the water has been turned off from such person's premises on account of nonpayment of rates or other violation of the ordinances, rules and regulations pertaining to the water supply, or for any reason, to turn on or allow the water to be turned on, or use, or allow the water to be used without authority from the public utilities director. (Prior code § 49-6-45)

Footnote 1: Ordinance 57-99 shall become effective on January 1, 2000.

# CHAPTER 17.20
# FIRE HYDRANTS

## Article I. Subdivisions And Developments

### 17.20.010: DEVELOPMENT DEFINED:

"Development" means a group or planned group or planned development, including apartment and/or group dwellings, mobile home parks, or any other private housing development where streets within such development are not dedicated to the city. (Prior code § 49-8-1)

### 17.20.020: FIRE HYDRANTS REQUIREMENTS FOR DEVELOPMENTS:

A. The owner, builder and/or developer(s) of any development located within the limits of Salt Lake City shall install within said development, at their sole expense, all fire hydrants required and at those locations designated by the chief of the city fire department.

B. Additionally, where the development is located on private property and the streets containing water mains and said hydrants are not conveyed or otherwise dedicated to Salt Lake City Corporation, the owner, builder and/or developer(s) shall be and remain solely liable for all claims arising therefrom and responsible for the complete

maintenance and operation of all mains and fire hydrants within the development. Where such street containing water mains and hydrants is later conveyed or otherwise dedicated to and accepted by the city, the owner, builder and/or developer(s) shall, at their sole expense, maintain said mains and fire hydrants for a period of one year from the date of written acceptance thereof by the city.

C. No dwelling unit constructed after January 1, 1989, in either such development shall be located more than two hundred fifty feet (250') from a fire hydrant, measured along the curb in front of each said fire hydrant. The bottom of the sidewalk flange on each fire hydrant must be at least even with, but may be slightly higher than, the sidewalk, and all water outlets on such hydrants must, as nearly as possible, face the street. (Ord. 9-89 § 1, 1989: prior code § 49-8-2)

### 17.20.030: MAINS AND HYDRANTS; INSTALLATION BOND:

A performance bond in an amount adequate to cover the cost of construction must be posted before any installation of mains and fire hydrants can begin hereunder in order to assure compliance with the foregoing and that such hydrants and water mains shall be properly installed and maintained according to specifications of the public utilities department. Such bond will not be released until the requirements are met and all fire hydrants and water mains connected thereto are certified in writing to be in good operating condition by the public utilities director. (Prior code § 49-8-5)

### 17.20.040: HYDRANT SPECIFICATIONS:

All hydrants, whether public hydrants or private hydrants, installed in any such subdivision must comply with then current specifications for fire hydrants of the department of public utilities and must be located as required by the fire department. (Ord. 9-89 § 1, 1989: prior code § 49-8-3)

### 17.20.050: WATER MAIN REQUIREMENTS:

All new water main installations in any such subdivision shall be no smaller than eight inches (8") in diameter except where the footage of the main to be laid totals less than three hundred feet (300'). In that event, the diameter of such main may be a smaller dimension if so determined and specified by the public utilities director. (Prior code § 49-8-4)

## Article II. Hydrants On Private Property

### 17.20.060: INSTALLATION AND PERMIT REQUIREMENTS:

A. No person, firm or corporation shall install fire hydrant or fire hydrant water supply piping on private property or cause the same to be done, without first obtaining a permit for each such structure from the city department of building and housing services in accordance with the provisions of this code.

B. Any installation of a fire hydrant or fire hydrant supply piping under this section shall be made at the expense of the owner of the property upon which such installation is made, and the hydrant shall be installed and perpetually maintained by such person, or his/her successor in interest, in compliance with the applicable fire hydrant

specifications, regulations and agreements of the city department of public utilities.

C. Fire hydrants shall be installed as per international fire code section 87.103(c) prior to construction.

D. Whenever a building inspector determines that any work is being done contrary to the provisions of this section, the building inspector may order the work stopped by notice in writing served on any person engaged in the doing or causing such work to be done, and any such person shall stop such work until authorized by the building office to proceed with the work. (Ord. 9-89 § 1, 1989: prior code § 49-9-1)

### 17.20.070: FIRE HYDRANT SPECIFICATIONS:

All water outlets on fire hydrants installed under this article II must meet the specifications of the department of public utilities. (Prior code § 49-9-2)

### 17.20.080: WATER MAIN SIZE REQUIREMENTS:

No new water main installation used to service a fire hydrant system shall be smaller than six inches (6") in diameter. (Prior code § 49-9-3)

# CHAPTER 17.24
# IRRIGATION WATER

### 17.24.010: PUBLIC IRRIGATION WATERWAY DEFINED:

"Public irrigation waterway" means any ditch or canal through which the city distributes irrigation water as distributing agent, as provided by law. (Ord. 50-93 § 4, 1993: prior code § 49-2-1)

### 17.24.020: DITCHES; CAREFUL CONSTRUCTION; DAMAGE LIABILITY:

Where persons are obliged to convey water across lands lying between their premises and the public irrigation waterway, the conveyance shall be done with the least possible injury to property, both in constructing the necessary ditches and in managing the water flowing therein, and such person shall be liable for all damages caused by negligence in the construction of such ditches or in the management of water flowing therein. (Ord. 50-93 § 4, 1993: prior code § 49-2-3)

## 17.24.030: HEADGATE REQUIREMENTS; SIDEWALK CROSSINGS:

It is unlawful for any person to convey water from a public irrigation waterway to such person's lot or premises, by an irrigation ditch or waterway, without first having constructed, under the direction of the public utilities director, a substantial gate, both in the public irrigation waterway and at the head of such person's branch ditch; the latter such person shall keep closed and watertight, except during the period allotted to such person for the use of such water; and where the branch ditch crosses any portion of a sidewalk, such ditch shall be contained in pipe or other substantial material as approved by the director, the covering of which shall be on a level with such sidewalk. (Ord. 50-93 § 4, 1993: prior code § 49-2-2)

## 17.24.040: RIGHT OF WAY ALONG DITCHES AUTHORIZED WHEN:

Where public irrigation waterways pass through private grounds, the right of way for which has been acquired, the public utilities director and the director's assistants are authorized to pass along the ditches as occasion may require, during the continuance of such right. (Prior code § 49-2-4)

## 17.24.050: CROSSING DITCHES; REGULAR CROSSINGS TO BE USED:

It is unlawful for any person to drive any motor vehicle or other vehicle across any public irrigation waterway or canal within the corporate limits of Salt Lake City, other than at a regular crossing. (Ord. 50-93 § 4, 1993: prior code § 49-2-8)

## 17.24.060: CROSSING DITCHES; BRIDGES REQUIRED WHEN:

It shall be the duty of any person desiring to drive across any public irrigation waterway or canal at any place other than at a public crossing, before so doing, to place over the ditch, waterway or canal a director's, or his/her designee's, approved bridge, sufficiently high and of sufficient capacity so as not to interfere with or prevent the free and unobstructed flow of water in such ditch, waterway or canal, such bridge to be constructed only with the permission of and under the direction or the director. (Ord. 50-93 § 4, 1993: prior code § 49-2-6)

## 17.24.070: TAX FOR WATER; ANNUAL RATE:

During the month of April of each year the city council, at a regular meeting thereof, shall by resolution levy upon the lands irrigated by water over which the city is acting as distributing agent, such a tax per acre as may be necessary for the purpose of supplying, controlling, regulating and distributing such water, and constructing and keeping in repair the necessary means for diverting, conveying and distributing the same. (Prior code § 49-2-11)

## 17.24.080: TAX FOR WATER; ESTIMATES OF EXPENSES:

The tax authorized by this chapter shall be based upon an annual estimate, to be furnished the city council by the public utilities director prior to the passage of the resolution described in section 17.24.070 of this chapter, or its successor, of the cost and expenses for the ensuing year of supplying, controlling, regulating and distributing such water, and constructing and keeping in repair the necessary means for diverting, conveying and distributing the same. (Prior code § 49-2-12)

### 17.24.090: TAX FOR WATER; PAYMENT DATE:

The tax authorized by this chapter shall become due and payable at the office of the city treasurer on or before May 15 of each year. (Prior code § 49-2-13)

### 17.24.100: PAYMENT OF TAX; DELIVERY OF CERTIFICATE:

Upon payment of the tax set forth in this chapter, the city treasurer is directed to deliver to the owners of the water rights the certificate of the public utilities director specifying the time when such water may be used. (Prior code § 49-2-14)

### 17.24.110: TAX ON WATER; LIEN UNTIL COLLECTED:

Until the tax levied by this chapter is paid to or collected by the city treasurer, it shall be a lien upon the water rights and the land irrigated thereby. (Prior code § 49-2-15)

### 17.24.120: DELINQUENT TAX PAYMENTS; PROPERTY SALE CONDITIONS:

The city treasurer shall proceed to make up a list of all property upon which the tax levied by this chapter remains due and unpaid, and upon completion shall cause the same to be published in some newspaper having general circulation in the city, daily thereafter for a period of ten (10) days. Said delinquent list shall contain a description of the property delinquent according to lots, blocks or parcels, together with the owner's name or names, with the amount of taxes due on each separate parcel exclusive of costs, and shall be accompanied by a notice of sale, and unless the tax levied by this chapter and the costs of publication are paid before the date of sale, the water rights and land upon which the tax is a lien shall be offered for sale and sold by the city treasurer on the date fixed in the notice, which shall be not less than twelve (12) days after the date of first publication for the taxes, costs of advertising and expense of sale. The procedure provided for sale of property on account of delinquent special taxes shall be followed so far as applicable. (Prior code § 49-2-16)

### 17.24.130: DISPOSITION OF WASTE IRRIGATION WATER:

It shall be the duty of all persons using water for irrigation or other purposes to conduct the surplus or waste water into a waterway, and it is unlawful for any person to permit such water to flood the streets, sidewalks or private property to the damage thereof, or to run unnecessary waste. (Ord. 50-93 § 4, 1993: prior code § 49-2-5)

### 17.24.140: OBSTRUCTING IRRIGATION DITCHES PROHIBITED:

It is unlawful for any person to place any pole, board or other obstruction whatsoever or any waste material, other than irrigation water, in any public ditch, waterway or canal for any purpose, or in any manner to interfere with the free and unobstructed flow of water in such ditch, waterway or canal. (Ord. 50-93 § 4, 1993: prior code § 49-2-5)

### 17.24.150: WRONGFUL DIVERSION OF WATER PROHIBITED:

It is unlawful for any person to turn the water from any public irrigation waterway or reservoir, or from any private irrigating ditch during an irrigating period, except when the use of such water has been duly allotted to such person, or wilfully or maliciously to break any dam, gate, sluice or ditch used for diverting or controlling such water, or in any manner to change the current or flow of water used for irrigation purposes, in any of such ditches. No person shall at any time divert more water than his/her right and time for taking entitles him/her. (Ord. 50-93 § 4, 1993: prior code § 49-2-6)

### 17.24.160: APPEAL OF WATER ALLOTMENTS OR OTHER ACTS:

Any person aggrieved at the proportion of water allotted to him by the public utilities director, or at any other act claimed to have been done under the provisions of this chapter, may, on written complaint, be heard by the mayor, who shall grant such relief as may be proper; but all such complaints must be presented to the mayor within twenty (20) days from the origin of the act complained of. (Prior code § 49-2-7)

## CHAPTER 17.28
## MISCELLANEOUS WATER REGULATIONS

### 17.28.010: OBSTRUCTING WATERCOURSES; PERMIT REQUIRED:

It is unlawful for any person to place, replace or maintain any dam or other obstruction of any kind in the channel of any natural or artificial watercourse or living stream within the limits of the city, so as in any way to interfere with or impede the flowing of the water therein, without first obtaining a permit so to do from the public utilities department director. (Prior code § 49-7-3)

### 17.28.020: PERMIT FOR CONSTRUCTION; ISSUANCE CONDITIONS:

Any person desiring any permit to build a dam in such water course or stream shall file with his petition plans and specifications for the construction of the same, and no such permit shall be issued until such plans and specifications have the approval of the city engineer or his/her designees. (Prior code § 49-7-4)

### 17.28.030: OBSTRUCTING WATERCOURSES; DAILY VIOLATIONS:

A separate offense shall be deemed committed upon each day during which any dam or obstruction remains in a watercourse or stream without permission. (Prior code § 49-7-5)

### 17.28.040: BATHING IN STREAMS PROHIBITED:

It is unlawful for any person to bathe or swim in any of the waters, reservoirs or streams within the limits of Salt Lake City, except in public or private bathhouses. (Prior code § 49-7-2)

### 17.28.050: MUTILATION OF SIGNS PROHIBITED:

It is unlawful for any person or persons to deface, mutilate, tear down or in any way destroy any signs erected by the public utilities department. (Prior code § 49-7-1)

### 17.28.060: WATER CONSERVATION EQUIPMENT:

All water cooling systems having total capacities exceeding one and one-half ($1^1/_2$) tons per hour shall be equipped with evaporative condensers, cooling towers, spray ponds, or other approved water conservation equipment. In the event that a critical condition develops in the public water supply system, all installations not equipped to conserve water as herein provided shall be subject to immediate discontinuance on orders of the city. (Ord. 37-95 § 31, 1995: amended during 1/88 supplement: prior code § 5-12-4)

# CHAPTER 17.32
# GENERAL PROVISIONS AND DEFINITIONS

## Article I. General Provisions

### 17.32.010: SHORT TITLE:

This division shall be known as, and references in this division to "this chapter" shall be deemed to refer to, the *SALT LAKE CITY WASTEWATER CONTROL ORDINANCE.* The chapters within this code that specifically refer to the industrial pretreatment program are chapters 17.32, 17.36, 17.52, 17.68 and 17.69 of this title. (Ord. 68-11, 2011)

## 17.32.020: PURPOSE OF PROVISIONS:

A. It is necessary for the health, safety and welfare of the residents of the POTW to regulate the collection of wastewater and treatment thereof to provide for maximum public benefit. The provisions set forth in this division are uniform requirements for direct and indirect contributors into the wastewater collection and treatment system for the POTW, and enable the POTW to comply with all applicable local, state and federal laws.

B. The objectives are:

1. To prevent the introduction of pollutants into the POTW which will interfere with the operation of the POTW or contaminate the resulting sludge;

2. To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or the atmosphere, or otherwise be incompatible with the POTW;

3. To protect both publicly owned treatment works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;

4. To improve the opportunity to recycle and reclaim wastewaters and sludges from the POTW;

5. To provide for equitable distribution among users of the cost and operation of the POTW;

6. To provide for and promote the general health, safety and welfare of the citizens residing within the POTW; and

7. To enable the city to comply with its UPDES permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the POTW is subject.

C. The provisions herein provide for the regulation of direct and indirect contributors to the POTW through the issuance of permits and through enforcement of general requirements for all users, authorize monitoring and enforcement activities, require user reporting, assume that existing user's capability will not be preempted, and provide for the setting of fees for the equitable distribution of costs resulting from the program established herein.

D. The provisions herein shall apply to the POTW and to persons outside the service area of the POTW who are, by contract or agreement with the POTW, users of the POTW. The provisions herein shall provide for enforcement and penalties for violations. (Ord. 68-11, 2011)

## 17.32.030: RULES AND REGULATIONS:

The director may, from time to time, adopt such rules, regulations and policies as shall be reasonably necessary to implement the provisions of this division and administer the wastewater treatment program of the city. (Ord. 68-11, 2011)

# Article II. Definitions

## 17.32.040: DEFINITIONS, GENERALLY:

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this division, shall have the meanings hereinafter designated in this article. (Ord. 68-11, 2011)

## 17.32.050: ABBREVIATIONS:

The following abbreviations shall have the designated meanings:

| | |
|---|---|
| BMP | Best management practice |
| BOD | Biochemical oxygen demand |
| CFR | Code of federal regulations |
| CIU | Categorical industrial user |
| COD | Chemical oxygen demand |
| cP | Centipoise = 0.01 poise = cgs unit of absolute viscosity, $\frac{gm}{sec \times cm}$ |
| EPA | The United States environmental protection agency or its successors |
| l | Liter |
| mg | Milligrams |
| mg/l | Milligrams per liter |
| POTW | Publicly owned treatment works |
| SIC | Standard industrial classification |
| SIU | Significant industrial user |
| SNC | Significant noncompliance |
| SWDA | Solid waste disposal act, 42 USC 6901 et seq., or its successor |
| TRC | Technical review criteria |

| | |
|---|---|
| TSS | Total suspended solids |
| UPDES | Utah pollutant discharge elimination system |
| USC | United States Code |

(Ord. 68-11, 2011)

### 17.32.060: ACT OR THE ACT:

"Act" or "the act" means the federal water pollution control act, PL 92-500, also known as the clean water act, as amended, 33 USC section 1251 et seq. (Ord. 68-11, 2011)

### 17.32.070: APPROVAL AUTHORITY:

"Approval authority" means the state of Utah's department of environmental quality, division of water quality (DWQ) or its successor agencies. (Ord. 68-11, 2011)

### 17.32.080: AUTHORIZED OR DULY AUTHORIZED REPRESENTATIVE OF THE INDUSTRIAL USER:

A. If the user is a corporation:

1. The president, secretary, treasurer, or a vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or

2. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

B. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

C. If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

D. The individuals described in subsections A through C of this section, may designate a duly authorized representative if the authorization is in writing, the authorization

specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the director. (Ord. 68-11, 2011)

## 17.32.090: BEST MANAGEMENT PRACTICES:

"Best management practices" or "BMPs" means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in subsections 17.36.060A and B of this title. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs also include alternative means (i.e., management plans) of complying with, or in place of certain established categorical pretreatment standards and effluent limits. (Ord. 68-11, 2011)

## 17.32.100: BIOCHEMICAL OXYGEN DEMAND (BOD):

"Biochemical oxygen demand (BOD)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at twenty degrees centigrade (20°C), usually expressed as concentration (e.g., milligrams per liter [mg/l]). Laboratory determinations shall be made in accordance with methods set forth in 40 CFR 136 or its successor. (Ord. 68-11, 2011)

## 17.32.110: BUILDING OR SEWER LATERAL:

"Building or sewer lateral" means a sewer conveying the wastewater of a user from a residence building or other structure to a POTW sewer, including direct connections to a POTW sewer where permitted by the POTW. A sewer lateral is a building sewer owned by the user. (Ord. 68-11, 2011)

## 17.32.120: BUSINESS CLASSIFICATION CODE (BCC):

"Business classification code (BCC)" means a classification of dischargers based on the "1972 Standard Industrial Classification Manual", bureau of the budget of the United States Of America or its successor. (Ord. 68-11, 2011)

## 17.32.130: CATEGORICAL PRETREATMENT STANDARDS OR CATEGORICAL STANDARDS:

"Categorical pretreatment standard" or "categorical standard" means any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the act (33 USC section 1317) that apply to a specific category of users and that appear in 40 CFR chapter I, subchapter N, parts 405-471. (Ord. 68-11, 2011)

### 17.32.140: CATEGORICAL INDUSTRIAL USER (CIU):

"Categorical industrial user" means an industrial user subject to a categorical pretreatment standard or categorical standard. (Ord. 68-11, 2011)

### 17.32.150: CHEMICAL OXYGEN DEMAND (COD):

"Chemical oxygen demand (COD)" means a measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water. Laboratory determinations shall be made in accordance with methods set forth in 40 CFR 136 or its successor. (Ord. 68-11, 2011)

### 17.32.160: CHLORINE DEMAND:

"Chlorine demand" means the amount of chlorine required to produce a free chlorine residual of 0.1 milligrams per liter at the end of the contact period on a sample, in conformance with the procedures described in standard methods set forth in 40 CFR 136 or its successor. (Ord. 68-11, 2011)

### 17.32.170: CITY:

"City" means the Salt Lake City Corporation, state of Utah. (Ord. 68-11, 2011)

### 17.32.180: COMPATIBLE POLLUTANT:

"Compatible pollutant" means biochemical oxygen demand, total suspended solids, pH and fecal coliform bacteria, plus any additional pollutants identified in the publicly owned treatment works' UPDES permit, where the publicly owned treatment works is designed to treat such pollutants and, in fact, does treat such pollutants to the degree required by the POTW's UPDES permit. (Ord. 68-11, 2011)

### 17.32.190: CONTROL AUTHORITY:

"Control authority" means Salt Lake City Corporation. (Ord. 68-11, 2011)

### 17.32.200: DAILY MAXIMUM:

"Daily maximum" means the arithmetic average of all effluent samples for a pollutant collected during a calendar day. (Ord. 68-11, 2011)

### 17.32.210: DAILY MAXIMUM LIMIT:

"Daily maximum limit" means the maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day. (Ord. 68-11, 2011)

### 17.32.220: DIRECTOR:

"Director" means the director of Salt Lake City department of public utilities or his or her designated representative. (Ord. 68-11, 2011)

### 17.32.230: ENVIRONMENTAL PROTECTION AGENCY OR EPA:

"Environmental protection agency" or "EPA" means the U.S. environmental protection agency, or, where appropriate, the regional water management division director, the regional administrator, or other duly authorized official of said agency. (Ord. 68-11, 2011)

### 17.32.240: ENFORCEMENT RESPONSE PLAN (ERP):

"Enforcement response plan" means the policies and procedures developed by the control authority and accepted by the approval authority to track compliance and take enforcement actions against noncompliance with the industrial pretreatment program requirements and limitations. (Ord. 68-11, 2011)

### 17.32.250: EXISTING SOURCE:

"Existing source" means any source of discharge that is not a "new source". (Ord. 68-11, 2011)

### 17.32.260: FATS, OILS AND GREASE:

"Fats, oils and grease" (FOG) shall mean any fats, oils or grease of animal or plant origin having a potential to cause interference with or obstruction to the POTW. (Ord. 68-11, 2011)

### 17.32.270: FOOD PREPARATION AND PROCESSING ESTABLISHMENTS:

"Food preparation and processing establishments" means establishments engaged in the preparation of food or drink to be consumed on the premises and/or to be delivered or picked up for resale and/or consumption. (Ord. 68-11, 2011)

### 17.32.280: GARBAGE:

"Garbage" means solid wastes from the preparation, cooking and dispensing of food, and from handling, storage and sale of produce. (Ord. 68-11, 2011)

### 17.32.290: GRAB SAMPLE:

"Grab sample" means a sample which is taken from a waste stream on a onetime basis with no regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes. (Ord. 68-11, 2011)

### 17.32.300: HAZARDOUS WASTE:

"Hazardous waste" means any material having the characteristics identified under or listed pursuant to section 3001 of RCRA and listed in 40 CFR 261. (Ord. 68-11, 2011)

### 17.32.310: INCOMPATIBLE POLLUTANT:

"Incompatible pollutant" means all pollutants other than compatible pollutants as defined in section 17.32.180 of this chapter, or its successor. (Ord. 68-11, 2011)

### 17.32.320: INDIRECT DISCHARGE:

"Indirect discharge" means the introduction of pollutants into a POTW from any nondomestic source which is regulated under section 307(b), (c) or (d) of the act (including septic tank waste discharged into the POTW). (Ord. 68-11, 2011)

### 17.32.330: INDUSTRIAL USER OR USER:

"Industrial user" or "user" means a source of indirect discharge. (Ord. 68-11, 2011)

### 17.32.340: INDUSTRIAL WASTE:

"Industrial waste" means solid, liquid or gaseous wastes, including cooling water (except where exempted by UPDES permit), resulting from any industrial, manufacturing or business process, or from the development, recovery or processing of a natural resource. (Ord. 68-11, 2011)

### 17.32.350: INSTANTANEOUS LIMIT:

"Instantaneous limit" means the maximum or minimum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete, grab, or composited sample collected, independent of the industrial flow rate and the duration of the sampling event. (Ord. 68-11, 2011)

### 17.32.360: INTERFERENCE:

"Interference" means a discharge that, alone or in conjunction with a discharge or discharges from other sources, either inhibits or disrupts the POTW, its treatment processes or operations or its sludge process use or disposal and therefore is a cause of a violation of any requirement of the POTW's UPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory provisions and regulations or permits issued thereunder or more stringent state or local regulations; section 405 of the clean water act; the solid waste disposal act (SWDA), including title II, more commonly referred to as the resource conservation and recovery act (RCRA); state regulations contained in any Utah state sludge management plan prepared pursuant to subtitle D of the SWDA; the clean air act; the toxic substances control act; and the marine protection research and sanctuaries act. (Ord. 68-11, 2011)

### 17.32.370: LOCAL LIMIT:

"Local limit" means specific discharge limits referred to in section 17.36.090 of this title and developed and enforced by the city upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in section 17.36.060 of this title and 40 CFR 403.5(a)(1) and (b). (Ord. 68-11, 2011)

### 17.32.380: MEDICAL WASTE:

"Medical waste" means isolation wastes, infectious agents, human or animal blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes. (Ord. 68-11, 2011)

### 17.32.390: MONTHLY AVERAGE:

"Monthly average" means the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month. (Ord. 68-

11, 2011)

## 17.32.400: MONTHLY AVERAGE LIMIT:

"Monthly average limit" means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month. (Ord. 68-11, 2011)

## 17.32.410: NEW SOURCE:

"New source" means:

A. Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under section 307(c) of the act that will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

1. The building, structure, facility, or installation is constructed at a site at which no other source is located; or

2. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

3. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

B. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsection A2 or A3 of this section but otherwise alters, replaces, or adds to existing process or production equipment.

C. Construction of a "new source" as defined under this subsection has commenced if the owner or operator has:

1. Begun, or caused to begin, as part of a continuous on site construction program:

a. Any placement, assembly, or installation of facilities or equipment; or

b. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

2. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph. (Ord. 68-11, 2011)

## 17.32.420: NONCONTACT COOLING WATER:

"Noncontact cooling water" means water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product. (Ord. 68-11, 2011)

## 17.32.425: OIL AND GREASE:

"Oil and grease" means the total oil and grease measured in a wastewater sample by methods set forth in 40 CFR 136 or its successor. Oil and grease is composed of a mixture of all those polar and nonpolar materials which are soluble in hexane at pH 2 or less, and remain after boiling off the solvent. If an environmental sample is composed of nonpolar material (such as petroleum hydrocarbons), and polar materials (such as animal or vegetable oils and fats), EPA method 1664A will directly quantify all the materials as hexane extractable materials (HEM). The silica gel treated hexane extractable material (SGT-HEM) procedure of the same EPA method will measure the nonpolar material (petroleum hydrocarbons) after the polar material is removed. The difference between the two (2) measurements will give the amount of polar material (animal and vegetable) present. (Ord. 68-11, 2011)

## 17.32.430: PASS-THROUGH:

"Pass-through" means a discharge which exits the POTW into waters of the state in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's UPDES permit, including an increase in the magnitude or duration of the violation. (Ord. 68-11, 2011)

## 17.32.440: PERSON:

"Person" means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all federal, state, and local governmental entities. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by context. (Ord. 68-11, 2011)

## 17.32.450: pH:

"pH" means a measure of the acidity or basicity of an aqueous solution, expressed in standard units. Theoretically pH equals the negative logarithm (base-10) cH, where cH is the concentration of hydrogen ions in grams per liter. Scale ranges from 0 to 14, pH 7 being neutral, less than 7, acidic, more than 7, basic. (Ord. 68-11, 2011)

## 17.32.460: POLLUTION OR POLLUTANT:

"Pollution" or "pollutant" means any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical

wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal and agricultural wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor) including the manmade or man induced alteration of the chemical, physical, biological and radiological integrity of water. (Ord. 68-11, 2011)

### 17.32.470: PRETREATMENT:

"Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, process changes, or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard. (Ord. 68-11, 2011)

### 17.32.480: PRETREATMENT REQUIREMENTS:

"Pretreatment requirements" means any substantive or procedural requirement related to pretreatment, other than a pretreatment standard imposed on a user. (Ord. 68-11, 2011)

### 17.32.490: PRETREATMENT STANDARDS OR STANDARDS:

"Pretreatment standard" or "standard" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307 (b) and (c) of the act, which applies to industrial users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5. (Ord. 68-11, 2011)

### 17.32.500: PROHIBITED DISCHARGE STANDARDS OR PROHIBITED DISCHARGES:

"Prohibited discharge standards" or "prohibited discharges" means absolute prohibitions against the discharge of certain substances; these prohibitions appear in section 17.36.060 of this title. (Ord. 68-11, 2011)

### 17.32.510: PUBLIC SEWER:

"Public sewer" shall mean any sewer dedicated to public use and which is controlled by a public corporation or governmental agency. (Ord. 68-11, 2011)

### 17.32.520: PUBLICLY OWNED TREATMENT WORKS (POTW):

"Publicly owned treatment works (POTW)" means a treatment works, as defined by section 212 of the act (33 USC 1292), or its successor, which is owned by Salt Lake City

Corporation having statutory authority to collect and treat sewage. This definition includes any sewers, pumping stations and appurtenances used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant. Building and sewer lateral shall not be included in this definition. For the purposes of this division, "POTW" shall also include any sewers that convey wastewater to the POTW by persons outside the POTW boundaries who are by contract or agreement with the POTW actually users of the POTW. (Ord. 68-11, 2011)

### 17.32.530: SANITARY SEWER:

"Sanitary sewer" means the pipe or conduit system, and appurtenances, for the collection, transportation, pumping and treatment of sewage. This definition shall also include the terms "public sewer", "sewer system", and "sewer". (Ord. 68-11, 2011)

### 17.32.540: SEPTIC TANK WASTE:

"Septic tank waste" means any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, airplane holding tanks and septic tanks. (Ord. 68-11, 2011)

### 17.32.550: SEWAGE:

"Sewage" means human excrement and gray water (household showers, dishwashing operations, etc.) and any of the wastewater of the community which has been contaminated by use such that treatment is required before it may be safely discharged to the environment or reused. (Ord. 68-11, 2011)

### 17.32.560: SHALL, WILL AND MAY:

"Shall" and "will" are mandatory; "may" is permissive. (Ord. 68-11, 2011)

### 17.32.570: SIGNIFICANT INDUSTRIAL USER (SIU):

Except as provided in subsections C and D of this section, a "significant industrial user" is:

A. An industrial user subject to categorical pretreatment standards; or

B. An industrial user that:

1. Discharges an average of twenty five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);

2. Contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

3. Is designated as such by the city on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

C. The city may determine that an industrial user subject to categorical pretreatment standards is a nonsignificant categorical industrial user rather than a significant industrial user on a finding that the industrial user never discharges more than one hundred (100) gallons per day (gpd) of total categorical wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:

1. The industrial user, prior to city's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;

2. The industrial user annually submits the certification statement required in subsection 17.52.210B of this title, together with any additional information necessary to support the certification statement; and

3. The industrial user never discharges any untreated concentrated wastewater.

D. Upon a finding that a user meeting the criteria in subsection B of this section has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the city may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user. (Ord. 68-11, 2011)

## 17.32.580: SIGNIFICANT NONCOMPLIANCE (SNC):

"Significant noncompliance (SNC)" shall be applicable to all significant industrial users (or any other industrial user that violates subsection C, D or H of this section) and shall mean:

A. "Chronic violations of wastewater discharge limits", defined here as those in which sixty six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined herein;

B. "Technical review criteria (TRC) violations", defined here as those in which thirty three percent (33%) or more of wastewater measurements taken for the same pollutant parameter during a six (6) month period equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined herein, multiplied by the applicable TRC (TRC equals 1.4 for BOD, TSS, fats, oils and grease, and TRC equals 1.2 for all other pollutants except pH);

C. Any other violation of a pretreatment standard or requirement as defined herein (daily maximum, long term average, instantaneous limit, or narrative standard) that the director determines has caused, alone or in combination with other discharges, interference or pass-through, including endangering the health of POTW personnel or the general public;

D. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the director's exercise of emergency authority to halt or prevent such a discharge;

E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

F. Failure to provide within forty five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

G. Failure to accurately report noncompliance; or

H. Any other violation(s), which may include a violation of best management practices, which the director determines will adversely affect the operation or implementation of the local pretreatment program. (Ord. 68-11, 2011)

### 17.32.590: SLUG LOAD OR SLUG DISCHARGE:

"Slug load" or "slug discharge" shall mean any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in section 17.36.060 of this title. A slug discharge is any discharge of a nonroutine, episodic nature, including, but not limited to, an accidental spill or a noncustomary batch discharge, which has a reasonable potential to cause interference or pass-through, or in any other way violate the POTW's regulations, local limits or permit conditions. (Ord. 68-11, 2011)

### 17.32.600: STATE:

"State" means the state of Utah. (Ord. 68-11, 2011)

### 17.32.610: STANDARD INDUSTRIAL CLASSIFICATION (SIC):

"Standard industrial classification (SIC)" means a classification pursuant to the "Standard Industrial Classification Manual" issued by the executive office of the president, office of management and budget, 1972, or its successor. The "North American industry classification system (NAICS)" is similar to the SIC and means a classification pursuant to the office of management and budget, official 2007 U.S. NAICS Manual, as amended. (Ord. 68-11, 2011)

### 17.32.620: STORM SEWER:

"Storm sewer" means a sewer that carries only stormwater, surface water and groundwater drainage. (Ord. 68-11, 2011)

### 17.32.630: STORMWATER:

"Stormwater" means any flow occurring during or following any form of natural precipitation and resulting therefrom, including snowmelt. (Ord. 68-11, 2011)

### 17.32.640: SUBDIVISION:

A. "Subdivision" means the division of a tract, or lot, or parcel of land into three (3) or more lots, plots, sites or other divisions of land for the purpose, whether immediate or future, of sale or of building development or redevelopment; provided, however, that divisions of land for agricultural purposes or for commercial, manufacturing or industrial purposes shall be exempt. Further, the above definition shall not apply to the sale or conveyance of any parcel of land which may be shown as one of the lots of a subdivision of which a plat has theretofore been recorded in the office of the county recorder.

B. The word "subdivide" and any derivative thereof shall have reference to the term "subdivision" as herein defined. (Ord. 68-11, 2011)

### 17.32.650: TOTAL SUSPENDED SOLIDS OR SUSPENDED SOLIDS:

"Total suspended solids" or "suspended solids" means the total suspended matter that floats on the surface of or is suspended in water, wastewater or other liquids, and which is removable by laboratory filtering in accordance with methods set forth in 40 CFR 136 or its successor. (Ord. 68-11, 2011)

### 17.32.660: TOXIC POLLUTANT:

"Toxic pollutant" means any pollutant or combination of pollutants found to be toxic or stipulated as toxic in regulations promulgated by the administrator of the environmental protection agency under the act. (Ord. 68-11, 2011)

### 17.32.670: UTAH POLLUTION DISCHARGE ELIMINATION SYSTEM (UPDES) PERMIT:

"Utah pollution discharge elimination system (UPDES) permit" means a permit issued pursuant to section R317-8 of the Utah administrative code, or its successor. (Ord. 68-11, 2011)

### 17.32.680: VISCOSITY:

"Viscosity" means the property of a fluid that resists internal flow by releasing counteracting forces. (Ord. 68-11, 2011)

### 17.32.690: WASTEWATER:

"Wastewater" means the liquid and water carried industrial or domestic wastes from dwellings, commercial buildings, industrial and manufacturing facilities and institutions, together with any infiltrating groundwater, surface water and stormwater that may be present, whether treated or untreated, which enters the POTW. (Ord. 68-11, 2011)

### 17.32.700: WASTEWATER DISCHARGE PERMIT OR PERMIT:

"Wastewater discharge permit" or "permit" means a control document issued by the city which authorizes the discharge of industrial wastewater into the POTW by an SIU. (Ord. 68-11, 2011)

### 17.32.710: WASTEWATER STRENGTH:

"Wastewater strength" means the quality of process wastewater discharged, as measured by its elements, including its constituents and characteristics. (Ord. 68-11, 2011)

### 17.32.720: WASTEWATER TREATMENT PLANT OR TREATMENT PLANT:

"Wastewater treatment plant" or "treatment plant" means that portion of the publicly owned treatment works designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste. (Ord. 68-11, 2011)

### 17.32.730: WATERS OF THE STATE:

"Waters of the state" means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through or border upon the state or any portion thereof. (Ord. 68-11, 2011)

### 17.32.740: ZERO DISCHARGE INDUSTRIAL FACILITY:

"Zero discharge industrial facility" means an industry which may be identified by the director as a "significant industrial user", as defined herein, which has voluntarily elected or is required by the categorical pretreatment standard not to discharge any of its process wastewater to the POTW, but to dispose of it by other legal means. For the purposes of inspection, sampling and enforcement, a zero discharge industrial facility shall be considered an industrial user. (Ord. 68-11, 2011)

# CHAPTER 17.36
# GENERAL REQUIREMENTS

## 17.36.010: SUPERVISION OF POTW:

The POTW shall be supervised and directed by the director. (Ord. 68-11, 2011)

## 17.36.020: MORE STRINGENT LIMITATIONS; POTW RIGHTS:

The POTW reserves the right to establish more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in section 17.32.020 of this title, or its successor. (Ord. 68-11, 2011)

## 17.36.030: GENERAL DISCHARGE REGULATIONS:

A. Discharge Into POTW: All sewage shall be discharged to public sewers except as provided hereinafter.

B. Discharge Of Sewage: No person shall discharge any sewage from any premises within the POTW service area into and upon any public highway, stream, watercourse or public place, or into any drain, cesspool, storm or private sewer, except as provided for hereafter. (Ord. 68-11, 2011)

## 17.36.040: NONPOLLUTED WATERS DISCHARGED TO STORM SEWERS:

Nonpolluted stormwater, surface drainage, subsurface drainage, groundwater, roof runoff, noncontact cooling water or other nonpolluted water may be admitted to specifically designated storm sewers which have adequate capacity for the accommodations of such waters. No person shall connect to and/or use sanitary sewers for the above purposes without having first obtained the written consent of the director. (Ord. 68-11, 2011)

## 17.36.050: DISCHARGING SURFACE WATERS INTO SANITARY SEWERS:

No person shall cause to be discharged or make a connection which would allow any stormwater, surface drainage, groundwater, roof runoff, or noncontact cooling water to be admitted into any sanitary sewer, unless otherwise permitted in writing by the director. No person shall cause any of the above mentioned waters to be mixed with that person's industrial waste in order to dilute such industrial waste. (Ord. 68-11, 2011)

## 17.36.060: PROHIBITED DISCHARGE STANDARDS:

A. General Prohibitions: No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass-through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.

B. Specific Prohibitions: No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

1. Explosives: Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosive hazard or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two (2) successive readings on any explosion hazard meter, at the point of discharge to the POTW (or at any point in the system) be more than five percent (5%), nor any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter;

2. Fire Or Explosion: Pollutants which create a fire or explosion hazard in the POTW including, but not limited to, waste streams with a closed cup flashpoint of less than one hundred forty degrees Fahrenheit (140°F) (60°C) using test methods specified in 40 CFR 261.21 or its successor;

3. Solids:

a. Solid or viscous substances in amounts which will cause obstruction to the flow in the POTW resulting in interference.

b. Solid or viscous pollutants in amounts which will interfere with the operation of the wastewater treatment facilities such as, but not limited to, fats, oils and grease, garbage with particles greater than one-fourth inch ($^1/_4$") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinder, sand, spent lime, stone or marble dust, metal, glass, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes;

4. Low pH Limit: Any wastewater which will cause corrosive structural damage to the POTW, but in no case discharges with pH of less than 5.0, unless the POTW is specifically designed to accommodate such discharges;

5. High pH Limit: Any wastewater with a pH greater than 11.0 or otherwise causing corrosive structural damage to the POTW or equipment;

6. Toxic Pollutants:

a. POTW Interference: Any pollutants including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW.

b. Toxic Pollutants: Any pollutants released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with wastewater treatment or sludge handling process, constitute a hazard to humans or animals, create an acute toxic effect in the receiving waters of the POTW, contaminate the sludge of the POTW systems, or exceed the limitations set forth in a categorical or local pretreatment standard or requirement;

7. Noxious Substances: Any waste containing noxious or malodorous liquids, in such quantities that, alone or in combination with other waste substances are sufficient to create a hazard for humans, animals or the environment, interfere detrimentally with sewage treatment processes, pass-through treatment facilities in concentrations exceeding discharge limitations, prevent entry into the sewers for their maintenance and repair, cause a public nuisance, or cause any hazardous condition to occur in the

POTW;

8. Gaseous Substances: Any pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;

9. Untreatable Substances: Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludges or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under section 405 of the act, or its successor; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the solid waste disposal act, the clean air act, the toxic substances control act, or state criteria applicable to the sludge management method being used;

10. UPDES Permit Violation: Any substances which will cause the POTW to violate its UPDES and/or state disposal system permit or the receiving water quality standards;

11. Objectionable Color: Any wastewater with objectionable color not removed in the POTW treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions which consequently imparts color to the treatment plant's effluent, thereby violating the POTW's UPDES permit;

12. Heat: Any wastewater with heat in amounts which will inhibit biological activity in the POTW resulting in interference, but in no case heat in such quantities that the temperature at the POTW treatment plant exceeds forty degrees Celsius (40°C) (104°F);

13. Radioactive Wastes: Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the director in compliance with applicable state or federal regulations;

14. Oil And Grease: Any wastewater containing petroleum oil, nonbiodegradable cutting oil, products of mineral oil origin or petroleum based grease, in amounts that will cause interference or pass-through;

15. Trucked Wastes: Trucked or hauled pollutants, except at discharge points designated by the POTW;

16. Waters: Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the director in a wastewater discharge permit;

17. Pretreatment Residue: Sludges, screenings, or other residues from the pretreatment of industrial wastes;

18. Medical Waste: Medical wastes in amounts or concentrations that would cause a violation of any one of the objectives included in subsection 17.32.020B of this title;

19. Wastewater: Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail any toxicity test;

20. Detergents: Detergents, surface active agents, or other substances that might cause excessive foaming in the POTW;

21. Saltwater: Saltwater or brine from commercial or industrial establishments in concentrations that will interfere with wastewater collection, treatment or treated wastewater reuse including, but not limited to, commercial or industrial backwashes or similar waste streams resulting from the direct addition of salt;

22. Compounds For Pest Control: Any discharges containing compounds that are labeled for the control of pest species of any type, such as, but not limited to, acaricides, bactericides, fungicides, herbicides, insecticides, molluscicides, nematicides and rodenticides in concentrations that would cause interference or pass-through at the POTW or otherwise cause the POTW to violate its UPDES permit.

Pollutants, substances, or wastewater prohibited by this division shall not be processed or stored in such a manner that they could be discharged to the POTW. (Ord. 68-11, 2011)

## 17.36.070: NATIONAL CATEGORICAL PRETREATMENT STANDARDS:

Upon the promulgation of the federal national categorical pretreatment standard for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed in this chapter for sources in that subcategory, shall immediately supersede the limitations imposed herein. Categorical industrial users must comply with the national categorical pretreatment standards found at 40 CFR chapter I, subchapter N, parts 405-471.

A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the director may impose equivalent concentration or mass limits in accordance with subsections D and E of this section.

B. When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the director may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual industrial users.

C. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the director shall impose an alternate limit in accordance with 40 CFR 403.6(e).

D. When a categorical pretreatment standard is expressed only in terms of pollutant concentrations, an industrial user may request that the city convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the director. The city may establish equivalent mass limits only if the industrial user meets all the conditions set forth in subsections D1a through D1e of this section.

1. To be eligible for equivalent mass limits, the industrial user must:

   a. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its wastewater discharge permit;

   b. Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical pretreatment standard, and not have used dilution as a substitute for treatment;

   c. Provide sufficient information to establish the facility's actual average daily flow rate for all waste streams, based on data from a continuous effluent flow monitoring device, as well as the facility's long term average production rate. Both the actual average daily flow rate and the long term average production rate must be representative of current operating conditions;

   d. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and

   e. Have consistently complied with all applicable categorical pretreatment standards during the period prior to the industrial user's request for equivalent mass limits.

2. An industrial user subject to equivalent mass limits must:

   a. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;

   b. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;

   c. Continue to record the facility's production rates and notify the director whenever production rates are expected to vary by more than twenty percent (20%) from its

baseline production rates determined in subsection D1c of this section. Upon notification of a revised production rate, the director will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and

d. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to subsection D1a of this section so long as it discharges under an equivalent mass limit.

3. When developing equivalent mass limits, the director:

a. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the industrial user by the concentration based daily maximum and monthly average standard for the applicable categorical pretreatment standard and the appropriate unit conversion factor;

b. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and

c. May retain the same equivalent mass limit in subsequent wastewater discharge permit terms if the industrial user's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to section 17.36.110 of this chapter. The industrial user must also be in compliance with section 17.69.030 of this title regarding the prohibition of bypass.

E. The director may convert the mass limits of the categorical pretreatment standards of 40 CFR parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual industrial users. The conversion is at the discretion of the director.

F. Once included in its permit, the industrial user must comply with the equivalent limitations developed in this section in lieu of the promulgated categorical pretreatment standards from which the equivalent limitations were derived.

G. Many categorical pretreatment standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or four (4) day average, limitations. Where such standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

H. Any industrial user operating under a permit incorporating equivalent mass or concentration limits calculated from a production based standard shall notify the director within two (2) business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not notifying the director of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate. (Ord. 68-11, 2011)

## 17.36.080: STATE PRETREATMENT STANDARDS:

State requirements and limitations on discharges shall apply when they are more stringent than federal requirements and limitations or those in this chapter. (Ord. 68-11, 2011)

## 17.36.090: LOCAL LIMITS:

A. The director is authorized to establish local limits pursuant to 40 CFR 403.5(c). The director may impose mass limitations in addition to concentration based limitations for local limits.

B. Local limits established by the director and approved by the state are listed in a separate document entitled "City Of Salt Lake City Corporation Local Limits". This document is incorporated in this chapter by reference.

C. Local limits shall apply at the designated sampling point for users holding a valid wastewater discharge permit, otherwise, the local limits apply at the end of the user's sewer lateral pipeline at the point where the industrial wastewater is discharged to the POTW.

D. Local limits are established to prevent pass-through and interference and shall be reviewed as needed. Any revision to the control authority's local limits shall be submitted for approval to the state. Upon state approval, the revised local limits shall be enforceable under the conditions of this division. Copies of the most recently state approved local limits shall be made available upon request through the office of the director.

E. The director may develop best management practices (BMPs), by ordinance or in wastewater discharge permits, to implement local limits and the requirements of this division. (Ord. 68-11, 2011)

## 17.36.100: CITY'S RIGHT OF REVISION:

The city reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW consistent with the purpose of this division. (Ord. 68-11, 2011)

## 17.36.110: DILUTION OF DISCHARGES PROHIBITED:

No user shall ever increase the use of process water, or in any way attempt to dilute a discharge as a partial or complete substitute for adequate pretreatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The director may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate pursuant to 40 CFR 403.6(c)(1). (Ord. 68-11, 2011)

## 17.36.120: PRETREATMENT REQUIREMENTS:

Users shall provide wastewater treatment as necessary to comply with this division and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in section 17.36.060 of this chapter within the time limitations specified by EPA, the state, or the director, whichever is more stringent. Any facilities or equipment (e.g., continuous pH meters, ORP meters) necessary for ensuring consistent compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities, equipment and operating procedures shall be submitted to the director for review, and shall be acceptable to the director before such facilities are constructed and equipment installed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities or equipment as necessary to produce a discharge acceptable to the city under the provisions of this division. Following completion of construction the director may request the user

to provide copies of as built drawings to be retained by the director. Subsequent alterations or additions to such pretreatment or flow control facilities shall not be made without prior notice to the director. New sources shall install and operate all pollution control equipment required to meet applicable pretreatment standards prior to discharging to the POTW. (Ord. 68-11, 2011)

## 17.36.130: ADDITIONAL PRETREATMENT MEASURES:

A. Whenever deemed necessary, the director may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this division.

B. The director may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

C. The director may require any user with the potential to discharge flammable substances to install and maintain an approved combustible gas detection meter. (Ord. 68-11, 2011)

## 17.36.140: GREASE, OIL AND SAND TRAPS OR INTERCEPTORS:

A. Requirements:

1. From and after the effective date hereof, grease, oil and sand interceptors, as described by the Utah plumbing code, hereinafter interceptors, shall be required, both for any new or old business where its building is newly constructed, added to or refurbished to the extent that a building permit is required under the law, for any food processing or preparation establishments, or any other user when, in the opinion of the director, they are necessary for the proper handling of liquid wastes containing grease, or any flammable wastes, sand and other harmful ingredients, except that such interceptors shall not be required for domestic dwellings.

2. An interceptor shall be of a type and capacity which meets all applicable standards set forth in the Utah plumbing code, and all standards adopted by the director, and shall be located as to be readily accessible for cleaning by user and inspection by POTW employees.

B. Floor Drains: Any existing floor drain, such as those from interior auto maintenance shops, garages or machine shop facilities, that discharges into a storm drain system shall be plugged, or require the installation and maintenance of an interceptor, sample box and sanitary sewer connection. All new facilities will be required to meet these regulations.

C. Interceptor Construction: All interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight, and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.

D. Inspection, Approval, And Maintenance Of Interceptor: Where installed, interceptors must be inspected and approved by the city, and shall be maintained in continuous efficient operation at all times by the user at the user's sole expense.

E. Food Establishments: In the event a food processing or preparation establishment installs or has installed an interceptor pursuant to this section, the installation shall not in and of itself, relieve the user from complying with section 17.52.220 of this title. (Ord. 68-11, 2011)

## 17.36.150: ACCIDENTAL DISCHARGE/SLUG DISCHARGE CONTROL PLANS:

A. The director shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control slug discharges within one year after the industrial user has been designated an SIU. The director shall reevaluate each SIU every two (2) years after the initial evaluation. The director may require any user to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges. Alternatively, the director may develop such a plan for any user. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

1. Description of discharge practices, including nonroutine batch discharges;

2. Description of stored chemicals;

3. Procedures for immediately notifying the director of any accidental or slug discharge, as required by subsection 17.52.160F of this title; and

4. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response. (Ord. 68-11, 2011)

## 17.36.160: HAULED WASTEWATER:

A. Septic tank waste, from domestic sources only, may be introduced into the POTW only at locations designated by the director, and at such times as are established by the director. Such waste shall not violate sections 17.36.060 through 17.36.090 of this chapter or any other requirements established by the city. The director may require septic tank waste haulers to obtain wastewater discharge permits.

B. Septic tank waste haulers may discharge loads only at locations designated by the director. No load may be discharged without prior consent of the director. The director may collect samples of each hauled load to ensure compliance with applicable standards. The director may require the septic tank waste hauler to provide a waste analysis of any load prior to discharge.

C. Septic tank waste haulers must provide a waste tracking form for every load. This form shall include, at a minimum, the name and address of the septic tank waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall certify that the wastes to be discharged are domestic in origin only and contain no industrial wastes or any wastes that are RCRA hazardous wastes.

D. Wastewater from recreational vehicles and boats shall only be discharged at dump sites designated for such use. The city reserves the right to inspect records of individual wastewater dumps from the authorized operators of each designated dump site. Detailed plans describing such facilities and operating procedures shall be submitted to the

director for review, and shall be acceptable to the director before such facilities are constructed. (Ord. 68-11, 2011)

## 17.36.170: REPAIR OR REPLACEMENT OF SEWERS; SEWER CONTRACTOR REQUIREMENTS:

No user not licensed as a plumber or licensed and bonded contractor, pursuant to the requirements hereof, shall engage in the business of repair or replacement of a building drain or building sewer, without first obtaining a permit from the POTW and filing a corporate surety bond with the POTW in an amount to be specified by the POTW, such that the principal and surety shall hold POTW harmless from any and all injuries to persons or damage to property, and particularly to the sewer mains, caused by or through the cleaning or removal of any stoppage in any drain or sewer, and further conditioned that the principal will faithfully observe all ordinances, rules and regulations of said POTW pertaining to plumbing and sewers. (Ord. 68-11, 2011)

## 17.36.180: PRIVATE FACILITIES; MANDATORY CONNECTION TO SEWERS:

A. Connection Required When: The owner or the owner's agent of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the Salt Lake City sewer service area and abutting on any street, alley or right of way in which there is now located or may in the future be located a city sewer line, shall, when notified and required in writing by the city, at owner's expense, install suitable toilet facilities therein, and connect such facilities directly with the city sewer system in accordance with the provisions herein within ninety (90) days after date of official notice to do so, provided that the city sewer line is within three hundred feet (300') of the owner's property line.

B. Discontinuance Of Privy Vaults, Cesspools And Septic Tanks:

1. After date of official notice in subsection A of this section, no user, or his/her agent, or other person having charge of or occupying any property within three hundred feet (300') of a city sewer shall maintain or use or cause or permit to exist any privy vault, septic tank or cesspool upon such property without the city's written consent.

2. In no case shall any plumbing in any house or building not complying with subsection A of this section and official notice remain unconnected to any public sewer for more than ninety (90) days after written notice from the city.

C. Outhouses Prohibited: No user shall erect or maintain any outhouse or privy within the city sewer service area, except as licensed by the city. (Ord. 68-11, 2011)

## 17.36.190: PRIVATE SEWAGE DISPOSAL; LIMITATIONS:

A. Private Disposal Prohibited When:

1. No user shall construct, use or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage within the boundaries of POTW where POTW service is available within three hundred feet (300') of the property line of any property upon which any building, privy, privy vault, septic tank, cesspool or other facility as described above exists, except as provided in subsection B1 of this section.

2. No user shall construct, use or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the purpose of disposal of sewage from any subdivision located within the boundaries of POTW.

3. Within ninety (90) days from the date POTW service becomes available within three hundred feet (300') of the property line of any buildings served by any private sewage disposal system, a direct connection shall be made to the POTW sewer by the owner at owner's expense in compliance with the provisions herein contained, and any septic tank, cesspool, privy or similar private sewage disposal facilities shall be immediately emptied and filled with suitable material.

B. Private Disposal Authorized When:

1. Where POTW service is not available within the limits provided in subsection A of this section, the building's sewer shall be connected to a private sewage disposal system complying with the provisions of the Salt Lake Valley health department.

2. Prior to commencement of construction of a private sewage disposal system, the user or his/her agent shall first obtain written permission from the director for submission to the Salt Lake Valley health department.

3. The user or his/her agent shall operate and maintain the private sewage disposal facilities at user's sole expense and in compliance with all applicable federal, state, and local laws, rules and regulations.

4. No statement contained in this section shall be construed to interfere with any additional requirements which may be imposed by the Salt Lake Valley health department, the Utah water quality board or the Utah state department of environmental quality. (Ord. 68-11, 2011)

## 17.36.200: PROHIBITED CONNECTIONS TO POTW:

No person, either in person or through an agent, employee or contractor, shall make, allow or cause to be made any sewer connection to the POTW for service, or for the purpose of servicing property outside the boundaries of the POTW, except upon the written approval of the director. Such connection to the POTW shall be made by a person who is either a bonded, state licensed sewer contractor or plumber who has obtained necessary sewer and street permits. (Ord. 68-11, 2011)

## 17.36.210: DISCONTINUANCE OF SERVICE:

Any user desiring to discontinue service shall notify the POTW in writing of such fact at least thirty (30) days before the date when such service shall be discontinued. Upon giving such written notice, the user shall not be responsible for bills incurred after the termination date specified in the notice. Any unused credit balance in favor of the customer as a result of an advance payment of bills or deposit will be promptly refunded upon discontinuance of service. (Ord. 68-11, 2011)

## 17.36.220: MANHOLE COVERS:

No user or other person shall open any POTW sewer manhole without permission from the director. (Ord. 68-11, 2011)

### 17.36.230: DAMAGING SEWER SYSTEM PROHIBITED:

No person shall damage, break or remove any part or portion of any POTW sewer system, or any sewer appliance or appurtenance, without the POTW's prior written consent. (Ord. 68-11, 2011)

# CHAPTER 17.40
# POTW SEWER CONSTRUCTION

### 17.40.010: DESIGN AND CONSTRUCTION MANUALS AND SPECIFICATIONS:

The size, slope alignment, materials of construction of a POTW sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements set forth in the code of waste disposal regulations, adopted by the Utah state water quality board pursuant to state law, and other specific requirements as set forth by the POTW. WEF "Manual Of Practice No. 9, Design And Construction Of Sanitary And Storm Sewer" (as revised), prepared by a joint committee of the Water Environment Federation and the American Society of Civil Engineers, is adopted as the general guideline for the planning, design and construction of all POTW sewers, unless modified by construction standards adopted by the POTW. All sewer main pipes installed in the public way shall be a minimum of eight inches (8") in diameter and minimum slope on sewer main pipeline shall be as follows, unless otherwise authorized in writing by the director:

| Diameter | Slope |
|---|---|
| | |
| 8 inch | 0.40 percent |
| 10 inch | 0.30 percent |
| 12 inch | 0.20 percent |
| 15 inch | 0.15 percent |
| 18 inch | 0.10 percent |
| 21 inch | 0.09 percent |
| 24 inch | 0.08 percent |
| 30 inch | 0.06 percent |

(Ord. 36-93 § 4, 1993: prior code § 37-10-1)

## 17.40.020: CONSTRUCTION; SEWER CONTRACTOR REQUIREMENTS:

The actual construction of the POTW sewer shall be conducted by a bonded sewer contractor licensed by the state of Utah. Prior to construction, the contractor must be approved by the director. (Ord. 36-93 § 4, 1993: prior code § 37-10-2)

## 17.40.030: EXCAVATIONS; SAFETY BARRICADES; RESTORATION OF SURFACES:

All excavations for POTW sewer installation shall be adequately guarded by the contractor with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored by the contractor in a manner satisfactory to the director or governing entity or agency. (Ord. 36-93 § 4, 1993: prior code § 37-10-3)

## 17.40.040: CONSTRUCTION; INSPECTION AND APPROVAL:

All phases of the POTW sewer construction shall be inspected and approved by the POTW. Failure to obtain the necessary inspections and approvals may result in the work being redone. All work shall be completed in accordance with the construction, testing and acceptance standards of the POTW. (Ord. 36-93 § 4, 1993: prior code § 37-10-5)

## 17.40.050: MAINTENANCE OF SEWERS:

All POTW mains, sewers and pipelines located within the public way, except building sewers, shall be maintained by the POTW. City owned pipelines located within easements may be maintained by the POTW pursuant only to contract. (Ord. 36-93 § 4, 1993: prior code § 37-10-4)

## 17.40.060: PETITIONING CONTRACTS:

All new main pipelines must be petitioned for to the public utilities director. All mains shall be extended, at a minimum, to the far end of the lot being served. All roads shall be subgraded prior to installation of the public utilities facilities. All applicable service connection fees shall be paid for each lot to be served thereby prior to installation of the main extension. All sewer mains and related facilities installed shall be subject to the acceptance of the city's department of public utilities. All conditions required by the city shall be the same as applicable sections of chapters 17.36, 17.44 and 17.48 of this title, or their successors. (Ord. 36-93 § 4, 1993: Ord. 8-90 § 3, 1990)

# CHAPTER 17.44
# CONSTRUCTION, CONNECTION AND REPAIR PERMITS

## 17.44.010: SEWER WORK; PERMIT REQUIRED:

No person shall commence or carry on the work of installing, repairing, altering or connecting any building sewer, directly or indirectly, to the POTW sewer, without first having received applicable excavation and/or sewer connection permits. (Ord. 36-93 § 5, 1993: prior code § 37-4-1)

## 17.44.020: PERMIT; APPLICATION FOR SEWER CONNECTIONS:

Application for permits for sewer connections must be made in writing by a licensed and bonded contractor or plumber, on an application blank furnished by the POTW. Any permit issued shall be subject to the rules and regulations of the POTW. (Ord. 36-93 § 5, 1993: prior code § 37-4-2)

## 17.44.030: ADDITIONAL SURVEYS OR INSPECTIONS; FEE:

In the event that the director finds the sewer connection at the building is not exposed when the inspector or surveyor visits the site to determine the materials used and/or elevation, or if the permittee has not given sufficient information when making application for a permit so that the survey can be completed, or if the permittee requests a change in the survey, an additional fee, as shown on the Salt Lake City consolidated fee schedule, shall be determined and charged by the POTW. (Ord. 24-11, 2011)

## 17.44.040: PERMIT; APPLICATION FOR REPAIRS AND REPLACEMENTS; FEE:

Application for permits for sewer repair or replacement of any sewer line must be made in writing by a licensed and bonded sewer contractor or plumber on an application furnished by the director. Repair or replacement of any sewer line shall be tested and inspected in accordance with standards set by the POTW. The fee shown on the Salt Lake City consolidated fee schedule shall be determined and collected by the POTW for each such inspection. (Ord. 24-11, 2011)

## 17.44.050: TRIAL SEWER SURVEY FEE:

In order to determine the feasibility of connecting a building to the POTW sewer, the property owner, or licensed and bonded plumber or sewer contractor may make an application for a trial sewer survey, the cost of which shall be set by the POTW and shown on the Salt Lake City consolidated fee schedule. Any payment made hereunder does not constitute payment for a permit to connect to the sewer. Such survey shall not be made until the fee is paid in full. (Ord. 24-11, 2011)

## 17.44.060: PERMIT; ISSUANCE CONDITIONS; SEWER ASSESSMENT PAYMENT:

A. No permit for a sewer connection shall be issued until the POTW has been paid any required assessment or surcharge in addition to the connection fee.

B. The director shall maintain a record of the payment of the assessments and fees, together with survey plats indicating the real property within POTW for which the sewer connection assessments and fees have been paid, and these records shall be open to public inspection during regular hours of the POTW. (Ord. 36-93 § 5, 1993: prior code § 37-4-15)

## 17.44.070: ASSESSMENTS IN ADDITION TO FEES:

The payment of any of the assessments or surcharges required by the POTW shall not relieve the owner of the payment of other fees required herein. (Ord. 36-93 § 5, 1993: prior code § 37-4-16)

## 17.44.080: PERMIT; NOT TRANSFERABLE:

No contractor or plumber shall use or allow his/her license to be used in any way for the purpose of procuring a permit for any person other than himself, herself, or such person's duly authorized representative. The duly licensed and bonded sewer contractor or plumber shall be responsible for any and all work done pursuant to the issuance of any permit specified hereunder, regardless of whether the work is actually done by the contractor or the contractor's duly authorized representative. (Ord. 36-93 § 5, 1993: prior code § 37-4-8)

## 17.44.090: TIME FOR COMPLETION OF WORK:

The work authorized by a permit hereunder shall be done with all possible speed and in accordance with POTW rules and regulations. If the work is not completed within sixty (60) days (unless a special extension is granted in writing by the POTW) the permit shall be void, no refund made for such permit, and a new permit must be obtained to finish the work. (Ord. 36-93 § 5, 1993: prior code § 37-4-9)

## 17.44.100: INSPECTION OF SEWER LINES; CORRECTIONS:

The inspection of sewer lines between the POTW sewer main and within three feet (3') of the building foundation shall be under the direction of the director. The POTW shall be notified on a regular working day at least twenty four (24) hours in advance of the time the permittee requests inspection. The entire length of the building sewer, including the junction at the POTW sewer shall be fully exposed. Any portion of the work not done in accordance with these requirements and the instruction of the POTW, or its inspectors, shall be corrected promptly. There shall be no backfilling until the inspection is made and the work accepted. No certificate of inspection shall be issued until the work is satisfactorily performed and accepted. (Ord. 36-93 § 5, 1993: prior code § 37-4-11)

## 17.44.110: REINSPECTION; ADDITIONAL FEE:

In the event that the inspector finds the connection not in conformity with POTW standards, or if any changes are necessary requiring another inspection, a charge to be set by the POTW and shown on the Salt Lake City consolidated fee schedule shall be collected for each such additional inspection. (Ord. 24-11, 2011)

## 17.44.120: FAILURE TO REMEDY DEFECTIVE WORK:

No further permit shall be issued to any licensed and bonded contractor or plumber who has failed to remedy defective work to the satisfaction of the director, after such contractor or plumber has been notified in writing. (Ord. 36-93 § 5, 1993: prior code § 37-4-7)

## 17.44.130: PERMIT; REVOCATION CONDITIONS:

The director may, at any time, revoke a permit because of defective work which has not been corrected after written notice and within the time specified therein by the director. (Ord. 36-93 § 5, 1993: prior code § 37-4-10)

## 17.44.140: STARTING WORK WITHOUT PERMIT; STOP WORK ORDER:

If any work requiring a permit is commenced without the necessary permits first having been obtained therefor, the POTW may immediately issue a stop work order until the proper permits are obtained, and such an offender may, in addition to any other penalties, be charged double the regular permit fee. (Ord. 36-93 § 5, 1993: prior code § 37-4-5)

## 17.44.150: SURVEY STAKES; REMOVAL OR COVERING PROHIBITED:

Survey stakes set by the POTW for the sewer connection must not be disturbed, removed or covered. (Ord. 36-93 § 5, 1993: prior code § 37-4-13)

## 17.44.160: SURVEY STAKES; RESETTING FEE:

In the event that such survey stakes are not available for the inspector to check the pipeline when inspection is required, the inspector may refuse to make an inspection of the work until stakes have been reset by the POTW and the fee to be set by the POTW and shown on the Salt Lake City consolidated fee schedule has been paid by the permittee for the restaking. (Ord. 24-11, 2011)

## 17.44.170: EXTENSIONS; APPLICATION AND ADVANCING OF EXPENSES:

Any person desiring to have the sewer mains within the city extended must advance the whole expense of such extension and the additional expenses necessary for sewer service or related facilities. Such person may make application to the city by petition containing a description of such proposed extension, accompanied by a map showing the location thereof, which petition shall also contain an offer to advance the whole expense of making the same, as said expense shall be certified to by the director, by either entering into a contract for installation by and all related costs to be borne by petitioner, or a contract to pay for such expense with the work to be done by or contracted for by the city. (Ord. 36-93 § 5, 1993: prior code § 37-4-17)

## 17.44.180: EXTENSIONS; STATEMENT OF COSTS:

Upon the receipt of such petition and map, and before the petition is granted, the mayor shall obtain from the director of public utilities a certified statement showing the whole cost and expense of making such extension. (Ord. 36-93 § 5, 1993: prior code § 37-4-18)

## 17.44.190: EXTENSIONS; CONSTRUCTION WORK:

If the mayor shall grant such petition, the petitioner shall either: a) enter into a contract with the city whereby the petitioner shall install the extension entirely at petitioner's expense, but pursuant only to plans and specifications prior approved by the director, or b) within thirty (30) days, or such other time as the director shall indicate after the granting thereof, deposit the amount of the cost and expense of making such extension, as certified by the director, with the city treasurer. Such work shall either be done by or contracted for by the city. (Ord. 36-93 § 5, 1993: prior code § 37-4-19)

## 17.44.200: EXTENSIONS; REFUND OF EXPENSES; CONDITIONS:

The certified cost of the petitioner's installation of the extension, or money deposited pursuant to section 17.44.170 or 17.44.190 of this chapter, or successor sections, may be partially or completely refunded, without interest thereon, only under the following conditions:

A. During a period of fifteen (15) years from the date on which such an extension is completed and approved in writing by the city, the city will add a charge to be refunded to the petitioner, as set forth below, for each connection made to such extension pursuant to a written request for a service lateral connection thereto from a property owner.

B. Said charge shall be a front footage charge prorated against the property to be served, based upon the cost of installation of such extension prorated over the total front footage of the petitioner's property fronting on the extension.

C. In no event shall reimbursement for any extension hereunder exceed the amount of the deposit required therefor under section 17.44.190 of this chapter, or its successor, less the prorated front footage charge against petitioner's property to be served.

D. Title to all facilities installed in connection with the extension, except service lines, shall vest in the city, and any easements and rights of way, if any, deemed necessary for such extension by the director of the department of public utilities, shall be conveyed without cost to the city prior to the commencement of any construction. (Ord. 36-93 § 5, 1993: Ord. 83-90 § 6, 1990: Ord. 59-87 § 5, 1987: prior code § 37-4-20)

### 17.44.210: RETURN OF CITY'S EXPENSES:

A. During a period of fifteen (15) years from the date on which an extension is completed where the city has advanced all or part of the funds for such extension and has decided to obtain a refund of expense thereof from connections thereto, the city shall make an additional proportional charge based upon the following formula for any connection to such extension pursuant to a written request for service lateral connection thereto from a property owner.

B. Such charge shall be a front footage charge prorated against the property to be served, based upon the said cost of installation of the extension prorated over the total front footage of the petitioner's property fronting on the extension. (Ord. 36-93 § 5, 1993: Ord. 83-90 § 7, 1990: Ord. 59-87 § 2, 1987: prior code § 37-4-21)

# CHAPTER 17.48
# BUILDING SEWERS, CONNECTIONS AND REPAIRS

### 17.48.010: DESIGN AND CONSTRUCTION SPECIFICATIONS:

The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench shall all conform to the requirements of the building and plumbing code or other applicable laws, rules and regulations of federal, state, and local entities, and POTW construction standards. All building sewers larger than six inches (6") in diameter shall be approved in writing by the director. (Ord. 36-93 § 6, 1993: prior code § 37-3-3)

### 17.48.020: SEWER SPECIFICATIONS:

A. The size of a building sewer shall be four inches (4") or six inches (6") in diameter. The minimum slope shall be:

| | |
|---|---|
| 4 inch tile | 2 percent |
| 4 inch ductile iron or PVC | 1.67 percent |
| 6 inch concrete or tile | 1 percent |
| 6 inch iron or PVC | 0.89 percent |

| | |
|---|---|
| 8 inch concrete or tile | 0.40 percent |
| 8 inch iron or PVC | 0.40 percent |

B. Acceptable materials are:

1. Vitrified clay (tile);

2. Concrete over four inches (4") in diameter;

3. Minimum SDR 35 PVC;

4. Cast iron; and

5. Ductile iron.

C. Pipe alignment of the building sewer shall be as approved by the POTW. Deviation of this section may only be considered upon written request from the owner and plumber. Approval of any such request shall be in writing by the director. (Ord. 36-93 § 6, 1993: prior code § 37-3-11)

## 17.48.030: SEPARATE CONNECTION FOR EACH PREMISES:

Each separate building or premises shall have a separate connection to the main sewer line, except when deemed impracticable and so found in writing by the director. Each owner will bear and pay for the maintenance and repair of such owner's building or lateral sewer. Notwithstanding the above, where a dwelling is the rear of another building and on the same building lot and owned by the same party, the director may issue a sewer permit for a multiple connection. (Ord. 36-93 § 6, 1993: prior code § 7-3-1)

## 17.48.040: REUSE OF OLD BUILDING SEWERS:

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the POTW, to meet all requirements herein, otherwise, old building sewers shall be plugged at the user's expense upon discontinuance of service. Services to be disconnected permanently shall be plugged at the wye or property line as determined by the POTW. The plug in the old building sewer must be approved and an inspection fee will be charged by the POTW. (Ord. 36-93 § 6, 1993: prior code § 37-3-2)

## 17.48.050: CONNECTION TO POTW SEWER; REQUIREMENTS:

No person shall make any connections to, or in any manner perform any work upon any of the mains, connections or appliances pertaining to the sewer facilities of Salt Lake City until such person shall have secured a license, been registered, and where applicable, filed a performance bond guaranteeing the installation of underground sewer facilities within

the city service area. The applicant for the building sewer permit shall notify the director when the building sewer is ready for inspection and connection to the POTW sewer. The connection shall be made by or under the supervision of the director or his/her representative. The connection of the building sewer to the POTW sewer shall conform to the requirements of the building and plumbing codes, or other applicable laws, rules and regulations of federal, state and local entities. All such connections shall be made watertight. A bonded licensed plumber shall install service laterals from the main to the property line at the center of the lot or such other location as is approved by the city. (Ord. 36-93 § 6, 1993: Ord. 8-90 § 4, 1990: prior code § 37-3-6)

### 17.48.060: BUILDING SEWER ELEVATION; LOW AREAS:

In all buildings where the elevation is too low to permit gravity flow to the POTW sewer, sanitary sewage discharge from such building shall be lifted by a POTW approved means and discharged to the sewer and operated and maintained by the user. (Ord. 36-93 § 6, 1993: prior code § 37-3-4)

### 17.48.070: SEPARATION FROM OTHER UTILITIES:

All utility lines or conduits shall be separated from the building sewer as required by state law. In addition, separation of culinary water line and sanitary sewer line shall be a minimum of three feet (3') of undisturbed ground from outside pipe diameter to outside pipe diameter. A sanitary sewer crossing above a culinary water line shall be of a material approved by the director and extend a minimum of ten feet (10') on either side of the water line without a joint. (Ord. 36-93 § 6, 1993: prior code § 37-3-8)

### 17.48.080: PIPE TO BE FREE OF DEFECTS:

All pipe shall be sound, free from holes or cracks, without traps, valves or other obstructions which might prevent or retard the free passage of air and sewage. (Ord. 36-93 § 6, 1993: prior code § 37-3-12)

### 17.48.090: CONNECTION OF UNLIKE PIPE; STANDARDS:

Any connection of pipes of unlike materials shall comply with the Utah plumbing code and the POTW construction standards. (Ord. 36-93 § 6, 1993: prior code § 37-3-10)

### 17.48.100: JOINT WHICH CONNECTS TO POTW SEWER; SPECIFICATIONS:

The connection of the "wye" onto the main sewer shall be entirely surrounded with a collar of a design specified by the POTW construction standards. Connection work shall be done only by the POTW, or in the presence of the POTW inspector. The trench shall not be backfilled until the building sewer line has been connected, tested and approved by the POTW inspector. (Ord. 36-93 § 6, 1993: prior code § 37-3-16)

## 17.48.110: CLEANOUT REQUIREMENTS:

A cleanout "wye" must be located immediately at the property line or as approved by the director. In all cases, the cleanout pipe from the "wye" to the surface of the finished grade must be iron or other material approved by the director, and on a slope of forty five degrees (45°). The cover must be a city director approved cleanout plug. Additional cleanouts shall be placed a minimum of fifty feet (50') apart along any four inch (4") building sewer, and every one hundred feet (100') along any six inch (6") building sewer, and at all other changes in direction. Cross supports for cleanouts shall be eighteen inches (18") below the cleanout tops. No waste or soil shall enter cleanout pipes. A test tee shall be required at or near the property line or wye as required by inspector. (Ord. 36-93 § 6, 1993: prior code § 37-3-13)

## 17.48.120: INSTALLATION EXPENSES:

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the applicant. The applicant shall retain or employ a licensed and bonded sewer contractor or plumber to make connection to and install a sewer. (Ord. 36-93 § 6, 1993: prior code § 37-3-5)

## 17.48.130: FEE; OPENING SEWER WHEN JUNCTION PIPE NOT AVAILABLE:

Where there is no junction pipe in the POTW sewer at the point where connection is desired to be made, the opening of the sewer and the installation of the junction pipe will be made by the POTW or its designee, if deemed necessary by the POTW, upon payment of the fee shown on the Salt Lake City consolidated fee schedule to cover the cost of the work. (Ord. 24-11, 2011)

## 17.48.140: FEE; REPLACING DAMAGED JUNCTION PIPE:

In case the junction pipe to the POTW sewer is broken off or damaged, it must be replaced. The installing of a new junction pipe will be made by the POTW or its designee upon payment of the fee shown on the Salt Lake City consolidated fee schedule to cover the cost of the work. (Ord. 24-11, 2011)

## 17.48.150: TESTING FOR LEAKS:

All building sewers shall be tested for leaks in the manner prescribed by POTW and in the presence of its inspector. Every joint shall be watertight before acceptance by the inspector. (Ord. 36-93 § 6, 1993: prior code § 37-3-15)

## 17.48.160: TRENCH SAFETY AND SURFACE RESTORATION:

Safety for all trench excavation and restoration shall be the sole responsibility of the person making the excavation. (Ord. 36-93 § 6, 1993: prior code § 37-3-14)

### 17.48.170: EXCAVATION BARRICADES AND PUBLIC SAFETY:

All excavations for building sewer installation shall be adequately guarded by the owner or the owner's representative with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored by the owner or the owner's representative in a manner satisfactory to the POTW and the street owner. (Ord. 36-93 § 6, 1993: prior code § 37-3-7)

### 17.48.180: EARTH COVER REQUIRED:

No lateral sewer line shall have less than two feet (2') of earth cover at finished grade and four feet (4') minimum over the mains, unless specifically authorized otherwise in writing by the director. (Ord. 36-93 § 6, 1993: prior code § 37-3-17)

### 17.48.190: MAINTENANCE RESPONSIBILITY:

All building sewers, including the connection to the POTW sewer, shall be maintained by the property owner. (Ord. 36-93 § 6, 1993: prior code § 37-3-9)

### 17.48.200: SURVEY AND INSPECTION:

Each building sewer will have a survey and inspection before it is accepted by the city public utilities. No survey shall be made until the inside rough plumbing has been accepted by building and housing services unless written permission is granted by the director. Any adjustments to the building sewer after such permission is granted will be at the property owner's expense. (Ord. 36-93 § 6, 1993)

# CHAPTER 17.52
# WASTEWATER DISCHARGE PERMITS

### 17.52.010: PERMIT REQUIREMENT:

A. No SIU shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the director, except that an SIU that has filed a timely application pursuant to subsection 17.52.020B of this chapter may continue to discharge for the time period specified therein.

B. The director may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this division.

C. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this division and subjects the wastewater discharge permittee to the sanctions set out in sections 17.68.010 through 17.68.170 of this title. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law. (Ord. 68-11, 2011)

## 17.52.020: PERMIT; PERMITTING PROCEDURES:

A. Wastewater Analysis: When requested by the director, any new or existing user must submit information on the nature and characteristics of its wastewater, including production and disposal procedures, within thirty (30) days of the request by completing a wastewater survey questionnaire. The control authority may prepare a form for this purpose and may periodically require users to update the survey. Failure to complete this survey shall be a violation of this division.

B. Existing Connections: Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date hereof and who wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply to the director for a wastewater discharge permit in accordance with section 17.52.030 of this chapter, and shall not cause or allow discharges to the POTW to continue after ninety (90) days of the effective date hereof except in accordance with a wastewater discharge permit issued by the director.

C. New Connections: Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with section 17.52.030 of this chapter, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence. (Ord. 68-11, 2011)

## 17.52.030: PERMIT; APPLICATION CONTENTS:

A. Users required to obtain a wastewater discharge permit shall complete and file with the POTW an application in the form prescribed by the POTW, accompanied by a fee as set forth in section 17.52.270 of this chapter. In support of the application, the user shall submit, in units and terms appropriate for evaluation, some or all of the following information:

1. Identifying Information:

   a. Name, address, telephone number and location (if different from the address) of applicant and owner of the premises (if different from the tenant when property is leased) from which industrial wastes are intended to be discharged,

   b. The name of an authorized representative duly authorized to act on behalf of the facility,

   c. Description of activities, facilities, and plant production processes on the premises.

2. Identifying Number: SIC number and/or NAICS number.

3. Environmental Permits: A list of any environmental control permits held by or for the facility.

4. Description Of Operations:

a. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram, which indicates all points of discharge to the POTW from the regulated and unregulated processes and from dilute flows such as the domestic waste, boiler blowdown and noncontact cooling water, if any.

b. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW. Material safety data sheets (MSDSs) of all chemicals shall be included.

c. Number and type of employees, hours of operation, and proposed or actual hours of operation.

d. Type and amount of raw materials processed (average and maximum per day).

e. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge. If deemed necessary by the POTW, such plans shall provide for separate systems for handling sanitary and industrial wastewater.

5. Discharges: Time and duration of discharges.

6. Monitoring Location: The location for monitoring all wastes covered by the permit.

7. Flow Measurement: Information showing the measured average daily and maximum daily flow, in gallons per day, and peak wastewater flow rates, including daily, monthly and seasonal variations, if any, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e) to determine alternate limits as described in subsection 17.36.070C of this title.

8. Measurement Of Pollutants:

a. The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources.

b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the director, of regulated pollutants in the discharge from each regulated process. Sampling and analysis of unregulated flows and dilute flows may also be required by the director for all pollutants suspected to be present in the flows.

c. Instantaneous, daily maximum, and long term average concentrations, or mass, where required, shall be reported.

d. Each required sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in section 17.52.170 of this chapter and 40 CFR part 136 as amended. Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the director or the applicable standards to determine compliance with the standard.

e. Sampling must be performed in accordance with procedures set out in section 17.52.180 of this chapter.

9. Monitoring Waiver: Any requests for a monitoring waiver or a renewal of an approved monitoring waiver for a pollutant neither present nor expected to be present in the discharge based on subsection 17.52.160D2 of this chapter.

10. Additional O&M; Additional Pretreatment: If additional O&M and/or additional pretreatment will be required for the user to meet the pretreatment standard, then the application shall contain the shortest compliance schedule by which the SIU will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The schedule shall be arranged and reported to the control authority as set

out in subsection 17.52.160B of this chapter.

11. Other Pertinent Information: Any other information as may be deemed necessary by the director to evaluate the permit application.

12. Signed Statement: A statement signed by an authorized representative of the industrial user as follows:

*I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

B. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision. (Ord. 68-11, 2011)

## 17.52.040: ZERO PROCESS WASTEWATER DISCHARGE PERMIT:

Zero discharge industrial facilities as defined in section 17.32.740 of this title must apply for and obtain a zero process wastewater discharge permit. The director may require the completion of a wastewater analysis as described in subsection 17.52.020A of this chapter. The application contents for a zero process wastewater discharge permit shall be the same as that for an industrial wastewater discharge permit as described in section 17.52.030 of this chapter. The zero process wastewater discharge permit shall require the permittee, to submit in December and June of each year, a written certification signed by an authorized representative that the facility has not discharged any process wastewater to the sanitary sewer in the last six (6) month period and does not intend to discharge process wastewater in the coming six (6) month period. Failure to submit this certification shall be deemed a violation of this division. Any detected discharge of process wastewater to the city's sanitary sewer system by a zero process discharge industrial facility at any time shall immediately subject the user to the enforcement remedies included in chapter 17.68 of this title. The zero process wastewater discharge permit may contain other limitations and requirements as deemed necessary by the director and this division. The duration of zero process wastewater discharge permits shall be the same as wastewater discharge permits as defined in section 17.52.070 of this chapter. (Ord. 68-11, 2011)

## 17.52.050: APPLICATION SIGNATORIES AND CERTIFICATIONS:

A. All wastewater discharge permit applications, user reports and certification statements must be signed by an authorized representative of the user and contain the certification statement in subsections 17.52.210A and 17.52.030A12 of this chapter.

B. If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this section must be submitted to the director prior to or together with any reports to be signed by an authorized representative.

C. A facility determined to be a nonsignificant categorical industrial user by the director pursuant to subsection 17.32.570C of this title must annually submit the signed certification statement in subsection 17.52.210B of this chapter. (Ord. 68-11, 2011)

## 17.52.060: PERMIT; DECISIONS:

A. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

B. The director will evaluate the data furnished by the SIU and may require additional information. Within one hundred twenty (120) days of receipt of a complete permit application, the director will determine whether to issue a wastewater discharge permit. The director may conditionally approve or deny any application for a wastewater discharge permit. (Ord. 68-11, 2011)

## 17.52.070: PERMIT; DURATION:

A. A wastewater discharge permit shall remain in effect until terminated by the POTW.

B. All wastewater discharge permits shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A permit may be issued for a period less than five (5) years, or may be stated to expire on a specified date, at the discretion of the director. Each wastewater discharge permit shall indicate a specific date upon which it will expire. Any permit may be canceled or terminated for failure to comply with the requirements of this division. (Ord. 68-11, 2011)

## 17.52.080: PERMIT; CONTENTS:

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the director to prevent pass-through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

A. Wastewater discharge permits shall contain:

1. A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date (see section 17.52.070 of this chapter);

2. A statement that the wastewater discharge permit is nontransferable without prior notification to the city in accordance with section 17.52.110 of this chapter, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

3. Effluent limits, including BMPs, based on applicable pretreatment standards;

4. Self-monitoring, sampling, reporting, notification, and recordkeeping requirements. These requirements shall include an identification of pollutants (or BMP) to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law;

5. The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge in accordance with subsection 17.52.160D2 of this chapter;

6. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule

may not extend the time for compliance beyond that required by applicable federal, state, or local law;

7. Requirements to control slug discharge, if determined by the director to be necessary; and

8. Any grant of the monitoring waiver by the director (subsection 17.52.160D2 of this chapter) shall be included as a condition in the user's permit.

B. Wastewater discharge permits may contain, but need not be limited to, the following conditions:

1. Requirements for the payment of the then current unit charge or schedule of user charges and fees for the wastewater to be discharged to the POTW;

2. Limits on the average and/or maximum rate and time of discharge and/or requirements for flow regulation and equalization;

3. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

4. Requirements for the development and implementation of spill control plans in accordance with section 17.36.150 of this title or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges; facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the industrial user's own cost and expense. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the industrial user's facility as necessary to meet the requirements hereof. In the case of an accidental discharge, the industrial user shall implement the requirements set out in subsections 17.52.160F1 through F4 of this chapter;

5. Requirements for installation and maintenance of inspection and sampling facilities including flow measurement devices as contained in section 17.52.220 of this chapter;

6. Requirements for the director to implement the judicially enforceable remedies outlined in sections 17.68.010 through 17.68.170 of this title according to the city's enforcement response plan;

7. Requirements for submission of technical reports or discharge reports;

8. Requirements for maintaining and retaining records relating to wastewater discharge, as specified by the POTW, and affording POTW access thereto;

9. Requirements for development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

10. Requirements for notification of the POTW of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system. The city reserves the ability to accept or deny any proposed changes to the wastewater discharges at the facility;

11. Requirements for separate systems to handle sanitary and industrial wastewater, such that in the event that the user's industrial wastewater is or could cause an interference or a potential interference with the POTW, that the industrial wastewater could be severed, preventing discharge into the POTW and still allowing the user's sanitary wastewater to discharge into the POTW;

12. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit;

13. Production rates where mass discharge limits are required; and

14. Other conditions as deemed appropriate by the director to ensure compliance with this chapter, and state and federal laws, rules, and regulations. (Ord. 68-11, 2011)

## 17.52.090: PERMIT; ISSUANCE APPEAL PROCESS:

Upon issuance of the wastewater discharge permit, any person including the applicant shall have forty five (45) days to file in writing objections to any term or condition of the permit and:

A. If no objections are received by the city within this time, the permit is deemed to be accepted.

B. In its objection, the appealing party must indicate the individual wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the individual wastewater discharge permit sections.

C. If a timely objection is filed and agreement cannot be reached with the POTW, the POTW may submit to the director the proposed permit conditions and the written objections thereto.

D. The effectiveness of the individual wastewater discharge permit shall not be stayed pending the appeal.

E. The director shall establish such special permit conditions as he or she deems advisable to ensure the applicant's compliance with this division or applicable law or regulation, and direct the POTW to issue a wastewater discharge permit accordingly.

F. Appeals of decisions made by the director may be brought before the public utilities advisory committee (PUAC), which may reevaluate the issues raised on appeal. Decisions of the PUAC shall be considered final administrative actions for purposes of judicial review.

G. Decisions by the PUAC not to reconsider an individual wastewater discharge permit, not to issue an individual wastewater discharge permit, or not to modify an individual wastewater discharge permit shall also be considered final administrative actions for purposes of judicial review; if a decision is not made by the PUAC within ninety (90) days of receipt of a written request, such request will be deemed denied.

H. Aggrieved parties seeking judicial review of the final administrative individual wastewater discharge permit decision must do so by filing a complaint with the state of Utah third district court within thirty (30) days of the date of final action. (Ord. 68-11, 2011)

## 17.52.100: PERMIT; MODIFICATIONS AND REVISIONS:

A. The director may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

1. To incorporate any new or revised federal, state, or local pretreatment standards or requirements;

2. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of the wastewater discharge permit

issuance;

3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

4. Information indicating that the permitted discharge poses a threat to the POTW personnel, beneficial sludge use or the receiving waters;

5. Violation of any terms or conditions of the wastewater discharge permit;

6. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

7. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;

8. To correct typographical or other errors in the wastewater discharge permit; or

9. To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with section 17.52.110 of this chapter. (Ord. 68-11, 2011)

## 17.52.110: PERMIT; TRANSFER:

A. Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least sixty (60) days' advance notice to the director and the director approves the wastewater discharge permit transfer. The notice to the director must include a written certification by the new owner or operator which:

1. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;

2. Identifies the specific date on which the transfer is to occur;

3. Acknowledges full responsibility for complying with the existing wastewater discharge permit; and

4. The conditions of the permit will not change.

B. Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer. (Ord. 68-11, 2011)

## 17.52.120: PERMIT; SUSPENSION AND REVOCATION:

The director may revoke a wastewater permit for good cause, including, but not limited to, the following reasons:

A. Failure to notify the director of significant changes to the wastewater prior to the changed discharge;

B. Failure to provide prior notification to the director of changed conditions pursuant to subsection 17.52.160E of this chapter;

C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

D. Falsifying self-monitoring reports or certification statements;

E. Tampering with monitoring equipment;

F. Refusing to allow the director timely access to the facility premises or records;

G. Failure to meet effluent limitations;

H. Failure to pay fines;

I. Failure to pay sewer charges;

J. Failure to meet compliance schedules;

K. Failure to complete a wastewater survey or the wastewater discharge permit application;

L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or

M. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this division.

Wastewater discharge permits shall be voidable upon nonoperation of a permitted facility, cessation of operations or unreported transfer of business ownership. All existing wastewater discharge permits issued to a user are void upon the reissuance of a new wastewater discharge permit to that user. (Ord. 68-11, 2011)

## 17.52.130: PERMIT; REISSUANCE:

A user with an expiring wastewater discharge permit shall apply for a wastewater discharge permit reissuance by submitting a complete permit application, in accordance with section 17.52.030 of this chapter, a minimum of ninety (90) days prior to the expiration of the user's existing wastewater discharge permit. (Ord. 68-11, 2011)

## 17.52.140: SPECIAL AGREEMENTS AND CONTRACTS:

A. Special User Agreement: No statement contained in this section shall be construed as prohibiting special written agreements between the POTW and any other user allowing industrial waste or wastewater of unusual strength or character to be admitted to the POTW, provided the user compensates the POTW for any additional costs of treatment. The POTW shall determine the wastewater criteria, and volume characteristics used to calculate any additional cost of treatment. In no case will a special agreement waive compliance with a pretreatment standard or requirement. However, the industrial user may request a variance from the categorical pretreatment standard from the EPA. Such a request will be approved only if the industrial user can prove that factors relating to its discharge are fundamentally different from the factors considered by EPA when establishing that pretreatment standard. An industrial user requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in 40 CFR 403.13 and rule R317-8-8.17 UAC;

B. Contracts With Other POTWs: Whenever there is excess POTW sewage treatment capacity, the POTW may contract with any other organized and established sewage treatment plant or with any other governmental agency or private enterprise for the discharge into the POTW from any part or parts thereof, or person living outside the boundaries of the POTW, upon such terms and conditions and for such periods of time as may be deemed reasonable. (Ord. 68-11, 2011)

## 17.52.150: REGULATION OF WASTE RECEIVED FROM OTHER JURISDICTIONS:

A. If another municipality, special district, government entity, or other jurisdiction authority connects to or contributes wastewater to the POTW, the director shall enter into an interagency agreement with that entity.

B. Prior to entering into an agreement required by subsection A of this section, the director shall request the following information from the contributing municipality:

1. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;

2. An inventory of all users located within the contributing municipality that are discharging to the POTW; and

3. Such other information as the director may deem necessary.

C. An intermunicipal agreement, as required by subsection A of this section, shall contain the following conditions:

1. A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this division and local limits, including required baseline monitoring reports (BMRs) which are at least as stringent as those set out in subsection 17.36.090E of this title. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the city's ordinance or local limits;

2. A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;

3. A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the city and which of these activities will be conducted jointly by the contributing municipality and the city;

4. A requirement for the contributing municipality to provide the city with access to all information that the contributing municipality obtains as part of its pretreatment activities;

5. Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;

6. Requirements for monitoring the contributing municipality's discharge;

7. A provision ensuring the city access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the city; and

8. A provision specifying remedies available for breach of the terms of the intermunicipal agreement. (Ord. 68-11, 2011)

## 17.52.160: REPORTING REQUIREMENTS:

A. Baseline Monitoring Reports: Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing CIUs currently discharging to or scheduled to discharge to the POTW shall submit to the director a report which contains the information listed in subsections A1 through A5 of this section. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become CIUs subsequent to the promulgation of an applicable categorical standard, shall submit to the director a report which contains the information listed in subsections A1 through A5 of this section. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

Users described above shall submit the information set forth below:

1. Report Information: All information required in subsections 17.52.030A1a, A3, A4a, and A7 of this chapter.

2. Measurement Of Pollutants:

a. The user shall provide the information required in subsections 17.52.030A8a through A8d of this chapter;

b. The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph;

c. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the user should measure the flows and concentrations necessary to allow use of the combined waste stream formula in 40 CFR 403.6(e) to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the control authority;

d. Sampling and analysis shall be performed in accordance with sections 17.52.170 and 17.52.180 of this chapter;

e. The director may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures; and

f. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.

3. Compliance Certification: A statement, reviewed by the user's authorized representative as defined in section 17.32.080 of this title and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

4. Compliance Schedule: If additional pretreatment and/or O&M will be required for the user to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in subsection B of this section.

5. Signature And Report Certification: All baseline monitoring reports must be certified in accordance with subsection 17.52.210A of this chapter and signed by an authorized representative as defined in section 17.32.080 of this title.

B. Compliance Schedule Progress Reports: The following conditions shall apply to the compliance schedules required by subsections 17.52.030A10 of this chapter and A4 of this section:

1. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

2. No increment referred to above shall exceed nine (9) months nor shall the total compliance period exceed eighteen (18) months;

3. The user shall submit a progress report to the director no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

4. In no event shall more than nine (9) months elapse between such progress reports to the director.

C. Reports On Compliance With Categorical Pretreatment Standard Deadline:

1. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the director a report containing the information described in subsections 17.52.030A7 and A8 of this chapter and A2 of this section. For users subject to equivalent mass or concentration limits established in accordance with the procedures in section 17.36.070 of this title, this report shall contain a reasonable measure of the user's long term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with subsection 17.52.210A of this chapter. All sampling will be done in conformance with section 17.52.180 of this chapter.

D. Periodic Compliance Reports:

1. Except as specified in subsection D3 of this section, all SIUs must, at a frequency determined by the director submit no less than twice per year (June and December or on dates specified) reports indicating the nature, concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the pretreatment standard requires compliance with a BMP or pollution prevention alternative, the user must submit documentation required by the director or the pretreatment standard necessary to determine the compliance status of the user.

2. The city may authorize an industrial user subject to a categorical pretreatment standard to forgo sampling of a pollutant regulated by a categorical pretreatment standard if the industrial user has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the industrial user. This authorization is subject to the following conditions:

a. The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical standard and otherwise includes no process wastewater;

b. The monitoring waiver is valid only for the duration of the effective period of the wastewater discharge permit, but in no case longer than five (5) years. The user must submit a new request for the waiver before the waiver can be granted for each subsequent wastewater discharge permit (see subsection 17.52.030A9 of this chapter);

c. In making a demonstration that a pollutant is not present, the industrial user must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes;

d. The request for a monitoring waiver must be signed in accordance with section 17.32.080 of this title, and include the certification statement in subsection 17.52.210A of this chapter;

e. Nondetectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR part 136 with the lowest minimum detection level for that pollutant was used in the analysis;

f. Any grant of the monitoring waiver by the director must be included as a condition in the user's permit. The reasons supporting the waiver and any information submitted by the user in its request for the waiver must be maintained by the director for five (5) years after expiration of the waiver;

g. Upon approval of the monitoring waiver and revision of the user's permit by the director, the industrial user must certify on each report with the statement in subsection 17.52.210C of this chapter, that there has been no increase in the pollutant in its waste stream due to activities of the industrial user;

h. In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the user's operations, the user must immediately: Comply with the monitoring requirements of subsection D1 of this section, or other more frequent monitoring requirements imposed by the director, and notify the director; and

i. This provision does not supersede certification processes and requirements established in categorical pretreatment standards, except as otherwise specified in the categorical pretreatment standard.

3. The city may reduce the requirement for periodic compliance reports (see subsection D1 of this section) to a requirement to report no less frequently than once a year, unless required more frequently in the pretreatment standard or by the EPA/state, where the industrial user's total categorical wastewater flow does not exceed any of the following:

a. 0.01 percent of the POTW's design dry weather hydraulic capacity, or five thousand (5,000) gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the industrial user discharges in batches;

b. 0.01 percent of the POTW's design dry weather organic treatment capacity; and

c. 0.01 percent of the POTW's maximum allowable headworks loading for any pollutant regulated by the applicable categorical pretreatment standard for which approved local limits were developed in accordance with section 17.36.090 of this title.

Reduced reporting is not available to industrial users that have in the last two (2) years been in significant noncompliance, as defined in section 17.32.580 of this title. In addition, reduced reporting is not available to an industrial user with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the opinion of the director, decreasing the reporting requirement for this industrial user would result in data that are not representative of conditions occurring during the reporting period.

4. All periodic compliance reports must be signed and certified in accordance with subsection 17.52.210A of this chapter.

5. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

6. If a user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the director, using the procedures prescribed in section 17.52.180 of this chapter, the results of this monitoring shall be included in the report.

E. Reports Of Changed Conditions: Each user must notify the director of any significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change.

1. The director may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under section 17.52.030 of this chapter.

2. The director may issue a wastewater discharge permit under section 17.52.130 of this chapter or modify an existing wastewater discharge permit under section 17.52.100 of this chapter in response to changed conditions or anticipated changed conditions.

F. Reports Of Potential Problems:

1. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a slug discharge or slug load, that might cause potential problems for the POTW, the user shall immediately telephone and notify the director of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

2. Within five (5) days following such discharge, the user shall, unless waived by the director, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this division.

3. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in subsection F1 of this section. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

4. SIUs are required to notify the director immediately of any changes at its facility affecting the potential for a slug discharge.

G. Reports From Unpermitted Users: All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the director as the director may require.

H. Notice Of Violation/Repeat Sampling And Reporting: If sampling performed by a user indicates a violation, the user must notify the director within twenty four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the director within thirty (30) days after becoming aware of the violation. Resampling by the industrial user is not required if the city performs sampling at the user's facility at least once a month, or if the city performs sampling at the user between the time when the initial sampling was conducted and the time when the user or the city receives the results of this sampling, or if the city has performed the sampling and analysis in lieu of the industrial user. If the city performs the sampling and analysis in lieu of the industrial user and a violation occurs, the city will perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat sampling and analysis.

I. Notification Of The Discharge Of Hazardous Waste:

1. Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA regional waste management division director, and state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation

of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under subsection E of this section. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of subsections A, C, and D of this section.

2. Dischargers are exempt from the requirements of subsection I1 of this section, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a onetime notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

3. In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the director, the EPA regional waste management waste division director, and state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

4. In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

5. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this division, a permit issued thereunder, or any applicable federal or state law. (Ord. 68-11, 2011)

## 17.52.170: ANALYTICAL REQUIREMENTS:

A. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR part 136 "guidelines establishing test procedures for the analysis of pollutants", and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the director or other parties approved by EPA.

B. All laboratory samples collected for this division shall be analyzed by a laboratory that is either certified by the Utah bureau of laboratory improvements or approved by the director. (Ord. 68-11, 2011)

## 17.52.180: SAMPLE COLLECTION:

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

A. Except as indicated in subsections B and C of this section, the user must collect wastewater samples using twenty four (24) hour flow proportional composite sampling techniques, unless time proportional composite sampling or grab sampling is authorized by the director. Where time proportional composite sampling or grab sampling is authorized by the city, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty four (24) hour period may be composited prior to the analysis as follows: For cyanide, total phenols, and

sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the city, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.

B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

C. For sampling required in support of baseline monitoring and ninety (90) day compliance reports required in subsections 17.52.160A and C of this chapter a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the director may authorize a lower minimum. For the reports required by subsection 17.52.160D of this chapter, the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements. (Ord. 68-11, 2011)

## 17.52.190: DATE OF RECEIPT OF REPORTS:

For written reports that are mailed through a mail facility serviced by the United States postal service, such reports will be deemed to have been submitted on the date postmarked. For written reports that are shipped using other common reliable carriers, the carrier's pick up or ship date will be deemed the submittal date. If a postmark or pick up/ship date is not available, the date of receipt of the report shall govern. (Ord. 68-11, 2011)

## 17.52.200: RECORDKEEPING:

Users subject to the reporting requirements of this division shall retain, and make available for inspection and copying by the director, all records of information obtained pursuant to any monitoring activities required by this division, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with BMPs established under subsection 17.36.090E of this title. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least five (5) years. This period shall be automatically extended for the duration of any litigation concerning the user or the city, or where the user has been specifically notified of a longer retention period by the director. (Ord. 68-11, 2011)

## 17.52.210: CERTIFICATION STATEMENTS:

A. Certification Of Permit Applications, User Reports And Initial Monitoring Waiver: The following certification statement is required to be signed and submitted by users submitting permit applications in accordance with section 17.52.020 of this chapter; users submitting baseline monitoring reports under subsection 17.52.160A5 of this chapter; users submitting reports on compliance with the categorical pretreatment standard deadlines under subsection 17.52.160C of this chapter; users submitting periodic compliance reports required by subsections 17.52.160D1 through D4 of this chapter, and users submitting an initial request to forgo sampling of a pollutant on the basis of subsection 17.52.160D2d of this chapter. The following certification statement must be signed by an authorized representative as defined in section 17.32.080 of this title:

*I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly*

*responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.*

B. Annual Certification For Nonsignificant Categorical Industrial Users: A facility determined to be a nonsignificant categorical industrial user by the director pursuant to subsections 17.32.570C of this title and 17.52.050C of this chapter, must annually submit the following certification statement signed in accordance with the signatory requirements in section 17.32.080 of this title. This certification must accompany an alternative report required by the director:

*Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR , I certify that, to the best of my knowledge and belief that during the period from , to , [months, days, year]:*

*(a) The facility described as [facility name] met the definition of a Non-Significant Categorical Industrial User as described in section 17.32.570 C;*

*(b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and*

*(c) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.*

*This compliance certification is based on the following information.*

C. Certification Of Pollutants Not Present: Users that have an approved monitoring waiver based on subsection 17.52.160D2 of this chapter must certify on each report with the following statement that there has been no increase in the pollutant in its waste stream due to activities of the user:

*Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under section 17.52.160.D.*

(Ord. 68-11, 2011)

## 17.52.220: MONITORING FACILITIES FOR INDUSTRIAL USERS:

A. The director may require the industrial user to provide and operate, a control manhole or sample box or other monitoring equipment at the owner's expense approved by the director, at a point to be determined by the POTW where representative samples of all regulated discharges from the industry can be collected and flow measurements accurately made as necessary. The monitoring facilities shall be situated on the user's premises or such other location as allowed by the POTW. The POTW will be allowed to use these monitoring facilities to sample at any time and without notice in accordance with section 17.52.230 of this chapter.

B. There shall be ample room in or near such monitoring manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. All devices used to measure wastewater flow and quality shall be periodically calibrated as specified by the director to ensure their accuracy, but at a minimum, the calibration shall occur per the manufacturer's requirements.

C. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or

verbal request of the director and shall not be replaced. The costs of clearing such access shall be borne by the user.

D. An industrial user may be required to provide at their expense a city approved instantaneous and totalizing approved flow meter on their industrial discharges if deemed necessary by the director.

E. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the POTW's requirements and all applicable local construction standards and specifications. The construction schedule shall be submitted to the POTW for prior approval, and construction shall be completed within a time specified by written notification from the POTW. (Ord. 68-11, 2011)

## 17.52.230: RIGHT OF ENTRY; INSPECTION AND SAMPLING:

The director or the duly authorized representatives shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this division and any wastewater discharge permit or order issued hereunder. All users shall allow the director or the duly authorized representatives ready access to all parts of the premises for the purpose of inspection, sampling, records examination and copying, and/or in the performance of any of its duties.

A. Identification shall be provided by the director for all inspectors or other authorized personnel and these personnel shall identify themselves when entering any property for inspection purposes or when inspecting the work of any contractor.

B. The POTW or other authorized regulatory agencies shall have the right to set upon the user's property or any other representative location such devices as are deemed necessary to conduct sampling inspection, compliance monitoring and/or metering of the user's operations.

C. Where a user has security measures in force prior arrangements will be made with their security guards so that upon presentation of suitable identification, personnel from the POTW, city, county, state and EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

D. Unreasonable delays in allowing the director access to the user's premises shall be a violation of this division. (Ord. 68-11, 2011)

## 17.52.240: SEARCH WARRANT:

If the director or duly authorized officer or agent of the POTW has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this division, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the city designed to verify compliance with this division or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the director may seek issuance of a search warrant from the third district court of the state of Utah. (Ord. 68-11, 2011)

## 17.52.250: CONFIDENTIAL INFORMATION AND TRADE SECRETS:

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the director's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the director, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under the provisions of the Utah government records access and management act (GRAMA) or other applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the UPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data, as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction. (Ord. 68-11, 2011)

## 17.52.260: PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE:

A. The POTW shall publish annually, providing public notification in the largest daily newspaper published in Salt Lake City, a list of all industrial users which were in significant noncompliance with applicable pretreatment standards and requirements at any time during the previous twelve (12) month reporting period. All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approval authority and to the public pursuant to city policy and the Utah government records access and management act.

B. The term significant noncompliance as defined in section 17.32.580 of this title shall be applicable to all SIUs (or any other industrial user that violates subsection 17.32.580C, D or H of this title). (Ord. 68-11, 2011)

## 17.52.270: FEES:

A. When Due; Delinquency: The fees provided for in this section are separate and distinct from all other fees chargeable by the city. All fees shall become immediately due and owing to the city upon receipt of invoice for rendition of services or expenditure by the city and shall become delinquent if not fully paid within forty five (45) days after receipt.

B. Permit Fees: Each wastewater discharge permit application filed pursuant to this division shall be accompanied by an application fee. The fees for these services are listed in a separate document entitled "Salt Lake City consolidated fee schedule". This document is incorporated in this chapter by reference.

C. Fees For City Sampling And Laboratory Analyses Of Wastewater: When the city performs sampling and contracts with a certified laboratory for the analysis of an industrial user's wastewater discharge, the fees for these services are listed in a separate document entitled "Salt Lake City consolidated fee schedule". This document is incorporated in this chapter by reference.

D. Fees For Demand Monitoring, Inspections And Surveillance: Costs incurred by the city for demand monitoring, inspection and surveillance procedures necessary as a result of a violation shall be chargeable and billed to the user whose conduct has necessitated such activity. The fees for these services are listed in a separate document entitled "Salt Lake City consolidated fee schedule". This document is incorporated in this chapter by reference.

E. Administrative Fees: Fees for administrative efforts such as, but not limited to, conciliation and show cause meetings not otherwise specifically covered in this section, and

the result of an administrative effort brought about as a result of a violation shall be chargeable to the user whose conduct has necessitated such activity. The fees for these services are listed in a separate document entitled "Salt Lake City consolidated fee schedule". This document is incorporated in this chapter by reference. (Ord. 68-11, 2011)

# CHAPTER 17.56
# MOBILE HOME PARKS, RECREATIONAL FACILITIES AND SUBDIVISIONS

## 17.56.010: SEWAGE FACILITIES; APPROVAL PREREQUISITE TO RECORDATION:

All persons, contractors, builders, operators, subdividers and developers shall conform with this chapter and regulations and shall apply to the POTW office for written approval of any proposed sewage collection facilities for their mobile home parks, subdivisions or other developments prior to recordation of their plats with any county recorders, and shall pay all required fees in a timely manner. (Ord. 36-93 § 8, 1993: prior code § 37-9-1)

## 17.56.020: DESIGN, CONSTRUCTION AND MAINTENANCE OF FACILITIES:

All sewage collection systems and appurtenant facilities for mobile home parks and subdivisions shall be designed, constructed and maintained in strict accordance with all applicable provisions of the rules and regulations adopted or amended and revised by the POTW. (Ord. 36-93 § 8, 1993: prior code § 37-9-3)

## 17.56.030: CONNECTION TO POTW SYSTEM PERMITTED WHEN:

Any mobile home park or subdivision hereafter constructed having sewage system and appurtenant facilities acceptable to the POTW within such mobile home park or subdivision, as the case may be, may, at the user's sole expense, upon payment of all required fees and subject to any written extension or reimbursement agreements which may be hereafter executed with the POTW, connect such sewage system and facilities directly with an existing POTW sewer at a location designated by the POTW and under POTW direction. (Ord. 36-93 § 8, 1993: prior code § 37-9-2)

## 17.56.040: NEW CONSTRUCTION:

Contracts for any new sewer construction must be made with the city and all applicable fees paid to the city prior to the commencement of any construction. (Ord. 36-93 § 8, 1993)

# CHAPTER 17.60
# PUMPING STATIONS

## 17.60.010: USER REQUIRING PUMPING TO DISCHARGE TO POTW:

Whenever any user makes application for any permits, approvals, subdivision, zoning or any other actions relating to property situated in areas either within or outside of the POTW which, when connected to the POTW's sewer collection or disposal system, will require the sewage to be pumped into the POTW system, the user thereof shall be required to pay the POTW all of the costs of the installation and maintenance of the required pumping station in the manner and in the amounts hereinafter provided in this chapter. (Ord. 36-93 § 9, 1993: prior code § 37-8-1)

## 17.60.020: PAYMENT FOR PUMPING STATION PREREQUISITE TO APPROVAL:

Notwithstanding the provisions of any other ordinance or regulation of the POTW now or hereafter enacted, the officers and personnel of the POTW dealing with the applications referred to in section 17.60.010 of this chapter, or its successor, are directed and authorized to withhold granting of the requested applications pending payment or entry by the applicant into an agreement whereby payments will be made to the POTW in reimbursement for the costs of such pumping stations. The officers and employees of the POTW are directed and authorized to refuse to furnish sewer services to the users until the agreements are fully consummated and there has been reimbursement and payment for all services and fees due and owing thereunder. (Ord. 36-93 § 9, 1993: prior code § 37-8-2)

## 17.60.030: PUMPING STATIONS AREAS; SURVEYS AND ESTABLISHMENT:

A. The POTW is authorized to cause surveys or engineering studies to be made for the purpose of determining those areas either within or without the POTW which would require the installation and operation of pumping stations. The pumping station areas may include areas outside of the POTW limits which might, by annexation, become a part of the POTW or which might require sewer services from the POTW for the purpose of preserving the health and welfare of residents adjacent to said areas.

B. Based upon such studies, the POTW shall establish the pumping station areas and designate their confines in such manner as to enable landowners or users to determine whether or not they fall within the areas requiring sewage pumping stations. (Ord. 36-93 § 9, 1993: prior code § 37-8-3)

## 17.60.040: DESIGN AND CONSTRUCTION REQUIREMENTS:

A. The POTW may cause a pumping station to be installed in a designated pumping station area in anticipation of the development of buildings or other uses within the near future, or it may cause such construction to occur upon receipt of applications from landowners or users who anticipate developments within the designated area or a portion thereof which will require the construction of a sewage pumping station.

B. The construction of the pumping stations shall be of such size as the POTW may determine will be necessary to provide pumping to the entire area, even though pending applications before it involve only a portion of the pumping station area. All pump stations shall be planned, designed and constructed in accordance with applicable state laws. (Ord. 36-93 § 9, 1993: prior code § 37-8-4)

## 17.60.050: COSTS OF CONSTRUCTION; COMPUTING AND ALLOCATION:

A. The costs of construction for pumping stations shall include costs of land acquisition, easements, legal services, direct labor and materials, costs of direct supervision and engineering services, plus an amount equal to ten percent (10%) of all of the foregoing costs for administrative services by the POTW.

B. The costs of construction shall be allocated among the landowners and/or users of the sewage pumping service area in the same proportion that the total of each landowner's area bears to the total area of land situated within the pumping service area.

C. The foregoing method of allocation of costs may be varied by action of the POTW when, in its judgment, it finds that unusual topography or other physical circumstances or the contemplated use or uses require a different method of allocating costs. If the pumping station is constructed prior to the filing of an application by a landowner or user, the costs of construction will be the actual costs expended as above described.

D. If the pumping station has been constructed at the time the application is filed, then costs shall be the costs estimated by the director or which may be computed based upon contracts let to contractors or subcontractors to perform the construction. The estimated costs shall be used as the basis for establishing the amount of any payments required in advance until such time as construction is completed and actual costs are determined, at which time the costs shall be recomputed and allocated based upon the actual costs.

E. Costs of operation and maintenance, as determined by the director, may be allocated among the users of the sewage pumping service area. (Ord. 36-93 § 9, 1993: prior code § 37-8-5)

## 17.60.060: COSTS OF CONSTRUCTION; PAYMENT METHODS:

At the time an application is made to the POTW, the POTW shall require the applicant to enter into an agreement with the POTW whereby the applicant will pay his/her share of the sewage pumping station construction costs at such time or times fixed by the POTW. The agreement may require the applicant user to pay a lump sum in cash, contribution of the facility or other option as may be determined will best fit the needs of the POTW. The agreement shall provide, in the event the applicant user fails to make the payments, as provided, the POTW may refuse to provide services until such time as payment has been made. (Ord. 36-93 § 9, 1993: prior code § 37-8-6)

## 17.60.070: PUMPING STATIONS ARE PROPERTY OF POTW:

Regardless of the manner in which construction of the sewer pumping station has been achieved, whether by direct action upon the part of the POTW or by action of any applicant, the pumping station shall be deemed the property of the POTW. All maintenance after acceptance shall be performed by the POTW or its designee. (Ord. 36-93 § 9, 1993: prior

code § 37-8-7)

# CHAPTER 17.64
# FEES AND CHARGES

## 17.64.010: PAYMENT RESPONSIBILITY; BASIS AND PURPOSE OF CHARGES:

A. Each user shall pay all fees and charges required by the POTW. Appropriate surcharges will be imposed. It is the purpose of this chapter to provide for the payment of all POTW costs, maintenance and operation from the users. The total annual cost of equipment replacement, maintenance, necessary modifications, power, sampling, laboratory tests, and a reasonable contingency fund. The charges will be based upon the quality and quantity of user's wastewater, and also upon the POTW's capital and operating costs to intercept, treat and dispose of wastewater.

B. The applicable charges shall be set forth in a schedule of rates for the POTW. The schedule of rates and charges shall be adjusted from time to time by the POTW, which shall be prior approved by the city public utilities advisory board and council to equitably apportion such costs among the users of the POTW. (Ord. 36-93 § 10, 1993: prior code § 37-6-1)

## 17.64.020: FEES AND CHARGES; SCHEDULE 1:

A. The POTW's fees and charges are set forth on the Salt Lake City consolidated fee schedule which may be amended from time to time.

B. When recommended by the city's director of public utilities and approved by the public utilities advisory committee, the director may waive sewer connection fees in an amount equal to the city's water reservoir fee for service within the city only to subsidized elderly, homeless or underprivileged housing where said housing is being provided by and a waiver is applied therefor by the federal, Utah state, city, county governments or their agencies and nonprofit corporations. (Ord. 24-11, 2011)

## 17.64.030: CLASSIFICATION OF USERS:

The users of the POTW may be divided into various classifications, including, but not limited to, single dwelling units, duplexes, multiple dwelling units and nonresidential. Further classifications may be established by the POTW for each nonresidential user class. (Ord. 36-93 § 10, 1993: prior code § 37-6-2(1))

## 17.64.040: AUTHORITY TO ADOPT FEES:

The POTW may adopt fees to be shown on the Salt Lake City consolidated fee schedule which may include, but are not to be limited to, the following:

A. Fees for all POTW costs, including maintenance and operation;

B. Fees for reimbursement of costs of setting up and operating the POTW's pretreatment program;

C. Fees for monitoring, inspections and surveillance procedures, to include, but not be limited to, laboratory analysis;

D. Fees for reviewing accidental discharge procedures and construction;

E. Fees for industrial waste permit;

F. Fees for filing appeals;

G. Fees for treatment of excessive compatible pollutants;

H. Fees for connection;

I. Fees for repairs and disconnection;

J. Fees for inspections and surveys;

K. Fees for development and expansion;

L. Fees for noncompliance;

M. Other fees as the POTW may deem necessary to carry out the requirements contained herein. (Ord. 24-11, 2011)

## 17.64.050: ANNUAL REVIEW OF EACH USER'S SERVICE CHARGE:

(Rep. by Ord. 72-98 § 12, 1998)

### 17.64.060: ANNUAL NOTIFICATION OF RATES AND CHARGES:

Each user will be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services. (Ord. 36-93 § 10, 1993: prior code § 37-6-2(8))

### 17.64.070: COMBINATION BILLINGS:

Where POTW provides culinary water, the wastewater treatment charges may be combined for billing purposes with charges for water services rendered. (Ord. 36-93 § 10, 1993: prior code § 37-6-2(4))

### 17.64.080: CHARGES FOR DISCONTINUING OR RESTORING SERVICES:

In the event POTW service to any building or premises in the POTW is shut off, a fee to be set by the POTW shall be charged for restoring sewer service. (Ord. 36-93 § 10, 1993: prior code § 37-6-2(5))

### 17.64.090: TOXIC POLLUTANTS OR DAMAGE TO FACILITIES; PAYMENT OF COSTS:

When a user's discharge causes an obstruction or damages the POTW or when because of the nature of the discharge, increases the costs of maintaining the POTW system or managing the effluent or the sludge of the POTW, the user shall pay for the cost. In addition to remunerative charges, discharges in violation of this chapter will leave the discharger liable to additional fines and penalties. Injunctive relief may be sought through the courts, and criminal penalties of up to five thousand dollars ($5,000.00) per day or more may be imposed. (Ord. 36-93 § 10, 1993: prior code § 37-6-2(6))

### 17.64.100: RESPONSIBILITY FOR CHARGES:

The owner of any premises connected to and discharging into the POTW, and any tenant or other user of such premises, shall be jointly and severally liable for all fees and charges for sewer service at such premises. (Ord. 72-98 § 13, 1998: Ord. 36-93 § 10, 1993: prior code § 37-6-3(1))

### 17.64.110: BILLING PROCEDURES AND RATES:

The city shall cause billings for wastewater treatment charges, and/or water, to be rendered periodically at rates established as set out in section 17.72.030, "Schedule 1; Rates And Fees", of this title, as amended, or its successors. (Ord. 36-93 § 10, 1993: prior code § 37-6-3(2))

### 17.64.120: COLLECTION OF COSTS; PARTIAL PAYMENTS:

The POTW shall receive and collect the sewer fees and charges levied under the provisions of this chapter. In the event of partial payment, the POTW may apply said payment to any sums due for water and/or sewer fees or charges. (Ord. 36-93 § 10, 1993: prior code § 37-6-3(4))

### 17.64.130: DELINQUENT PAYMENTS; RECOVERY BY CIVIL ACTION; SERVICE TERMINATION:

Fees and charges levied in accordance with this chapter shall be a debt due to the POTW. If this debt is not paid within thirty (30) days after billing, it shall, at the POTW's option, be deemed delinquent and subject to penalties, and may be recovered by civil action, and the POTW shall have the right to terminate sewer and/or water service and enter upon private property for accomplishing such purposes. (Ord. 36-93 § 10, 1993: prior code § 37-6-3(3))

### 17.64.140: DELINQUENT PAYMENTS; TAX LIEN AUTHORITY:

To the extent authorized by Utah law, the POTW may, in addition to any and all other remedies provided herein, impose a tax lien on the premises being served, to recover all delinquent fees and charges. (Ord. 72-98 § 14, 1998: Ord. 36-93 § 10, 1993: prior code § 37-6-3(5))

### 17.64.150: RESTORATION OF SERVICE; CONDITIONS:

Sewer service shall not be restored until all charges, including the expense of termination and restoration of service, shall have been paid. (Ord. 36-93 § 10, 1993: prior code § 37-6-3(6))

# CHAPTER 17.68
# ENFORCEMENT REMEDIES

### 17.68.010: NOTIFICATION OF VIOLATION:

Whenever the director finds that any user has violated or is violating any provision of this division, or any wastewater discharge permit, order, rule or regulation issued or promulgated hereunder, or any other pretreatment standard or requirement, the director may serve upon said user a written notice of violation. Such written notice shall be served in person or by certified mail, return receipt requested. Within ten (10) calendar days after the receipt of such notice, an explanation for the violation and a plan for the satisfactory

correction and prevention thereof, which shall include specific required actions, shall be submitted by the user to the director. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the director to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation. (Ord. 68-11, 2011)

## 17.68.020: CONSENT ORDERS:

The director is hereby empowered to enter into consent orders, assurances of compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period specified by the order. Consent orders shall be judicially enforceable. (Ord. 68-11, 2011)

## 17.68.030: SHOW CAUSE HEARING:

The director may order any user which causes or contributes to violation(s) of any provisions of this division, or any wastewater discharge permit or order, rule or regulation issued or promulgated hereunder, or any other pretreatment standard or requirement, to appear before the director and show cause why a proposed enforcement action should not be taken. Notice shall be served on the user, which notice shall specify the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. Such written notice shall be served in person on any authorized representative of the user, or by certified mail, return receipt requested, at least seven (7) days prior to the hearing. Whether or not the user appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be a prerequisite for taking any other actions against the user. (Ord. 68-11, 2011)

## 17.68.040: COMPLIANCE ORDERS:

When the director finds that a user has violated or continues to violate any provision of this division, or any wastewater discharge permit, order, rule or regulation issued or promulgated hereunder, or any other pretreatment standard or requirement, the director may issue an order to the user responsible for the violation directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued. Compliance orders may also contain other requirements to address noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the POTW. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order release the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the user. (Ord. 68-11, 2011)

## 17.68.050: CEASE AND DESIST ORDERS:

When the director finds that a user has violated or continues to violate any provision of this division, any wastewater discharge permit, rule, order, or regulation issued or promulgated hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the director may issue an order to the user directing it to cease and desist all such violations and directing the user to:

A. Immediately comply with all requirements; and

B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a bar against or a prerequisite to taking any other action against the user. (Ord. 68-11, 2011)

## 17.68.060: ADMINISTRATIVE FINES:

A. Notwithstanding any other section of this division, any user found to have violated, or continues to violate any provision of this division, or any wastewater discharge permit, or order, rule or regulation issued or promulgated hereunder, or any other pretreatment standard or requirement, may be fined in an amount not greater than ten thousand dollars ($10,000.00) per day, as determined by the director in his reasonable discretion. Such fines shall be assessed on a per day, per violation basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation. In determining the amount of civil liability, the director shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

B. The POTW may charge a user for the costs of preparing administrative enforcement actions, such as notices and orders, which charge may be assessed whether or not a fine under subsection A of this section is also imposed. The POTW may recover reasonable attorney fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred.

C. Assessments for fines and/or administrative costs may be added to the user's next scheduled sewer service charge, and the director shall have such other collection remedies as may be available for other service charges and fees.

D. Unpaid charges, fines, assessments and penalties shall, after sixty (60) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance. Thereafter, interest on any unpaid balances, including penalties, shall accrue at a rate of one percent (1%) per month. A lien against the individual user's property will be sought for unpaid charges, fines, and penalties.

E. Users desiring to dispute such fines or assessments must file a written request for the director to reconsider the fine or assessment, along with full payment thereof within thirty (30) days of being notified of the fine or assessment. The director may convene a hearing on the matter within fourteen (14) days of receiving the request from the user. In the event the user's appeal is successful, any amounts paid by the user to the POTW shall be returned to the user, without interest.

F. The imposition of an administrative fine, assessment or other charge shall not be a prerequisite for or bar against taking any other action against the user. (Ord. 68-11, 2011)

## 17.68.070: EMERGENCY SUSPENSIONS:

The director may order the immediate suspension or shutoff of a user's discharge (after informal notice to the user), whenever such suspension or shutoff is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause a risk of an imminent or substantial: a) damage to the POTW, b) endangerment to the health or welfare of any residents of the POTW, c) interference with the operation of the POTW, or d) endangerment to the environment. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the director shall take such steps as deemed necessary, including immediate severance of the sewer connection, to enforce such order. The director may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the director that the period of endangerment has passed, unless the termination proceedings set forth in section 17.68.080 of this chapter

are initiated against the user. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment, shall submit to the director a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, prior to the date of any show cause or termination of discharge hearing under sections 17.68.030 and 17.68.080 of this chapter. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section. (Ord. 68-11, 2011)

## 17.68.080: TERMINATION OF DISCHARGE:

In concert with the wastewater discharge permit revocation provisions in section 17.52.120 of this title, any user committing any of the following acts or omissions is subject to termination of discharge:

A. Violation of any provisions of this division or any wastewater discharge permit, or order, rule or regulation or any pretreatment standard or requirement, issued or promulgated hereunder;

B. Failure to accurately report the wastewater constituents and characteristics of its discharge;

C. Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge;

D. In the event a duly authorized officer or agent of the POTW is refused admission to a user for any reason, the director may cause sewer service to the premises in question to be discontinued until the POTW agents have been afforded reasonable access to the premises and pretreatment system to accomplish the inspection and/or sampling;

E. Failure to attain compliance within thirty (30) days of issuance of a compliance order under section 17.68.040 of this chapter;

F. In the event of actual or threatened discharges as described in section 17.68.070 of this chapter;

G. Violation of the pretreatment standards in sections 17.36.020 through 17.36.110 of this title.

The user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under section 17.68.030 of this chapter why the proposed action should not be taken. Exercise of this option by the director shall not be a bar to, or a prerequisite for, taking any other action against the user. (Ord. 68-11, 2011)

## 17.68.090: INJUNCTIVE RELIEF:

Whenever a user has violated a pretreatment standard or requirement or continues to violate any provisions of this division, or any wastewater discharge permit, or order, rule or regulation issued or promulgated hereunder, or any other pretreatment standard or requirement, the director may petition the third district court of the state of Utah for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, or order, rule, regulation or other requirement imposed by this division on activities of the user. In addition, the city may recover reasonable attorney fees, court costs, and other expenses of litigation by appropriate legal action against the user found to have violated any provision hereof, or of any wastewater discharge permit, or order, or any other rule or regulation issued or promulgated hereunder. Such other action as appropriate for legal and/or equitable relief may also be sought by the director including a requirement for the user to conduct environmental

remediation. A petition for injunctive relief need not be filed as a prerequisite to or a bar against taking any other action against a user. (Ord. 68-11, 2011)

## 17.68.100: CIVIL PENALTY PASS-THROUGH RECOVERY:

In the event that a user discharges such pollutants which cause the POTW to violate any conditions of its UPDES permit and the POTW is fined by the EPA, the state of Utah or Salt Lake County for such violations, then such user shall be fully liable for the total amount of the fines and civil penalties assessed against the POTW by the EPA or the state of Utah or Salt Lake County and administrative costs incurred.

A. A user who has violated, or continues to violate, any provision of this division, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement may be liable to the city for a maximum civil penalty of ten thousand dollars ($10,000.00) per violation, per day. In the case of a monthly or other long term average discharge limit, penalties shall accrue for each day during the period of the violation.

B. The director may recover reasonable attorney fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the city.

C. In determining the amount of civil liability, the court may take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user. (Ord. 68-11, 2011)

## 17.68.110: REFERRAL TO STATE OF UTAH FOR ACTION; CRIMINAL PROSECUTION:

Violations of any pretreatment standards, requirements, or permit conditions may constitute an offense subject to criminal prosecution. Violations shall be classified no less than a class B misdemeanor.

A. A user who wilfully or negligently violates any provision of this division, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than twenty five thousand dollars ($25,000.00) per violation, per day, or imprisonment for not more than six (6) months, or both.

B. A user who wilfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of no less than a class B misdemeanor and be subject to a penalty of at least twenty five thousand dollars ($25,000.00), or be subject to imprisonment for not more than six (6) months, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.

C. A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this division, wastewater discharge permit or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this division shall, upon conviction, be punished by a fine of not more than fifty thousand dollars ($50,000.00) per violation, per day, or

imprisonment for not more than six (6) months, or both.

D. In the event of a second conviction, a user shall be punished by a fine of not more than fifty thousand dollars ($50,000.00) per violation, per day, or imprisonment for not more than six (6) months, or both.

The POTW may refer to the state criminal violations of any pretreatment standards or permit conditions. The Utah attorney general's office will offer Salt Lake County the option to prosecute the violator. Should Salt Lake County decline, the state, at its discretion, may initiate appropriate criminal action. The POTW shall assist the Utah attorney general's office or Salt Lake County any way it can with appropriate support for the action taken. (Ord. 68-11, 2011)

## 17.68.120: PERFORMANCE BONDS:

The director may decline to reissue a wastewater discharge permit to any user which has failed to comply with the provisions of this division, or of any previous wastewater discharge permit, order, rule or regulation issued or promulgated hereunder, unless such user first files a satisfactory bond, payable to the POTW, in a sum not to exceed a value determined by the director to be necessary to achieve consistent compliance. (Ord. 68-11, 2011)

## 17.68.130: LIABILITY INSURANCE:

The director may decline to reissue a wastewater discharge permit to any user which has failed to comply with the provisions of this division, or of any previous wastewater discharge permit or order, rule or regulation issued or promulgated hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge. (Ord. 68-11, 2011)

## 17.68.140: WATER SUPPLY SEVERANCE:

Whenever a user has violated or continues to violate the provisions of this division, or of any wastewater discharge permit, or order, rule or regulation issued or promulgated hereunder, or any other pretreatment standard or requirement, water service to the user may be discontinued. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply. (Ord. 68-11, 2011)

## 17.68.150: PUBLIC NUISANCES:

Any violation of the provisions of this division, or of any individual wastewater discharge permit, or order, rule or regulation issued or promulgated hereunder, or any other pretreatment standard or requirement, is hereby declared a public nuisance and shall be corrected or abated as directed by the director. Any person(s) creating a public nuisance shall be subject to the provisions of this code governing nuisances, including reimbursing the city for any costs incurred in removing, abating or remedying said nuisance. (Ord. 68-11, 2011)

### 17.68.160: CONTRACTOR LISTING:

Users which are found to be in significant noncompliance with any provisions of this division, or of any wastewater discharge permit, or order, rule or regulation issued or promulgated hereunder, or any other pretreatment standard or requirement, are not eligible to receive a contractual award for the sale of goods or services to the POTW. Existing contracts for the sale of goods or services to the POTW held by a user found to be in significant noncompliance with any provisions of this division, or of any wastewater discharge permit or order, rule or regulation issued or promulgated hereunder, or any other pretreatment standard or requirement, may be terminated at the discretion of the POTW. (Ord. 68-11, 2011)

### 17.68.170: REMEDIES NONEXCLUSIVE:

The remedies provided are not exclusive remedies. The director reserves the right to take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the city's enforcement response plan. However, the director reserves the right to take other action against any user when the circumstances warrant. Further, the director is empowered to take more than one enforcement action against any noncompliant user. These actions may be taken concurrently. (Ord. 68-11, 2011)

# CHAPTER 17.69
# AFFIRMATIVE DEFENSES

### 17.69.010: UPSET:

A. For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of subsection C of this section are met.

C. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

1. An upset occurred and the user can identify the cause(s) of the upset;

2. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures;

3. The user has submitted the following information to the director and treatment plant operator within twenty four (24) hours of becoming aware of the upset (if this

information is provided orally, a written submission must be provided within 5 days):

a. A description of the indirect discharge and cause of noncompliance;

b. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

c. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

D. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

E. Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

F. The user shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or has failed. (Ord. 68-11, 2011)

## 17.69.020: PROHIBITED DISCHARGE STANDARDS:

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general and specific prohibitions in section 17.36.060 of this title, with the exception of the fire or explosion hazards or low pH, listed in subsections 17.36.060B2 and B4 of this title, if it can prove that it did not know or have reason to know that its discharge, alone or in conjunction with discharges from other sources, would cause pass-through or interference and that either:

A. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass-through or interference, or

B. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the POTW was regularly in compliance with its UPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements. (Ord. 68-11, 2011)

## 17.69.030: BYPASS:

A. Definitions: For the purposes of this section:

BYPASS: The intentional diversion of waste streams from any portion of a user's treatment facility.

SEVERE PROPERTY DAMAGE: Substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

B. Conditions To Allow Bypass: A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subsections C and D of this section.

C. Bypass Notification:

1. If a user knows in advance of the need for a bypass, it shall submit prior notice to the director, at least ten (10) days before the date of the bypass if possible.

2. A user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the director within twenty four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times and, if the bypass has not been corrected, the anticipated time it is expected to continue. The user shall also set forth in writing the steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The director may waive the written report on a case by case basis if the oral report has been received within twenty four (24) hours.

D. Bypass Prohibition; Exception:

1. Bypass is prohibited, and the director may take enforcement action against a user for a bypass, unless:

a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

c. The user submitted notices as required under subsection C of this section.

2. The director may approve an anticipated bypass, after considering its adverse effects, if the director determines that it will meet the three (3) conditions listed in subsection D1 of this section. (Ord. 68-11, 2011)

# CHAPTER 17.72
# SCHEDULES

### 17.72.010: SCHEDULE 1; TOXICS; NONEXCLUSIVE:

(Rep. by Ord. 72-98 § 18, 1998)

## 17.72.020: SCHEDULE 2; LOCAL LIMITS:

(Rep. by Ord. 72-98 § 19, 1998)

## 17.72.030: SCHEDULE 1; RATES AND FEES:

A. Purpose: For the purpose of defraying the cost of construction, reconstruction, maintenance and operation of the city sewer system, there are hereby imposed the charges shown on the Salt Lake City consolidated fee schedule upon all persons and premises receiving sewer collection and treatment services.

B. Definitions:

CUSTOMER CLASS: The classification or classifications applicable to each customer of the sewer system for purposes of calculating such customer's service charge under this chapter, based on the applicable range of the strength of such customer's waste discharge, as measured by BOD and TSS, as follows:

| Customer Class | BOD (mg/l) | TSS (mg/l) |
|---|---|---|
| 1 | <300 | <300 |
| 2 | 300 - 600 | 300 - 600 |
| 3 | 601 - 900 | 601 - 900 |
| 4 | 901 - 1,200 | 901 - 1,200 |
| 5 | 1,201 - 1,500 | 1,201 - 1,500 |
| 6 | 1,501 - 1,800 | 1,501 - 1,800 |
| 7 | >1,800 | >1,800 |

More than one class may apply to a customer at the same time. For example, a customer may be in class 2 for BOD, and in class 4 for TSS. The director shall assign class designations to customers based upon the nature of the facility owned or operated by the customer, and estimates based on sample measurements taken from similar facilities. Any customer may, at its expense, demonstrate that actual BOD or TSS discharges differ from the director's estimates, and the director shall assign such customer to a different class or classes, accordingly. Such actual measurements shall be conducted in accordance with procedures established by the director.

DUPLEX: A single building containing two (2) independent dwelling units.

DWELLING UNIT: A building or other structure or portion thereof, in which: 1) an individual resides as a separate housekeeping unit, or 2) a collective body of persons (doing their own cooking) resides as a separate housekeeping unit in a domestic bond based upon birth, marriage, domestic employment or other family relationship, as distinguished from a boarding house, lodging house, club, fraternity, motel or hotel.

MULTIPLE DWELLING: Any building or other structure, having four (4) or more dwelling units therein, including a mobile home park.

SERVICE CHARGE: The charge for sewer collection and treatment services levied on all users of the public sewer system, as calculated pursuant to this chapter.

SERVICE TO MULTIPLE BUILDINGS: Sewer service to multiple buildings shall be governed the same as section 17.16.200 of this title.

SINGLE DWELLING UNIT: A building containing one dwelling unit.

TRIPLEX: A single building containing three (3) independent dwelling units.

C. Sewer Charges:

1. a. Each sewer customer in classes 1 to 6 shall be charged a monthly service charge equal to the greater of: 1) the cumulative flow rate, BOD rate and TSS rate per one hundred (100) cubic feet of metered water usage during the winter period, as shown on the Salt Lake City consolidated fee schedule, or 2) a minimum charge shown on the Salt Lake City consolidated fee schedule. The average monthly water meter readings during the consecutive months of November, December, January, February and March (hereinafter "winter months"), shall be the basis for sewer billings for the twelve (12) month period beginning July 1 and ending June 30, immediately following such winter months.

b. Each customer in class 7 and all other classes that are monitored separately shall be charged a monthly service charge based on actual discharge strength. The flow component will be charged at a rate shown on the Salt Lake City consolidated fee schedule per one hundred (100) cubic feet of metered water used during the billing period. The charges for COD, BOD and TSS will be billed on actual pounds of discharge as shown on the Salt Lake City consolidated fee schedule.

Either a BOD or COD charge will be assessed, but not both. When there is an unexplained difference between the two (2) test results of COD and BOD the higher of the two will be used. Nothing in this section shall authorize discharges in excess of the maximum local limit concentrations established by the director pursuant to section 17.36.090 of this title.

c. In cases where little or no water is used during one or more of the winter months, such that the average metered usage during such winter months cannot be reasonably assumed to reflect typical monthly usage for an account, the director may use other consumptive information specific to such account to determine average monthly minimum usage for sewer billing purposes.

d. Meter readings for sewer billing purposes shall only include meters which measure water entering the sewer system.

e. In the case of sewer users whose water usage is based in whole or in part on water sources other than the city, the city may require installation of a city approved meter, at the sewer user's expense, on the well(s) or other sources of water supply, for measurement by the city during the winter months to determine the sewer user's water use during the winter months.

f. For each single-family dwelling sewer user using water other than city water and desiring not to install a water meter as provided above, the director may waive the meter requirement, in which event the user will be charged for sewer service as provided in subsection E of this section.

D. Metering Of Sewage Flows:

1. Meters will be allowed in sewer lines when the user is permitted or required by the director to have the sewage flow subject to the following requirements:

a. The charges for sewer service will be based upon the actual sewer meter readings rather than upon the average of said winter readings.

b. The user will furnish, install and maintain at user's expense a meter pursuant to the city's standards and specifications.

E. New Sewer Accounts:

1. For new sewer accounts, until the data required by subsection C1a of this section is available the monthly sewer rates shall be as shown on the Salt Lake City consolidated fee schedule.

a. For class 7 customers, new accounts shall be treated in the same manner as established accounts under subsection C1b of this section.

F. Service Charge Adjustment:

1. The director may provide for adjustments as needed to ensure equitable service charges. Such adjustments may be made where excessive quantities of culinary water pass through the water meter, but are consumed on the premises and do not enter the sewer system. In each such instance, the user will have the burden of providing evidence of such inequities by showing that the quantity of water not entering the sewer, but passing through the meter, exceeds twenty percent (20%) of the total flow in order to merit such consideration by the director. Each such adjustment proposed to be made by the director shall first be presented to the public utilities advisory committee for review and recommendation, following which review and recommendation the director shall make a final determination.

2. Additionally, the director may make adjustments under the following conditions due to faulty inside plumbing. All adjustments will be determined by prior usage. When the charge is not based on preceding usage and has not been established on winter average the charge will be determined as outlined in this section or its successor.

a. When defective plumbing has caused the average winter water consumption to exceed the previous year's average by twenty five percent (25%) or more, there may be an adjustment made based on prior usage. The customer must provide to the director evidence that plumbing repairs were made within thirty (30) days of notification from the city. Such evidence may be in the form of a statement detailing the repairs made and the date of completion. The adjustment shall be made following the determination by the director that the repairs have resulted in decreased water consumption.

b. In the event of a customer's unexplainable large increase in water consumption during the months of November through March of any year, the director may make adjustments to any account when there has been a twenty five percent (25%) increase or more in usage during the winter months. Any adjustment may be made only after an in depth review of the account has been completed, and based solely on the merits of each individual request, and the circumstances surrounding the request.

c. The director may make adjustments to the account of a single-family residence, if the user or a user's tenant who has also signed the agreement for water service has temporary additional (2 or more) people living at the residence during all or part of the "winter meter readings" period and it has caused the average winter water consumption to exceed the previous year's average by twenty five percent (25%) or more. Such adjustment may be made by using the following guidelines:

(1) For one month or less, no adjustment will be allowed;

(2) For more than one month to twelve (12) months, the charge will be based on the new average winter water use for the number of months said additional people were in the residence;

(3) For all months following the period when said additional people are not in the residence, the charge will be based upon the previous year's established average use, or the fee shall be as outlined in subsection F2d of this section, or its successor subsection.

d. All adjustments will be determined by the sewer charge of the preceding year. When the charge for the preceding year is not established on winter average, the charge will be determined as outlined in subsection F2c of this section, or its successor subsection.

G. Sewer Service Fees: The director shall charge and the city shall collect the fees shown on the Salt Lake City consolidated fee schedule.

1. Special industrial and commercial uses, including car washes, laundromats, etc., as determined by the city's public utilities director, shall be charged the fee shown on the Salt Lake City consolidated fee schedule per equivalent fixture unit, as specified in the uniform plumbing code.

2. Connection fees on property with prior development:

a. When a residential building is demolished and the existing lateral is used for the same property, there is no new sewer connection fee for the property when residential use or building type is same as prior to demolition. After five (5) years from date of demolition no credit will be given for prior sewer connection fees. After five (5) years from demolition the property owner will be required to pay all connection fees.

b. When a commercial building such as a hotel, motel, industrial building, etc., is demolished the sewer fee shall be based and charged on new additional use pursuant to the applicable fee shown on the Salt Lake City consolidated fee schedule. After five (5) years from date of demolition no credit will be given for prior sewer connection fees. After five (5) years from demolition the property owner will be required to pay all connection fees required by the city.

3. Temporary sewer connections may only be made by approval of the director. Temporary connections cannot exceed twenty four (24) months. The fee for each temporary connection shall be shown on the Salt Lake City consolidated fee schedule. All other applicable fees will be effective for temporary connections. (Ord. 24-11, 2011)

# CHAPTER 17.75
# GENERAL PROVISIONS

## 17.75.100: SHORT TITLE:

This division shall be known collectively as the *SALT LAKE CITY STORMWATER CONTROL ORDINANCE.* (Ord. 53-07 § 4, 2007)

## 17.75.200: FINDINGS AND PURPOSES:

A. Findings On Stormwater Runoff Harm: The city council finds that stormwater runoff has the potential for causing property damage and erosion; carrying concentrations of nutrients, chemicals, heavy metals, oil and toxic materials into receiving waters and ground water; degrading the integrity of city streets, curbs, gutters and other infrastructure; reducing residents' access to emergency services; and imposing other hazards to both life and property. For these and other reasons, stormwater runoff has the potential for adversely impacting the health, safety, property, recreational opportunities and general welfare of the community. The city council has determined that the potential for such negative impacts will increase as the amount of stormwater runoff increases due to the city's physical growth and urban development.

B. State And Federal Regulation: The federal government has established, through the clean water act, regulations regarding stormwater runoff for the protection of receiving waters. The state of Utah has also enacted the water quality act, together with related regulations. These federal and state laws and regulations are administered through the Utah department of environmental quality and include requirements that the city obtain, and abide by the provisions of, a UPDES permit for the city's discharge of stormwater runoff into receiving waters.

C. Purposes And Objectives: In view of the foregoing, the purposes and objectives of this chapter through chapter 17.91, inclusive, of this title are to:

1. Provide for and maintain a stormwater sewer system for collecting and disposing of stormwater runoff;

2. Establish the inspection, surveillance and monitoring procedures, and all related rules and regulations, necessary to regulate discharges into the stormwater sewer system, and to establish the legal authority to enforce compliance with such rules and regulations; and

3. Provide fair, equitable and nondiscriminatory rates and charges which will generate sufficient revenues to construct, operate, improve and maintain the stormwater sewer system at a level commensurate with stormwater sewer management needs. It shall be the policy of the city that present and future costs of operating the stormwater sewer system shall be fairly allocated among the various users of the stormwater sewer system through the establishment of rates and charges based upon such factors as the intensity of development of the parcel; the types of development on the parcel; the amount of impervious surface on the parcel; the cost of maintenance, operation, repair and improvements of the various parts of the system; the quantity and quality of the runoff generated; and other factors which present a reasonable basis for distinction, and which will allow for management of the stormwater sewer system in a manner that protects the public health, safety and welfare. (Ord. 53-07 § 5, 2007)

### 17.75.300: AUTHORITY:

This chapter through chapter 17.91, inclusive, of this title is adopted under the authority of the Utah water quality act, the federal clean water act and the rules and regulations promulgated thereunder relating to stormwater discharges, as well as certain requirements set forth in the city's UPDES permit for stormwater discharges, issued by the Utah department of environmental quality. Specifically, section 19-5-115(10), Utah Code Annotated, authorizes the city to enact and enforce rules and ordinances for the implementation of the water quality act, including stormwater discharges. (Ord. 53-07 § 6, 2007)

### 17.75.400: RESPONSIBILITY FOR ADMINISTRATION:

The director shall be responsible for administering, implementing, and enforcing the provisions of this chapter through chapter 17.91, inclusive, of this title. Any powers granted or duties imposed upon the director may be delegated by the director to persons in the employ of the city and under the supervision of the director. (Ord. 53-07 § 7, 2007)

# CHAPTER 17.78
# DEFINITIONS

### 17.78.100: TERMS DEFINED:

For purposes of chapters 17.81 through 17.91, inclusive, of this title, the following words, terms and phrases shall have the following meanings:

BEST MANAGEMENT PRACTICES OR BMPs: Schedules of activities, prohibitions of practices, maintenance procedures, treatment requirements, operating practices, techniques, methodologies or other management practices that, through experience and research, have proven reliable to prevent or reduce pollutants from entering the stormwater sewer system, and that are recognized, required, or accepted as BMPs under the clean water act, the water quality act, and related rules, regulations, guidance documents and stormwater permits issued thereunder. BMPs shall be an integral part of an SWPPP as necessary for compliance with an NPDES or a UPDES permit, or a city discharge permit under chapter 17.84 of this title.

CITY: Salt Lake City Corporation, a municipal corporation of the state.

CITY DISCHARGE PERMIT: A permit to discharge stormwater into the city's stormwater sewer system, issued pursuant to section 17.84.400 of this title.

CLEAN WATER ACT: The federal water pollution control act, 33 USC section 1251 et seq., as amended, including all related rules and regulations.

CONSTRUCTION ACTIVITY: Activities for which a UPDES general construction stormwater permit, as defined in the rules promulgated under the clean water act, must be obtained. These include construction activities such as clearing and grubbing, grading, excavating and demolition, that disturb one acre of land or more.

COUNCIL: The Salt Lake City council.

COUNTY: Salt Lake County, Utah.

DEPARTMENT: The city's department of public utilities.

DEVELOPED PARCEL: Any parcel which has been altered by grading or filling of the ground surface, or by construction of any improvements or other impervious surface area that affects the hydraulic properties of the parcel.

DIRECTOR: The director of the department, or the director's duly authorized designee.

DISCHARGE: Any addition or introduction of any pollutant into the stormwater sewer system or any watercourse. Discharge includes any stormwater runoff.

DISCHARGE PERMIT: Means and includes any permit regulating discharges into the stormwater sewer system, including a UPDES permit, an NPDES permit and a city discharge permit.

EPA: The U.S. environmental protection agency.

EQUIVALENT RESIDENTIAL UNIT OR ERU: The unit of measurement of the magnitude of use of the stormwater sewer system attributable to a developed parcel. One ERU is equal to the stormwater runoff from a developed parcel containing two thousand five hundred (2,500) square feet of combined impervious surface area, in any configuration, which is the estimated contribution of stormwater runoff from the average single-family residential dwelling unit and accompanying parcel of land.

ILLICIT CONNECTION: Any drain, pipe, connection or conveyance, whether on, above or below the surface, which is connected from a commercial or industrial land use to the stormwater sewer system and which does not meet the requirements of the city, including, without limitation, the requirement that such connection or conveyance be documented in plans, maps or equivalent records and approved by the director.

IMPERVIOUS SURFACE: That hard surface area of a developed parcel that either prevents or retards the entry of water into the soil mantle and/or causes water to run off the surface in greater quantities or at an increased rate of flow from that which would be present under natural conditions. Impervious surfaces may include, but are not limited to, rooftops, concrete or asphalt paving, walkways, patios, driveways, parking lots or storage areas, trafficked gravel, or other surfaces which similarly impede the natural infiltration into the ground of runoff of storm and surface water.

INDUSTRIAL ACTIVITY: Generally, activity for which an NPDES permit or UPDES permit is required. Industrial activity is more particularly defined in 40 CFR section 122.26(b)(14) and Utah administrative rule R.317-8-2.5, which definitions are incorporated herein by reference. Such activities include, by way of example, manufacturing, processing or raw materials storage at an industrial plant, and most construction activity on parcels of one acre and greater.

NPDES PERMIT: A permit issued by the EPA that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group or general areawide basis.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM OR NPDES: The national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing discharge permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318 and 405 of the clean water act.

ON PARCEL MITIGATION OR MITIGATION: Stormwater control facilities designed to city standards located on the parcel, which either hold runoff for a short period of time and release it to the stormwater sewer system, or hold water for a considerable length of time and disperse it by evaporation or infiltration into the ground.

OPERATOR: With respect to any industrial activity, the person or persons who either individually or taken together meet the following two (2) criteria: a) they have operational

control over the site specifications (including the ability to make modifications in specifications); and b) they have the day to day operational control of those activities at the site necessary to ensure compliance with SWPPP requirements and any permit conditions.

PARCEL: The smallest separately segregated unit or plot of land which is documented and given a property serial number by the county.

PERSON: Any individual, partnership, copartnership, firm, limited liability company, corporation, association, joint stock company, trust, estate, government entity or any other entity recognized by law, and any offices, departments, institutions, bureaus or agencies thereof.

POLLUTANT: Anything that causes or contributes to pollution. Pollutant includes, without limitation, dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, filter backwash, munitions, chemical wastes, biological materials, toxic materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, recreational and agricultural waste discharged into water or into the stormwater sewer system.

POLLUTION: The alteration, through the introduction of a pollutant, of the physical, thermal, chemical, or biological quality of, or the contamination of, any waters of the state or waters of the United States, that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to the public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

PREMISES: Any building lot, parcel, or portion of land whether improved or unimproved, including adjacent sidewalks and parking strips.

PROHIBITED DISCHARGE: Any discharge prohibited by section 17.84.100 of this title.

RESPONSIBLE PARTY: A. An operator;

B. A person who uses the stormwater sewer system or discharges to the stormwater sewer system, whether or not pursuant to a discharge permit; or

C. A person responsible for emergency response for a facility or operation.

SINGLE-FAMILY RESIDENTIAL PARCEL: Any parcel of land which is improved with a "dwelling unit" as defined by subsection 17.72.030B3 of this title.

SMALL CONSTRUCTION ACTIVITIES: Construction activities, including clearing, grading and excavating land, that result in the disturbance of equal to or greater than one acre and less than five (5) acres of land, including projects of less than one acre that are part of a larger common plan of development or sale.

STATE: The state of Utah.

STORMWATER: A. Stormwater runoff,

B. Snowmelt runoff, and

C. Surface runoff and drainage from other sources which contains no pollutants.

STORMWATER POLLUTION PREVENTION PLAN OR SWPPP: A plan required by a discharge permit which describes and ensures the implementation of the best management practices and activities to be implemented by a person or operator to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, the stormwater sewer system and/or receiving waters to the maximum extent practicable.

STORMWATER RULES: The rules promulgated by the state relating to stormwater discharges, and set forth in Utah administrative rule R.317-8-3.9.

STORMWATER SEWER FACILITIES: Any facilities comprising part of the stormwater sewer system.

STORMWATER SEWER SYSTEM: The city owned and operated system of conveyances designed or used for collecting, storing, controlling, treating and/or conveying stormwater. This system includes, but is not limited to, sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade or altered channels, reservoirs or piped storm drains. This system does not include any part of the sanitary sewer system.

STORMWATER SEWER UTILITY: The utility created in section 2.08.100 of this code, which operates, maintains, regulates and improves stormwater facilities and programs within

the city.

UPDES PERMIT: A permit issued by the Utah department of environmental quality that authorizes the discharge of pollutants to waters of the state, whether the permit is applicable on an individual, group or general areawide basis.

UNDEVELOPED PARCEL: Any parcel which is not a developed parcel.

UTAH POLLUTANT DISCHARGE ELIMINATION SYSTEM OR UPDES: The program delegated to the state by the EPA pursuant to 33 USC section 1342(b) and sections 19-5-101 to 123 of the Utah code.

VIOLATION: A violation of any provision of any stormwater discharge permit, chapters 17.81 through 17.91, inclusive, of this title or any order, rule or regulation issued or promulgated hereunder.

WATER QUALITY ACT: The statute codified at section 19-5-101 et seq., Utah Code Annotated, as amended, including all related rules and regulations.

WATERCOURSE: Aqueducts, pipelines, natural or artificial streams or channels through or in which water at any time flows. (Ord. 53-07 § 8, 2007)

# CHAPTER 17.81
# STORMWATER SEWER UTILITY ESTABLISHMENT AND FUNDING

## 17.81.100: ESTABLISHMENT OF STORMWATER SEWER UTILITY AND ADMINISTRATION OF STORMWATER SEWER FACILITIES:

The stormwater sewer utility has been established pursuant to section 2.08.100 of this code, and is operated as a separate enterprise fund within the department of public utilities. All portions of the stormwater sewer system (other than streets, curbs, gutters and sidewalks) shall be operated, managed and administered by the director within the stormwater sewer utility. (Ord. 53-07 § 11, 2007)

## 17.81.200: SYSTEM OF RATES AND CHARGES:

A. Generally: There are hereby imposed stormwater sewer service fees, rates and charges, effective for all billing periods after and including July 1, 2011, and thereafter until further amended, on the owner of each developed parcel within the city, except: 1) governmentally owned streets, and 2) parcels on which are located stormwater sewer facilities operated and maintained by, or for, the county. The charges shall fund the administration, planning, design, construction, water quality programming, operation, maintenance and repair of existing and future stormwater sewer facilities.

B. Residential Service Charges: Residential service charges for use of the stormwater sewer system shall be as shown on the Salt Lake City consolidated fee schedule.

C. Undeveloped Parcels: Undeveloped parcels shall not be assessed a stormwater service charge.

D. Other Parcels: The charge for all other parcels shall be based upon the total square footage of measured impervious surface, divided by two thousand five hundred (2,500) square feet, or one ERU, and rounded to the nearest whole number. The actual total monthly service charge shall be computed by multiplying the total ERUs for a parcel by the monthly rate shown on the Salt Lake City consolidated fee schedule

E. Credit For On Parcel Mitigation: Nonresidential parcels with on site stormwater detention or retention facilities are eligible for a service charge credit upon application to the director by the person owning the parcel, or such person's agent. The amount of credit, if any, for on site detention or retention facilities is based on the following formula:

P = 0.25 + 0.70 (factor) + 0.05 (permit)

The foregoing symbols have the following meanings:

| | |
|---|---|
| P | Percentage of total service charge to be applied to each parcel. |
| 0.25 | Represents 10 percent for department administration cost plus 15 percent for utility operation and maintenance costs (half of the estimated total cost for utility operation and maintenance). |
| 0.70 | Represents 15 percent for utility operation and maintenance (half of the estimated total cost for utility operation and maintenance) plus 55 percent for a utility capital improvement program. |
| Factor | Restricted discharge (Qr) from a developed parcel divided by the peak discharge (Qp) from the same developed parcel which would result if the flow restriction facilities were not in place. |
| 0.05 | Represents 5 percent for NPDES stormwater permit for the parcel. |
| Permit | The rate adjustment, which applies when the parcel has an NPDES discharge permit from the state, will be equal to 0. When the parcel is included in the city NPDES permit, this rate adjustment is equal to 1. |

1. Mitigation credit is available only for those nonresidential parcels whose stormwater facilities meet the city's design and maintenance standards.

2. If the stormwater facilities are not properly maintained or if related structures are modified from an approved design, the mitigation credit may be modified or terminated by the city.

3. The director shall provide a complete on site mitigation evaluation at the request and expense of the person owning the parcel, or the owner's duly authorized agent.

F. Low Income Abatement: A person who owns a single-family residential parcel and is qualified for an abatement of the minimum monthly water charge pursuant to section 17.16.670 of this title shall be eligible for a fifty percent (50%) reduction of the service charge for such parcel.

G. Nonservice Abatement: A parcel which is not directly or indirectly benefited by the stormwater sewer utility shall be entitled to an abatement of the service charge for said parcel. In order to receive such abatement, the owner, or the owner's agent, shall apply, in writing, to the director pursuant to section 17.81.500 of this chapter. (Ord. 40-11, 2011)

## 17.81.300: BILLING AND COLLECTION:

A. Billing: In the case of developed parcels, the department shall cause billings for stormwater sewer utility services to be mailed periodically to the person who has signed for water and sanitary sewer service to the parcel. The amounts to be billed shall be included on the existing department bill as a separate line item. In the case of undeveloped parcels, a stormwater only billing will be sent to the owner of the parcel, as shown on the records of the county recorder.

B. Collection:

1. In the event partial payment is made on a combined bill, the payment shall be applied first to franchise fees due, and then to each service on a pro rata basis.

2. In the event of delinquency, fees and charges levied in accordance herewith shall be a debt due the city. If this debt is not paid within thirty (30) days after billing, it shall be deemed delinquent. The department shall have the right to terminate water, sewer and other city services to the premises to enforce payment. Any uncollected amount due from the person or persons who own the parcel on any inactive, terminated or discontinued account may be transferred to any active account under the same person or persons' name(s) and, upon failure to pay such bill after at least five (5) days' prior written notice, water and other city services to that account and parcel may be discontinued.

3. Water, sewer, garbage and storm sewer service shall not be restored until all charges have been paid in full.

C. Stormwater Sewer Utility Enterprise Fund: All funds received from storm sewer service charges shall be placed in the stormwater sewer enterprise fund and kept separate and apart from all other city funds. The collection, accounting and expenditure of all stormwater sewer utility funds shall be in accordance with existing fiscal policy of the city. (Ord. 53-07 § 14, 2007)

## 17.81.400: STORMWATER IMPACT FEE:

A. The fee shown on the Salt Lake City consolidated fee schedule for each one-fourth ($^1/_4$) acre or portion thereof shall be imposed on all new development within city boundaries for stormwater improvements.

B. Such fee shall be paid prior to city issuance of a building permit.

C. All stormwater improvements to be maintained by the city shall be installed in the public right of way, or on other property owned by the city or with respect to which the city has all necessary easements, shall be subject to approval by the director as to materials, design and construction, and shall be under the director's exclusive control. All excavation and other permits necessary shall be obtained at the expense of the applicant. All facilities not accepted by the city as part of the stormwater sewer system shall be maintained by the property owners.

D. All stormwater sewer facilities shall be constructed at the expense of the person, persons or corporation seeking the building permit, without special taxes being levied to pay for the same. All stormwater sewer facilities shall be extended, at minimum, to the far end of the lot being serviced. All roads shall be subgraded prior to installation of the stormwater sewer facilities. (Ord. 24-11, 2011)

### 17.81.500: APPEAL OF CHARGES:

A. Those single-family and duplex parcels larger than 0.25 gross acre, but having less than three thousand (3,000) square feet of impervious surface, may request a reduction of the charge to the tier 1 level.

B. Any owner or person who considers the city's stormwater charge as applied to a parcel owned by such person to be inaccurate, or who otherwise disagrees with the utility rate determination, may apply to the director for a service charge adjustment. Such a request shall be in writing and state the grounds for such an appeal. The director shall review the case file and determine whether an error was made in the calculation or application of the charge and make an adjustment to the charge, if necessary, to provide for proper application of the city's rates and charges pursuant hereto. In all cases, the decision of the director shall be final unless appealed.

C. Any appeal of the amount billed under this chapter shall be filed in writing with the director no later than twenty (20) days after the billing. Any subsequent appeal shall be brought within twenty (20) days after the date of the appealed decision.

D. Appeal of decisions made by the director may be brought before the public utilities advisory committee (PUAC), which may reevaluate the issue raised in the appeal. Decisions of the PUAC shall be final and conclusive.

E. Nothing in this chapter shall be construed to grant a right to judicial review which does not otherwise exist at law. (Ord. 40-11, 2011: Ord. 24-11, 2011)

# CHAPTER 17.84
# DISCHARGES INTO CITY STORMWATER SEWER SYSTEM

### 17.84.100: PROHIBITED DISCHARGES AND CONNECTIONS:

Except as authorized by this chapter, or by applicable federal or state law, it shall be unlawful to:

A. Make any discharge for which a discharge permit is required, without first obtaining a discharge permit;

B. Make any discharge under a discharge permit in violation of the terms and conditions of such discharge permit, or otherwise violate the terms and conditions of a discharge permit; or

C. Construct, use, maintain or allow to remain in place an illicit connection, whether or not the connection was permissible under law or practices applicable or prevailing at the time of connection. (Ord. 53-07 § 18, 2007)

## 17.84.200: PREVENTING ACCIDENTAL DISCHARGE:

Any person conducting an activity which can reasonably be anticipated to create the risk of a prohibited discharge shall provide adequate protection against accidental discharge through the use of structural and nonstructural BMPs. Such BMPs include, but are not limited to: a) implementing procedures or practices which tend to reduce the likelihood of an accidental discharge, and b) installing structures or facilities designed to prevent such accidental discharge. BMPs to prevent an accidental discharge shall be provided and maintained at the person's own cost and expense. Failure to provide or maintain such BMPs, or any discharge resulting from such failure, shall be considered a violation of this chapter. (Ord. 53-07 § 18, 2007)

## 17.84.300: CITY DISCHARGE PERMIT:

A. Any person required to obtain an NPDES or UPDES permit in connection with stormwater discharges associated with industrial activity, including small construction activity, or to operate under authority of such a permit, as required by the applicable provisions of the clean water act and/or the water quality act shall: 1) obtain such permit as required and comply with all provisions of such permit and, in addition 2) obtain a city discharge permit from the department and comply with the provisions thereof.

B. The term of the city's discharge permit shall be concurrent with the applicable NPDES or UPDES permit.

C. Persons required to obtain a city discharge permit pursuant to this section must file an application for a first time city discharge permit within sixty (60) days after the effective date hereof.

D. No person may commence industrial activity, including small construction activity, until a city discharge permit required by subsection A of this section has been issued by the department. The city shall not issue a building permit for any project constituting industrial activity, including small construction activity, until a city discharge permit has been issued.

E. The director may include in a city discharge permit any and all reasonable requirements necessary to prevent a prohibited discharge to the stormwater sewer system, including requirements to control erosion and sediment, waste such as discarded building materials, concrete truck washout, chemicals, litter and sanitary waste, or any other pollutant, that may cause adverse impacts to water quality. (Ord. 53-07 § 18, 2007)

## 17.84.400: CITY DISCHARGE PERMIT APPLICATION PROCESS:

A. An application for a city discharge permit shall be submitted in writing to the director, and shall include, at a minimum, the following information: 1) the name and mailing address of the applicant, 2) the location of discharge, 3) the nature and general description of the activity giving rise to the discharge or potential discharge, 4) a copy of the applicant's application for an NPDES permit, and 5) any other information reasonably requested by the director. The city anticipates that a full and complete application for an NPDES or UPDES permit, including all attachments, may be sufficient to satisfy these requirements.

B. The director may charge an application fee shown on the Salt Lake City consolidated fee schedule in an amount reasonably determined by the director to be sufficient to

recoup the costs of the application process, but not to exceed the amount shown on the Salt Lake City consolidated fee schedule.

C. Within five (5) business days after submission of a completed application to the director, the director shall evaluate the application and either approve or deny the application. If approved, the city discharge permit issued by the director shall be accepted in writing by the applicant. (Ord. 24-11, 2011)

## 17.84.500: INSPECTION RIGHT OF ENTRY:

A. As a condition to the issuance of a city discharge permit, all applicants shall grant the director reasonable access to all relevant parts of the premises for the purposes of inspection, sampling, examination, copying of records that must be kept under the conditions of any discharge permit, monitoring compliance with all discharge permits, and performing any additional duties as defined by state and federal law. "Reasonable access" means, at a minimum, access during normal business hours, without prior notice, to all portions of a parcel and the improvements thereon which may contribute to a stormwater discharge, subject only to bona fide safety or security precautions. Each city discharge permit shall contain provisions granting the city appropriate inspection rights. If the applicant has bona fide safety or security measures in force, the applicant shall make the necessary arrangements to allow prompt access by personnel from the city or its designated enforcement agent.

B. The director shall have the right to set up on any operator's property or any other representative location such devices as are deemed necessary to conduct sampling, inspection, compliance monitoring and/or metering of the facility's discharges.

C. The director may require the operator to install sampling and monitoring equipment at the operator's expense. This sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the operator, at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure accuracy.

D. Any temporary or permanent obstruction to safe and easy access to the area or facility to be inspected or sampled shall, unless part of a BMP, be promptly removed by the operator at the written or verbal request of the director. The costs of providing such safe and easy access shall be borne by the operator.

E. The director's request for reasonable access to a facility for the purposes of conducting any activity authorized or required by this chapter shall not be unreasonably delayed by an operator. (Ord. 53-07 § 18, 2007)

## 17.84.600: REQUIREMENT FOR USE OF BEST MANAGEMENT PRACTICES:

A. The director may adopt policies and procedures requiring BMPs for any activity, operation, or facility which may cause or contribute to a prohibited discharge.

B. Any person responsible for a parcel which is, or may become, the source of a prohibited discharge shall be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent a prohibited discharge.

C. Compliance with all terms and conditions of a valid NPDES or UPDES permit shall be deemed compliance with all similar requirements of this section. (Ord. 53-07 § 18,

2007)

## 17.84.700: WATERCOURSE PROTECTION:

Every person owning or occupying a parcel through which a watercourse passes shall keep and maintain that portion of the watercourse within such parcel free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, such person shall maintain existing privately owned structures within or adjacent to the watercourse so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse. (Ord. 53-07 § 18, 2007)

## 17.84.800: ACCIDENTAL DISCHARGES:

A. This section shall apply to any person responsible for a facility, operation or parcel, or responsible for emergency response for a facility, operation or parcel, whether or not a discharge permit is required to be obtained in connection with such facility, operation or parcel.

B. Notwithstanding other provisions of law, as soon as a person described in subsection A of this section has information of any known or suspected release of materials which are resulting, or may result, in a prohibited discharge, such person shall take the following actions:

1. Such person shall take all necessary steps to ensure the recovery, containment and cleanup of such release.

2. Such person shall immediately notify the director of the incident by telephone. This notification shall be in addition to, and not in lieu of, any other notifications required under applicable law. The notification shall include location of the release, the type, concentration and volume of the material, and any corrective actions taken or planned.

3. Such person shall, within five (5) days following the incident, submit to the director a detailed written report describing the cause of the release and the measures to be taken to prevent similar future occurrences. Such notification shall not relieve the person of any expense, loss, damage or other liability which may be incurred as a result of the release, nor shall such notification relieve the person of any fines, civil penalties or other liability which may be imposed by this chapter or other applicable law.

4. A notice shall be posted on the person's bulletin board or other prominent place advising employees of the incident, and of any possible dangers and safety precautions to be taken. Such notice shall also include recommended measures to prevent future releases.

C. Each person subject to this section shall ensure that all employees are familiar with the requirements of this section. (Ord. 53-07 § 18, 2007)

## 17.84.900: RELEASE OF STORMWATER OR DISCHARGE ONTO OTHER PROPERTY PROHIBITED:

It shall be unlawful to knowingly, intentionally or recklessly: a) release or direct the flow of stormwater into any conveyance facilities, or onto any property, or b) make any discharge into any conveyance facilities or onto any property, without the legal right to do so. Violation of this section shall constitute a class B misdemeanor. (Ord. 53-07 § 18, 2007)

# CHAPTER 17.87
# ENFORCEMENT

## 17.87.100: NOTIFICATION OF VIOLATION:

Whenever the director finds a violation of chapter 17.81 and/or 17.84 of this title the director may serve upon the responsible party a written notice of violation. Such written notice shall be served in person or by certified mail, return receipt requested. Within five (5) days after the receipt of such notice, an explanation for the violation and a plan for the satisfactory correction and prevention thereof, which shall include specific required actions, shall be submitted by the responsible party to the director. Submission of this plan in no way relieves the responsible party of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the director to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation. (Ord. 53-07 § 19, 2007)

## 17.87.150: CONSENT ORDERS:

The director is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any responsible party who is responsible for noncompliance. Such orders will include specific action to be taken by the responsible party. Consent orders shall have the same force and effect as administrative orders issued pursuant to sections 17.87.250 and 17.87.300 of this chapter, and shall be judicially enforceable. (Ord. 53-07 § 19, 2007)

## 17.87.200: SHOW CAUSE HEARING:

The director may order any responsible party suspected of causing or contributing to violation(s), to appear before the director and show cause why a proposed enforcement action should not be taken. Written notice shall be served on the responsible party, and shall specify the time and place for the hearing, the proposed enforcement action, the reasons for such action, and a request that the responsible party show cause why this enforcement action should not be taken. The notice shall be served in person on any authorized representative of the responsible party, or by certified mail, return receipt requested, at least seven (7) days prior to the hearing. Whether or not the responsible party appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be a prerequisite for taking any other actions against the responsible party. (Ord. 53-07 § 19, 2007)

## 17.87.250: COMPLIANCE ORDERS:

When the director finds a violation or continuing violation, he may issue an order to the responsible party directing that the responsible party come into compliance within thirty (30) days, or such shorter period as the director may determine. If the responsible party does not come into compliance within the time specified, the director may take any remedial action authorized by this chapter. The issuance of an order pursuant to this section shall not be a prerequisite to emergency remedial action deemed necessary by the director. Compliance orders may also contain other requirements to address noncompliance, including additional self-monitoring, and BMPs designed to minimize the amount of pollutants discharged to the stormwater sewer system. A compliance order may not extend a federal standard or requirement, nor does a compliance order release the responsible party

from state or federal liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the responsible party. (Ord. 53-07 § 19, 2007)

## 17.87.300: CEASE AND DESIST ORDERS:

When the director finds a violation, or finds that the responsible party's past violations are likely to recur, the director may issue an order to the responsible party directing it to cease and desist all such violations and directing the responsible party to:

A. Immediately comply with all requirements; and

B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations, implementing additional BMPs, and/or terminating the discharge. Issuance of a cease and desist order shall not be a prerequisite to taking any other action against the responsible party. (Ord. 53-07 § 19, 2007)

## 17.87.350: ADMINISTRATIVE FINES; COSTS OF REMEDIATION:

A. Notwithstanding any other section of this chapter and chapters 17.81 and 17.84 of this title, any responsible party determined to be in violation of this chapter and/or chapter 17.81 and/or 17.84 of this title may be fined in an amount not greater than ten thousand dollars ($10,000.00) per violation, per day, as determined by the director in his reasonable discretion; provided, however, that any fine based on a violation of section 17.84.900 of this title shall not exceed the fine imposed for a class B misdemeanor.

B. The director may charge a responsible party for the costs of preparing administrative enforcement actions, such as notices and orders, which charge may be assessed whether or not a fine under subsection A of this section is also imposed.

C. The director may also charge a responsible party for the actual costs and expenses incurred by the city to respond to any discharge, regardless of whether such discharge occurs prior to or after the effective date hereof and all remedial action taken. Such charges may include all labor, equipment and materials used by the city.

D. Assessments for fines and/or costs may be added to the responsible party's next scheduled stormwater utility service charge, and the director shall have such other collection remedies as may be available for other service charges and fees.

E. Unpaid charges, fines, assessments and penalties shall, after sixty (60) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance. Thereafter, interest on any unpaid balances, including penalties, shall accrue at a rate of one percent (1%) per month. A lien against the responsible party's property may be sought for unpaid charges, fines, and penalties.

F. Responsible parties desiring to dispute such fines or assessments must file a written request for the director to reconsider the fine or assessment, along with full payment thereof, within thirty (30) days after being notified of the fine or assessment. The director shall convene a hearing on the matter within fourteen (14) days after receiving the request from the responsible party. In the event the director determines that all or any portion of the fines, assessments or charges were improper, such amounts paid by the

responsible party to the director shall be returned to the responsible party, without interest.

G. The imposition of fines, assessments or other charges shall not be a prerequisite for taking any other action against the responsible party. (Ord. 53-07 § 19, 2007)

## 17.87.400: EMERGENCY SUSPENSIONS:

The director may order the immediate suspension or shutoff of a responsible party's discharge or stormwater sewer system access (after informal notice to the responsible party) whenever such suspension or shutoff is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause a risk of an imminent or substantial:

A. Damage to the stormwater sewer system or harm to the receiving waters,

B. Endangerment to the health, safety or welfare of any residents served by the stormwater sewer system,

C. Interference with the operation of the stormwater sewer system,

D. Violation of the city's UPDES permit, or

E. Endangerment to the environment.

Any responsible party notified of a suspension of its discharge shall immediately stop or eliminate its contribution or discharge. In the event of a responsible party's failure to immediately comply voluntarily with the suspension order, the director may take such steps as deemed necessary, including immediate severance of the stormwater sewer system connection, to enforce such order. The director shall allow the responsible party to recommence its discharge when the responsible party has demonstrated to the satisfaction of the director that the period of endangerment has passed, unless the termination proceedings set forth in section 17.87.450 of this chapter are initiated against the responsible party. A responsible party that is responsible in whole or in part, for any discharge presenting imminent endangerment, shall submit to the director a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, prior to the date of any show cause or termination of discharge hearing under sections 17.87.200 and 17.87.450 of this chapter. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section. (Ord. 53-07 § 19, 2007)

## 17.87.450: TERMINATION OF CITY DISCHARGE PERMIT:

Violation by the holder of a city discharge permit of any of the provisions thereof, or of any of the provisions of this chapter and/or chapter 17.81 and/or 17.84 of this title, shall be grounds for termination and revocation of such permit by the director. The permit holder shall be notified of the proposed termination of a discharge permit and be offered an opportunity to show cause under section 17.87.200 of this chapter why the proposed action should not be taken. (Ord. 53-07 § 19, 2007)

## 17.87.500: INJUNCTIVE RELIEF:

Whenever the director finds a violation or continuing violation, the director may petition any court of competent jurisdiction for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the discharge permit, order, rule, regulation or other requirement. In addition, the director may recover reasonable attorney fees, court costs, and other expenses of litigation by appropriate legal action against the responsible party for any violation. Such other action as appropriate for legal and/or equitable relief may also be sought by the director. A petition for injunctive relief need not be filed as a prerequisite to taking any other action against a responsible party. (Ord. 53-07 § 19, 2007)

## 17.87.550: CIVIL FINE AND COST OF PASS-THROUGH RECOVERY:

In the event that a responsible party discharges pollutants which causes the city to violate any conditions of its UPDES permit or otherwise violate any applicable law, rule or regulation, and the city is found to be liable for such discharges of pollutants (including civil or administrative fines, penalties or other charges), then the responsible party shall be fully liable to the total amount of such liability (including civil or administrative fines and penalties) incurred by or otherwise assessed against the city, including administrative costs incurred. (Ord. 53-07 § 19, 2007)

## 17.87.600: REFERRAL TO STATE OF UTAH FOR ACTION:

The director may refer to the state criminal violations of any discharge permit conditions. The Utah attorney general's office may offer the county the option of prosecuting the violator. Should the county decline, the state, in its discretion, may initiate appropriate criminal action. The director may assist the Utah attorney general's office or the county with appropriate support for the action taken. (Ord. 53-07 § 19, 2007)

## 17.87.650: PERFORMANCE BONDS:

The director may decline to reissue a city discharge permit to any responsible party which has caused a violation, unless such responsible party first files a satisfactory bond, payable to the director, in a sum not to exceed a value determined by the director to be necessary to achieve consistent compliance. (Ord. 53-07 § 19, 2007)

## 17.87.700: LIABILITY INSURANCE:

The director may decline to reissue a city discharge permit to any responsible party which has caused a violation, unless the responsible party first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the stormwater sewer system, and indemnify and hold the city harmless from any future violation. (Ord. 53-07 § 19, 2007)

## 17.87.750: WATER SUPPLY SEVERANCE:

Whenever the director finds that a person has violated or continues to violate the provisions of this chapter and/or chapter 17.81 and/or 17.84 of this title, or of any discharge

permit, or order, rule or regulation issued or promulgated hereunder, water service to the person may be discontinued. Service will only recommence, at the person's expense, after it has satisfactorily demonstrated its ability to comply. (Ord. 53-07 § 19, 2007)

### 17.87.800: PUBLIC NUISANCES:

Any violation of this chapter and/or chapter 17.81 and/or 17.84 of this title is hereby declared a public nuisance and shall be corrected or abated as directed by the director. In addition to any other powers granted the director under chapter 17.75 of this title, the director shall be entitled to exercise all of the powers and remedies set forth in the provisions of this code governing nuisances, and shall be entitled to reimbursement for any costs incurred in removing, abating or remedying such nuisance. (Ord. 53-07 § 19, 2007)

### 17.87.850: CONTRACTOR LISTING:

Responsible parties who have caused or significantly contributed to a violation:

A. Are not eligible to receive a contractual award for the sale of goods or services to the city as long as such violation is continuing and/or any fines hereunder remain unpaid, or remedial action required hereunder remains unperformed; and

B. Existing contracts for the sale of goods or services to the city may be terminated at the discretion of the mayor. (Ord. 53-07 § 19, 2007)

### 17.87.900: NONEXCLUSIVE REMEDIES:

The provisions of this chapter are not exclusive remedies. The director reserves the right to take any, all, or any combination of these actions against a noncompliant responsible party. Enforcement of violations will generally be in accordance with the department's enforcement plan. However, the director reserves the right to take other action against any responsible party when the circumstances warrant. Further, the director is empowered to take more than one enforcement action against any noncompliant responsible party. These actions may be taken concurrently. (Ord. 53-07 § 19, 2007)

### 17.87.950: COMPENSATORY ACTIONS:

In lieu of enforcement proceedings, penalties and remedies authorized by this chapter for a violation of a stormwater sewer discharge permit or requirement, the director may impose alternative compensatory actions such as storm drain stenciling, watercourse cleanup, and similar community service; or may impose education at the responsible party's expense. (Ord. 53-07 § 19, 2007)

# CHAPTER 17.91
# MISCELLANEOUS

### 17.91.100: SEVERABILITY:

The provisions of chapter 17.75 of this title through this chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of chapter 17.75 of this title through this chapter, or the application thereof to any person, establishment or circumstance shall be held invalid, such invalidity shall not affect the other provisions or application of chapter 17.75 of this title through this chapter. (Ord. 53-07 § 20, 2007)

### 17.91.200: ULTIMATE RESPONSIBILITY:

The standards set forth herein and promulgated pursuant to chapter 17.75 of this title through this chapter are minimum standards; therefore chapter 17.75 of this title through this chapter do not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor prohibited discharge. Review and approval of structures, facilities, and operating procedures shall not relieve a person from the responsibility of modifying a facility or process as necessary to meet the requirements hereof. (Ord. 53-07 § 20, 2007)

# Title 18 - BUILDINGS AND CONSTRUCTION

# CHAPTER 18.04
# ADMINISTRATION AND GENERAL PROVISIONS

### 18.04.010: DIVISION OF BUILDING AND HOUSING SERVICES; ADMINISTRATIVE DUTIES:

This title establishes the duties of the division of building and housing services. (Prior code § 5-1-1)

### 18.04.020: DEFINITIONS:

A. Where undefined terms are used, the definitions of "Webster's Unabridged Dictionary" shall apply.

B. In addition thereto, all words and phrases defined in this chapter shall be given such defined meanings wherever used in this title, including the following:

BUILDING OFFICIAL: Means and refers to the director of the division of building and housing services, or his designee.

DIVISION: Means and refers to the division of building and housing services of the city. (Prior code § 5-1-6)

## 18.04.030: APPLICATION OF PROVISIONS:

This title applies to the construction, alteration, moving, demolition, repair and use of any building or structure and the equipment therein within Salt Lake City's jurisdiction, including portable dwellings, mobile homes, trailers, and mobile home parks. (Prior code § 5-1-3)

## 18.04.040: TECHNICAL CONSTRUCTION CODES; ADOPTION, ADMINISTRATION AND ENFORCEMENT:

This title provides for the adoption, administration, and enforcement of the technical construction codes referenced herein. Each of the referenced technical codes bears a legal influence over details of the design, construction, alteration, occupancy, use, repair and maintenance of buildings, structures, and certain equipment therein. Each of the referenced technical codes provides minimum standards and practical safeguards and provisions against threats to life and limb, health, safety, property, and public welfare. Wherever in these codes reference is made to an appendix, the provisions of the appendix shall apply. (Prior code § 5-1-2)

## 18.04.050: EQUIPMENT INSTALLATION SPECIFICATIONS:

This title establishes minimum requirements for the installation and maintenance of electrical conductors, fittings, devices and fixtures, herein referred to as "electrical equipment"; for the installation and maintenance of plumbing, heating, cooling, ventilation and refrigeration systems; for the installation and maintenance of fuel piping and energy using equipment; fire protection or fire prevention piping within the corporate limits of the city, and to provide for the enforcement thereof. (Prior code § 5-1-4)

## 18.04.060: RESOLUTION OF CONFLICTING PROVISIONS:

Wherever conflicting provisions or requirements occur, the most restrictive provisions or requirements shall govern. (Prior code § 5-1-5)

## 18.04.070: LIABILITY LIMITATIONS:

Nothing in this title shall be construed to relieve or lessen the responsibility of any contractor, owner, or any other persons involved, for apparatus, construction or equipment installed by or for them, for damages to anyone injured or damaged either in person or property by any defect therein, nor shall the city or any employee thereof be held to assume any liability by reason of the inspections authorized herein, or the certificate of occupancy issued by the building official of the division of building and housing services. (Prior code § 5-1-7)

# CHAPTER 18.08
# ORGANIZATION

## 18.08.010: DIVISION ESTABLISHED; SECTIONS DESIGNATED:

There is established, in the department of development services, a subordinate division of building and housing services, to be under the supervision of the building official, which division shall be divided into the following sections:

A. Construction compliance;

B. Zoning compliance;

C. Housing preservation. (Amended during 1/88 supplement: prior code § 5-2-1)

## 18.08.020: POWERS AND DUTIES OF THE DIVISION:

The functions of the division of building and housing services shall be:

A. To enforce the zoning laws of Salt Lake City and to inspect, or cause to be inspected, all buildings and structures erected, or proposed to be erected in the city;

B. To carry out, enforce and perform all duties, provisions and mandates designated, made and set forth in the ordinances of the city concerning zoning, building, plumbing, electrical and mechanical construction, and repair, including uniform housing code regulations;

C. To examine and approve all plans and specifications before permits shall be issued, and to execute all permits, certificates and notices required to be issued;

D. To examine all applicants for licensing and registration in accordance with requirements of chapter 18.16 of this title, and issue same in accordance with the requirements of this title; and

E. To perform all of the functions and have all of the powers required of and conferred on the building official by the ordinances of the city. (Prior code § 5-2-2)

## 18.08.030: BUILDING OFFICIAL; EMPLOYMENT:

The mayor of the city shall employ a qualified building official, construction official, housing official, zoning official, plans examiner, inspector, and such other assistants and clerks as the exigencies of the work of the division may from time to time require, at such compensation and for such periods of time as the mayor may deem proper. (Prior code § 5-2-3)

## 18.08.040: BUILDING OFFICIAL; POWERS AND DUTIES:

The building official shall maintain public office hours necessary to efficiently administer the provisions of this title and related titles and amendments thereto, and shall perform the following duties:

A. Maintain an official register of all persons, firms or corporations lawfully entitled to carry on or engage in the businesses regulated by this title to whom a current license has been issued by the department of contractors of the state;

B. Issue permits to properly licensed, bonded and registered persons, firms or corporations for work to be done within the scope of this title;

C. Administer and enforce the provisions of this title in a manner consistent with the intent thereof, and inspect all work authorized by any permit, to assure compliance with provisions of this title or amendments thereto, approving or condemning such work in whole or in part, as conditions require;

D. Issue a certificate of approval or certificate of occupancy for all work approved by him/her;

E. Condemn and reject all work done or being done, or materials used or being used which do not in all respects comply with the provisions of this title and amendments thereto;

F. Order changes in workmanship and/or materials essential to obtain compliance with all provisions of this title;

G. Investigate any construction or work regulated by this title and issue such notice and orders which are necessary to prevent or to correct dangerous or unsanitary conditions;

H. Recommend revocation of licenses to the state department of business regulation for cause;

I. Authorize any utility to make necessary connections for power, water or gas to all applicants for such power or water in the city, when the installation and all facets of the construction or remodel project conform to this title. (Prior code § 5-2-4)

## 18.08.050: BUILDING OFFICIAL; DELEGATION OF AUTHORITY:

The building official may delegate any of his/her powers to the construction official, housing official, zoning official, plans examiner, inspectors and assistants, who shall enforce all of the provisions of this title. (Prior code § 5-2-5)

### 18.08.060: BUILDING OFFICIAL; UTILITY DISCONNECTION AUTHORITY:

The building official, or the building official's authorized representative, shall have the authority to disconnect or order discontinuance of any utility service or energy supply to buildings, structures or equipment therein regulated by this code, in cases of emergency or where necessary for safety to life and property. Such utility service shall be discontinued until the equipment, appliances, devices, piping or wiring found to be defective, or defectively installed, are removed or restored to a safe condition. (Prior code § 5-2-7)

### 18.08.070: DEVIATION FROM REGULATIONS AUTHORIZED WHEN:

Where conditions are extremely adverse to full compliance with the regulations of this title, the building official may grant special permission in writing to deviate from the regulations, provided that in the judgment of the building official such deviation does not create an unsanitary or unsafe condition, and further provided the request for deviation is submitted for approval in writing in advance of the construction or installation. (Prior code § 5-2-6)

### 18.08.080: DIVISION; RECORD KEEPING AND ACCOUNTING:

An itemized account of the business and transactions of the division, the expenses thereof, and the income therefrom for the preceding month shall be made and filed with the mayor each month. Annual reports shall be made and filed with the mayor each year, in the same manner as monthly reports. (Prior code § 5-2-11)

### 18.08.090: DIVISION; BOOKS, PAPERS AND EQUIPMENT:

The city shall provide such instruments, books, papers and equipment as shall be necessary for the proper performance of the duties of the members of the division. The building official shall have charge and control of the books, instruments, papers and equipment used and employed in the division, and shall deliver the same to his/her successor in office. (Prior code § 5-2-12)

### 18.08.100: BUILDING OFFICIAL; LIABILITY LIMITATIONS:

The building official, or his/her assistants, when acting for the city in good faith and without malice in the discharge of his/her duties, shall not thereby render himself/herself liable personally, and the building official is hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of such official's duties. (Prior code § 5-2-8)

### 18.08.110: BUILDING OFFICIAL; RIGHT OF ENTRY FOR INSPECTIONS:

The building official, or his/her authorized assistants, shall have the right of entry, within reasonable hours, to any building or premises for the purpose of inspection, or to investigate any work or conditions governed by this title. (Prior code § 5-2-9)

### 18.08.120: BUILDING OFFICIAL; CONFLICT OF INTEREST PROHIBITED:

The building official and his/her assistants shall not in any way engage in the sale or installation of equipment or supplies upon which they are required to make inspection under this code. (Prior code § 5-2-10)

# CHAPTER 18.12
# BOARD OF APPEALS AND EXAMINERS

### 18.12.010: BOARD OF APPEALS CREATED; PURPOSE AND AUTHORITY:

In order to provide for reasonable interpretations of the provisions of this title, and to determine the suitability of alternates, there shall be created a board of appeals and examiners, hereinafter called "board", consisting of five (5) members who are qualified by experience and training to pass upon matters pertaining to building construction, housing, and abatement codes and technical disciplines therein. One board member shall be a LEED accredited professional. The board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement of this title. The board may also recommend new ordinances to the city council. (Ord. 79-06 § 1, 2006: prior code § 5-3-1)

### 18.12.020: MEMBERSHIP; APPOINTMENT, TERM AND ORGANIZATION:

Members of the board shall be appointed by the mayor and confirmed by the city council, and shall hold office for five (5) years. The building official shall be an ex officio member of the board, and shall act as secretary. A chairman of the board will be elected by members each year. (Prior code § 5-3-2)

### 18.12.030: RULES OF CONDUCT:

The board of appeals shall adopt reasonable rules and regulations for conducting their investigation and business and shall render all decisions and findings in writing to the building official and appellants. (Prior code § 5-3-3)

### 18.12.040: JUDICIAL REVIEW OF BOARD'S DECISIONS:

The city, or any person aggrieved by any decision of the board, may have and maintain an action for relief therefrom in a court of competent jurisdiction, provided petition for such relief is presented to the court within thirty (30) days after the filing of such decision in the office of the board. (Prior code § 5-3-4)

# CHAPTER 18.16
# REGISTRATION AND LICENSES

## Article I. Contractor Registration

### 18.16.010: REGISTRATION; PREREQUISITE TO BUILDING WORK:

It is unlawful for any person, firm or corporation to perform any work requiring a permit from the city division of building and housing services without first having registered with the building official. (Prior code § 5-4-1)

### 18.16.020: STATE CONTRACTOR LICENSE REQUIRED:

Every applicant for registration shall furnish evidence that such applicant is currently licensed under the provisions of the Utah contractor's license law as it presently exists or hereafter may be amended, giving the classification and number of the license, and shall have secured all licenses required by the ordinances of Salt Lake City. (Prior code § 5-4-2)

### 18.16.040: EXCAVATION BOND REQUIRED:

Any person, firm or corporation properly licensed to do business in accordance with this title who in the course of their work has occasion to excavate in the city streets, alleys or rights of way shall file an additional bond with the city in the amount of ten thousand dollars ($10,000.00), or such larger amount as the mayor may require. (Prior code § 5-4-4)

### 18.16.050: FEE FOR REGISTRATION:

Each person, firm or corporation required to register in accordance with this chapter shall pay a registration fee shown on the Salt Lake City consolidated fee schedule for each fiscal year, or part thereof. (Ord. 24-11, 2011)

### 18.16.060: LICENSE AND REGISTRATION NOT TRANSFERABLE:

It is unlawful for any contractor to use such contractor's license or registration or to allow his/her license to be used in any way for the purpose of procuring a license bond, registration or permit for any person other than such contractor. (Prior code § 5-4-6)

### 18.16.070: SALE OF UNAPPROVED MECHANICAL EQUIPMENT PROHIBITED:

It is unlawful for any dealer or person to sell, deliver or offer for sale any mechanical equipment or apparatus that has not been approved by a recognized listing agency. (Prior code § 5-4-7)

# CHAPTER 18.20
# PERMITS AND INSPECTIONS

### 18.20.010: WORK REQUIRING PERMIT:

No person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building, structure or premises, or make any installation, alteration or improvement to the electrical, plumbing or mechanical system in a building, structure or premises, or cause the same to be done, without first obtaining the prescribed permits for each such building or structure or premises from the building official. (Prior code § 5-5-1(1))

### 18.20.020: EXEMPT WORK DESIGNATED:

A. A building permit shall not be required for the following:

1. Playhouses and similar uses;

2. Fences not exceeding height limitations or requiring variances by the appeals hearing officer;

3. Oil derricks;

4. Movable cases, counters and partitions not over five feet (5') high;

5. Retaining walls which are not over two feet (2') in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding flammable liquids;

6. Water tanks supported directly upon grade if the capacity does not exceed five thousand (5,000) gallons and the ratio of height to diameter or width does not exceed two to one (2:1);

7. Painting, papering and similar finish work;

8. Temporary motion picture, television and theater stage sets and scenery;

9. Window awnings supported by an exterior wall of group R, division 3, and group M occupancies, when projecting not more than fifty four inches (54").

B. Unless otherwise exempted, separate plumbing, electrical and mechanical permits shall be required for the above exempted items.

C. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. (Ord. 8-12, 2012: prior code § 5-5-1(2))

## 18.20.030: APPLICATION; FORM AND FILING:

To obtain a permit the applicant shall first file an application therefor, in writing, on a form furnished for that purpose. (Prior code § 5-5-4)

## 18.20.040: APPLICATION; PLANS AND OTHER DATA:

Each application for a permit shall be accompanied by all required plans, diagrams and other data, in duplicate, unless otherwise required by the building official. The building official may require the plans and other data to be prepared and designed by an engineer or architect licensed by the state to practice as such. (Prior code § 5-5-5)

## 18.20.050: APPLICATION; REVIEW; PERMIT ISSUANCE CONDITIONS:

A. Application Review: Except as provided in subsection B of this section, the application plans and data filed by an applicant for a building permit shall be checked by the building official. Said application may be reviewed by other government agencies or departments to check compliance with the laws and ordinances under their jurisdiction. If the building official is satisfied that the work described in an application for a building permit and plans filed therewith conform to the requirements of this title and other pertinent ordinances and laws and that the required fees have been paid, the building official shall issue a permit therefor to the applicant. The building official may issue a permit for the construction of part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this title. The holder of such permit shall proceed at his or

her own risk without assurance that the permit for the entire building or structure will be granted.

B. Expedited Plan Review: A building permit applicant may seek an expedited building plan review, provided that the applicant pay the expedited plan review fee set forth in section 18.32.035 of this title. The expedited building plan review may be conducted by a qualified third party with significant experience conducting building plan reviews, as selected and approved by the building official. The person(s) assigned to conduct the expedited building plan review shall provide initial comments, including corrections to be made to the building plans, within ten (10) business days of the date the application was filed.

C. Plan Review Expiration: If a building permit applicant fails to submit corrected building plans in accordance with the comments and requirements of the building services division or its authorized representative within one hundred eighty (180) days of the division transmitting such comments and requirements to the applicant, or if the applicant fails to pay the required building permit fee within one hundred eighty (180) days of the division informing the applicant that its building plans are approved and the building permit fee is due, the plan review shall expire at the end of such period and the review become null and void. An expired plan review may be renewed, provided that the applicant pay the plan review renewal fee established in section 18.32.035 of this title, however, no plan review may be renewed after three (3) years from the original submission date. (Ord. 15-10 § 2, 2010)

## 18.20.060: PERMIT; ISSUED TO LICENSED CONTRACTORS ONLY:

Except as otherwise provided by this title, it is unlawful to issue a permit to any person other than a duly registered contractor licensed to do business by the state department of business regulation, and registered by the city division of building and housing services. (Prior code § 5-5-2)

## 18.20.070: HOMEOWNER PERMITS:

Any permit required by this title may be issued to any person to do any work regulated by this title in a single-family dwelling used exclusively for such person's living purposes, including the usual accessory buildings and quarters in connection with such buildings, provided that any such person is a bona fide owner of any such dwelling and accessory buildings and quarters, and that the same are occupied or designed to be occupied by such owner, and further provided that the owner shall furnish the building official with a complete layout drawing of the proposed work, satisfy the building official that he or she has a working knowledge of the code requirements, performs the work himself or herself, pays the necessary inspection fees, and calls for all inspections required by this title. (Prior code § 5-5-3)

## 18.20.080: PERMIT; EFFECT OF ISSUANCE:

The issuance of a permit or approval of plans or other data shall not be construed to be a permit for or an approval of any violation of any of the provisions of this title. The issuance of a permit based upon plans and other data shall not prevent the building official from thereafter requiring the correction of errors in said plans and data or from stopping building operations being carried on thereunder when in violation of this title or any other ordinance. (Prior code § 5-5-7)

## 18.20.090: START OF WORK WITHOUT PERMIT; PENALTY FEES; EMERGENCIES:

A. Fee Increase When: Whenever any construction or work for which a permit is required by this title is started or commenced without obtaining the prescribed permit, the fees specified in this title may be increased by the building official up to a fee of ten percent (10%) of the valuation of the proposed construction as determined by the building official, or one thousand dollars ($1,000.00), whichever is greater, but the payment of such increased fees 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.

B. Exception; Emergency Work: This provision shall not apply to emergency work when it shall be proved to the satisfaction of the building official that such work was urgently necessary and that it was not practical to obtain a permit therefor before the commencement of the work. In all such cases, a permit must be obtained as soon as it is practical to do so, and if there be an unreasonable delay in obtaining a permit, a double fee, as herein provided, shall be charged. (Ord. 90-05 § 1 (Exh. A), 2005: prior code § 5-5-10)

## 18.20.100: PERMIT; DENIAL CONDITIONS:

The building official may refuse to issue any permit for work governed by this title to any person who has a permit revoked in accordance with this title, or during such time as such person fails to comply with any provision of this title. (Prior code § 5-5-11)

## 18.20.110: PERMIT; EXPIRATION AND RENEWAL:

Every permit issued by the building official under the provisions of this title shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within one hundred eighty (180) days from the date of such permit or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty (180) days. Before such work can be recommenced, the permit shall first be renewed by the building official and the fee therefor shall be one-half ($^1/_2$) the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans or scope of such work, and provided no changes have occurred relative to other municipal regulations impacting the use, size, yard, space or other requirements concerning the proposed structure or development. Whenever a construction permit is taken out in order to resolve the violation(s) specified in a notice and order, the expiration date for the permit shall coincide with the time limit for resolution of the violation(s) contained in the notice and order. (Prior code § 5-5-8)

## 18.20.120: PERMIT; NOT TRANSFERABLE:

When any work regulated by this title is not completed by the permittee under the permit issued to him or her for the work and the work in question is added to or completed by one or more contractors, each contractor shall procure a permit to cover the work he or she performs. (Prior code § 5-5-13)

## 18.20.130: PERMIT; SUSPENSION OR REVOCATION:

The building official may, in writing, suspend or revoke a permit issued under provisions of this title whenever the permit is issued in error, or on the basis of incorrect information supplied, or in violation of any ordinance or regulation of any of the provisions of this title. (Prior code § 5-5-9)

## 18.20.140: HEARING ON DENIAL OR REVOCATION OF PERMIT:

Any person adversely affected by the action of the building official in accordance with the preceding sections may appeal to the board of appeals and examiners for a hearing upon such revocation or denial. (Prior code § 5-5-12)

## 18.20.150: INSPECTION OF WORK:

A. All construction, work and equipment for which a permit is required shall be subject to inspections by the building official. The building official may make or require any inspection of any construction work to ascertain compliance with the provisions of this title and other laws which are enforced by the division.

B. No construction, work or equipment regulated by this title shall be connected to any energy, fuel or power supply or water system or sewer system until authorized by the building official.

C. A survey of any lot may be required by the building official to verify compliance of structures with approved plans. The building official shall not be liable for any expense entailed in the removal or replacement of any material required to allow an inspection. (Prior code § 5-5-14)

## 18.20.160: APPROVALS REQUIRED FOR ONGOING CONSTRUCTION:

No work shall be done on any part of the building or structure beyond the point indicted in each successive inspection without first obtaining the written approval of the building official. Such written approval shall be given only after an inspection shall have been made of each successive step in the construction as indicated by each of the inspections required by the building official. (Prior code § 5-5-17)

## 18.20.170: REQUESTS FOR INSPECTIONS:

The building official may require that every request for the inspection be filed at least one day before such inspection is required. Such request may be in writing or by telephone. It shall be the duty of the person requesting any inspections required by this title to provide access to and means for proper inspection of such work. (Prior code § 5-5-15)

## 18.20.180: INSPECTION RECORD CARD:

Work requiring a permit shall not be commenced until the permit holder or his or her agent shall have posted an inspection record card in a conspicuous place on the front premises, or on an electrical service panel, and in such position as to allow the director conveniently to make the required entries thereon regarding inspection of the work. This card shall be maintained in such position by the permit holder until the building or structure is completed and ready for occupancy. (Prior code § 5-5-16)

## 18.20.190: FINAL INSPECTION AND CERTIFICATE OF OCCUPANCY:

There shall be a final inspection and approval on all buildings when completed and ready for occupancy. A final inspection approval may, upon notice, be revoked by the building official if the building official finds that any construction, work or equipment fails in any respect to comply with the requirements of this title, or that the installation is unsafe, dangerous, or a hazard to life or property. A certificate of occupancy shall be issued as specified in the adopted uniform building code, as amended. (Prior code § 5-5-18)

## 18.20.200: REINSPECTIONS AND FEES:

A. A reinspection fee may be assessed:

1. When the approved plans are not readily available to the inspector;

2. For failure to provide access on the date for which the inspection is required;

3. For deviating from plans requiring the approval of the building official.

B. In instances where reinspection fees have been assessed or reinspection is necessary, no additional inspection of the work will be performed until the required fees have been paid and the permittee calls for a reinspection. The reinspection charge shall be shown on the Salt Lake City consolidated fee schedule and not exceed the amount shown on the Salt Lake City consolidated fee schedule for each additional inspection required. (Ord. 24-11, 2011)

## 18.20.210: CLEANUP AND PROTECTION OF PUBLIC RIGHTS OF WAY:

A. Each permit holder shall be responsible to see that vehicles used in the process of carrying out the work authorized by the permit shall not track any mud, dirt or debris of any kind upon any streets or sidewalks within the corporate limits of Salt Lake City Corporation unless a permit has been obtained from the city engineer for use of a designated portion of the right of way with provisions made to keep that portion of the right of way and adjacent areas cleared of mud, dirt or debris of any kind. The permittee shall install a suitable process to clean the wheels of the equipment prior to its leaving the job site and entering the streets of Salt Lake City Corporation. The suitable process shall consist of:

1. A cleaning area and crew to clean mud and dirt off the wheels and exterior body surface of the trucks, or its equivalent;

2. The cleaning area shall be arranged to furnish adequate draining to prevent puddling; the cleaning area shall be kept mud free and may be on a macadam or concrete slab;

3. The cleaning area shall be located on private property and arranged in such a way that there is no blocking of vehicular or pedestrian traffic on city rights of way except where permission has been granted by the city engineer;

4. The cleaning water or solution used for cleaning shall not be allowed to enter the city streets, gutter, or storm drain or sanitary sewer system.

B. All trucks and equipment leaving the site with earthen materials or loose debris shall be loaded and/or covered in such a manner as to prevent dropping of materials on city streets and/or sidewalks.

C. Ramps constructed over curbs and gutters shall not interfere with or block the passage of water along the gutter and shall be constructed of asphalt material that will not erode or deteriorate under adverse weather conditions.

D. The permit holder shall install erosion and water runoff controls sufficient to ensure that no stormwater, surface water, sediments or debris from the construction site shall drain or wash or be tracked into any public right of way or other adjacent properties, including curb and gutter, unless permission has been granted through the erosion control plan. These controls shall be sufficient to cover any contingency, including, but not limited to, seasonal storms, unseasonal storms, or methods of construction. The director of building and housing services or the city engineer may require, when in his/her discretion he/she deems necessary, an erosion control plan to be submitted for approval. Such plan may be required any time during construction and must be submitted within five (5) days of the request. The director of building and housing or the city engineer may suspend all work until the plan requested is approved. The permit holder will maintain all erosion control facilities throughout the life of the construction project. He/she will monitor their effectiveness after storms and make the necessary adjustments to ensure they function correctly.

E. The sidewalk and/or curb and gutter shall not be used for storage of debris, dirt or excavated materials. In addition, the sidewalks shall not be removed, blocked or otherwise rendered unusable by either the storage of construction equipment or materials or the construction procedures used, unless a safe, usable alternate walkway along the same side of the street is provided by the contractor unless a permit has been issued by the city engineer's office. All alternate walkways shall be ramped in accordance with handicap ramp requirements and so constructed as to provide an all weather walking surface four feet (4') wide as sound and smooth as the normal concrete sidewalk.

F. The permit holder shall be responsible for the immediate removal of mud, dirt or debris deposited on city streets, sidewalks and/or curb and gutters by equipment leaving the site or by the permit holder's construction procedures.

G. If it becomes necessary for the city street crews to remove any mud, dirt, or debris which has been deposited upon a street or sidewalk of Salt Lake City Corporation, the total cost to the city of such removal will be charged to the property owner or contractor (permit holder), including legal fees, if any. Payment of such charges will be made to the city prior to certification of final inspections, utility clearances, and issuance of a certificate of occupancy.

H. The director of building and housing services or the city engineer is empowered to suspend any permit until the permit holder installs the necessary cleaning equipment and/or erosion control facilities to ensure that no dust or debris is deposited upon the streets and sidewalks of Salt Lake City Corporation. Such device shall operate in a manner satisfactory to the director of building and housing services or the city engineer.

I. A violation of this chapter shall be punished as a class B misdemeanor, and the issuance of a criminal complaint shall not excuse the permit holder of his or her responsibilities to abate the problem. Each day the violation exists shall be a separate offense. (Ord. 65-87 § 1, 1987: prior code § 5-5-20)

## 18.20.220: WAIVER OR DEFERRAL OF FEES:

Nonprofit organizations may petition the city for the waiver or deferral of any or all fees required by this title on an annual or project by project basis as provided below.

A. Petitions shall be filed with the housing appeals and advisory board ("HAAB").

B. Waivers shall not be granted for projects that are receiving seventy five percent (75%) or more of their funding directly or indirectly from state or federal agencies, except for projects that upgrade or construct owner occupied housing or multiple dwelling units used for very low income housing as provided by the guidelines established by the United States department of housing and urban development.

C. Waivers under five hundred dollars ($500.00) may be granted by the director of community and economic development.

D. Waivers over five hundred dollars ($500.00), and director denials of waivers under five hundred dollars ($500.00) shall be heard informally before HAAB after notice of the hearing has been posted for seven (7) days in the office of the city recorder.

E. HAAB may recommend granting the waiver or deferral if it finds that the project or projects, and the sponsoring nonprofit organization furthers the city's established low income housing goals to provide housing for persons or families under eighty percent (80%) of the city's median income, as defined by the United States department of housing and urban development, and also meets all applicable guidelines established for any such programs by the United States department of housing and urban development. HAAB may recommend that waivers may be granted for remodeling or construction of offices for nonprofit housing corporations if it finds that such remodeling or construction will save the corporation money and that such savings will be applied to a specific housing project.

F. The HAAB recommendation will be made to the director of community and economic development, who shall issue the decision of the department.

G. Any person or entity dissatisfied with the decision of the director may appeal such decision to the mayor or the mayor's designee, whose decision shall be final.

H. HAAB may not grant a waiver or deferral to any organization which owns, operates, manages or is related by common ownership or management to any other such organization which owns, operates or manages buildings for which existing notices of code violations have not been cured. (Ord. 38-08, 2008: Ord. 6-04 § 9, 2004: Ord. 76-92 § 2, 1992)

# CHAPTER 18.24
# ENFORCEMENT AND PENALTIES

## 18.24.010: MANDATORY AND PROHIBITIONARY NATURE OF PROVISIONS:

A. It is unlawful for any person, firm or corporation to perform any act prohibited by this title, specifically chapters 18.04 through this chapter, 18.32 through 18.44, 18.48 through 18.64, 18.72, 18.76, 18.84 and 18.88 of this title, or to fail or to refuse to perform any act required by this title and said chapters, or to aid or abet therein, or to fail or refuse to comply with any valid order issued by the building official or his or her designee pursuant to the provisions of this title.

B. No permits shall be issued to any applicant during the time such applicant fails to correct any defective work or noncomplying installation of equipment after written notice

by the building official of the division of building and housing services or his or her designee.

C. Any person, firm or corporation violating any of the provisions of this title shall be guilty of a misdemeanor. (Prior code § 5-15-1)

### 18.24.020: CONTINUING OFFENSES DEEMED DAILY VIOLATIONS:

Where no other penalty is prescribed, any person convicted of violating any provision of this title shall be punished as provided by section 1.12.050 of this code, or its successor section, and each day that any violation of this title is permitted to continue shall constitute a separate offense. (Prior code § 5-15-2)

# CHAPTER 18.28
# SITE DEVELOPMENT REGULATIONS

### 18.28.010: DOCUMENT ADOPTED BY REFERENCE; COPIES ON FILE:

That certain pamphlet entitled "Site Development Regulations-Procedures, Standards And Specifications", dated August 1981, including chapters 1 through 7, which were specifically prepared in conjunction with the ordinance codified herein, is hereby adopted by reference by Salt Lake City as the ordinances, rules and regulations of the city to guide all land development activity. Three (3) copies of said pamphlet, hereinafter sometimes referred to as "regulations", shall be filed for use and examination by the public in the office of the city recorder. Hereinafter, all references to the various provisions of chapters 1 through 7 of such regulations shall be considered as references to this chapter. Said provisions may be cited and known as the "site development regulations of Salt Lake City, Utah". (Amended during 11/89 supplement: prior code § 47-1-1)

# CHAPTER 18.32
# BUILDING REGULATIONS

### 18.32.020: BUILDING CODE AND STANDARDS ADOPTED:

The edition of the uniform building code, as adopted by the Utah uniform building code commission as the construction standard to be adhered to by subdivisions of the state (section 58-56-4, Utah Code Annotated, or its successor section) is adopted by Salt Lake City, together with the following chapters of the appendix to the uniform building code:

Chapter 3 Division IV - Requirements For Group R, Division 4 Occupancies;

Chapter 11 Division I - Site Accessibility;

Chapter 11 Division II - Accessibility For Existing Buildings;

Chapter 15 Reroofing;

Chapter 16 Division I - Snow Load Design;

Chapter 16 Division III - Earthquake Regulations For Seismic Isolated Structures;

Chapter 31 Division II - Membrane Structure;

Chapter 33 Excavation And Grading.

Hereafter, all references in this code to the uniform building code shall mean the said edition adopted by the Utah uniform building code commission. One copy of the uniform building code shall be filed for use and examination by the public in the office of the city recorder. (Ord. 37-95 § 2, 1995: amended during 1/88 supplement: prior code § 5-7-2)

## 18.32.035: FEES:

A. Building permit fees shall be based on the total valuation of the proposed project as shown on the Salt Lake City consolidated fee schedule.

B. Plan review fees shall be sixty five percent (65%) of the building permit fees.

C. Fees to expedite building plan review as governed by section 18.20.050 of this title shall be two (2) times the standard building plan review fee.

D. Penalties for not obtaining permanent certificate of occupancy will be three hundred dollars ($300.00) for each month, after the initial thirty (30) day temporary certificate of occupancy, which has no additional cost associated with it; due before the first of the month and only allowed for up to three (3) renewals after the initial free thirty (30) day period. Partial months will not be refunded.

E. Fees for renewing expired plan review after one hundred eighty (180) days as governed by section 18.20.110 of this title shall be shown on the Salt Lake City consolidated fee schedule.

F. A fee shown on the Salt Lake City consolidated fee schedule shall be charged for each permit for fencing.

G. Other fees shall consist of electrical, mechanical and plumbing, and fire suppression and monitoring equipment inspection fees as shown on the Salt Lake City consolidated fee schedule. (Ord. 42-11, 2011)

## 18.32.050: UBC APPENDIX CHAPTER 3 DIVISION V ADDED; NONCONFORMING BUILDING CONVERSION:

Appendix chapter 3 of the uniform building code be, and the same hereby is, amended by adding chapter 3 division V to create a group R division 5 occupancy classification and requirements applicable to change in occupancy when nonconforming group R divisions 1 and 3 occupancies undergo conversion, which shall read as follows:

Chapter 3 Division V
Requirements For Group R Division 5 Occupancies

Sec. 344. Group R, Division 5 Occupancies Defined. Group R, division 5 occupancies shall be: nonconforming group R divisions 1 and 3 structures undergoing conversion.

Sec. 345. General Provisions. Because conversion changes the original anticipated ownership plan for a multi-family dwelling unit project from a single ownership into a hybrid mixture of separate ownership of dwelling units combined with collective ownership of common areas through association, etc., each nonconforming group R division 1 or division 3 structure being converted into a condominium project or other type of ownership arrangement involving separate ownership of individual units combined with joint or collective ownership of common areas shall constitute a change in classification of occupancy to that of a group R division 5 and shall comply with basic requirements of this code and the specific requirements listed below. All work on such structures in the form of additions, alterations, or repairs shall conform to applicable standards as required by section 3403 of this code. Where said provisions require conformity to requirements governing new buildings, the applicable requirements of group R division 1 or 3 new construction shall apply.

Special Provisions And Minimum Standards.

Sec. 346. Property Report. Each conversion project to obtain approval shall submit two copies of a property report prepared by a licensed engineer or architect which discloses and describes:

(1) The age of the building or buildings,

(2) The general condition, useful life, and capacity of the building's structural elements including the roof, foundations, mechanical system, electrical system, plumbing system, boiler, and other structural elements;

(3) All known conditions constituting deficiencies requiring repair to meet existing building codes; and

(4) All known conditions which may require repair or replacement within the next succeeding five year period.

(5) The existing conditions meet the standards of the Salt Lake City existing residential housing code sections 18.50.140 Exterior Standards; 18.50.150, Interior Standards; 18.50.180, Space And Occupancy Standards; 18.50.190, Light And Ventilation; 18.50.200 Fire Safety-Egress. The building report, as required in city code section 21A.56.060, shall note all deficiencies; appeals of noted deficiencies may be addressed to the housing advisory and appeals board.

Said report shall certify the structure currently conforms to applicable codes or the owner shall present plans to bring the structures into conformity with applicable building codes prior to issuance of certificates of occupancy.

Sec. 347. Electrical Service Minimum Standards. Each converted dwelling unit shall have an electrical service which provides:

(1) A minimum service of 60 amps.

(2) Receptacle outlets are required to meet standards of the national electrical code, section 210-21(b). Each habitable room shall have no less than two such receptacles.

(3) Where a kitchen is provided, or required by this code, each kitchen shall be installed on a separate circuit.

(4) If, as an option, dishwashers or garbage disposals are to be installed or provided for, each must be located on a separate circuit. If such appliances or optional capacity are not provided, the limitation must be disclosed to buyers and in the property report.

(5) All bathrooms are to be equipped with GFIC outlet.

(6) Lights and fixtures in all storage and equipment facilities over 84 sq. ft. in size.

(7) Installation of a smoke detector conforming to manufacturer's recommendations shall be installed in each dwelling unit as a local detection unit. If the building has a common exit hall or corridor then a general automatic detection system shall be installed with the capability of sending a signal to a remote station.

(8) Installation of at least one wall switch controlled lighting outlet in every habitable room, bathrooms, hallways, stairways, attached garages, and outdoor entrances.

All electrical work and repair must be completed under permit and comply with applicable codes and ordinances.

Sec. 348. Plumbing And Water Systems.

(a) Plumbing System. A mechanical engineer, licensed plumbing contractor, or a licensed general contractor shall calculate and determine the capacity of the current plumbing system, including the existing and potential load in fixture units (as determined by the uniform plumbing code) as part of the property report required above. All new installations or repairs must be completed under permit and shall conform to applicable plumbing codes. The entire system shall be brought up to applicable standards of this code when required by section 3403. The impact of new installations upon the existing system shall be calculated and stated in the property report.

(b) Water Supply. Water piping shall be so arranged that the water supply can be turned on or off to any individual fixture; provided, however, that supply piping to a single unit and building accessory thereto may be controlled by one valve.

Sec. 349. Mechanical System. The mechanical system for each converted dwelling unit shall:

(1) Equip each unit with its own heating system, except where a central water or steam system is present.

(2) Provide each unit with its own means of controlling temperature when the building utilizes a central heating plant. All mechanical work and repair shall be completed under permit and comply with applicable codes.

Sec. 350. Discretion Of Building Official To Waive Minor Deviations. The foregoing minimum standards are intended to be fully complied with prior to the building official's approval of permits, record of survey maps, plans or certificates. However, the building official may waive literal compliance with said standards for minor deviations and non-dangerous conditions, if the official determines that strict compliance with the requirements of this chapter would be impractical due to the unique condition of the property, or result in an unnecessary and extreme hardship for the owner of the property. The building official may in such cases impose additional reasonable and equivalent conditions upon the project.

Sec. 351. All condominiums shall meet the requirements as listed in 18.96.050 (fit premises) of the city ordinance.
(Ord. 70-09 §§ 3 _ 5, 2009: Ord. 37-95 § 6, 1995: amended during 11/88 supplement: amended during 1/88 supplement: prior code § 5-7-12)

## 18.32.060: UBC SECTION 109.1 AMENDED; CERTIFICATE OF OCCUPANCY:

CHAPTER 3 DIVISION V ADDED; NONCONFORMING BUILDING CONVERSION:
Section 109.1 of the uniform building code is amended to read as follows:

Section 109.1 Use Or Occupancy. No building or structure of groups A, B, E, F, H, I, M, R and S occupancy shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy therefor as provided herein.
(Ord. 37-95 § 7, 1995: amended during 1/88 supplement: prior code § 5-7-6)

## 18.32.090: UBC SECTION 204 AMENDED; DEFINITIONS:

Section 204 of the uniform building code, adopted by section 18.32.020 of this chapter, or its successor, is amended by adding definitions of condominiums and conversions which shall read as follows:

Condominium, Condominium Project, Condominium Unit. For purposes of this code, "condominium," "condominium project," and "condominium units" or "units" means property or portions thereof conforming to the definitions set forth in section 57-8-3 of Utah Code Annotated, 1953, as amended.

Conversion. "Conversion" means a proposed change in the type of ownership in a parcel or parcels of land, together with existing attached structures, from single ownership of said parcel such as an apartment house or multi-family dwelling into a condominium project or other ownership arrangements involving separate ownership of individual units combined with joint or collective ownership of common areas, facilities, or elements.
(Ord. 37-95 § 7, 1995: amended during 1/88 supplement: prior code § 5-7-11)

## 18.32.120: UBC APPENDIX CHAPTER 35 ADDED; FLOOD HAZARD AREAS:

The uniform building code is amended by adding a new appendix chapter 35, which reads as follows:

Sec. 3501. Floodplain Hazard Area. For the purpose of this chapter "floodplain hazard area" shall mean those lands lying within the corporate limits of Salt Lake City as defined in section 18.68.020 of the Salt Lake City code, as being located within the boundaries of flood hazard boundary map as defined in said section 18.68.020 and adopted by section 18.68.030 of the Salt Lake City code. A copy of said map and amendments is on file for public examination in the offices of the city recorder and city engineer.

Sec. 3502. Floodplain Protection Requirements. All plans involving development, repair, substantial improvements to, or construction of building or structures within the floodplain hazard area shall comply with the standards set forth in chapter 18.68 of the Salt Lake City code relating to floodplain hazard regulations.
(Ord. 37-95 § 10, 1995: amended during 1/88 supplement: prior code § 5-7-7)

## 18.32.130: UBC APPENDIX CHAPTER 33 AMENDED; EXCAVATION AND GRADING:

Appendix chapter 33 of the uniform building code, relating to excavation and grading, is hereby amended by deleting the text of sections 3304 through 3318 and amending by adding a cross reference, so appendix chapter 33 shall read as follows:

Appendix Chapter 33
Excavation And Grading

Sec. 3304-3318. Said sections and their revised text are hereby deleted, having been incorporated within the text of chapter 18.28 of the Salt Lake City code relating to site development regulations, drawing particular reference to provisions within chapters 4 and 5 of said development regulations.
(Ord. 37-95 § 11, 1995: amended during 1/88 supplement: prior code § 5-7-5)

## 18.32.140: SENIOR CITIZEN APARTMENT FEE ABATEMENT:

Qualified multi-family apartment projects may apply to, and receive from, the building official an abatement of the normal building permit fees. In order for the building official to

approve the discount, the applicant must submit necessary documentation in order for the building official to certify that the apartment project qualifies under the following criteria:

A. The project is owned and/or operated as a bona fide organization for providing housing for senior citizens;

B. The project operators and/or property owners stipulate that all units shall be rented by persons over age sixty two (62) years of age;

C. Operators and/or property owners agree to verify ages of tenants as part of their annual application for an apartment house license;

D. Project operators and property owners execute an agreement, binding upon successors in interest and secured by the real property, to reimburse the city the amount of the abated fees plus interest from the date of the permit at the rate applicable to judgment, should the rate of occupancy by qualified senior citizens drop below ninety five percent (95%) during the next thirty (30) years. This occupancy rate shall be determined annually as of the date the annual license application is submitted to the city; and

E. The amount of the fees abated, plus interest at the then established rate applicable to judgments from date of the abated fees, shall be repaid to the city upon a subsequent application to convert the project to condominium or other ownership arrangements involving sale of separate units, if submitted within thirty (30) years of such abatement.
(Prior code § 5-7-14)

### 18.32.150: UBC SECTION 103 AMENDED; VIOLATIONS AND PENALTIES:

Section 103 of the uniform building code is amended to read as follows:

It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish, equip, use, occupy, or maintain any building or structure in the city, or cause the same to be done contrary to or in violation of any of the provisions of this code.

Any person, firm, or corporation violating any of the provisions of this code shall be deemed guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued, or permitted and upon conviction of any such violation such persons shall be punishable by a fine as provided by section 1.12.050, or its successor, of the Salt Lake City code.
(Ord. 37-95 § 12, 1995: amended during 1/88 supplement: prior code § 5-7-4)

# CHAPTER 18.36
# ELECTRICAL REGULATIONS

### 18.36.010: ELECTRICAL CODE ADOPTED BY REFERENCE:

The edition of the national electrical code, as adopted by the Utah uniform building code commission, is adopted by Salt Lake City as the ordinances, rules and regulations of the

city, subject to the amendments and exceptions thereto as hereinafter set forth in this chapter, one copy of which code shall be filed for use and examination by the public in the office of the city recorder. Hereafter, all references in this code to the national electrical code shall mean the edition of the national electrical code adopted by the Utah uniform building code commission. (Ord. 37-95 § 13, 1995: amended during 1/88 supplement: prior code § 5-9-1)

## 18.36.100: PERMIT FEES; RESIDENTIAL WORK:

The following fees for a permit for the installation of electrical materials in residences, including multiapartment buildings, shall be paid to the city treasurer before any permit is valid. The basic fee for each permit requiring inspection is shown on the Salt Lake City consolidated fee schedule. In addition, the fee for each individual specialty item is shown on the Salt Lake City consolidated fee schedule. (Ord. 24-11, 2011)

## 18.36.110: FEE FOR TEMPORARY METERING:

The fee for permit for temporary metering and service facilities shall be as shown on the Salt Lake City consolidated fee schedule. (Ord. 24-11, 2011)

## 18.36.120: COMMERCIAL AND INDUSTRIAL FEES:

The fees to be paid to the city treasurer for electrical permits covering work in industrial or commercial properties shall be computed as follows:

A. Minimum Fee: Minimum fee shall be as shown on the Salt Lake City consolidated fee schedule.

B. New Service Or Change Of Service: For new service, change of service, alterations or repairs of six hundred (600) volt or less capacity service entrance equipment, the fee shall be as shown on the Salt Lake City consolidated fee schedule.

C. Subfeeders: Fee for installation, alteration or repair of subfeeders, including supply taps from subfeeders, shall be as shown on the Salt Lake City consolidated fee schedule.

D. Transformers: The installation of transformers shall be subject to inspection fee when such transformers are an integral part of the consumer's distribution system. Such fee shall be in addition to the regular system inspection fee and shall be as shown on the Salt Lake City consolidated fee schedule.

E. Motor Generator: The fee for installation of a motor generator for emergency or standby shall be as shown on the Salt Lake City consolidated fee schedule.

F. Alternate Fee Schedule: Electrical permit fees shall be computed on the schedules set forth on the Salt Lake City consolidated fee schedule and shall be paid prior to work being started. When a fee cannot be computed on the standard schedules, it shall be computed based on the alternate schedule shown on the Salt Lake City consolidated fee schedule. (Ord. 24-11, 2011)

## 18.36.130: ELECTRICAL WORK EXCEEDING ONE HUNDRED THOUSAND DOLLARS:

When the cost of electrical work exceeds one hundred thousand dollars ($100,000.00), electrical permit fees shall be as shown on the Salt Lake City consolidated fee schedule. (Ord. 24-11, 2011)

## 18.36.170: POWER TO PANEL PERMITS; REQUIRED WHEN:

All new construction shall require a power to panel permit in accordance with section 18.36.180 of this chapter, or its successor section, to be issued in conjunction with the required electrical permit. (Prior code § 5-9-21)

## 18.36.180: POWER TO PANEL PERMIT; FOR CONSTRUCTION PURPOSES ONLY:

A. Temporary Basis: A power to panel permit shall authorize power for construction purposes on a temporary basis only; permanent power must be authorized separately.

B. Permit: At the time power to panel is required to complete construction, the owner or contractor shall apply for and obtain a separate power to panel construction permit. Said permit shall be valid for a sixty (60) day period.

C. Extensions: Thirty (30) day extensions for such permit may be issued upon the approval of building and housing services and upon payment of one-half ($^1/_2$) of the original permit fee for each extension.

D. Certificate Of Occupancy: Final electrical approval for permanent power shall be withheld until a certificate of occupancy is issued. Occupancy occurring prior to the issuance of a certificate of occupancy shall result in a discontinuance of all power until occupancy is approved or until occupancy ceases.

E. Expiration: Upon expiration of a power to panel construction permit, all power to the electrical panel shall be discontinued.

F. Fees:

| | |
|---|---|
| 60 day, no issue fee | $20 .00 |
| 30 day extension | 7 .00 |

(Ord. 53-86 § 1, 1986: prior code § 5-9-18)

### 18.36.210: VIOLATION; PENALTY:

Any person, firm or corporation, whether acting as owner or occupant of the premises involved, or contractor, or otherwise, who violates or refuses to comply with any provisions of this title, or the national electrical code, as amended, shall be guilty of a misdemeanor. A separate offense shall be deemed to be committed on each day an offense occurs or continues. (Ord. 37-95 § 28, 1995: amended during 1/88 supplement: prior code § 5-9-19)

# CHAPTER 18.44
# FIRE PREVENTION AND INTERNATIONAL FIRE CODE

### 18.44.010: INTERNATIONAL FIRE CODE AND STANDARDS ADOPTED:

The edition of the international fire code as adopted by section 53-7-106, Utah Code Annotated, or its successor section is adopted by Salt Lake City as the fire code ordinance, rules and regulations of the city. Appendices A, B, C, D, E, F, G of the international fire code are specifically adopted by Salt Lake City as part of the fire code of the city. Hereafter, all references in this code to the fire code shall mean the edition adopted by section 53-7-106, Utah Code Annotated, or its successor section, together with its appendices. One copy of the international fire code shall be filed for use and examination by the public in the office of the city recorder. (Ord. 68-02 § 1, 2002)

### 18.44.020: AMENDMENTS:

Section 109.3 of the international fire code is amended to read as follows:

> 109.3. Violation Penalties. Upon conviction for such violations of this chapter, the person(s) or entity(ies) shall be punishable as provided by title 1, chapter 1.12 of the city code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 27.03.3.1 of the international fire code is amended to read as follows:

> 27.03.3.1. Unauthorized Discharges. When hazardous materials are released in quantities reportable under federal, state, or local regulations, the fire department shall be notified without delay, and the following procedures are required in accordance with section 27.03.3.1.1 through 27.03.3.1.4.

Section 305.5 of the international fire code is amended to read as follows:

> 305.5. Hazardous Environmental Conditions. When the fire code official determines that hazardous environmental conditions necessitate controlled use of any ignition sources, including fireworks, lighters, matches and smoking materials, the ignition or use of such ignition sources in mountainous, brush-covered or forest-covered areas or other designated areas is prohibited except in approved designated areas.
> (Ord. 45-11, 2011)

### 18.44.030: FIRE SUPPRESSION AND MONITORING EQUIPMENT INSPECTION FEES:

A. Fees for the first inspection of fire suppression and monitoring equipment, as shown on the Salt Lake City consolidated fee schedule, shall be paid to the city treasurer before any permit under this title is valid.

B. In the event that the fire suppression and monitoring equipment does not pass the first scheduled inspection, for whatever reason, subsequent reinspections shall be billed to the applicant at the rate per hour of inspector time as shown on the Salt Lake City consolidated fee schedule. (Ord. 42-11, 2011)

# CHAPTER 18.48
# DANGEROUS BUILDINGS

## Article I. Code Adoption And Administration

### 18.48.010: UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS ADOPTED:

The uniform code for the abatement of dangerous buildings, 1994 edition, hereinafter sometimes referred to as "UCADB", is adopted by Salt Like City as the ordinances, rules and regulations of the city, subject to the amendments and exceptions thereto as set out in this chapter; three (3) copies of said code shall be filed for use and examination by the public in the office of the city recorder. The purpose of this code is to provide minimum requirements for the protection of life, limb, health, property, safety and welfare of the general public and the owners and occupants of buildings within the city, and providing for correction of violations thereof. Hereafter, all references in this code to the uniform code for the abatement of dangerous buildings, 1988 edition, adopted by this section, or its successor, are amended and deemed to read the uniform code for the abatement of dangerous buildings, 1994 edition. (Ord. 55-95 § 3, 1995: amended during 1/88 supplement: prior code § 5-11-1)

### 18.48.020: CITY COUNCIL AS GOVERNING BODY:

All references to a governing body in the uniform code for the abatement of dangerous buildings, 1994 edition, as adopted by section 18.48.010 of this chapter, or its successor, are amended to refer to the city council of Salt Lake City, hereinafter "city council", except as specifically amended. (Ord. 55-95 § 3, 1995: amended during 11/88 supplement: amended during 1/88 supplement: prior code § 5-11-2)

### 18.48.030: HOUSING INSPECTION FEES:

The fee shown on the Salt Lake City consolidated fee schedule for an existing single-family dwelling housing unit inspection shall not exceed the amount shown on the Salt Lake City consolidated fee schedule. An additional fee shown on the Salt Lake City consolidated fee schedule shall be charged for every additional dwelling unit on the premises. (Ord. 24-11, 2011)

## 18.48.060: PERFORMANCE OF ABATEMENT WORK:

Chapter 6 of the uniform code for the abatement of dangerous buildings, 1994 edition, relating to procedures for conduct of hearing appeals, shall be amended as follows:

PROCEDURES FOR CONDUCT OF
HEARING APPEALS

Section 601 UCADB. Hearing.

(a) Petition For Hearing. When any abatement work of repair or demolition is to be done or requested by the city pursuant to the enforcement provisions of this code, except in emergency situations, the building official shall petition the mayor to hold a hearing and order the property owner(s) to show cause why the city should not abate by repair or demolition a substandard or dangerous building or structure constituting a public nuisance.

Notwithstanding the provision of any other ordinance pertaining to hearings before the mayor, said hearings may be held either before the mayor or the mayor may direct the matter to be heard before a panel of hearing examiners of HAAB to conduct such hearings to determine the facts and make recommendations and findings to the mayor.

(b) Panel Of Hearing Examiners. In the event the mayor may direct a panel of hearing examiners from HAAB to act as hearing examiners in abatement proceedings, HAAB shall select at least three individual members of its board to act as the panel of hearing examiners and designate one as acting chairperson. The mayor or said panel of hearing examiners shall have the power and authority to call, preside at, and conduct hearings to consider whether or not structures are dangerous or substandard buildings under this code constituting a public nuisance to be abated by the city by demolition or repair, including the power to issue subpoenas, administer oaths, examine witnesses, receive evidence, compel attendance of witnesses and/or the production of witnesses or evidence; and based upon the evidence presented, prepare for the approval of the mayor, findings of fact, conclusions of law and proposed orders for said board. Hearings shall be conducted as provided in this code. The owner(s) shall have the right to appear at said hearing in person or by counsel or both, present evidence and oral argument, cross-examine witnesses, and in all proper ways defend the owner(s)' interest.

(c) Notice Of Abatement Hearing. Reasonable notice (not less than ten [10] days) of the time and place of said hearing together with a petition for abatement setting forth the nature of the complaint against the property sufficient to reasonably inform the owner(s) and enable them to answer the charges of the complaint, shall be served upon the owner(s) personally or by mailing a copy to the owner(s) at their last known address appearing on the last assessment rolls for the property on file in the county assessor's office.

(d) Action By Hearing Examiners. Within thirty (30) days of the conclusion of abatement hearings held before HAAB's panel of hearing examiners as provided in (a) and (b) above, said panel shall submit to the office of the mayor a report of written findings of fact, conclusions, recommendations and proposed order based upon and supported by the evidence presented at the hearing. A copy of such findings, conclusions, recommendations and order shall be mailed or delivered to each party on the date they are filed with the office of the mayor.

(e) Consideration Of Report. The office of the mayor shall fix a date, time and place to consider the panel of hearing examiners' report and proposed recommendations. Notice thereof shall be mailed to each party to the action not less than ten (10) days prior to the date fixed unless otherwise stipulated by all parties.

(f) Exceptions To Report. Not later than two (2) days before the date set to consider said report, any party may file with the city recorder two copies of written exceptions, proposed additional or alternative findings to any part or all of the hearing examiners' report and may attach thereto a proposed decision together with written argument in support of such decision. Such exception must also indicate whether or not the party desires to present oral argument, which may be heard only with the consent of the mayor and said argument shall be confined to the issues set forth in the written exceptions or as otherwise limited by the mayor.

(g) Disposition By The Mayor. The mayor may adopt the report of findings as the basis for its action in the abatement proceedings, or upon filing its own statement of the

legal or substantial basis in the record therefor, it may:

(i) Reject all or any portion of the report's findings and remand the same back to the same panel of hearing examiners for further hearing and findings on specific issues;

(ii) Disregard any portion of the report's findings and proceed to take action upon the remainder of the findings;

(iii) Substitute alternative or additional findings of fact on the issues presented to the examiners, if the substituted findings are supported by a preponderance of the evidence in the record.

Upon remand of any portion of the panel's reported findings, the same panel of examiners shall conduct further hearing proceedings to the extent necessary to make findings on the issues remanded for further hearing. Upon remand, the panel of examiners shall prepare and submit its revised report and findings as provided in (d) above. Consideration of the revised report by the mayor shall comply with (e) - (g) above.

(h) Order Of The Mayor. Upon disposition, the decision of the mayor shall be made in written order supported by findings of facts, which may be those submitted by the panel of hearing examiners if approved and adopted by said board or as the report may be modified, reversed or rejected by the mayor. A copy of the decision shall be mailed to parties in interest or their counsel. All orders entered by the mayor shall be final and shall be effective as of the date stated in such written order. Said order shall specify the manner in which the expense of any abatement work ordered shall be charged and collected from the owner(s) as an individual obligation, a special assessment, and/or as a certified property lien as provided below.

Section 801 UCADB. Abatement Work.

(a) Procedure To Accomplish Abatement Work. Upon the order of the mayor to complete abatement work by demolition or repair, the building official shall cause the work to be accomplished by city personnel or by private parties under his direction. Plans, specifications, bidding proposals, etc. therefor, may be prepared by the building official or his designee, or said official may employ such appropriate professional assistance that he may deem reasonably necessary.

(b) Expense To Be Charged To Owner. The expense of such work, including costs of professional assistance, shall be paid from the repair and demolition abatement fund and charged against the property and/or its owner(s), placed as a special assessment on city tax rolls, and/or certified directly to the county treasurer as a certified property tax lien, whichever the mayor shall determine is appropriate at the time the order is entered.

Section 802 UCADB. Repair And Demolition Abatement Fund.

(a) Use Of Fund. The city council shall establish a special revolving fund to be designated as the repair and demolition abatement fund and shall oversee its administration. Recommendations to the mayor for the use of the fund may be made by HAAB. Upon the order of the mayor for the building official to proceed with abatement work, the building official may make demand for disbursements to be made out of said fund to defray costs and expenses which may be incurred by the city in doing or causing to be done the necessary abatement work as ordered.

(b) Revolving Fund. The city council may, at any time, transfer to said repair and demolition abatement fund, out of any money in the city's general fund or such other sources that may be available, such sums as it may deem necessary in order to expedite the performance of abatement work. Such sums, though transferred to the fund, may be deemed a grant, or at the option of the city council, may be deemed a loan to said fund which may be repaid out of the proceeds of collection as hereinafter provided for. All funds collected under the proceedings hereinafter provided for, shall be paid to the city treasurer who shall credit the same to the repair and demolition abatement fund.
(Ord. 55-95 § 3, 1995; amended during 1/88 supplement; prior code § 5-11-6)

## 18.48.070: RECOVERY OF COST OF REPAIR OR DEMOLITION:

Chapter 9 of the uniform code for the abatement of dangerous buildings, 1994 edition, shall be amended to read as follows:

RECOVERY OF COST OF REPAIR OR DEMOLITION

Section 901 UCADB. Account Of Expense And Filing Of Reports. Contents.

The building official shall keep an itemized account of expense incurred by the city in the abatement by work authorized by an order of the mayor under this code. Within ten days of the completion of the abatement work of demolition or repair as ordered by the mayor, said building official shall prepare and file with the city recorder a report specifying the work done, the itemized and total cost of the work to be reimbursed, a description of the real property upon which the building or structure is or was located, and the name and addresses of the property owner(s) joined as parties in the abatement proceeding or otherwise entitled to notice pursuant to this code.

Concurrently, the building official shall file three copies of the account with the county treasurer and mail a fourth copy of the account to the named property owner(s) demanding payment within twenty days of the date of mailing by certified or registered mail to the last known address of the property owner, or the address shown on current property tax rolls.

Section 903 UCADB. Protests And Objections. How Made.

Any property owner(s) or interested parties affected by the proposed charge who desire to protest the amount or method of collection, shall file a written protest or objection with the city recorder within twenty days of the date of the demand and mailing of the report. Each such protest or objection shall contain a description of the property involved and state the grounds of such protest or objection. The city recorder shall endorse on every such protest or objection the date it was received in the recorder's office and shall present such protest or objections to the office of the mayor to be set for hearing and no other protest or objection shall be considered. The office of the mayor shall fix a time, date, and place for hearing of said objection and shall cause the city recorder to prepare notice of said hearing to be posted upon the property involved, published once in a newspaper of general circulation in the city, and served by certified mail, postage prepaid, addressed to the owner(s) of the property at the address as it appears on the building official's report or on the address submitted on the protest. Such notice shall be given at least seven (7) days prior to the date set for hearing and shall specify the date, hour and place when the mayor will hear and pass upon the building official's report, together with the objections and protests that have been filed.

Section 904 UCADB. Hearing Of Protest And Approval Of Report.

Upon the day and hour fixed for hearing, the mayor shall hear and pass upon the report of the building official together with objections made thereto. The mayor may make such revision, correction, or modification in the report or the charge as deemed just. When the mayor is satisfied with the correctness of the charge, the report (as submitted or as revised, corrected or modified) together with the charge shall be affirmed or rejected. The decision of the mayor on the report and the charge, and all protests, and objections thereto shall be final and conclusive.

If no objections to the items of the report are so filed or made within twenty (20) days of the date of the mailing of such report by the building official, the city recorder shall so certify upon the report which shall be deemed to be approved by the mayor. In the event the abatement order of the mayor directed the charge to be certified to the county treasurer as a certified lien to be included upon the county tax rolls, the recorder shall send a copy of the approved report to the city treasurer and certify the same as a lien to the county treasurer and the board of county commissioners.

Section 905 UCADB. Method Of Collection.

(a) Selection Of Method: The mayor, in its order of abatement work as provided herein or in its order as it may be modified upon a hearing and protest, may order that the charge of any abatement work shall be made a personal obligation of the property owner, a special city assessment against the property involved, and/or be placed as a certified lien on the assessment rolls of the county.

(i) Personal Obligation. If the mayor orders that the charge to be made a personal obligation of the property owner, it shall direct the city attorney to collect the same on behalf of the city by use of all appropriate legal remedies.

(ii) Special City Assessment. If the mayor orders the charge to be assessed as a special city assessment against the property, it shall confirm the assessment and direct the city recorder to transmit the building official's report to the city treasurer to be recorded on the special assessment roll on the city tax rolls, and thereafter said assessment shall constitute a special assessment against and a lien upon the property.

(iii) Certified lien against property to be collected with property taxes. If the mayor orders abatement by demolition and orders the charge for such expense, in addition to

being assessed as a special assessment against the property, to be certified to the county treasurer for placement upon its appropriate rolls to be collected by the county treasurer at the same time and in the same manner as general property taxes, then the city recorder at the expiration of demand period (twenty days from the date of the mailing of the itemized statement from the building official) if no objections are filed within said period, or upon the action of the mayor following the hearing of an objection or protest, shall submit the county treasurer's office a certification that the amount approved as a special assessment is to be placed as a certified lien against the property for the improvement of real property.

(b) Action By County Treasurer Upon Certified Lien. Upon the receipt of the itemized statement in triplicate from the building official, and the certification from the city recorder relating to the costs of abating such structure by demolition, the county treasurer shall forthwith mail one copy to the owner(s) of the land from which the same were removed, together with notice that objection in writing may be made within thirty days to the whole or any part of the statement so filed with the board of county commissioners. The county treasurer shall at the same time deliver a copy of the statement to the clerk of the board of county commissioners and the city recorder. If objections to any statement are filed with said County Commissioners within thirty days, the objections shall be set for hearing, giving notice thereof to the owner(s) of the property involved and the protestant, together with a copy thereof to the county treasurer, the building official and city attorney. The board of county commissioners, upon the hearing of the same, shall fix and determine the actual cost of abating said structures and report their findings to the county treasurer. If no objections to the statement so filed are made within thirty days of the date of the mailing of such itemized account by the county treasurer, said treasurer shall enter the amount of said statement upon the assessment rolls of the county in the column prepared for the proposed certified liens; and likewise, within ten days from the board of county commissioners' action upon objections filed, shall enter in the prepared column upon tax rolls the amount found by the board of county commissioners as the cost of such abatement work. If current tax notices have been mailed for the year, said certified lien may be carried over on the rolls of the county treasurer to the following year. After the entry by the county treasurer of the costs for such abatement work, the amount so entered shall have the force and effect of a valid judgment of the district court, and shall be a lien upon the property involved and shall be collected by the county treasurer at the time of the payment of general taxes. Upon payment thereof, receipt shall be acknowledged upon the general tax receipt issued by the county treasurer and the funds shall be reimbursed back to the city treasurer and credited to the repair and demolition abatement fund.

Section 906 UCADB. Contest - Time Limitation.

The validity of any assessment made under the provisions of this chapter shall not be contested in any action or proceeding unless the same is commenced in a court of competent jurisdiction within thirty days after the assessment is placed upon the assessment rolls provided herein. An appeal from a final judgment in such action or proceeding must be perfected within thirty days after the entry of such judgment.

Section 907 UCADB. Authority Or Installment Payment Of Assessments With Interest.

The mayor, in his/her discretion, may determine that assessments which are special assessments on city tax rolls in amounts of $500 or more, may be payable in not to exceed five equal annual installments. The mayor's determination to allow such assessments to be paid in installments, the number of installments, and whether they shall bear interest and the rate thereof, shall be specified in the order of abatement, or any order issued as a result of a protest or objection to the building official's report. Said authority to allow installment payments of assessments with interest, shall only be allowed on special assessments placed on the city tax rolls, and shall not apply to any assessments which are directed to be placed as a certified tax lien on county tax rolls.

Section 908 UCADB. Lien Of Assessment.

(a) Priority. Immediately upon its being placed on the assessment rolls of either the city treasurer's office or the county treasurer's office, the assessment shall be deemed to be complete, the several amounts shall be payable, and the assessments shall be liens against the lot or parcels of land assessed respectively. The liens shall be subordinate to all existing special assessment liens previously imposed upon the same property, and shall be paramount to all other liens, except for state, county and municipal taxes with which it shall be upon a parity. The lien of the special assessment placed on the special tax assessments of the city treasurer's office, shall continue until the assessment and all of the interest due and payable thereon are paid. The lien of any special assessment certified and placed upon the tax rolls of the county treasurer's office, shall continue until the assessment and all interest due and payable thereon are paid or otherwise collected in the same manner as general taxes or are sold pursuant to the general law and taxes.

(b) Interest. All such assessments appearing on the city treasurer's assessment rolls which remain unpaid after thirty days from the date of recording on the assessment rolls, shall become delinquent and shall bear interest at the rate of seven percent (7%) per annum from and after said date. All such assessments which remain unpaid after the date of recording on the assessment roll within the county treasurer's office, shall become delinquent and shall bear interest as provided by the laws affecting the collection of general taxes.

Section 909 UCADB. Report To Assessor And Tax Collector; Addition To Assessment Of City Tax.

After confirmation of the building official's report, certified copies of the assessment shall be given by the city recorder to the city assessor and the city treasurer, who shall add the amount of the assessment as a special assessment to the next regular tax bill levied against the parcel for municipal purposes. A certified copy of the assessment and all assessments for the special assessments for charges made from the repair and demolition abatement fund, may be filed by the city treasurer with the County Auditor on or before August 10. The descriptions of the parcels reported shall be those used for the same parcels on the County Assessor's map book for the current year.

Section 911 UCADB. Collections Of Assessments; Penalties For Foreclosure.

The amount of the special assessment shall be collected at the same time and in the same manner as the ordinary municipal taxes are collected; and shall be subject to the same penalties and procedure and sale in case of delinquency as provided for ordinary municipal taxes. All laws applicable to the levy, collection and enforcement of municipal taxes shall apply to such assessments which appear upon the rolls of the city assessor and treasurer.

If the mayor has determined that the charge shall be placed as an assessment upon the city tax rolls, and that said assessment shall be paid in installments, each installment and any interest thereon shall be collected in the same manner as ordinary municipal taxes in successive years. If any installment is delinquent, the amount thereof is subject to the same penalties and procedure for collection as provided for ordinary municipal taxes.

Section 912 UCADB. Repayment Of Repair And Demolition Fund.

All money recovered by payment of the charge or assessment or from the sale of the property at foreclosure sale shall be paid to the city treasurer who shall credit the same to the repair and demolition abatement fund.
(Ord. 55-95 § 3, 1995: amended during 1/88 supplement: prior code § 5-11-7)

### 18.48.080: PUBLIC NUISANCES; ADMINISTRATIVE REVIEW AND LIMITATIONS:

A. Public Nuisance Structures: Any structure which has been boarded and/or vacant over two (2) years is declared to be a public nuisance as detrimental to the safety and public welfare of the residents and property values of this city.

B. Administrative Review And Time Limitation: Any aggrieved property owner or other interested party may seek review of HAAB's decision by filing a written petition for review, together with advertising costs, requesting a public hearing before the office of the mayor within thirty (30) days of HAAB's written decision. The petitioner shall be responsible for all costs of advertising. On review, the office of the mayor shall determine from the minutes whether or not HAAB's decision was reasonably related to the information provided and, if so, shall sustain its action. Only if the office of the mayor should find HAAB's decision to be unreasonable or arbitrary insofar as it is unsupported by the facts and evidence presented in HAAB, shall it reverse or modify HAAB's decision. Any party which fails to request a review as provided herein, shall be deemed to have waived such review. (Prior code § 5-11-9)

# Article II. Temporary Securing Of Buildings

## Part 1. Boarding Process

## 18.48.090: DEFINITIONS:

BOARDED BUILDING: A building in which all or some of the utilities have been disconnected and all windows and doors are boarded against entry at the ground and second level (if a second level exists). Entry doors may be locked or boarded and windows adjacent to entry doors are boarded against entry.

BOARDING: The secured covering of openings to a building or structure to prevent entrance pursuant to the provisions and standards of this article due to the nonoccupancy of the building or structure.

CLOSED TO OCCUPANCY: A building in which no person may eat, sleep, live or otherwise reside or occupy the building or any portion thereof. Buildings closed to occupancy may only be entered by the owner, owner's agent or other authorized persons to do repair work.

EMERGENCY CONDITIONS: One or more conditions which exist in a building or on a property that create a likelihood of imminent danger to life or safety if anyone were to enter or occupy the property or building.

UNBOARDED/UNSECURED BUILDING: A building whose window(s) and/or door(s) are missing or broken and other openings are not secured against unauthorized persons entering the building.

VACANT/SECURED BUILDING: A building having utility meters that may be locked off but the meters and service lines are in place. All windows are secured and glazed and the doors are secured by means of a lock. (Ord. 27-00 § 1, 2000: Ord. 80-94 § 2, 1994)

## 18.48.100: NOTICE AND ORDER TO TEMPORARILY SECURE:

A. If the director of housing and neighborhood development determines that a building needs to be boarded, the director of housing and neighborhood development shall send a notice by certified mail, return receipt requested, and regular mail, to the property owner requiring the owner to board the building. The director of housing and neighborhood development shall also, on the same day, post a notice on the property.

B. If, due to the existence of emergency conditions, as identified by the director of housing and neighborhood development, it is not possible or practical to give notice in advance, the city may nevertheless board the building without giving prior notice to the owner or occupant, but the city shall provide all required notices immediately following the boarding of the building. (Ord. 27-00 § 2, 2000: Ord. 80-94 § 2, 1994)

## 18.48.110: CITY BOARDING OR SECURING:

A. If, within the time specified in the notice and order, the property owner fails to comply with the notice and order by taking out a permit to board the building pursuant to this article, or apply for a stay pursuant to part 2 of this article, the city may cause the property to be boarded.

B. If the director of housing and neighborhood development determines that emergency conditions exist, the city may board the building.

C. If the city boards a building, the city shall send the property owner a bill for:

1. The fees and charges for services which would otherwise have been charged for the securing of a boarding permit pursuant to section 18.48.140 of this chapter;

2. The fee shown on the Salt Lake City consolidated fee schedule to partially recover the city's costs in administering the boarding; and

3. The actual costs of the boarding incurred by the city. (Ord. 24-11, 2011)

## 18.48.120: BOARDING PERMIT REQUIRED:

It is unlawful to board a building except pursuant to a permit issued under this article. (Ord. 80-94 § 2, 1994)

## 18.48.130: BOARDING PERMIT APPLICATION:

Permits for boarding a building must be applied for on a form provided by the director of housing and neighborhood development. The form shall specify the following:

A. The address of the structure to be boarded or temporarily secured;

B. The type of building;

C. For residential structures, the number of dwelling units;

D. For nonresidential buildings, the number of building square feet and the linear footage of all building faces at ground level;

E. The name, address and telephone number of a person authorized to act as an agent for the owner for performing the owner's obligations under this article, who lives within forty (40) miles of Salt Lake City;

F. Whether the property has the required external water source for landscaping, if landscaping is required; and

G. A description of the condition of the building and the landscaping of the surrounding property. (Ord. 27-00 § 4, 2000: Ord. 80-94 § 2, 1994)

## 18.48.140: INITIAL FEES:

For the first year of any boarding, at the time of filing the application, the applicant shall pay the following fees:

A. The fee shown on the Salt Lake City consolidated fee schedule for each structure; and

B. A plumbing permit fee shown on the Salt Lake City consolidated fee schedule to install the external irrigation hose bib, if required, and not already present. (Ord. 24-11, 2011)

### 18.48.150: SEPARATE SALVAGE PERMIT REQUIRED:

If the property owner intends to salvage any of the structure or other building components, hardware or equipment prior to or during the boarding, the property owner must secure a salvage permit as otherwise required by law. (Ord. 80-94 § 2, 1994)

### 18.48.160: COMPLETION OF BOARDING:

Boarding must be completed within ten (10) days of the issuance of a permit. (Ord. 80-94 § 2, 1994)

### 18.48.170: BOARDING WITHOUT PERMIT:

Boarding a building before obtaining a permit pursuant to this article will require payment of double the initial boarding application fee specified in subsection 18.48.140A of this chapter or its successor. (Ord. 80-94 § 2, 1994)

### 18.48.180: YEARLY FEES:

A. On or before each yearly anniversary of a boarding permit, a property owner desiring to continue to board a building shall pay the annual boarding fee shown on the Salt Lake City consolidated fee schedule.

B. A late fee of twenty five dollars ($25.00) shall be assessed by the city for each thirty (30) days, or any portion thereof, in which the annual fees have not been paid.

C. If the property owner fails to pay either the initial boarding fees or the annual boarding fee, the city may take legal action to collect any amounts owed. (Ord. 24-11, 2011)

### 18.48.185: POSTING OF BOARDED OR CLOSED TO OCCUPANCY BUILDINGS:

Whenever a building is boarded or closed to occupancy, the city shall be authorized to install a sign to be mounted on the front facade of the building. The sign shall state that the building is closed to occupancy and that it is unlawful for any unauthorized person to enter the building. The sign shall also provide phone numbers to call if people are seen on the property or if doors or windows are unsecured. (Ord. 27-00 § 7, 2000)

# Part 2. Stays

## 18.48.190: STAYS AUTHORIZED:

The owner of any property which should be boarded pursuant to this article, either voluntarily by the owner or pursuant to a notice and order, may apply for a stay of the boarding requirement. (Ord. 80-94 § 2, 1994)

## 18.48.200: STAY PROCESS:

A. An owner seeking a stay shall obtain and complete the boarding application provided in section 18.48.130 of this chapter or its successor.

B. The building official shall promptly inspect the building and render a determination, in writing, regarding the building's suitability for a stay.

C. If the building official determines that the building is in such a condition as to pose an imminent danger of collapse or fire or is an attractive nuisance which creates a significant risk of transient occupancy or vandalism, the building official shall deny the request for a stay.

D. If the director of housing and neighborhood development denies a stay request, the building owner shall obtain a boarding or demolition permit within seven (7) days or the city may proceed to board the property pursuant to section 18.48.110 of this chapter, or its successor. In addition to the provisions of this section, the issuance of demolition permits in historic districts and landmark sites are subject to the provisions of subsection 21A.34.020L of this code. In the event of a conflict between the provisions of this subsection and subsection 21A.34.020L of this code, the latter shall control.

E. If the director of housing and neighborhood development determines that a stay is appropriate, the director of housing and neighborhood development shall certify in writing that a stay of up to four (4) months has been issued. (Ord. 27-00 § 8, 2000: Ord. 80-94 § 2, 1994)

## 18.48.210: ACTIONS DURING THE STAY:

A. Within the stay period, the building owner shall obtain either a boarding permit pursuant to this article or a building permit to rehabilitate the building.

B. If the owner obtains a boarding permit, the owner shall, at that time, pay all the fees required pursuant to this article.

C. If the owner obtains a building permit for rehabilitation, the owner shall not be required to pay the boarding application fee but shall pay, instead, the appropriate building

permit fees. (Ord. 80-94 § 2, 1994)

### 18.48.220: WORK ON BUILDING PERMIT:

A. If an owner has obtained a stay pursuant to this article and subsequently secures a building permit for rehabilitation, work under the building permit must be begun within thirty (30) days of obtaining the permit and must be prosecuted to completion with reasonable diligence.

B. If work under the building permit is not begun or pursued as required, the city may revoke the building permit without further notice and board the building as necessary. (Ord. 80-94 § 2, 1994)

## Part 3. Boarding Standards

### 18.48.230: METHOD OF SECURING BUILDINGS:

All buildings shall be boarded in the following manner:

A. All openings in the structure on the first two (2) floors, other openings easily accessible from the ground, and openings with broken glass, shall be secured either by erecting a single one-half inch ($^1/_2$") thick layer of plywood sheathing, or exterior grade chipboard, covering over all exterior openings, overlapping the opening on every edge by three inches (3"), nailed along the edges by eightpenny common nails spaced every six inches (6");

B. Alternately, the openings may be secured by conventional wood frame construction. The frames shall use wood studs of a size not less than two inches by four inches (2" x 4") (nominal dimension) placed not more than twenty four inches (24") apart on center. The frame stud shall have the four inch (4") sides or the wide dimension perpendicular to the face of the wall. Each side of the frame shall be covered with plywood or chipboard sheathing of at least one-half inch ($^1/_2$") thickness or equivalent lumber nailed over the opening by using eightpenny common nails spaced every six inches (6") on the outside edges and every twelve inches (12") along intermediate stud supports;

C. All coverings shall be painted with the same color as the building or its trim; and

D. Exterior doors shall be secured by a strong nonglass door adequately locked to preclude entry of unauthorized persons, or shall be covered as an opening described in subsection A or B of this section or successor sections. (Ord. 80-94 § 2, 1994)

## 18.48.240: LANDSCAPE MAINTENANCE:

Existing landscaping and lawn on the property shall be maintained in the manner otherwise required by law. (Ord. 80-94 § 2, 1994)

## 18.48.250: EXTERIOR MAINTENANCE:

Exterior walls and surfaces must be properly maintained. Severely weathered, peeling or unpainted wood or damaged siding or roofing must be replaced or repaired with similar materials and colors. (Ord. 80-94 § 2, 1994)

## 18.48.260: SNOW REMOVAL:

Snow must be removed from public sidewalk areas surrounding the property in the manner otherwise required by law. (Ord. 80-94 § 2, 1994)

## 18.48.270: CITY MAINTENANCE OF BUILDING:

A. If the director of housing and neighborhood development determines that a boarded building is not being maintained, the director of housing and neighborhood development shall send a notice to the property owner and/or the property owner's agent requiring compliance with the building maintenance standards within seven (7) days.

B. If the director of housing and neighborhood development determines that the property owner has failed to comply with the notice and order, the city may cause the work to be done by a contractor employed by the city.

C. The city shall bill the property owner:

1. The administrative fee shown on the Salt Lake City consolidated fee schedule, per year to cover the city's administrative expenses in contracting for the building maintenance; and

2. The actual cost of building maintenance billed to the city by the city's contractor. (Ord. 24-11, 2011)

## 18.48.280: CITY MAINTENANCE OF LANDSCAPING:

A. If the director of housing and neighborhood development determines that the landscaping on the property surrounding a boarded building is not being maintained as required by city code, the director of housing and neighborhood development shall send a notice to the property owner and/or the property owner's agent, requiring compliance with landscaping standards within seven (7) days.

B. If the director of housing and neighborhood development determines that the property owner has failed to comply with the notice and order, the city may cause the work to

be done by a contractor employed by the city.

C. The city shall bill the property owner:

1. The administrative fee shown on the Salt Lake City consolidated fee schedule, per year, to cover the city's administrative expenses in contracting for the landscaping maintenance; and

2. The actual cost of landscaping maintenance billed to the city by the city's contractor. (Ord. 24-11, 2011)

### 18.48.290: CITY REMOVAL OF SNOW:

A. If the director of housing and neighborhood development determines that sidewalks adjacent to a boarded building are not having the snow removed as required by section 18.48.260 of this chapter or its successor, the director of housing and neighborhood development shall send a notice to the property owner and/or the property owner's agent, requiring snow from the present snowfall to be removed and notifying the property owner that if snow from a subsequent snowfall is not removed as required, the city will contract for the removal and charge the property owner, pursuant to this section or its successor.

B. If the director of housing and neighborhood development determines that the property owner has failed to comply with the notice and order, the city may cause snow, during the winter, to be removed by a contractor employed by the city.

C. The city shall bill the property owner:

1. The administrative fee shown on the Salt Lake City consolidated fee schedule, per year, to cover the city's administrative expenses in contracting for snow removal; and

2. The actual cost of snow removal billed to the city by the city's contractor. (Ord. 24-11, 2011)

## Part 4. Miscellaneous Provisions

### 18.48.300: APPEAL PROCESS:

A. Any person aggrieved by the decision of the director of housing and neighborhood development may appeal the decision to the housing advisory and appeals board (HAAB) by filing a notice with HAAB within seven (7) days of the director of housing and neighborhood development's decision. The notice shall specify the basis for the appeal.

B. An HAAB panel of at least three (3) HAAB members shall schedule a hearing not less than seven (7) days after the notice of appeal nor more than fourteen (14) days after the notice.

C. HAAB shall notify the applicant and any appellant of the hearing and, at the hearing, shall take testimony and evidence.

D. HAAB shall sustain the decision of the director of housing and neighborhood development unless HAAB finds that the director of housing and neighborhood development has failed to comply with the provisions of this article.

E. Any person aggrieved by any decision of HAAB under this article may appeal such decision to the mayor within seven (7) days of HAAB's decision. The appeal shall specify any objection to HAAB's decision.

F. The mayor, or the mayor's designated hearing officer, shall not take any additional evidence and shall consider the appeal only on the basis of the material presented to HAAB.

G. The mayor, or the mayor's designated hearing officer, shall sustain the decision of HAAB, unless it appears that the decision of HAAB is not supported by any competent evidence or is arbitrary or capricious. If the mayor or the mayor's designated hearing officer does not reverse or otherwise modify the HAAB decision within seven (7) days after the matter is submitted, the HAAB decision shall be sustained. (Ord. 27-00 § 12, 2000: Ord. 80-94 § 2, 1994)

## 18.48.310: LEGAL ACTION AUTHORIZED:

The city may take appropriate legal action to collect all unpaid fees or bills provided by this article. (Ord. 80-94 § 2, 1994)

## 18.48.320: EXISTING BOARDED PROPERTIES:

A. The director of housing and neighborhood development shall take reasonable actions to notify the owners of buildings boarded as of the effective date hereof.

B. The notice shall generally inform the property owner of the enactment of the ordinance codified herein and shall notify the owner that a permit is required for the boarded building.

C. Owners of buildings boarded as of the effective date hereof shall apply for a permit no later than January 31, 1995.

D. The permit for buildings boarded as of the effective date hereof shall be processed as a new permit pursuant to the provisions of section 18.48.130 of this chapter or its successor.

E. To partially even the burden of processing applications, any owner of a building boarded as of the effective date hereof shall receive a discount of thirty percent (30%) of the fees required by section 18.48.140 of this chapter or its successor, if the owner applies for a permit prior to October 31, 1994. (Ord. 27-00 § 13, 2000: Ord. 80-94 § 2, 1994)

### 18.48.325: BUILDING INSPECTIONS REQUIRED:

Whenever a property owner, manager or tenant intends to clean, repair, renovate, reopen or reoccupy a building that has been boarded, the building is to be inspected and a permit must be issued by the Salt Lake City building services and licensing division prior to the building owner, manager or tenant initiating any of the above actions. Any person conducting any work on a building that has been boarded or closed to occupancy must have a copy of the permit on the site at all times. Any person conducting work without a permit on the site, will be evicted from the premises. (Ord. 27-00 § 15, 2000)

## Article III. Emergency Demolition

### 18.48.330: PURPOSE:

Notwithstanding the other provisions of this chapter, the UCADB, the process for demolishing buildings in an emergency situation, shall be as provided by this article. (Ord. 55-95 § 3, 1995: Ord. 90-94 § 1, 1994)

### 18.48.340: EMERGENCY DEMOLITIONS APPLICABILITY:

If the building official determines that the walls or roof of a building or structure are collapsing, either in whole or in part, or in imminent danger of collapsing in such a way as to fall on other structures, property or public rights of way, or create a danger to persons who may enter the property, or create a danger of fire, the building official may seek an order that the building should be demolished pursuant to this article. (Ord. 90-94 § 1, 1994)

### 18.48.350: IMMEDIATE CITY DEMOLITION:

A. If the building official determines that demolition should be begun immediately, the building official shall schedule an emergency meeting of the housing advisory and appeals board (HAAB) as soon as practical.

B. The director of housing and neighborhood development shall make reasonable efforts to notify the recorded property owner, all HAAB members, the historic landmark commission staff person, the city council member and the chairperson of the neighborhood council recognized pursuant to title 2, chapter 2.62 of this code in which the property is located.

C. At least three (3) HAAB members, and any others available, shall attend the emergency meeting to consider the immediate demolition.

D. The emergency HAAB meeting shall hear any evidence or testimony regarding the immediate demolition and shall determine whether immediate demolition is appropriate under the standards of section 18.48.340 of this chapter or its successor.

E. If the emergency HAAB meeting authorizes immediate demolition, and the property owner was present or represented at the emergency HAAB meeting, the property owner

shall have twenty four (24) hours in which to have a licensed contractor take out a permit for the demolition. Work under any such permit shall be commenced within twenty four (24) hours of the permit's issuance. Within twenty four (24) hours of the start of the work, the property shall be secured to prevent entry and the structure demolished so that no part of the structure is in imminent danger of collapsing in such a way as to fall on other structures, property or public rights of way, or create a danger of fire. Work under the demolition permit shall be completed within seven (7) days of the permit's issuance.

F. If the property owner was unrepresented at the emergency HAAB meeting, or the property owner fails to proceed with the demolition pursuant to the requirements of subsection E of this section or its successor, the city may contract with a licensed demolition contractor to demolish the building.

G. If HAAB does not authorize the immediate demolition, the building official may appeal such a denial on an expedited basis to the mayor.

1. All parties specified in subsection B of this section, or its successor, shall be notified of the appeal hearing before the mayor or the mayor's designee.

2. The mayor, or the mayor's designee, shall hear evidence regarding the immediate demolition.

H. If the mayor or the mayor's designee authorizes immediate demolition under the standards of section 18.48.340 of this chapter, or its successor, the provisions of subsections E and F of this section, or their successors, shall apply. (Ord. 27-00 § 14, 2000: Ord. 90-94 § 1, 1994)

### 18.48.360: LEVEL 3 EMERGENCIES:

If the mayor has declared a level 3 emergency, the notification and hearing provisions of section 18.48.350 of this chapter, or its successor, shall be waived and the building official may immediately secure the demolition of any structure which meets the standards of section 18.48.340 of this chapter or its successor. (Ord. 90-94 § 1, 1994)

### 18.48.370: BILL FOR COSTS; COLLECTION:

A. Upon the completion of any city demolition pursuant to this article, the city shall mail a bill to the property owner for the city's costs of demolition which shall include the cost of the demolition contractor and a reasonable amount to pay the costs of city personnel involved in the demolition.

B. If the bill is not paid within thirty (30) days, the city may take legal action to collect the bill. (Ord. 90-94 § 1, 1994)

# CHAPTER 18.50

# EXISTING RESIDENTIAL HOUSING

## 18.50.010: TITLE:

This chapter shall be known as the *SALT LAKE CITY EXISTING RESIDENTIAL HOUSING ORDINANCE* and is referred to herein as "this chapter". (Ord. 55-95 § 4 (Exh. A), 1995)

## 18.50.020: PURPOSE AND SCOPE:

A. Purpose: The purpose of this chapter is to provide for the health, safety, comfort, convenience and aesthetics of Salt Lake City and its present and future inhabitants and businesses, to protect the tax base, and to protect property values within the city, as provided by section 10-9-102, Utah Code Annotated, or its successor section, and other applicable state statutes. This purpose shall be accomplished by regulating the maintenance, repair and remodeling of residential buildings specified in this chapter existing as of the date of enactment hereof by:

1. Establishing minimum housing standards for all buildings or portions thereof used, or designed or intended to be used, for human habitation;

2. Establishing minimum standards for safety from fire and other hazards;

3. Promoting maintenance and improvement of structures by applying standards of this chapter to renovations. This chapter allows distinctions in the application of standards based on the year a structure was built, as long as a reasonable level of safety is achieved;

4. Avoiding the closure or abandonment of housing and the displacement of occupants where such can be done without sacrificing the public health, safety and welfare;

5. Providing for the administration, enforcement and penalties for this chapter.

B. Scope:

1. Application To Existing Buildings: This chapter encompasses fire safety and structural integrity of existing residential buildings. Within the structures, the scope includes equipment and facilities for light, ventilation, heating, sanitation, protection from the elements, space requirements, and for safe and sanitary maintenance.

2. Owner Occupied Versus Rental Properties: Except as specified in subsection B3 of this section, the standards of this chapter apply to the interior and exterior of all buildings, dwelling units and premises which are occupied on a rental basis. For buildings or dwelling units which are occupied solely by the owner and the owner's family, all the requirements defined as imminent danger or hazardous condition situations, and those affecting the exterior of the building and premises shall apply. Other interior standards do not apply to owner occupied dwelling units.

3. Condominiums: Repealed.

4. Application To Remodeling Of Existing Residential Buildings: This chapter shall apply to remodeling or renovation of all residential buildings existing as of the date of enactment hereof as follows:

a. This chapter applies regardless of tenancy, regardless of the valuation of the renovations, and regardless of the date of such remodeling or renovation, unless otherwise noted in this chapter.

b. Those buildings or portions thereof which conform with all applicable laws in effect at the time of their construction or whose fire resistive integrity and fire

extinguishing systems have been adequately maintained and improved to accommodate any increase in occupant load, alteration or addition, or any change in occupancy may continue in accordance with the standards in effect at that time. This chapter shall not lessen such requirements for residential buildings which were constructed in compliance with the code in effect at the time of construction.

c. The requirements of this chapter are minimums. During a renovation or remodeling project, whenever conditions exist which allow such work to comply with the standard of the UBC, UPC or UMC these codes shall apply.

d. When a construction standard is omitted from this chapter, the applicable standard shall be the UBC, UMC or UPC in effect at the time the building was constructed.

e. When the purpose of the renovation is to create new dwelling units, the UBC rather than this chapter shall apply.

5. Application To New Construction: From the date of adoption hereof, newly constructed buildings must comply with the currently adopted UBC. All additions to an existing building envelope shall comply with the most recently adopted edition of the UBC.

6. Dangerous Buildings: Residential buildings subject to section 302 of the UCADB shall be governed by the UCADB and not by this chapter. If any conflict exists between this chapter and the UCADB, the UCADB shall control.

7. Change Of Use: Any building undergoing a change which intensifies the use, as defined in the UBC and the uniform code for building conservation, shall comply with the provisions of the UBC.

8. Permits Required: Except as provided in this subsection, no building or structure regulated by this chapter shall be erected, constructed, enlarged, altered, moved, removed, converted, or demolished unless a separate permit for each building or structure has first been obtained from the building official. Except where required by state law, permits are not required for the following:

a. Floor covering installation;

b. Interior and exterior painting;

c. Attaching interior finish wall coverings and similar interior finish work;

d. Replacement of glazing except where safety glazing is required by the UBC;

e. Patching wall surfaces;

f. Installation of countertops and cabinets;

g. Replacement of interior and exterior light fixtures;

h. Replacement of electrical wall outlets and switches;

i. Replacement of kitchen or bathroom sinks, toilets or bidets where the trap and trap arm are not replaced or extended;

j. Replacement of faucets, washers and traps (when the trap is replaced with like installation and the trap arm and the existing vents and drain lines are not disturbed);

k. Repair of irrigation pipelines where the backflow preventers exist or are not being replaced;

l. Replacement of filters, belts and motors in mechanical systems;

m. Installation of battery operated smoke detectors or one 120-volt smoke detector;

n. Replacement of sidewalks on private property;

o. Replacement of ventilation fans;

p. Seasonal weatherization, as long as it does not prevent emergency egress.

C. Violations: It is unlawful for any person to:

1. Erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this chapter;

2. Fail to obey a notice and order issued pursuant to this chapter;

3. Occupy, or rent for occupancy, a building that has been closed to occupancy;

4. Fail to obey an interpretation, decision or requirement of the housing advisory and appeals board within thirty (30) days, unless otherwise noted. (Ord. 70-09 § 6, 2009: Ord. 74-98 §§ 1, 2, 1998: Ord. 68-96 § 1, 1996: Ord. 55-95 § 4 (Exh. A), 1995)

## 18.50.030: DEFINITIONS:

A. Construction Of Terms: For the purpose of this chapter, certain terms, phrases, words, and their derivations shall be construed as specified in this section. Words used in the singular include the plural, and words used in the plural include the singular.

B. Whole Includes Part: Whenever the words "apartment house", "building", "dormitory", "dwelling unit", "habitable room", "hotel", "housing unit" or "structure" are used in this chapter such words shall be construed as if followed by the words "or any portion thereof", except for owner occupied areas as specified in subsection 18.50.020B2 of this chapter.

C. Referenced Documents: References to codes, ordinances, chapters, sections, or subsections shall include any successor to such code, ordinance, chapter, section, or subsection that has been adopted by the city.

D. Defined Terms:

ADDITION: An increase in floor area or height of a building or structure outside of the existing building envelope.

ADMINISTRATIVE HEARING OFFICER: A member of the building services and licensing staff who has been authorized by HAAB to conduct administrative hearings to establish a repair agreement between the property owner and the building official to resolve the property's deficiencies as defined by this code.

AGENT: Any person, firm, partnership, association, joint venture, corporation, or other entity who acts for or on behalf of others.

APARTMENT HOUSE: Any building which contains three (3) or more dwelling units otherwise subject to this code.

APPROVED: As to a given material, mode of construction or repair, piece of equipment or device means approved by the building official as the result of investigation and/or tests conducted by the building official, or by reason of accepted principles or tests by recognized authorities or technical or scientific organizations.

ATTIC: That portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.

BASEMENT: A floor level, any part of which is more than four feet (4') below grade for more than fifty percent (50%) of the total perimeter or more than eight feet (8') below grade at any point as floor and grade are defined in the UBC.

BATHROOM: A room containing at least one of each of the following fixtures: sink, toilet, and tub or shower. It may also include a bidet.

BEDROOM: Any space designed or used for sleeping.

BOARDING HOUSE: A building other than a hotel or motel, with three (3) or more bedrooms where direct or indirect compensation for lodging and/or kitchen facilities, not located in guestrooms, or meals are provided for boarders and/or roomers not related to the head of the household by marriage, adoption or blood. Rentals must be on at least a monthly basis.

BUILDING: Any structure which is used, designed or intended to be used for human habitation.

BUILDING CLOSURE, CLOSED TO ENTRY, OR CLOSED TO UNAUTHORIZED ENTRY: A building which has been closed to occupancy.

BUILDING ENVELOPE: The space defined by existing floors, exterior walls, roof, basement and attic, but not including attached garages.

BUILDING INSPECTOR: A person designated by the building official to make inspections of buildings and properties covered by this chapter.

BUILDING OFFICIAL: The officer or other designated authority charged with the administration and enforcement of this chapter, or the officer's designee.

BUILDING SERVICES AND LICENSING: The office of the city charged with the administration of the city's building and housing ordinances.

CEILING HEIGHT: The vertical distance from the finished floor to finished ceiling or to the lowest point of the ceiling framing members. Where projections other than lighting fixtures exist below the ceiling, the height shall be measured from the projection to the finished floor.

CERTIFICATE OF OCCUPANCY: A certificate issued by the building official authorizing occupancy of a building.

CITATION DEADLINE: The date identified in the second notice of violation, including any authorized extension of time.

COMMON ROOM: A room available in congregate housing for the shared use of occupants of two (2) or more housing units. This does not include common corridors and exit passages, but does include kitchens and game rooms.

CONDOMINIUM: Property or portions thereof conforming to the definition set forth in section 57-8-3, Utah Code Annotated, 1953, as amended, or its successor.

CONGREGATE HOUSING: Any building which contains facilities for living, sleeping and sanitation, as required by this chapter, and may include facilities for eating and cooking, for occupancy by other than a family. Congregate housing includes SROs, convents, monasteries, dormitories, boarding and rooming houses, hostels, fraternity and sorority houses, but does not include shelters, jails, hospitals, nursing homes, hotels or lodging houses.

COOKING FACILITY: At a minimum, a range with stove top and oven, or alternatively, a nonportable cooktop and oven, and a sink.

CORRIDOR: A hallway that serves more than one dwelling unit.

COURT: A space, open and unobstructed to the sky, located at or above grade level and bounded on three (3) or more sides by walls of a building.

CROSS CONNECTION: Any connection or arrangement, physical or otherwise, between a potable water supply system and any plumbing fixture or any tank, receptacle, equipment or device, through which unclean or polluted water or other substances may contaminate such potable water supply system.

DWELLING UNIT: Any building or a portion thereof which contains living facilities, including provisions for sleeping, eating, cooking, and sanitation, as required by this chapter.

EFFICIENCY DWELLING UNIT: A dwelling unit containing only one habitable room with a bath and/or kitchen in the unit.

EXISTING: In existence prior to adoption hereof.

EXITWAY: A continuous and unobstructed means of egress to a public way and includes any intervening aisles, doorways, gates, corridors, exterior exit balconies, ramps, stairways, smokeproof enclosures, horizontal exits, exit passageways, exit courts and yards as these terms are defined in the UBC.

FAMILY: The same as defined in title 21A of this code.

FIRE RESISTANCE OR FIRE RESISTIVE CONSTRUCTION: Construction that resists the spread of fire, as specified in the UBC.

FIRST NOTICE: The initial notice informing the person cited that a housing violation exists.

FLOOR AREA COMPUTATION: The floor area of a habitable room excluding closets, cabinets, bathrooms, and kitchens when such kitchens are separated from the habitable room by walls or other partitions.

GARAGE: A building or portion thereof designed, used, or intended to be used for parking or storage of a motor vehicle containing flammable or combustible liquids or gas in its tank.

GLAZING: Light transmitting glass or plastic installed in windows, doors and skylights, including safety glass, but not including glass block.

HAAB: The city's housing advisory and appeals board created pursuant to title 2, chapter 2.21 of this code.

HABITABLE ROOM: A room in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility space, and similar areas are not habitable rooms.

HALL: A space used for circulating between the rooms of a building within an individual dwelling unit.

HAZARDOUS CONDITION: A condition in a residential building or dwelling unit where failure of a structural, electrical, mechanical or plumbing component system or systems is likely to occur within the next ninety six (96) hours but which has not yet occurred or which is not serious enough to be considered an "imminent danger". "Hazardous conditions" consist of any of the following:

1. All of the conditions listed under the definition of "imminent danger" if those conditions can be repaired with safety while all or the affected part of the building or unit remains occupied; or

2. "Imminent danger" conditions which have been partially secured pursuant to subsection 18.50.060B2b of this chapter;

3. Improper, missing, misused or malfunctioning electrical service or disconnect devices;

4. Cracked, displaced or missing foundations resulting in settlement and structural damage;

5. Defective or deteriorated flooring or floor supports;

6. Flooring or floor supports of insufficient size to carry imposed loads with safety;

7. Members of walls, partitions or other vertical supports that crack, split, lean, list or buckle due to defective material or deterioration where failure is likely to occur within the next ninety six (96) hours but is not likely to occur immediately;

8. Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety;

9. Members of ceilings, roofs, ceiling and roof supports, or other horizontal or vertical members which sag, split or buckle due to defective material or deterioration;

10. Inoperable toilet, bathroom sink, or bathtub or shower in a dwelling unit or congregate housing unit;

11. Lack of or inoperable kitchen sink in a dwelling unit or congregate housing unit;

12. Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety such that failure is likely to occur within the next ninety six (96) hours but is not likely to occur immediately;

13. Except as defined under "imminent danger" below, conditions that reduce the width, height or area of a required emergency exitway or required escape window;

14. All buildings or portions thereof which are not provided with the operable fire extinguishing systems or equipment required by city codes;

15. Buildings or portions thereof occupied for living, sleeping, cooking or dining purposes which were not designed or intended to be used for such occupancies;

16. Lack of a kitchen area equipped with a working stove, oven, sink and refrigerator unless specified otherwise by this code.

HISTORIC BUILDING: Any building or structure which has been designated for preservation by Salt Lake City pursuant to title 21A of this code or its successor, or has been listed on the National Register of Historic Places or on the Utah State Register of Historic Places, or is a contributory structure located in an historic district designated pursuant to title 21A of this code.

HOTEL: Any building containing guestrooms intended or designed to be used, rented, or hired out to be occupied, or which are occupied for sleeping purposes by guests on a daily basis.

HOTEL/MOTEL ROOM: A room or combination of rooms (suite) offered as a single unit for lodging on a daily or weekly basis.

IMMINENT DANGER: A condition in a building or dwelling unit subject to this chapter where structural, electrical, mechanical or plumbing systems have failed so that they may cause immediate death or serious injury to the building's occupants or the public. Conditions of "imminent danger" are those that are so severe and dangerous that either repairs cannot be completed immediately or it is appropriate to have the residents or other occupants leave the building or unit before the repairs have begun. "Imminent danger" consists of any of the following and other similarly serious conditions:

1. Failed or missing foundations, beams, columns, floor systems;

2. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split or buckle and failure is likely to occur at any moment;

3. Broken water lines causing flooding which is undermining structural supports or otherwise endangering the building's integrity;

4. Leaking gas;

5. Missing flues or vent connectors resulting in exhaust gases entering the building;

6. Lack of adequate heating facilities during the months of October through April;

7. Overload of main and branch electrical distribution systems;

8. Exposed electrical wires, fuses and electrical current breakers capable of producing electrical shock or fire and readily accessible to the occupants or the public;

9. Stairs and stair components that cannot carry the loads intended and which may collapse if so loaded;

10. Contaminated water systems;

11. A complete absence of toilet facilities;

12. A complete lack of water supply or sewage disposal facilities, as a result of a failure of a building's or dwelling unit's system and not a city system failure;

13. Blocked emergency egress halls, corridors and/or doors, including accumulation or storage of materials in stairways, corridors, doors or windows, or other condition which blocks the means of egress.

INFESTATION: The presence of insects, rodents or other pests in or around a building in numbers that are or may be detrimental to the health, safety or general welfare of the occupants.

KITCHEN: A space or room used, designed or intended to be used for the preparation of food, which includes permanently installed cooking facilities.

LISTED AND LISTING: Terms referring to equipment and materials which are shown in a list published by an approved testing agency qualified and equipped for experimental testing and maintaining an adequate periodic inspection of current productions. The listing states that the material or equipment complies with accepted national standards which are approved, or standards which have been evaluated for conformity with approved standards.

MAINTENANCE: The repair, replacement and refinishing of any component of an existing structure, but does not include alteration or modification to the existing weight bearing structural components.

MINOR DEFICIENCIES: A structural, electrical, mechanical or plumbing code violation that is minor in nature and is less severe or dangerous than a "substandard condition". "Minor deficiencies" include the following, and other similarly minor conditions:

1. Interior finish wall coverings missing or in disrepair;

2. Lack of paint;

3. Dripping or leaking kitchen or bathroom faucets;

4. Soffit and fascia trim of which no more than twenty percent (20%) is weathered, missing, or loose.

MONUMENTAL STAIRS: A stairway, exceeding four feet (4') in width, at the main entrance on the exterior of a building.

MULTIPLE-FAMILY STRUCTURE: A residential building containing three (3) or more dwelling units.

NEC: The edition of the national electrical code currently adopted by the city.

NOTICE AND ORDER: A document which:

1. Provides notice of the existence of a condition covered by this chapter;

2. Orders certain actions by the owner or owner's designee; and

3. Specifies subsequent processes.

NOTICE OF COMPLIANCE: A written notice informing the person cited that the violation has been cured.

NOTIFIED PARTY: The person or persons to whom a notice and order is issued.

OCCUPANT: A person occupying or having possession of a dwelling unit.

OPENING: An exterior glazed opening capable of being closed to the weather, consisting of a window, a glazed door, or an openable glazed skylight, which opens upon a roof, yard, court, street, alley or recess from a court.

OWNER: Any person, individual, firm, corporation, associate, joint venture or partnership and its agents or assigns who has title or interest in any building, with or without accompanying actual possession, and including any person who as agent or executor, administrator, trustee or guardian of an estate has charge, care or control of any building.

PATTERN OF CIRCULATION: Any area in a room or group of rooms where the occupant is likely to walk because of the location of doors, fixtures or furniture placement when size of room restricts furniture placement. Fixtures, pipes and ducts projecting from the ceiling which are located near the middle of the room are within the pattern of circulation.

PERSON: Any individual, firm, corporation, association, joint venture or partnership and its agents or assigns.

PERSON CITED: The owner, owner's agent, tenant or occupant of any building or land or part thereof and any architect, builder, contractor, agent or other person who participates in, assists, directs or creates any situation that is contrary to the requirements of this chapter, and who received the notice of violation and is being held responsible for the violation.

PLUMBING SYSTEM: Any potable water distribution piping, and any drainage piping within or below any building, including all plumbing fixtures, traps, vents and devices appurtenant to such water distribution or drainage piping and including potable water treating or using equipment, and any lawn sprinkling system.

PREMISES: A lot, plot or parcel of land including the buildings or structures thereon.

PUBLIC WAY: Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky which is deeded, dedicated, or otherwise permanently appropriated to the public for public use and which has a clear width of not less than ten feet (10').

RESIDENTIAL BUILDING: The portions of a building that contain dwelling units.

RISE: The vertical portion of a stair step.

ROOMING HOUSE: A building or group of attached or detached buildings containing in combination at least three (3) lodging units for occupancy on at least a monthly basis, with or without board, as distinguished from hotels and motels in which rentals are generally for a daily or weekly period and occupancy is by transients.

RUN: The horizontal portion of a stair step, measured from the leading edge of the stair tread to a point directly beneath the leading edge of the step directly above.

SRO (SINGLE ROOM OCCUPANCY): A congregate housing where the dwelling units have one combined sleeping and living room and may include a kitchen and/or a separate private bathroom.

SAFETY: The condition of being safe from causing harm, injury or loss.

SECOND NOTICE: The notice informing the person cited of the date that civil fines will begin to accrue if the housing violation is not corrected.

SECURED BUILDING: A building where all windows and doors are intact and lockable against unauthorized entry.

SLOPING CEILING: Any ceiling with a slope greater than one-half inch ($^1/_2$") per foot.

SMOKE DETECTOR: An approved device which senses visible or invisible particles of combustion.

SPACE, COMMON: "Common space" means shared areas available for use by the occupants of the building.

SPACE, PRIVATE: "Private space" means the portion of a dwelling unit which is for the exclusive use of the occupants of the unit.

STORY: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above or the bottom surface of the roof structure.

STRUCTURE: Anything that is built or constructed for residential occupancy, or attached to a building for residential occupancy.

SUBSTANDARD CONDITION: A structural, electrical, mechanical or plumbing system condition in a residential building or dwelling unit which violates applicable codes but with maintenance or repair can be made fully safe and which does not amount to an "imminent danger" or a "hazardous condition". "Substandard conditions" include the following as well as any violations of the standards in this chapter which have not been included in the categories of "imminent danger", "hazardous condition" or "minor deficiency":

1. Deteriorated or inadequate foundations with cracking and evidence of settlement;

2. Defective or deteriorated flooring or floor supports;

3. Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration;

4. Members of ceilings, roofs, ceiling and roof supports, or other members that are of insufficient size to carry live and dead loads with safety;

5. Soffit and fascia trim more than twenty percent (20%) of which is weathered, missing or loose;

6. Missing, decayed, buckling or worn out roof covering;

7. Roof having more than two (2) layers of shingle type roof covering;

8. Fireplaces or chimneys which list, bulge or settle, due to defective material or deterioration;

9. Parapet wall or parapet cap bricks that are loose or missing;

10. Stair risers, treads, jacks, stringers or supports that are cracked or otherwise deteriorated or missing;

11. Plumbing which was not installed in accordance with the adopted plumbing code in effect at the time of installation or with generally accepted construction practices, has not been maintained in good condition, or is not free of cross connections or siphonage;

12. Continuous running water in a toilet, bathroom sink or kitchen sink;

13. Lack of hot or cold running water to plumbing fixtures in a dwelling unit or congregate housing structure;

14. Mechanical equipment which was not installed in accordance with codes in effect at the time of installation, or with generally accepted construction practices, or which has not been maintained in good and safe condition;

15. Inoperable heating systems during the months of May through September;

16. Inoperable air conditioning systems, when the building is supplied with such a system and lacks other adequate forms of ventilation and the air conditioning system fails to keep the air temperature below eighty five degrees Fahrenheit (85°F);

17. Damaged or missing heat ducts or missing heat duct registers;

18. Electrical wiring which was not installed in accordance with codes in effect at the time of installation or with generally accepted construction practices, has not been maintained in good condition, or is not being used in a safe manner;

19. Missing light fixtures, switches and outlet and switch cover plates;

20. Overcurrent situations such as those caused by the use of electrical extension cords and multiple light fixtures;

21. Lack of the minimum natural light and ventilation required by this chapter;

22. Room and space dimensions less than that required by this chapter;

23. Dampness of habitable rooms as evidenced by condensation or mold on ceilings, walls or floors;

24. Deteriorated, crumbling or loose plaster or stucco;

25. Deteriorated or ineffective waterproofing of exterior walls, roof, foundation or floors, including broken windows or doors;

26. Deteriorated or lack of weather protection for exterior wall coverings;

27. Broken, rotted, split or buckled exterior wall coverings or roof coverings;

28. Wood has been installed within six inches (6") of earth which is not naturally decay resistant, treated wood or wood protected by an approved barrier;

29. Infestation of insects, vermin or rodents as determined by the Salt Lake Valley health department;

30. Lack of garbage and rubbish storage and removal facilities as determined by the Salt Lake Valley health department regulations;

31. Those premises on which an accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborages, stagnant water, and similar materials or conditions constitute a violation of the Salt Lake Valley health department regulations;

32. Any building, device, apparatus, equipment, combustible materials or vegetation which, in the opinion of the chief of fire department or building official, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause;

33. Any fire resistive requirement of this chapter which is not met;

34. Drainage of water from roofs or yards in a manner that creates flooding or damage to a structure;

35. Any equipment or apparatus that causes excessive noise, pollution, odor or light as defined by the Salt Lake City code or Salt Lake Valley health regulations;

36. Guardrails or handrails in common areas that are missing or cannot support required loads.

TOILET ROOM: A room which contains a toilet. It may also contain a sink, but does not contain a tub or shower.

UBC: The edition of the uniform building code currently adopted by the city.

UCADB: The edition of the uniform code for the abatement of dangerous buildings currently adopted by the city.

UFC: The edition of the uniform fire code currently adopted by the city.

UMC: The edition of the uniform mechanical code currently adopted by the city.

UPC: The edition of the uniform plumbing code currently adopted by the city.

UNFIT FOR HUMAN OCCUPANCY: A condition of premises which has been found by the building official to be an "imminent danger" or "hazardous condition" situation as defined by this chapter, or which fails to meet the sanitation requirements of the Salt Lake Valley health department.

VENTILATION, NATURAL: "Natural ventilation" means any openable exterior door, window or skylight which opens upon a roof, yard, court, street or alley.

YARD: An open space, other than a court, unoccupied by any structure on the lot on which a building is situated, unobstructed from the ground to the sky. (Ord. 70-09 § 6, 2009: Ord. 1-06 § 30, 2005: Ord. 52-01 § 1, 2001: Ord. 74-98 §§ 3, 4, 1998: Ord. 68-96 § 1, 1996: Ord. 55-95 § 4 (Exh. A), 1995)

## 18.50.040: AUTHORITY:

A. Enforcement: The building official is authorized to enforce all the provisions of this chapter. The building official may issue and deliver citations under authority provided by state law.

B. Interpretation: The building official may render interpretations of this chapter and adopt and enforce rules and supplemental regulations to clarify the application of its provisions. Such interpretations, rules and regulations shall conform to the intent and purpose of this chapter, and shall be made available in writing for public inspection upon request.

C. Alternate Materials And Methods Of Construction: This chapter is not intended to exclude any method of structural design or repair not specifically provided for in this chapter or the UBC. The building official may approve any alternate material or method of construction conforming to alternate design and methods of construction section of the UBC. (Ord. 55-95 § 4 (Exh. A), 1995)

## 18.50.050: RIGHT OF ENTRY:

A. Inspection: Whenever it is necessary to make an inspection to enforce any provisions of this chapter, or whenever the building official has reasonable cause to believe a code violation exists in any building or upon any premises which makes such building or premises unsafe, dangerous or hazardous, the building official may, upon obtaining permission of the owner or other person having charge or control of the premises or dwelling unit, or upon obtaining a warrant, enter a residential property or premises to inspect it or to perform the duties imposed by this chapter. If such building or premises is occupied, the building official shall first present proper credentials and request entry. If such building or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the building official shall have recourse to every remedy provided by law to secure entry. The building official shall establish written policies which outline owner notification procedures for regular inspections and establish handling of owner notification for tenant reports of unsafe, dangerous and hazardous conditions.

B. Unoccupied Dwelling Unit: If an unoccupied dwelling unit is open and unattended and the owner or other person having charge or control of the building or premises cannot be located after reasonable effort, the building official or building official's designee may enter the building. The building official shall issue a notice and order that the dwelling unit be immediately secured or boarded against the entry of unauthorized persons.

C. Inspection Notification: In imminent danger or hazardous condition situations, or when authorization to enter has not previously been granted by a tenant, the owner shall give the tenant a minimum of twenty four (24) hours' notification of an inspection of the tenant's premises by the building official.

D. Violations: Whenever the building official has inspected a building and found violations of this chapter, the building official has the authority to commence action to cause the repair, rehabilitation or vacation of the building. The building official shall issue a notice and order to the owner(s) of the building, which shall list all violations, giving the section number and a detailed description of each, and classified by severity according to the following categories: imminent danger, hazardous condition, substandard condition, and minor deficiency situations. For each violation, or category of violation, the notice and order shall state the following, described in sections 18.50.060 through 18.50.090 of this chapter:

1. The corrective action necessary for the violation(s);

2. A time frame for compliance;

3. The appeals and administrative hearing officer process; and

4. Specific remedies the city may reasonably expect to take if the violations are not corrected. (Ord. 55-95 § 4 (Exh. A), 1995)

## 18.50.060: IMMINENT DANGER SITUATIONS:

A. Determination: If the building official determines that an imminent danger exists, the building official shall take the actions specified in this section.

B. Notice And Order: The building official shall issue a notice and order containing the following:

1. A notice listing the building's or unit's violations and the reason(s) that the building official determines that such conditions constitute an imminent danger;

2. An order requiring:

   a. Immediate vacation of the building or dwelling unit, or

   b. The closure of that portion or system if the building official determines that a portion or system of the building or unit can be closed or otherwise secured so that the rest of the building or unit remains occupiable; and

3. An explanation of the appeal rights and processes specified in subsection E of this section.

C. Delivery Of Notice And Order: Notices and orders issued pursuant to this section shall be posted on the building entrance doors and on the entrance doors of all dwelling units affected by the notice and order. The notice and order shall also be mailed to the owner or the owner's designated agent by both certified mail, return receipt requested, and ordinary first class mail, postage prepaid, or shall be delivered by hand.

D. Notified Party Actions: Within twenty four (24) hours after the issuance of the notice and order, the notified party shall take out all required permits and cause the building or dwelling unit to be either repaired or, if repairs cannot be or are not completed within twenty four (24) hours, secured from entry as required by other portions of this code.

E. Expedited Appeal:

1. If the notified party disagrees with the notice and order and files an appeal in writing within seven (7) days of the issuance of the notice and order, the appeal shall be heard before an HAAB panel within two (2) days of receipt of the appeal.

2. The HAAB panel shall issue a written decision within two (2) days of the hearing.

3. If the notified party is dissatisfied with the HAAB panel decision, the notified party may appeal by filing a written notice with the mayor within seven (7) days of the HAAB decision.

4. The mayor or the mayor's designee shall consider the appeal on the record made before HAAB and the written appeal. The mayor or the mayor's designee may accept additional evidence only if the evidence was improperly rejected by HAAB. The mayor or the mayor's designee may, at their discretion, consider the appeal based solely on the written materials or materials presented at a publicly conducted hearing.

5. The appeal shall be considered, and the mayor or the mayor's designee shall issue a final decision within twelve (12) days of the receipt of the appeal.

6. The filing of an appeal shall not stay the requirements of the notice and order.

F. City Remedies: If the notified party fails to repair or secure the property, the city may take all appropriate remedies authorized by law including, the imposition of civil fines, obtaining any necessary authorization to enter the property to secure it from occupancy or, if the property conditions represent a threat to the public, abating the deficiency as a public nuisance or taking other appropriate actions. (Ord. 52-01 § 2, 2001: Ord. 55-95 § 4 (Exh. A), 1995)

## 18.50.070: HAZARDOUS CONDITION SITUATIONS:

A. Determination: If the building inspector determines that a hazardous condition exists, the building inspector shall take the actions specified in this section.

B. Notice And Order: The building inspector shall issue a notice and order containing the following:

1. A notice listing the building's or unit's violations and the reason(s) that the building inspector determines that such conditions constitute a hazardous condition;

2. An order requiring the notified party to:

a. Take out all necessary permits and repair the hazardous condition within three (3) days, or

b. Close the building or required portions thereof to occupancy within three (3) days;

3. An explanation of the appeal rights and processes specified in subsection E of this section.

C. Delivery Of Notice And Order: Notices and orders issued pursuant to this section shall be posted on the building entrance doors and on the entrance doors of all dwelling units affected by the notice and order. The notice and order shall also be mailed to the owner or the owner's designated agent by both certified mail, return receipt requested, and ordinary first class mail, postage prepaid, or shall be delivered by hand.

D. Notified Party Actions: Within three (3) days after the issuance of the notice and order, the notified party shall take out all required permits and cause the building or dwelling unit to be either repaired or vacated and secured from entry as required by other portions of this code. The building official may extend the time for completing the required work to six (6) days from the date of issuance of the notice and order provided the required permits are taken out within three (3) days of the date of issuance of said notice and order.

E. Appeal:

1. If the notified party disagrees with the notice and order, the notified party may appeal in writing within fourteen (14) days of the issuance of the notice and order. The appeal shall be heard before an HAAB panel within thirty (30) days of receipt of the appeal.

2. Appeals under this subsection shall stay the enforcement of those items appealed on the notice and order.

3. The HAAB panel shall issue a written decision within seven (7) days of the hearing.

4. If the notified party is dissatisfied with the HAAB panel decision, the notified party may appeal by filing a written notice with the mayor within seven (7) days of the HAAB decision.

5. The mayor or the mayor's designee shall consider the appeal on the record made before HAAB and the written appeal. The mayor or the mayor's designee may accept additional evidence only if the evidence was improperly rejected by HAAB. The mayor or the mayor's designee may, at their discretion, consider the appeal based solely on the written materials or materials presented at a publicly conducted hearing.

6. The appeal shall be considered, and the mayor or the mayor's designee shall issue a final decision within twelve (12) days of the receipt of the appeal.

F. City Remedies: If the notified party fails to repair or secure the property as required, the city may take all appropriate remedies authorized by law including, the imposition of civil fines, closing all or a portion of the building, obtaining any necessary authorization to enter the property to secure it from occupancy or, if the property conditions represent a threat to the public, abating the deficiency as a public nuisance or taking other appropriate actions. (Ord. 52-01 § 3, 2001: Ord. 74-98 § 5, 1998: Ord. 68-96 § 1, 1996: Ord. 55-95 § 4 (Exh. A), 1995)

## 18.50.080: SUBSTANDARD CONDITION SITUATIONS:

A. Determination: If the building inspector determines that a substandard condition exists, the building inspector may take the actions specified in this section.

B. Notice And Order: The building inspector may issue a notice and order containing the following:

1. A notice listing the building's or unit's violations and the reason(s) that the building inspector determines that such conditions constitute a substandard condition;

2. An order requiring the notified party to:

a. Take out all necessary permits and repair the substandard condition within the times specified, or

b. Close the building or required portions thereof to occupancy within thirty (30) days;

3. An explanation of the appeal rights and processes specified in subsection E of this section.

C. Delivery Of Notice And Order: Notices and orders issued pursuant to this subsection shall be posted on the building entrance doors and in the common areas of the building. Notices and orders issued to vacate the premises shall be posted on all building entrance doors, common areas and on individual dwelling units. The notice and order shall also be mailed to the owner or the owner's designated agent by both certified mail, return receipt requested, and ordinary first class mail, postage prepaid, or may be delivered by hand.

D. Notified Party Actions: The notified party shall take out all required permits and cause the building or dwelling unit to be either repaired or secured from entry as required by other portions of this code within the times specified in the notice and order. If the building official determines that work is progressing appropriately and an extension is necessary, the building official may extend the times for completion of any work.

E. Appeal And Administrative Hearing:

1. If the notified party disagrees with the notice and order, the notified party may appeal in writing within thirty (30) days of the issuance of the notice and order. The appeal shall be heard before an HAAB panel within forty five (45) days of receipt of the appeal.

2. Appeals of notice and order for substandard conditions shall be first considered by an administrative hearing officer pursuant to section 18.50.120 of this chapter.

3. The HAAB panel shall issue a written decision within fourteen (14) days of the hearing.

4. If the notified party is dissatisfied with the HAAB panel decision, the notified party may appeal by filing a written notice with the mayor within fourteen (14) days of the HAAB decision.

5. The mayor or the mayor's designee shall consider the appeal on the record made before HAAB and the written appeal. The mayor or the mayor's designee may accept additional evidence only if the evidence was improperly rejected by HAAB. The mayor or the mayor's designee may, at their discretion, consider the appeal based solely on the written materials or materials presented at a publicly conducted hearing.

6. The appeal shall be considered, and the mayor or the mayor's designee shall issue a final decision within thirty (30) days of the receipt of the appeal.

7. Appeals under this subsection shall stay the enforcement of those items appealed on the notice and order.

F. City Remedies: If the notified party fails to repair or secure the property as required, the city may take all appropriate remedies authorized by law including, the imposition of civil fines, closing all or a portion of the building or securing any necessary authorization to enter the property to make repairs. (Ord. 52-01 § 4, 2001: Ord. 74-98 §§ 6, 7, 1998: Ord. 55-95 § 4 (Exh. A), 1995)

## 18.50.090: MINOR DEFICIENCY SITUATIONS:

A. Determination: If the building inspector determines that a minor deficiency exists, the building inspector may take the actions specified in this section.

B. Citations: Citations may be issued for minor deficiencies. However, such citations shall be for the owner's information only and shall have no further legal force or effect.

When a notice and order is issued, minor deficiencies may be included under "for owner's information only". If a property inspection reveals only minor deficiencies, the building inspector may mail a letter to the owner informing the owner of such minor deficiencies.

C. Delivery Of Notice And Order: The notice and order shall be mailed to the owner or the owner's designated agent by both certified mail, return receipt requested, and ordinary first class mail, postage prepaid, or shall be delivered by hand. If delivery of the notice and order by mail or hand delivery is not made, the notice and order shall be posted on the building entrance doors and on the entrance doors of all dwelling units affected by the notice and order.

D. Notified Party Actions: The notified party shall take out all required permits and cause the building or dwelling unit to be either repaired or secured from entry as required by other portions of this code within the times specified in the notice and order. If the building official determines that work is progressing appropriately and an extension is necessary, the building official may extend the times for completion of any work.

E. Appeal And Administrative Consideration: The appeal and administrative hearing officer processes shall be as specified in subsections 18.50.080E and F of this chapter.

F. City Remedies: If the notified party fails to make the repairs required, or fails to reach an agreement acceptable to the city for remediation, the city may record a notice of deficiency with the Salt Lake County recorder's office specifying the deficiencies. (Ord. 68-96 § 1, 1996: Ord. 55-95 § 4 (Exh. A), 1995)

## 18.50.100: ENFORCEMENT:

A. In addition to any other remedies authorized by law or in this chapter, if the notified party fails to repair or secure the property in question, the city may pursue any one or more of the following additional remedies:

1. Notice Of Deficiency: The supervisor of housing enforcement may record with the Salt Lake County recorder's office a notice of any condition provided in sections 18.50.060 through 18.50.090 of this chapter. The notice shall be mailed to all notified parties.

2. Criminal Action: Violations of the provisions of sections 18.50.060 through 18.50.080 of this chapter may be punishable as a class B misdemeanor upon conviction.

3. Civil Action: Violations of sections 18.50.060 through 18.50.080 of this chapter may also be enforced by injunction, mandamus, abatement, civil fines or any other appropriate action in law or equity.

B. Civil fines may be imposed according to the following procedures:

1. Notice:

a. If the housing inspector finds that any provision of this chapter is being violated, the housing inspector shall provide a written notice to the property owner and to any other person determined to be responsible for such violation. The written notice shall indicate the nature of the violation and order the action necessary to correct it. Additional written notices may be provided at the housing inspector's discretion.

b. The written notice shall state what action the housing inspector intends to take if the violation is not corrected. The written notice shall include information regarding the established warning period for the indicated violations and shall serve to start any warning periods provided in this chapter.

c. Such written notice issued by the housing inspector shall be deemed sufficient and complete when served upon the person cited:

(1) Personally by the inspector or his or her representative; or by mailing, postage prepaid, by certified mail, return receipt requested, addressed to the person cited at the last known address appearing on the records of the county recorder; and

(2) By posting notice on the property where said violation(s) occurs.

d. In cases when delay in enforcement would seriously threaten the effective enforcement of this chapter, or pose a danger to the public health, safety or welfare, the housing inspector may seek enforcement without prior written notice by invoking any of the fines or remedies authorized in this chapter.

e. If the violation remains uncured within five (5) days after the expiration of the warning period, a second notice of violation shall be delivered by mail, postage prepaid, addressed to the person cited at the last known address appearing on the records of the county recorder. The second notice shall identify the date on which the civil fines shall begin to accrue.

2. Amount Of Fine: Civil fines shall accrue as follows:

a. Substandard condition violations: Twenty five dollars ($25.00) per day. If more than ten (10) substandard condition violations exist, the daily fines shall double.

b. Hazardous condition violations: Fifty dollars ($50.00) each per day.

c. Imminent danger violations: Seventy five dollars ($75.00) each per day.

d. Failure to obey an interpretation, decision or requirement of the housing advisory and appeals board: Twenty five dollars ($25.00) per day.

3. Daily Violations: Each day a violation continues after the citation deadline shall give rise to a separate civil fine.

4. Compliance: Accumulation of fines for violations, but not the obligation for payment of fines already accrued, shall stop upon correction of the violation.

5. Recurring Violations: In the case where a violation, which had been corrected, reoccurs within six (6) months of the initial correction, the city will begin enforcement of said recurring violation and fines will begin accruing after a ten (10) day warning period.

6. Appearance Before A Hearing Officer:

a. Right To Appear: Any person cited may appear before a hearing officer to appeal the amount of the fine imposed. However, no party may appear before a hearing officer until violations identified have been corrected and a notice of compliance has been issued. Appeals to the hearing officer contesting the amount of the fine imposed must be filed within thirty (30) days from the date of the notice of compliance.

b. Defense: The burden to prove any defense shall be upon the person raising such defense.

c. Responsibility: Commencement of any action to remove or reduce fines shall not relieve the responsibility of any person cited to cure the violation or to make payment of subsequently accrued civil fines nor shall it require the city to reissue any of the notices required by this chapter.

7. Appeal Of Administrative Decision: The decision of the housing inspector regarding the existence of the housing violation shall be deemed an administrative decision which may be appealed to the housing advisory and appeals board within thirty (30) days of the date of the first notice.

8. Hearing Officer Duties:

a. The mayor, or his/her designee, shall appoint such hearing officer as the mayor, or his/her designee, deems appropriate to consider matters relating to the violation of

this chapter. The hearing officer shall have the authority to hear evidence relating to mitigating circumstances and to make such equitable adjustments as he/she deems appropriate, as set forth below:

(1) The hearing officer may adjust, reduce or eliminate fines or create payment plans relating to fines accrued by the person cited. In the administration of this duty, the hearing officer may reduce or eliminate fines based upon any circumstance or other equitable consideration the hearing officer finds to be applicable. In cases where the administrative process has not been followed by the division, the hearing officer has the authority to reduce or eliminate fines.

(2) Payment plans may be created by the hearing officer. Although the hearing officer has the ultimate authority in establishing the payment schedule, the minimum payment schedule provided by the department of community and economic development should be followed.

9. Dismissal Criteria:

a. If the hearing officer finds that no violation occurred and/or a violation occurred but one or more of the defenses set forth in this section is applicable, the hearing officer may dismiss the notice of violation. Such defenses include:

(1) At the time of the receipt of the notice of violation, compliance would have violated the criminal laws of the state of Utah;

(2) Compliance with the subject ordinances would have presented an imminent and irreparable injury to persons or property.

10. Acceptance Of Hearing Officer Decision: If the hearing officer finds that a violation of this chapter occurred and no applicable defense exists, the hearing officer 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 fine. The person cited has fourteen (14) days in which to accept the decision of the hearing officer. If the person cited does not accept the decision of the hearing officer, an agreement to modify the fine, or set up a payment schedule, the decision of the hearing officer is void and the city will attempt to collect the original amount of the fine.

11. Abatement For Correction And Payment:

a. Civil fines may be partially abated after the violation is cured and at the discretion of the hearing officer if any of the following conditions exist:

(1) Strict compliance with the notice and order would have caused an imminent and irreparable injury to persons or property.

(2) The violation and inability to cure were both caused by a force majeure event such as war, act of nature, strike or civil disturbance.

(3) A change in the actual ownership of the property was recorded with the Salt Lake County recorder's office after the first or second notice was issued and the new owner is not related by blood, marriage or common ownership to the prior owner.

(4) Such other mitigating circumstances as may be approved by the city attorney or designee.

b. If the hearing officer finds that the noticed violation occurred and no applicable defense applies, the hearing officer may, in the interest of justice and on behalf of the city, enter into an agreement for the delayed or periodic payment of the applicable fine.

c. Once a payment schedule has been developed by the hearing officer, and agreed to by the person cited, failure to submit any two (2) payments as scheduled will require payment of the entire amount of the original fine immediately. (Ord. 38-08, 2008: Ord. 6-04 § 10, 2004: Ord. 52-01 § 5, 2001: Ord. 55-95 § 4 (Exh. A), 1995)

## 18.50.110: APPELLATE PROCESS DETAILS:

A. Filing Of Appeals: Appeals shall be submitted on an appeal form provided by the building official. The appellant shall state the specific order or action protested and a statement of the relief sought, along with the reasons why the order or action should be reversed, modified or otherwise set aside.

B. Failure To Appeal: Failure of any person to file an appeal in accordance with the provisions of this section shall constitute a waiver of the person's right to an appeal.

C. Inspection Of The Premises: Before any hearing is held by a HAAB panel, the panel shall inspect the building or premises involved. Prior notice of such inspection shall be given to the notified party filing the appeal, who may be present at such inspection. Upon completion of the inspection, the chairperson of the panel shall state for the record the material facts observed at the inspection, which facts shall be read at the initiation of the hearing. Failure of the notified party to provide access without good cause as determined by the building official shall not constitute a reason for the hearing to be postponed and the appeal denied.

D. Written Notice: Written notice of the time and place of panel hearings shall be mailed to the appellant in accordance with procedures adopted by HAAB.

E. Appeals Hearing: Any notified party may appear personally or authorize a designee to act in their behalf. The city and any notified party may call and examine witnesses on any relevant matter, introduce documentary and physical evidence, and cross examine opposing witnesses. Any relevant evidence shall be admitted.

F. Record: A record of the entire proceeding of all appellate hearings under this section shall be made by tape recording, or by any other means of permanent recording determined to be appropriate by HAAB. The record shall be retained on file in accordance with the city's record retention schedule. (Ord. 55-95 § 4 (Exh. A), 1995)

## 18.50.120: ADMINISTRATIVE HEARING OFFICER PROCEDURES:

A. The administrative hearing officer shall hear cases deemed to be of substandard condition or minor deficiency situations. Review by the administrative hearing officer is not a provision of hazardous condition appeals, which go directly before a HAAB panel.

B. Each appeal shall first be reviewed by the administrative hearing officer no later than thirty (30) days from the date of filing of a written appeal.

C. The administrative hearing officer shall inspect the property and review the notice and order to determine if it is accurate and attempt to develop, in consultation with the appellant, possible methods of complying with the code consistent with the purposes of this chapter. The administrative hearing officer may prepare a stipulated agreement for signature by the appellant and the city.

D. The administrative hearing officer shall maintain complete and permanent records of all inspections and decisions. Resolutions of disputed issues, agreeable to the administrative hearing officer and the property owner, shall be presented at the next meeting of HAAB for its consent or modification. (Ord. 55-95 § 4 (Exh. A), 1995)

## 18.50.130: APPROVAL FOR OCCUPANCY:

Following the correction of the deficiencies and prior to persons reoccupying any residential building or dwelling unit after it has been closed to occupancy, the housing/zoning officer shall issue an approval for occupancy. If a notice of deficiency has been filed with the Salt Lake County recorder's office pursuant to section 18.50.100 of this chapter, a release of the notice shall be recorded with that office. (Ord. 74-98 § 8, 1998: Ord. 55-95 § 4 (Exh. A), 1995)

## 18.50.140: EXTERIOR STANDARDS:

A. Structural Repair: All roofs, floors, walls, chimneys, foundations, and other structural components shall be repaired when they no longer retain their structural integrity. Loose bricks in chimneys shall be repaired and missing chimney caps shall be replaced.

B. Exterior Surfaces: Exposed materials that require weather protection and exterior surfaces that are deteriorating shall be repaired to the extent necessary to stop damage from cold, wind, water, or dampness. The roof covering and flashing shall form an impervious membrane.

C. Drainage: All surface water shall drain away from the structure unless any potential adverse effect of the runoff is mitigated to the reasonable satisfaction of the building official.

D. Windows And Doors: Windows that are required by this chapter for light and ventilation shall be fully glazed. Window openings not required to meet light, ventilation, and egress standards may be sealed with opaque materials or removed. Broken or missing doors, door frames, windows, and window sashes shall be replaced or repaired.

E. Appendages: All awnings, fire escapes, exhaust ducts and similar appendages shall be maintained in good repair and be properly anchored.

F. House Addressing: All residential buildings shall display a street number in a prominent location on the street side of the building in such a position that the number is easily visible to approaching emergency vehicles. The numerals shall be no less than three inches (3") in height and shall be of a contrasting color to the background to which they are attached. Each individual unit within any multiple-family structure shall display a prominent identification number, not less than two inches (2") in height, which is easily visible.

G. Exterior Walkways: All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair, and maintained free from hazardous conditions. (Ord. 74-98 §§ 9, 10, 1998: Ord. 55-95 § 4 (Exh. A), 1995)

## 18.50.150: INTERIOR STANDARDS:

A. Showers/Tubs: Showers shall be finished to a height of seventy inches (70") above the fixture drain outlet with nonabsorbent material. Freestanding tubs with shower risers may utilize a shower curtain that totally encloses all sides of the tub.

B. Floor Coverings: All floor and stair coverings shall be maintained in a secure and substantially intact manner. This standard does not apply to area or throw rugs within dwelling units.

C. Walls And Ceilings: All walls and ceilings shall be maintained so that they are secure and intact. Surfaces shall be painted or covered with wallpaper or panelling.

D. Finishes, Washable Surfaces: In kitchens and bathrooms of congregate housing and SROs, floors and walls within fifteen inches (15") of sinks, bidets, showers, toilets, and tubs shall be finished with a nonporous material that is not adversely affected by moisture.

E. Operable Fixtures And Equipment: All fixtures, appliances, and equipment required by this code shall be maintained in safe and operable condition. (Ord. 68-96 § 1, 1996: Ord. 55-95 § 4 (Exh. A), 1995)

## 18.50.160: DOORS, TRIM AND HARDWARE:

A. All doors, trim and hardware shall be kept in good working condition.

B. Exterior doors which are required for ingress and egress shall have locks which are keyed from the exterior and are operable from the interior without the use of a key or other special equipment or knowledge. Original locks in historic buildings are not required to be replaced if in good working condition.

C. Hinges for out swinging doors shall be equipped with nonremovable hinge pins or a mechanical interlock to preclude removal of the door from the exterior by removing the hinge pins. (Ord. 55-95 § 4 (Exh. A), 1995)

## 18.50.170: ENVIRONMENTAL OR SANITARY STANDARDS:

A. All premises shall be maintained clean, safe, sanitary and free from an accumulation of rubbish. Every occupant of a structure shall keep that part of the structure and exterior property which such occupant occupies, controls or uses in a clean and sanitary condition. Every owner of a structure containing a boarding and rooming house, fraternity and sorority house, dormitory, SRO or multiple-family dwelling units shall maintain, in a clean and sanitary condition, the shared or public areas of the structure and exterior property.

B. Garbage and refuse storage and removal shall meet the requirements of the Salt Lake Valley health department regulations.

C. There shall be no insect or rodent infestation in violation of the Salt Lake Valley health department regulations.

D. Asbestos, regardless of the date of installation, shall meet the requirements of the Salt Lake Valley health department regulations.

E. A room in which a toilet is located shall be separated from food preparation or storage rooms by a tight fitting door. (Ord. 1-06 § 30, 2005: Ord. 68-96 § 1, 1996: Ord. 55-95 § 4 (Exh. A), 1995)

## 18.50.180: SPACE AND OCCUPANCY STANDARDS:

A. Ceiling Heights:

1. Habitable Rooms: The minimum ceiling height for all habitable rooms shall be seven feet six inches (7'6"), except for kitchens, which may be seven feet zero inches (7'0"). This height may be six feet four inches (6'4") when the requirements of this chapter for emergency egress, light and ventilation are met and a one hundred twenty (120) volt electrical powered smoke detector is installed in the room. The only exception is that a smoke detector is not required in a kitchen. Projections shall be allowed to six feet zero inches (6'0") when the projection is not in the pattern of circulation and projections are not greater than twenty percent (20%) of the floor area of the room.

2. Nonhabitable Rooms Except Bathrooms: All nonhabitable rooms, except bathrooms, shall have no minimum ceiling height requirement.

3. Bathrooms And Toilet Rooms: Bathrooms and toilet rooms shall have a minimum ceiling height of six feet zero inches (6'0") with no projections below the six foot (6') minimum. The bathroom ceiling height at the back of a sink, toilet or tub without shower may be sloped to a minimum height of five feet zero inches (5'0") at the wall when the ceiling height is no less than six feet zero inches (6'0") at a point two feet zero inches (2'0") from the wall adjacent to the bathroom plumbing fixture.

4. Sloping Ceilings: In any room with a sloping ceiling, at least one-half ($^1/_2$) the floor area shall have a minimum ceiling height as required by this section. No portion of the room with a ceiling height below five feet zero inches (5'0") may be used in the floor area computation.

5. Corridors: A minimum ceiling height of six feet four inches (6'4") shall be required in corridors.

B. Room And Corridor Size:

1. Floor Area And Room Dimensions: Dwelling units shall have at least one habitable room with not less than one hundred twenty (120) square feet of floor area. Habitable rooms other than a kitchen shall have an area not less than seventy (70) square feet and shall not be less than seven feet (7') in length or width.

2. Sleeping Room Dimensions: Every room used for sleeping shall have at least seventy (70) square feet of floor area. Where more than two (2) persons occupy a room used for sleeping, the required floor area shall be increased at the rate of fifty (50) square feet for each occupant in excess of two (2).

3. Corridors: The minimum width of corridors shall be thirty six inches (36"). In dwelling units constructed prior to 1983, a minimum corridor width of thirty inches (30") shall be permitted.

C. Special Dwellings:

1. Efficiency Dwelling Units: An efficiency dwelling unit shall:

a. Have a living room of at least one hundred ninety (190) square feet of floor area. An additional one hundred (100) square feet of floor area shall be provided for each occupant in excess of two (2);

b. Have a closet;

c. Have a kitchen sink and cooking and refrigeration facilities, each having a clear working space of at least thirty inches (30") in front of the fixture or appliance;

d. Have a bathroom containing a toilet, sink and bathtub or shower.

2. Congregate Housing: Individual units in congregate housing shall have at least one room with not less than seventy (70) square feet of floor area per occupant. When individual rooms are less than one hundred twenty (120) square feet, a separate common room shall be provided of at least one hundred twenty (120) square feet for each ten (10) units, with a minimum of one common room per floor. When separate rooms are not provided with cooking facilities, the common room may be a common kitchen with a floor area as defined by the floor area computation.

D. Cooking Facilities:

1. Cooking Facilities In Dwelling Units: Each dwelling unit shall have a kitchen that supplies:

a. A range with stove top and oven, or in the alternative, a nonportable cooktop and oven. Hot plates, pans, and similar units shall not be considered as cooking facilities. All cooking appliances shall be maintained in good working condition.

b. An approved sink, with a minimum dimension of twelve inches by twelve inches by four inches (12" x 12" x 4") deep.

c. A minimum of four (4) square feet of counter space.

d. A refrigerator.

2. Cooking Facilities For Individual Units In Congregate Housing: As long as such cooking facilities do not encroach into the required floor area, required cooking facilities may be supplied in individual units, provided all of the following items are supplied:

a. A range with stove top and oven, or in the alternative, a nonportable cooktop and oven. Hot plates, pans, and similar units shall not be considered as cooking facilities and are not allowed. Portable cooking devices are not allowed in individual rooms;

b. An approved sink, with a minimum dimension of twelve inches by twelve inches by four inches (12" x 12" x 4") deep;

c. A minimum of four (4) square feet of counter space;

d. A refrigerator.

3. Common Kitchens In Congregate Housing: When cooking facilities are not provided within individual units, congregate housing shall have a common kitchen area which shall contain the following minimum facilities: a sink for each twenty (20) tenants or portion thereof, a range for each twenty (20) tenants or portion thereof, and a refrigerator for each ten (10) tenants or portion thereof. The minimum kitchen area shall be one hundred twenty (120) square feet based on the floor area computation for the first ten (10) occupants or portion thereof, and an additional thirty (30) square feet for each additional ten (10) persons or portion thereof.

E. Window Size Alterations: When window size modifications are necessary to meet light, ventilation or emergency egress, the window shall meet the most currently adopted uniform building code standard. (Ord. 74-98 §§ 11-13, 1998: Ord. 68-96 § 1, 1996: Ord. 55-95 § 4 (Exh. A), 1995)

## 18.50.190: LIGHT AND VENTILATION:

A. Natural Light In Habitable Rooms:

1. Every habitable room shall have at least one window facing directly to the outdoors to provide natural light. The minimum total window area shall equal one-twentieth ($^1/_{20}$) or more of the floor area of the room, with a minimum of three and one-half ($3^1/_2$) square feet. Special purpose rooms such as home theaters and film processing rooms shall not be subject to this requirement. Kitchens may be provided with artificial light, which shall be a minimum of 1.5 watts incandescent or 0.8 watts fluorescent per square foot of the room.

2. The glazed area of an exterior door may be used for purposes of computing window size for natural light.

3. For the purpose of meeting light or ventilation requirements, as well as emergency egress, a room may be considered as a portion of an adjoining room when one-half ($^1/_2$) of the area of the common wall is open and unobstructed and provides an opening of not less than one-tenth ($^1/_{10}$) of the floor area of the interior room or twenty five (25) square feet, whichever is greater.

B. Ventilation:

1. Habitable Rooms:

a. Except as provided in subsection B1b of this section, all habitable rooms shall be provided with natural ventilation by means of openings to the exterior which have the capability of being closed to the weather. Total openings shall have an area at least one-twentieth ($^1/_{20}$) of the floor area of the room or three and one-half ($3^1/_2$) square feet, whichever is greater.

b. A mechanical ventilation system shall be allowed in lieu of openings for natural ventilation. Such system shall create a positive pressure in the room and the air intake shall be connected directly to the outside and be capable of two (2) air exchanges per hour. In kitchens, the ventilation system may create negative pressure. The air intake/exhaust source shall be located at least three feet (3') above any opening which is within ten feet (10') of the air intake/exhaust.

c. Exterior doors may be used to meet natural ventilation requirements.

2. Bathrooms, Laundry Rooms, And Other Nonhabitable Areas:

a. Except as provided in subsection B2b of this section, all bathrooms and laundry rooms shall be provided with natural ventilation by means of openings to the exterior which have the capability of being closed to the weather. Such openings shall have a total area not less than one-twentieth ($^1/_{20}$) of the floor area of the room, with a minimum of one and one-half ($1^1/_2$) square feet.

b. A mechanical exhaust system connected directly to the outside shall be allowed in lieu of natural ventilation. The system shall be capable of providing five (5) air exchanges per hour. The exhaust air shall discharge at least three feet (3') above or ten feet (10') away from any air intake source. Toilet rooms may be ventilated with an approved recirculation fan or similar device designed to remove odors from the air.

c. Mechanical or convection venting of bathrooms into the attic shall be acceptable. Recirculating fans may be used in toilet rooms only. Bathrooms with tubs or showers shall have a convection or mechanical exhaust system.

d. Bathrooms constructed prior to 1970, which are vented with convection vent openings extending to the outside shall meet the ventilation requirement as long as the walls, ceiling and floor are not adversely affected by moisture. (Ord. 74-98 § 14, 1998: Ord. 68-96 § 1, 1996: Ord. 55-95 § 4 (Exh. A), 1995)

## 18.50.200: FIRE SAFETY; EGRESS:

A. Fire Safety: No hazard of fire or explosion shall be created or allowed to exist in any building, premises, equipment or apparatus.

B. Exit And Emergency Egress:

1. Every dwelling unit shall have a safe, continuous and unobstructed means of egress of a minimum height of six feet four inches (6'4") and a minimum width as per this code. The exitway shall be kept in a proper state of repair and maintained free of hazardous conditions and obstructions.

2. Every sleeping room located below the fourth story shall have at least one openable window or exterior door approved for emergency egress or rescue. The opening shall have a minimum of three and one-half ($3^1/_2$) square feet of openable space and clear opening dimensions of at least twenty inches (20") in one dimension and twenty four inches (24") in the other dimension. The escape window must open directly into a yard or exit court, or into a public street or alley. When windows are provided as a means of emergency egress or rescue, they shall have a finished sill height of not more than forty eight inches (48"). If the distance from the floor to the windowsill is more than forty eight inches (48"), a permanent ladder or platform attached to the wall or floor may be installed to meet the maximum height requirement. The ladder or platform must be approved by the city.

a. Exception 1. Where two (2) approved emergency exit doors leading from the sleeping room to separate exitways exist and minimum light and ventilation requirements are met, this subsection does not apply. Emergency exit doors shall open directly to a yard or court, or may exit through no more than one adjoining room which has a door that leads directly to a yard or court.

b. Exception 2. Where minimum light and ventilation and emergency egress requirements are met, there is no minimum sill height requirement in sleeping rooms of dwelling units constructed before 1968, which has not been altered from the original construction.

c. Exception 3. Sleeping rooms that fail to meet the sill height, window size or net openable area for the emergency egress provisions of this code may have their emergency egress deficiencies remedied, provided the rooms meet the required natural light and ventilation requirements of the housing code, by the installation of a smoke detector in each of the deficient sleeping rooms and in the hall or space immediately adjacent to and leading into the sleeping room or area. The smoke detectors shall be wired directly to the house electrical system and be provided with a battery backup.

3. For windows that are below grade, a window well shall run parallel to the width of the window and extend at least eighteen inches (18") out from the exterior face of the building. When the distance from the top of the window well to its bottom exceeds forty eight inches (48"), it shall be equipped with an approved permanently affixed ladder or stairs that are accessible with the window in the fully open position. Grates are permitted over window wells when hinged away from the structure and not weighing over fifteen (15) pounds per section of the grate.

4. Bars, grills, grates or similar devices may be installed on emergency escapes or rescue windows or doors, provided such devices are equipped with approved release mechanisms which are operable from the inside of the grate without the use of a key or special knowledge or effort.

C. Stairs And Handrails: Stairs and rails shall meet the requirements of the means of egress section of the UBC or its successor with the following modifications:

1. If there are four (4) or more risers, a handrail shall be required. Two (2) handrails shall be required when the width of the stairs is forty eight inches (48") or more.

Stairways less than forty eight inches (48") in width or stairways serving one individual dwelling unit in group R, division 1 or 3 occupancy, or a group R, division 3 congregate residence may have one handrail. Handrails are not required for monumental stairs.

2. Handrails shall be placed not less than thirty inches (30") nor more than thirty eight inches (38") above the outermost edge of the tread. Handrails for existing stairs are not required to extend beyond the top or bottom stair tread.

3. Stairs shall have a maximum riser height of eight inches (8") and a minimum step run of nine inches (9"). Existing stair flights may have a maximum variation in rise and run of two inches (2") at the top and bottom of the flight. A maximum of one inch (1") variation of rise and run shall be allowed for all intermediate risers and treads. Stairs shall be level and shall comply with life safety standards as defined herein.

4. Winder, circular and spiral stairs shall comply with the UBC.

5. There shall be no minimum rise or run requirement nor maximum variation in the rise and run for stairs leading only to mechanical, storage, utility, and nonhabitable rooms in any residential structure and laundry rooms in individual dwelling units provided the stairs are structurally sound.

6. Steps shall be maintained in a safe manner. Missing steps, steps which are deteriorated to the point that a foothold is difficult to maintain, staircases which have missing boards, and/or staircases which contain boards that have lost their structural integrity shall be repaired to a safe condition.

7. Interior and exterior stairs shall have a minimum headroom height of six feet four inches (6'4"), except for stairs to mechanical or storage rooms, utility and nonhabitable rooms in any residential structure and laundry rooms in individual dwelling units, which have no minimum headroom height.

8. Stairs in the interior or exterior of an existing building where stair jacks are replaced or fifty percent (50%) of the tread or risers are replaced shall meet the requirements of the UBC, except that the minimum stair width shall be thirty inches (30") and the minimum headroom height shall be six feet four inches (6'4").

9. If because of the configuration of the horizontal and vertical distances an alternate stair configuration is more practical than the UBC requirement, or if HAAB finds that the stair rhythm is safe, HAAB may allow other configurations which are less uniform but achieve comparable safety, regardless of subsections C3 and C4 of this section.

10. A stair tread, stair support, stair riser, landing or railing which is either missing or so severely in disrepair or damaged that it cannot support its intended live and dead loads shall be repaired.

11. Interior stair landings shall have a minimum width of thirty inches (30") and a minimum length in the direction of travel of thirty inches (30").

D. Guardrails:

1. Guardrails shall be required for all balconies, porches, patios and open stairs more than thirty inches (30") above or below grade. Guardrails shall also be required for any grade change more than thirty inches (30") next to a walking surface. Guardrails shall not be less than forty two inches (42") in height, except for guardrails serving private dwelling units, which shall have a minimum height of thirty six inches (36"). Guardrails may have a minimum height of thirty six inches (36") if the building was built before 1970. Guardrails having a height less than thirty six inches (36") shall be allowed if they were installed as part of the building's original construction and are not a replacement. For structures which are on the historic register or are contributory structures located within one of the city's historic districts, height of existing and replacement guardrails may be determined based upon standards adopted by the city's historic landmark committee.

2. Guardrails shall have intermediate rails or an ornamental pattern such that there is no open area in excess of four inches (4") in diameter. The diameter of such open space may be nine inches (9") for buildings built before 1985, and six inches (6") for those built between 1985 and 1991.

E. Smoke Detector Requirements:

1. When smoke detectors are required in dwelling units by the UBC, the detectors shall be mounted on the ceiling or wall at a point centrally located in the hallway or area

giving access to rooms used for sleeping. In efficiency dwelling units, the detector shall be centrally located on the ceiling or wall of the main room or sleeping room.

2. Where sleeping rooms are on an upper level, the detector shall be placed at the ceiling or wall directly above the stairway immediately outside the bedrooms. Wall mounted detectors shall be a minimum of four inches (4") and maximum of twelve inches (12") from the ceiling, but no detector shall be mounted within twelve inches (12") of any corner formed by the meeting of walls, ceilings or beams unless manufacturer's listing specifies otherwise. When activated, the detector shall provide an alarm in the dwelling unit.

3. When one or more sleeping rooms are added to or created within a structure, smoke detectors shall be installed in compliance with the manufacturer's listing and shall receive their primary power from the building wiring in compliance with the UBC.

4. All habitable rooms having a ceiling height of less than seven feet six inches (7'6") shall have installed a one hundred twenty (120) volt electrical powered smoke detector.

F. Fire Resistive Separations: Walls or ceilings separating dwelling units from each other and from hazardous uses shall be maintained in their original condition with all penetrations sealed or covered with an approved material. These separations include walls and ceilings separating a garage from a dwelling unit or common area and walls and ceilings separating furnace rooms in structures containing three (3) or more dwelling units. When fifty percent (50%) or more of a wall or ceiling is removed for any reason, the entire wall or ceiling shall be reconstructed to meet the requirements of the UBC for one hour occupancy separation. (Ord. 74-98 §§ 15-22, 1998: Ord. 68-96 § 1, 1996: Ord. 55-95 § 4 (Exh. A), 1995)

## 18.50.210: PLUMBING:

A. Minimum Requirements:

1. Unless provided otherwise in this chapter, plumbing, piping and fixtures shall be in accordance with the code in effect at the time of installation.

2. Plumbing, piping and fixtures shall have no leaks and shall be maintained in good condition. All waste lines shall be connected to an approved sewer system.

3. The minimum plumbing fixtures required for dwelling units are a bathroom sink, toilet, tub or shower, and kitchen sink.

4. Cold running water shall be plumbed to each toilet. Hot and cold running water plumbed to each bathroom sink, tub, shower and kitchen sink.

5. Every sink, tub and shower shall be provided with hot water of at least one hundred ten degrees Fahrenheit (110°F) and with cold water.

6. A space without obstruction from floor to ceiling of not less than twelve inches (12") shall be in front of all toilets. Toilets shall be located in a space without obstruction from floor to ceiling of not less than twenty two inches (22") in width. No encroachments of these dimensions are permitted.

7. Where vents do not exist for plumbing fixtures meeting the applicable codes in effect at the time of their installation, vents need not be installed when the plumbing fixture or trap and trap arm is replaced providing the sewer line is not altered.

B. Water Heaters: Water heaters and boilers shall have a listed combination temperature and pressure relief valve and relief valve discharge pipe. All new installations of water heaters and boilers, when located above a finished space, shall include a safe pan with a UPC approved drain piped to an approved drainage system. Existing water heaters and boilers shall have a temperature and pressure relief valve. The valve shall have a listed discharge pipe which discharges no nearer than six inches (6") to the floor and no further than two feet (2') from the floor. A temperature and pressure relief valve shall be required for water heaters only when a water heater was designed for such valve.

C. Cross Connections: In order to protect against contamination of the water supply through cross connections, all water inlets for plumbing fixtures shall be located above the flood level rim of the fixture as defined in the UPC. Hoses or handheld shower heads shall not be attached in any manner that would permit water contamination during reverse pressure. Water supply pipes provided with an approved backflow preventer or antisiphon device as regulated in the UPC shall be permitted. Handheld shower heads shall be permitted when provided with a permanently mounted holder attached to the wall or shower pipe, or when an antisiphon device is installed. Water faucet outlets below the overflow rim of the fixture shall be permitted until the faucet is replaced. A new fixture shall not be installed where it would create a cross connection.

D. Drains:

1. Drain traps shall meet standards of the UPC. Existing traps shall be allowed as originally designed. If the trap has been modified it shall be replaced with an approved trap, and a vent shall be added as required by the UPC.

2. All open entrapped sewer lines and outlets shall be capped with an approved cap.

E. Fixture Requirements: Every kitchen sink, tub, shower and toilet shall be provided with a minimum of fifteen (15) psi of water pressure.

F. Bathrooms In Rental Dwelling Units: Each rental dwelling unit shall have a bathroom within the dwelling unit. Every toilet and bathtub or shower required by this code shall be in a room which will afford privacy to the occupant.

G. Congregate Housing:

1. The minimum plumbing fixtures required for congregate housing are a sink, toilet, and tub or shower for each ten (10) occupants or portion thereof and a kitchen sink. Bathrooms shall have installed a door with privacy lock.

2. Congregate housing that does not provide private toilets, sinks, bathtubs or showers shall have on each floor, accessible from a public corridor, at least one toilet, one sink, and one bathtub with shower or one separate shower for each ten (10) occupants or portion thereof. For each additional ten (10) occupants, or portion thereof, an additional one toilet, one sink and one bathtub or shower accessible from a public corridor shall be provided. (Ord. 68-96 § 1, 1996: Ord. 55-95 § 4 (Exh. A), 1995)

## 18.50.220: MECHANICAL:

A. Mechanical Equipment:

1. Existing Installations: Mechanical systems lawfully in existence at the time of the adoption of this code may have their use, maintenance or repair continued if the use, maintenance or repair is in accordance with the original design and location and no hazard to life, health or property has been created by such mechanical system.

2. Compliance: All mechanical equipment shall be in accordance with the code in effect at the time of installation.

3. Maintenance: All mechanical equipment shall be properly maintained and shall be operated in a safe manner.

B. Heating:

1. Temperature: Heating shall be provided by a permanently installed heating system capable of heating all habitable rooms and bathrooms to a minimum of sixty eight degrees (68°), which shall be measured in the center of the room at a height of three feet (3') from the floor.

2. Air Return: A return air duct which serves more than one dwelling unit shall not be permitted. A duplex or multiple dwelling unit legally constructed before 1970 may have an existing common air return continued if the furnace was original installation. Existing common air return installations shall be allowed to continue when a listed smoke detector fan shutoff is installed in the return air duct of units constructed before 1985. Common air returns shall not be allowed in buildings constructed after 1985.

3. Fuel Burning Appliances:

a. Except for direct vented appliances, gas furnaces and gas water heaters shall not be permitted in bedrooms, in bathrooms or in closets accessed only from a bedroom or a bathroom. Existing furnace rooms with access only through an existing bedroom may continue to exist when a one hundred twenty (120) volt smoke detector is installed in the bedroom and relayed to a smoke detector installed in the furnace room. All combustion air is to be supplied from outside air.

b. Gas shutoff valves are required on all gas appliances. Shutoff valves shall be installed in accordance with the UMC.

c. All fireplaces, wood burning stoves, and all other appliances producing combustible gas byproducts shall be connected to an operating chimney or approved flue. All flues and vents shall be installed in compliance with EPA requirements and the requirements of the UMC in effect at the time of installation.

d. All fuel burning appliances shall be provided with combustion air per the requirements of their listing and with the UPC and UMC in effect at the time of their installation.

e. All fuel burning appliances shall be provided with listed clearances and maintained in good working condition and in accordance with their listing.

f. All ventilation fans shall be installed according to their listing and maintained in good working condition.

g. All ducts and vents shall be maintained according to original installation requirements. (Ord. 68-96 § 1, 1996: Ord. 55-95 § 4 (Exh. A), 1995)

## 18.50.230: ELECTRICAL:

A. Safety: All electrical equipment, wiring and appliances shall be properly installed, maintained and used in a safe manner. Unless provided otherwise in this chapter, all electrical wiring and equipment shall be in accordance with the electrical code in effect at the time of installation. All conductors shall be protected by fuses or circuit breakers that are adequately sized.

B. Electrical Equipment: Electrical equipment shall not exceed the load capacity of the service and branch circuits shall have adequately sized circuit breakers or fuses.

C. Facilities Required: The following electric facilities must be furnished at a minimum and must be operable:

1. Service: The minimum main service to any dwelling unit shall be sixty (60) amperes. Existing dwelling units with electrical services less than sixty (60) amps per dwelling unit which have no special electrical service loads, such as air conditioners, ranges, heating units and clothes dryers may continue to be operated without upgrading the service.

2. Branch Circuits: Circuits supplying air conditioners, ranges, cooktops, stoves and heating appliances shall meet the requirements of the NEC. Branch circuits shall not be overfused.

3. Receptacles: Every habitable room shall contain at least two (2) electrical receptacles or one electrical light fixture and one electrical receptacle. Grounding type receptacles shall only be used when connected to a grounding system. Existing nongrounding type receptacles may be replaced with grounding type receptacles where protected by a ground fault circuit interrupter.

D. Upgrading Facilities:

1. Service: When remodeling work is done, the service must be upgraded if required by the NEC.

2. Circuits: When new circuits, outlets, switches, wiring and service panels are being installed, the installation shall meet the requirements of the NEC.

3. Receptacles: Wiring, receptacles and switches may be replaced without upgrading so long as circuits are not overloaded.

E. Lighting:

1. Dwelling Units: Every toilet room, bathroom, laundry room, furnace room, interior stairway and hall shall contain at least one permanently mounted electric light fixture.

2. Apartments, SROs And Congregate Housing:

a. Lighting in the common areas shall be as follows: Aisles, passageways, stairwells, corridors, exitways and recesses related to and within the building complex shall be illuminated with a minimum of a forty (40) watt light bulb or equivalent for each two hundred (200) square feet of floor area; provided, that the spacing between lights shall not be greater than thirty feet (30'). Structures containing three (3) dwelling units or less shall not be required to provide exit lighting when no lighting outlet has been previously provided.

b. Every furnace room shall contain at least one electric lighting fixture.

c. Open parking lots and carports shall be provided with a minimum of one foot-candle of light on the parking surface during the hours of darkness. Lighting devices shall be protected by weather resistant covers and shall not cast glare on neighboring properties.

F. General:

1. All electrical panels, boxes, outlets and lighting fixtures shall have proper covers.

2. Flexible cords, as defined in the NEC, shall be used only according to their listing and shall not be installed as permanent wiring or strung across exitways. (Ord. 68-96 § 1, 1996: Ord. 55-95 § 4 (Exh. A), 1995)

## 18.50.240: ENERGY CONSERVATION REQUIREMENTS:

A. Upgrading: Existing residential units shall be upgraded whenever any of the following events occur:

1. Whenever wallboard, plaster or other finish material is removed which exposes wall cavities of foundations, exterior walls, floors or ceilings, these spaces shall be insulated to the degree it is practical. Where attic and crawl space areas are insulated, the space shall be ventilated as per the currently adopted UBC.

2. Where insulation increases the accumulation of snow, and the snow load capacity of the roof structure is exceeded, the roof members shall be upgraded to withstand the additional loads.

3. When access is available to foundations of existing structures, foundations shall be insulated to the standard required by the applicable Utah energy code when remodeling of the structure is initiated.

4. When boarded structures are renovated for reoccupancy, the structure shall be insulated to the following standards when wall, ceiling, roof or floor cavities are open or accessible: wall, R-11; ceilings and roofs, R-32; floors, R-7. Thermal resistance "R" shall have the meaning as defined in the Utah energy code.

5. When new habitable space is created within an existing building envelope, all such spaces shall be insulated to the current Utah energy code standards.

6. All replacement windows shall be double pane. Replacement glass for structures which are on the historic register or are contributory structures located within one of the city's historic districts may be determined based upon standards adopted by the city's historic landmark committee. Replacement metal windows shall have a thermal break. Single pane replacement glass may be installed on windows not designed to accept double pane glass.

7. All exterior door replacements shall be weather stripped.

8. New mechanical equipment installed shall meet a minimum of eighty percent (80%) efficiency.

9. Except for the other applicable requirements of this chapter, when a new addition is made to an existing residential structure, only the addition shall be made to comply with current Utah energy code standards.

B. Exterior Door And Window Seals:

1. Exterior doors and windows shall be weathertight. If broken, all panes shall be replaced with glazing in compliance with the UBC.

2. All doors and windows shall be properly caulked and weatherproofed. (Ord. 68-96 § 1, 1996: Ord. 55-95 § 4 (Exh. A), 1995)

# CHAPTER 18.52
# MECHANICAL REGULATIONS

## 18.52.010: DEFINITIONS:

For the purpose of this title:

ENERGY USING EQUIPMENT: That which is designed, constructed, erected or altered to operate by the use of fuel and/or power and shall include any devices and appurtenances or appliances, materials, ducts, pipes, piping, venting, gas piping, valves, fittings, fans, blowers and burners necessary to the performance of such functions that shall create comfort heating and/or cooling or power for work services.

MECHANICAL SYSTEM: Means and shall include, but not be limited to, any heating, comfort cooling, ventilation and refrigeration systems, or energy using equipment. (Prior code § 5-12-3)

### 18.52.020: UNIFORM MECHANICAL CODE ADOPTED:

The edition of the uniform mechanical code, as adopted by the Utah uniform building code commission, is adopted by Salt Lake City as an ordinance, rules and regulations of Salt Lake City subject to the amendments and exceptions thereto as hereinafter set out, one copy of which code shall be filed for use and examination by the public in the office of the city recorder. Hereafter all references in this code to the uniform mechanical code shall mean the said edition adopted by the Utah uniform building code commission. (Ord. 37-95 § 30, 1995: amended during 1/88 supplement: prior code § 5-12-1)

### 18.52.040: MANUAL ON RECOMMENDED GOOD PRACTICES ADOPTED:

"Recommended Good Practices For Gas Piping Appliance Installation, And Venting", Mountain Fuel Supply Company, revision of June 1980, is adopted by Salt Lake City as an ordinance, rules and regulations of the city, subject to the amendments and exceptions thereto as hereinafter set out, three (3) copies of which code have been filed for use and examination by the public in the office of the city recorder. (Prior code § 5-12-2)

### 18.52.050: MECHANICAL PERMIT FEES:

A. Any person desiring a permit required by this code shall, at the time of filing an application therefor, pay the fee shown on the Salt Lake City consolidated fee schedule to the city treasurer before the permit is valid. The basic fee for each permit requiring inspection is shown on the Salt Lake City consolidated fee schedule. In addition, the fee for each individual specialty item is shown on the Salt Lake City consolidated fee schedule. (Ord. 24-11, 2011)

# CHAPTER 18.56
# PLUMBING REGULATIONS

### 18.56.010: UNIFORM PLUMBING CODE ADOPTED:

The uniform plumbing code, 1988 edition, published by the International Association Of Plumbing And Mechanical Officials as a code in book form, three (3) copies of which have been filed for use and examination by the public in the office of the city recorder, is hereby adopted, except as such code may be altered or modified by the provisions of the ordinances of Salt Lake City. (Amended during 1/88 supplement: prior code § 5-14-1)

## 18.56.020: PLUMBING SYSTEM DEFINED:

"Plumbing system" means all potable water supply and distribution pipes, all plumbing fixtures and traps, all drainage and vent pipes, and all building drains and appurtenances within the property lines of the premises except: a) fixed lawn sprinkler systems beyond backflow prevention devices, and b) building sewers and private wastewater disposal systems three feet (3') or more beyond the outside walls of buildings. Included also are potable water treating or using equipment and water heaters. (Prior code § 5-14-2)

## 18.56.030: WATER SUPPLY PORTION OF PLUMBING SYSTEM:

The water supply portion of the plumbing system shall be considered to extend from the meter box (or the property line in the absence of a meter) to and throughout the building, terminating at an approved backflow prevention device or devices serving fixed lawn sprinklers. Included also are fire prevention and firefighting piping and equipment. (Prior code § 5-14-3)

## 18.56.040: PLUMBING PERMIT FEES:

A. Before a permit shall be valid, permit fees shall be paid to the city treasurer. The basic fee for each permit requiring inspection is shown on the Salt Lake City consolidated fee schedule. In addition, the fee for each individual specialty item is shown on the Salt Lake City consolidated fee schedule.

B. Fees for fire extinguishing systems shall be paid to the city treasurer as shown on the Salt Lake City consolidated fee schedule. (Ord. 24-11, 2011)

## 18.56.050: HOT WATER CAPACITY FOR RESIDENTIAL UNITS:

All single-family residences which have central water heating units shall deliver a minimum capacity of thirty (30) gallons of one hundred forty degree Fahrenheit (140°F) water. Multiple units shall have a central water heating unit which shall deliver a minimum capacity of thirty (30) gallons of one hundred forty degree Fahrenheit (140°F) water per residential unit, when a central water heating unit is installed. (Prior code § 5-14-8)

## 18.56.060: LOW FLUSH TOILETS; REQUIRED FOR BUILDING PERMIT:

After the effective date hereof, no building permits shall be issued for new construction or remodeling of hotels, motels, apartment houses, dwellings or other structures which have toilets or water closets which use more than four (4) gallons of water per flush. Any toilets or water closets installed prior to said effective date shall meet the standards of this section when replaced. All fixtures installed pursuant to the provisions of this chapter shall be of a design such that the walls of the toilet or water closet bowl are thoroughly washed and contents discharged with each flush. (Prior code § 5-14-6)

## 18.56.070: LOW FLUSH TOILETS; ON WATERSHED PROPERTY:

After January 1, 1982, any toilets installed prior to the effective date hereof which are located on watersheds in Salt Lake County, or canyons contiguous to these watersheds, shall be replaced with toilets or water closets which meet the standards for new construction or remodeling specified in section 2-5-29 of the revised ordinances of Salt Lake County, 1965, or its successor, as amended. (Prior code § 5-14-7)

## 18.56.080: FLOOR DRAINS; DUAL FLANGE AND SAFE PANS REQUIRED:

All floor drains, area drains and indirect waste receptors installed on any floor level other than slab on grade shall have a dual flange and safe pans installed, with a minimum of thirty six inches (36") square of approved material, unless they are part of an original pour of concrete. (Amended during 1/88 supplement: prior code § 5-14-9)

## 18.56.100: SOVENT PLUMBING SYSTEMS:

"Sovent" is an engineered drainage plumbing system that does not meet conventional code requirements as found in the uniform plumbing code, 1988 edition, as adopted by section 18.56.010 of this chapter, or its successor section. The system is based on the combined hydraulic/pneumatic flow and performance characteristics of drainage plumbing products, and will be allowed for use in the city under the following provisions:

A. Certification: The proprietor(s) of the engineered system shall certify that the plans meet the design requirements and shall also certify at the completion of the installation that they have inspected the system and that the system complies with the approved plans;

B. Submittal Of Calculations: Submit hydraulic and pneumatic calculations for the proposed system before a permit is obtained;

C. Offsets: A double offset shall be installed in the stack on floor levels where no fixture or branch connections are made;

D. Deaerator Fitting: A deaerator fitting shall be located as close as possible to the base of the stack. No branch or fixture connections are permitted on this system downstream from the deaerator fitting. A full size bottom pressure relief line shall connect the deaerator fitting to the building drain at least ten (10) pipe diameters downstream from the base of the stack through a wye fitting rolled above the centerline. The full size bottom pressure relief line shall be provided with an accessible upper terminal cleanout;

E. Prohibited Attachments: Pumpout, blowout, garbage disposal, clothes washing machine, or outlets from grease traps are prohibited in this system;

F. Cleanouts: Accessible cleanouts shall be provided in all horizontal drains. Cleanouts shall be provided for each aggregate change of direction exceeding one hundred thirty five degrees (135°);

G. Conventional Plumbing: Vents from conventional plumbing and pressure equalizing line vents from a sovent system shall not connect to the sovent stack below other

drainage fittings;

H. Future Alterations: No alteration may be made without prior written permission from the division of building and housing services, and no provisions for future openings will be permitted on this system. This system shall be properly identified on each installation site. All buildings of B-2 occupancies with more than eight thousand (8,000) square feet per floor shall provide at least one 4-inch waste stack and one 4-inch vent stack for any alteration or additions. (Amended during 1/88 supplement: prior code § 5-14-11)

### 18.56.105: MISCELLANEOUS PLUMBING REQUIREMENTS:

A. Overflow roof drains shall not be connected to the primary roof drain lines.

B. Overflow roof drains shall drain to a point where they can be easily seen for early problem detection.

C. Fill valves for fire sprinkler storage tanks shall be equipped with an approved air gap on reduced pressure backflow preventer.

D. Safe pan drains shall be no smaller than one and one-half inches ($1^1/_2$") unless first approved by the administrative authority.

E. Trough drains are prohibited unless first approved by the administrative authority.

F. Drainage for gravity dump washers shall be by direct hookup to the building drain or to a sealed sump connected to the building drain. There shall be a floor drain immediately downstream of each gravity dump washer hookup. (Added during 1/88 supplement: prior code § 5-14-12)

### 18.56.110: UNSANITARY CONSTRUCTION AND CONDITIONS:

Any portion of a plumbing system or any construction or work regulated by this title found or determined to be unsanitary, as defined in this title, or otherwise a menace to life, health or property, is hereby declared to be a public nuisance. (Prior code § 5-14-4)

# CHAPTER 18.64
# DEMOLITION

## 18.64.010: PERMIT REQUIRED:

It is unlawful to demolish any building or structure in the city, or cause the same to be demolished, without first obtaining a permit for demolition of each such building or structure from the city building official. (Ord. 13-91 § 2, 1991)

## 18.64.020: APPLICATION FOR PERMIT:

To obtain a permit for demolition, an applicant must submit an application in writing on a form furnished by the building official for that purpose. Each application shall:

A. Identify and describe the type of work to be performed under the permit;

B. State the address of the structure or building to be demolished;

C. Describe the building or structure to be demolished including the type of use, type of building construction, size and square footage, number of stories and number of residential dwelling units (if applicable);

D. Indicate the method and location of demolished material disposal;

E. Identify the approximate date of commencement and completion of demolition;

F. Indicate if fences, barricades, scaffolds or other protections are required by any city code for the demolition and, if so, their proposed location and compliance;

G. State whether fill material will be required to restore the site to level grade after demolition and, if required, the approximate amount of fill material;

H. If the building or structure to be demolished contains any dwelling units, the application should state whether any of the dwelling units are presently occupied. (Ord. 13-91 § 2, 1991)

## 18.64.030: FEES AND SIGNATURE:

A. Signature: The permit application shall be signed by the party or the party's authorized agent requesting the permit. Signature on the permit application constitutes a certification by the signee that the information contained in the application is true and correct.

B. Demolition Permit Application Fee: The fee for a demolition permit application shall be based on the building floor area and shown on the Salt Lake City consolidated fee schedule.

C. Waiver Fee: Landscaping waiver requests shall also pay the fee shown on the Salt Lake City consolidated fee schedule for the cost of the landscape waiver process.

D. Inspection Fee: If landscaping is not required by the zoning ordinance, or if a landscaping waiver is sought pursuant to section 18.64.070 of this chapter, an additional fee, as shown on the Salt Lake City consolidated fee schedule, for the cost of inspecting the property to determine it is kept free of weeds and junk materials shall be collected. If a waiver request is denied, the fee paid under this subsection shall be refunded. (Ord. 24-11, 2011)

## 18.64.040: POSTDEMOLITION USE PLAN REQUIRED:

No demolition permit shall be issued until one of the following requirements has been met:

A. A permit for the use replacing the demolished building or structure has been issued by the building and housing division.

B. A landscaping plan for the site, showing the sprinkling system and planted areas, has been approved and a performance bond to assure timely and proper installation and maintenance of the landscaping has been filed with the city in a form acceptable to the city. In the event the building official determines that landscaping is impracticable or unnecessary given the characteristics of the site and the neighborhood, the landscaping requirement may be waived subject to the provisions of section 18.64.070 of this chapter.

C. In the event of a natural disaster, fire or other similar event or where immediate demolition and clearing of the land is necessary to remove hazardous or blighting conditions, the building official may waive the landscaping requirement and order immediate demolition.

D. For parcels in the D-1 zone, a permit for the use replacing the demolished building or structure has been issued by building services and licensing, or a landscape plan for the site has been approved in accordance with subsection 21A.48.100D of this code. A performance bond to assure timely and proper installation and maintenance of the landscaping shall be filed with the city in a form acceptable to the city. (Ord. 65-05 § 1, 2005: Ord. 13-91 § 2, 1991)

## 18.64.050: RESIDENTIAL DEMOLITION PROVISIONS:

If the structure for which a demolition permit is sought contains residential dwelling units, whether or not occupied, the building official shall consider the demolition permit's impact on the housing stock of Salt Lake City pursuant to the following provisions:

A. Impact Determination Standards: The building official, within ten (10) days of the application, shall determine whether the requested demolition permit and the postdemolition use plan will result in:

1. Construction of a residential unit or units with a net loss of more than five (5) units;

2. Construction of a vacant lot, landscaped lot or parking lot.

B. No Impact Permit: If the building official determines that neither of the conditions of subsection A of this section are met, the demolition permit shall be issued.

C. Impact Finding: If the building official finds one of the criteria in subsection A of this section, the official shall issue a finding of residential impact.

D. Impact Notice: Upon making a finding of residential impact, the building official shall mail a written notice to the owners and residents of properties within a six hundred foot (600') radius from the property line of the property on which the proposed demolition work will take place as shown on the last equalized property tax assessment roll. Notice shall also be mailed to any affected neighborhood based organization recognized pursuant to subsection 2.60.020C of this code. The notice shall specify:

1. The property proposed for demolition;

2. The proposed postdemolition use plan;

3. The basis for the finding of residential impact; and

4. The date and time of a hearing before the housing advisory and appeals board.

E. HAAB Impact Hearing:

1. To allow time for effective consideration by the notified parties, the hearing before HAAB shall take place not less than thirty (30) days after the finding of residential impact and not more than sixty (60) days after the finding.

2. HAAB shall take evidence from the applicant and all interested parties:

a. Regarding the proposed demolition and postdemolition use plan's effect on:

(1) The city's housing stock,

(2) The employment and economic base,

(3) The character of the neighborhood,

(4) The city's master plans for the area,

(5) The city's adopted housing policy; and

b. Regarding the cost and economic practicality of repairing or remodeling the structure proposed for demolition to comply with zoning requirements and with building and housing codes.

3. HAAB may encourage the applicant to work with the city and interested parties to repair, remodel, preserve or increase the city's housing stock.

4. HAAB shall issue its decision not more than ten (10) days after the hearing.

F. HAAB Decision:

1. If HAAB finds:

a. The proposed demolition and postdemolition use plan has a significant adverse impact on the city's housing stock and the character of the neighborhood;

b. Which is not outweighed by any positive effects on the city's economic and employment base; and

c. That it is economically practical to repair or remodel the structure proposed for demolition to comply with zoning requirements and building and housing codes, HAAB may order that the demolition permit not be issued for an additional period not to exceed ninety (90) days to allow the city and interested parties time to make further attempts to preserve the housing stock. After this additional period has expired, the requested permit shall be immediately issued.

2. If HAAB does not make the findings required by this subsection F, the demolition permit shall be issued ten (10) days after HAAB's decision.

G. Appeal Of HAAB Decision:

1. The applicant or any person or entity required to be notified of the demolition pursuant to subsection D of this section, if aggrieved by the HAAB decision, may appeal to the mayor by filing a written notice specifying the grounds for such an appeal within ten (10) days of the HAAB decision.

2. Any other party identified in subsection G1 of this section may respond to the appeal in writing within ten (10) days of the appeal.

3. The mayor or the mayor's designee shall consider the appeal on the written record and issue a decision within ten (10) days of the close of any written submissions. (Ord. 13-91 § 2, 1991)

## 18.64.070: POSTDEMOLITION USE PLAN WAIVER PROCEDURE:

A. If a waiver of the postdemolition use plan is sought under subsection 18.64.040B of this chapter, the applicant shall file with the building official, on a form provided therefor, a statement of any claimed hardship or other special circumstances justifying waiver of the postdemolition use plan requirements.

B. The building official shall mail a written notice to the owners and residents of properties within a six hundred foot (600') radius from the edge of the property on which the proposed demolition work will take place as shown on the last equalized property tax assessment roll and any affected neighborhood based organization recognized pursuant to subsection 2.60.020C of this code. The notice shall state the reasons given by the applicant for waiving the postdemolition use plan and state the date, time and location of a hearing before the city's housing advisory and appeals board.

C. The chairperson of the housing advisory and appeals board shall select a panel of three (3) examiners from the roster of members and schedule a hearing date no sooner than thirty (30) days from the date of the petition and no later than sixty (60) days from the date of the petition, except that if a residential impact hearing is also required pursuant to subsection 18.64.050E of this chapter the two (2) hearings shall be combined.

D. In determining whether to waive the postdemolition use landscaping requirements, the board may consider the effects on surrounding properties, the character of the neighborhood, the master plan for the area, future plans for the property and similar factors.

E. 1. The applicant, or any person or entity required to be notified of the demolition pursuant to subsection B of this section, if aggrieved by the HAAB decision, may appeal to

the mayor by filing a written notice specifying the grounds for such an appeal within ten (10) days of the HAAB decision.

2. Any other party identified in subsection B of this section may respond to the appeal in writing within ten (10) days of the appeal.

3. The mayor or the mayor's designee shall consider the appeal on the written record and issue a decision within ten (10) days of the close of any written submissions. (Ord. 13-91 § 2, 1991)

## 18.64.080: PREDEMOLITION SALVAGE PERMITS:

A. A predemolition salvage permit for other than structural demolition shall be required for the removal of doors, windows, special glass, fixtures, fittings, pipes, railings, posts, panels, boards, lumber, stones, bricks, marble, or similar materials on the exterior or interior of the building.

B. The predemolition salvage permit fee shall be as shown on the Salt Lake City consolidated fee schedule. (Ord. 24-11, 2011)

## 18.64.090: EXPIRATION:

Permits shall expire forty five (45) calendar days from the date of issuance, unless a completion date allowing more time is requested and approved by the building official at the time of application. Demolition permits may be renewable upon request prior to expiration with approval of the building official for one-half ($^1/_2$) of the original permit fee, provided continuous progress is being made. If a permit is allowed to expire without the prior renewal, any subsequent request for reinstatement shall be accompanied by a reinstatement fee equal to the original demolition permit fee. (Ord. 13-91 § 2, 1991)

## 18.64.100: QUALIFICATIONS TO DO WORK:

It shall be unlawful for demolition work permitted under this chapter to be performed except by:

A. A general contractor or subcontractor currently holding a license in good standing with the state of Utah to do wrecking and/or demolition work.

B. A licensed general contractor currently holding a license in good standing with the state of Utah qualified as a general contractor, but only when the demolition is incidental and supplemental to the construction by the general contractor of a new structure on the demolition site.

C. Salvage work under a predemolition salvage permit may be done without a contractor's license provided all other conditions of this chapter are met. (Ord. 13-91 § 2, 1991)

### 18.64.110: DEMOLITIONS REQUIREMENT:

A. Prior to the commencement of any demolition or moving, the permittee shall plug all sewer laterals at or near sidewalk lines as staked out by the department of public utilities. No excavation shall be covered until such plugging is approved by the department or by the building official. The permittee shall further ensure all utility services to the structure and/or premises have been shut off and meters removed prior to commencement of demolition work.

B. When the applicant indicates the demolition will require more than thirty (30) days to complete, and where required by the building official for the safety of the public, the applicant shall also provide plans to fence the demolition site so that it is inaccessible to unauthorized persons in a manner acceptable to the building official. The building official may waive the fencing requirement if it is determined that fencing would be inappropriate or unnecessary to protect safety or health.

C. A permit for demolition requires that all materials comprising part of the existing structure(s), including the foundation and footings, be removed from the site. The depression caused by the removal of such debris must be filled back and compacted to the original grade, as approved by the building official, with fill material excluding detrimental amounts of organic material or large dimension nonorganic material.

D. Permitted demolition work, including filling and leveling back to grade and removal of required pedestrian walkways and fences, must be completed within the permit period unless the building official finds that any part of the foundation of building or site will form an integral part of a new structure to be erected on the same site for which plans have already been approved by the building division. In such event, the building official may approve plans for appropriate adjustments to the completion time and may impose reasonable conditions including the posting of a bond, erection of fences, securing, or similar preventions to ensure the site does not create a hazard after the demolition is completed. (Ord. 13-91 § 2, 1991)

### 18.64.120: RELATIONSHIP TO OTHER ORDINANCE:

Provisions of this chapter shall be subordinate to any contrary specific provisions of title 21A, chapter 21A.30 of this code, dealing with the downtown D-4 zoning district, and title 21A, chapter 21A.34 of this code, dealing with demolition in historical districts, or their successor chapters. (Ord. 13-91 § 2, 1991)

# CHAPTER 18.68
# FLOODPLAIN HAZARD PROTECTION

### 18.68.010: PURPOSE:

In order to promote the health, safety and general welfare of the city and the inhabitants thereof, there is hereby established a floodplain hazard regulation ordinance with development standards and regulations for land within the floodplain(s) of Salt Lake City. The floodplain(s) are potentially subject to periodic inundation which may result in loss of life and property, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. The establishment of the floodplain hazard regulations and identification of the floodplain(s) in Salt Lake City will help owners of structures therein to qualify for federally subsidized flood insurance through the national flood insurance program. It will also serve as a guide in designing and regulating future development and construction in such areas in order to

preclude and/or minimize exposure to flooding and to mitigate any damage or loss caused by such flooding. It is not the intent to use such regulation to prohibit "development" or "construction" (as defined in section 18.68.020, or its successor, of this chapter), but to ensure, as far as practicable, that development and structures are designed to be free from exposure to flooding or be floodproofed to mitigate danger and/or damage from flooding. (Ord. 72-87 § 1, 1987: prior code § 47-8-1)

## 18.68.020: DEFINITIONS:

For purposes of this chapter the following terms mean:

AREA OF SHALLOW FLOODING: A designated AO, AH or VO zone on the flood insurance rate map (FIRM) with a one percent (1%) or greater annual chance of flooding to an average depth of one to three feet (3') 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.

AREA OF SPECIAL FLOOD HAZARD: The land in the floodplain within a community subject to a one percent (1%) or greater chance of flooding in any given year. The area is shown on the flood insurance rate map (FIRM) as zone A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

BASE FLOOD: A flood having a one percent (1%) chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION: The probable water surface elevation (in relation to mean sea level) of the base flood as determined by or approved by the city floodplain administrator.

CERTIFY OR CERTIFICATION: The specific reports, inspections and tests that are required have been performed in an appropriate manner, and such reports, inspections, tests and results comply with the applicable requirements of this chapter.

CITY FLOODPLAIN ADMINISTRATOR: The person designated by the director of the department of public utilities to direct the decision making process that aims to achieve the wise use of the city's floodplains. "Wise use" means both reduced flood losses and protection of the natural resources and function of floodplains.

CONSTRUCTION: Any manmade change to improved real property including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the floodplain hazard area, whether or not the same requires building or other permits under this code.

DEVELOPMENT: Any manmade 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 or storage of equipment or materials.

DRAINWAY: A natural or artificial land depression, with or without perceptible bed and banks, to which surface runoff gravitates to form a continuous or intermittent flow of water in a definite direction.

FLOOD INSURANCE RATE MAP (FIRM): The official, currently effective flood insurance rate map for Salt Lake City, Utah, as issued by the federal emergency management agency "FEMA" and any officially approved amendments (LOMCs) thereto, on which the floodplain hazard areas and the risk premium zones have been delineated.

FLOOD INSURANCE STUDY: The official report provided by the federal emergency management agency that includes flood profiles, the flood boundary floodway map, and the water surface elevation of the base flood.

FLOOD OR FLOODING: A general and temporary condition of partial or complete inundation of normally dry land area from the overflow of inland or tidal waters or the unusual and rapid accumulation or runoff of surface waters from any source.

FLOODPLAIN: Generally, a floodplain(s) is/are a relatively flat area or lowland(s) adjoining a river, stream, watercourse, ocean or lake which has been or may be covered by floodwater. Specifically, for purposes of this title, "floodplain(s)" shall be that area of the city designated within the boundaries of the official flood insurance rate map or amendments, which may be subject to periodic inundation in the event of the base flood.

FLOODPLAIN HAZARD AREA: The area containing the floodplain for a base flood in the city, as designated on the flood insurance rate map and approved amendments.

FLOODPROOFING: Any combination of structural or nonstructural additions, changes or adjustments to structures or property which reduce or eliminate flood damage to improved or unimproved real property, water and sanitary facilities, structures and their contents.

FLOODWAY: The channel of the 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.

HIGHEST ADJACENT GRADE: The highest natural elevation of the ground surface prior to construction or development next to the proposed wall of a structure.

LETTER OF MAP CHANGE (LOMC): A letter which reflects an official revision to an effective national flood insurance program map.

LEVEE SYSTEM: 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.

LICENSED ARCHITECT: An architect who is registered with the department of registration of the state of Utah.

LOWEST FLOOR: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of 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 nonelevation design requirements of section 60.3 of the national flood insurance program regulations.

MANUFACTURED HOME: 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. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

MANUFACTURED HOME PARK OR MANUFACTURED HOME SUBDIVISION: A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

MEAN SEA LEVEL: For purposes of the national flood insurance program, the North American vertical datum of 1988 (NAVD 88) or other datum to which base flood elevations shown on a community's flood insurance rate map are referenced.

NEW CONSTRUCTION: Structures or substantial improvement thereto for which the "start of construction" as defined in this section is commenced on or after the effective date of the ordinance codified herein.

NEW DEVELOPMENT: Any development proposal(s) and/or plan(s) submitted for approval, for which the development activities as defined in this section will commence on or after the effective date of the ordinance codified herein.

REGISTERED LAND SURVEYOR: A land surveyor who is registered with the department of registration of the state of Utah.

REGISTERED PROFESSIONAL ENGINEER: A civil engineer who is registered with the department of registration of the state of Utah.

REMEDY A VIOLATION: To bring the structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this chapter or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

SPECIAL FLOOD HAZARD AREA (SFHA): The land in the floodplain within the community subject to a one percent (1%) or greater chance of flooding in any given year, which area may be designated as zone A, AO, AH, A1-30, AE, A99 on the FIRM.

START OF CONSTRUCTION: Applies to both new construction and substantial improvements and means:

A. Date Of Issuance: The date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The "actual start" means either the first placement of permanent construction of a structure or 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 a 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.

B. Relocatable Office Or Structure: Start of construction for a "relocatable office building" (defined in section 18.84.010 of this title, or its successor) or other temporary structure shall be the date on which the relocatable office building is placed upon an approved site.

STRUCTURE: A walled and roofed building, temporary structure, or manufactured home that is in whole or in part aboveground.

SUBSTANTIAL IMPROVEMENTS: Any development and/or construction of a structure, the cost of which equals or exceeds either fifty percent (50%) of the market value of the structure before the development is started, or, if the development or construction is undertaken for repair of damage caused by accident or acts of God, fifty percent (50%) of the same market value of the structure before the damage occurred.

VIOLATION: The failure of a structure or other development to fully comply with these floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in CFR 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.

WATER SURFACE ELEVATION: The height, in relation to the NAVD 88 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas. (Ord. 50-09 § 1, 2009)

## 18.68.030: ESTABLISHMENT OF FLOODPLAIN HAZARD AREAS:

The SFHAs within Salt Lake City have been established and identified by the federal emergency management agency (FEMA) in a scientific and engineering report entitled the "Flood Insurance Study For The City Of Salt Lake City, Utah", dated February 1, 1983, including the current effective revisions as well as flood insurance rate maps that may become effective in the future. The boundaries of the floodplain hazard areas are delineated on the effective flood insurance rate map (FIRM), including any and all LOMCs which accompanies the flood insurance study. Located within the floodplain hazard areas are areas designated as floodways. The locations of the floodways have been computed in the flood insurance study and are contained therein on flood boundary and floodway maps. The flood insurance study, accompanying FIRM and floodway maps are hereby adopted by reference and made part of this chapter. Said flood insurance study together with the FIRM and floodway maps and any amendments approved by FEMA after acceptance by the mayor as provided in section 18.68.070 of this chapter or its successor constitute the boundaries of the floodplain hazard areas governed by the supplemental regulations of this chapter. A copy of said flood insurance study together with the accompanying FIRM and floodway maps and accepted amendments shall be filed by the director of the department of public utilities and be available for public inspection. The original shall be kept for certification purposes by the city recorder. (Ord. 50-09 § 1, 2009)

## 18.68.040: RELATIONSHIP OF FLOODPLAIN HAZARD REGULATIONS TO ZONING USE DISTRICTS:

The floodplain hazard regulations of this chapter shall be supplemental to, and not in lieu of, the applicable zoning provisions of the use district in which the land is located and/or general provisions under title 21A of this code. Property located within said floodplain hazard area shall be developed only in conformance with the provisions set forth in this chapter. In cases of conflict between such district classifications and the floodplain hazard regulations, the most restrictive provisions shall govern. Principal, conditional and accessory uses permitted in the floodplain hazard area are those which are permitted in the underlying applicable use district in which it is located. However, additionally, all uses, whether principal or secondary, involving construction or relocation of permanent buildings or structures or placement of temporary structures or excavation or placement of fill materials shall further meet the supplemental conditions and standards set forth in this chapter. (Ord. 72-87 § 1, 1987: prior code § 47-8-3)

## 18.68.050: SUBDIVISION DEVELOPMENT APPROVAL PROCEDURE:

A. Each application for subdivision approval shall be submitted to the city planner and applications for building and site development permits shall be submitted to the building official. Respectively, said officials shall be responsible to:

1. Verify if the location of the proposed development or construction site or any portion thereof is situated within an SFHA as defined on the flood insurance rate map(s) as it may be amended and except where such site is located in zone A where base flow elevation data is not available or required by this chapter. (Applicants not otherwise aware of such placement should be notified of the potential application of this chapter);

2. Determine that the reviews and approvals required by this chapter have been obtained to satisfy its requirements;

3. Maintain for public inspection the following records pertaining to the provisions of this chapter:

a. The actual elevation (in relation to mean sea level elevation) of the lowest floor (including basement) of all new or substantially improved structures, and specifying whether or not the structure includes a basement,

b. For all new or substantially improved floodproofed structures, verification and record of the actual elevation of the lowest floor (in relation to mean sea level elevation) and the floodproofing certification required in provisions of this chapter.

B. The city planner and/or building official in the administration of this chapter shall rely on the expertise of the city floodplain administrator for technical evaluation for:

1. Identification of drainways, designated water passage areas or regulated floodways;

2. Obtain, review and utilize reliable base flood elevation data which may be or become available for assistance in administering these regulations;

3. At the request of the building official or city planner, review applications for permits within the floodplain hazard area;

4. Review, as provided below, any requests by said officials or others for interpretation of the boundaries of the floodplain hazard area where conflicts appear between the mapped boundaries and actual field conditions;

5. Review and process, as provided below, requests for amendments to the flood insurance rate map;

6. Maintain one copy of the official flood insurance rate map (FIRM) as amended;

7. Notify periodically the Utah state division of water rights, FEMA and any affected adjacent communities of alterations or relocation of any watercourse or drainway which results from permitted development when in the opinion of the city floodplain administrator the alterations or relocations are substantial in nature or effect. (Ord. 50-09 § 1, 2009)

## 18.68.060: APPLICATIONS AND PERMITS:

A. Subdivision Proposals: Subdivision proposals must be submitted and approved and building and/or development permit(s) for development or construction within the floodplain hazard area must be obtained before such development or construction begins. Applications for subdivision or other development shall be made to the city planner upon forms provided. Applications for building or site development permits shall be made to the building official on forms to be provided. Application forms shall require

applicant to specify if any or all of the property involved in the proposal is located within the floodplain, as it appears on the flood insurance rate map as officially amended.

B. Information Required: Additionally, if the property is so situated within the floodplain, the forms shall require applicants to provide information including, but not limited to:

1. Plans in duplicate drawn to scale;

2. The nature, location, dimensions and elevations of the land involved;

3. A description and identification of existing or proposed structures, fill, storage of materials, drainways, drainage facilities and the location of the foregoing;

4. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;

5. Elevation in relation to mean sea level to which any structure has been floodproofed;

6. Type of floodproofing, if any, to be employed;

7. Certification by a registered professional engineer or licensed architect that the floodproofing methods for any structure meet the applicable floodproofing standards of section 18.68.090 of this chapter or its successor, and that the flood carrying capacity within any watercourse is maintained; and

8. Where, in the opinion of the applicant, the floodplain boundary or the base flood elevation data determined by the flood insurance study map is in error, the applicant shall have his/her professional engineer supply supporting documentation to the city floodplain administrator to verify correct boundaries and elevation data to request interpretation or amendment as provided in section 18.68.070 of this chapter or its successor. (Ord. 50-09 § 1, 2009)

## 18.68.070: ADMINISTRATIVE FIRM AMENDMENT:

A. Requests For Amendment Or Interpretation: Request for administrative site specific amendment(s) to the FIRM or requests for an interpretation of the FIRM boundaries based on conflicts between the mapped boundaries and actual field conditions shall be submitted to the city floodplain administrator for review. This is not to preclude the city floodplain administrator or FEMA from initiating amendments to the FIRM.

B. Supporting Documentation And Certification: Such request shall be accompanied by the applicant's supporting documentation which shall include a certification by a registered professional engineer. Such certification shall specify that in his/her professional judgment the boundaries of the FIRM, as they relate to the specific site under consideration:

1. Are incorrect; or

2. Have been or will be modified by existing or proposed improvements, etc.

C. Engineer Review: After review, if the documentation and request are found to be in order, the city floodplain administrator shall submit the request together with his/her recommendation to the federal emergency management agency to request consideration of amendment to the FIRM unless FEMA approval has already been obtained.

D. Administrative Approval Of FEMA Amendment Of FIRM: In the event FEMA, based on the request and recommendation of the city floodplain administrator and for good

cause shown, approves the request and issues an amendment to the FIRM, the director of the department of public utilities shall submit two (2) copies of the FEMA amendment to the mayor for approval of administrative amendment to the official FIRM. Each amendment so approved shall be certified by the city recorder and numbered consecutively. One copy shall be retained on file with the recorder and attached to the FIRM and the second copy returned to the city floodplain administrator for attachment to the FIRM and availability for public inspection.

E. Effect Of Administrative FIRM Amendment: Any amendment to the FIRM so issued by FEMA and approved by the official executive action of the mayor under this section or its successor shall become a part of the official FIRM and shall be incorporated herein by references and have the full force and effect of this chapter as of the date of the mayor's action.

F. Issuance Of Conditional Permit Pending FIRM Amendment: After the city floodplain administrator has reviewed the request for FIRM amendment and supporting documentation and arrived at a recommendation favoring amendment, the city floodplain administrator may recommend to the city planner or building official that a conditional permit be issued pending final FEMA and executive action within the following limitations:

1. That the difference between the established base flood elevation for the site or structure and that elevation proposed as part of the FIRM amendment is less than five feet (5');

2. That the conditional permit is null and void upon FEMA's denial of the request to amend;

3. To obtain the conditional permit, an agreement must be signed by the property owners and permittee which:

a. Acknowledges they are proceeding at their own risk,

b. Indemnifies and releases city of and against any and all claims arising out of the event the permit becomes void, including, but not limited to, stop of work, additional fees, injunctive relief or other actions which may result,

c. Agreement that in the event of denial of the request to amend, they will take necessary steps to floodproof the structure according to an approved alternative plan of corrective work. To secure the performance of such corrective work, a corporate surety cash bond or letter of credit in an amount equal to the city floodplain administrator's estimate of the costs of the corrective work in the alternative plan shall be submitted in a form approved by the city attorney prior to issuance of the permit;

4. No certificate of occupancy may be issued for any structure and no subdivision plat may be signed by the mayor until the FIRM amendment is approved by the mayor or the corrective work is completed. (Ord. 50-09 § 1, 2009)

## 18.68.080: CERTIFICATION OF ACTUAL ELEVATIONS REQUIRED:

A. Certificate: Every applicant who is issued a building permit governed by this chapter shall be required to submit to the building official a certificate of actual elevations of construction by a registered land surveyor or registered professional engineer. Said certificate shall specify the specific elevations (in relation to mean sea level) of:

1. The actual elevation of the poured footings and foundation;

2. The relationship of subsection A1 of this section to the actual elevation of the lowest floor.

The certificate shall certify that the lowest floor elevation is at or above the base flood elevation.

B. Submission: The certificate of actual elevations described above shall be submitted after the pouring of footings and foundation, but prior to the time of final inspections or request for any certificate of occupancy.

C. Waiver: The building official in his discretion may waive all or the inapplicable portion(s) of the certificate required in this chapter, if the construction work authorized by permit does not occur in or affect that portion(s) of the structure below the base flood elevation. (Ord. 72-87 § 1, 1987: prior code § 47-8-8)

## 18.68.090: DEVELOPMENT STANDARDS AND CRITERIA:

No final subdivision plat shall be approved nor shall any site development or building permit be issued for property located within the floodplain hazard area until the proposed development, construction, substantial improvement, or work under permit complies with the following criteria:

A. All proposals for new construction or substantial improvements to existing structures within the floodplain hazard area (including manufactured homes and temporary structures or relocatable office buildings) must be designed or modified and anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy and shall be constructed with materials and utility equipment resistant to flood damage.

B. All proposals for development, construction or substantial improvements (including replacements) must be provided with water supply systems or sanitary sewage systems which are designed to minimize or eliminate infiltration of floodwaters into the system and discharges from the system into floodwater. On site waste disposal systems must be located so as to avoid impairment of, or contamination from, them during flooding. All public utilities, including sewer, gas, electricity and water systems and other service facilities shall be designed, located and/or constructed to prevent water from entering or accumulating within the components during conditions of flooding. All public improvements (including, but not limited to, streets, sidewalks, curbs, and gutter), shall be designed and constructed with adequate drainage systems to minimize the containment of floodwaters on adjacent properties.

C. Building or structures and development activities shall be designed and completed on the site so as to offer minimum obstruction to the flood or floodwaters. Whenever floodwaters could be four feet (4') or more in depth and have a velocity of two feet (2') per second or greater on a site, as determined by the city floodplain administrator, buildings or structures shall be constructed and development activities shall be designed with the longitudinal axis parallel to the direction of the flood flow. So far as is practicable, buildings or structures shall be placed approximately on the same flood flow lines as those of adjoining structures.

D. No buildings, structures or earth fill shall be constructed or developed that will:

1. Cause an increase of more than one foot (1') in the probable water surface elevation in any floodplain hazard area; or

2. Result in storage or processing of flammable, explosive or dangerous materials within the floodplain hazard area.

E. No buildings, structures, substantial improvements, earth fill or other encroachments shall be constructed or developed within the regulatory floodway.

F. If a structure has been floodproofed, the elevation of such floodproofing (in relation to mean sea level) must be certified by a registered professional engineer or registered land surveyor and must also be submitted to the building official.

G. Adequate drainage paths shall be provided around structures located on slopes within any AO or AH zone to guide floodwater around and away from proposed structures.

H. Fully enclosed areas in buildings, structures, and substantial improvements below the lowest floor that are subject to flooding shall be designated 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 must meet or exceed the following minimum criteria: A minimum of two (2) 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. The bottom of all openings shall be no higher than one foot (1') above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters. (Ord. 50-09 § 1, 2009)

## 18.68.100: SUBDIVISIONS, NEW CONSTRUCTION AND SUBSTANTIAL IMPROVEMENTS:

A. The preliminary plat for all proposed subdivisions and other proposed new developments which are wholly or partially within the floodplain hazard area shall include base flood elevations for each lot within the floodplain hazard area.

B. All new construction and substantial improvements of residential structures within the floodplain hazard area shall have the lowest floor (including basement), elevated to or above the base flood elevation.

C. All new construction and substantial improvements of residential structures within any AO or AH zone on the FIRM shall 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 FIRM (at least 2 feet if no depth number is specified).

D. All new construction and substantial improvements of nonresidential structures within the floodplain hazard area shall have the lowest floor (including basement):

1. Elevated to or above the base flood level; or

2. Together with attendant utility and sanitary facilities, be designed and constructed in compliance with applicable building codes so that below the base flood level:

a. The structure is watertight with walls substantially impermeable to the passage of water,

b. Structural components have the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy,

c. Where floodproofing is utilized to meet the standards of this subsection D, a registered professional engineer or licensed architect shall certify that the floodproofing methods comply with the building codes and are adequate, according to accepted engineering standards to withstand the flood depths, pressure, velocities, impact and uplift factors and other factors associated with the base flood. A record of said certificates (including calculations) indicating the specific elevation (in relation to mean sea level) to which said structures are floodproofed shall be maintained by the building official with the copy of the building or other permits.

E. All new construction and substantial improvements of nonresidential structures within any AO or AH zone on the FIRM shall:

1. 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 FIRM (at least 2 feet if no depth number is specified); or

2. Together with attendant utility and sanitary facilities, be designed and constructed so as to be completely floodproofed to that level in accordance with the requirements of subsection D of this section. (Ord. 31-89 § 2, 1989: Ord. 72-87 § 1, 1987: prior code § 47-8-9(2))

## 18.68.110: FLOODWAYS:

Floodways located within areas of special flood hazard established in section 18.68.030 of this chapter, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

A. Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

B. If the requirements of subsection A of this section are satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions.

C. 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. 4-02 § 1, 2002)

## 18.68.120: MANUFACTURED HOME PARK STANDARDS:

For construction of new manufactured home parks or when the expansion, repair, reconstruction or improvement of an existing manufactured home park exceeds fifty percent (50%) of the fair market value of the manufactured home park before the expansion, repair, reconstruction or improvement took place, the following standards shall apply:

A. Manufactured homes must be elevated on a permanent foundation of compacted fill or on pilings so that the lowest floor will be at or above the base flood level and be securely attached to an adequately anchored foundation system.

B. When lots or spaces are elevated on pilings, the lots or spaces must be large enough to accommodate steps. Pilings shall be placed on stable soil no more than ten feet (10') apart and reinforcements shall be provided for pilings more than six feet (6') above the ground level. (Ord. 4-02 § 1, 2002: Ord. 72-87 § 1, 1987: prior code § 47-8-9(3)(a))

## 18.68.130: ANCHORING OF MANUFACTURED HOMES AND CERTAIN OTHER STRUCTURES:

All manufactured homes, temporary structures and relocatable office buildings within the floodplain hazard area shall be anchored to resist flotation, collapse, lateral movement or displacement by sound engineering methods. Specific requirements shall be that:

A. All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds, and withstand horizontal force of twenty five (25) pounds per square foot and uplift force of fifteen (15) pounds per square foot. The square footage shall be determined by the size of the manufactured home, temporary structure, or relocatable office building;

B. Any additions to a manufactured home to be similarly anchored;

C. No manufactured homes shall be placed within the regulatory floodway except within an existing manufactured home park or manufactured home subdivision. (Ord. 4-02 § 1, 2002: Ord. 72-87 § 1, 1987: prior code § 47-8-9(3)(b), (c))

## 18.68.140: PERMITS; WITHHOLDING, SUSPENSION OR REVOCATION:

The officials responsible for the administration of this chapter may, in writing, withhold issuance, suspend or revoke permits under their respective authority subject to this chapter, whenever good cause is shown to question the propriety of issuance, or it appears the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any provisions of this code. (Ord. 4-02 § 1, 2002: Ord. 72-87 § 1, 1987: prior code § 47-8-10)

## 18.68.150: WARNING AND DISCLAIMER OF LIABILITY:

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or flood heights may be increased by manmade or natural causes, including, but not limited to, ice jams and bridge openings restricted by debris. This chapter does not imply that areas outside the floodplain hazard area boundaries or land uses permitted within this district will be free from flooding or flood damages. This chapter shall not create liability on the part of Salt Lake City or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision made thereunder. (Ord. 4-02 § 1, 2002: Ord. 72-87 § 1, 1987: prior code § 47-8-11)

## 18.68.160: MANDATORY AND PROHIBITIONARY NATURE OF CHAPTER:

A. Violations: It is unlawful for any person, firm or corporation to intentionally perform any act prohibited by this chapter or to intentionally fail to perform any act or comply with any requirement of this chapter or to aid or abet therein, or to fail or refuse to comply with any valid order called by the specified officials responsible to administer the provisions of this chapter. No permits shall be issued to any applicant during the time he/she shall fail to correct defective work or noncomplying work or violation exists after written notice by the official responsible for the permit or their designee. Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor.

B. Fines And Penalties: Upon conviction for such violations of this chapter, such party, if a person, shall be punishable as provided in section 1.12.050 of this code, or its successor. If such party is a corporation, association, partnership or governmental instrumentality, such party may be subject to a fine not exceeding two thousand dollars ($2,000.00) and/or imprisonment of not more than six (6) months. (Ord. 4-02 § 1, 2002: amended during 8/89 supplement: Ord. 72-87 § 1, 1987: prior code § 47-8-12)

# CHAPTER 18.72
# HOUSE MOVERS AND HOUSE MOVING

## Article I. House Movers

### 18.72.010: LICENSE REQUIRED:

No person, firm or corporation shall engage in the business of moving any building or structure along, upon, over or across any street or highway within the city without first having obtained from the license office a house mover's license. The license fee for a house mover shall be one hundred dollars ($100.00) per year, or any portion thereof. payable to the city treasurer prior to January 1 of each year. (Prior code § 5-10-18)

### 18.72.020: LICENSE APPLICATION:

Application for a house mover's license shall be made on forms furnished by the license office. Every such applicant must be duly licensed by the public service commission of the state of Utah as a motor carrier for the moving of houses and other structures over and upon the highways of the state. Upon the filing of such application, such applicant shall deposit with the city a bond in the amount of one thousand dollars ($1,000.00), executed by the applicant and a surety company authorized to do business in this state as surety, conditioned for the payment of Salt Lake City and the public utility companies involved of such expenses as are reasonably incurred for the temporary relocation of their property to facilitate the moving of any building or structure over and upon the streets of the city by the applicant as provided in section 18.72.060, or its successor, of this chapter. The bond provided for herein shall be in lieu of the bond required by section 14.12.030 of this code, or its successor. (Prior code § 5-10-19)

### 18.72.030: APPLICATION; INSURANCE REQUIREMENTS:

At the time of filing the application, the applicant shall furnish to the building official written evidence that a public liability and property damage insurance policy in the amount established by section 63-30-34, Utah Code Annotated, or its successor, as maximum amounts for which a governmental entity may be held liable, shall be in force and effect during the period of the license so issued. (Prior code § 5-10-20)

### 18.72.040: PERMIT; FILING TIME; ISSUANCE CONDITIONS:

A. No person, firm or corporation shall move any building or structure, or any portion thereof, over, upon, along or across any street or highway within the city without first obtaining a permit from the city engineer so to do at least seventy two (72) hours in advance of the proposed moving date.

B. No house mover's permit shall be granted by the city engineer except as follows:

1. A relocation permit must be issued for the building or structure.

2. A separate application upon a form furnished by the division of building and housing services must be filed, and a separate permit obtained for moving each separate building or structure or portion of a building or structure.

C. Each application for a house mover's permit must show:

1. The kind of building or structure to be moved;

2. The street number and legal description of the property from which the building or structure is to be moved;

3. The street number and legal description of the property to which the building or structure is to be moved;

4. The proposed route over which the building or structure is to be moved, which must be approved by the city engineer;

5. The date when such building or structure is to be moved and the time within which the moving will be completed. (Prior code § 5-10-21)

## 18.72.050: EXISTING PERMITS:

Any person, firm or corporation holding a valid permit issued by the city to move any building and any bond filed in connection therewith in existence on the effective date of the ordinance codified herein shall be continued in effect until the effective date of the permit so issued, and no further permit or license shall be required until the expiration of such permit unless sooner revoked by the building official. (Prior code § 5-10-24)

## 18.72.060: NOTIFICATION TO PUBLIC UTILITIES:

A. Upon receiving an application to move a building or structure, the city engineer shall notify all public utilities and the signal division of the city which will be affected by the proposed moving.

B. It is unlawful for any house mover to interfere in any manner with any property of any public utility or any property of the city. The house mover shall give to all such utilities, to the fire alarm section of the fire department, and to the traffic signal division at least twenty four (24) hour notice before the time of commencing the moving of any building or structure. Upon receipt of such notice, the utilities shall raise or otherwise dispose of their wires or other instrumentalities in such time and manner as will not cause undue delay to the permit holder.

C. The house mover shall compensate the public utilities and the alarm and signal division of the city for making such temporary rearrangements of their property, and the house mover's bond shall be liable for the cost thereof. (Prior code § 5-10-22)

## 18.72.070: NOTIFICATION TO POLICE TRAFFIC DEPARTMENT:

Before any building or structure is moved over or on any public street or highway, the traffic division of the police department shall be notified by the mover at least twenty four (24) hours in advance, and they shall direct the moving at the time designated over the approved route. (Prior code § 5-10-23)

# Article II. Building Relocation

### 18.72.080: PERMIT REQUIRED:

No person, firm or corporation shall relocate any building or structure within the city without first having obtained a permit to do so from the division. (Prior code § 5-10-1)

### 18.72.090: PERMIT APPLICATION:

Each application for a relocation permit shall be made to the division upon forms furnished by it, and shall set forth such information as may reasonably be required in order to carry out the purposes of the ordinance codified herein. (Prior code § 5-10-2)

### 18.72.100: APPLICATION; INVESTIGATION OF BUILDING:

The building official shall cause an investigation to be made of the building or structure to be relocated and of the property upon which it is to be located in order to determine whether or not the permit shall be granted. (Prior code § 5-10-5)

### 18.72.110: CONFORMITY WITH ZONING AND BUILDING REGULATIONS:

No relocation permit shall be issued to any person, firm or corporation to relocate any building or structure upon another lot unless such use, building or proposed conversion thereof conforms to the zoning ordinance and the building code of the city, and any other pertinent ordinances. (Prior code § 5-10-3)

### 18.72.120: PERMIT ISSUANCE CONDITIONS:

A. No permit shall be issued to any person, firm or corporation to relocate any building or structure:

1. Which is so constructed or in such condition as to be dangerous or unsafe; or

2. Which is infested with pests or is unsanitary; or

3. Which, if it is a dwelling or habitation, is unfit for human habitation; or

4. Which is so dilapidated, defective, unsightly or in such a condition of deterioration or disrepair that its relocation at the proposed site would create a safety or health hazard or would cause appreciable damage to or be materially detrimental to the property in the district within a radius of five hundred feet (500') from the proposed site.

B. If, in the opinion of the building official, the present use or condition of the building or structure allows practical conversion or effective repair or alteration, the building official may issue such a relocation permit if plans are submitted to him/her showing that the improvements and alterations conform to the building code and zoning ordinance and are in architectural harmony with neighboring structures.

C. In cases where a nonconforming use is to be converted to a conforming use and in determining architectural harmony with neighboring structures, both the building official and the planning director shall examine the plans submitted, and if in their opinion it is desirable the matter may be referred to the appeals hearing officer for hearing. The decision of the appeals hearing officer shall be final. (Ord. 8-12, 2012: prior code § 5-10-4)

## 18.72.130: ADDITIONAL TERMS AND CONDITIONS:

The building official shall, in granting any relocation permit, impose thereon such terms and conditions as he/she may determine reasonable and proper, including, but not limited to, the requirements of changes, alterations, additions or repairs to be made to or upon the building, structure or property, to the end that the relocation thereof shall not be materially detrimental or injurious to public safety or public welfare or to property within the immediate district. Such terms and conditions shall be written upon the permit or appended in writing thereto. Permits may be required for building, electrical, mechanical and plumbing work done to bring the building into code compliance. (Prior code § 5-10-6)

## 18.72.140: FOUNDATIONS FOR BUILDINGS:

The foundations to be used in connection with any of the buildings herein referred to shall be fully completed, inspected and approved by the building official before any such building is moved upon any foundation or moved onto the lot of the new location. (Prior code § 5-10-7)

## 18.72.150: PAINTING AND DOOR AND WINDOW INSTALLATION:

All such buildings shall be completed in their exterior and protected from the elements by the necessary coats of paint or other preservative. All doors and windows shall be installed within fifteen (15) days after the building is placed on its new site unless an extension of time is granted by the building official. (Prior code § 5-10-8)

## 18.72.160: BOND REQUIREMENTS GENERALLY:

No relocation permit shall be issued unless the applicant therefor shall first post with the building official a performance bond executed by the owner of the premises where the building or structure is to be relocated as principal and by a surety company authorized to do business in the state of Utah as surety, or a cash deposit in the amount of the required bond, such deposit to be returned on the completion of the requirements contained in the permit. Such bond shall name Salt Lake City as obligee, and shall be in an amount equal to the cost of the work required to be done in order to comply with all of the conditions of the relocation permit, as determined by the building official. Any work on the

project left unfinished after six (6) months may be finished by the city working through a contractor and utilizing funds from the performance or cash bond. (Prior code § 5-10-9)

### 18.72.170: BOND; NOT REQUIRED WHEN:

A relocation bond need not be filed in any case where the building official shall determine that the only relocation involved is that of moving a building temporarily to the regularly occupied business premises of a house mover, or that of moving a building to adjacent property of the same owner, or to buildings or structures to be used by a governmental agency for governmental purposes, or garages to be used as individual garages and limited in size to two (2) car garages, provided such exceptions shall not apply unless the building official further finds that no security is necessary in order to assure compliance with the requirements of this chapter. (Prior code § 5-10-10)

### 18.72.180: BOND CONDITIONS:

Every relocation bond filed shall be conditioned as follows:

A. That each and all of the terms and conditions of the relocation permit shall be complied with to the satisfaction of the building official;

B. That all of the work required to be done pursuant to the conditions of the relocation permit shall be fully performed and completed within the six (6) months specified in the relocation permit. Such time limit may be extended for good and sufficient cause by the building official, but no such extension shall be valid unless in writing, and such extension shall not release the surety on the relocation bond. (Prior code § 5-10-11)

### 18.72.190: DEFAULT IN PERFORMANCE; NOTICE:

Whenever the building official shall find that a default has occurred in the performance of any term or condition of a relocation permit, written notice thereof shall be given to the principal and to the surety on the bond. Such notice shall state the nature of the default and, in case of work to be done, shall specify the work to be done and the period of time within which such work must be completed. Failure to comply with the notice of the building official shall constitute a default against said cash or surety bond. (Prior code § 5-10-12)

### 18.72.200: CORRECTION OF DEFAULTS; TIME LIMIT:

Upon receipt of such notice of default from the building inspector, the surety must, within the time specified therein, correct such default and in the case of work required to be performed, cause such work to be done within the time specified in the notice, and upon its failure so to do must forthwith pay to the city treasurer the face amount of its bond. (Prior code § 5-10-13)

### 18.72.210: CORRECTION OF DEFAULTS; CITY WORK WHEN; COSTS:

The building official shall, upon receipt of the face amount of the bond from said surety, proceed by such mode as he/she deems expedient to cause the required work to be performed and completed by contract or otherwise. Upon the completion of such work the balance, if any, of the money so paid to the city treasurer by the surety shall be returned to the surety after deducting cost of work plus twenty five percent (25%) thereof, said twenty five percent (25%) being retained by the city treasurer to cover the cost of supervision. The building official shall incur no liability other than for the expenditure of funds delivered to him/her for completion of the work. (Prior code § 5-10-14)

### 18.72.220: BOND TERMINATION:

The term of each relocation bond filed pursuant to this chapter shall begin upon the date of execution thereof and shall terminate upon the completion to the satisfaction of the building inspector of the performance of all of the terms and conditions of the relocation permit. Such completion shall be evidenced by a statement thereof signed by the building official. (Prior code § 5-10-16)

### 18.72.230: RIGHT TO ENTER PREMISES:

A. In the event of any default in the performance of any term or condition of the relocation permit, the surety or any person employed or engaged in its behalf, and the building official or any person employed or engaged in his behalf shall have the right to go upon the premises to complete the required work or to remove or demolish the building or structure as the case might be.

B. It is unlawful for the owner, his agents, or any other person after a default has occurred in the performance of the terms or conditions of a relocation permit to interfere with or obstruct the ingress or egress to or from any such premises of any authorized representative or agent of the surety or the city engaged in the work of completing, demolishing or removing any building or structure for which a relocation permit has been issued. (Prior code § 5-10-17)

### 18.72.240: DEMOLITION AUTHORIZED WHEN:

When any notice has been given and a default has occurred, either on the part of the principal or the surety, the building official shall have the option, in lieu of completing the work required, to demolish the building or structure and to clear, clean and restore the site. (Prior code § 5-10-15)

# CHAPTER 18.76
# MOBILE HOME PARKS

### 18.76.010: DEFINITIONS:

For the purposes of this chapter, the following definitions shall apply:

CABANA: A room enclosure erected or constructed adjacent to a mobile home for residential use by the occupant of the mobile home.

DEPENDENT RECREATIONAL VEHICLE: A unit other than a self-contained unit.

HOOKUP: The arrangement and connection of parts, circuits and materials employed in the connections required between the mobile home or recreational vehicle utility outlets and inlets and the park service connections that make the mobile home or recreational vehicle operational.

MOBILE HOME: A factory assembled structure or structures equipped with the necessary service connections and constructed to be readily mobile as a unit or units on its own running gear, and designed to be used as a dwelling unit without a permanent foundation.

MOBILE HOME PARK: A contiguous parcel of land which, after having the approval of the city planning commission, is used for the accommodation of occupied mobile homes.

MOBILE HOME SPACE OR LOT: A designated portion of a mobile home park designed for the accommodation of one mobile home and its accessory buildings or structures for the exclusive use of the occupants.

MOBILE HOME STAND OR PAD: That part of the mobile home space which has been prepared and reserved for the placement of one mobile home.

MOTOR HOME: A self-propelled vehicular unit primarily designed as a temporary dwelling for travel, recreational and vacation use.

PARK DRAINAGE SYSTEM: The entire system of drainage piping used to convey sewage and other wastes from the mobile home or recreational vehicle drainage outlet connection, at the mobile home or recreational vehicle site, to the property line connection with the sewer lateral from the main line sewer.

PARK PLUMBING SYSTEM: Means and includes, but is not limited to, the park drainage and water supply systems within the park property lines.

PARK WATER SUPPLY SYSTEM: All of the water supply piping within the park, and shall extend from the water meter to the mobile home or recreational vehicle water supply system, and shall include main and branch service lines, fixtures, devices, piping in service buildings, and appurtenances thereto.

RAMADA: Any freestanding roof or shade structure installed or erected above an occupied mobile home or any portion thereof.

RECREATIONAL VEHICLE: A vehicular unit, other than a mobile home, primarily designed as a temporary dwelling for travel, recreational and vacational use, which is either self-propelled or is mounted on or pulled by another vehicle, including, but not limited to, a travel trailer, a camp trailer, a truck camper, or a motor home.

RECREATIONAL VEHICLE PARK: A site, lot, tract or parcel of land upon which one or more recreational vehicles are parked for temporary use as living quarters.

RECREATIONAL VEHICLE SPACE: A plot of ground within a recreational vehicle park to accommodate one recreational vehicle.

RECREATIONAL VEHICLE STAND OR PAD: That part of the recreational vehicle space which has been prepared and reserved for the placement of one recreational vehicle.

SELF-CONTAINED RECREATIONAL VEHICLE: A unit which:

A. Can operate independent of connections to external sewer, water and electrical systems; and

B. Has a toilet and holding tank for liquid waste; and

C. Contains water storage facilities and may contain a lavatory, kitchen sink and/or bath facilities connected to the holding tank; provided, however, that all facilities shall be in sound operating condition, and further provided that it may be connected to external electric, water and sewer systems.

SERVICE BUILDING: A building housing separate toilet and bathing facilities for men and women and which may also have laundry facilities, flushing rim sink, and other facilities as may be required by this title, and which shall be apart from the facilities within the mobile home or recreational vehicle.

SEWER CONNECTION: All pipes, fittings and appurtenances installed to carry sewage from the mobile home or recreational vehicle drain outlet to the inlet provided in the park drainage system.

SEWER RISER PIPE: That portion of the park sewer lateral which extends vertically to the ground elevation and terminates at each mobile or recreational vehicle space.

TRAVEL TRAILER: A vehicular, portable unit, mounted on wheels, not requiring a special highway movement permit when drawn by a motorized vehicle, and:

A. Designed as a temporary dwelling for travel, recreational and vacation use; and

B. When factory equipped for the road, having a body width of not more than eight feet (8') and a body length of not more than thirty two feet (32').

WATER CONNECTION: All pipes, fittings and appurtenances from the water riser pipe connection to the water inlet connection of the mobile home or recreational vehicle.

WATER RISER PIPE: That portion of the park water supply system which extends vertically to the ground elevation and terminates at a designated point at each mobile home or recreational vehicle space. (Prior code § 5-13-1)

## 18.76.020: COMPLIANCE WITH ZONING PROVISIONS:

The appeals hearing officer may permit the use of land in any district for a mobile home park provided that in all cases there is compliance with the conditions in title 21A of this code. (Ord. 8-12, 2012)

## 18.76.030: PERMITS, LICENSE AND COMPLIANCE REQUIRED:

It is unlawful for any person to construct, maintain or operate a mobile home or recreational vehicle park within the limits of the city unless such person complies with this title and all other pertinent provisions of this code, and first obtains approval, permits and licenses as required. (Prior code § 5-13-2)

## 18.76.040: EXISTING PARKS:

Mobile home and recreational vehicle parks legally existing at the time of the effective date of the ordinance codified herein may continue to operate on the same basis as under nonconforming uses, as set forth in the current Salt Lake City zoning ordinance. (Prior code § 5-13-3)

## 18.76.050: CONSTRUCTION PERMITS REQUIRED; FEES:

Mobile home park construction permits required by the division shall be issued to properly licensed contractors as follows:

A. A general building permit fee shown on the Salt Lake City consolidated fee schedule, to be issued for pads, patio slabs, metal sheds (sheds to be installed by mobile home occupant), curb, gutter, drives, piers, sidewalks, fence or wall, per mobile home space;

B. Electric meter stands or pedestals at the rate shown on the Salt Lake City consolidated fee schedule;

C. The park plumbing system, including sewer and water risers, shall require the fee shown on the Salt Lake City consolidated fee schedule, for each space;

D. All permanent buildings, swimming pools, etc., shall have permit fees assessed at the regular and normal fee schedule;

E. Fire hydrants within the property lines shall require a permit fee shown on the Salt Lake City consolidated fee schedule, for each hydrant. (Ord. 24-11, 2011)

## 18.76.060: PERMIT REQUIRED BEFORE COMMENCING WORK:

Application for required permits shall be made by a duly licensed contractor and fees paid to the city treasurer before any work commences. A double fee permit shall be assessed if any work commences without first obtaining the required permit or permits. (Prior code § 5-13-9)

## 18.76.070: PLANS AND LOT PLACEMENT:

The location of the mobile home lot limits on the grounds shall be the same as shown on the approved plans. The degree of accuracy obtained by working with a scale on the plan and then a tape on the ground is acceptable. Mobile home lot markers shall be the responsibility of the mobile home park operator. (Prior code § 5-13-16)

## 18.76.080: LOT MARKERS:

The limits of each mobile home lot in a mobile home park shall be clearly marked on the ground by permanent flush stakes, markers, or other suitable means. (Prior code § 5-13-15)

## 18.76.090: PERMANENT BUILDING DESIGN AND CONSTRUCTION:

Every building, except a mobile home accessory building, shall be designed and constructed in accordance with this title. (Prior code § 5-13-11)

## 18.76.100: ADDITIONS AND REMODELING OF PARKS:

Existing mobile home and recreational vehicle parks may be enlarged or remodeled provided the addition or remodel conforms to all the provisions of this title. (Prior code § 5-13-4)

## 18.76.110: ACCESSORY BUILDINGS; PERMIT AND PLAN REQUIREMENTS:

Prior to the installation of accessory buildings or structures in a mobile home lot, within a mobile home park, two (2) copies of a completely dimensioned plot plan drawn to scale and in accordance with the approved development plan shall be submitted to the division and a permit obtained. The plot plan shall show the size and location of the mobile home, the identification number, and the dimensions of the approved lot space, the dimension and location of the proposed structure, and its dimensional relation to immediate mobile homes and/or structures. (Prior code § 5-13-14)

## 18.76.120: ACCESSORY BUILDINGS; CONSTRUCTION STANDARDS:

A. Standards Applicable: Every accessory building or structure, including, but not limited to, cabanas, ramadas, awnings, patio covers and carports, shall be constructed in accordance with the provisions of the latest ANSI standard A119.3. No building nor any portion of any building shall be supported in any manner by a mobile home.

B. Exception: Roof structures such as patio covers and awnings used as temporary shelter adjacent to a mobile home may be attached to the side of a mobile home, provided they project not more than ten feet (10') from the side of the mobile home and have at least the upper one-half ($^1/_2$) of the perimeter open or screened, with the remaining construction of nonbearing enclosing walls. (Prior code § 5-13-12)

## 18.76.130: CARPORTS, RAMADAS AND COVERED PATIOS:

Attached carports or ramadas shall be completely open except for necessary structural supports. Covered patios and similar structures may be enclosed, provided the construction conforms to the requirements of the latest ANSI standard A119.3, except as provided in this title. (Prior code § 5-13-13)

## 18.76.140: RECREATIONAL VEHICLE AREA APPROVED WHEN:

Where the mobile home park has direct access to a major highway, the appeals hearing officer may approve the use of a portion of the park as a recreational vehicle park, provided the same design standards are maintained. (Ord. 8-12, 2012)

## 18.76.150: UNDERGROUNDING OF UTILITIES:

The complete distribution system or collection system of any utility shall be underground. (Prior code § 5-13-22)

## 18.76.160: SEWER CONNECTIONS AND FEES:

All present and normally assessed fees shall be paid to the engineering department for sewer lateral connection from the property line to the sewer main line in the street. (Prior code § 5-13-8)

## 18.76.170: STREET SURFACING REQUIREMENTS:

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. The surface shall be maintained free of cracks and holes, and its edges shall be protected by suitable means to prevent traveling and shifting of the base. (Prior code § 5-13-17)

## 18.76.180: STREETLIGHTS:

Lighting shall be designed to produce a minimum of 0.1 foot-candle throughout the street system. Potentially hazardous locations, such as major street intersections and steps or stepped ramps, shall be individually illuminated with a minimum of 0.3 foot-candle. (Prior code § 5-13-18)

## 18.76.190: LANDSCAPING:

Portions of a mobile home lot or recreational vehicle space not occupied by a mobile home or recreational vehicle or accessory buildings or structures shall be landscaped or treated in such a manner as to eliminate dust, weeds, debris and accumulation of rubbish. (Prior code § 5-13-19)

## 18.76.200: UNLAWFUL AND HAZARDOUS USES:

No person shall use, permit, or cause to be used for occupancy or storage purposes in a mobile home park a mobile home which is structurally unsound, which constitutes a hazard, or which does not protect its occupants against the elements. (Prior code § 5-13-20)

## 18.76.210: VIOLATION; NOTICE TO DISCONTINUE:

Whenever any mobile home is being used contrary to the provisions of this chapter, the division may order such use discontinued and the mobile home to be removed, relocated, or otherwise made to conform with the provisions of this title by notice served on any person responsible for the illegal use. (Prior code § 5-13-21)

### 18.76.220: ENFORCEMENT OF PROVISIONS:

The division is hereby designated and authorized as the officers charged with the enforcement of this chapter. (Prior code § 5-13-10)

# CHAPTER 18.80
# PARKING LOT CONSTRUCTION

### 18.80.010: PARKING LOT DEFINED:

"Parking lot" means an open area other than a street used for the parking of more than four (4) automobiles, and available for public use, whether free, for compensation, or as an accommodation for clients or customers. (Prior code § 28-1-1)

### 18.80.020: PERMIT; REQUIRED FOR CONSTRUCTION; ISSUANCE CONDITIONS:

No parking lot or parking area shall be constructed without first obtaining a permit authorizing such construction. No permit shall be issued without first securing the recommendations of the city transportation engineer and the city planning commission, and no permit shall be issued until the applicant has complied with the provisions of this chapter. (Prior code § 28-1-2)

### 18.80.030: WALLS, SCREENING AND BUMPER CURB REQUIREMENTS:

The parking lot shall be provided with attractive walls, guardrails or screening shrubbery, at least along the street side, to limit points of ingress and egress, to prevent encroachment of parked vehicles on any sidewalk, and to improve the general appearance and, where necessary, with a bumper curb parallel with the inside of the wall or guardrail at such distance that the wheels of the motor vehicles in the parking lot are stopped prior to the motor vehicle's contact with the wall or guardrail. (Prior code § 28-1-3)

### 18.80.040: DRIVEWAY RESTRICTIONS:

Driveways must not exceed thirty feet (30') in width where they cross the sidewalk; adjacent driveways must be separated by an island at least twelve feet (12') in width; and driveways must be at least ten feet (10') from the property line of any intersecting street. (Prior code § 28-1-4)

## 18.80.050: BUILDINGS FOR ATTENDANTS:

Attendant buildings must be located far enough from the entrance to prevent congestion at the sidewalk, and must be constructed so as not to detract from the appearance of the surrounding neighborhood. Every operator of a parking lot, before constructing or reconstructing, or locating or relocating an attendant building, shall secure the approval of the city transportation engineer and the city planning director. (Prior code § 28-1-5)

## 18.80.060: SURFACING OF PARKING AREA:

Ground surfaces of the parking area shall be paved or hard surfaced. (Prior code § 28-1-6)

## 18.80.070: LIGHTING FACILITIES; REQUIRED WHEN:

Parking lots which are operated and open to use during the hours of darkness after one hour after sunset shall be provided with lights and lighting facilities that will provide 0.03 watt per square foot with incandescent light source, or 0.01 watt per square foot with either mercury vapor or fluorescent light source, but in no event less than 0.2 foot-candle average maintained illumination on the entire parking lot surface and an average ratio of six to one (6:1). (Prior code § 28-1-7)

## 18.80.080: LIGHTING FACILITIES; PERMIT AND PLAN REQUIRED:

Before installing the lighting facilities required by section 18.80.070 of this chapter, or its successor, and before altering or adding to any lighting facilities presently existing, the operator of a parking lot shall first make application to the building official for a permit, and shall submit with such application a detailed plan for such facilities. If it shall be found that the installation will conform to the requirements of this chapter and the electrical code, a permit shall be issued upon payment of the fee required by the electrical code covering work in commercial and industrial property. (Prior code § 28-1-8)

## 18.80.090: CAR CAPACITY AND MANEUVERING:

The maximum car capacity indicated on the application shall be reasonable, and the arrangement of parking facilities shall not necessitate the backing of cars onto adjoining public sidewalks, parkways, roadways or thoroughfares in conducting parking and unparking operations. (Prior code § 28-1-9)

## 18.80.100: CLEANUP OF WASTE AND LITTER:

Every operator of a "parking lot", as defined in this chapter, whether such operator is owner, lessee, representative or agent, shall keep such parking lot in a clean condition at all times, free from all kinds of refuse and waste material. It shall be sufficient compliance with this section to clear the parking lot from refuse and waste material once each day. (Prior code § 28-1-10)

### 18.80.110: ENFORCEMENT OF PROVISIONS:

It shall be the duty of the building official to enforce the provisions of this chapter with respect to lighting facilities. It shall be the duty of the board of health to enforce the provisions of this chapter as to keeping the premises in a clean condition. (Prior code § 28-1-11)

### 18.80.120: FAILURE TO COMPLY WITH CHAPTER PROVISIONS:

It is unlawful for any operator of a "parking lot", as defined in this chapter, whether such person is owner, lessee, representative or agent, to fail to comply with, or to violate any provision of this chapter. (Prior code § 28-1-12)

# CHAPTER 18.84
# RELOCATABLE OFFICE BUILDINGS

### 18.84.010: RELOCATABLE OFFICE BUILDING DEFINED:

"Relocatable office building" means a portable structure built on a chassis or skids, and designed to be used with or without a permanent foundation for use or occupancy for any commercial or industrial purpose when connected to water, power or utility hookups. (Prior code § 5-16-1)

### 18.84.020: PERMIT REQUIRED FOR INSTALLATION:

A. It is unlawful for any person, firm or corporation to locate or install a relocatable office building without first having obtained a permit to do so from the division of building and housing services.

B. Further, it is unlawful to use, maintain or occupy a temporary relocatable office building for a period longer than that provided for in either section 18.84.050 or 18.84.100 of this chapter, or to use, maintain or occupy on a permanent basis a relocatable office building that does not conform to the provisions of section 18.84.060 of this chapter, or successor sections. (Ord. 46-89 § 1, 1989: prior code § 5-16-8)

## 18.84.030: PERMIT; BOND REQUIRED:

Every person who obtains a permit for a relocatable office building shall post cash or a bond in the penal sum of one thousand dollars ($1,000.00), which shall be conditioned upon the permittee removing the temporary premises at the conclusion of the expiration of the permit, or, in the case of fireworks stands or trailers, post cash or a bond in the penal sum of two hundred dollars ($200.00), which shall be conditioned upon the permittee removing the temporary premises within five (5) days after the end of each of the sales periods as allowed by state law or city ordinance. (Prior code § 5-16-9)

## 18.84.040: PERMIT; ISSUANCE PREREQUISITES:

A. Issuance Conditions: No permit for a relocatable office building shall be issued by the division until the applicant has complied with the following conditions:

1. Submitted the structural, electrical, mechanical and plumbing plans and specifications, in duplicate, used to construct a temporary relocatable office building together with an application for a permit for such office building to the division;

2. Paid all required permit and inspection fees to the city treasurer, as required by this title;

3. Certified to the division that all the inspections required by this title have been made and that the work inspected has been approved. Such certification shall be verified by the division.

B. Exceptions: In the event a relocatable office building is constructed outside the corporate limits of the city, the division shall not require additional interior inspections of such relocatable office building at the time a permit to locate the unit within the corporate limits of the city is applied for, provided:

1. A reciprocal agreement pertaining to construction and inspection standards for relocatable office buildings is in effect between the local jurisdiction where the relocatable office building is constructed and Salt Lake City; and

2. The city has received written assurance that all the work required to be inspected by this title has been inspected and approved by the local jurisdiction in which the said relocatable office building was constructed.

C. Fireworks Stands: A permit may be granted for temporary fireworks stands or trailers which meet the provisions for sale of fireworks as contained in section 9.20.050, or its successor, of this code, as amended, and the applicable zoning ordinances. (Prior code § 5-16-2)

## 18.84.050: TEMPORARY USE TIME LIMITS; EXTENSIONS:

No permit issued by the division for a relocatable office building for use or occupancy for any commercial or industrial purpose shall be valid for a period of time exceeding three hundred sixty five (365) days, provided that upon a showing in writing of extreme hardship by the applicant, the division of building and housing services may, at its option, grant the applicant an extension not to exceed sixty (60) days. No more than one such permit extension may be granted for such use or occupancy of any temporary relocatable office buildings. (Prior code § 5-16-3)

## 18.84.060: PERMANENT USE; PERMITS AND CONDITIONS:

A. When an applicant proposes or intends to use a relocatable office building for permanent use and the building is intended for use as an office extension or a satellite office, or for any other industrial or commercial purpose, the applicant shall obtain all necessary permits and follow all other procedures required by this title for the construction of all permanent structures. Such relocatable office building designed and intended for permanent use shall be constructed in a manner consistent with all applicable building and housing codes of the city, and shall meet all zoning, traffic and licensing requirements as required by the ordinances of the city.

B. For purposes of this chapter, "permanent use" means a period of time in excess of three hundred sixty five (365) days. (Prior code § 5-16-4)

## 18.84.070: PERMIT; FEES:

The following fees shall be paid to the city treasurer before any permit issued under this section shall be valid:

A. Permit fee shown on the Salt Lake City consolidated fee schedule, to install a temporary relocatable office building, per unit;

B. Permit fee shown on the Salt Lake City consolidated fee schedule, for interior inspections of relocatable office buildings, per unit. (Ord. 24-11, 2011)

## 18.84.080: INSPECTION REQUIREMENTS; ADDITIONAL FEES:

The fees in section 18.84.070 of this chapter, or its successor, shall include inspection of service piping and/or wiring from service risers, drops or pedestals to building connections. Additional fees and inspection shall be required for power poles, temporary meters, or sewer or water connections to the city main lines. All applicable inspections required by this title shall also be made and the work inspected shall be approved before an installation permit is issued by the division. (Prior code § 5-16-6)

## 18.84.090: INSTALLATION AT SITE:

All temporary relocatable office buildings shall be installed on temporary blocks or stands and shall be skirted with materials approved by the division of building and housing services. (Prior code § 5-16-7)

## 18.84.100: CONSTRUCTION CONTINUATION USE:

Where the relocatable office building is proposed to allow the continuation or commencement of business operations during the actual construction of a permanent structure for the business, the permit for use of the relocatable office building may run for the actual length of construction subject to the following conditions:

A. The permit for the relocatable office building shall not be issued until after the permit for the new construction is issued.

B. The permit for the relocatable office building shall expire contemporaneous with the expiration of the construction permit or any extensions thereto.

C. The relocatable office building shall be removed, and its site shall be landscaped or otherwise finished in conformance with the terms of the construction building permit, within thirty (30) days of issuance of the temporary certificate of occupancy for the newly constructed building.

D. The relocatable office building shall not be occupied or used on any basis as a residence. (Ord. 46-89 § 1, 1989)

# CHAPTER 18.88
# SOUND ATTENUATION METHODS IN AIRPORT RESTRICTION ZONES

## 18.88.010: REQUIRED WHEN; PLAN REVIEW AND OCCUPANCY CONDITIONS:

A. Sound attenuation, or the use of special construction methods or materials which are designed or have the effect of insulating interior spaces from exterior noise related to aircraft activity, is required in the airport restriction zones A, B and C, as set forth in section 21.76.220, or its successor, of this code. Certain types of uses are prohibited as incompatible unless they demonstrate sound attenuation to reduce the noise by a minimum specified decibel level.

B. Where sound attenuation is required, the following plans and reports shall be submitted to the building official for review to demonstrate compliance. No plans shall be approved and no permits shall be issued for the new construction or alteration of structures located within such zones unless they comply and demonstrate the ability to perform the necessary sound attenuation. No certificate of occupancy shall be issued until actual performance demonstrates compliance, nor shall the building official approve plans or issue permits within such restrictive zones without receipt of the avigation easement in the form approved by the city attorney's office when required by section 21.76.230, or its successor, of this code. (Prior code § 5-18-1)

## 18.88.020: PERMITS, CERTIFICATES, REPORTS AND IMPLEMENTATION:

A. Every set of plans submitted for review to the building official for a building permit within the airport restriction zones A, B or C which requires sound attenuation shall be accompanied by a sound attenuation plan and report.

B. Such plan must be prepared by a licensed architect and must, in detail, address the following elements or measures to be taken to produce sound attenuation of at least the

minimum decibel level required in the applicable zone:

1. Specification of materials;

2. Description of construction methods showing design numbers for sound transmission control rating;

3. Identification of decibel level of sound attenuation obtained by such plan.

C. The report to accompany the plan shall include:

1. A verified written statement made by the person or firm preparing the sound attenuation plan, identifying any problems in implementing the sound attenuation plan or achieving the required decibel reductions and, further stating, in his/her professional opinion, the ability of the proposed plan to achieve the decibel level sound attenuation required for the proposed structure and its use;

2. A written statement from the property owner and contractor (general or responsible subcontractor) guaranteeing that the sound attenuation measures proposed in the plan will be performed according to the specifications of said plan.

D. Prior to the issuance of a certificate of occupancy, the building official shall receive the following supplemental written report, including:

1. A certification from the responsible contractor or, in the absence thereof, the owner, certifying that the sound attenuation work described in the above plan has been completed according to the plan's specifications; together with

2. A certification from an approved testing laboratory certifying that the completed sound attenuation work achieves the required decibel levels of sound attenuation. (Prior code § 5-18-2)

# CHAPTER 18.92
# BUILDING CONSERVATION CODE

## 18.92.010: UNIFORM CODE FOR BUILDING CONSERVATION ADOPTED BY REFERENCE:

The uniform code for building conservation, 1988 edition, is adopted by the city as the ordinances, rules and regulations of the city, subject to the amendments and exceptions thereto as hereinafter set out. Three (3) copies of the code shall be filed for use and examination by the public in the office of the city recorder. (Ord. 34-90 § 1, 1990)

## 18.92.020: EXCEPTION TO SECTION 402(d) AMENDED:

The exception to section 402(d) of the code is amended to read as follows:

Exception: Existing corridor walls, ceilings and opening protection not in compliance with the above may be continued when the corridors and common areas are protected with an approved automatic sprinkler system. Such sprinkler system may be supplied from the domestic water supply system, provided the system is of adequate pressure, capacity and sizing for the combined domestic and sprinkler requirements. When the building or floor changes occupancy, the entire floor or building must be protected with an approved automatic sprinkler system throughout.
(Ord. 34-90 § 1, 1990)

### 18.92.030: SECTION 403 AMENDED:

Section 403 of the code is amended by deleting the following sentence:

Roofs, floors, walls, foundations and all structural components of buildings or structures shall be capable of resisting the forces and loads specified in chapter 23 of the building code.
(Ord. 34-90 § 1, 1990)

### 18.92.040: EXCEPTION ADDED TO SECTION 606(1):

An exception to section 606(1) is enacted to read as follows:

Exception: Existing nonconforming materials do not need to be surfaced with an approved fire retardant paint or finish when an automatic fire extinguishing system is installed throughout and the nonconforming materials can be substantiated as historic in character.
(Ord. 34-90 § 1, 1990)

# CHAPTER 18.95
# USE OF LEED STANDARDS IN CITY FUNDED CONSTRUCTION

### 18.95.010: PURPOSE:

The purpose of this chapter is to promote development consistent with sound environmental practices by requiring, subject to sections 18.95.040, 18.95.050, and 18.95.120 of this chapter, that applicable building projects constructed with city construction funds obtain, at a minimum: a) "silver" for city owned and operated buildings, or b) "certified" for private building projects that receive city funds. These designations shall be from the "USGBC" as defined herein. (Ord. 78-06 § 1, 2006)

## 18.95.020: DEFINITIONS:

As used in this chapter:

APPLICABLE BUILDING PROJECT: The construction or major renovation of a commercial, multi-family residential, or municipal building that will contain more than ten thousand (10,000) square feet of occupied space when the design contract for such project commences on or after November 17, 2006.

BOARD: The board of appeals and examiners created under chapter 18.12 of this title, hereinafter called "board".

BUILDING OFFICIAL: The director of the division of building services or the designee of the director.

CERTIFIED: The level of compliance with the leadership in energy and environmental design (LEED) standards designated as "certified" by the United States Green Building Council (USGBC).

CHIEF PROCUREMENT OFFICER: The city employee designated pursuant to subsection 3.24.040A of this code or that employee's designee pursuant to section 3.24.050 of this code, or any successor to those sections.

CITY CONSTRUCTION FUNDS: Funds that are authorized to be used for construction by the city council for use by any person or city department in order to construct an applicable building project, including, without limitation, loans, grants, and tax rebates. However, this term shall not apply to the funds of the library or redevelopment agency.

CITY ENGINEER: The city employee designated pursuant to subsection 2.08.050B of this code or that employee's designee pursuant to section 3.24.050 of this code, or any successor to those sections.

LEED STANDARD: The leadership in energy and environmental design (LEED) green building rating system for new construction and major renovations (LEED-NC) as adopted in November 2002 and revised in November 2005, the LEED green building rating system for commercial interiors (LEED-CI) as adopted in November 2002, or the LEED green building rating system for existing buildings upgrades, operations and maintenance (LEED-EB) as adopted in October 2004 and updated in July 2005.

MAJOR RENOVATION: Work that demolishes space down to the shell structure and rebuilds it with new walls, ceilings, floors and systems, when such work affects more than twenty five percent (25%) of the building's square footage, and the affected space is at least ten thousand (10,000) square feet or larger.

SILVER: The level of compliance with LEED standards designated as "silver" by the USGBC.

SUBSTANTIAL COMPLIANCE: A determination of good faith efforts to comply as further described in section 18.95.110 of this chapter.

TEMPORARY STRUCTURE: Any proposed building that is intended to be in existence for five (5) years or less or any existing building that at the time it was constructed was intended to be in existence for five (5) years or less.

USGBC: The organization known as the United States green building council. (Ord. 78-06 § 1, 2006)

## 18.95.030: APPLICATION:

Whenever city construction funds are used for an applicable building project, such project shall at a minimum obtain a silver certification by the USGBC in the case of a city owned building project or certified certification in the case of all other projects, subject to the exceptions, waivers, and determinations of substantial compliance provided for in this chapter. (Ord. 78-06 § 1, 2006)

## 18.95.040: EXCEPTIONS:

The provisions of this chapter shall not apply if the building official and either the chief procurement officer or the city engineer jointly determine in writing that any of the following circumstances exist:

A. The applicable building project will serve a specialized, limited function, such as a pump station, garage, storage building, equipment area, or other similar area, or a single-family residence;

B. The applicable building project is intended to be a temporary structure;

C. The useful life of the applicable building project does not justify whatever additional expense would be incurred to increase the building's long term efficiency;

D. The application of LEED standard factors will increase construction costs beyond the funding capacity for the project, or will require that the project's scope of work or programmatic needs be diminished to meet budget constraints;

E. The use of LEED standard factors will create an impediment to construction due to conflicts of laws, building code requirements, federal or state grant funding requirements, or other similar requirements;

F. LEED factors are not reasonably attainable due to the nature of the facilities or the schedule for construction; or

G. LEED certification will violate any other federal, state or local law, including, without limitation, other sections of this code.

If an exception is granted, the developer must agree to integrate green building practices into the design and construction of the project to the maximum extent possible and feasible. A determination that an exception does not apply may be appealed to the board. Such appeal must be submitted in writing to the board within thirty (30) days of the determination. (Ord. 78-06 § 1, 2006)

## 18.95.050: WAIVERS:

The denial of an exception pursuant to section 18.95.040 of this chapter does not preclude an application for waiver pursuant to this section. The board shall have the authority to grant a waiver from the requirements of this chapter only if it makes the following findings in writing:

A. Literal enforcement of this chapter would cause unreasonable hardship for the applicant that is not necessary to carry out the general purpose of this chapter;

B. There are special circumstances attached to the project that do not generally apply to other projects that are subject to this chapter;

C. The waiver would not have a substantially negative effect on the master plans, policies, and resolutions of the city and would not be contrary to the purposes of this chapter;

D. Any asserted economic hardship is not self-imposed; and

E. The spirit of this chapter will be observed and substantial justice done. (Ord. 78-06 § 1, 2006)

## 18.95.060: APPEAL OF CITY DECISIONS:

Any private sector developer who is denied an exception, or a determination of substantial compliance, or who is assessed a penalty by the building official and either the chief procurement officer or the city engineer, may appeal such decision in writing to the board within thirty (30) days of the decision and shall state the basis to support the relief sought. The board shall review the circumstances of the appeal and shall issue a written determination of the receipt of the appeal within thirty (30) days consistent with the requirements of this section. (Ord. 78-06 § 1, 2006)

## 18.95.070: APPEAL OF BOARD DECISIONS:

Any private sector developer denied a waiver by the board or denied an exception, or determination of substantial compliance, or who has had financial penalties imposed on appeal to the board under this chapter may appeal such decision by the board in writing to the mayor or the mayor's designee within thirty (30) days of the decision and shall state the basis to support the relief sought. The mayor or the mayor's designee shall review the circumstances of the appeal and shall issue a written determination within thirty (30) days of the receipt of the appeal consistent with the requirements of this section. (Ord. 78-06 § 1, 2006)

## 18.95.080: REQUIRED DEPOSIT:

All private sector developers, excluding nonprofit developers, who receive city funds for applicable building projects shall submit a ten thousand dollar ($10,000.00) "good faith" deposit with the city which shall be refunded upon the building project receiving the applicable level of LEED certification or after a determination of substantial compliance. (Ord. 78-06 § 1, 2006)

## 18.95.090: PROOF OF REGISTRATION:

Within thirty (30) days from receiving notice that the city will fund an applicable building project, all private sector developers shall submit written proof that said project is registered with the USGBC. City funds will not be dispersed until the required deposit under section 18.95.080 of this chapter and the proof of registration under this section are received by the city. (Ord. 78-06 § 1, 2006)

## 18.95.100: REQUEST FOR EXTENSION:

If a project is not LEED certified or has not been granted a determination of substantial compliance within one year after a temporary certificate of occupancy is issued by the city, then a private sector developer must file a written application with the city for an extension to obtain LEED certification. Said application must be filed with the city no later than three hundred ninety five (395) days after the date on which the certificate of occupancy was issued by the city. The city may grant a one year extension pursuant to this section

and any additional extensions as may be necessary so long as a private sector developer is actively pursuing LEED certification. Extensions pursuant to this section shall begin on the date granted by the city. (Ord. 78-06 § 1, 2006)

## 18.95.110: REQUEST FOR SUBSTANTIAL COMPLIANCE:

Receipt of LEED certification from the USGBC shall be conclusive evidence of the level of certification stated therein. If certification is not received from the USGBC or is not at the level required by this chapter, a private sector developer may request that the city issue a determination that the project has substantially complied with this chapter upon a reasonable demonstration that such project as constructed is consistent with the intent of this chapter and that strict enforcement of this chapter would create an unreasonable burden in light of the needs of such project, the ability of the project owner to control cost increases, and other relevant circumstances. The request for determination of substantial compliance must contain the following information:

A. Final LEED certification application, documentation, and response from the USGBC;

B. An explanation of the efforts and accomplishments made by the private sector developer to achieve compliance with this chapter;

C. An explanation of the practical or economic infeasibility of implementing certain high performance building design or construction techniques that, if implemented, would otherwise have likely resulted in certification; and

D. Any other supporting documents the private sector developer wishes to submit. (Ord. 78-06 § 1, 2006)

## 18.95.120: DETERMINATION OF SUBSTANTIAL COMPLIANCE:

The building official and either the chief procurement officer or the city engineer shall review within sixty (60) days of receipt of a request for determination of substantial compliance and shall approve or deny the request based on the good faith efforts of the private sector developer to comply with this chapter. In making a determination of the good faith efforts, review of the request shall include whether the private sector developer has established the following:

A. That reasonable, appropriate, and ongoing efforts to comply with this chapter were taken; and

B. That compliance would otherwise have been obtained but for the practical or economic infeasibility of implementing high performance building design or construction techniques.

In making any such determination, cost increases due solely to aesthetic elements shall not constitute any part of a demonstration of unreasonable burden. A determination of substantial compliance pursuant to this section shall satisfy section 18.95.030 of this chapter.

If the request for determination of substantial compliance is denied, the private sector developer will be deemed to have not satisfied section 18.95.030 of this chapter and shall forfeit the "good faith" deposit under section 18.95.080 of this chapter and may be assessed an additional penalty up to the amount originally funded by the city. Any penalty assessed shall be offset by the "good faith" deposit. (Ord. 78-06 § 1, 2006)

## 18.95.130: PENALTY:

Any private sector developer who fails to: a) comply with this chapter, b) apply for an extension pursuant to section 18.95.100 of this chapter, or c) receive a determination of substantial compliance, shall forfeit the "good faith" deposit to the city to cover the cost and inconvenience to the city. An additional penalty may be assessed based on a direct analysis of possible LEED design credits. Given that a total of twenty six (26) LEED design credits are required for certification, the additional penalty shall be based on the following considerations:

A. If the city determines that a project could have reasonably received 21-25 LEED credits, then the private sector developer shall pay the city up to twenty five percent (25%) of the amount originally funded.

B. If the city determines that a project could have reasonably received 16-20 LEED credits, then the private sector developer shall pay the city up to fifty percent (50%) of the amount originally funded.

C. If the city determines that a project could have reasonably received 6-15 LEED credits, then the private sector developer shall pay the city up to seventy five percent (75%) of the amount originally funded.

D. If the city determines that a project could have reasonably received 0-5 LEED credits, then the private sector developer shall pay the city up to one hundred percent (100%) of the amount originally funded.

Failure to pay a penalty within ninety (90) days of written notice from the city shall result in a lien against the project. (Ord. 78-06 § 1, 2006)

## 18.95.140: RULE MAKING AUTHORIZATION:

The building official and either the chief procurement officer or the city engineer are authorized to issue administrative rules under this chapter. (Ord. 78-06 § 1, 2006)

## 18.95.150: ADMINISTRATIVE INTERPRETATIONS:

Pursuant to the authority granted under subsection 18.50.040B of this title, the building official may render interpretations of this chapter. Such interpretations shall conform with the intent and purpose of this chapter, and shall be made available in writing for public inspection upon request. (Ord. 78-06 § 1, 2006)

## 18.95.160: LIMITATIONS:

Nothing required under this chapter shall supersede any federal, state or local law, including, without limitation, other provisions of this code; or any contract, grant, or other funding requirement; or other standards or restrictions that may otherwise apply to an applicable building project. This chapter shall not apply whenever its application would disadvantage the city in obtaining federal funds. (Ord. 78-06 § 1, 2006)

# CHAPTER 18.96
# FIT PREMISES

## 18.96.010: TITLE:

This chapter may be referred to as the *SALT LAKE CITY FIT PREMISES ORDINANCE.* (Ord. 82-91 § 1, 1991)

## 18.96.020: EXCLUSIONS FROM APPLICATION OF CHAPTER:

The following arrangements are not governed by this chapter:

A. Residence at a detention, medical, geriatric, educational, counseling, or religious institution;

B. Occupancy under a contract of sale of a dwelling unit if the occupant is the purchaser;

C. Occupancy by a member of a fraternal or social organization in a building operated for the benefit of the organization;

D. Transient occupancy in a hotel, or motel (or lodgings subject to Utah code section 59-12-301); 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 seventy (70) square feet, but of not more than two hundred twenty (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

E. Occupancy by an owner of a condominium unit. (Ord. 82-91 § 1, 1991)

## 18.96.030: IDENTIFICATION OF OWNER AND AGENTS:

A. 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:

1. The owner or person authorized to manage the premises; and

2. 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 reside outside of Salt Lake City.

B. 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:

1. Receipt of notices under this chapter; and

2. Performing the obligations of the property owner under this chapter and under the rental agreement.

C. 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.

D. 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 A of this section. (Ord. 82-91 § 1, 1991)

## 18.96.040: PROPERTY OWNER TO DELIVER POSSESSION OF DWELLING UNIT:

A. A copy of the lease or rental agreement, rules and regulations, an inventory of the condition of the premises, a list of all appliances and furnishings and a summary of this chapter shall be given to each tenant at the time the rental agreement is entered into. The summary shall be prepared by the city for the purpose of fairly setting forth the material provisions of this chapter and shall include information about mediation resources in the Salt Lake City area and shall encourage property owners and tenants to take advantage of mediation services. The property owner shall secure and retain the tenant's signed acknowledgment that the foregoing documents have been provided to the tenant. Such acknowledgment shall be returned to the property owner no later than three (3) days after the tenant takes possession of the dwelling unit.

Before entering into a rental agreement, the property owner shall disclose to the tenant any current notice by a utility provider to terminate water, gas, electrical or other utility service to the dwelling unit or to common areas of the building, the proposed date of termination, and any current uncorrected building or health code violation included in a deficiency list or notice from the Salt Lake City building and housing services or any other government entity.

B. 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.

C. A property owner may allocate any duties to the tenant by explicit written agreement. Such agreement must be clear and specific, boxed, in bold type or underlined. (Ord. 82-91 § 1, 1991)

## 18.96.050: PROPERTY OWNER TO MAINTAIN THE PREMISES AND EACH DWELLING UNIT:

A property owner shall:

A. 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;

B. Maintain the structural integrity of the building;

C. Maintain floors in compliance with safe load bearing requirements;

D. Provide exits, emergency egress, and light and ventilation in compliance with applicable codes;

E. Maintain stairways, porches, walkways and fire escapes in sound condition;

F. Provide smoke detectors and fire extinguisher as required by code;

G. Provide operable sinks, toilets, tubs and/or showers;

H. Provide heating facilities as required by code;

I. Provide kitchen facilities as required;

J. Provide running water;

K. Provide adequate hall and stairway lighting;

L. Maintain floors, walls and ceilings in good condition;

M. Supply window screens where required by code;

N. Maintain foundation, masonry, chimneys, water heater and furnace in good working condition;

O. Prevent the accumulation of stagnant water in the interior of any premises;

P. 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;

Q. Provide and maintain appropriate garbage receptacles and arrange for timely garbage removal as required by code;

R. 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;

S. Once proof of pest infestation has been established, be responsible for initiation of pest control measures. In no instance shall a property owner be required to apply pesticides contrary to label directions;

T. Not interrupt or disconnect utility service;

U. Provide adequate locks to exterior doors and furnish keys to tenants as required by applicable codes;

V. 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;

W. Provide for and protect each tenant's peaceful enjoyment of the premises;

X. Ensure that repairs, decorations, alterations, or improvements, or exhibiting the dwelling unit shall not unreasonably interfere with the tenants' right to quiet enjoyment of the premises;

Y. Provide a mailbox; and

Z. Provide separate meters for each tenant for gas and electricity or include charges for utility services in the rent. (Ord. 82-91 § 1, 1991)

## 18.96.060: TENANT TO MAINTAIN DWELLING UNIT:

A tenant shall:

A. Comply with all appropriate requirements of the rental agreement and applicable provisions of building, housing and health codes;

B. Maintain the premises occupied in a clean and safe condition and not unreasonably burden any common area;

C. Dispose of all garbage and other waste in a clean and safe manner and avoid leaving garbage or litter in hallways, porches, patios and other common areas;

D. Maintain all plumbing fixtures in as sanitary a condition as the fixtures permit and avoid obstructing sinks, toilets, tubs, showers and other plumbing drains;

E. Use all electrical, plumbing, sanitary, heating, and other facilities and appliances in a reasonable manner;

F. Not destroy, deface, damage, impair or remove any part of the premises or knowingly permit any person to do so;

G. Promptly inform the property owner of any defective conditions or problems at the premises;

H. Not interfere with the peaceful enjoyment of the residential rental unit of another renter;

I. Upon vacation, restore the premises to their initial condition except for reasonable wear and tear or conditions caused by the property owner;

J. Be current on all payments required by the rental agreement and this chapter;

K. Not increase the number of occupants above that specified in the rental agreement without written permission of the owners;

L. Not modify or paint the premises without the express written permission of the property owner/agent;

M. 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

N. Not require the owner to correct or remedy any condition caused by the renter, the renter's family or the renter's guests or invites by inappropriate use of the property during the rental term or any extension of it. (Ord. 82-91 § 1, 1991)

## 18.96.070: 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. 82-91 § 1, 1991)

## 18.96.080: ACCESS:

A. A tenant shall not unreasonably withhold consent to the property owner to enter into the dwelling unit in order to make necessary or agreed repairs, decorations, alterations, or improvements; or exhibit the dwelling unit to prospective purchasers, tenants, or work people.

B. A property owner may enter the dwelling unit without consent of the tenant in case of emergency.

C. Except in case of emergency the property owner shall give the tenant at least twenty four (24) hours' notice of plans to enter and may enter only between eight o'clock (8:00) A.M. and ten o'clock (10:00) P.M.

D. A property owner has no other right of access except:

1. Pursuant to court order;

2. To make repairs requested by the tenant pursuant to sections 18.96.110 and 18.96.120 of this chapter; or

3. If the tenant has abandoned the premises as defined in section 78-36-12(3), Utah Code Annotated, or any successor provision. (Ord. 82-91 § 1, 1991)

## 18.96.090: PROPERTY OWNER AND TENANT REMEDIES FOR ABUSE OF ACCESS:

A. If the tenant refuses to allow lawful access, the property owner may obtain injunctive relief to compel access, or terminate the rental agreement and commence an eviction action. In either case, the property owner may recover actual damages and reasonable attorney fees.

B. 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 fees. (Ord. 82-91 § 1, 1991)

## 18.96.100: 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 to the property owner and recover all prepaid rent and security deposits and actual damages. (Ord. 82-91 § 1, 1991)

## 18.96.110: 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 subsection 18.96.030A2 of this chapter, and complete the repairs with reasonable diligence:

| | | |
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| A. | Inoperable toilet | 24 hours |

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| B. | Tub, shower or kitchen and bathroom sink with inoperable drain or no hot or cold water | 48 hours |
| C. | Inoperable refrigerator or cooking range or stove | 48 hours |
| D. | Nonfunctioning heating (during a period where heat is reasonably necessary) or electrical system | 24 hours |
| E. | Inoperable electric fixture | 72 hours |
| F. | Broken exterior door or inoperable or missing exterior door lock | 48 hours |
| G. | Broken window with missing glass | 96 hours |
| H. | Inoperable exterior lighting | 96 hours |
| I. | Broken stair or balustrade | 24 hours |
| J. | Inoperable or missing smoke detector required by code | 24 hours |
| K. | Inoperable required fire sprinkler system (if smoke detectors are not present or operating) | 24 hours |
| L. | Inoperable required fire sprinkler system (if smoke detectors are installed and operable) | 96 hours |
| M. | Broken or leaking water pipes causing an imminent threat to life, safety or health | 24 hours |
| N. | Other broken or leaking water pipes | 72 hours |
| O. | Disconnection of electrical, water or natural gas service caused by property owner | 24 hours |

The tenant shall grant the property owner reasonable access to perform the repairs required in this section. (Ord. 82-91 § 1, 1991)

## 18.96.120: TENANT REPAIR AND DEDUCT:

If the property owner fails to begin making the repairs required by section 18.96.110 of this chapter, 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:

A. 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 or 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 18.96.110 of this chapter, cause the necessary repairs to be made.

1. In making such repairs the tenant must use a licensed contractor if such a licensed contractor is required by applicable building or housing codes.

2. If a licensed contractor is required for the work, the tenant shall make reasonable efforts to obtain two (2) bids for the work and, if bids are obtained, shall contract for the work to be done by the lowest bidder.

B. Noncritical Repairs: If the required repairs are not critical repairs subject to the provisions of subsection A of this section, the tenant, after the expiration of the notice time required by section 18.96.110 of this chapter, shall give the property owner or property owner's agent identified in section 18.96.030 of this chapter 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.

1. The second notice shall state the nature of the problem, the date the tenant sent the first notice required by section 18.96.110 of this chapter, 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.

2. The property owner shall begin making the required repairs within forty eight (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.

3. If the property owner has not begun the required repairs within the time specified in subsection B2 of this section, the tenant may cause the repairs to be made.

4. In making such repairs the tenant must use a licensed contractor if such a licensed contractor is required by applicable building or housing codes.

5. If a licensed contractor is required for the work, the tenant shall make reasonable efforts to obtain two (2) bids for the work, and, if bids are obtained, shall contract for the work with the low bidder.

6. 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.

C. 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 four hundred dollars ($400.00); provided however, tenant shall furnish all original paid receipts to the property owner.

D. 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, not to exceed four hundred dollars ($400.00), for repairs made under this section have been offset by deducted rent.

E. 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. 82-91 § 1, 1991)

## 18.96.130: RETALIATORY CONDUCT PROHIBITED:

A. Except as provided in this section and section 57-22-4, Utah Code Annotated, 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:

1. Complained of code violations at the premises to a governmental agency, elected representative or public official charged with responsibility for enforcement of a building, housing, health or similar code;

2. Complained of a building, housing, health or similar code violation or an illegal property owner practice to a community organization or the news media;

3. Sought the assistance of a community organization or the news media to remedy code violation or illegal property owner practice;

4. Requested the property owner to make repairs to the premises as required by this chapter, a building or health code, other regulation, or the residential rental agreement;

5. Become a member of a tenants' union or similar organization;

6. Testified in any court or administrative proceeding concerning the condition of the premises; or

7. Exercised any right or remedy provided by law. (Ord. 82-91 § 1, 1991)

# CHAPTER 18.97
# MITIGATION OF RESIDENTIAL HOUSING LOSS FROM REZONING

## 18.97.010: PURPOSE:

The city has experienced a loss of important affordable housing stock, particularly in its central city and Capitol Hill areas due to commercial expansion. It is the objective of the city to mitigate the adverse impacts of such losses, when zoning changes are sought to accommodate an expansion of commercial uses, with due consideration for vested or protected property rights. (Ord. 70-95 § 1, 1995)

## 18.97.020: HOUSING MITIGATION CONDITION PRECEDENT TO REZONING OR PERMITS FOR PARKING LOTS, IN AREAS CONTAINING RESIDENTIAL UNITS:

A. Housing Mitigation Plan: Any petition for a conditional use permit to authorize or expand vehicle parking in residential zones and any petition for a zoning change that would permit a nonresidential use of land, that includes within its boundaries residential dwelling units, may not be approved until a housing mitigation plan shall have been approved by the city. The housing mitigation plan shall be proposed and submitted to the city's planning director and the director of community and economic development by the petitioner not less than twenty (20) days prior to final action by the city on such a petition and be accompanied by a housing impact statement.

B. Housing Impact Statement: The housing impact statement shall: 1) identify the essential adverse impacts on the residential character of the area subject of the petition; 2) identify by address any dwelling units targeted for demolition, following the granting of the petition; 3) separately for each dwelling unit targeted for demolition, state its current fair market value, if that unit were in a reasonable state of repair and met all applicable building, fire and health codes; 4) state the number of square feet of land zoned for residential use that would be rezoned or conditionally permitted to be used for purposes sought in the petition, other than residential housing and appurtenant uses; and 5) specify a mitigation plan to address the loss of residential zoned land, residential units or residential character. (Ord. 38-08, 2008: Ord. 6-04 § 11, 2004: Ord. 70-95 § 1, 1995)

## 18.97.030: OPTIONS FOR MITIGATING RESIDENTIAL LOSS:

Petitioners subject of this chapter may satisfy the need for mitigation of any residential housing unit losses by any one of the following three (3) methods:

A. Replacement Housing: The petitioner may agree, in a legal form satisfactory to the city attorney, to construct the same number of residential dwelling units proposed for demolition, within: 1) the city municipal council district in which the land subject of the petition is located; or 2) an adjoining council district, if the mitigation site is within a one mile radius of the demolition site. Any such agreement shall include adequate security to guarantee completion, within two (2) years of the granting of any rezoning or conditional use permit.

B. Fee Based On Difference Between Housing Value And Replacement Cost: The petitioner may pay to the city housing trust fund the difference between the fair market value of the housing units planned to be eliminated or demolished and the replacement cost of building new units of similar square footage and meeting all existing building, fire and other applicable law, excluding land values.

C. Fee, Where Deteriorated Housing Exists, Not Caused By Deliberate Indifference Of Landowner:

1. Request By Petitioner For Flat Fee Consideration: In the event that a residential dwelling unit is targeted or proposed for demolition and is in a deteriorated state from natural causes, such as fire, earthquake or aged obsolescence that is not occasioned by the deliberate acts or omissions to act on the part of the petitioner or his predecessors in interest, which detrimental condition reduces a dwelling unit's fair market value or habitability as a residential dwelling unit, the petitioner may request an exemption from the above two (2) methods of mitigation from the director of the city's department of community and economic development, as provided below.

2. Required Facts Of Natural Deterioration; Increase Fair Market Value Of Units To Be Demolished: The petitioner may submit to the director of the city's department of community and economic development every fact known to support the proposition that the residential dwelling units were not purposely allowed to deteriorate by lack of reasonable maintenance, ordinary and prudent repairs or other acts or omissions to act. The value of the unit(s) targeted or proposed for demolition may be increased to the fair market value that the units would have, if each unit was in a state of habitability and minimally meeting applicable building codes and other applicable law, excluding land value. This enhanced value will then be applied in thus computing any housing mitigation payment provided in subsection B of this section.

3. Flat Fee Mitigation Payment: In the event that the petitioner actually and reasonably demonstrates to the city's director of community and economic development that the costs of calculating and analyzing the various methods of mitigation are unreasonably excessive in relationship to the rough estimated costs of constitutionally permitted mitigation, the department director may recommend to the city council that a flat rate be paid by the petitioner to the city's housing trust fund. This flat rate shall be a sum not in excess of three thousand three hundred twenty two dollars twenty cents ($3,322.20) per dwelling unit to be demolished. The three thousand three hundred twenty two dollars twenty cent ($3,322.20) flat fee shall be adjusted for inflation as of January 1 of each calendar year following the initial adoption hereof, based on the consumer price index for the previous twelve (12) months, or three percent (3%), whichever result is less. (Ord. 42-08 § 10, 2008: Ord. 38-08, 2008: Ord. 6-04 § 12, 2004: Ord. 70-95 § 1, 1995)

## 18.97.040: HOUSING MITIGATION JUSTIFICATION TO COUNCIL:

A. Report To City Before Rezoning Hearings: The director of the department of community and economic development shall prepare a report justifying the method of housing mitigation recommended by the director, including the factual basis upon which it is premised and a factually based justification for the recommendation. This report will be submitted to the planning and zoning commission in sufficient time for its deliberation concerning the advisability of effectuating the petitioner's request for a zoning change. The petitioner may, likewise, submit its proposal and the factual and legal justification for mitigation, if any, or why the director's recommendations are appropriate or should be modified. The commission will include in its evaluation an evaluation of the adequacy of the housing loss mitigation plan, proposed by the petitioner and that recommended by director of the department of community and economic development.

B. Report To Planning Director On Conditional Use Permit Petitions: In the event of a conditional use permit, said report will be submitted to the city's planning director. The report will be duly evaluated, considered and included in the decision regarding any conditional use permit. The planning director will memorialize, in writing, the factual basis supporting any decision dealing with the housing mitigation component of any such conditional use permit and include this finding and evaluation in the file for due consideration should there be an appeal relating thereto. (Ord. 38-08, 2008: Ord. 6-04 § 13, 2004: Ord. 70-95 § 1, 1995)

### 18.97.050: NATURE AND REVIEW OF ALLEGED UNCONSTITUTIONAL OR ILLEGAL HOUSING LOSS MITIGATION:

Should any petitioner or other person, corporation or entity claim that this chapter or any application of it is illegal, unconstitutional or may constitute or effectuate an unconstitutional taking of property without appropriate compensation, either per se or as applied, the city shall be notified as soon as practicable and the provisions of title 2, chapter 2.66 of this code complied with, regarding each such claim. (Ord. 70-95 § 1, 1995)

# CHAPTER 18.98
# IMPACT FEES

### 18.98.010: FINDINGS AND AUTHORITY:

The city council (the "council") finds and determines that growth and development activity in the city will create additional demand and need for roadway facilities, publicly owned parks, open space and recreational facilities and trails, and police and fire facilities in the city, and the council finds that persons responsible for growth and development activity should pay a proportionate share of the cost of such planned facilities needed to serve the growth and development activity. The council further finds that impact fees are necessary to achieve an equitable allocation to the costs borne in the past and to be borne in the future, in comparison to the benefits already received and yet to be received. Therefore, pursuant to Utah code title 11, chapter 36, the council adopts this chapter to assess impact fees for planned facilities. The provisions of this chapter shall be liberally construed in order to carry out the purposes of the council in establishing the impact fee program. (Ord. 23-00 § 1, 2000: Ord. 106-99 § 1, 1999)

### 18.98.020: DEFINITIONS:

The following definitions shall apply for purposes of this chapter unless the context clearly requires otherwise. Terms otherwise not defined herein shall be defined by their usual and customary meanings.

ACCESSORY STRUCTURE: A subordinate building or structure, located on the same lot with the main building, occupied by or devoted to an accessory use. When an accessory structure is attached to the main building in a substantial manner, as by a wall or roof, such accessory structure shall be considered part of the main building.

ACCESSORY USE: A use that:

A. Is subordinate in area, extent and purpose to, and serves a principal use;

B. Is customarily found as an incident to such principal use;

C. Contributes to the comfort, convenience or necessity of those occupying, working at or being serviced by such principal use;

D. Is located on the same zoning lot as such principal use; and

E. Is under the same ownership or control as the principal use.

ACT: The Utah impact fees act, Utah code title 11, chapter 36, as in existence on the effective date hereof or as hereafter amended.

BUILDING PERMIT: An official document or certification which is issued by the building official of the city and which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving or repair of a building or structure.

CAPITAL FACILITIES: The facilities or improvements included in a capital budget.

CAPITAL FACILITIES PLAN OR THE PLAN: The capital facilities plan of the city, as amended from time to time, and supporting documents, and as adopted pursuant to Utah code section 11-36-201, as amended.

CHANGE IN USE: A. A change from commercial use to residential use; or

B. In the northwest quadrant only, a change from office or industrial use to retail use.

CITY: Salt Lake City, Utah.

CITY ENGINEER: The duly appointed and acting city engineer for the city.

COUNCIL: The municipal council of the city.

DEPARTMENT: The department of community and economic development of the city.

DEVELOPER: An individual, group of individuals, partnership, corporation, limited liability company, association, municipal corporation, state agency, or other person undertaking development activity, and their successors and assigns.

DEVELOPMENT ACTIVITY: Any construction or expansion of a building, structure or use; any change in use of a building or structure; the subdivision of land; the seeking of plat approval, planned development approval, site plan approval, lot line adjustment, or conditional use permit approval; or any other change in use of land that creates additional demand and need for public streets and roads, publicly owned parks, open space recreational facilities and trails, police or fire facilities.

DEVELOPMENT APPROVAL: Any written authorization from the city, other than a building permit, which authorizes the commencement of a development activity, including, but not limited to, plat approval, planned development approval, site plan approval, lot line adjustment, and a conditional use permit.

DIRECTOR: The director of the department of community and economic development of the city.

ENCUMBERED: To reserve, set aside, or otherwise earmark impact fees in order to pay for commitments, contractual obligations, or other liabilities incurred for planned facilities.

FEE PAYER: A person, corporation, partnership, incorporated association, or any other similar entity, or a department or bureau of any governmental entity or municipal corporation commencing a development activity which creates the demand for planned facilities and which requires the issuance of a building permit. "Fee payer" includes an applicant for an impact fee credit.

FIRE IMPACT FEE: The impact fee designated to pay for fire facilities.

HUD: The United States department of housing and urban development.

IMPACT FEE: A payment of money imposed by the city on development activity pursuant to this chapter as a condition of granting a building permit in order to pay for the planned facilities needed to serve new growth and development activity. "Impact fee" does not include a tax, a special assessment, a hookup fee, a fee for project improvements, a reasonable permit or application fee, the administrative fee for collecting and handling impact fees, the cost of reviewing independent impact fee calculations, or the administrative fee required for an appeal.

IMPACT FEE ACCOUNT OR ACCOUNT: The account or accounts established for the planned facilities for which impact fees are collected.

INDEPENDENT IMPACT FEE CALCULATION: The impact calculation or economic documentation prepared by a fee payer to support the assessment of an impact fee other than by the use of the schedule in section 18.98.190, "Appendix A; Impact Fee Schedule", of this chapter.

LOT LINE ADJUSTMENT: Shall have the same meaning as set forth in title 20, chapter 20.08 of this code.

NET POSITIVE FISCAL IMPACT: New revenue to the city in excess of the cost of the necessary infrastructure and municipal services attributable to a development activity.

NORTHWEST QUADRANT: The area bounded on the south by Interstate 80, on the west by the city limits, on the north by the city limits, and on the east by a line, running north and south, which is one thousand feet (1,000') west of and parallel to the centerline of sections 23, 26, and 35 of township 1 north, range 2 west, Salt Lake base and meridian survey.

OWNER: The owner of record of real property, or a person with an unrestricted written option to purchase property; provided, that if the real property is being purchased under a recorded real estate contract, the purchaser shall be considered the owner of the real property.

PARK IMPACT FEES: The impact fee designated to pay for publicly owned parks, open space, recreational facilities and trails.

PLANNED DEVELOPMENT OR PD: Has the same meaning as set forth in section 21A.62.040 of this code.

PLANNED FACILITIES: Roadway facilities, parks, open space and recreational facilities and trails, police and fire facilities included in the capital improvements plan of the city.

POLICE IMPACT FEE: The impact fee designated to pay for police facilities.

QUALIFYING IMPROVEMENT: Any portion of the infrastructure listed in the capital facilities plan.

RESIDENTIAL UNIT: Any building or portion thereof which contains living facilities including provisions for sleeping, cooking, eating, and sanitation, as required by the city, for not more than one family, and including site built buildings, manufactured homes and modular homes.

ROADWAY FACILITIES IMPACT FEE: The impact fee designated to pay for roadway facilities.

STANDARD OF SERVICE: The quantity and quality of service which the director has determined to be appropriate and desirable for the city. A measure of the standard of service may include, but is in no way limited to, maximum levels of congestion on city streets and roads, maximum commute times, maximum wait at stops, minimum police service capabilities, minimum fire suppression capabilities, minimum park space per capita for a variety of types of parks, minimum distance from residences to parks, and any other factors the director may deem appropriate.

STATE: The state of Utah.

WESTSIDE INDUSTRIAL AREA: The area bounded on the east by Redwood Road, on the west by the city limits, on the north by Interstate 80, and on the south by 2100 South Street. (Ord. 38-08, 2008: Ord. 6-04 § 14, 2004: Ord. 23-00 § 1, 2000: Ord. 106-99 § 1, 1999)

## 18.98.030: APPLICABILITY:

The collection of impact fees shall apply to all new development activity in the city unless otherwise provided herein. Until any impact fee required by this chapter has been paid in

full, no building permit for any development activity shall be issued. A stop work order shall be issued on any development activity for which the applicable impact fee has not been paid in full.

A. Park impact fees shall apply only to new residential development activity.

B. Roadway facilities impact fees shall apply to any development activity which makes improvements to any land in the northwest quadrant or the westside industrial area.

C. The movement of a structure onto a lot shall be considered development activity and shall be subject to the impact fee provisions, unless otherwise provided herein. (Ord. 23-00 § 1, 2000: Ord. 106-99 § 1, 1999)

## 18.98.040: SERVICE AREAS:

A. The following impact fee service areas are hereby established:

1. For the purpose of park impact fees, the service area shall be all of the incorporated area of the city, including future annexed area.

2. For the purpose of fire impact fees, the service area shall be all of the incorporated area of the city, including future annexed area.

3. For the purpose of roadway facilities impact fees, the service area shall be the westside industrial area and the northwest quadrant.

4. For the purpose of police impact fees, the service area shall be all of the incorporated area of the city, including future annexed area.

B. Impact fees shall be assessed only on development activity within the service area.

C. Impact fees collected within a service area shall be spent within that service area.

D. The appropriateness of the designation and boundaries of the service areas shall be reviewed periodically by the city as part of the impact fee revision process. Following such review and a public hearing, the service areas may be amended. (Ord. 23-00 § 1, 2000: Ord. 106-99 § 1, 1999)

## 18.98.050: CALCULATION BASED ON FEE SCHEDULE:

Impact fees shall be calculated as follows:

A. Unless an applicant requests an independent impact fee calculation as set forth in section 18.98.160 of this chapter, the impact fees shall be calculated for the proposed development activity based on the permit allowing the use, according to the fee schedule in section 18.98.190, "Appendix A; Impact Fee Schedule", of this chapter, less any

applicable offsets under section 18.98.070 of this chapter.

B. The impact fee schedule in section 18.98.190, "Appendix A; Impact Fee Schedule", of this chapter is hereby adopted and incorporated herein by reference.

C. The units of development activity specified in the fee schedule shall be interpreted as follows:

1. Residential impact fees shall be collected by unit. For the purposes of this chapter, modular or manufactured homes are considered residential.

2. Building square footage shall be measured in terms of gross floor area, which is the area included within the exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a building, or portion thereof, not provided with surrounding exterior walls shall be the usable area under the horizontal projection of the roof or floor above.

D. For categories of uses not specified in the applicable impact fee schedule, the director shall apply the category of use set forth in the applicable fee schedule that is deemed to be most similar to the proposed use.

E. If the development plan approval or permit for the proposed development activity 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.

F. For an addition to or remodeling or replacement of existing structures, or for a change in use of an existing structure, the impact fee to be paid shall be the difference, if any, between:

1. The fee, if any, that would be payable for existing development activity on the site or, in the case of demolition or removal of a structure, the previous development activity on the site; provided that the demolition or removal has occurred within twelve (12) months after the date of submittal of the application for which impact fees are assessed; and

2. The fee, if any, that would be payable for the total development activity on the site for the new development.

G. Upon written request of an applicant, the director shall provide an estimate of the current fee based on the data provided by the applicant. However, the director shall not be responsible for determining, at such preliminary date, the accuracy of the information provided, nor shall such estimate provide any vested rights.

H. In any fiscal year in which an impact fee update is not conducted by the city, impact fees will be adjusted to reflect inflationary costs using the "Engineering News-Record" construction cost index as of January 1 of that fiscal year. The adjustment shall be effective on October 1 of the next fiscal year. The city shall provide notice to the public of any such adjustment sixty (60) days in advance of the effective date of such adjustment. (Ord. 27-07 § 1, 2007: Ord. 3-06 § 1, 2006: Ord. 23-00 § 1, 2000: Ord. 106-99 § 1, 1999)

## 18.98.060: EXEMPTIONS:

A. The following shall be exempted from the payment of all impact fees:

1. Replacement of a structure with a new structure of the same size and use at the same site or lot when a building permit for such replacement is obtained within twelve (12) months after the demolition or destruction of the prior structure or mobile home and the replacement is completed within twenty four (24) months after the granting of the building permit.

2. Alterations, expansion, enlargement, remodeling, rehabilitation, or conversion of an existing unit where no additional units are created and the use is not materially changed.

3. Construction of accessory structures that will not create significant impacts on the planned facilities.

4. Miscellaneous accessory improvements to use, including, but not limited to, fences, walls, swimming pools, and signs.

5. Demolition or moving of a structure.

6. Placing on a lot in the city 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.

7. Any development activity not involving the construction or placement of a structure or building, 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, as demonstrated by the developer in writing to the director, will not result in a net increase in demand on facilities covered by impact fees.

B. Nonresidential construction shall be exempted from the payment of the park impact fees.

C. Properties not located in the westside industrial area or the northwest quadrant shall be exempted from the payment of roadway impact fees.

D. If, prior to the effective date hereof and in anticipation of the imposition of impact fees, the city and a developer entered into a written agreement providing for the payment of fees, the dedication of land, or the construction of planned facilities by the developer in connection with a development activity, with specific reference to improvements identified in the capital facilities plan, such development activity shall be exempted from the payment of impact fees. The units in such development may be charged a reduced fee pursuant to an independent impact fee calculation under section 18.98.160 of this chapter. The developer shall provide to the director documentation demonstrating compliance with the terms of the voluntary agreement.

E. The following housing is exempt from the payment of impact fees, to the following extent:

1. A one hundred percent (100%) exemption shall be granted for rental housing for which the annualized rent per dwelling unit does not exceed thirty percent (30%) of the annual income of a family whose annual income equals sixty percent (60%) of the median income for Salt Lake City, as determined by HUD;

2. A one hundred percent (100%) exemption shall be granted for nonrental housing for which the annualized mortgage payment does not exceed thirty percent (30%) of the annual income of a family whose annual income equals eighty percent (80%) of the median income for Salt Lake City, as determined by HUD;

3. A seventy five percent (75%) exemption shall be granted for nonrental housing for which the annualized mortgage payment does not exceed thirty percent (30%) of the annual income of a family whose annual income equals ninety percent (90%) of the median income for Salt Lake City, as determined by HUD; and

4. A fifty percent (50%) exemption shall be granted for nonrental housing for which the annualized mortgage payment does not exceed thirty percent (30%) of the annual income of a family whose annual income equals one hundred percent (100%) of the median income for Salt Lake City, as determined by HUD.

The city shall use monies in its general fund to pay for the exempted development activity.

F. The director shall determine whether a particular development activity falls within an exemption identified in this section, in any other section, or under other applicable law. Determinations of the director shall be in writing and shall be subject to the appeals procedures set forth in this chapter. (Ord. 25-03 § 1, 2003: Ord. 23-00 § 1, 2000: Ord. 106-99 § 1, 1999)

## 18.98.070: OFFSETS TO IMPACT FEES:

Offsets against the impact fee that would otherwise be due for a development activity may be approved by the director in accordance with the following provisions:

A. An offset shall be granted for qualifying improvements that are required to be made by a developer as a condition of development approval.

B. Offsets shall be allowable and payable only to offset impact fees otherwise due for the same category of improvements. Unless otherwise expressly agreed to in writing by the city, offsets shall not result in reimbursement from the city or constitute a credit against future fees, and shall not constitute a liability of the city for any deficiency in the offset.

C. 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.

D. The person applying for an offset shall be responsible for providing and paying for appraisals of land and improvements, construction cost figures, and documentation of all contributions and dedications necessary to the computation of the offset claimed. The director shall not grant offsets to any person who cannot provide such documentation in such form as the director may reasonably require.

E. The value of land dedicated or donated shall be based on the appraised land value of the parent parcel on the date of transfer of ownership to the city, as determined by an MAI certified appraiser who was selected from a list of city approved appraisers provided by the director and paid for by the applicant, who used generally accepted appraisal techniques.

F. Offsets provided for qualifying improvements meeting the requirements of this section shall be valid from the date of approval until ten (10) years after the date of approval or until the last date of construction of the project, whichever occurs first.

G. The right to claim offsets shall run with the land and may be claimed only by owners of property within the development area for which the qualifying improvement was required.

H. Any claim for offsets must be made in writing, not later than the time of submittal of a building permit application or an application for another permit subsequent to development approval that is subject to impact fees. Any claim not so made shall be deemed waived. (Ord. 23-00 § 1, 2000: Ord. 106-99 § 1, 1999)

## 18.98.080: DEVELOPER AGREEMENTS FOR IMPACT FEES:

Where a development activity includes or requires a qualifying improvement, 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 or construction of the qualifying improvements.

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 director; or, if no bid is available, the estimated cost certified by a licensed Utah engineer and approved by the director;

B. A schedule for initiation and completion of the qualifying improvement;

C. A requirement that the qualifying improvement be designed and completed in compliance with any applicable city or state laws or regulations; and

D. Such other terms and conditions as deemed necessary by the city. (Ord. 23-00 § 1, 2000: Ord. 106-99 § 1, 1999)

## 18.98.090: CHALLENGES AND APPEALS:

A. 1. Any fee payer that has paid an impact fee may challenge the impact fee by filing:

a. An appeal pursuant to subsection B of this section;

b. A request for arbitration as provided in Utah code section 11-36-402(1), as amended; or

c. An action in district court as provided in Utah code 11-36-401(4)(c)(iii), as amended.

Such a challenge may not be initiated unless it is initiated within one year after the fee payer pays the impact fee.

2. The sole remedy for a challenge under subsection A1 of this section shall be a refund of the difference between what the fee payer paid as an impact fee and the amount the impact fee should have been if it had been correctly calculated.

3. Nothing in this section shall be construed to require a fee payer to exhaust administrative remedies with the city before filing an action in district court under subsection A1 of this section.

B. 1. Any fee payer may pay the impact fees imposed by this chapter under protest in order to obtain a building permit, and thereafter may appeal the validity or amount of such payment to the council. Appeals regarding the impact fees imposed on any development activity may only be taken by the fee payer of the property where such development activity will occur. No appeal shall be permitted unless and until the impact fees at issue have been paid.

2. Appeals shall be made by filing a written notice of appeal with the council, specifying the grounds thereof, and depositing with the council an administrative fee in the amount of fifty dollars ($50.00). The appellant shall also submit, in writing, a request for information relative to the impact fee. The council shall, within fourteen (14) calendar days after receiving the notice of appeal, hold a hearing to consider the evidence and arguments of the appellant, and shall record the hearing and retain such

evidence. The council shall issue a written decision on the appeal within thirty (30) calendar days after the date the appeal was filed.

C. If, pursuant to Utah code section 11-36-402, as amended, a person submits an impact fee challenge to arbitration, the city shall not agree to participate in binding arbitration. (Ord. 23-00 § 1, 2000: Ord. 106-99 § 1, 1999)

## 18.98.100: COLLECTION:

The impact fees for all new development activity shall be calculated and collected in conjunction with the application for the first building permit for such development activity. (Ord. 23-00 § 1, 2000: Ord. 106-99 § 1, 1999)

## 18.98.110: FUND ACCOUNTING FOR IMPACT FEES:

A. The city shall establish a separate interest bearing accounting fund for each type of planned facility for which an impact fee is collected. 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, subject to a deduction by the city of a reasonable cash management fee. Such funds need not be segregated from other city monies for banking purposes. Interfund loans may be made between such accounting funds.

B. 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.

C. The city shall maintain and keep financial records for each such accounting fund, showing the source and amount of all monies collected, earned and received by the fund, and each expenditure from such fund, in accordance with normal city accounting practices, and at the end of each fiscal year shall prepare a report on each such fund showing such information. The records of such fund shall be open to public inspection in the same manner as other financial records of the city.

D. Impact fees shall be expended or encumbered within six (6) years after their receipt, unless the council identifies, in writing, an extraordinary and compelling reason to hold the impact fees longer than six (6) years. Under such circumstances, the council shall establish an absolute date by which the impact fees shall be expended. (Ord. 23-00 § 1, 2000: Ord. 106-99 § 1, 1999)

## 18.98.120: REFUNDS:

A. If the city fails to expend or encumber the impact fees as required by subsection 18.98.110D of this chapter, all current owners of the property on which impact fees have been paid shall receive a pro rata refund of such impact fees. In determining whether impact fees have been expended or encumbered, impact fees shall be considered expended or encumbered on a first in, first out basis.

B. The city shall notify the owner or owners of property for which such a refund may be made, by first class mail deposited with the United States postal service, at the last

known address of such property owners.

C. In order to receive such a refund, the owner or owners of the subject property must, within twelve (12) months after the mailing of such notice by the city, make a written request for a refund to the director, including a certification that such person is a record owner of the property and that he or she is entitled to the refund. The director may rely on such certification, in the absence of a written certification by another person asserting that the proposed payee is not the proper payee. If in doubt as to whom to pay such funds, the director may deposit the funds with an appropriate court for disposition as the court may determine. In that event, the city may deduct from the funds deposited an amount equal to the reasonable costs, including attorney fees, of causing the funds to be deposited with the court.

D. Any impact fees for which no application for a refund has been made within such one year period shall be retained by the city and expended on appropriate planned facilities.

E. Refunds of impact fees under this section shall include any interest earned on the impact fees by the city.

F. When the city seeks to terminate any or all components of the impact fee program, all unexpended or unencumbered impact fees from any terminated component or components, including interest earned, shall be refunded pursuant to this section. The city shall publish notice of such termination and the availability of refunds in a newspaper of general circulation at least two (2) times and shall notify all owners of property for which a refund may be made by first class mail at the last known address of such property owners. All funds available for refund shall be retained for a period of twelve (12) months following the second publication. At the end of that period, any remaining funds shall be retained by the city, but must be expended for appropriate planned facilities. This notice requirement shall not apply if there are no unexpended or unencumbered balances within the impact fee account(s) being terminated.

G. The city shall refund to a developer any impact fees paid by that developer, plus interest earned on the impact fees, if: 1) the developer does not proceed with the development activity for which the impact fees were imposed; 2) the developer files with the director a written request for the refund not later than thirty (30) calendar days after the expiration of the building permit (or any extension thereof) in connection with which the impact fees were assessed; and 3) the director determines that no impact has resulted from the contemplated development activity.

H. The city shall charge an administrative fee for verifying and computing the refund equal to the lesser of three percent (3%) of the amount of the refund or the city's actual cost of such verification and computing. (Ord. 23-00 § 1, 2000: Ord. 106-99 § 1, 1999)

## 18.98.130: USE OF FUNDS:

A. Impact fees shall be used solely for the purposes for which they were received.

B. Except as provided in subsection 18.98.120D or F of this chapter, impact fees shall not be imposed to make up for deficiencies in existing facilities serving existing developments.

C. Impact fees shall not be used for maintenance or operation.

D. Impact fees may be spent for planned facilities, including, but not limited to, planning, land acquisition, construction, engineering, architectural, permitting, financing, and administrative expenses, mitigation costs, capital equipment pertaining to planned facilities, and any other similar expenses which can be capitalized pursuant to generally accepted accounting principles.

E. Impact fees may also be used to recoup improvement costs previously incurred by the city to the extent that new growth and development activity will be served by the previously constructed improvements or incurred costs.

F. Impact fees may be used to recoup the cost of studying, analyzing, and preparing the impact fees.

G. Impact fees may be used to pay debt service on bonds or similar debt instruments issued to finance planned facilities to the extent such planned facilities serve the development activity for which the impact fees were imposed. (Ord. 23-00 § 1, 2000: Ord. 106-99 § 1, 1999)

## 18.98.140: SUPPLEMENTAL REGULATION TO OTHER FINANCING METHODS:

Except as otherwise provided herein, impact fees are in addition to any other requirements, taxes, fees, or assessments imposed by the city on development activity or the issuance of building permits or certificates of occupancy. Impact fees are intended to be consistent with the city's general plan, capital facilities plan, land development ordinances, and other city policies, ordinances and resolutions by which the city seeks to ensure the provision of capital facilities in conjunction with development activity.

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. 23-00 § 1, 2000: Ord. 106-99 § 1, 1999)

## 18.98.150: ADJUSTMENTS:

A. The director may adjust the impact fees or service areas periodically, after a study and proper notice as provided in Utah code title 11, chapter 36, as amended.

B. The director may adjust the standard impact fee in the schedule of impact fees at the time the fee is charged to:

1. Respond to unusual circumstances in specific areas.

2. Ensure that the impact fees are imposed fairly. (Ord. 23-00 § 1, 2000: Ord. 106-99 § 1, 1999)

## 18.98.160: INDEPENDENT CALCULATIONS:

A. If a fee payer desires not to have the impact fees determined according to the schedule set forth in section 18.98.190, "Appendix A; Impact Fee Schedule", of this chapter, then the fee payer shall prepare and submit to the director an independent impact fee calculation for the development activity for which a building permit is sought. The

documentation submitted shall show the basis upon which the independent impact fee calculation was made. The appropriate department staff persons shall review the independent impact fee calculation and provide an analysis to the director concerning whether the independent impact fee calculation should be accepted, rejected, or accepted in part. The director may adopt, reject, or adopt in part the independent impact fee calculation based on the department's analysis and based on the specific characteristics of the development activity. The impact fees or alternative impact fees and the calculations shall be set forth in writing and shall be mailed to the fee payer.

B. Any fee payer submitting an independent impact fee calculation must pay to the city a fee to cover the cost of reviewing the independent impact fee calculation. The fee shall be an amount equal to the actual review costs incurred by the city, including the cost of any consultant services deemed necessary by the city. The city shall require the fee payer to post a cash deposit of one hundred fifty dollars ($150.00) prior to initiating the review, subject to refunding to the fee payer any portion of such deposit that exceeds actual costs of review.

C. The director shall consider the documentation submitted by the fee payer and the analysis prepared by the appropriate department staff persons, but is not required to accept such documentation or analysis. The director may require the fee payer to submit additional or different documentation for consideration. The director may adjust the impact fees on a case by case basis based on the independent impact fee calculation and the specific characteristics of the development activity. The impact fees or alternative impact fees and the calculations shall be set forth in writing and shall be mailed to the fee payer. (Ord. 23-00 § 1, 2000: Ord. 106-99 § 1, 1999)

## 18.98.170: PENALTY PROVISION:

A violation of this chapter is a class B misdemeanor. Upon conviction, the violator shall be punishable according to law; however, in addition to or in lieu of any criminal prosecution, the city shall have the power to sue in civil court to enforce the provisions of this chapter. (Ord. 23-00 § 1, 2000: Ord. 106-99 § 1, 1999)

## 18.98.180: EFFECTIVE DATE:

This chapter shall take effect on June 1, 2000. However, this chapter shall not apply to any development activity with respect to which the developer has, prior to June 1, 2000:

A. 1. Acquired title to or control of the property to be developed, or

2. Obtained a commitment for financing of the development activity; and

B. Submitted development plans for the development activity to the city for review.

For purposes of this section, a person acquires "control" of property when that person becomes the lessee of the property, obtains an option to purchase the property or becomes a party to a fully executed purchase contract for the property. (Ord. 23-00 § 2, 2000: Ord. 106-99 § 2, 1999)

## 18.98.190: APPENDIX A; IMPACT FEE SCHEDULE:

Impact fees shall be as shown on the Salt Lake City consolidated fee schedule. (Ord. 24-11, 2011)

# CHAPTER 18.99
# HOUSING RELOCATION ASSISTANCE PROGRAM

## 18.99.010: PURPOSE:

The purpose of this chapter is to provide for relocation assistance to tenants of apartments in the city who are displaced from housing that has been closed by the city. It is in the public interest to reduce the amount of homelessness in the city through such assistance. (Ord. 24-98 § 1, 1998)

## 18.99.020: DEFINITIONS:

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

AGENCY: A nonprofit corporation appointed by the housing and neighborhood development division of the city to administer the program.

APARTMENT: A room or suite of rooms which is occupied or intended or designed to be occupied by one or more tenants for living or sleeping purposes or both.

The term "apartment" shall not be construed to mean a club, group home, transitional victim home, substance abuse home, transitional home, a lodge or a fraternity/sorority house.

PROGRAM: The tenant relocation assistance program provided for in this chapter.

TENANT: Shall be limited to persons who are parties to a written rental agreement with the landlord of the apartment, and to any dependent children of such persons who reside in the apartment. (Ord. 24-98 § 1, 1998)

## 18.99.030: NONCITY AGENCY RESPONSIBLE FOR PROGRAM:

A. The housing and neighborhood development division of the city shall annually designate the agency to administer the program and shall review annually all relocation assistance amounts provided pursuant to the program.

B. The agency shall perform the following functions:

1. After an apartment has been ordered closed by the city, meet with the tenants of that apartment and determine the type and extent of assistance required by the tenants.

2. Provide such tenants with a listing of available apartments, make available a telephone for the use of such tenants in locating an apartment, and arrange for such tenants to see the available apartments. This provision does not obligate the city or the agency to provide transportation for tenants.

3. Issue checks to tenants or landlords, or both, as necessary to provide assistance for relocation of the tenants. (Ord. 24-98 § 1, 1998)

## 18.99.040: TENANT RELOCATION FEE TO NONCITY AGENCY:

A. The agency shall be paid a fee by the city for each tenant fully assisted by the program who has a written referral from the city. Such written referral is intended:

1. To assure that only eligible tenants under the program are being served by the program, and

2. To allow the city to track the money spent on the program.

B. The tenant relocation fee shall be established at a maximum amount of six hundred dollars ($600.00) for each apartment vacated, plus an additional amount not to exceed one hundred dollars ($100.00) for moving expenses for each apartment vacated.

C. Tenants will be eligible for assistance in the form of deposit fees, one time partial rent payments, moving costs, and apartment referrals. (Ord. 24-98 § 1, 1998)

## 18.99.050: PERSONS ELIGIBLE FOR ASSISTANCE:

A. Tenants residing in apartment buildings containing four (4) or fewer apartments closed for "substandard" or "imminent danger/hazardous conditions" are eligible for relocation assistance. A notice and order to vacate may not be issued with respect to such apartments if the landlord has signed a stipulation with the city and is, to the reasonable satisfaction of the apartment inspector of the city, working on remedying the substandard or imminent danger/hazardous conditions. Each notice and order to vacate shall specify the date (the "10 day deadline") which is ten (10) days before the date on which the apartment is required to be vacated. A tenant will be eligible for relocation assistance under this subsection only if he or she vacates the apartment after the ten (10) day deadline has passed.

B. Relocation assistance will also be available to tenants in apartment buildings containing four (4) or fewer apartments which units are closed in connection with the unit legalization process. (Ord. 24-98 § 1, 1998)

## 18.99.060: APPROPRIATION OF MONEY BY CITY COUNCIL:

Relocation assistance will be available only to the extent that the city council appropriates money to the relocation assistance program. The city reserves the right to seek reimbursement or compensation from the owner of any apartment which has been vacated and with respect to which the city pays any relocation assistance fees, in the amount of any tenant relocation assistance fees paid with respect to such apartment. (Ord. 24-98 § 1, 1998)

### 18.99.070: PRIORITY TO FAMILIES OF LOW AND EXTREMELY LOW INCOME:

In selecting the tenants to receive monies appropriated for relocation assistance, the city and the agency shall grant a priority to tenants who are members of low income families or extremely low income families, as those terms are defined from time to time in the regulations of the United States department of housing and urban development. (Ord. 24-98 § 1, 1998)

# Title 19 - RESERVED

# Title 20 - SUBDIVISIONS

## CHAPTER 20.04
## GENERAL PROVISIONS

### 20.04.010: TITLE FOR CITATION:

This title shall be known and cited as *TITLE 20, SUBDIVISION ORDINANCE OF SALT LAKE CITY, UTAH.* (Prior code § 42-1-1)

### 20.04.020: STATUTORY AUTHORITY:

This title is enacted pursuant to title 10, Utah Code Annotated, 1953, or its successor. This title is further enacted as an implementation element of the adopted Salt Lake City master plan. (Ord. 7-99 § 1, 1999: prior code § 42-1-2)

### 20.04.030: PURPOSE OF PROVISIONS:

The purpose of this title, and any rules, regulations and specifications hereafter adopted, is to regulate and control the design and improvement of land for all purposes within Salt Lake City in order to preserve and enhance the health, safety, welfare and amenities of the community. (Prior code § 42-1-3)

### 20.04.040: MASTER PLAN STANDARDS:

The master plan for Salt Lake City shall guide the use of all land within the corporate boundaries of the city. When planned community plans have been adopted for certain areas,

they shall provide more detailed guidance. 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 master plan, the zoning ordinance of the city, and any planned community plans designed for the area. (Prior code § 42-1-4(1))

### 20.04.050: SUBDIVIDER'S RESPONSIBILITIES:

The subdivider shall prepare maps consistent with the standards contained in this title and, where applicable, to the standards contained in title 18, chapter 18.28 of this code, and will pay for the design and inspection of public improvements by the city officers as required. The subdivider shall process said maps in accordance with the regulations set forth in this title. The subdivider shall not alter the terrain or remove any vegetation from the proposed subdivision site, or engage in any site development until he has obtained a site development permit as specified in title 18, chapter 18.28 of this code, or its successor. (Prior code § 42-1-5(1))

### 20.04.060: PLANNING DIRECTOR POWERS AND DUTIES:

The planning director shall review the plats for design, for conformity with the master plan, for any planned community plans and the zoning ordinances of the city, and for the environmental quality of the subdivision design, and shall process the subdivision maps and reports and other actions as provided for in this title. (Prior code § 42-1-5(2))

### 20.04.070: CITY ENGINEER RESPONSIBILITIES:

The city engineer shall be responsible for reporting to the planning and zoning commission and the mayor as to engineering requirements including street widths, grades and alignments, and whether the proposed public improvements are consistent with the regulations contained in this title, and for the inspection and approval of all such public improvements. (Prior code § 42-1-5(3))

### 20.04.080: PLANNING AND ZONING COMMISSION AUTHORITY:

Except as may be specified elsewhere, the city planning and zoning commission shall:

A. Act as an advisory agency to the mayor;

B. Make investigations, reports and recommendations on proposed subdivisions or amendments as to their conformance to the master plan, site development ordinance, zoning ordinances of the city, and other pertinent documents;

C. Approve preliminary plats and, when requested by the mayor, report its actions and recommendations concerning the subdivision to the mayor. (Ord. 71-94 § 1, 1994: prior code § 42-1-5(4))

## 20.04.090: CITY ATTORNEY POWERS AND DUTIES:

The city attorney shall be responsible for reporting to the mayor as to the form of the final plat or other recordable instruments evidencing any action under this title. The city attorney shall certify that any lands dedicated to the public are dedicated in fee simple and that the person or persons dedicating the land are the owners of record. (Ord. 71-94 § 1, 1994: prior code § 42-1-5(5))

## 20.04.100: MAYOR'S POWERS AND DUTIES:

The mayor, or the mayor's designee, shall have final approval of final subdivision plats or other recordable instruments evidencing any action under this title, the establishment of requirements for and standards of design of public improvements, and the acceptance of lands and public improvements that may be proposed for dedication. (Ord. 71-94 § 1, 1994: prior code § 42-1-5(6))

## 20.04.110: MAPS REFERRED FOR COMMENT:

Maps of proposed subdivisions shall be referred for information and comment to all special districts, governmental boards, bureaus, utility companies, and other agencies which will provide public and private facilities and services to the subdivision, and to such other agencies which the planning director determines may be affected. (Prior code § 42-1-5(7))

## 20.04.120: PRESERVATION OF NATURAL FEATURES; RELATION TO OLDER SUBDIVISIONS:

A. Trees, native land cover, natural watercourses, and topography shall be preserved when possible, and the subdivision shall be so designed as to prevent excessive grading and scarring of the landscape in conformance with title 18, chapter 18.28 of this code.

B. The design of new subdivisions shall consider and relate to present street widths, alignments and names. (Prior code § 42-1-4(2))

## 20.04.130: COMMUNITY FACILITIES AND UTILITIES:

Community facilities such as schools, parks, recreation areas, etc., shall be provided in the subdivision in accordance with master plan standards and, where applicable, planned community plan standards. This title establishes procedures for the referral of proposed subdivision data 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 planning commission may require that the subdivider dedicate, grant easements over or otherwise reserve land for schools, parks, playgrounds, thoroughfares, utility easements, and other public purposes as specified. (Prior code § 42-1-4(3))

### 20.04.140: FEE SCHEDULE:

The following fees shall be charged, and the city treasurer shall collect the following fees associated with subdivision review:

A. Engineering Fees: The engineer shall charge and the city treasurer shall collect the following fees as shown on the Salt Lake City consolidated fee schedule:

1. Preliminary subdivision review fee (shall be based upon the number of lots in the original preliminary plat, whichever is higher).

2. Final subdivision engineering design review and inspection fee.

3. Main line sewer extension, engineering design, field surveying and inspection fee.

B. Planning Director Fees: The planning director shall charge, and the city treasurer shall collect the following fees:

1. The fee for review of preliminary plans, which fee shall be based upon the number of lots in the original preliminary or the approved preliminary plat, whichever is higher, upon submission of the preliminary plat, as shown on the Salt Lake City consolidated fee schedule;

2. Final approval fees for checking plat against approved preliminary plat shall be shown on the Salt Lake City consolidated fee schedule. (Ord. 24-11, 2011)

# CHAPTER 20.08
# DEFINITIONS

### 20.08.010: DEFINITIONS GENERALLY:

Whenever any words or phrases used in this title are not defined in this title, but are defined in related sections of the Utah code or in the zoning ordinances of the city, such definitions are incorporated in this chapter and shall apply as though set forth herein in full, unless the context clearly indicates a contrary intention. (Prior code § 42-2-1)

### 20.08.020: ALLEY:

"Alley" means a street providing only secondary access to abutting property. (Prior code § 42-2-2)

### 20.08.025: AMENDMENT PETITION:

"Amendment petition" means a written petition to the city seeking approval for a 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. (Ord. 71-94 § 1, 1994)

### 20.08.030: BLOCK:

"Block" means an area of land within a subdivision entirely bounded by streets (other than alleys), freeways, railroad rights of way, natural barriers, or the exterior boundaries of the subdivision. (Prior code § 42-2-3)

### 20.08.040: CITY ATTORNEY:

"City attorney" means the Salt Lake City attorney. (Prior code § 42-2-4)

### 20.08.050: CITY ENGINEER:

"City engineer" means the Salt Lake City engineer. (Prior code § 42-2-6)

### 20.08.060: CITY RECORDER:

"City recorder" means the Salt Lake City recorder. (Prior code § 42-2-7)

### 20.08.070: COLLECTOR STREET:

"Collector street" means a street designed to collect and distribute traffic between streets and arterials. (Prior code § 42-2-8)

### 20.08.075: COMMERCIAL/INDUSTRIAL/AGRICULTURAL SUBDIVISION:

"Commercial/industrial/agricultural subdivision" means any subdivision of land located in any commercial, industrial or agricultural zoning district which will allow or provide for the construction of nonresidential uses in buildings which are allowed as permitted or conditional uses within the district or within an area shown in an adopted general plan for commercial, industrial or agricultural uses of varying intensities. (Ord. 71-94 § 1, 1994)

### 20.08.080: CONDOMINIUM:

"Condominium" means a property conforming to the definition set forth in section 57-8-3, Utah Code Annotated, 1953, or its successor. (Prior code § 42-2-9)

### 20.08.090: COUNTY RECORDER:

"County recorder" means the Salt Lake County recorder. (Prior code § 42-2-10)

### 20.08.100: CUL-DE-SAC:

"Cul-de-sac" means a local street open at only one end which has a turnaround for vehicles at the closed end. (Prior code § 42-2-11)

### 20.08.110: FINAL PLAT:

"Final plat" means a map, prepared in accordance with the provisions of title 57, Utah Code Annotated, 1953, and of this title, designed to be placed on record in the office of the Salt Lake County recorder. (Prior code § 42-2-12)

### 20.08.120: FLAG LOT:

"Flag lot" means a lot with the buildable area at a distance from a public street, and with a narrow extension or access strip to connect the buildable area to the street. (Prior code § 42-2-13)

### 20.08.130: FREEWAY:

"Freeway" means a divided arterial highway designed for through traffic, having grade separated intersections and full control of access. (Prior code § 42-2-14)

### 20.08.135: IMPROVEMENT AGREEMENT:

"Improvement agreement" means an agreement described in section 20.24.040 of this title. (Ord. 94-98 § 1, 1998)

### 20.08.140: INDUSTRIAL STREET:

"Industrial street" means a street which serves an industrial area and connects such area to the major street system. (Prior code § 42-2-16)

### 20.08.150: INTERSECTION:

"Intersection" means the place at which two (2) or more streets meet. (Prior code § 42-2-17)

### 20.08.160: LOCAL STREET:

"Local street" means a street which provides direct access to properties abutting that street, primarily in residential districts. (Prior code § 42-2-18)

### 20.08.170: LOOP STREET:

"Loop street" means a local street which intersects the same collector street at both its ends and has no intermediate intersections with through streets. (Prior code § 42-2-19)

### 20.08.180: LOT:

"Lot" means a parcel or portion of land established for purposes of sale, lease, finance, division of interest or separate use, separated from other lands by description on a subdivision map and/or parcel map. (Prior code § 42-2-20)

### 20.08.185: LOT LINE ADJUSTMENT:

"Lot line adjustment" in a subdivision means the relocation of the property boundary line between two (2) adjoining lots with the consent of the owners of record as required by this title. (Ord. 7-99 § 2, 1999: Ord. 71-94 § 1, 1994)

## 20.08.190: MAJOR THOROUGHFARE:

"Major thoroughfare" means a street designed to serve high volume city traffic and to act as a distributor between freeways, other arterial roads and major traffic generators. (Prior code § 42-2-21)

## 20.08.200: MASTER PLAN:

"Master plan" means the master plan for the future development of Salt Lake City, as adopted, and any subsequent amendments thereto. (Prior code § 42-2-22)

## 20.08.205: MINOR RESIDENTIAL SUBDIVISION AMENDMENT:

(Rep. by Ord. 7-99 § 3, 1999)

## 20.08.210: MINOR SUBDIVISION:

"Minor subdivision" means:

A. The division of real property, including condominiums and planned unit developments, into thirty (30) or fewer lots which have frontage on an existing dedicated street or on a street to be dedicated as part of the subdivision and which are not located within the foothills FR-1, FR-2, FR-3 district or FP foothills protection district;

B. The division of any real property for the creation of a commercial/industrial/agricultural subdivision. (Ord. 7-99 § 4, 1999: Ord. 71-94 § 1, 1994: prior code § 42-2-23)

## 20.08.220: PLANNING COMMISSION OR PLANNING AND ZONING COMMISSION:

"Planning commission" or "planning and zoning commission" means the Salt Lake City planning and zoning commission. (Prior code § 42-2-24)

## 20.08.230: PLANNING DIRECTOR:

"Planning director" means the director of the Salt Lake City planning and zoning division. (Prior code § 42-2-25)

### 20.08.240: PRELIMINARY DESIGN MAP:

"Preliminary design map" means a map to be submitted to the planning director prior to the filing of a preliminary plat to show the general characteristics of the proposed subdivision. (Prior code § 42-2-26)

### 20.08.250: PRELIMINARY PLAT:

"Preliminary plat" means a plat showing the design of a proposed subdivision and the existing conditions in and around the subdivision. It need not be based upon a detailed final survey of the property, except as provided in chapter 20.16 of this title; however, it shall be graphically accurate to reasonable tolerance. (Prior code § 42-2-27)

### 20.08.260: PUBLIC IMPROVEMENT:

"Public improvement" means street work, utilities and other facilities proposed or required to be installed within the subdivision for the general use of the subdivision lot owners and for local neighborhood or community needs. (Prior code § 42-2-28)

### 20.08.265: SECURITY DEVICE:

"Security device" means any of the following, in a form acceptable to the city attorney, which secures the performance of the subdivider's obligations under the improvement agreement: a) a separate payment bond and a separate performance bond provided by a corporate surety company; b) a cash bond or escrow agreement; or c) a letter of credit. (Ord. 94-98 § 2, 1998)

### 20.08.270: STANDARD SPECIFICATIONS:

"Standard specifications" means all the standard specifications and standard detailed drawings prepared by the responsible city departments and approved by resolution of the city council. (Prior code § 42-2-29)

### 20.08.280: STREET:

"Street" means all parts of a public street between the property or boundary lines, including parking, sidewalks, gutters and roadways including highways, avenues, boulevards, parkways, roads, lanes, walks, alleys, viaducts, subways, tunnels, bridges, public easements and other ways. (Ord. 71-94 § 1, 1994: prior code § 42-2-30)

## 20.08.290: SUBDIVIDER:

"Subdivider" means and shall be defined as any person, firm, corporation, partnership or association who causes land to be divided into a subdivision. (Prior code § 42-2-31)

## 20.08.300: SUBDIVISION:

"Subdivision" means any land that is divided, resubdivided or proposed to be divided into two (2) 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. For purposes of this chapter, "subdivision" includes:

A. The division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instruments;

B. Divisions of land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes;

C. Any condominium project; and

D. Any planned development project pursuant to title 21A, chapter 21A.55 of this code. (Ord. 94-98 § 3, 1998: Ord. 71-94 § 1, 1994: prior code § 42-2-32)

## 20.08.305: SUBDIVISION AMENDMENT INVOLVING STREETS:

"Subdivision amendment involving streets" means a proposed change to any subdivision for which a subdivision plat has been previously approved and recorded and which results in any change to the dedicated streets from the original subdivision plat. (Ord. 7-99 § 5, 1999)

## 20.08.307: SUBDIVISION AMENDMENT NOT INVOLVING STREETS:

"Subdivision amendment not involving streets" means a proposed change to any subdivision, for which a subdivision or plat has been previously approved and recorded and which does not result in any change to the dedicated streets from the original subdivision plat. (Ord. 7-99 § 6, 1999)

## 20.08.310: SUBDIVISION COMMITTEE:

"Subdivision committee" means and includes the planning director, the city engineer and two (2) other members of the planning and zoning commission. (Prior code § 42-2-33)

### 20.08.320: SUBDIVISION DESIGN:

"Subdivision design" means the overall layout of the proposed subdivision, including, but not limited to, the arrangement of streets and intersections, the layout and size of lots, the widths and locations of easements and rights of way for utilities, drainage structures, sewers and the nature and location of public or semipublic facilities, programs for the preservation of natural features, and the installation of public improvements. (Prior code § 42-2-34)

# CHAPTER 20.12
# PRELIMINARY DESIGN MAPS

### 20.12.010: PRELIMINARY DESIGN MAP AND CONFERENCE:

Prior to the filing of a preliminary plat, the subdivider shall meet with and submit to the planning director three (3) copies of a preliminary design map at a scale and in detail sufficient to indicate the essential characteristics of the subdivision, including:

A. The number, size and design of lots;

B. The location and width of streets;

C. The location of any important reservations or easements;

D. The general nature and extent of grading;

E. The relation of the subdivision to all surrounding lands; and

F. Any other data necessary to enable the subdivision committee to review the proposed subdivision. (Prior code § 42-3-1)

### 20.12.020: SITE DEVELOPMENT PERMIT REQUIRED:

The subdivision committee, after review of the preliminary design map, shall indicate to the subdivider whether a site development permit, as specified in title 18, chapter 18.28 of this code, is required prior to the subdivider altering the terrain or vegetation on the proposed subdivision. Notwithstanding the foregoing sentence appearing to the contrary, all subdivisions within the areas defined in sections 21A.24.020 through 21A.24.040 and 21A.32.040 of this code, shall be subject to the provisions of the site development ordinance. (Prior code § 42-3-2)

# CHAPTER 20.16
# PRELIMINARY PLATS

## 20.16.010: FILING OF PLAT; NUMBER OF COPIES; IDENTIFICATION:

The subdivider shall file with the planning director ten (10) white copies and one duplicate tracing and such other copies and data as may be required of the preliminary plat of each proposed subdivision. The planning director shall indicate upon all copies of the preliminary plat and accompanying data the date of filing, which shall be the date on which all required maps, tracings and accompanying data are deposited in the office of the planning director. (Prior code § 42-4-1)

## 20.16.020: FEES:

At the time a preliminary plat is filed, the subdivider shall pay an application fee shown on the Salt Lake City consolidated fee schedule. (Ord. 24-11, 2011)

## 20.16.030: PREPARATION OF MAP; CERTIFICATION OF BOUNDARIES:

The subdivider shall cause the preliminary plat of the land proposed to be subdivided to be prepared by a person authorized by state law to prepare such a map. The accuracy of the boundaries of the preliminary plat shall be certified by a registered civil engineer or licensed surveyor. (Prior code § 42-4-3)

## 20.16.040: SCALE OF MAP; REPRODUCTION:

The scale of a preliminary plat of a subdivision shall be not less than one inch equals one hundred feet (1" = 100'), and such map shall be clearly and legibly reproduced. (Prior code § 42-4-4)

## 20.16.050: VICINITY SKETCH:

A vicinity sketch at a scale of one thousand feet (1,000') or more to the inch shall be drawn on the preliminary plat. It shall show the street and tract lines and names and numbers of all existing subdivisions, and the outline and acreage of parcels of land adjacent to the proposed subdivision. (Prior code § 42-4-5)

## 20.16.060: INFORMATION ON MAP OR IN DATA STATEMENT:

A. The following information shall be shown on the preliminary plat or in an accompanying data statement:

1. Any subdivision containing ten (10) lots or more shall be given a name and unit number, if applicable. Such subdivision names shall not duplicate or nearly duplicate the name of any subdivision in the city or county;

2. The name and address of the record owner or owners;

3. The name and address of the subdivider; if different from the recorded owner, there shall be a statement from the recorded owner authorizing the subdivider to act;

4. The name and address of the person, firm or organization preparing the preliminary plat, and a statement indicating the recorded owner's permission to file the plat;

5. The date, north point, written and graphic scales;

6. A sufficient description to define the location and boundaries of the proposed subdivision;

7. The locations, names and existing widths and grades of adjacent streets;

8. The names and numbers of adjacent subdivisions and the names of owners of adjacent unplatted land;

9. The contours, at one foot (1') intervals, for predominant ground slopes within the subdivision between level and five percent (5%), and five foot (5') contours for predominant ground slopes within the subdivisions over five percent (5%). Such contours shall be based on the Salt Lake City datum. The closest city bench mark shall be used, and its elevation called out on the map. Bench mark information shall be obtained from the city engineer;

10. A grading plan, showing by appropriate graphic means the proposed grading of the subdivision;

11. The approximate location of all isolated trees with a trunk diameter of four inches (4") or greater, within the boundaries of the subdivision, and the outlines of groves or orchards;

12. The approximate boundaries of areas subject to inundation or storm water overflow, and the location, width and direction of flow of all watercourses;

13. 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;

14. A statement of the present zoning and proposed use of the property, as well as proposed zoning changes, whether immediate or future;

15. Any proposed public areas;

16. Any proposed lands to be retained in private ownership for community use. When a subdivision contains such lands, the subdivider shall submit, with the preliminary plat, the name and articles of incorporation of the owner or organization empowered to own, maintain and pay taxes on such lands;

17. The approximate widths, locations and uses of all existing or proposed easements for drainage, sewerage and public utilities;

18. The approximate radius of each curve;

19. The approximate layout and dimensions of each lot;

20. The area of each lot to the nearest one hundred (100) square feet;

21. A statement of the water source;

22. A statement of provisions for sewerage and sewage disposal;

23. Preliminary indication of needed major storm drain facilities;

24. The locations, names, widths, approximate grades and a typical cross section of curbs, gutters, sidewalks and other improvements of the proposed street and access easements, including proposed locations of all underground utilities;

25. Any existing or proposed dedications, easements and deed restrictions;

26. A preliminary landscaping plan, including, where appropriate, measures for irrigation and maintenance;

27. 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;

28. If it is contemplated that the development will proceed by units, the boundaries of such units shall be shown on the preliminary plat. (Prior code § 42-4-6)

## 20.16.070: STREET NAME PRINCIPLES:

The following principles shall govern street names in a subdivision:

A. Each street which is a continuation, or an approximate continuation of any existing dedicated street shall be shown on the preliminary plat and shall be given the name of such existing street. When any street forms a portion of a proposed street previously ordered by the city to be surveyed, opened, widened or improved, the street shall be given the name established in said order.

B. The names of newly created streets of a noncontinuous or noncontiguous nature shall not duplicate or nearly duplicate the name of any streets in the city or county.

C. The words, "street", "avenue", "boulevard", "place", "way", "court" or other designation of any street shall be spelled out in full on the map and shall be subject to approval by the planning commission. (Prior code § 42-4-7)

## 20.16.080: ACCOMPANYING DATA STATEMENT:

Such information as cannot be conveniently shown on the preliminary plat of a subdivision shall be contained in a written statement accompanying the map. (Prior code § 42-4-8)

## 20.16.090: DISTRIBUTION OF PLAT FOR REVIEW AND COMMENT:

A. Within five (5) days of filing of a preliminary plat of a subdivision, the planning director shall transmit the requested number of copies of such map, together with accompanying data, to such public agencies and utilities as may be concerned. Each of the public agencies and utilities may, within twenty one (21) days after the plat has been filed, forward to the planning director a written report of its findings and recommendations thereon.

B. The planning director shall prepare a written report on the conformity of the preliminary plat to the provisions of the master plan, any applicable planned community plan, the zoning ordinance, and all other applicable requirements of this title and other ordinances and regulations of the city.

C. The city engineer shall prepare a written report of recommendations on the preliminary plat in relating to the public improvement requirements of this title. (Prior code § 42-4-9)

## 20.16.095: ISSUES ONLY HEARING:

A. Within thirty (30) days after the filing of a preliminary plat of a subdivision in a foothills FR-1, FR-2, FR-3 district or FP foothills protection district and any other information required, unless such time is extended by agreement with the subdivider, the planning commission shall hold a hearing. The subdivider shall make a presentation of the subdivision proposal to the planning commission. The planning staff shall present a report preliminarily identifying any issues relating to the project based on either the project's location, topography, relationship to city improvements, master plans or otherwise. Any interested party may also present their comments regarding the proposed subdivision.

B. Notice of the issues only hearing shall be mailed, at the subdivider's expense, to the owners of all land abutting the proposed subdivision and the portions of any streets to be constructed as part of the subdivision and all registered or recognized organizations pursuant to title 2, chapter 2.62 of this code or its successor. (Ord. 7-99 § 7, 1999: Ord. 71-94 § 1, 1994)

## 20.16.100: PLANNING COMMISSION ACTION:

Within sixty (60) days after the filing of a preliminary plat of a subdivision and any other information required, unless such time is extended by agreement with the subdivider, the planning commission shall act thereon. If the planning commission shall find that the proposed plat complies with the requirements of this chapter, it shall recommend approval of the plat. If the planning commission shall find that the proposed map does not meet the requirements of the city ordinances, it shall recommend conditional approval or disapproval of such plat. (Prior code § 42-4-10)

## 20.16.110: NOTICE OF COMMISSION ACTION TO SUBDIVIDER:

The planning director shall notify the subdivider, in writing, of the action taken by the city planning commission together with one copy of the preliminary plat and one copy of the planning commission's report thereon. One copy of the plat and accompanying data and the planning commission's report shall be retained in the permanent file of the planning commission. (Prior code § 42-4-11)

### 20.16.120: COMPLIANCE WITH ALL CITY REQUIREMENTS:

Approval of the preliminary plat shall in no way relieve the subdivider of his/her responsibility to comply with all required conditions and ordinances, and to provide the improvements and easements necessary to meet all city standards. (Prior code § 42-4-12)

### 20.16.130: APPEAL OF PLANNING COMMISSION DECISION:

Any person adversely affected by a final decision made by the planning commission under this chapter may appeal to the appeals hearing officer in accordance with the provisions of title 21A, chapter 21A.16 of this code. (Ord. 8-12, 2012)

# CHAPTER 20.20
# MINOR SUBDIVISIONS

### 20.20.010: APPLICABILITY OF CHAPTER:

Notwithstanding any other provisions of this title to the contrary, the procedure set forth in this chapter shall govern the processing of and the requirements pertaining to minor subdivisions. (Ord. 71-94 § 1, 1994: prior code § 42-5-1)

### 20.20.020: REQUIRED CONDITIONS AND IMPROVEMENTS:

A minor subdivision shall conform to the standards specified in section 20.28.010, or its successor, of this title, and shall also meet the following standards:

A. The general character of the surrounding area shall be well defined, and the minor subdivision shall conform to this general character;

B. Lots created shall conform to the applicable requirements of the zoning ordinances of the city;

C. Utility easements shall be offered for dedication as necessary;

D. Water supply and sewage disposal shall be satisfactory to the city engineer;

E. Public improvements shall be satisfactory to the planning director and city engineer. (Ord. 71-94 § 1, 1994: prior code § 42-5-5)

## 20.20.030: FILING OF PLAT AND INFORMATION:

The subdivider of a minor subdivision shall file an application with the planning office on a form prescribed by the city. The application shall include:

A. Twelve (12) copies of a preliminary plat drawing, 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 plat shall be certified as accurate by a registered civil engineer or licensed surveyor;

B. The names and addresses, on gummed mailing labels, from the current county recorder's assessment rolls of the owners of all real property abutting the proposed subdivision. (Ord. 7-99 § 9, 1999: Ord. 71-94 § 1, 1994: prior code § 42-5-2)

## 20.20.040: SITE DEVELOPMENT PERMIT REQUIRED WHEN:

The planning director, or designee, after receiving the minor subdivision plat, shall indicate to the subdivider whether a site development permit, as specified in title 18, chapter 18.28 of this code, is required prior to the subdivider altering the terrain or vegetation on the proposed subdivision site. The site development permit will be issued at the time of planning commission approval of the minor subdivision. (Ord. 7-99 § 10, 1999: Ord. 71-94 § 1, 1994: prior code § 42-5-2)

## 20.20.050: CITY INTERNAL REVIEW:

The planning director, or designee, shall obtain comments regarding the application from all interested city departments or divisions. (Ord. 7-99 § 11, 1999: Ord. 71-94 § 1, 1994: prior code § 42-5-4)

## 20.20.060: PUBLIC NOTICE OF ADMINISTRATIVE CONSIDERATION:

A. The planning director, or designee, shall schedule the time for a public administrative consideration of the proposed minor subdivision. The administrative consideration shall not be scheduled less than fourteen (14), nor more than twenty eight (28), days after the notices required by this section have been mailed.

B. Notice of the proposed minor subdivision shall be mailed to all property owners specified in subsection 20.20.030B of this chapter or its successor.

C. The mailed notice shall include a plan or drawing of the proposed minor subdivision. The notice shall inform the notified party of the date and time of the administrative consideration of the proposed minor subdivision. The notice shall specify that if no prior objection to the administrative consideration is received, the planning director, or designee, may approve the minor subdivision. The notice shall further specify that if no objection is received within fourteen (14) days after approval at the administrative consideration, such approval shall be final.

D. For any petition filed after January 1, 1995, notice shall also be posted at least ten (10) days prior to the scheduled administrative consideration pursuant to regulations adopted by the planning director. (Ord. 61-09 § 1, 2009: Ord. 7-99 § 12, 1999: Ord. 71-94 § 1, 1994: prior code § 42-5-6)

## 20.20.070: ADMINISTRATIVE APPROVAL:

If no objection is received as required by section 20.20.080 of this chapter or its successor, the planning director, or designee, may, at the administrative consideration, approve the proposed minor subdivision if the planning director, or designee, finds that:

A. The minor subdivision will be in the best interests of the city;

B. All lots comply with all applicable zoning standards;

C. All necessary and required dedications are made;

D. Provisions for the construction of any required public improvements are included; and

E. The subdivision otherwise complies with all applicable laws and regulations. (Ord. 7-99 § 13, 1999: Ord. 71-94 § 1, 1994)

## 20.20.080: APPEAL OF ADMINISTRATIVE CONSIDERATION:

A. The petitioner or any person who objects to the planning director, or designee, administratively considering the minor subdivision may request a hearing before the planning commission by filing a written notice within fourteen (14) days after the planning director's scheduled administrative consideration.

B. The notice shall specify all reasons for the objection to the minor subdivision.

C. The planning commission shall hear testimony and make a recommendation on the minor subdivision. (Ord. 7-99 § 14, 1999: Ord. 71-94 § 1, 1994)

### 20.20.090: APPEAL OF PLANNING COMMISSION DECISION:

The petitioner, or any person who is aggrieved by a finding of the planning commission concerning the approval of a proposed minor subdivision and who objected to the administrative consideration, may appeal to the appeals hearing officer in accordance with the provisions of title 21A, chapter 21A.16 of this code. (Ord. 8-12, 2012)

### 20.20.100: PLANNING DIRECTOR FINAL APPROVAL OF RECORDABLE INSTRUMENT:

The planning director, or designee, is designated to execute for the city the final recordable instrument for any approved minor subdivision upon the planning director's or designee's satisfaction that all conditions required by law have been fulfilled. (Ord. 7-99 § 16, 1999: Ord. 71-94 § 1, 1994)

### 20.20.110: RECORDABLE INSTRUMENT:

A. Minor subdivisions which include the dedication or construction of streets or other public rights of way or the construction of public improvements shall be processed as a final plat and recorded on a subdivision plat map with the county recorder.

B. Minor subdivisions not involving streets, public rights of way or the construction of public improvements shall be recorded as a notice of minor subdivision approval. (Ord. 7-99 § 17, 1999: Ord. 71-94 § 1, 1994)

### 20.20.120: REPORT OF PLANNING DIRECTOR'S ACTIONS:

The planning director shall periodically report to the mayor and the planning commission of any action taken by the planning director, or designee, regarding minor subdivisions pursuant to this chapter. (Ord. 7-99 § 18, 1999: Ord. 71-94 § 1, 1994)

# CHAPTER 20.24
# FINAL PLATS

## 20.24.010: FILING DATE FOR FINAL PLAT:

Within eighteen (18) months after the approval or conditional approval of the preliminary plat, a subdivider shall cause his/her subdivision, or any part thereof, to be surveyed and a final plat thereof prepared in conformance with the preliminary plat as approved, including conformance with any conditions attached to such approval. The tracing and paper prints of the final plat may be approved by the mayor upon recommendation by the planning commission, the planning director, or designee, provided that written application is filed by the subdivider not less than thirty (30) days in advance of the expiration of the preliminary plat. (Ord. 7-99 § 19, 1999: prior code § 42-6-1)

## 20.24.020: DOCUMENTS AND DATA REQUIRED:

At the time a final plat of a subdivision is submitted to the city engineer, the subdivider shall submit therewith the following documents:

A. Calculation and traverse sheets, in a form approved by the city engineer, giving bearings, distances and coordinates of the boundary of the subdivision, and blocks and lots as shown on the final plat;

B. A no access rights certificate shall be shown on the final plat where required;

C. Design data, assumptions and computations, for proper analysis in accordance with sound engineering practice;

D. The final plat shall be accompanied by a current 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;

E. A preliminary soil report prepared by a civil engineer specializing in soil mechanics and registered by the state of Utah, based upon adequate test borings or excavations. The fact that a soil report has been prepared shall be noted on the final plat;

F. If the preliminary soil report indicates the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects, a soil investigation of each lot in the subdivision may be required. The soil investigation shall recommend corrective action intended to prevent structural damage;

G. The agreement and bonds specified in sections 20.24.040 and 20.24.050 of this chapter, or successor sections;

H. Three (3) copies of all proposed deed restrictions. (Prior code § 42-6-2)

## 20.24.030: PREPARATION AND MATERIALS OF FINAL PLAT:

A. 1. The requirements for the final plat, or drawing to be submitted, as above provided, shall consist of a sheet of approved industrial grade tracing linen or Mylar to the

outside, or trim line dimensions of twenty two by thirty four inches (22 x 34") and the border line of the plat shall be drawn in heavy lines leaving a space of at least one and one-half inches ($1\frac{1}{2}$") on the left hand margin of the sheet for binding, and not less than a one-half inch ($\frac{1}{2}$") margin, in from the outside or trim line, around the other three (3) edges of the sheet. The plat shall be so drawn that the top of the sheet either faces north or west, whichever accommodates the drawing best. All lines, dimensions and markings shall be made on the tracing linen with approved waterproof black India drawing ink.

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, clearcut and readable. The subdivider must also furnish, in addition to the original plat or drawing, an approved and acceptable reproduction of the original plat or drawing made on tracing linen, and to the same dimension and size as the original, or shall furnish two (2) original tracings, as above provided, whichever is preferred.

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 or drawing so that the lines, dimensions and markings 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 chapter. The location of the subdivision within the city shall be shown by a small scale map on the first sheet.

B. 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 "Salt Lake City". Plats filed for the purpose of showing land previously subdivided as acreage shall be conspicuously marked with the words "Reversion to Acreage".

C. Wherever the city engineer 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.

D. An accurate and complete boundary survey to second order accuracy shall be made of the land to be subdivided. A traverse of the exterior boundaries of the tract, and of each block, when computed from field measurements on the ground, shall close within a tolerance of one foot (1') to ten thousand feet (10,000') of perimeter.

E. The final plat shall show all survey and 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 centers of curves.

F. All lots and blocks and all parcels offered for dedication for any purpose shall be delineated and designated with all dimensions, boundaries and courses clearly shown and defined in every case. Parcels offered for dedication other than for streets or easements shall be designated by letter. 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 (2) 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.

G. The map 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 fifty feet (50') of the subdivision shall be shown. 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. Whenever the centerline of a street has been established or recorded, the date shall be shown on the final map.

H. 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.

I. If the subdivision is adjacent to a waterway, the map 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 one percent (1%) frequency flood, i.e., a flood having an average frequency of occurrence in the order of once in one hundred (100) years although the flood may occur in any year. (The 100-year floodplain is defined by the army corps of engineers.)

J. 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 city engineer. The following required monuments shall be shown on the final plat:

1. The location of all monuments placed in making the survey, including a statement as to what, if any, points were reset by ties;

2. All real lot corner pipes and front lot corner pipes or offset cross marks in the concrete surface of the public sidewalk.

K. The title sheet of the map, below the title, shall show the name of the engineer or 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:

1. Registered, professional engineer's and/or land surveyor's "certificate of survey";

2. Owner's dedication certificate;

3. Notary public's acknowledgment;

4. 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;

5. Such other affidavits, certificates, acknowledgments, endorsements and notarial seals as are required by law and by this chapter.

L. Prior to the filing of the final plat with the mayor, the subdivider shall file the necessary tax lien certificates and documents. (Prior code § 42-6-3)

## 20.24.040: PUBLIC IMPROVEMENT AGREEMENT:

A. Prior to the approval by the mayor of the final plat, the subdivider shall execute and file an agreement between the subdivider and the city, specifying the period within which the subdivider shall complete all public improvement work to the satisfaction of the city engineer, and providing that if the subdivider shall fail to complete the public improvement work within such period, the city may complete the same and recover the full cost and expense thereof from the subdivider's security device or, if not recovered therefrom, from the subdivider personally. The agreement shall also provide for inspection and testing of all public improvements and that the cost of such inspections and testing shall be paid for by the subdivider.

B. Such agreement may also provide the following:

1. Construction of the improvements in units or phases; or

2. An extension of time under conditions specified in such agreement. (Ord. 94-98 § 4, 1998: prior code § 42-6-4)

## 20.24.050: BOND AND SECURITY REQUIREMENTS:

A. The subdivider shall file with the city engineer, together with the improvement agreement, a security device. With the consent of the city attorney, the subdivider may, during the term of the improvement agreement, replace a security device with any other type of security device. If a corporate surety performance bond and a corporate surety payment bond are used, each shall be in an amount equal to not less than one hundred percent (100%) of the estimated cost of the public improvements. If a cash bond, escrow agreement, or letter of credit is used to secure the performance and payment obligations, the aggregate amount thereof shall be not less than one hundred percent (100%) of the estimated cost of the public improvements. The estimates of the cost of the public improvements pursuant to this subsection shall be subject to the approval of the city engineer. Except as otherwise provided hereafter, each security device shall extend for at least a one year period beyond the date the public improvements are completed and accepted by the city, as certified by the city engineer, to secure the subdivider's obligations under the improvement agreement, including, without limitation, the replacement of defective public improvements.

B. In the event the subdivider fails to complete all public improvement work in accordance with the provisions of this chapter and the improvement agreement: 1) in the case of a corporate surety performance bond, the city shall have the following options, which shall be set forth in the bond: a) the city may require the subdivider's surety to complete the work, or b) the city may complete the work and call upon the surety for reimbursement; 2) in the case of a cash bond or escrow agreement, the subdivider shall forfeit to the city such portion of the money as is necessary to pay for the costs of completion; and 3) in the case of a letter of credit, the city may draw on the letter of credit to pay for the costs of completion. The subdivider shall be liable for, and the city may draw on the security device for, the city's costs and expenses incurred in realizing on the security device and otherwise pursuing its remedies hereunder and under the improvement agreement. If the amount of the security device exceeds all costs and expenses incurred by the city, the city shall release the remainder of the security device to the subdivider after the expiration of the one year period described in subsection A of this section, and if the amount of the security device shall be less than the costs and expenses incurred by the city, the subdivider shall be personally liable to the city for such deficiency.

C. The office of the city engineer shall monitor the progress of the work. Ninety (90) days following the completion and acceptance by the city (as certified by the city engineer) of all of the public improvements work and upon the receipt by the city of any lien waivers required by the city engineer and provided that the city has not received any claims or notices of claim upon the security device pursuant to section 20.24.052 of this chapter, the city engineer shall release or consent to the release of seventy five percent (75%) of the security device to the subdivider. The remaining twenty five percent (25%) shall be held for one year from the date of completion and acceptance by the city (as certified by the city engineer) of the public improvements work to make certain that the public improvements remain in good condition during that year and to secure the subdivider's other obligations under the improvement agreement. At the end of that year and upon the receipt by the city of any lien waivers required by the city engineer, and provided that the city has not received any claims or notices of claim upon the security device pursuant to section 20.24.052 of this chapter and that the public improvements remain in good condition and the subdivider has performed the subdivider's obligations under the improvement agreement, the city engineer shall release or consent to the release of the final twenty five percent (25%) of the security device to the subdivider. All sums, if any, held by the city in the form of cash shall be returned to the subdivider without interest, the interest on such money being reimbursement to the city for the costs of supervision of the account. If the security device is a corporate surety bond, copies of the partial releases from the engineer's office shall be sent to the recorder's office for inclusion with and attachment to the bond. The foregoing provisions of this subsection shall not apply to amounts required for erosion control and slope stabilization requirements, and any release with respect to such amounts shall be made as provided in subsection E of this section and in the improvement agreement.

D. A letter of credit shall be irrevocable unless otherwise expressly consented to in writing by the city engineer. All other terms of and conditions for a letter of credit shall be the same as those required for a cash bond or escrow agreement.

E. Where a subdivider is required to provide erosion control and slope stabilization facilities in a subdivision, the estimated cost of such facilities, as approved by the city engineer, shall be set forth as a separate figure in the security device. Upon the completion and acceptance by the city engineer of such facilities, and upon the receipt by the city of any lien waivers required by the city engineer, and provided that the city has not received any claims or notices of claim upon the security device pursuant to section

20.24.052 of this chapter, fifty percent (50%) of the money held as security for such facilities shall be returned to the subdivider and fifty percent (50%) shall be retained for two (2) growing seasons to ensure that growth has taken hold and to secure the subdivider's other obligations under the improvement agreement. All dead vegetation shall be replaced through replanting at the end of the second growing season. At the end of that two (2) year period and upon receipt by the city of any lien waivers required by the city engineer, and provided that the city has not received any claims or notices of claim upon the security device pursuant to section 20.24.052 of this chapter and that the erosion control and/or slope stabilization remains acceptable to the city, the city engineer shall release or consent to the release of the final fifty percent (50%) of the security device to the subdivider. All sums, if any, held by the city in the form of cash shall be returned to the subdivider without interest, the interest on such money being reimbursement to the city for the costs of supervision of the account. If the security device is a corporate surety bond, copies of the partial release from the engineer's office shall be sent to the recorder's office for inclusion with and attachment to the bond.

F. Within twenty (20) days after entering into a contract for the construction of the public improvements, the subdivider shall file with the city engineer a copy of the payment bond required by section 14-2-1, Utah Code Annotated 1953, as amended, which section requires the obtaining of such a bond to secure payment for material furnished and labor performed under the subdivider's contract with the contractor for the public improvements. (Ord. 94-98 § 5, 1998: prior code § 42-6-5)

## 20.24.052: SECURITY DEVICES SECURING PAYMENT RISK:

The terms of a corporate surety payment bond held by the city as a security device shall govern claims to the corporate surety by a claimant. Subsections A through E of this section shall govern claims by claimants on any security device which is a cash bond held by the city, a letter of credit, or an escrow agreement. For purposes of this section, "claim" means a request or demand by a claimant that: a) a corporate surety pay the claimant from a corporate surety payment bond or b) that the city either: 1) pay the claimant from a cash bond, or 2) make a draw request under a letter of credit or make a request for payment under an escrow agreement. For purposes of this section, "claimant" means a person who, pursuant to contract, furnished labor, materials, supplies, or equipment with respect to the public improvements. For purposes of this section, "contractor" means the person with whom the claimant has contracted to furnish labor, materials, supplies, or equipment with respect to the public improvements. For purposes of this section, "original contractor" means the person with whom the subdivider contracted to construct the public improvements.

A. The city shall be obligated to make a payment or request a payment to be made only to the extent of monies available under the security device, and shall have no duty to defend any person in any legal action relating to a claim.

B. The city shall have no obligation to a claimant under a security device until:

1. The claimant has furnished written notice to the contractor, with a copy to the original contractor, the subdivider and the city, within ninety (90) days after having last performed labor or last furnished materials, supplies or equipment included in the claim, stating, with substantial accuracy, the amount of the claim and the name of the party to whom the materials, supplies or equipment were furnished or for whom the labor was done or performed; and

2. Not having been paid within thirty (30) days after having furnished the above notice, the claimant has sent written claim to the city, with a copy to the original contractor and the subdivider, stating that a claim is being made under the security device and enclosing a copy of the previous written notice furnished to the contractor and to the city.

C. When the claimant has satisfied the conditions in subsection B of this section, the city shall, within thirty (30) days after receipt of the claim, take the following actions:

1. Send an answer to the claimant, with a copy to the original contractor and to the subdivider, stating the amounts that are undisputed and the basis for challenging any amounts that are disputed;

2. Pay or arrange for the payment of any undisputed amounts.

D. No suit or action shall be commenced by a claimant under a security device after the expiration of one year after the date of completion of the public improvements and acceptance thereof by the city (as certified by the city engineer). Any such suit or action shall be commenced only in a court of competent jurisdiction in Salt Lake City.

E. If the subdivider provides a security device comprising a cash bond, a letter of credit or escrow agreement, the subdivider and the contractor shall be deemed to have waived any right to sue the city because of any payment or draw made by the city under or pursuant to such security device. (Ord. 94-98 § 6, 1998)

## 20.24.055: NO PUBLIC RIGHT OF ACTION:

The provisions of sections 20.24.040 and 20.24.050 of this chapter, or successor sections, shall not be construed to provide any private right of action on either tort, contract, third party contract or any other basis on behalf of any property holder in the subdivision as against the city or on the security device required under section 20.24.050 of this chapter or its successor in the event that the public improvements are not constructed as required. Notwithstanding the foregoing sentence, any security device obtained pursuant to section 20.24.050 of this chapter to secure payment obligations with respect to the public improvements shall provide a private right of action to any person, at any tier, who supplies labor, material or equipment with respect to the public improvements. (Ord. 94-98 § 7, 1998: Ord. 63-87 § 1, 1987: prior code § 42-6-5.1)

## 20.24.060: PLANNING DIRECTOR CERTIFICATION:

The planning director shall certify in writing to the planning commission and to the city engineer that the final plat is in full conformity with all provisions of the zoning ordinance and all other applicable regulations of the city and this title. (Prior code § 42-6-6)

## 20.24.070: CITY ENGINEER REVIEW AND CERTIFICATION:

Upon receipt of the final plat and other data submitted therewith, the city engineer 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 city engineer shall determine that full conformity therewith has been made, and upon receipt of certification of conformity from the planning director as set forth in section 20.24.060 of this chapter, or its successor, the city engineer shall so certify on the plat, and shall transmit the plat to the planning commission. (Prior code § 42-6-7)

## 20.24.080: APPROVAL BY PLANNING DIRECTOR:

Upon receipt of the final plat, the planning director shall, within fourteen (14) days, examine the same to determine whether the plat conforms with the preliminary plat and with all changes permitted and all requirements imposed as a condition of its acceptance. If the planning director determines that the final plat conforms to the preliminary plat or the minor subdivision approval and all permitted changes or conditions, the planning director shall approve the plat for execution by the mayor. If the planning director determines that the final plat does not conform fully to the preliminary plat as approved, the planning director shall advise the subdivider of the changes or additions that must be made for approval. (Ord. 71-94 § 1, 1994: prior code § 42-6-8)

### 20.24.085: APPROVAL BY THE CITY ATTORNEY:

After the planning director's approval of the final plat, the city attorney shall review the final plat to determine the plat's conformity to law and the validity of any dedications granted to the city. (Ord. 71-94 § 1, 1994)

### 20.24.090: APPROVAL BY THE MAYOR:

After the city attorney's approval of the final plat, the mayor shall consider the plat, the plan of subdivision, and the offers of dedication. The mayor may reject any or all offers of dedication. As a condition precedent to the acceptance of any streets or easements or the approval of the subdivision, the mayor may require the subdivider, at the city's option, to either improve or agree to improve the streets and install such drainage and utility structures and services as and within the period the mayor shall specify. Such agreement shall include and have incorporated as part thereof, the plans, specifications and profiles referred to and required under section 20.24.020 of this chapter, or its successor. If the mayor determines that the plat is in conformity with the requirements of the ordinances of the city and that the mayor is satisfied with the plans of the subdivision and the city's acceptance of all offers of dedication, the mayor shall approve the plat. (Ord. 71-94 § 1, 1994: prior code § 42-6-9)

### 20.24.100: DISAPPROVAL OF PLAT BY MAYOR; REFILING:

If the mayor shall determine either that the plat is not in conformity with the requirements of the ordinances of the city, or that he/she is not satisfied with the plans of the subdivision, or if he/she shall reject any offer or offers of dedication, the mayor shall disapprove the plat, specifying reasons for such disapproval. Within thirty (30) days after the mayor has disapproved any plat, the subdivider may file with the city engineer a plat altered to meet the mayor's requirements. No final plat shall have any force or effect until the same has been approved by the mayor. (Prior code § 42-6-10)

### 20.24.110: RECORDATION WITH COUNTY:

When the mayor shall have approved the final plat, as aforesaid, and when the subdivider shall have filed with the city recorder the agreement and security device described in sections 20.24.040 and 20.24.050 of this chapter, or successor sections, and when such agreement and security device shall have been approved by the city attorney as to form, the plat shall be presented by the subdivider to the Salt Lake County recorder for recordation. (Ord. 94-98 § 8, 1998: prior code § 42-6-11)

# CHAPTER 20.28
# IMPROVEMENTS AND FLOOD CONTROL

## 20.28.010: REQUIRED IMPROVEMENTS; IMPROVEMENT AGREEMENT CONDITIONS:

A. The subdivider shall improve, or agree to improve, all streets, pedestrianways or easements in the subdivision, and adjacent streets required to serve the subdivision. No permanent improvement work shall be commenced until improvement plans and profiles have been approved by the city engineer and a subdivision agreement contract has been concluded between the subdivider and the city. Improvements shall be installed to permanent line and grade and to the satisfaction of the city engineer, and in accordance with the standard subdivision specifications contained in title 18, chapter 18.28 of this code or its successor, as adopted by the city. The cost of inspection shall be paid by the subdivider.

B. The minimum improvements which the subdivider normally shall make, or agree to make, at the cost of the subdivider, prior to acceptance and approval of the final subdivision map by the city shall be:

1. Grading, curbs and gutter, paving drainage, and drainage structures necessary for the proper use and drainage of streets and pedestrianways, and for the public safety;

2. Site grading and drainage, taking into consideration the drainage pattern of adjacent improved and unimproved property and treating upstream areas, where appropriate, as though fully improved. All site grading shall conform to the specifications contained in title 18, chapter 18.28 of this code, on site development regulations;

3. All streets and pedestrianways shall be graded, and surfaced to widths and grades shown on the improvement plans and profiles. The subdivider shall improve the extension of all subdivision streets and pedestrianways to any intercepting or intersecting streets;

4. Sidewalks shall be installed as shown on the improvement plans and profiles;

5. Sanitary sewer facilities connecting with the existing city sewer system shall be installed to serve the subdivision, with a separate private lateral for each lot, and to grades and sizes shown on the plans;

6. Stormwater drains shall be installed as shown on the plans;

7. Water mains and fire hydrants connecting to the water system serving the city shall be installed as shown on the plans signed by the city engineer. 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;

8. Street trees, if required, shall be of a type approved by the city and planted in approved locations;

9. Barricades, street signs and traffic safety devices shall be placed as required by the city engineer and city transportation engineer;

10. Street lighting facilities shall be provided in accordance with city policy for the area of the city where the subdivision is located, and shall be so screened as not to interfere with views from hillsides of the city;

11. 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 aboveground. The subdivider shall make necessary arrangements with the utilities involved for the installation of the underground facilities;

12. Provisions shall be made for any railroad crossings necessary to provide access to or circulation within the proposed subdivision. (Ord. 7-99 § 20, 1999: prior code § 42-8-1)

### 20.28.020: UNDERGROUND UTILITY INSTALLATION:

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 and sanitary sewers shall be laid to such length as will obviate the necessity for disturbing the street or alley improvements, when service connections thereto are made. (Prior code § 42-8-2)

### 20.28.030: IMPROVEMENTS; AS BUILT PLAN FILED ON COMPLETION:

A complete improvement plan "as built" shall be filed with the city engineer upon completion of said improvements. Such as built plans shall be drawn on copies of the original tracings and certified as to accuracy and completeness by the subdivider's licensed contractor. Upon receipt and acceptance of the as built plan, the city engineer will recommend formal acceptance by the mayor. (Amended during 1/88 supplement: prior code § 42-8-3)

### 20.28.040: FLOOD CONTROL REQUIREMENTS:

Notwithstanding the provisions of this section and sections 20.28.010 through 20.28.030 of this chapter, or successor sections, the following requirements shall be imposed as a condition of approval of a subdivision located within a floodplain area, as defined by title 18, chapter 18.68 of this code:

A. The subdivision design shall be consistent with the need to minimize flood damage;

B. Adequate drainage must be provided so as to reduce exposure to flood hazards; and

C. All public utilities and facilities such as sewer, gas, electrical and water systems shall be located, elevated or constructed so as to minimize or eliminate flood damage. (Prior code § 42-7-14)

# CHAPTER 20.29
# ROUTINE AND UNCONTESTED LOT LINE ADJUSTMENTS

### 20.29.010: PURPOSE:

The purpose of this chapter is to enable routine and uncontested lot line adjustments between two (2) lots to be considered and approved administratively by the planning division. (Ord. 7-99 § 21, 1999)

## 20.29.020: APPLICABILITY:

This chapter applies to routine and uncontested lot line adjustments between two (2) legally existing agricultural, residential, commercial or industrial subdivision lots. Applications processed pursuant to this chapter shall:

A. Meet all applicable zoning requirements.

B. Receive the consenting signatures of all abutting property owners as specified in section 20.29.030 of this chapter.

C. Not affect any street right of way.

D. Not create any new lots. (Ord. 7-99 § 21, 1999)

## 20.29.030: GENERAL APPLICATION CONTENTS:

The application for routine and uncontested lot line adjustments shall include:

A. The signatures of approval of all abutting property owners and property owners directly across any abutting street(s) on a form provided by the planning division.

B. Six (6) copies of a preliminary plat drawing in accordance with chapter 20.16 and section 20.08.250 of this title, showing the land to be subdivided, properly and accurately drawn to scale, certified as accurate by a registered land surveyor or professional engineer.

C. A current Sidwell map (with aerial photograph and ownership lines) from the Salt Lake County recorder's office showing the entire subject area. (Ord. 7-99 § 21, 1999)

## 20.29.040: FEES:

The petitioners shall pay an application review fee shown on the Salt Lake City consolidated fee schedule. (Ord. 24-11, 2011)

## 20.29.050: CITY INTERNAL REVIEW:

The planning director or designee shall review the application for completeness and for compliance to the regulations of the zoning ordinance. Upon review of the application and

preliminary plat, the planning director, or designee, may either approve the lot line adjustment or forward the application through the minor subdivision process as described in chapter 20.20 of this title. (Ord. 7-99 § 21, 1999)

### 20.29.060: RECORDABLE INSTRUMENT:

The planning director or designee shall record a notice with the Salt Lake County recorder's office containing the legal description of each new lot and stating any conditions of approval. (Ord. 7-99 § 21, 1999)

# CHAPTER 20.31
# SUBDIVISION AMENDMENTS

## Article I. General Provisions

### 20.31.010: AMENDMENT INITIATION:

The city may, with or without an amendment 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 pursuant to the provisions of this chapter. (Ord. 7-99 § 23, 1999)

### 20.31.020: PETITION FILING:

The owner of any land within a recorded subdivision may submit an amendment petition to the city planning director or designee pursuant to the provisions of this chapter. (Ord. 7-99 § 23, 1999)

### 20.31.030: GENERAL PETITION CONTENTS:

An amendment petition shall include:

A. A letter to the mayor requesting a subdivision plat amendment;

B. Ten (10) copies of a preliminary plat drawing showing the land to be subdivided, properly and accurately drawn to scale, certified as accurate by a registered land surveyor or professional engineer;

C. One reduced eleven inch by seventeen inch (11" x 17") or eight and one-half inch by eleven inch (8.5" x 11") copy of the preliminary plat drawing;

D. The name and address, on gummed mailing labels, of the following:

1. All owners, as shown in the last county assessment rolls, of the land contained in the entire original or previously amended subdivision plat and of all property owners within three hundred feet (300') of the property (excluding streets) that is the subject of the proposed plat change;

2. All owners, as shown in the last county assessment rolls, of land within the subdivision plat or adjacent to any street that is proposed to be closed, vacated, altered or amended;

3. The name and address of the petitioner;

4. The name and address of the chairperson(s) of the affected community council(s) of affected recognized or registered organizations pursuant to title 2, chapter 2.62 of this code or its successor; and

E. A current Sidwell map (with aerial photograph and ownership lines) from the Salt Lake County recorder's office showing the entire subdivision plat and notice area. (Ord. 7-99 § 23, 1999)

### 20.31.040: FEES:

The petitioners shall pay, with the amendment petition, the appropriate fees shown on the Salt Lake City consolidated fee schedule:

A. Petition filing fee;

B. Postage: The cost of postage for each mailing label as required by subsection 20.31.030D of this chapter. (Ord. 24-11, 2011)

## Article II. Subdivision Amendments Not Involving Streets

### 20.31.050: APPLICABILITY:

Residential, commercial, industrial or agricultural subdivision amendments not involving the closure, vacation, alteration or amendment of any street or, that cannot be processed under chapter 20.29 of this title as routine and uncontested lot line adjustments, shall be processed pursuant to this article. (Ord. 7-99 § 23, 1999)

## 20.31.060: CITY INTERNAL REVIEW:

A. The planning director or designee shall obtain comments regarding the amendment petition from all interested city departments or divisions.

B. The division of transportation may, if the division determines that the proposed amendment petition may have an adverse material impact on traffic, require the applicant to submit a professionally prepared traffic impact study prior to the hearing on the application.

C. The departmental comments shall be transmitted to the petitioner. (Ord. 7-99 § 23, 1999)

## 20.31.070: STAFF REPORT:

The planning director or designee shall assign a member of the director's staff to prepare a written report regarding the amendment petition after completion of the internal review or receipt of the traffic study, whichever is later. (Ord. 7-99 § 23, 1999)

## 20.31.080: ADMINISTRATIVE HEARING:

A. The planning director or designee shall hold a public administrative hearing to consider the amendment petition.

B. Notice of the administrative hearing shall be mailed to all individuals and entities identified in subsection 20.31.030D of this chapter or its successor, and shall also be posted on the subject property at least ten (10) days prior to the scheduled hearing.

C. The planning director or designee shall review all city departmental comments, comments from the petitioner and other individuals and may either:

1. Approve or deny the petition based upon the standards set forth in section 20.31.090 of this chapter; or

2. Forward the amendment petition to the planning commission. (Ord. 61-09 § 2, 2009: Ord. 7-99 § 23, 1999)

## 20.31.090: STANDARDS FOR APPROVAL OF AMENDMENT PETITION:

An amendment petition shall be approved only if it meets all of the following requirements:

A. The amendment will be in the best interests of the city;

B. All lots comply with all applicable zoning standards;

C. All necessary and required dedications are made;

D. Provisions for the construction of any required public improvements are included;

E. The amendment complies with all applicable laws and regulations; and

F. The amendment does not materially injure the public or any person and there is good cause for the amendment. (Ord. 7-99 § 23, 1999)

## 20.31.100: APPEALS FROM ADMINISTRATIVE DECISION:

A. If the petitioner, or any notified individual or organization, disagrees with the planning director's decision, a written objection, clearly specifying the reasons therefor, shall be filed with the city within fourteen (14) days following the administrative hearing.

B. The objection shall be heard before the planning commission subject to the following provisions of section 20.31.120 of this chapter. (Ord. 7-99 § 23, 1999)

## 20.31.120: PLANNING COMMISSION HEARING:

A. The planning commission shall hold a public hearing to consider the amendment petition.

B. Notice of the planning commission hearing shall be mailed to all individuals and entities identified in subsection 20.31.030D of this chapter, or its successor, and shall also be posted on the subject property at least ten (10) days prior to the scheduled hearing.

C. The planning commission shall review all city departmental comments, comments from the petitioner and other individuals, and shall approve or deny the amendment petition with specific findings of fact, according to the standards for approval set forth in section 20.31.090 of this chapter. (Ord. 61-09 § 3, 2009: Ord. 7-99 § 23, 1999)

## 20.31.130: RECORDABLE INSTRUMENT:

If the amendment petition is approved, the planning director shall execute and record the final amended subdivision plat and such other documents as may be required. (Ord. 7-99

§ 23, 1999)

# Article III. Subdivision Amendments Involving Streets

## 20.31.140: PURPOSE AND AUTHORIZATION:

If the amendment petition involves closure, vacation, alteration or amendment of any street, the amendment petition shall be processed pursuant to the provisions of this article. (Ord. 7-99 § 23, 1999)

## 20.31.150: CITY INTERNAL REVIEW:

A. The planning director or designee shall obtain comments regarding the amendment petition from all interested city departments or divisions.

B. The division of transportation may, if the division determines that the proposed amendment petition may have an adverse material impact on traffic, require the applicant to submit a professionally prepared traffic impact study prior to the hearing on the application.

C. The departmental comments shall be transmitted to the petitioner. (Ord. 7-99 § 23, 1999)

## 20.31.160: STAFF REPORT:

The planning director shall assign a member of the director's staff to prepare a written report regarding the amendment petition after completion of the internal review or receipt of the traffic study, whichever is later. (Ord. 7-99 § 23, 1999)

## 20.31.180: PLANNING COMMISSION HEARING:

A. The planning commission shall hold a public hearing to consider the amendment petition.

B. Notice of the planning commission hearing shall be mailed to all individuals and entities identified in subsection 20.31.030D of this chapter or its successor, and shall also be posted on the subject property at least ten (10) days prior to the scheduled hearing.

C. The planning commission shall review all city departmental requirements, comments from the petitioner and other individuals, and shall approve or deny the amendment

petition with specific findings of fact, according to the standards for approval set forth in section 20.31.090 of this chapter. (Ord. 61-09 § 4, 2009: Ord. 7-99 § 23, 1999)

### 20.31.190: CITY COUNCIL HEARING:

A. The city council shall hold a public hearing to consider the amendment petition.

B. A notice of public hearing before the Salt Lake City council shall be mailed to all individuals and entities identified in subsection 20.31.030D of this chapter, or its successor, shall be posted on the subject property at least ten (10) days prior to the scheduled administrative hearing, and shall be published once a week for four (4) consecutive weeks before the hearing in a newspaper of general circulation in the city.

C. The city council shall review all city departmental requirements, comments from the petitioner and other individuals, the recommendation of the planning commission and shall approve or deny the amendment petition with specific findings of fact, according to the standards for approval set forth in section 20.31.090 of this chapter. (Ord. 61-09 § 5, 2009: Ord. 7-99 § 23, 1999)

### 20.31.200: RECORDABLE INSTRUMENT:

If the amendment petition is approved by the council, the planning director shall execute and record the final amended subdivision plat and such other documents as may be required. (Ord. 7-99 § 23, 1999)

## Article IV. Appeals And Enforcement

### 20.31.310: EXHAUSTION OF ADMINISTRATIVE REMEDIES:

No person may challenge in district court the city's actions on an amendment petition under this chapter until that person has exhausted all available administrative remedies. (Ord. 7-99 § 23, 1999)

### 20.31.320: APPEAL FROM PLANNING COMMISSION DECISION:

Any person adversely affected by a final decision made by the planning commission under this chapter may appeal to the appeals hearing officer in accordance with the provisions of title 21A, chapter 21A.16 of this code. (Ord. 8-12, 2012)

### 20.31.330: APPEALS FROM APPEALS HEARING OFFICER AND CITY COUNCIL DECISIONS:

Any person adversely affected by a final decision made by the appeals hearing officer or the city council under this chapter may file a petition for review of the decision with the district court within thirty (30) days after the decision is rendered. (Ord. 8-12, 2012)

### 20.31.340: ENFORCEMENT:

A. The city, in addition to any other remedy provided by law, may seek to prevent any remedy or violation of this chapter which has occurred or is about to occur by instituting a proceeding for an injunction, mandamus, abatement or any other appropriate action.

B. The city may enforce the provisions of this chapter by refusing to issue building permits. (Ord. 7-99 § 23, 1999)

### 20.31.350: CIVIL PENALTIES:

Any violations of the provisions of this chapter shall subject the violator to a civil penalty in the following amounts:

A. Two hundred dollars ($200.00) per day of the violation if the violation occurs in the foothills FR-1, FR-2, FR-3 district and FP foothills protection district.

B. One hundred dollars ($100.00) per day of the violation for any other violation. (Ord. 7-99 § 23, 1999)

# CHAPTER 20.32
# MODIFICATIONS AND APPEALS

### 20.32.010: MODIFICATIONS; PERMITTED WHEN; PETITION FROM SUBDIVIDER:

A. Whenever the land involved in any subdivision is of such size or shape, or is subject to such title limitations of record, or is affected by such topographical location or conditions, or is to be devoted to such use that it is impossible, impractical or undesirable in a particular case for the subdivider fully to conform to the standard specifications contained in title 18, chapter 18.28 of this code, or its successor, the planning commission may recommend and the mayor may permit such modification thereof as may be reasonably necessary if such modifications are in conformity with the spirit and purpose of this title.

B. Application for any such modification shall be made by a verified petition of the subdivider, stating fully the grounds of the application and the facts relied upon by the petitioner. Such petition shall be filed with or after the filing of the preliminary plat of the subdivision.

C. In order for the property referred to in the petition to come within the provisions of this section, it shall be necessary that the planning commission shall find the following facts with respect thereto:

1. There are special circumstances or conditions affecting said property;

2. The modification is necessary for the preservation and enjoyment of a substantial property right of the petitioner;

3. The granting of the modification will not be detrimental to the public welfare or safety, or injurious to other property in the territory in which the property is situated. (Ord. 7-99 § 24, 1999: prior code § 42-9-1)

## 20.32.020: MODIFICATIONS; PLANNED DEVELOPMENTS:

A. The planning commission shall review applications on planned developments, and may approve modifications of zoning ordinances as may be appropriate and necessary, in accordance with the criteria established in title 21A of this code regarding planned developments.

B. Additionally, upon an application of a planned development that desires approval as a subdivision of lots under this title, the planning commission shall review the application, pursuant to the procedure governing subdivisions, but, in its discretion, may waive portions of the requirements of this title or title 21A of this code applicable to lot area, size, minimum side yards, public road dedication and minimum road frontage setbacks upon terms or conditions as it deems appropriate and consistent with criteria set forth in title 21A of this code regarding planned developments. (Ord. 7-99 § 25, 1999: prior code § 42-9-2)

## 20.32.030: APPEALS:

A. Any person adversely affected by any final decision made by the mayor under section 20.32.010 of this chapter, concerning modifications to the standard subdivision specifications contained in title 18, chapter 18.28 of this code, or its successor, may file a petition for review of the decision with the district court within thirty (30) days after the decision is rendered.

B. Any person adversely affected by a final decision made by the planning commission under section 20.32.020 of this chapter, concerning modifications to a subdivision involving a planned development, may appeal to the appeals hearing officer in accordance with the provisions of title 21A, chapter 21A.16 of this code. (Ord. 8-12, 2012: Ord. 77-03 § 4, 2003: Ord. 7-99 § 26, 1999: prior code § 42-9-3)

# CHAPTER 20.36
# ENFORCEMENT

### 20.36.010: UNLAWFUL ACTS INVOLVING SALE OR LEASE OF PROPERTY:

A. No person shall offer to sell, contract to sell, sell, deed or convey any property contrary to the provisions of this title.

B. Any deed of 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/her heirs, personal representative, or trustee insolvency 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 or her assignee, heir or devisee. (Prior code § 42-10-1)

### 20.36.020: VIOLATION; PENALTY:

It shall be unlawful for any person to fail to comply with the provisions of this title, and failure to comply with the provisions of this title shall constitute a class C misdemeanor. (Prior code § 42-10-2)

# Title 21A - ZONING

# CHAPTER 21A.02
# TITLE, AUTHORITY, PURPOSE AND APPLICABILITY

### 21A.02.010: TITLE:

This title shall be known, cited and referred to as the *ZONING ORDINANCE OF SALT LAKE CITY, UTAH* or the *ZONING ORDINANCE*. All references to the various provisions of chapters 21A.02 through 21A.64 of this title shall be considered as references to correspondingly numbered sections and chapters of this title. (Ord. 26-95 § 2(1-1), 1995)

### 21A.02.020: AUTHORITY:

The city council of Salt Lake City adopts this title pursuant to the municipal land use development and management act, title 10, chapter 9, of the Utah Code Annotated or its successor, and such other authorities and provisions of Utah statutory and common law that are relevant and appropriate. (Ord. 26-95 § 2(1-2), 1995)

## 21A.02.030: PURPOSE AND INTENT:

The purpose of this title is to promote the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Salt Lake City, to implement the adopted plans of the city, and to carry out the purposes of the municipal land use development and management act, title 10, chapter 9, of the Utah Code Annotated or its successor, and other relevant statutes. This title is, in addition, intended to:

A. Lessen congestion in the streets or roads;

B. Secure safety from fire and other dangers;

C. Provide adequate light and air;

D. Classify land uses and distribute land development and utilization;

E. Protect the tax base;

F. Secure economy in governmental expenditures;

G. Foster the city's industrial, business and residential development; and

H. Protect the environment. (Ord. 26-95 § 2(1-3), 1995)

## 21A.02.040: EFFECT OF ADOPTED MASTER PLANS OR GENERAL PLANS:

All master plans or general plans adopted by the planning commission and city council for the city, or for an area of the city, shall serve as an advisory guide for land use decisions. Amendments to the text of this title or zoning map should be consistent with the purposes, goals, objectives and policies of the applicable adopted master plan or general plan of Salt Lake City. (Ord. 26-95 § 2(1-4), 1995)

## 21A.02.050: APPLICABILITY:

A. General Applicability: The provisions of this title shall apply to all of the land area within the corporate limits of Salt Lake City, as indicated on the zoning map as provided in chapter 21A.22 of this title. Except as expressly provided in this title, no development shall be undertaken without prior zoning approval pursuant to the provisions of this title.

B. Exemptions: The following properties, uses and structures shall, to the extent provided by law, be exempt from the regulations of this title:

1. Properties Of The State Of Utah Or Federal Government: Properties owned and occupied by the state of Utah or the United States. Where laws applicable to such properties require the property owner to take reasonable steps to comply with local regulations, this exemption shall not be construed to abrogate that requirement.

2. Utility Installations: Wires, cables, conduits, vaults, laterals, pipes, mains, valves or other similar equipment for the distribution to consumers of telephone or other communications, electricity, gas or water, or the collection of sewage or stormwater when owned, operated and/or maintained by a governmental entity or a public utility. Such installations shall comply with federal communications commission and federal aviation administration rules and regulations and those of other authorities having jurisdiction. This exemption shall not apply to section 21A.40.160, "Ground Mounted Utility Boxes", of this title.

3. Railroad Facilities: Railroad tracks, signals, bridges and similar facilities and equipment located on a railroad right of way, and maintenance and repair work on such facilities and equipment. (Ord. 21-08 § 1, 2008: Ord. 26-95 § 2(1-5), 1995)

### 21A.02.060: TRANSITION RULES:

A. To avoid undue hardship, nothing in this title shall be deemed to require a change in the plans, construction or designated use of any building for which a complete building permit application and appropriate fees were received prior to the effective date hereof, April 12, 1995, or any amendment hereto, unless the permit is allowed to expire. If the applicant allows the permit to expire, the applicant shall be subject to the provisions of this title. If such building permit pertains to a phase of development only, any subsequent phase for which a building permit is required shall comply with the parking and landscaping requirements of this title.

B. Any complete application for a development project that has been filed with either the planning commission, historical landmark commission, or city council shall be allowed to comply with the zoning regulations in effect at the time that the complete application was filed. At the conclusion of the applicable process, an applicant shall file for the appropriate permits and pursue them to completion. If the applicant allows the permit to expire, the applicant shall be subject to the provisions of this title. (Ord. 8-12, 2012)

# CHAPTER 21A.04
# TITLE STRUCTURE, INTERPRETATION AND LEGAL EFFECT

### 21A.04.010: ORGANIZATION OF TITLE:

This title is organized into seven (7) parts as described in subsection A of this section and includes different types of zoning districts and regulations for the use and development

of land as described in subsections B and C of this section.

A. Structure Of This Title: This title consists of:

| | |
|---|---|
| Part I | Introductory Provisions |
| Part II | Administration And Enforcement |
| Part III | Specific District Regulations |
| Part IV | Regulations Of General Applicability |
| Part V | Amendments And Special Approvals |
| Part VI | General Terms |
| Part VII | Fees |

B. Types Of Zoning Districts In This Title: This title establishes three (3) types of zoning districts: 1) base zoning districts; 2) special purpose districts; and 3) overlay districts. These districts are found in part III of this title. Base zoning districts are the zoning districts that reflect the four (4) basic geographically based land use categories in the city - residential areas, commercial areas, manufacturing areas and the downtown - with appropriate regulations and development standards to govern the uses in these districts. Special purpose districts consist of regulations that address special types of land uses, such as the airport or institutional uses. Overlay districts consist of regulations that address specific subjects that may be applicable in a variety of areas in the city, such as historic areas or environmentally sensitive areas.

C. Types Of Regulations In This Title: The following types of regulations are contained in this title:

1. Land Use Regulations: Land use regulations for each base zoning district specify land uses permitted as of right, or allowed after obtaining conditional use approval. The regulations include special requirements applicable to specific uses. Land use regulations for all districts appear in part III of this title. Land use regulations may be modified by overlay districts also found in part III of this title, or by procedures in part V, "Amendments And Special Approvals", of this title.

2. Development Standards: Development standards for each zoning district include fixed dimensional standards and performance standards. Fixed dimensional standards are numerical maximum or minimum conditions which govern the development on a site. These standards are intended to promote uniformity of development in terms of the dimensions being controlled. Performance standards establish certain criteria which must be met on a site, but allow flexibility as to how those criteria can be met.

Development standards control the height, size, location and other particular aspects of structures and uses on sites intended for development. These standards also prescribe buffering requirements between districts and between certain potentially incompatible uses. Development standards for each zoning district appear in part III of this title. Development standards for base zoning districts may be modified by overlay districts which are found in part III of this title, or through procedures in part V, "Amendments And Special Approvals", of this title. The development standards in part III of this title are supplemented by additional development standards in part IV of this title. The development standards in part IV of this title also include sign regulations applicable to the zoning districts.

3. Administration: Administration includes creation of, and allocation of powers and duties to, decision making bodies and officials, requirements for zoning certificates, general application and public hearing procedures for administrative interpretations, decisions on routine and uncontested matters, appeals of administrative decisions and variances. These administrative regulations appear in part II of this title.

4. Enforcement: Enforcement contains the remedies available to the city to enforce this title. These regulations appear in part II of this title.

D. General Terms In This Title: Chapter 21A.60 of this title includes a list, with cross references, and chapter 21A.62 of this title includes definitions for terms used in this title.

(Ord. 35-99 § 103, 1999: Ord. 26-95 § 2(2-1), 1995)

## 21A.04.020: INTERPRETATION:

The regulations contained in this title shall be interpreted and applied in accordance with the following rules:

A. Minimum Requirements: All regulations shall be construed as the minimum requirements necessary to promote the public health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of the city.

B. Relationship To Easements, Covenants And Other Agreements: The provisions of this title are not intended to interfere with, abrogate or require enforcement by the city of any legally enforceable easements, covenants, or other agreements between private parties that may restrict the use of land or dimensions of structures more than the provisions of this title. When the regulations of this title impose greater restrictions than are imposed by such easements, covenants or other agreements between parties, or than are required by laws or other applicable ordinances, the provisions of this title shall control.

C. Number: A word importing the singular number may be applied to plural persons and things. The use of the plural number shall include any single person or thing.

D. Tense: The present tense of a word includes the future tense as well.

E. Shall, May: The word "shall" is mandatory; the word "may" is permissive.

F. Computation Of Time: The time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday or legal holiday recognized by the city, that day shall be excluded.

G. Year: The word "year" shall mean any consecutive twelve (12) month period unless otherwise indicated. (Ord. 26-95 § 2(2-2), 1995)

## 21A.04.030: BUILDING/DEMOLITION PERMITS REQUIRED:

It is unlawful, whether acting as owner, occupant or contractor, or otherwise to erect, construct, reconstruct, alter, demolish, or change the use of any building or other structure within Salt Lake City contrary to any provisions of this title without first obtaining a building or demolition permit from the division of building services and licensing unless the proposed improvements are such that the division of building services and licensing does not require a permit. It is also unlawful for any person, whether acting as owner, occupant or contractor to install any hard surfacing material, other than sidewalks, ornamental landscaping features, or for the minor repair of existing legal hard surfaced areas on any property without first obtaining a building permit from the division of building services and licensing. It is also unlawful for any person, whether acting as an owner, occupant or contractor, to install accessory structures without first obtaining a building permit from the division of building services and licensing, unless the adopted building code excludes such accessory structure from a building permit requirement.

Projects located within the boundaries of a historic preservation overlay district, or on a landmark site shall submit an application for certificate of appropriateness for all improvements regardless of any building permit requirements. (Ord. 11-10 § 3, 2010)

# CHAPTER 21A.06
# DECISION MAKING BODIES AND OFFICIALS

## 21A.06.010: SUMMARY OF AUTHORITY:

The city decision making bodies and officials described in this chapter, without limitation upon such authority as each may possess by law, have responsibility for implementing and administering this title in the manner described in sections 21A.06.020 through 21A.06.070 of this chapter. Other city departments also have specific responsibilities related to this title and are identified in the appropriate sections. (Ord. 26-95 § 2(3-1), 1995)

## 21A.06.020: CITY COUNCIL; JURISDICTION AND AUTHORITY:

The city council has the following powers and duties in connection with the implementation of this title:

A. Adopt, amend or reject a proposed general plan for all or part of the area within the city;

B. Initiate amendments to the text of this title and to the zoning map pursuant to the provisions of section 21A.50.020 of this title;

C. Consider and adopt, reject or modify amendments to the text of this title and to the zoning map pursuant to the provisions of sections 21A.50.030 and 21A.50.040 of this title;

D. Establish a fee schedule for applications for a zoning certificate, zoning amendments, special approvals and any other type of approval required by the provisions of this title; and

E. Take such other actions which are legislative in nature and which are not delegated to other bodies which may be desirable and necessary to implement the provisions of this title. (Ord. 83-96 § 1, 1996: Ord. 26-95 § 2(3-2), 1995)

## 21A.06.030: PLANNING COMMISSION:

A. Creation: The planning commission is created pursuant to title 2, chapter 2.20 of this code under the enabling authority granted by section 10-9-201, title 10, chapter 9 of

the municipal land use development and management act of the Utah Code Annotated or its successor.

B. Jurisdiction And Authority: The planning commission shall have the following powers and duties in connection with the implementation of this title:

1. Prepare and recommend to the city council for adoption, a comprehensive, general plan and amendments to the general plan for the present and future needs of the city and the growth and development of the land within the city or any part of the city;

2. Make comprehensive surveys and studies of the existing conditions and trends of growth and of the probable future requirements of the city and its residents as part of the preparation of the general plan;

3. Initiate amendments to the text of this title and to the zoning map pursuant to the provisions of section 21A.50.020 of this title;

4. Review, evaluate and make recommendations to the city council on proposed amendments to this title pursuant to the procedures and standards set forth in sections 21A.50.030 and 21A.50.040 of this title;

5. Review, hear and decide applications for conditional uses, including planned developments, pursuant to the procedures and standards set forth in chapter 21A.54, "Conditional Uses", of this title;

6. Hear and decide appeals from administrative hearing decisions of the planning director;

7. Hear and decide applications for subdivision amendments and approvals pursuant to the municipal land use development and management act, title 10, chapter 9a of the Utah Code Annotated;

8. Authorize special exceptions to the terms of this title pursuant to the procedures and standards set forth in chapter 21A.52, "Special Exceptions", of this title; and

9. Make determinations regarding the existence, expansion or modification of nonconforming uses and noncomplying structures pursuant to the procedures and standards set forth in chapter 21A.38, "Nonconforming Uses And Noncomplying Structures", of this title.

C. Membership: The planning commission shall consist of eleven (11) voting members, appointed by the mayor with the advice and consent of the city council from among qualified electors of the city in a manner providing balanced geographic, professional, neighborhood and community interests representation. The director of the planning division (or the planning director's designated representative) shall serve as an ex officio member without vote. Voting members may serve a maximum of two (2) consecutive full terms of four (4) years each. The mayor shall appoint a new commission member to fill any vacancy that might arise and such appointment shall not be included in the determination of any person's eligibility to serve two (2) consecutive full terms.

D. Officers: The planning commission shall annually elect a chair and a vice chair who shall serve for a term of one year each. The chair or vice chair may not be elected to serve consecutive terms in the same office. The secretary of the planning commission shall be designated by the planning director.

E. Meetings: The planning commission shall meet at least once each month.

F. Record Of Proceedings: The proceedings of each meeting and public hearing shall be recorded on audio equipment. Records of confidential executive sessions shall be kept in compliance with the government records access and management act. The audio recording of each meeting shall be kept for a minimum of sixty (60) days. Upon the written request of any interested person, such audio recording shall be kept for a reasonable period of time beyond the sixty (60) day period, as determined by the planning commission. Copies of the tapes of such proceedings may be provided, if requested, at the expense of the requesting party. The commission shall keep written minutes of its proceedings and records of all of its examinations and official actions.

G. Quorum And Vote: No business shall be conducted at a meeting of the planning commission without at least a quorum of six (6) voting members. All actions of the planning commission shall be represented by a vote of the membership. A simple majority of the voting members present at the meeting at which a quorum is present shall be required for any action taken. The decision of the planning commission shall become effective upon the posting of the record of decision.

H. Public Hearings: The planning commission shall schedule and give public notice of all public hearings pursuant to the provisions of chapter 21A.10, "General Application And Public Hearing Procedures", of this title.

I. Conflicts Of Interest: No member of the planning commission shall participate in or be present at the hearing or disposition of any matter in which that member has any conflict of interest prohibited by title 2, chapter 2.44 of this code. The planning commission may, by majority vote of the members present, allow a member, otherwise required to leave due to a conflict, to be present if required by special or unusual circumstances.

J. Removal Of A Member: Any member of the planning commission may be removed by the mayor for violation of this title or any policies and procedures adopted by the planning commission following receipt by the mayor of a written complaint filed against the member. If requested by the member, the mayor shall provide the member with a public hearing conducted by a hearing officer appointed by the mayor.

K. Policies And Procedures: The planning commission shall adopt policies and procedures for the conduct of its meetings, the processing of applications and for any other purposes considered necessary for its proper functioning. (Ord. 73-11, 2011: Ord. 69-09 § 1, 2009: Ord. 26-95 § 2(3-3), 1995)

## 21A.06.040: APPEALS HEARING OFFICER:

A. Creation: The position of appeals hearing officer is created pursuant to the enabling authority granted by the municipal land use, development, and management act, section 10-9a-701 of the Utah Code Annotated.

B. Jurisdiction And Authority: The appeals hearing officer shall have the following powers and duties in connection with the implementation of this title:

1. Hear and decide appeals from any administrative decision made by the zoning administrator in the administration or the enforcement of this title pursuant to the procedures and standards set forth in chapter 21A.16, "Appeals Of Administrative Decisions", of this title;

2. Authorize variances from the terms of this title pursuant to the procedures and standards set forth in chapter 21A.18, "Variances", of this title;

3. Hear and decide appeals of any administrative decision made by the historic landmark commission pursuant to the procedures and standards set forth in section 21A.34.020, "H Historic Preservation Overlay District", of this title;

4. Hear and decide appeals from decisions made by the planning commission concerning subdivisions or subdivision amendments pursuant to the procedures and standards set forth in title 20, "Subdivisions", of this code; and

5. Hear and decide appeals from administrative decisions made by the planning commission pursuant to the procedures and standards set forth in this title.

C. Qualifications: The appeals hearing officer shall be appointed by the mayor with the advice and consent of the city council. The mayor may appoint more than one appeals hearing officer, but only one appeals hearing officer shall consider and decide upon any matter properly presented for appeals hearing officer review. The appeals hearing officer may serve a maximum of two (2) consecutive full terms of five (5) years each. The appeals hearing officer shall either be law trained or have significant experience with land use laws and the requirements and operations of administrative hearing processes.

D. Conflict Of Interest: The appeals hearing officer shall not participate in any appeal in which the appeals hearing officer has a conflict of interest prohibited by title 2, chapter 2.44 of this code.

E. Removal Of The Appeals Hearing Officer: The appeals hearing officer may be removed by the mayor for violation of this title or any policies and procedures adopted by the planning director following receipt by the mayor of a written complaint filed against the appeals hearing officer. If requested by the appeals hearing officer, the mayor shall provide the appeals hearing officer with a public hearing conducted by a hearing officer appointed by the mayor. (Ord. 61-12, 2012)

## 21A.06.050: HISTORIC LANDMARK COMMISSION:

A. Creation: The historic landmark commission is created pursuant to the enabling authority granted by the historic district act, section 11-18-1 et seq., of the Utah Code Annotated, 1953.

B. General Purposes: The purposes of the historic landmark commission are to:

1. Preserve buildings and related structures of historic and architectural significance as part of the city's most important cultural, educational and economic assets;

2. Encourage proper development and utilization of lands and areas adjacent to historical areas and to encourage complementary, contemporary design and construction;

3. Protect and enhance the attraction of the city's historic landmarks for tourists and visitors;

4. Safeguard the heritage of the city by providing for the protection of landmarks representing significant elements of its history;

5. Promote the private and public use of landmarks and the historical areas within the H historic preservation overlay district for the education, prosperity and general welfare of the people;

6. Increase public awareness of the value of historic, cultural and architectural preservation; and

7. Recommend design standards pertaining to the protection of H historic preservation overlay districts and landmark sites.

C. Jurisdiction And Authority: In addition to carrying out the general purposes set forth in subsection B of this section, the historic landmark commission shall:

1. Conduct surveys of significant historic, architectural, and cultural landmarks and historic districts within the city;

2. Petition the city council to designate identified structures, areas or resources as landmark sites or H historic preservation overlay districts;

3. Review and approve or deny an application for a certificate of appropriateness pursuant to the provisions of chapter 21A.34 of this title;

4. Develop and participate in public education programs to increase public awareness of the value of historic, architectural and cultural preservation;

5. Review and approve or deny applications for the demolition of structures in the H historic preservation overlay district pursuant to chapter 21A.34 of this title;

6. Recommend to the planning commission the boundaries for the establishment of an H historic preservation overlay district and landmark sites;

7. Make recommendations when requested by the planning commission or the city council, as appropriate, on applications for zoning amendments, conditional uses and special exceptions involving H historic preservation overlay districts and landmark sites;

8. Review and approve or deny certain special exceptions for properties located within an H historic preservation overlay district. The certain special exceptions are listed as follows:

a. Building wall height;

b. Garage height;

c. Garage square footage;

d. Fence height;

e. Overall building height; and

f. Signs;

9. Make recommendations to the city council concerning the utilization of state, federal or private funds to promote the preservation of landmark sites and H historic preservation overlay districts within the city;

10. Make recommendations to the city council regarding the acquisition of landmark structures or structures eligible for landmark status where preservation is essential to the purposes of section 21A.34.020, "H Historic Preservation Overlay District", of this title, and where private preservation is infeasible;

11. Make recommendations to the planning commission in connection with the preparation of the general plan of the city; and

12. Make recommendations to the city council on policies and ordinances that may encourage preservation of buildings and related structures of historic and architectural significance.

D. Membership: The historic landmark commission shall consist of not less than nine (9) nor more than fifteen (15) voting members appointed by the mayor, with the advice and consent of the city council in a manner providing balanced geographic, professional, neighborhood and community interests representation. The director of the planning division (or the planning director's designated representative) shall serve as an ex officio member without vote. Voting members of the commission may serve a maximum of two (2) consecutive full terms of three (3) years each. The terms shall be staggered such that three (3) members are appointed each year. The mayor shall appoint a new commission member to fill any vacancy that might arise and such appointment shall not be included in the determination of any person's eligibility to serve two (2) consecutive full terms.

E. Qualifications Of Members: Each voting member shall be a resident of the city interested in preservation and knowledgeable about the heritage of the city. Members shall be selected so as to provide, at a minimum, representation from the following groups of experts and interested parties:

1. One licensed architect representing the Utah Society, American Institute Of Architects;

2. One member representing the Utah State Historical Society;

3. One member representing the Utah Heritage Foundation;

4. Six (6) citizens at large;

5. Each historic district in the city shall be represented on the historic landmark commission by a member either residing in or owning property in that district.

F. Officers: The historic landmark commission shall annually elect a chair and a vice chair who shall serve for a term of one year each. The chair or vice chair may be elected to serve consecutive terms in the same office. The secretary of the historic landmark commission shall be designated by the planning director.

G. Meetings: The historic landmark commission shall meet at least once per month.

H. Record Of Proceedings: The proceedings of each meeting and public hearing shall be recorded on audio equipment. Records of confidential executive sessions shall be kept in compliance with the government records access and management act. The audio recording of each meeting shall be kept for a minimum of sixty (60) days. Upon the written request of any interested person, such audio recording shall be kept for a reasonable period of time beyond the sixty (60) day period, as determined by the historic landmark commission. Copies of the tapes of such proceedings may be provided, if requested, at the expense of the requesting party. The historic landmark commission shall keep written minutes of its proceedings and records of all of its examinations and official actions.

I. Quorum And Vote: No business shall be conducted at a meeting of the historic landmark commission without a quorum. A majority of the voting members of the historic landmark commission constitutes a quorum. All actions of the historic landmark commission shall be represented by a vote of the membership. A simple majority of the voting members present at a meeting at which a quorum is present shall be required for any action taken. The decision of the historic landmark commission shall become effective upon the posting of the record of decision.

J. Public Hearings: The historic landmark commission shall schedule and give public notice of all public hearings pursuant to the provisions of chapter 21A.10 of this title.

K. Conflicts Of Interest: No member of the historic landmark commission shall participate in the hearing or disposition of any matter in which that member has a conflict of interest prohibited by title 2, chapter 2.44 of this code. The historic landmark commission may, by majority vote of the members present, allow a member, otherwise required to leave due to a conflict, to be present if required by special or unusual circumstances.

L. Removal Of A Member: Any member of the historic landmark commission may be removed by the mayor for violation of this title or any policies and procedures adopted by the historic landmark commission following receipt by the mayor of a written complaint filed against the member. If requested by the member, the mayor shall provide the member with a public hearing conducted by a hearing officer appointed by the mayor.

M. Policies And Procedures: The historic landmark commission shall adopt policies and procedures for the conduct of its meetings, the processing of applications and for any other purposes considered necessary for its proper functioning. (Ord. 8-12, 2012: Ord. 73-11, 2011: Ord. 69-09 § 3, 2009: Ord. 26-95 § 2(3-5), 1995)

### 21A.06.060: ZONING ADMINISTRATOR:

Primary responsibility for administering and enforcing this title shall be delegated to the planning official. Except as otherwise specifically provided in this title, the director may designate a staff person or staff persons in the division to carry out these responsibilities. The staff person(s) to whom such administrative and enforcement functions are assigned shall be referred to in this title as the "zoning administrator". (Ord. 61-11, 2011)

### 21A.06.070: DEVELOPMENT REVIEW TEAM (DRT):

The development review team shall consist of a designated representative from all city departments and/or divisions involved in the development review/approval process, including, but not limited to, the department of community and economic development, the department of public services, the police department, the fire department and the department of public utilities, and shall be responsible for advising the zoning administrator in the zoning administrator's administration of the site plan review process pursuant to the provisions of chapter 21A.58 of this title. (Ord. 38-08, 2008: Ord. 6-04 § 15, 2004: Ord. 26-95 § 2(3-7), 1995)

# CHAPTER 21A.08
# ZONING CERTIFICATE

### 21A.08.010: PURPOSE STATEMENT:

The zoning certificate serves two (2) general purposes. First, it provides a means to document the review of plans for conformance with this title. Second, because the certificate must be filed along with all other applications submitted in connection with a specific development proposal, it provides an ongoing record of actions taken with respect to the authorized use of a particular parcel or site. Because the certificate serves as a vehicle for routine plan review by the zoning administrator prior to special reviews by other decision making bodies, it avoids needless special reviews of incomplete plans. (Ord. 62-09 § 10, 2009)

### 21A.08.020: AUTHORITY TO ISSUE ZONING CERTIFICATE:

The zoning administrator shall have authority to issue zoning certificates, but only in accordance with the provisions of this chapter. (Ord. 62-09 § 10, 2009)

### 21A.08.030: ZONING CERTIFICATE REQUIREMENT:

Except as otherwise expressly required herein upon April 12, 1995, a zoning certificate shall be required for the following:

A. Building Permit: Any new principal building development activity requiring a building permit.

B. Change Of Land Use Type: Any change of land use type.

C. Increased Parking Or Landscaping Requirements: Any modification to a property or development that requires an increase in parking or landscaping requirements. (Ord. 62-09 § 10, 2009)

## 21A.08.040: APPLICATION FOR ZONING CERTIFICATE:

Application for a zoning certificate may be made only by the owner of the property or building or the property owner's authorized agent for which the zoning certificate is sought. The application shall be made to the zoning administrator on a form or forms provided by the office of the zoning administrator. A record of all zoning certificates issued shall be kept on file in the office of the zoning administrator.

A. Application Requirements For Building Permits Or Change In Land Use Type: Each application for a zoning certificate for any new principal building permit, an increased parking requirement, an increased landscaping requirement or change of land use type shall be accompanied by the following:

1. A statement describing:

   a. The type of structure containing the use, if any,

   b. The exact nature of the most recent use of such structure or lot,

   c. The exact nature of the proposed use of the structure or lot, and

   d. The number of off street parking and loading spaces currently provided on the zoning lot;

2. A site plan, drawn to scale and fully dimensioned, including:

   a. The topography, actual shape and dimensions of the lots to be built upon or used,

   b. The exact size and location on the lot of the existing and proposed buildings, structures, and accessory buildings,

   c. The existing and intended use of each building or part of a building,

   d. The number of dwelling units the building is designed to accommodate,

   e. The number and location of off street parking stalls to be provided,

   f. The location and design of loading docks and facilities, and

   g. Such other information with regard to the lot and neighboring lots as may be necessary for the enforcement of this title. (Ord. 62-09 § 10, 2009)

### 21A.08.050: WAIVER OF REQUIREMENTS:

The zoning administrator shall waive any or all of the submittal requirements of section 21A.08.040 of this chapter, if information necessary to create a zoning certificate exists in existing city records including, but not limited to, building permit, business licensing, appeals hearing officer records, and board of adjustment records. (Ord. 8-12, 2012)

### 21A.08.060: REVOCATION OF ZONING CERTIFICATE:

A. Authority: A zoning certificate may be revoked by the zoning administrator in accordance with the provisions of this section, if the recipient of the certificate fails to develop or maintain the property in accordance with the plans submitted, the requirements of this title, or any additional requirements lawfully imposed in connection with the issuance of the zoning certificate.

B. Notice: Before a zoning certificate may be revoked, written notice of the decision to revoke shall be given to the certificate holder. The notice shall inform the certificate holder of the grounds for the revocation and advise the certificate holder that the revocation shall be effective thirty (30) days from the date of the notice unless before the revocation date, the certificate holder either: 1) demonstrates to the satisfaction of the zoning administrator compliance with the requirements of the zoning certificate; or 2) files an appeal of the zoning administrator's decision to revoke pursuant to subsection D of this section.

C. Effect Of Revocation: No person may continue to make use of land or buildings in the manner authorized by any zoning certificate after such certificate has been revoked in accordance with this section.

D. Appeal: Any person adversely affected by a final decision of the zoning administrator to revoke a zoning certificate may appeal to the appeals hearing officer in accordance with the provisions of chapter 21A.16 of this title. (Ord. 8-12, 2012: Ord. 26-95 § 2(4-6), 1995)

# CHAPTER 21A.10
# GENERAL APPLICATION AND PUBLIC HEARING PROCEDURES

### 21A.10.010: GENERAL APPLICATION PROCEDURES:

All applications required by the provisions of this title shall be processed in accordance with the following procedures:

A. Determination Of Completeness Of Application: After receipt of an application, the zoning administrator shall determine whether the application is complete. If the zoning administrator determines that the application is not complete, the zoning administrator shall notify the applicant in writing, specifying the deficiencies of the application,

including any additional information which must be supplied and advising the applicant that no further action will be taken by the city on the application until the deficiencies are corrected.

B. Consultation With Neighborhood Organizations: In order for an application to be determined complete, the applicant must include, when required by title 2, chapter 2.62 of this code, a signed statement from the appropriate neighborhood organization that the applicant has met with that organization and explained the development proposal for which approval is being sought. The signed statement shall be on a form provided by the zoning administrator.

C. Remedy Of Deficiencies: If the applicant fails to correct the specified deficiencies within thirty (30) days of the notification of deficiency, the application for development approval shall be deemed withdrawn and will be returned to the applicant. Application fees shall not be refunded.

D. Extensions Of Time: The zoning administrator, upon written request, may, for good cause shown and without any notice or hearing, grant extensions of any time limit imposed on an applicant or permittee by this title. An extension of time may also be granted by any body acting pursuant to this title unless this title expressly provides otherwise. The total period of time granted by such extension or extensions shall not exceed twice the length of the original period.

E. Fees: The application shall be accompanied by all the fees shown on the Salt Lake City consolidated fee schedule. The applicant shall also be responsible for payment of all fees established for providing the public notice required by section 21A.10.020 of this chapter, in accordance with the fee schedule, including costs of mailing, preparation of mailing labels and all other costs relating to notification. (Ord. 24-11, 2011)

## 21A.10.020: PUBLIC HEARING NOTICE REQUIREMENTS:

Providing all of the information necessary for notice of all public hearings required under this title shall be the responsibility of the applicant and shall be in the form established by the zoning administrator and subject to the approval of the zoning administrator pursuant to the standards of this section.

A. Public Hearing Required: Projects requiring a public hearing as required by this title shall be held after the following public notification:

1. Mailing For Public Hearing: Notice by first class mail shall be provided:

a. A minimum of twelve (12) calendar days in advance of the public hearing;

b. To all owners and tenants of the land as shown on the Salt Lake City geographic information system records. Mailing labels shall be generated by the city at the time of application submittal and created using the Salt Lake City geographic information system records unless as stated otherwise in this title. A list of parties entitled to notice pursuant to chapter 21A.56 of this title shall be provided by the applicant with the application; and

c. Within three hundred feet (300') from the periphery of land subject to the application, inclusive of streets and rights of way, or one thousand feet (1,000') of the periphery of the land subject to application for sexually oriented businesses requiring conditional site plan review pursuant to chapter 21A.36 of this title.

2. Notification To Recognized And Registered Organizations: The city shall give e-mail notification, or other form of notification chosen by the planning director, a minimum of twelve (12) calendar days in advance of the public hearing to any organization which is entitled to receive notice pursuant to title 2, chapter 2.62 of this code.

3. Contents Of Mailing Notice For Public Hearing: The first class mailing notice for any public hearing required pursuant to this title shall generally describe the subject matter of the application and the date, time and place of the public hearing, and the place where such application may be inspected by the public. The notice shall also

advise that interested parties may appear at the public hearing and be heard with respect to the application.

4. Posting For Public Hearing: The land subject to an application for a public hearing shall be posted by the city with a sign giving notice of the public hearing, providing the date of the hearing including contact information for more information, at least ten (10) calendar days in advance of the public hearing.

a. Location: One notice shall be posted for each five hundred feet (500') of frontage, or portion thereof, along a public street. At least one sign shall be posted on each public street. The sign(s) shall be located on the property subject to the request or petition and shall be set back no more than twenty five feet (25') from the front property line and shall be visible from the street. Where the land does not have frontage on a public street, signs shall be erected on the nearest street right of way with an attached notation indicating generally the direction and distance to the land subject to the application.

b. Removal: If the sign is removed through no fault of the applicant before the hearing, such removal shall not be deemed a failure to comply with the standards, or be grounds to challenge the validity of any decision made on the application.

c. Exemption: This posting requirement shall not apply to applications for amendments involving an H historic preservation overlay district, applications for an administrative certificate of appropriateness or applications for comprehensive rezonings of areas involving multiple parcels of land, including boundaries of a historic district, or for text amendments to this title.

5. Publication: As required by state law, at least twelve (12) calendar days in advance of the first public hearing for an application for an amendment to the text of this title or other processes as required by state law, the city shall publish a notice of such public hearing in a newspaper of general circulation in Salt Lake City.

B. Special Noticing Requirements For Administrative Approvals:

1. Conditional Building And Site Design Review: The planning commission shall consider requests for conditional building and site design review at a public hearing if there is an expression of interest after providing notice as follows:

a. Notification: The city shall provide written notice by first class mail a minimum of twelve (12) calendar days in advance of the requested action to all owners of the land and tenants subject to the application, as shown on the Salt Lake City geographic information system records, adjacent to and contiguous with the land subject to the application. Recognized and registered organizations are also entitled to receive notice pursuant to title 2, chapter 2.62 of this code by e-mail or other form chosen by the planning director.

At the end of the twelve (12) calendar day notice period, if there are requests for a public hearing, the planning commission will schedule a public hearing and consider the issue; if there are no requests for a public hearing, the planning director may decide the issue administratively.

2. Determination Of Noncontributing Status Within An H Historic Preservation Overlay District: Prior to the approval of an administrative decision for a certificate of appropriateness for demolition of a noncontributing structure, the city shall provide written notice by first class mail a minimum of twelve (12) calendar days of the determination of noncontributing status of the property to all owners of the land and tenants, within eighty five feet (85') of the land subject to the application as shown on the Salt Lake City geographic information system records. At the end of the twelve (12) day notice period, the planning director shall either issue a certificate of appropriateness for demolition or refer the application to the historic landmark commission.

3. Notice Of Application For Special Exceptions: Prior to the approval of an administrative decision for special exceptions as authorized in chapter 21A.52 of this title, the planning director shall provide written notice by first class mail a minimum of twelve (12) days in advance of the requested action to all abutting property owners and tenants of the land subject to the application, as shown on the Salt Lake City geographic information system records.

a. Contents Of The Mailing Notice Of Application: The notice for mailing shall generally describe the subject matter of the application, the place where such application may be inspected by the public, the date when the planning director will authorize a final administrative decision, and include the procedures to appeal an administrative decision set forth in chapter 21A.16 of this title. (Ord. 62-11, 2011)

## 21A.10.030: PUBLIC HEARING PROCEDURES:

A public hearing held pursuant to the provisions of this title shall comply with the following procedures:

A. Scheduling The Public Hearing: An application requiring a public hearing shall be scheduled to be heard within a reasonable time in light of the complexity of the application and available staff resources, and by the applicable public notice standards under this title or such time as is mutually agreed upon between the applicant and the decision making body.

B. Examination And Copying Of Application And Other Documents: Upon reasonable request, and during normal business hours, any person may examine an application and materials submitted in support of or in opposition to an application in the appropriate city office. Copies of such materials shall be made available at reasonable cost.

C. Conduct Of Public Hearing:

1. Rights Of All Persons: Any person may appear at a public hearing and submit evidence, either individually or as a representative of a person or an organization. Each person who appears at a public hearing shall be identified, state an address, and if appearing on behalf of a person or an organization, state the name and mailing address of the person or organization being represented.

2. Exclusion Of Testimony: The body conducting the public hearing may exclude testimony or evidence that it finds to be irrelevant, immaterial, unduly repetitious, or otherwise inadmissible.

3. Proffers Of Testimony: In the event any testimony or evidence is excluded as irrelevant, immaterial or unduly repetitious, the person offering such testimony or evidence shall have an opportunity to offer a proffer in regard to such testimony or evidence for the record. Such proffer shall be made at the public hearing.

4. Continuance Of Public Hearing: The body or officer conducting the public hearing may, upon the body's or officer's own motion, continue the public hearing or meeting to a fixed date, time and place. Two-thirds ($^2/_3$) of the voting members present at the hearing or meeting at which a quorum is present shall be required for a continuance, unless it is an administrative hearing. An applicant may request and be granted one continuance; however, all subsequent continuances shall be granted at the discretion of the body or officer conducting the public hearing only upon good cause shown.

D. Withdrawal Of Application: An applicant may withdraw an application at any time prior to the action on the application by the decision making body or officer. Application fees, however, shall not be refundable if a staff report on the application has already been prepared or notice of a public hearing on the application has already been mailed, posted or published pursuant to the provisions of section 21A.10.020 of this chapter.

E. Record Of Public Hearing Or Meeting:

1. Recording Of Public Hearing: Except where required otherwise by statute, the body or officer conducting the public hearing shall record the public hearing by any appropriate means. A copy of the public hearing record may be acquired upon request to the zoning administrator and payment of a fee to cover the cost of duplication of the record.

2. The Record: The minutes, tape recordings, all applications, exhibits, papers and reports submitted in any proceeding before the decision making body or officer, and the decision of the decision making body or officer shall constitute the record.

3. Location Of Record And Inspection: All records of decision making bodies or officers shall be public records, open for inspection at the offices of the decision making body or officer during normal business hours and upon reasonable request.

F. General Procedures For Findings And Decisions:

1. General: Action shall be taken in compliance with any time limits established in this title and as promptly as possible in consideration of the interests of the citizens of Salt Lake City and the applicant, and shall include a clear statement of approval, approval with conditions or disapproval.

2. Findings: Except for the city council, whose decision shall be made by motion or ordinance as appropriate, all decisions shall be in writing and shall include at least the following elements:

a. A summary of the information presented before the decision making body or officer;

b. A summary of all documentary evidence submitted into the record to the decision making body or officer and which the decision making body or officer considered in making the decision;

c. A statement of the general purpose of this title, the specific purpose of the district where the use is or would be located, and the standards relevant to the application;

d. A statement of specific findings of fact or other factors considered, whichever is appropriate, and a statement of the basis upon which such facts were determined, with specific reference to the relevant standards set forth in this title; and

e. A statement of approval, approval with conditions or disapproval.

G. Notification: The record of decision notifying the applicant of the decision of the decision making body or officer shall be sent within ten (10) days of the decision. A copy of the decision shall also be made available to the applicant at the offices of the decision making body or officer during normal business hours, within a reasonable period of time after the decision. The date of the record of decision will begin the permitted time frame for an appeal of the decision making body. (Ord. 69-09 § 5, 2009)

# CHAPTER 21A.12
# ADMINISTRATIVE INTERPRETATIONS

## 21A.12.010: PURPOSE STATEMENT:

The interpretation authority established by this chapter is intended to recognize that the provisions of this title, though detailed and extensive, cannot, as a practical matter, address every specific situation to which these provisions may have to be applied. Many of these situations can be resolved or clarified by interpreting the specific provisions of this title in light of the general and specific purposes for which those provisions were enacted. This interpretation authority is administrative rather than legislative. It is intended only to allow authoritative application of the provisions of this title to specific cases. It is not intended to add to or change the essential content of this title. (Ord. 26-95 § 2(6-1), 1995)

## 21A.12.020: SCOPE OF ZONING ADMINISTRATOR AUTHORITY:

The zoning administrator, subject to the procedures, standards and limitations of this chapter, may render interpretations, including use interpretations, of the provisions of this title and of any rule or regulation issued pursuant to it. (Ord. 26-95 § 2(6-2), 1995)

## 21A.12.030: PERSONS ENTITLED TO SEEK INTERPRETATIONS:

Applications for interpretations may be filed only by a property owner having need for an interpretation or by the property owner's authorized agent. (Ord. 26-95 § 2(6-3), 1995)

## 21A.12.040: PROCEDURES:

A. Application: An application for an interpretation of this title shall be filed on a form provided by the zoning administrator and shall contain at least the following information:

1. Provisions: The specific provision or provisions of this title for which an interpretation is sought;

2. Facts: The facts of the specific situation giving rise to the request for an interpretation;

3. Interpretation: The precise interpretation claimed by the applicant to be correct;

4. Statement: When a use interpretation is sought, a statement of what use permitted under the current zoning classification of the property that the applicant claims either includes the proposed use, or is most similar to the proposed use; and

5. Evidence: When a use interpretation is sought, documents, statements, and other evidence demonstrating that the proposed use will comply with all use limitations established for the district in which it is proposed to be located.

6. Fees: Nonrefundable fees shown on the Salt Lake City consolidated fee schedule shall accompany the application.

7. Notification To Recognized And Registered Organizations: The city shall give notification, by e-mail or other form chosen by the planning director to any organization which is entitled to receive notice pursuant to title 2, chapter 2.62 of this code, that a use interpretation has been determined.

B. Action On Application: The zoning administrator shall send the zoning administrator's written interpretation to the applicant stating any specific precedent or other reasons, or analysis upon which the determination is based.

C. Records: A record of decisions on all applications for interpretations of this title shall be kept on file in the office of the zoning administrator.

D. Appeal: Any person adversely affected by a final decision made by the zoning administrator interpreting a provision of this title may appeal to the appeals hearing officer in accordance with the provisions of chapter 21A.16 of this title. (Ord. 8-12, 2012: Ord. 62-11, 2011: Ord. 24-11, 2011)

## 21A.12.050: STANDARDS FOR USE INTERPRETATIONS:

The following standards shall govern the zoning administrator, and the appeals hearing officer on appeals from the zoning administrator, in issuing use interpretations:

A. Any use defined in chapter 21A.62 of this title, shall be interpreted as defined;

B. Any use specifically listed without a "P" or "C" designated in the table of permitted and conditional uses for a district shall not be allowed in that zoning district;

C. No use interpretation shall allow a proposed use in a district unless evidence is presented demonstrating that the proposed use will comply with the development standards established for that particular district;

D. No use interpretation shall allow any use in a particular district unless such use is substantially similar to the uses allowed in that district and is more similar to such uses than to uses allowed in a less restrictive district;

E. If the proposed use is most similar to a conditional use authorized in the district in which it is proposed to be located, any use interpretation allowing such use shall require that it may be approved only as a conditional use pursuant to chapter 21A.54 of this title; and

F. No use interpretation shall permit the establishment of any use that would be inconsistent with the statement of purpose of that zoning district. (Ord. 8-12, 2012)

## 21A.12.060: EFFECT OF USE INTERPRETATIONS:

A use interpretation finding a particular use to be a permitted use or a conditional use shall not authorize the establishment of such use nor the development, construction, reconstruction, alteration or moving of any building or structure. It shall merely authorize the preparation, filing, and processing of applications for any approvals and permits that may be required by the codes and ordinances of the city including, but not limited to, a zoning certificate, a building permit, a certificate of occupancy, subdivision approval, and site plan approval. (Ord. 26-95 § 2(6-6), 1995)

## 21A.12.070: LIMITATIONS ON USE INTERPRETATIONS:

A use interpretation finding a particular use to be a permitted use or a conditional use in a particular district shall be deemed to authorize only that particular use in the district and such use interpretation shall not be deemed to authorize any other allegedly similar use for which a separate use interpretation has not been issued. (Ord. 26-95 § 2(6-7), 1995)

# CHAPTER 21A.14
# ROUTINE AND UNCONTESTED MATTERS

(Rep. by Ord. 73-11, 2011)

# CHAPTER 21A.16
# APPEALS OF ADMINISTRATIVE DECISIONS

## 21A.16.010: AUTHORITY:

As described in section 21A.06.040 of this title, the appeals hearing officer shall hear and decide appeals alleging an error in any administrative decision made by the zoning administrator or the administrative hearing officer in the administration or enforcement of this title, as well as administrative decisions of the historic landmark commission; and the planning commission.

In addition, the appeals hearing officer shall hear and decide applications for variances as per chapter 21A.18 of this title. (Ord. 61-12, 2012)

## 21A.16.020: PARTIES ENTITLED TO APPEAL:

An applicant or any other person or entity adversely affected by a decision administering or interpreting this title may appeal to the appeals hearing officer. (Ord. 31-12, 2012)

## 21A.16.030: PROCEDURE:

Appeals of administrative decisions by the zoning administrator, historic landmark commission or planning commission to the appeals hearing officer shall be taken in accordance with the following procedures:

A. Filing Of Appeal: An appeal shall be made in writing within ten (10) days of the administrative decision by the zoning administrator, historic landmark commission or planning commission and shall be filed with the zoning administrator. The appeal shall specify the decision appealed, the alleged error made in connection with the decision being appealed, and the reasons the appellant claims the decision to be in error, including every theory of relief that can be presented in district court.

B. Fees: Nonrefundable application and hearing fees shown on the Salt Lake City consolidated fee schedule shall accompany the appeal.

C. Stay Of Proceedings: An appeal to the appeals hearing officer shall stay all further proceedings concerning the matter about which the appealed order, requirement, decision, determination, or interpretation was made unless the zoning administrator certifies in writing to the appeals hearing officer, after the appeal has been filed, that a stay would, in the zoning administrator's opinion, be against the best interest of the city.

D. Notice Required:

1. Public Hearing: Upon receipt of an appeal of an administrative decision by the zoning administrator, the appeals hearing officer shall schedule and hold a public hearing in accordance with the standards and procedures for conduct of the public hearing set forth in chapter 21A.10 of this title.

2. Notice Of Appeals Of Administrative Decisions Of The Historic Landmark Commission Or Planning Commission: Appeals from a decision of the historic landmark commission or planning commission are based on evidence in the record. Therefore, testimony at the appeal meeting shall be limited to the appellant and the respondent.

a. Upon receipt of an appeal of a decision by the historic landmark commission or planning commission the appeals hearing officer shall schedule a public meeting to hear arguments by the appellant and respondent. Notification of the date, time and place of the meeting shall be given to the appellant and respondent a minimum of twelve (12) calendar days in advance of the meeting.

b. The city shall give e-mail notification, or other form of notification chosen by the appeals hearing officer, a minimum of twelve (12) calendar days in advance of the hearing to any organization entitled to receive notice pursuant to title 2, chapter 2.62 of this code.

E. Standard Of Review:

1. The standard of review for an appeal, other than as provided in subsection E2 of this section, shall be de novo. The appeals hearing officer shall review the matter appealed anew, based upon applicable procedures and standards for approval, and shall give no deference to the decision below.

2. An appeal from a decision of the historic landmark commission or planning commission shall be based on the record made below.

a. No new evidence shall be heard by the appeals hearing officer unless such evidence was improperly excluded from consideration below.

b. The appeals hearing officer shall review the decision based upon applicable standards and shall determine its correctness.

c. The appeals hearing officer shall uphold the decision unless it is not supported by substantial evidence in the record or it violates a law, statute, or ordinance in effect when the decision was made.

F. Burden Of Proof: The appellant has the burden of proving the decision appealed is incorrect.

G. Action By The Appeals Hearing Officer: The appeals hearing officer shall render a written decision on the appeal. Such decision may reverse or affirm, wholly or in part, or may modify the administrative decision. A decision by the appeals hearing officer shall become effective on the date the decision is rendered.

H. Notification Of Decision: Notification of the decision of the appeals hearing officer shall be sent by mail to all parties to the appeal within ten (10) days of the appeals hearing officer's decision.

I. Record Of Proceedings: The proceedings of each appeal hearing shall be recorded on audio equipment. The audio recording of each appeal hearing shall be kept for a

minimum of sixty (60) days. Upon the written request of any interested person, such audio recording shall be kept for a reasonable period of time beyond the sixty (60) day period, as determined by the appeals hearing officer. Copies of the tapes of such hearings may be provided, if requested, at the expense of the requesting party. The appeals hearing officer may have the appeal proceedings contemporaneously transcribed by a court reporter.

J. Appeals: Any person adversely affected by a final decision made by the appeals hearing officer may file a petition for review of the decision with the district court within thirty (30) days after the decision is rendered.

K. Policies And Procedures: The planning director shall adopt policies and procedures, consistent with the provisions of this section, for processing appeals, the conduct of an appeal hearing, and for any other purpose considered necessary to properly consider an appeal. (Ord. 61-12, 2012)

### 21A.16.040: APPEAL OF DECISION:

Any person adversely affected by a final decision made by the appeals hearing officer may file a petition for review of the decision with the district court within thirty (30) days after the decision is rendered. (Ord. 8-12, 2012)

### 21A.16.050: STAY OF DECISION:

The appeals hearing officer may stay the issuance of any permits or approvals based on its decision for thirty (30) days or until the decision of the district court in any appeal of the decision. (Ord. 8-12, 2012)

# CHAPTER 21A.18
# VARIANCES

### 21A.18.010: PURPOSE STATEMENT:

The variance procedures are intended to provide a narrowly circumscribed means by which relief may be granted from unforeseen particular applications of this title that create unreasonable hardships. When such hardships may be more appropriately remedied, if at all, pursuant to other provisions of this title, the variance procedure is inappropriate. (Ord. 26-95 § 2(9-1), 1995)

### 21A.18.020: AUTHORITY:

As described in section 21A.06.040 of this title, the appeals hearing officer may grant variances from the provisions of this title only in compliance with the procedures set forth in section 21A.18.040 of this chapter and only in accordance with each of the standards enumerated in section 21A.18.060 of this chapter. (Ord. 8-12, 2012)

## 21A.18.030: PARTIES ENTITLED TO SEEK VARIANCES:

Applications for variances may be filed by an owner of the property affected or by the property owner's authorized agent. All applications for variances shall be filed on forms approved by the zoning administrator. (Ord. 26-95 § 2(9-3), 1995)

## 21A.18.040: PROCEDURES:

A. Application: An application for a variance shall be filed with the zoning administrator and shall include the following items and information unless determined inapplicable by the zoning administrator:

1. Written Information:

a. The property owner's name and address and the owner's signed consent to the filing of the application;

b. The applicant's name and address, if different than the owner, and the applicant's interest in the subject property;

c. The names and addresses of all professional consultants, if any, advising the applicant with respect to the application;

d. The address and legal description of the subject property;

e. Sidwell map numbers identifying the property; and

f. Noticing and posting requirements shall be met as specified in chapter 21A.10 of this title.

2. Graphic Information:

a. A site plan drawn to scale identifying all property lines, structures, including primary and accessory structures, fences, right of way, and their respective distances from the property lines;

b. An elevation drawing to scale showing all elevations of existing and proposed structures;

c. When the variance involves building height a streetscape plan showing the height of the buildings on both sides of the street to the nearest intersection;

d. When the variance involves grade changes, a topographical drawing prepared by a licensed surveyor shall be included. The existing topography shall be shown in dashed lines at two foot (2') intervals and the proposed grade shall be shown in solid lines at two foot (2') intervals. All retaining walls shall be identified and the height shall be shown on the plan relative to the proposed grades. Retaining walls shall be designed by a structural engineer licensed to practice in the state; and

e. When a variance request involves setbacks or height or grade changes a complete landscape plan shall be provided. Plans shall show landscape design and identify all species and caliper of proposed plants.

3. Variance Information:

a. The specific feature or features of the proposed use, construction or development that require a variance;

b. The specific provision of this title from which the variance is sought and the precise variance being sought;

c. A statement of the characteristics of the subject property that prevent compliance with the provisions of this title and result in unnecessary hardship;

d. A statement of the minimum variation of the provisions of this title that would be necessary to permit the proposed use, construction or development;

e. An explanation of how the application satisfies each standard set forth in section 21A.18.060 of this chapter; and

f. Any other information identified by the zoning administrator to be pertinent to the requested variance.

B. Fees: Nonrefundable application and hearing fees shown on the Salt Lake City consolidated fee schedule shall accompany the application for a variance.

C. Hearing: Upon receipt of a complete application for a variance, the appeals hearing officer shall hold a hearing with notice in accordance with the requirements of chapter 21A.10 of this title.

D. Action By Appeals Hearing Officer: Upon the close of the hearing the appeals hearing officer shall render its decision, granting, granting with conditions, or denying the variance.

E. Special Procedures In Connection With Other Applications: Whenever a variance is needed in addition to a zoning amendment or a conditional use, the zoning administrator shall not schedule a hearing on the variance until a final approval has been rendered on these other applications by the planning commission or the city council, as applicable. (Ord. 8-12, 2012: Ord. 62-11, 2011: Ord. 61-11, 2011: Ord. 24-11, 2011)

## 21A.18.050: PROHIBITED VARIANCES:

The appeals hearing officer shall not grant a variance that:

A. Is intended as a temporary measure only;

B. Is greater than the minimum variation necessary to relieve the unnecessary hardship demonstrated by the applicant; or

C. Authorizes uses not allowed by law (i.e., a "use variance"). (Ord. 8-12, 2012)

## 21A.18.060: STANDARDS FOR VARIANCES:

Subject to the prohibitions set forth in section 21A.18.050 of this chapter, and subject to the other provisions of this chapter, the appeals hearing officer may grant a variance from the terms of this title only if:

A. General Standards:

1. Literal enforcement of this title would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of this title;

2. There are special circumstances attached to the property that do not generally apply to other properties in the same zoning district;

3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district;

4. The variance will not substantially affect the general plan of the city and will not be contrary to the public interest; and

5. The spirit of this title is observed and substantial justice done.

B. Circumstances Peculiar To Property: In determining whether or not enforcement of this title would cause unreasonable hardship under subsection A of this section, the appeals hearing officer may not find an unreasonable hardship unless:

1. The alleged hardship is related to the size, shape or topography of the property for which the variance is sought; and

2. The alleged hardship comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.

C. Self-Imposed Or Economic Hardship: In determining whether or not enforcement of this title would cause unreasonable hardship under subsection A of this section, the appeals hearing officer may not find an unreasonable hardship if the hardship is self-imposed or economic.

D. Special Circumstances: In determining whether or not there are special circumstances attached to the property under subsection A of this section, the appeals hearing officer may find that special circumstances exist only if:

1. The special circumstances relate to the alleged hardship; and

2. The special circumstances deprive the property of privileges granted to other properties in the same zoning district. (Ord. 8-12, 2012)

## 21A.18.070: VARIANCE LESS THAN REQUESTED:

A variance less than or different than that requested may be authorized when the record supports the applicant's right to some relief but not to the relief requested. (Ord. 26-95 § 2 (9-7), 1995)

## 21A.18.080: CONDITIONS ON VARIANCES:

In authorizing a variance, the appeals hearing officer may impose such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the public interest to mitigate any harmful effects of the variance or that will serve the purpose of the standard or requirement that is waived or modified. The appeals hearing officer may require a guarantee or bond to ensure that the conditions imposed will be followed. These conditions shall be expressly set forth in the appeals hearing officer's motion granting the variance. Violation of any condition or limitation on the grant of a variance shall be a violation of this title and shall constitute grounds for revocation of the variance. (Ord. 8-12, 2012)

## 21A.18.090: EFFECT OF GRANTING A VARIANCE:

The granting of a variance shall not authorize the establishment or extension of any use, nor the development, construction, reconstruction, alteration or moving of any building or structure but shall merely authorize the preparation, filing and processing of applications for any permits and approval that may be required by the regulations of the city, including, but not limited to, a zoning certificate, a building permit, a certificate of occupancy, subdivision approval, and site plan approval. (Ord. 26-95 § 2(9-9), 1995)

## 21A.18.100: LIMITATIONS ON VARIANCES:

Subject to an extension of time granted upon application to the planning director no variance shall be valid for a period longer than one year unless a building permit is issued or complete building plans have been submitted to the division of building services and licensing within that period. The planning director may grant an extension of a variance for up to one additional year when the applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact. Extension requests must be submitted prior to the expiration of the variance. (Ord. 11-10 § 4, 2010)

## 21A.18.110: APPEAL OF DECISION:

Any person adversely affected by a final decision made by the appeals hearing officer may file a petition for review of the decision with the district court within thirty (30) days after the decision is rendered. (Ord. 8-12, 2012)

## 21A.18.120: STAY OF DECISION:

The appeals hearing officer may stay the issuance of any permits or approval based on its decision for thirty (30) days or until the decision of the district court in any appeal of the decision. (Ord. 8-12, 2012)

# CHAPTER 21A.20
# ENFORCEMENT

## 21A.20.010: DEFINED TERMS:

In this chapter, the words, terms, phrases and their derivatives shall have the meanings as stated and defined in this chapter.

CITATION DEADLINE: The date identified in the second notice of violation, including any authorized extension of time.

FIRST NOTICE: The initial notice informing the person cited that a zoning violation exists.

NOTICE OF COMPLIANCE: A written notice informing the person cited that the violation has been cured.

PERSON CITED: The owner, owner's agent, tenant or occupant of any building or land or part thereof and any architect, builder, contractor, agent or other person who participates in, assists, directs or creates any situation that is contrary to the requirements of this title, and who received the notice of violation and is being held responsible for the violation.

SECOND NOTICE: The notice informing the person cited of the date that civil fines will begin to accrue if the zoning violation is not corrected. (Ord. 35-99 § 10, 1999)

## 21A.20.020: COMPLAINTS REGARDING VIOLATIONS:

The supervisor of zoning enforcement or designee may investigate any complaint alleging a violation of this title and take such action as is warranted in accordance with the procedures set forth in this chapter. (Ord. 35-99 § 10, 1999)

## 21A.20.030: PROCEDURES UPON DISCOVERY OF VIOLATIONS:

A. If the supervisor of zoning enforcement finds that any provision of this title is being violated, the supervisor of zoning enforcement may provide a written notice to the property owner and any other person determined to be responsible for such violation. The written notice shall indicate the nature of the violation and order the action necessary to correct it. Additional written notices may be provided at the supervisor of zoning enforcement's discretion.

B. The written notice shall state what action the supervisor of zoning enforcement intends to take if the violation is not corrected. The written notice shall include information regarding the established warning period for the indicated violations and shall serve to start any warning periods provided in this chapter.

C. Such written notice issued by the supervisor of zoning enforcement shall be deemed sufficient and complete when served upon the owner or occupant:

1. Personally by the inspector or his or her representative; or by mailing, postage prepaid, by certified mail, return receipt requested, addressed to the owner or occupant at the last known address appearing on the records of the county recorder; and

2. By posting notice on the property where said violation(s) occur.

D. In cases when delay in enforcement would seriously threaten the effective enforcement of this title, or pose a danger to the public health, safety or welfare, the supervisor of zoning enforcement may seek enforcement without prior written notice by invoking any of the fines or remedies authorized in section 21A.20.050 of this chapter.

E. If the violation remains uncured within five (5) days of the expiration of the warning period, a second notice of violation shall be delivered by mailing, postage prepaid, addressed to the person cited at the last known address appearing on the records of the county recorder. The second notice shall serve to start the civil fines. (Ord. 35-99 § 10, 1999)

## 21A.20.040: FINES FOR VIOLATIONS:

A. Violations of the provisions of this title or failure to comply with any of its requirements shall be punishable as a class B misdemeanor upon conviction.

B. This title may also be enforced by injunction, mandamus, abatement, civil fines or any other appropriate action in law or equity.

C. Each day that any violation continues after the citation deadline shall be considered a separate offense for purposes of the fines and remedies available to the city.

D. Accumulation of fines for violations, but not the obligation for payment of fines already accrued, shall stop upon correction of the violation.

E. Any one or more of the fines and remedies identified herein may be used to enforce this title. (Ord. 35-99 § 10, 1999)

## 21A.20.050: CIVIL FINES:

If the violations are not corrected by the citation deadline, civil fines shall accrue at twenty five dollars ($25.00) a day per violation for properties in residential zoning districts and one hundred dollars ($100.00) per day per violation for properties in nonresidential zoning districts. (Ord. 35-99 § 10, 1999)

## 21A.20.060: DAILY VIOLATIONS:

Each day a violation continues after the citation deadline shall give rise to a separate civil fine. (Ord. 35-99 § 10, 1999)

## 21A.20.070: COMPLIANCE:

The city may use such lawful means as are available to obtain compliance and to collect the amount of any fines accrued, including costs and attorney fees. (Ord. 35-99 § 10, 1999)

## 21A.20.080: RECURRING VIOLATIONS:

In the case where a violation, which had been corrected, reoccurs within six (6) months of the initial correction, the city will begin enforcement of said recurring violation and fines will begin accruing after a ten (10) day warning period. (Ord. 35-99 § 10, 1999)

## 21A.20.090: APPEARANCE BEFORE A HEARING OFFICER:

A. Right To Appear: Any person cited may appear before a hearing officer to appeal the amount of the fine imposed. However, no party may appear before a hearing officer until violations identified have been corrected and a notice of compliance has been issued. Appeals to the hearing officer contesting the amount of the fine imposed, must be filed within thirty (30) days from the date of the notice of compliance.

B. Defense: The burden to prove any defense shall be upon the person raising such defense.

C. Responsibility: Commencement of any action to remove or reduce fines shall not relieve the responsibility of any person cited to cure the violation or make payment of subsequently accrued civil fines nor shall it require the city to reissue any of the notices required by this chapter. (Ord. 35-99 § 10, 1999)

## 21A.20.100: APPEAL OF ADMINISTRATIVE DECISION:

The decision of the supervisor of zoning enforcement regarding the existence of a zoning violation shall be deemed an administrative decision which may be appealed to the appeals hearing officer within thirty (30) days of the date of the first notice. (Ord. 8-12, 2012)

## 21A.20.110: HEARING OFFICER DUTIES:

A. The mayor, or his/her designee, shall appoint such hearing officers as the mayor, or his/her designee, deems appropriate to consider matters relating to the violation of this title. The hearing officer shall have the authority to hear evidence relating to mitigating circumstances and to make such equitable adjustments as he/she deems appropriate, as set forth below:

1. The hearing officer may adjust, reduce or eliminate fines or create payment plans relating to fines accrued by the person cited. In the administration of this duty, the hearing officer may reduce or eliminate fines based upon any circumstance or other equitable consideration the hearing officer finds to be applicable. In cases where the administrative process has not been followed by the division, the hearing officer has the authority to reduce or eliminate fines.

2. Payment plans may be created by the hearing officer. Although the hearing officer has the ultimate authority in establishing the payment schedule, the minimum payment schedule provided by the department of community and economic development should be followed. (Ord. 38-08, 2008: Ord. 6-04 § 16, 2004: Ord. 35-99 § 10, 1999)

## 21A.20.120: DISMISSAL CRITERIA:

A. If the hearing officer finds that no violation occurred and/or a violation occurred but one or more of the defenses set forth in this section is applicable, the hearing officer may dismiss the notice of violation. Such defenses are:

1. At the time of the receipt of the notice of violation, compliance would have violated the criminal laws of the state;

2. Compliance with the subject ordinances would have presented an imminent and irreparable injury to persons or property. (Ord. 35-99 § 10, 1999)

## 21A.20.130: ACCEPTANCE OF HEARING OFFICER DECISION:

If the hearing officer finds that a violation of this title occurred and no applicable defense exists, the hearing officer 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 fine. The person cited has fourteen (14) days in which to accept the decision of the hearing officer. If the person cited does not accept the decision of the hearing officer, any agreement to modify the fine or set up a payment schedule by the hearing officer is void and the city will attempt to collect the original amount of the fine. (Ord. 35-99 § 10, 1999)

## 21A.20.140: ABATEMENT FOR CORRECTION AND PAYMENT:

A. Civil fines may be partially abated after the violation is cured and at the discretion of a hearing officer if any of the following conditions exist:

1. The violation includes landscaping in which case the time for payment and correction of landscaping violations may be abated from October 15 through the next April 1 or such other times as caused by weather conditions adverse to successful landscaping.

2. Strict compliance with the notice and order would have caused an imminent and irreparable injury to persons or property.

3. The violation and inability to cure were both caused by a force majeure event such as war, act of nature, strike or civil disturbance.

4. A change in the actual ownership of the property was recorded with the Salt Lake County recorder's office after the first or second notice was issued and the new owner is not related by blood, marriage or common ownership to the prior owner.

5. Such other mitigating circumstances as may be approved by the city attorney or designee.

B. If the hearing officer finds that the noticed violation occurred and no applicable defense applies, the hearing officer may, in the interest of justice and on behalf of the city, enter into an agreement for the delayed or periodic payment of the applicable fine.

C. Once a payment schedule has been developed by the hearing officer, and agreed to by the person cited, failure to submit any two (2) payments as scheduled would require payment of the entire amount of the original fine immediately. (Ord. 35-99 § 10, 1999)

# CHAPTER 21A.22
# ZONING DISTRICTS, MAP AND BOUNDARIES

## 21A.22.010: ZONING DISTRICTS:

In order to carry out the purposes of this title, Salt Lake City is divided into the following zoning districts:

| Section Reference | | District Name |
|---|---|---|
| A. | Residential Districts: | |
| | 21A.24.020 | FR-1/43,560 foothills estate residential district |
| | 21A.24.030 | FR-2/21,780 foothills residential district |
| | 21A.24.040 | FR-3/12,000 foothills residential district |
| | 21A.24.050 | R-1/12,000 single-family residential district |
| | 21A.24.060 | R-1/7,000 single-family residential district |
| | 21A.24.070 | R-1/5,000 single-family residential district |
| | 21A.24.080 | SR-1 and SR-1A special development pattern residential district |
| | 21A.24.090 | SR-2 (Reserved) |
| | 21A.24.100 | SR-3 special development pattern residential district |
| | 21A.24.110 | R-2 single- and two-family residential district |
| | 21A.24.120 | RMF-30 low density multi-family residential district |
| | 21A.24.130 | RMF-35 moderate density multi-family residential district |

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| | 21A.24.140 | RMF-45 moderate/high density multi-family residential district |
| | 21A.24.150 | RMF-75 high density multi-family residential district |
| | 21A.24.160 | RB residential/business district |
| | 21A.24.164 | R-MU-35 residential/mixed use district |
| | 21A.24.168 | R-MU-45 residential/mixed use district |
| | 21A.24.170 | R-MU residential/mixed use district |
| | 21A.24.180 | RO residential/office district |
| B. | Commercial Districts: | |
| | 21A.26.020 | CN neighborhood commercial district |
| | 21A.26.025 | SNB small neighborhood business district |
| | 21A.26.030 | CB community business district |
| | 21A.26.040 | CS community shopping district |
| | 21A.26.050 | CC corridor commercial district |
| | 21A.26.060 | CSHBD Sugar House business district |
| | 21A.26.070 | CG general commercial district |
| | 21A.26.077 | TC-75 transit corridor district |
| | 21A.26.078 | TSA transit station area district |
| C. | Manufacturing Districts: | |
| | 21A.28.020 | M-1 light manufacturing district |
| | 21A.28.030 | M-2 heavy manufacturing district |
| D. | Downtown Districts And Gateway Districts: | |
| | Downtown districts: | |
| | 21A.30.020 | D-1 central business district |
| | 21A.30.030 | D-2 downtown support district |

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|---|---|---|
| | 21A.30.040 | D-3 downtown warehouse/residential district |
| | 21A.30.045 | D-4 downtown secondary central business district |
| | Gateway districts: | |
| | 21A.31.020 | G-MU gateway-mixed use district |
| E. | Special Purpose Districts: | |
| | 21A.32.020 | RP research park district |
| | 21A.32.030 | BP business park district |
| | 21A.32.040 | FP foothills protection district |
| | 21A.32.050 | AG agricultural district |
| | 21A.32.052 | AG-2 agricultural district |
| | 21A.32.054 | AG-5 agricultural district |
| | 21A.32.056 | AG-20 agricultural district |
| | 21A.32.060 | A airport district |
| | 21A.32.070 | PL public lands district |
| | 21A.32.075 | PL-2 public lands district |
| | 21A.32.080 | I institutional district |
| | 21A.32.090 | UI urban institutional district |
| | 21A.32.100 | OS open space district |
| | 21A.32.105 | NOS natural open space district |
| | 21A.32.110 | MH mobile home park district |
| | 21A.32.120 | EI extractive industries district |
| | 21A.32.130 | MU mixed use district |
| F. | Overlay Districts: | |
| | 21A.34.020 | H historic preservation overlay district |
| | 21A.34.030 | T transitional overlay district |

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|---|---|---|
| | 21A.34.040 | AFPP airport flight path protection overlay district |
| | 21A.34.050 | LC lowland conservancy overlay district |
| | 21A.34.060 | Groundwater source protection overlay district |
| | 21A.34.070 | LO landfill overlay district |
| | 21A.34.080 | CHPA capitol hill protective area overlay district |
| | 21A.34.090 | SSSC South State Street corridor overlay district |
| | 21A.34.100 | M-1H light manufacturing height overlay district |
| | 21A.34.110 | DMSC downtown Main Street core overlay district |
| | 21A.34.120 | YCI Yalecrest compatible infill overlay district |
| | 21A.34.130 | RCO riparian corridor overlay district |

(Ord. 59-12, 2012: Ord. 59-10, 2010: Ord. 3-08, 2008: Ord. 26-06, 2006: Ord. 76-05, 2005: Ord. 72-05, 2005: Ord. 44-05, 2005: Ord. 71-04, 2004: Ord. 4-04, 2004: Ord. 7-03 § 1, 2003: Ord. 73-02 § 1, 2002: Ord. 14-00 § 1, 2000: Ord. 95-98 § 1, 1998: Ord. 83-98 §§ 3, 6, 1998: Ord. 26-95 § 2(11-1), 1995)

## 21A.22.020: ZONING MAP:

A. Official Map: The boundaries of the districts listed in section 21A.22.010 of this chapter, are set forth on the zoning map entitled "Salt Lake City zoning district map" (the "zoning map") which is made a part of this title. Official copies of the zoning map are on file in the office of the zoning administrator. The zoning map, including all notations and revisions, is an integral part of this title.

B. Nonestoppel: The failure to post or record any zoning amendment adopted by subsequent ordinance onto the zoning map shall not estop the city from enforcing the zoning district adopted by the subsequent ordinance.

C. Entire City Zoned: It is the intent of this title that the entire area of Salt Lake City, including all land and water areas, rivers, streets, alleys, railroads and other rights of way, be included in the districts established by this title and shown on the zoning map. Any area not shown on the zoning map as being included in any district shall be deemed to be in the R-1/12,000 single-family residential district. (Ord. 26-95 § 2(11-2), 1995)

## 21A.22.030: BOUNDARIES:

In the event that uncertainties exist with respect to the intended boundaries of the various districts as shown on the zoning map, the following rules shall apply:

A. Centerlines And Right Of Way Lines As Boundaries: Where the designation of a boundary line on the zoning map coincides with the edge of a street, alley, waterway or other right of way, the centerline of such right of way line shall be construed to be the boundary of the district.

B. Property Lines As Boundaries: Where a district boundary coincides with the location of a property line, as recorded by the Salt Lake County recorder as of April 12, 1995, the property line shall be construed to be the boundary of the district.

C. Scaled Lines As Boundaries: Where the district boundaries do not coincide with the location of rights of way or property lines, the district boundary shall be determined by measuring such boundary lines through the use of the map scale as shown on the zoning map. If a district boundary splits a parcel at a depth of less than thirty feet (30') or an average of thirty feet (30') in the case of irregular shaped parcel, then the entire parcel is considered zoned the majority district that covers the parcel.

D. Clarification Of Map Interpretation: The zoning administrator shall hear and decide all applications for interpretation of district boundary lines shown on the zoning map pursuant to the provisions of chapter 21A.12 of this title. The zoning administrator shall have the authority only to interpret boundary lines, not to change the location of district boundary lines or to rezone property. (Ord. 62-09 § 15, 2009)

# CHAPTER 21A.24
# RESIDENTIAL DISTRICTS

## 21A.24.010: GENERAL PROVISIONS:

A. Statement Of Intent: The residential districts are intended to provide a range of housing choices to meet the needs of Salt Lake City's citizens, to offer a balance of housing types and densities, to preserve and maintain the city's neighborhoods as safe and convenient places to live, to promote the harmonious development of residential communities, to ensure compatible infill development, and to help implement adopted plans.

B. Site Plan Review: In certain districts, permitted uses and conditional uses have the potential for adverse impacts if located and laid out without careful planning. Such impacts may interfere with the use and enjoyment of adjacent property and uses. Site plan review is a process designed to address such adverse impacts and minimize them where possible. Site plan review is not required for single-family, two-family and twin home dwellings unless they are approved as a conditional use. All other uses shall be subject to the site plan review regulations contained in chapter 21A.58 of this title.

C. Permitted Uses: The uses specified as permitted uses, in section 21A.24.190, "Table Of Permitted And Conditional Uses For Residential Districts", of this chapter, are permitted provided that they comply with all requirements of this chapter, the general standards set forth in part IV of this title and all other applicable requirements of this title.

D. Conditional Uses: The uses specified as conditional uses in section 21A.24.190, "Table Of Permitted And Conditional Uses For Residential Districts", of this chapter shall be allowed provided they are approved pursuant to the standards and procedures for conditional uses set forth in chapter 21A.54 of this title, and comply with all other applicable requirements of this title.

E. Obnoxious Or Offensive Uses: No use of land shall be permitted which is obnoxious or offensive by reason of odor, dust, smoke, vapors, noise, light, vibration or refuse matter.

F. Accessory Lots, Accessory Uses, Buildings And Structures: Accessory lots, accessory uses, buildings and structures are allowed in the residential districts subject to the requirements of this chapter, section 21A.36.020, table 21A.36.020B, section 21A.36.030 of this title, and the provisions of chapter 21A.40 of this title.

G. Flag Lots In Residential Districts: Flag lots are a permitted use only as part of a new subdivision in the FP, FR-1, FR-2 and FR-3 districts. Flag lots in all other residential districts, unless being approved through the planned development process, may be allowed as a conditional use pursuant to chapter 21A.55 of this title, provided that the planning commission finds the flag lot proposal to be compatible with the existing pattern of property development of the surrounding area. The planning commission shall also make findings on the standards listed in subsections G1 through G14 of this section:

1. In residential districts other than new subdivisions in the FP, FR-1, FR-2, FR-3 districts, flag lots shall be approved only when one flag lot is proposed at the rear of an existing lot, unless being approved through the planned development process;

2. Flag lots shall be used exclusively to provide lots for single-family residential dwellings;

3. All lot and yard requirements applicable to flag lots shall apply to the main body of the flag lot. For flag lots, the front yard shall begin at the point where the access strip joins the main body of the lot;

4. Except for the special provisions contained in this subsection G, the creation of a flag lot shall not result in a violation of required lot area, lot width, yards or other applicable provisions of this title;

5. Flag lots shall have a minimum lot depth of one hundred feet (100') measured from the point where the access strip joins the main body of the lot;

6. The flag lot access strip shall have minimum of twenty four feet (24') of frontage on a public street. No portion of the flag lot access strip shall measure less than twenty four feet (24') in width between the street right of way line and main body of the lot. A minimum sixteen foot (16') wide hard surfaced driveway shall be provided along the entire length of the access strip. A four foot (4') minimum landscape yard shall be provided on each side of the driveway. (See illustration in chapter 21A.62 of this title.);

7. Flag lots, including the access strip, shall be held in fee simple ownership;

8. The minimum lot area of a flag lot shall not be less than 1.5 times the minimum lot area of the applicable district. The lot area calculation excludes the lot access strip;

9. The minimum required side yard for a single-story building on a flag lot is ten feet (10'). If any portion of the structure exceeds one story in height, all side yard setbacks shall meet the required rear yard setback of the underlying zoning district. The planning commission may increase the side or rear yard setback where there is a topographic change between lots;

10. Both the flag lot and any remnant property resulting from the creation of a flag lot (including existing buildings and structures) shall meet the minimum lot area, width, frontage, setback, parking and all other applicable zoning requirements of the underlying zoning district;

11. Any garage, whether attached to or detached from the main building, shall be located in the buildable area of the lot;

12. Accessory buildings other than garages may be located in the rear yard area, however, planning commission approval is required for any accessory building that requires a building permit;

13. A four foot (4') wide landscaped strip is required along both side property lines from the front to rear lot lines;

14. Reflective house numbers shall be posted at the front of the access strip;

15. In addition to any other provisions that may apply, the creation of a flag lot is considered a subdivision and shall be subject to applicable subdivision regulations and processes.

H. Side Entry Buildings: To provide for adequate air, light and separation between buildings, greater yard requirements are necessary for buildings whose principal means of entry is located along an interior side yard. For all such buildings, the side yard shall not be less than twelve feet (12'), eight feet (8') of which shall be devoted to landscape area.

I. Front Facade Controls: To maintain architectural harmony and primary orientation along the street, all buildings shall be required to include an entrance door, and such other features as windows, balconies, porches, and other such architectural features in the front facade of the building, totaling not less than ten percent (10%) of the front facade elevation area, excluding any area used for roof structures. For buildings constructed on a corner lot, only one front facade is required in either the front or corner side facade of the building.

1. Exceptions: Properties located in the FP zone are exempt from the front facade control requirement.

J. Basement Structures: All dwellings must have at least one full story aboveground. Residential structures built into a hillside with less than all elevations exposed may be approved through the site plan review process.

K. Lighting: On site lighting shall be located, directed or designed in such a manner as to contain and direct light and glare only to the property on which it is located.

L. Parking And Loading: All uses in the residential districts shall comply with the provisions governing off street parking in chapter 21A.44 of this title.

M. Signs: All uses in the residential districts shall comply with the provisions governing signs in chapter 21A.46 of this title.

N. Front And Corner Side Yard Landscaping: All required front and corner yards should be maintained as landscape yards. In addition, all uses in residential districts shall comply with the provisions governing landscaping in chapter 21A.48 of this title.

O. Landscaping And Revegetation: Installation of all required landscaping shall begin no later than one month after a certificate of occupancy; except that if a certificate of occupancy is issued between October 15 and the following April 1, installation of the landscaping shall begin no later than April 30. Landscaping shall be substantially completed within nine (9) months after a certificate of occupancy is issued.

P. Special Foothills Regulations: The FP foothills protection district, section 21A.32.040 of this title, and the FR-1/43,560, FR-2/21,780 and FR-3/12,000 districts shall be subject to the regulations of this subsection, other general provisions for residential districts, and the district regulations of each district.

1. Special Building Height Controls: Uses and buildings in the FR-1/43,560, FR-2/21,780, FR-3/12,000 and FP districts shall conform to the following special height regulations:

a. Building height for initial construction of a building in a foothill zone shall be measured as the vertical distance between the top of the roof and the established grade at any given point of building coverage. Building height for any subsequent structural modification or addition to a building shall be measured from finished grade existing at

the time a building permit is requested. Building height for foothills districts is defined and illustrated in chapter 21A.62 of this title.

b. In the FR-1 district, the maximum building height shall be thirty five feet (35'), except that the front and rear vertical building walls shall not exceed thirty one feet (31'). On a corner lot, roof gable ends which face onto either the front or corner side yard, but not both, are permitted to the height of thirty five feet (35').

c. In the FR-2, FR-3 and FP districts, the maximum building height shall be twenty eight feet (28'), except that the front and rear vertical building walls shall not exceed twenty five feet (25'). On a corner lot, roof gable ends which face onto either the front or corner side yard, but not both, are permitted to a height of twenty eight feet (28'). Where buildings are stepped to accommodate the slope of terrain, each step shall have a horizontal dimension of at least twelve feet (12').

d. All building heights for initial construction of a building in a foothill zone shall be measured from the established grade. Up to four feet (4') of fill (or 6 feet within the buildable area of the lot) may be added on top of the established grade in order to bring the exposed portion of the lower story of a single exterior wall of building into compliance with the definition of a basement when the majority of that lower level of that exterior wall already complies with this definition. The height of any subsequent structural modification or addition to a building shall be measured from the finished grade existing at the time a building permit is requested.

2. Height Special Exception: The planning commission, as a special exception to the height regulations of the applicable district, may approve a permit to exceed the maximum building height but shall not have the authority to grant additional stories. To grant a height special exception the planning commission must find the proposed plan:

a. Is a design better suited to the site than can be achieved by strict compliance to these regulations; and

b. Satisfies the following criteria:

(1) The topography of the lot presents difficulties for construction when the foothill height limitations are applied,

(2) The structure has been designed for the topographic conditions existing on the particular lot, and

(3) The impact of additional height on neighboring properties has been identified and reasonably mitigated.

c. In making these considerations the planning commission can consider the size of the lot upon which the structure is proposed.

d. The burden of proof is upon the applicant to submit sufficient data to persuade the planning commission that the criteria have been satisfied.

e. The planning commission may deny an application for a height special exception if:

(1) The architectural plans submitted are designed for structures on level, or nearly level, ground, and the design is transposed to hillside lots requiring support foundations such that the structure exceeds the height limits of these regulations;

(2) The additional height can be reduced by modifying the design of the structure through the use of stepping or terracing or by altering the placement of the structure on the lot;

(3) The additional height will substantially impair the views from adjacent lots, and the impairment can be avoided by modification; or

(4) The proposal is not in keeping with the character of the neighborhood.

3. Design Regulations: The following design regulations shall also apply:

a. Exterior Building Colors: The exterior of any building or structure shall blend with the natural materials and predominant colors and hues of the surrounding foothills. Colors permitted include grays, browns, greens, tans and other earth tones. White or bright colors shall be limited to window casings, doors, eaves and other trim areas.

b. Exterior Building Glass: Windows and other glass surfaces shall have an outdoor visible light reflective value no more than eighteen percent (18%) as defined and measured by ASTM E308-90 or its successor.

c. Roof Materials And Colors: Roof colors shall be earth tones. White, bright and reflective materials are prohibited from roofs. Tile, slate, architectural asphalt shingles and fire retardant wood are permitted as roofing materials.

d. Mechanical Equipment: Mechanical equipment including, without limitation, swamp coolers, air conditioning equipment, heat pumps, vents, blowers and fans shall be screened from view or painted to match the building color adjacent to the equipment. Roof mounted mechanical equipment, excluding solar panels which are subject to section 21A.40.190 of this title, shall not extend above the highest roof ridgeline.

4. Satellite Antennas: In addition to the regulations contained in chapter 21A.40 of this title, satellite antennas shall be painted nonreflective black or other dark earth tone colors.

5. Exterior Lighting: Floodlighting of buildings and structures is prohibited. Exterior lighting shall be architecturally integrated decorative lighting. Yard areas may be lit only with "directional" lighting and no direct light beam may impact any other property, except for security lights intended to be activated only at limited times as necessary for immediate security.

6. Grade Changes: No grading shall be permitted prior to the issuance of a building permit. The established grade of any lot shall not be raised or lowered more than four feet (4') at any point for the construction of any structure or improvement except:

a. Within the buildable area, established grade may be raised or lowered a maximum of six feet (6') by grading or retaining walls; and

b. As necessary to construct driveway access from the street to the garage or parking area grade changes and/or retaining walls up to six feet (6') from the established grade may be permitted.

7. Grading: Unauthorized grading and other surface disturbing activities are prohibited in all undevelopable areas within the lot or the subdivision. Prior to any grading or other surface disturbing activity on the property, the undevelopable areas shall be clearly delineated by temporary fencing or flagging. Any flagging stakes used to delineate undevelopable areas shall be a minimum of four feet (4') above grade and no more than ten feet (10') apart.

8. Retaining Walls: All cuts and fills in excess of two feet (2') shall be supported by retaining walls if required by the zoning administrator. Any stacking of rocks to create a rock wall in excess of a thirty percent (30%) slope, that is intended to retain soil, shall be considered a retaining wall. No retaining wall may exceed four feet (4') in height above the established grade except as provided in subsections P6a and P6b of this section. In a terrace of retaining walls, each four foot (4') vertical retaining wall must be separated by a minimum of three (3) horizontal feet, and any six foot (6') retaining wall must be separated from any other retaining wall by a minimum of five (5) horizontal feet. The horizontal area between terraced retaining walls shall be landscaped with vegetation. All retaining walls, in excess of four feet (4') in height shall be approved by an engineer licensed by the state, and the engineer's approval shall be consistent with the provisions of a geotechnical report. The zoning administrator may require an engineer's approval for retaining walls less than four feet (4') that there are sufficient risk factors, such as slope, soil stability, or proximity to structures on adjacent property.

9. Roads And Driveways: To ensure that private roads and driveways minimize impact on the natural landscape, plans for the design and improvement of roads and driveways shall be subject to review and approval by the city engineer and fire department as a condition of building permit issuance. Design standards and guidelines for private roads and driveways shall include the following:

a. Driveways which serve more than one parcel are encouraged as a method of reducing unnecessary grading, paving, and site disturbance. The drive approach for driveways which serve more than one parcel shall not exceed the standard widths for drive approaches as specified by the Salt Lake City transportation division.

b. Driveway approaches shall not be located within six feet (6') of any side property line. Exceptions may be considered by the development review team, based on the driveway slope and dimension, slope of the roadway or lot, location of existing drive approaches serving abutting properties, and proposed uses.

(1) Driveway approaches shall maintain a twelve foot (12') separation from another drive approach. Drive approaches shall be located ten feet (10') from a corner

property line or five feet (5') from the termination of a corner curb radius, whichever is greater. Drive approaches located along a designated right turn lane shall maintain a fifty foot (50') setback from the termination of a corner curb radius. Exceptions to those requirements may be approved by the development review team.

c. A driveway shall not exceed sixteen percent (16%) average slope with standard vertical curve transitions from the property line to a legal parking space.

(1) The cross slope of driveways should not exceed four percent (4%).

d. Driveway approaches shall maintain a five foot (5') offset from power poles, fire hydrants, trees or any other roadside hazards. Exceptions to the requirement may be approved by the development review team.

e. Sight obstructions along driveways shall maintain a ten foot (10') wide by ten foot (10') deep sight distance triangle as noted in figure 21A.62.050I of this title. Obstructions in the required sight distance triangle shall generally not exceed thirty inches (30") in height. Exceptions may be approved by the development review team based upon location and type of material.

10. Fence Restrictions: Fences and walls shall only be constructed after first obtaining a building permit subject to the standards of this section.

a. Site Plan Submittal: As part of the site plan review process, a fencing plan shall be submitted which shall show:

(1) Any specific subdivision approval conditions regarding fencing;

(2) Material specifications and illustrations necessary to determine compliance with specific approval limitation and the standards of this section.

b. Field Fencing Of Designated Undevelopable Areas: Fencing on areas identified as undevelopable areas or transitional areas on any subdivision granted preliminary approval by the planning commission after November 4, 1994, or any lot previously platted which identifies undevelopable areas or transitional areas shall be limited to the following standards unless subdivision approval granted prior to November 4, 1994, included specific fencing requirements which are more restrictive. The more restrictive requirement shall apply.

(1) Low visibility see through fencing shall consist of flat black colored steel "T" posts and not more than four (4) strands of nonbarbed steel wire, strung at even vertical spacing between such "T" post, and erected to a height of not more than forty two inches (42") above the natural ground surface.

(2) When fencing lot boundary lines, vegetation or native brush shall not be cleared so as to create a visible demarcation form off site.

(3) The existing surface of the ground shall not be changed by grading activities when erecting boundary fences.

(4) Fence materials and designs must not create a hazard for big game wildlife species.

(5) No field fencing shall be erected in conflict with pedestrian easements dedicated to Salt Lake City.

c. Buildable Area Fencing: Fencing on any portion of a lot identified as buildable area or required side yard on any subdivision granted preliminary approval by the planning commission after November 4, 1994, or any lot previously platted which identifies undevelopable area or transitional areas shall be limited to the following standards unless subdivision approval granted prior to November 4, 1994, includes specific fencing requirements which are more restrictive. The more restrictive requirement shall apply.

(1) Open, see through fencing constructed of tubular steel, wrought iron or similar materials, finished with a flat black, nonreflective finish constructed to a height of six feet (6') or less; or

(2) Sight obscuring or privacy type fencing shall be of earth tone colors, or similar materials to the primary dwelling, and located in a way which screens private outdoor living spaces from off site view.

d. Front Yard Fencing: Walls and fences located within the front yards and along roadways shall not exceed a maximum of forty two inches (42") in height.

11. Utilities: To the maximum extent practical, all utilities shall be placed within existing road rights of way and front yard setbacks. For lots platted after September 4, 1992, all water, sewer, electrical, telephone, cable television and other utilities shall be placed underground, except that transformers, pedestals and other appurtenances which are normally located aboveground in connection with the underground installations are permitted. All areas disturbed by the installation of underground utilities shall be revegetated in conformance with the regulations of this subsection, and chapter 21A.48 of this title. Temporary or emergency utilities may be erected and maintained aboveground for no more than four (4) months.

12. Landscaping And Revegetation: Installation of all required landscaping shall begin no later than one month after a certificate of occupancy; except that if the certificate of occupancy is issued between October 15 and the following April 1, installation of the landscaping shall begin no later than April 30. Landscaping shall be substantially completed within nine (9) months after a certificate of occupancy is issued. Landscaping shall conform to the requirements of chapter 21A.48 of this title, and shall also conform to the following requirements:

a. Front Yards And Side Yards: Front yards, corner side yards and interior side yards shall be completely landscaped except for driveways, walkways and patios/decks.

b. Disturbed Areas: All other areas disturbed during construction shall be either landscaped or revegetated to a natural state.

c. Undevelopable Areas: Lawns or gardens are prohibited in the undevelopable areas. Native and drought tolerant plant species established in undevelopable areas may be enhanced by irrigation and supplemental planting as approved by the zoning administrator, provided the zoning administrator finds that such supplemental planting is in keeping with the natural conditions.

13. Applicability To Existing Buildings And Structures: Colors and building materials on existing structures may be maintained and/or repaired with materials and colors similar to those existing before the enactment of this title. Such colors and materials may only be modified to bring them into closer compliance with subsection P3 of this section. The provisions of this subsection shall apply to additions to existing buildings and structures within the FR-1/43,560, FR-2/21,780, FR-3/12,000 and FP districts. Additions after April 12, 1995, to buildings and structures existing prior to April 12, 1995, shall conform to all provisions of this subsection, except that building colors and materials may match the original building or structure.

Q. Restrictions On Community Gardens[1]: Repealed.

R. Accessory Storage: Unless otherwise specified, all accessory storage in residential districts shall be located within enclosed buildings. Firewood and the temporary storage of materials for construction activity in progress on the premises shall be excepted. Ordinary household recycling storage and household garbage container storage is also permitted outdoors. RV parking and storage shall conform to subsection 21A.44.020K of this title.

S. Public Utilities In Residential Districts:

1. Conditional Use Required: Where not otherwise authorized by this title and after conditional use approval by the planning commission pursuant to chapter 21A.54 of this title, land in a residential district may be used for a public utility building, electrical substation, or radio or television relay station, including necessary towers, and other similar public utilities; provided, that in all such cases the planning commission finds that:

a. It is essential in order to provide the area with adequate electrical, gas, telephone, television or radio service;

b. Due to certain peculiar conditions, the facility could not be located outside the residentially zoned district and properly serve the city;

c. The building and site are designed to conform to the residential character of the district;

d. All yard spaces as required for permitted uses in the district are provided;

e. Adequate screening is provided by landscaping and fencing where the facility is not within a building;

f. Such other conditions are met as may be deemed necessary by the planning commission to protect the character of the residential district.

2. Prohibited Uses: The planning commission shall not permit a privately owned or operated commercial radio or television tower or station in any residential district.

T. Adaptive Reuse Of A Landmark Building In Residential Districts:

1. Purpose Statement: The purpose of the adaptive reuse of a landmark site in a residential district is to preserve landmark sites as defined in subsection 21A.34.020B4 of this title. In some instances these sites have outlived their original use due to economic conditions, size of the building, and/or a substantial degree of deterioration of the historic property. Such sites, however, still contribute to the welfare, property and education of the people of Salt Lake City because of their historic, architectural or cultural significance. The planning commission shall consider the allowance of a nonresidential use of a landmark site in a residential district according to the qualifying provisions outlined in subsection T2a of this section and pursuant to chapter 21A.54 of this title, in order to ensure that the residential character of the surrounding environment is preserved.

2. Conditional Use Required: Where authorized by this title as shown in section 21A.24.190, "Table Of Permitted And Conditional Uses For Residential Districts", of this chapter, landmark sites in any residential district may be used for certain nonresidential uses.

a. Qualifying Provisions: In order to qualify for conditional use review by the planning commission under section 21A.54.080, "Standards For Conditional Uses", of this title, the applicant must demonstrate compliance with the following:

(1) The building is designated as a landmark site on the Salt Lake City register of cultural resources. The designation process must be completed prior to the city accepting a conditional use application for the structure unless the planning director determines that it is in the best interest of the city to process the designation and conditional use applications together.

(2) The landmark building shall have a minimum of seven thousand (7,000) square feet of floor area, excluding accessory buildings.

(3) The new use will require minimal change as these features are important in defining the overall historic character of the building and environment.

(4) The use is conducive to the preservation of the landmark site.

(5) Significant archaeological resources affected by the project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

(6) The use is compatible with the surrounding residential neighborhood.

(7) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize the property shall be preserved.

(8) The use does not result in the removal of residential characteristics of the structure or site including mature landscaping.

(9) The change in use from residential to nonresidential is necessary due to the excessive size of the landmark site for residential uses allowed in the residential district, and/or demonstration that the building cannot reasonably be used for its original intended use.

(10) The proposed use will not have a material net cumulative adverse impact on the neighborhood or the city as a whole by considering the following:

(A) The spatial distribution of:

(i) Business licenses issued for properties located within three hundred feet (300') of any property line and the block frontage on both sides of the street between 100 series addresses; and

(ii) Previously approved conditional uses for nonresidential uses in landmark sites within the same planning community, as shown on a map of planning communities maintained by the zoning administrator.

(B) Impacts on neighboring properties including, but not limited to:

(i) Traffic;

(ii) Parking;

(iii) Signs;

(iv) Lighting;

(v) Removal of landscaping; and

(vi) For the purposes of evaluating subsections T2a(10)(B)(i) through T2a(10)(B)(v) of this section, professionally prepared impact studies shall not be required unless specifically requested by the zoning administrator;

(vii) Noise, fumes or odors;

b. Credit For On Street Parking: Some or all of the off street parking spaces required in section 21A.44.060 of this title may be met by the provision of on street spaces. Such credit shall require the site plan review approval. Requests for on street parking shall meet the following requirements:

(1) All on street parking facilities shall be designed in conformance with the standards established by the city transportation engineer;

(2) Prior to approving any requests for on street parking, the development review team shall determine that the proposed on street parking will not materially adversely impact traffic movements and related public street functions; and

(3) Credit for on street parking shall be limited to the number of spaces provided along the street frontage adjacent to the use.

U. Dwelling Unit Occupancy: A dwelling unit may not be occupied by more than one "family" as defined in chapter 21A.62 of this title.

V. Residential Building Foundation Standard: Each dwelling shall have poured concrete footings, the top of which must be placed below the applicable frost line. Except as otherwise authorized by the planning director and the chief building official in foothill districts, each dwelling shall have a site built concrete or masonry foundation/perimeter skirting constructed around the entire perimeter with interior supports as necessary to meet applicable building codes and adopted seismic loading requirements. The dwelling shall be permanently tied to the foundation system in accordance with applicable building codes and adequately weatherproofed.

W. Entrance Landing: At each exit door, there must be a concrete or wood landing that is a minimum of thirty six inches by thirty six inches (36" x 36"), constructed to meet the minimum requirements of the uniform building code with adequate foundation support and permanent attachment to the building.

X. Compliance With Noise Regulations Required: Any construction work in residential zoning districts shall comply with section 9.28.040, "Noises Prohibited", of this code. (Ord. 30-12, 2012: Ord. 73-11, 2011: Ord. 21-11, 2011: Ord. 20-11, 2011: Ord. 23-10 § 1, 2010: Ord. 45-07 § 7, 2007: Ord. 90-05 § 2 (Exh. B), 2005: Ord. 13-04 § 2, 2004: Ord. 70-02 §§ 1 - 3, 2002: Ord. 5-02 § 1, 2002: Ord. 20-01 §§ 1 - 3, 2001: Ord. 62-00 § 1, 2000: Ord. 35-99 §§ 11 - 15, 1999: Ord. 30-98 § 1, 1998: Ord. 51-97 § 1, 1997: Ord. 88-95 § 2 (Exh. A), 1995: Ord. 26-95 § 2(12-0), 1995)

## 21A.24.020: FR-1/43,560 FOOTHILLS ESTATE RESIDENTIAL DISTRICT:

A. Purpose Statement: The purpose of the FR-1/43,560 foothills estate residential district is to promote environmentally sensitive and visually compatible development of lots not less than forty three thousand five hundred sixty (43,560) square feet in size, suitable for foothills locations as indicated in the applicable community master plan. The district is intended to minimize flooding, erosion, and other environmental hazards; to protect the natural scenic character of foothill areas by limiting development; to promote the safety and well being of present and future residents of foothill areas; to protect wildlife habitat; and to ensure the efficient expenditure of public funds.

B. Uses: Uses in the FR-1/43,560 foothills estate residential district, as specified in section 21A.24.190, "Table Of Permitted And Conditional Uses For Residential Districts", of this chapter, are permitted subject to the general provisions set forth in section 21A.24.010 of this chapter, including subsection 21A.24.010P of this chapter, and this section.

C. Minimum Lot Area And Lot Width: The minimum lot areas and lot widths required in this district are as follows:

| Land Use | Minimum Lot Area | Minimum Lot Width |
|---|---|---|
| Municipal service uses, including city utility uses and police and fire stations | No minimum | No minimum |
| Natural open space and conservation areas, public and private | No minimum | No minimum |
| Places of worship less than 4 acres in size | 43,560 square feet | 140 feet |
| Public pedestrian pathways, trails and greenways | No minimum | No minimum |
| Public/private utility transmission wires, lines, pipes and poles | No minimum | No minimum |
| Single-family detached dwellings | 43,560 square feet | 140 feet |
| Utility substations and buildings | 43,560 square feet | 140 feet |
| Other permitted or conditional uses as listed in section 21A.24.190 of this chapter | 43,560 square feet | 140 feet |

D. Maximum Building Height: See subsections 21A.24.010P1 and P2 of this chapter.

E. Minimum Yard Requirements:

1. Front Yard: The minimum depth of the front yard for all principal buildings shall be equal to the average of the front yards of existing buildings within the block face. Where there are no existing buildings within the block face, the minimum depth shall be twenty feet (20'). Where the minimum front yard is specified in the recorded subdivision plat, the requirement specified on the plat shall prevail.

2. Corner Side Yard: The minimum depth of the corner side yard for all principal buildings shall be equal to the average of the existing buildings on the block face. Where there are no other existing buildings on the block face, the minimum depth shall be twenty feet (20'). Where the minimum corner side yard is specified in the recorded subdivision plat, the requirement specified on the plat shall prevail.

3. Interior Side Yard: Twenty feet (20').

4. Rear Yard: Forty feet (40').

5. Accessory Buildings And Structures In Yards: No accessory building may be located within any required yard, regardless of any other regulations in this title. Accessory structures (other than accessory buildings) are permitted subject to section 21A.36.020, table 21A.36.020B of this title.

F. Maximum Building Coverage: The surface coverage of all principal and accessory buildings shall not exceed twenty five percent (25%) of the lot area.

G. Slope Restrictions: For lots subdivided after November 4, 1994, no building shall be constructed on any portion of the site that exceeds a thirty percent (30%) slope. All faces of buildings and structures shall be set back from any nonbuildable area line, as shown on the plat if any, a minimum of ten feet (10') and an average of twenty feet (20').

H. Unauthorized Site Work Prohibited: No grading, excavation, building, removal of vegetation or other site work shall be allowed without specific authorization. Site work not authorized by a building permit shall be permitted only upon issuance of a site development permit in conformance with the requirements of the site development ordinance, unless the proposed work is specifically exempt from the site development ordinance.

I. Landscape Plan: A landscape plan conforming to the requirements of chapter 21A.48 of this title shall be required.

J. Maximum Lot Size: With the exception of lots created by a subdivision plat, notice of minor subdivision or minor subdivision amendments recorded in the office of the Salt Lake County recorder, the maximum size of a new lot shall not exceed sixty five thousand three hundred forty (65,340) square feet. Lots in excess of the maximum lot size may be created through the subdivision process subject to the following standards:

1. The size of the new lot is compatible with other lots on the same block face;

2. The configuration of the lot is compatible with other lots on the same block face; and

3. The relationship of the lot width to the lot depth is compatible with other lots on the same block face.

K. Width Of An Attached Garage: The width of an attached garage facing the street may not exceed fifty percent (50%) of the width of the front facade of the house. The width

of the garage is equal to the width of the garage door, or in the case of multiple garage doors, the sum of the widths of each garage door plus the width of any intervening wall elements between garage doors. (Ord. 12-11, 2011: Ord. 90-05 § 2 (Exh. B), 2005: Ord. 26-95 § 2(12-1), 1995)

## 21A.24.030: FR-2/21,780 FOOTHILLS RESIDENTIAL DISTRICT:

A. Purpose Statement: The purpose of the FR-2/21,780 foothills residential district is to promote environmentally sensitive and visually compatible development of lots not less than twenty one thousand seven hundred eighty (21,780) square feet in size, suitable for foothills locations as indicated in the applicable community master plan. The district is intended to minimize flooding, erosion, and other environmental hazards; to protect the natural scenic character of foothill areas by limiting development; to promote the safety and well being of present and future residents of foothill areas; to protect wildlife habitat; and to ensure the efficient expenditure of public funds.

B. Uses: Uses in the FR-2/21,780 foothills residential district, as specified in section 21A.24.190, "Table Of Permitted And Conditional Uses For Residential Districts", of this chapter, are permitted subject to the general provisions set forth in section 21A.24.010 of this chapter, including subsection 21A.24.010P of this chapter, and this section.

C. Minimum Lot Area And Lot Width: The minimum lot areas and lot widths required in this district are as follows:

| Land Use | Minimum Lot Area | Minimum Lot Width |
|---|---|---|
| Municipal service uses, including city utility uses and police and fire stations | No minimum | No minimum |
| Natural open space and conservation areas, public and private | No minimum | No minimum |
| Places of worship less than 4 acres in size | 43,560 square feet | 140 feet |
| Public pedestrian pathways, trails and greenways | No minimum | No minimum |
| Public/private utility transmission wires, lines, pipes and poles | No minimum | No minimum |
| Single-family detached dwellings | 21,780 square feet | 100 feet |
| Utility substations and buildings | 21,780 square feet | 100 feet |
| Other permitted or conditional uses as listed in section 21A.24.190 of this chapter | 21,780 square feet | 100 feet |

D. Maximum Building Height: See subsections 21A.24.010P1 and P2 of this chapter.

E. Minimum Yard Requirements:

1. Front Yard: The minimum depth of the front yard for all principal buildings shall be equal to the average of the front yards of existing buildings within the block face. Where there are no existing buildings within the block face, the minimum depth shall be twenty feet (20'). Where the minimum front yard is specified in the recorded subdivision plat, the requirement specified on the plat shall prevail.

2. Corner Side Yard: The minimum depth of the corner side yard for all principal buildings shall be equal to the average of the existing buildings on the block face. Where there are no other existing buildings on the block face, the minimum depth shall be twenty feet (20'). Where the minimum corner side yard is specified in the recorded subdivision plat, the requirement specified on the plat shall prevail.

3. Interior Side Yard: Twenty feet (20').

4. Rear Yard: Forty feet (40').

5. Accessory Buildings And Structures In Yards: No accessory building may be located within any required yard, regardless of any other regulations in this title. Accessory structures (other than accessory buildings) are permitted subject to section 21A.36.020, table 21A.36.020B of this title.

F. Maximum Building Coverage: The surface coverage of all principal and accessory buildings shall not exceed twenty five percent (25%) of the lot area.

G. Slope Restrictions: For lots subdivided after November 4, 1994, no building shall be constructed on any portion of the site that exceeds a thirty percent (30%) slope. All faces of buildings and structures shall be set back from any nonbuildable area line, as shown on the plat if any, a minimum of ten feet (10') and an average of twenty feet (20').

H. Unauthorized Site Work Prohibited: No grading, excavation, building, removal of vegetation or other site work shall be allowed without specific authorization. Site work not authorized by a building permit shall be permitted only upon issuance of a site development permit in conformance with the requirements of the site development ordinance.

I. Landscape Plan: A landscape plan conforming to the requirements of chapter 21A.48 of this title, shall be required.

J. Maximum Lot Size: With the exception of lots created by a subdivision plat, notice of minor subdivision or minor subdivision amendments recorded in the office of the Salt Lake County recorder, the maximum size of a new lot shall not exceed thirty two thousand six hundred seventy (32,670) square feet. Lots in excess of the maximum lot size may be created through the subdivision process subject to the following standards:

1. The size of the new lot is compatible with other lots on the same block face;

2. The configuration of the lot is compatible with other lots on the same block face; and

3. The relationship of the lot width to the lot depth is compatible with other lots on the same block face.

K. Width Of An Attached Garage: The width of an attached garage facing the street may not exceed fifty percent (50%) of the width of the front facade of the house. The width of the garage is equal to the width of the garage door, or in the case of multiple garage doors, the sum of the widths of each garage door plus the width of any intervening wall elements between garage doors. (Ord. 12-11, 2011: Ord. 90-05 § 2 (Exh. B), 2005: Ord. 26-95 § 2(12-2), 1995)

## 21A.24.040: FR-3/12,000 FOOTHILLS RESIDENTIAL DISTRICT:

A. Purpose Statement: The purpose of the FR-3/12,000 foothills residential district is to promote environmentally sensitive and visually compatible development of lots not less than twelve thousand (12,000) square feet in size, suitable for foothills locations as indicated in the applicable community master plan. The district is intended to minimize flooding, erosion, and other environmental hazards; to protect the natural scenic character of foothill areas by limiting development; to promote the safety and well being of present and future residents of foothill areas; to protect wildlife habitat; and to ensure the efficient expenditure of public funds. The FR-3/12,000 foothills residential district is intended for application in most areas of foothills development existing as of April 12, 1995.

B. Uses: Uses in the FR-3/12,000 foothills residential district, as specified in section 21A.24.190, "Table Of Permitted And Conditional Uses For Residential Districts", of this chapter, are permitted subject to the general provisions set forth in section 21A.24.010 of this chapter, including subsection 21A.24.010P of this chapter, and this section.

C. Minimum Lot Area And Lot Width: The minimum lot areas and lot widths required in this district are as follows:

| Land Use | Minimum Lot Area | Minimum Lot Width |
|---|---|---|
| Municipal service uses, including city utility uses and police and fire stations | No minimum | No minimum |
| Natural open space and conservation areas, public and private | No minimum | No minimum |
| Places of worship less than 4 acres in size | 12,000 square feet | 80 feet |
| Public pedestrian pathways, trails and greenways | No minimum | No minimum |
| Public/private utility transmission wires, lines, pipes and poles | No minimum | No minimum |
| Single-family detached dwellings | 12,000 square feet | Interior: 80 feet<br>Corner: 100 feet |
| Utility substations and buildings | 12,000 square feet | Interior: 80 feet<br>Corner: 100 feet |
| Other permitted or conditional uses as listed in section 21A.24.190 of this chapter | 12,000 square feet | Interior: 80 feet<br>Corner: 100 feet |

D. Maximum Building Height: See subsections 21A.24.010P1 and P2 of this chapter.

E. Minimum Yard Requirements:

1. Front Yard: The minimum depth of the front yard for all principal buildings shall be equal to the average of the front yards of existing buildings within the block face. Where there are no existing buildings within the block face, the minimum depth shall be twenty feet (20'). Where the minimum front yard is specified in the recorded subdivision plat, the requirement specified on the plat shall prevail.

2. Corner Side Yard: The minimum depth of the corner side yard for all principal buildings shall be equal to the average of the existing buildings on the block face. Where there are no other existing buildings on the block face, the minimum depth shall be twenty feet (20'). Where the minimum corner side yard is specified in the recorded subdivision plat, the requirement specified on the plat shall prevail.

3. Interior Side Yard: Ten feet (10') (if a side yard is specified in the recorded subdivision plat, the requirement specified on the plat shall prevail).

4. Rear Yard: Thirty five feet (35').

5. Accessory Buildings And Structures In Yards: No accessory building may be located in any required yard, regardless of any other regulations in this title. Accessory structures (other than accessory buildings) are permitted subject to section 21A.36.020, table 21A.36.020B of this title.

F. Maximum Building Coverage: The surface coverage of all principal and accessory buildings shall not exceed thirty five percent (35%) of the lot area.

G. Slope Restrictions: For lots subdivided after November 4, 1994, no building shall be constructed on any portion of the site that exceeds a thirty percent (30%) slope. All faces of buildings and structures shall be set back from any nonbuildable area line, as shown on the plat if any, a minimum of ten feet (10') and an average of twenty feet (20').

H. Unauthorized Site Work Prohibited: No grading, excavation, building, removal of vegetation or other site work shall be allowed without specific authorization of the building official. Site work not authorized by a building permit shall be permitted only upon issuance of a site development permit in conformance with the requirements of the site development ordinance.

I. Landscape Plan: A landscape plan conforming to the requirements of chapter 21A.48 of this title shall be required.

J. Maximum Lot Size: With the exception of lots created by a subdivision plat, notice of minor subdivision or minor subdivision amendments recorded in the office of the Salt Lake County recorder, the maximum size of a new lot shall not exceed eighteen thousand (18,000) square feet. Lots in excess of the maximum lot size may be created through the subdivision process subject to the following standards:

1. The size of the new lot is compatible with other lots on the same block face;

2. The configuration of the lot is compatible with other lots on the same block face; and

3. The relationship of the lot width to the lot depth is compatible with other lots on the same block face.

K. Width Of An Attached Garage: The width of an attached garage facing the street may not exceed fifty percent (50%) of the width of the front facade of the house. The width of the garage is equal to the width of the garage door, or in the case of multiple garage doors, the sum of the widths of each garage door plus the width of any intervening wall elements between garage doors. (Ord. 12-11, 2011: Ord. 90-05 § 2 (Exh. B), 2005: Ord. 13-04 § 3, 2004: Ord. 35-99 § 16, 1999: Ord. 26-95 § 2(12-3), 1995)

## 21A.24.050: R-1/12,000 SINGLE-FAMILY RESIDENTIAL DISTRICT:

A. Purpose Statement: The purpose of the R-1/12,000 single-family residential district is to provide for conventional single-family residential neighborhoods with lots twelve thousand (12,000) square feet in size or larger. This district is appropriate in areas of the city as identified in the applicable community master plan. Uses are intended to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood.

B. Uses: Uses in the R-1/12,000 single-family residential district, as specified in section 21A.24.190, "Table Of Permitted And Conditional Uses For Residential Districts", of this chapter, are permitted subject to the general provisions set forth in section 21A.24.010 of this chapter and this section.

C. Minimum Lot Area And Lot Width: The minimum lot areas and lot widths required in this district are as follows:

| Land Use | Minimum Lot Area | Minimum Lot Width |
|---|---|---|
| Municipal service uses, including city utility uses and police and fire stations | No minimum | No minimum |
| Natural open space and conservation areas, public and private | No minimum | No minimum |
| Places of worship less than 4 acres in size | 12,000 square feet | 80 feet |
| Public pedestrian pathways, trails and greenways | No minimum | No minimum |
| Public/private utility transmission wires, lines, pipes and poles | No minimum | No minimum |
| Single-family detached dwellings | 12,000 square feet | Interior: 80 feet<br>Corner: 100 feet |
| Utility substations and buildings | 12,000 square feet | Interior: 80 feet<br>Corner: 100 feet |
| Other permitted or conditional uses as listed in section 21A.24.190 of this chapter | 12,000 square feet | Interior: 80 feet<br>Corner: 100 feet |

D. Maximum Building Height:

1. The maximum height of buildings with pitched roofs shall be:

   a. Twenty eight feet (28') measured to the ridge of the roof; or

b. The average height of other principal buildings on the block face.

2. The maximum height of a flat roof building shall be twenty feet (20').

3. Maximum exterior wall height adjacent to interior side yards shall be twenty feet (20') for exterior walls placed at the building setback established by the minimum required yard. Exterior wall height may increase one foot (1') (or fraction thereof) in height for each foot (or fraction thereof) of increased setback beyond the minimum required interior side yard. If an exterior wall is approved with a reduced setback through a special exception, variance or other process, the maximum allowable exterior wall height decreases by one foot (1') (or fraction thereof) for each foot (or fraction thereof) that the wall is located closer to the property line than the required side yard setback.

a. Lots with cross slopes where the topography slopes, the downhill exterior wall height may be increased by one-half foot (0.5') for each one foot (1') difference between the elevation of the average grades on the uphill and downhill faces of the building.

b. Exceptions:

(1) Gable Walls: Walls at the end of a pitched roof may extend to a height necessary to support the roof structure except that the height of the top of the widest portion of the gable wall must conform to the maximum wall height limitation described in this section.

(2) Dormer Walls: Dormer walls are exempt from the maximum exterior wall height if:

(A) The width of a dormer is ten feet (10') or less; and

(B) The total combined width of dormers is less than or equal to fifty percent (50%) of the length of the building facade facing the interior side yard; and

(C) Dormers are spaced at least eighteen inches (18") apart.

4. Building height for initial construction of a building shall be measured as the vertical distance between the top of the roof and the established grade at any given point of building coverage. Building height for any subsequent structural modification or addition to a building shall be measured from finished grade existing at the time a building permit is requested. Building height for the R-1 districts, R-2 district and SR districts is defined and illustrated in chapter 21A.62 of this title.

5. Where buildings are stepped to accommodate the slope of terrain, each step shall have a horizontal dimension of at least twelve feet (12').

6. a. For properties outside of the H historic preservation overlay district, additional building height may be granted as a special exception by the planning commission subject to the special exception standards in chapter 21A.52 of this title and if the proposed building height is in keeping with the development pattern on the block face. The planning commission will approve, approve with conditions, or deny the request pursuant to chapter 21A.52 of this title.

b. Requests for additional building height for properties located in an H historic preservation overlay district shall be reviewed by the historic landmarks commission which may grant such requests subject to the provisions of section 21A.34.020 of this title.

E. Minimum Yard Requirements:

1. Front Yard: The minimum depth of the front yard for all principal buildings shall be equal to the average of the front yards of existing buildings within the block face. Where there are no existing buildings within the block face, the minimum depth shall be twenty feet (20'). Where the minimum front yard is specified in the recorded subdivision plat, the requirement specified on the plat shall prevail.

2. Corner Side Yard: The minimum depth of the corner side yard for all principal buildings shall be equal to the average of the existing buildings on the block face. Where there are no other existing buildings on the block face, the minimum depth shall be twenty feet (20'). Where the minimum corner side yard is specified in the recorded subdivision plat, the requirement specified on the plat shall prevail.

3. Interior Side Yard:

a. Corner lots: Eight feet (8').

b. Interior lots: Eight feet (8') on one side and ten feet (10') on the other.

4. Rear Yard: Twenty five feet (25').

5. Accessory Buildings And Structures In Yards: Accessory buildings and structures may be located in a required yard subject to section 21A.36.020, table 21A.36.020B of this title.

F. Maximum Building Coverage: The surface coverage of all principal and accessory buildings shall not exceed thirty five percent (35%) of the lot area.

G. Maximum Lot Size: With the exception of lots created by a subdivision plat, notice of minor subdivision or minor subdivision amendments recorded in the office of the Salt Lake County recorder, the maximum size of a new lot shall not exceed eighteen thousand (18,000) square feet. Lots in excess of the maximum lot size may be created through the subdivision process subject to the following standards:

1. The size of the new lot is compatible with other lots on the same block face;

2. The configuration of the lot is compatible with other lots on the same block face; and

3. The relationship of the lot width to the lot depth is compatible with other lots on the same block face.

H. Width Of An Attached Garage: The width of an attached garage facing the street may not exceed fifty percent (50%) of the width of the front facade of the house. The width of the garage is equal to the width of the garage door, or in the case of multiple garage doors, the sum of the widths of each garage door plus the width of any intervening wall elements between garage doors. (Ord. 73-11, 2011: Ord. 12-11, 2011: Ord. 90-05 § 2 (Exh. B), 2005: Ord. 35-99 § 17, 1999: Ord. 26-95 § 2(12-4), 1995)

## 21A.24.060: R-1/7,000 SINGLE-FAMILY RESIDENTIAL DISTRICT:

A. Purpose Statement: The purpose of the R-1/7,000 single-family residential district is to provide for conventional single-family residential neighborhoods with lots not less than seven thousand (7,000) square feet in size. This district is appropriate in areas of the city as identified in the applicable community master plan. Uses are intended to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood.

B. Uses: Uses in the R-1/7,000 single-family residential district, as specified in section 21A.24.190, "Table Of Permitted And Conditional Uses For Residential Districts", of this chapter, are permitted subject to the general provisions set forth in section 21A.24.010 of this chapter and this section.

C. Minimum Lot Area And Lot Width: The minimum lot areas and lot widths required in this district are as follows:

| Land Use | Minimum Lot Area | Minimum Lot Width |
|---|---|---|
| Municipal service uses, including city utility uses and police and fire stations | No minimum | No minimum |
| Natural open space and conservation areas, public and private | No minimum | No minimum |
| Places of worship less than 4 acres in size | 12,000 square feet | 80 feet |
| Public pedestrian pathways, trails and greenways | No minimum | No minimum |
| Public/private utility transmission wires, lines, pipes and poles | No minimum | No minimum |
| Single-family detached dwellings | 7,000 square feet | 50 feet |
| Utility substations and buildings | 7,000 square feet | 50 feet |
| Other permitted or conditional uses as listed in section 21A.24.190 of this chapter | 7,000 square feet | 50 feet |

D. Maximum Building Height:

1. The maximum height of buildings with pitched roofs shall be:

a. Twenty eight feet (28') measured to the ridge of the roof; or

b. The average height of other principal buildings on the block face.

2. The maximum height of a flat roof building shall be twenty feet (20').

3. Maximum exterior wall height adjacent to interior side yards shall be twenty feet (20') for exterior walls placed at the building setback established by the minimum required yard. Exterior wall height may increase one foot (1') (or fraction thereof) in height for each foot (or fraction thereof) of increased setback beyond the minimum required interior side yard. If an exterior wall is approved with a reduced setback through a special exception, variance or other process, the maximum allowable exterior wall height decreases by one foot (1') (or fraction thereof) for each foot (or fraction thereof) that the wall is located closer to the property line than the required side yard setback.

a. Lots with cross slopes where the topography slopes, the downhill exterior wall height may be increased by one-half foot (0.5') for each one foot (1') difference between the elevation of the average grades on the uphill and downhill faces of the building.

b. Exceptions:

(1) Gable Walls: Walls at the end of a pitched roof may extend to a height necessary to support the roof structure except that the height of the top of the widest portion of the gable wall must conform to the maximum wall height limitation described in this section.

(2) Dormer Walls: Dormer walls are exempt from the maximum exterior wall height if:

(A) The width of a dormer is ten feet (10') or less; and

(B) The total combined width of dormers is less than or equal to fifty percent (50%) of the length of the building facade facing the interior side yard; and

(C) Dormers are spaced at least eighteen inches (18") apart.

4. Building height for initial construction of a building shall be measured as the vertical distance between the top of the roof and the established grade at any given point of building coverage. Building height for any subsequent structural modification or addition to a building shall be measured from finished grade existing at the time a building permit is requested. Building height for the R-1 districts, R-2 district and SR districts is defined and illustrated in chapter 21A.62 of this title.

5. Where buildings are stepped to accommodate the slope of terrain, each step shall have a horizontal dimension of at least twelve feet (12').

6. a. For properties outside of the H historic preservation overlay district, additional building height may be granted as a special exception by the planning commission subject to the special exception standards in chapter 21A.52 of this title and if the proposed building height is in keeping with the development pattern on the block face. The planning commission will approve, approve with conditions, or deny the request pursuant to chapter 21A.52 of this title.

b. Requests for additional building height for properties located in an H historic preservation overlay district shall be reviewed by the historic landmarks commission which may grant such requests subject to the provisions of section 21A.34.020 of this title.

E. Minimum Yard Requirements:

1. Front Yard: The minimum depth of the front yard for all principal buildings shall be equal to the average of the front yards of existing buildings within the block face. Where there are no existing buildings within the block face, the minimum depth shall be twenty feet (20'). Where the minimum front yard is specified in the recorded subdivision plat, the requirement specified on the plat shall prevail.

2. Corner Side Yard: The minimum depth of the corner side yard for all principal buildings shall be equal to the average of the existing buildings on the block face. Where there are no other existing buildings on the block face, the minimum depth shall be twenty feet (20'). Where the minimum corner side yard is specified in the recorded subdivision plat, the requirement specified on the plat shall prevail.

3. Interior Side Yard:

a. Corner lots: Six feet (6').

b. Interior lots: Six feet (6') on one side and ten feet (10') on the other.

4. Rear Yard: Twenty five feet (25').

5. Accessory Buildings And Structures In Yards: Accessory buildings and structures may be located in a required yard subject to section 21A.36.020, table 21A.36.020B of this title.

F. Maximum Building Coverage: The surface coverage of all principal and accessory buildings shall not exceed forty percent (40%) of the lot area.

G. Maximum Lot Size: With the exception of lots created by a subdivision plat, notice of minor subdivision or minor subdivision amendments recorded in the office of the Salt Lake County recorder, the maximum size of a new lot shall not exceed ten thousand five hundred (10,500) square feet. Lots in excess of the maximum lot size may be created

through the subdivision process subject to the following standards:

1. The size of the new lot is compatible with other lots on the same block face;

2. The configuration of the lot is compatible with other lots on the same block face; and

3. The relationship of the lot width to the lot depth is compatible with other lots on the same block face.

H. Width Of An Attached Garage: The width of an attached garage facing the street may not exceed fifty percent (50%) of the width of the front facade of the house. The width of the garage is equal to the width of the garage door, or in the case of multiple garage doors, the sum of the widths of each garage door plus the width of any intervening wall elements between garage doors. (Ord. 73-11, 2011: Ord. 12-11, 2011: Ord. 90-05 § 2 (Exh. B), 2005: Ord. 26-95 § 2(12-5), 1995)

## 21A.24.070: R-1/5,000 SINGLE-FAMILY RESIDENTIAL DISTRICT:

A. Purpose Statement: The purpose of the R-1/5,000 single-family residential district is to provide for conventional single-family residential neighborhoods on lots not less than five thousand (5,000) square feet in size. This district is appropriate in areas of the city as identified in the applicable community master plan. Uses are intended to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood.

B. Uses: Uses in the R-1/5,000 single-family residential district, as specified in section 21A.24.190, "Table Of Permitted And Conditional Uses For Residential Districts", of this chapter, are permitted subject to the general provisions set forth in section 21A.24.010 of this chapter and this section.

C. Minimum Lot Area And Lot Width: The minimum lot areas and lot widths required in this district are as follows:

| Land Use | Minimum Lot Area | Minimum Lot Width |
|---|---|---|
| Municipal service uses, including city utility uses and police and fire stations | No minimum | No minimum |
| Natural open space and conservation areas, public and private | No minimum | No minimum |
| Places of worship less than 4 acres in size | 12,000 square feet | 80 feet |
| Public pedestrian pathways, trails and greenways | No minimum | No minimum |
| Public/private utility transmission wires, lines, pipes and poles | No minimum | No minimum |

| | | |
|---|---|---|
| Single-family detached dwellings | 5,000 square feet | 50 feet |
| Utility substations and buildings | 5,000 square feet | 50 feet |
| Other permitted or conditional uses as listed in section 21A.24.190 of this chapter | 5,000 square feet | 50 feet |

D. Maximum Building Height:

1. The maximum height of buildings with pitched roofs shall be:

a. Twenty eight feet (28') measured to the ridge of the roof; or

b. The average height of other principal buildings on the block face.

2. The maximum height of a flat roof building shall be twenty feet (20').

3. Maximum exterior wall height adjacent to interior side yards shall be twenty feet (20') for exterior walls placed at the building setback established by the minimum required yard. Exterior wall height may increase one foot (1') (or fraction thereof) in height for each foot (or fraction thereof) of increased setback beyond the minimum required interior side yard. If an exterior wall is approved with a reduced setback through a special exception, variance or other process, the maximum allowable exterior wall height decreases by one foot (1') (or fraction thereof) for each foot (or fraction thereof) that the wall is located closer to the property line than the required side yard setback.

a. Lots with cross slopes where the topography slopes, the downhill exterior wall height may be increased by one-half foot (0.5') for each one foot (1') difference between the elevation of the average grades on the uphill and downhill faces of the building.

b. Exceptions:

(1) Gable Walls: Walls at the end of a pitched roof may extend to a height necessary to support the roof structure except that the height of the top of the widest portion of the gable wall must conform to the maximum wall height limitation described in this section.

(2) Dormer Walls: Dormer walls are exempt from the maximum exterior wall height if:

(A) The width of a dormer is ten feet (10') or less; and

(B) The total combined width of dormers is less than or equal to fifty percent (50%) of the length of the building facade facing the interior side yard; and

(C) Dormers are spaced at least eighteen inches (18") apart.

4. Building height for initial construction of a building shall be measured as the vertical distance between the top of the roof and the established grade at any given point of building coverage. Building height for any subsequent structural modification or addition to a building shall be measured from finished grade existing at the time a building permit is requested. Building height for the R-1 districts, R-2 district and SR districts is defined and illustrated in chapter 21A.62 of this title.

5. Where buildings are stepped to accommodate the slope of terrain, each step shall have a horizontal dimension of at least twelve feet (12').

6. a. For properties outside of the H historic preservation overlay district, additional building height may be granted as a special exception by the planning commission subject to the special exception standards in chapter 21A.52 of this title and if the proposed building height is in keeping with the development pattern on the block face.

The planning commission will approve, approve with conditions, or deny the request pursuant to chapter 21A.52 of this title.

b. Requests for additional building height for properties located in an H historic preservation overlay district shall be reviewed by the historic landmarks commission which may grant such requests subject to the provisions of section 21A.34.020 of this title.

E. Minimum Yard Requirements:

1. Front Yard: The minimum depth of the front yard for all principal buildings shall be equal to the average of the front yards of existing buildings within the block face. Where there are no existing buildings within the block face, the minimum depth shall be twenty feet (20'). Where the minimum front yard is specified in the recorded subdivision plat, the requirement specified on the plat shall prevail. For buildings legally existing on April 12, 1995, the required front yard shall be no greater than the established setback line of the building.

2. Corner Side Yard: Ten feet (10').

3. Interior Side Yard:

a. Corner lots: Four feet (4').

b. Interior lots: Four feet (4') on one side and ten feet (10') on the other.

4. Rear Yard: Twenty five percent (25%) of the lot depth, or twenty feet (20'), whichever is less.

5. Accessory Buildings And Structures In Yards: Accessory buildings and structures may be located in a required yard subject to section 21A.36.020, table 21A.36.020B of this title.

F. Maximum Building Coverage: The surface coverage of all principal and accessory buildings shall not exceed forty percent (40%) of the lot.

G. Maximum Lot Size: With the exception of lots created by a subdivision plat, notice of minor subdivision or minor subdivision amendments recorded in the office of the Salt Lake County recorder, the maximum size of a new lot shall not exceed seven thousand five hundred (7,500) square feet. Lots in excess of the maximum lot size may be created through the subdivision process subject to the following standards:

1. The size of the new lot is compatible with other lots on the same block face;

2. The configuration of the lot is compatible with other lots on the same block face; and

3. The relationship of the lot width to the lot depth is compatible with other lots on the same block face.

H. Standards For Attached Garages: The width of an attached garage facing the street may not exceed fifty percent (50%) of the width of the front facade of the house. The width of the garage is equal to the width of the garage door, or in the case of multiple garage doors, the sum of the widths of each garage door plus the width of any intervening wall elements between garage doors. (Ord. 73-11, 2011: Ord. 12-11, 2011: Ord. 90-05 § 2 (Exh. B), 2005: Ord. 26-95 § 2(12-6), 1995)

## 21A.24.080: SR-1 AND SR-1A SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT:

In this chapter and the associated zoning map, the SR-1 district is divided into two (2) subareas for the purpose of defining design criteria. In other portions of this text, the SR-1 and SR-1A are jointly referred to as the SR-1 district because all other standards in the zoning ordinance are the same.

A. Purpose Statement: The purpose of the SR-1 special development pattern residential district is to maintain the unique character of older predominantly single-family and two-family dwelling neighborhoods that display a variety of yards, lot sizes and bulk characteristics. Uses are intended to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood.

B. Uses: Uses in the SR-1 special development pattern residential district, as specified in section 21A.24.190, "Table Of Permitted And Conditional Uses For Residential Districts", of this chapter, are permitted subject to the general provisions set forth in section 21A.24.010 of this chapter and this section.

C. Minimum Lot Area And Lot Width: The minimum lot areas and lot widths required in this district are as follows:

| Land Use | Minimum Lot Area | Minimum Lot Width |
|---|---|---|
| Municipal service uses, including city utility uses and police and fire stations | No minimum | No minimum |
| Natural open space and conservation areas, public and private | No minimum | No minimum |
| Places of worship less than 4 acres in size | 12,000 square feet | 80 feet |
| Public pedestrian pathways, trails and greenways | No minimum | No minimum |
| Public/private utility transmission wires, lines, pipes and poles | No minimum | No minimum |
| Single-family detached dwellings | 5,000 square feet | 50 feet |
| Twin home dwellings | 4,000 square feet per dwelling unit | 25 feet |
| Two-family dwellings | 8,000 square feet | 50 feet |
| Utility substations and buildings | 5,000 square feet | 50 feet |
| Other permitted or conditional uses as listed in section 21A.24.190 of this chapter | 5,000 square feet | 50 feet |

D. Maximum Building Height: Maximum building height limits vary, depending upon the location. The following regulations apply for each area within the SR-1 district:

1. Pitched Roofs: The maximum height of buildings with pitched roofs shall be:

a. SR-1: Twenty eight feet (28') measured to the ridge of the roof, or the average height of other principal buildings on the block face.

b. SR-1A: Twenty three feet (23') measured to the ridge of the roof, or the average height of other principal buildings on the block face.

2. Flat Roofs: The maximum height of a flat roof building shall be:

a. SR-1: Twenty feet (20').

b. SR-1A: Sixteen feet (16').

3. Exterior Walls: Maximum exterior wall height adjacent to interior side yards:

a. SR-1: Twenty feet (20') for exterior walls placed at the building setback established by the minimum required yard.

b. SR-1A: Sixteen feet (16') for exterior walls placed at the building setback established by the minimum required yard.

c. In both the SR-1 and SR-1A districts, the exterior wall height may increase one foot (1') (or fraction thereof) in height for each foot (or fraction thereof) of increased setback beyond the minimum required interior side yard. If an exterior wall is approved with a reduced setback through a special exception, variance or other process, the maximum allowable exterior wall height decreases by one foot (1') (or fraction thereof) for each foot (or fraction thereof) that the wall is located closer to the property line than the required side yard setback.

(1) Cross Slopes: For lots with cross slopes where the topography slopes, the downhill exterior wall height may be increased by one-half foot (0.5') for each one foot (1') difference between the elevation of the average grades on the uphill and downhill faces of the building.

(2) Exceptions:

(A) Gable Walls: Walls at the end of a pitched roof may extend to a height necessary to support the roof structure except that the height of the top of the widest portion of the gable wall must conform to the maximum wall height limitation described in this section.

(B) Dormer Walls: Dormer walls are exempt from the maximum exterior wall height if:

(i) The width of a dormer is ten feet (10') or less; and

(ii) The total combined width of dormers is less than or equal to fifty percent (50%) of the length of the building facade facing the interior side yard; and

(iii) Dormers are spaced at least eighteen inches (18") apart.

4. Initial Construction: Building height for initial construction of a building shall be measured as the vertical distance between the top of the roof and the established grade at any given point of building coverage. Building height for any subsequent structural modification or addition to a building shall be measured from finished grade existing at the time a building permit is requested. Building height for the R-1 districts, R-2 district and SR districts is defined and illustrated in chapter 21A.62 of this title.

5. Stepped Buildings: Where buildings are stepped to accommodate the slope of terrain, each step shall have a horizontal dimension of at least twelve feet (12').

6. Additional Building Height:

a. For properties outside of the H historic preservation overlay district, additional building height may be granted as a special exception by the planning commission subject to the special exception standards in chapter 21A.52 of this title and if the proposed building height is in keeping with the development pattern on the block face. The planning commission will approve, approve with conditions, or deny the request pursuant to chapter 21A.52 of this title.

b. Requests for additional building height for properties located in an H historic preservation overlay district shall be reviewed by the historic landmarks commission which may grant such requests subject to the provisions of section 21A.34.020 of this title.

E. Minimum Yard Requirements:

1. Front Yard:

a. SR-1: The minimum depth of the front yard for all principal buildings shall be equal to the average of the front yards of existing buildings within the block face. Where there are no existing buildings within the block face, the minimum depth shall be twenty feet (20'). Where the minimum front yard is specified in the recorded subdivision plat, the requirement specified on the plat shall prevail. For buildings legally existing on April 12, 1995, the required front yard shall be no greater than the established setback line of the existing building.

b. SR-1A: The minimum depth of the front yard for all principal buildings shall be equal to the average of the front yards of existing buildings within the block face. Where there are four (4) or more SR-1 principal buildings with front yards on a block face, the average shall be calculated excluding one property with the smallest front yard setback and excluding the one property with the largest front yard setback. Where there are no existing buildings within the block face, the minimum depth shall be twenty feet (20'). Where the minimum front yard depth is specified in the recorded subdivision plat, the requirement specified therein shall prevail. For buildings legally existing on April 12, 1995, the required front yard depth shall be no greater than the established setback line of the existing building.

2. Corner Side Yard:

a. SR-1: Ten feet (10'). For buildings legally existing on April 12, 1995, the required corner side yard shall be no greater than the established setback line of the existing building.

b. SR-1A: Ten feet (10').

3. Interior Side Yard:

a. Twin Home Dwellings: No side yard is required along one side lot line while a ten foot (10') yard is required on the other.

b. Other Uses:

(1) Corner lots: Four feet (4').

(2) Interior lots:

(A) SR-1: Four feet (4') on one side and ten feet (10') on the other.

(B) SR-1A: Four feet (4') on one side and ten feet (10') on the other.

(i) Where the width of a lot is forty seven feet (47') or narrower, the total minimum side yard setbacks shall be equal to thirty percent (30%) of the lot width with one side being four feet (4') and the other side being thirty percent (30%) of the lot width minus four feet (4') rounded to the nearest whole number.

(ii) Where a lot is twenty seven feet (27') or narrower, required side yard setbacks shall be a minimum of four feet (4') and four feet (4').

(iii) Where required side yard setbacks are less than four feet (4') and ten feet (10') an addition, remodel or new construction shall be no closer than ten feet (10') to a primary structure on an adjacent property. The ten foot (10') separation standard applies only to the interior side yard that has been reduced from the base standard of ten feet (10').

4. Rear Yard: Twenty five percent (25%) of the lot depth, but not less than fifteen feet (15') and need not exceed thirty feet (30').

5. Accessory Buildings And Structures In Yards: Accessory buildings and structures may be located in a required yard subject to section 21A.36.020, table 21A.36.020B, "Obstructions In Required Yards", and section 21A.40.050 of this title.

a. SR-1A:

(1) Maximum building coverage of all accessory buildings shall not exceed six hundred (600) square feet.

(2) Primary accessory building: One accessory building may have up to the following dimensions:

(A) A footprint of up to four hundred eighty (480) square feet, subject to compliance with subsection 21A.40.050B1 of this title.

(B) Roof peak/ridge height of up to fourteen feet (14') above the existing grade.

(C) A flat roof height limit of nine feet (9') above the existing grade.

(D) An exterior wall height of nine feet (9') above the existing grade.

(i) Lots with cross slopes where the topography slopes, the downhill exterior wall height may increase by one-half foot (0.5') for each one foot (1') difference between the elevation of the average grades on the uphill and downhill faces of the building.

(3) Secondary accessory buildings: All other accessory buildings shall have the following dimensions:

(A) Roof peak/ridge height of up to ten feet (10') above the existing grade.

(B) Flat roof height limit of eight feet (8') above the existing grade.

(C) An exterior wall height of eight feet (8') above the existing grade.

(D) Secondary accessory buildings may be attached to the primary accessory buildings so long as all buildings conform to the required wall and roof ridge height restrictions.

F. Maximum Building Coverage: The surface coverage of all principal and accessory buildings shall not exceed forty percent (40%) of the lot area. For lots with buildings legally existing on April 12, 1995, the coverage of existing buildings shall be considered legal conforming.

G. Maximum Lot Size: With the exception of lots created by a subdivision plat, notice of minor subdivision or minor subdivision amendments recorded in the office of the Salt Lake County recorder, the maximum size of a new lot shall not exceed one hundred fifty percent (150%) of the minimum lot size allowed by the base zoning district. Lots in excess of the maximum lot size may be created through the subdivision process subject to the following standards:

1. The size of the new lot is compatible with other lots on the same block face;

2. The configuration of the lot is compatible with other lots on the same block face; and

3. The relationship of the lot width to the lot depth is compatible with other lots on the same block face.

H. Standards For Attached Garages: The width of an attached garage facing the street may not exceed fifty percent (50%) of the width of the front facade of the house. The width of the garage is equal to the width of the garage door, or in the case of multiple garage doors, the sum of the widths of each garage door plus the width of any intervening wall elements between garage doors. (Ord. 73-11, 2011: Ord. 12-11, 2011: Ord. 26-06 § 1, 2006: Ord. 90-05 § 2 (Exh. B), 2005: Ord. 88-95 § 1 (Exh. A), 1995:

Ord. 26-95 § 2(12-7), 1995)

## 21A.24.090: SR-2:

Reserved. (Ord. 26-95 § 2(12-8), 1995)

## 21A.24.100: SR-3 SPECIAL DEVELOPMENT PATTERN RESIDENTIAL DISTRICT:

A. Purpose Statement: The purpose of the SR-3 special development pattern residential district is to provide lot, bulk and use regulations, including a variety of housing types, in scale with the character of development located within the interior portions of city blocks. Uses are intended to be compatible with the existing scale, density and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood. This is a medium density zoning district. Off site parking facilities in this district to supply required parking for new development may be approved as part of the conditional use process.

B. Uses: Uses in the SR-3 special development pattern residential district as specified in section 21A.24.190, "Table Of Permitted And Conditional Uses For Residential Districts", of this chapter, are permitted subject to the general provisions set forth in section 21A.24.010 of this chapter, and this section.

C. Minimum Lot Area And Lot Width: The minimum lot areas and lot widths required in this district are as follows:

| Land Use | Minimum Lot Area | Minimum Lot Width |
|---|---|---|
| Municipal service uses, including city utility uses and police and fire stations | No minimum | No minimum |
| Natural open space and conservation areas, public and private | No minimum | No minimum |
| Public pedestrian pathways, trails and greenways | No minimum | No minimum |
| Public/private utility transmission wires, lines, pipes and poles | No minimum | No minimum |
| Single-family attached dwellings[1] and twin home dwellings | 1,500 square feet per dwelling unit | Interior: 22 feet<br>Corner: 32 feet |
| Single-family detached dwellings | 2,000 square feet | Interior: 30 feet<br>Corner: 40 feet |
| Two-family dwellings | 3,000 square feet | Interior: 44 feet<br>Corner: 54 feet |

| | | |
|---|---|---|
| Utility substations and buildings | 5,000 square feet | 50 feet |
| Other permitted or conditional uses as listed in section 21A.24.190 of this chapter | 2,000 square feet | Interior: 30 feet<br>Corner: 40 feet |

Qualifying Provisions:
1.Not more than 6 dwellings may be attached together.

D. Maximum Building Height:

1. The maximum height of buildings with pitched roofs shall be:

a. Twenty eight feet (28') measured to the ridge of the roof; or

b. The average height of other principal buildings on the block face.

2. The maximum height of a flat roof building shall be twenty feet (20').

3. Maximum exterior wall height adjacent to interior side yards shall be twenty feet (20') for exterior walls placed at the building setback established by the minimum required yard. Exterior wall height may increase one foot (1') (or fraction thereof) in height for each foot (or fraction thereof) of increased setback beyond the minimum required interior side yard. If an exterior wall is approved with a reduced setback through a special exception, variance or other process, the maximum allowable exterior wall height decreases by one foot (1') (or fraction thereof) for each foot (or fraction thereof) that the wall is located closer to the property line than the required side yard setback.

a. Lots with cross slopes where the topography slopes, the downhill exterior wall height may be increased by one-half foot (0.5') for each one foot (1') difference between the elevation of the average grades on the uphill and downhill faces of the building.

b. Exceptions:

(1) Gable Walls: Walls at the end of a pitched roof may extend to a height necessary to support the roof structure except that the height of the top of the widest portion of the gable wall must conform to the maximum wall height limitation described in this section.

(2) Dormer Walls: Dormer walls are exempt from the maximum exterior wall height if:

(A) The width of a dormer is ten feet (10') or less; and

(B) The total combined width of dormers is less than or equal to fifty percent (50%) of the length of the building facade facing the interior side yard; and

(C) Dormers are spaced at least eighteen inches (18") apart.

4. Building height for initial construction of a building shall be measured as the vertical distance between the top of the roof and the established grade at any given point of building coverage. Building height for any subsequent structural modification or addition to a building shall be measured from finished grade existing at the time a building permit is requested. Building height for the R-1 districts, R-2 district and SR districts is defined and illustrated in chapter 21A.62 of this title.

5. Where buildings are stepped to accommodate the slope of terrain, each step shall have a horizontal dimension of at least twelve feet (12').

6. a. For properties outside of the H historic preservation overlay district, additional building height may be granted as a special exception by the planning commission

subject to the special exception standards in chapter 21A.52 of this title and if the proposed building height is in keeping with the development pattern on the block face. The planning commission will approve, approve with conditions, or deny the request pursuant to chapter 21A.52 of this title.

b. Requests for additional building height for properties located in an H historic preservation overlay district shall be reviewed by the historic landmarks commission which may grant such requests subject to the provisions of section 21A.34.020 of this title.

E. Minimum Yard Requirements:

1. Front Yard: The minimum depth of the front yard for all principal buildings shall be equal to the average of the front yards of existing buildings within the block face. Where there are no existing buildings within the block face, the minimum depth shall be ten feet (10'). Where the minimum front yard is specified in the recorded subdivision plat, the requirement specified on the plat shall prevail.

2. Corner Side Yard: Ten feet (10'). For buildings legally existing on April 12, 1995, the required corner side yard shall be no greater than the established setback line of the existing building.

3. Interior Side Yard:

a. Single-family detached dwellings: Four feet (4').

b. Single-family attached and twin home dwellings: When abutting a single-family dwelling, a four foot (4') yard is required, otherwise no interior yard is required. Where a yard is provided, it shall be not less than four feet (4').

4. Rear Yard: Twenty percent (20%) of the lot depth but not less than fifteen feet (15') and need not exceed thirty feet (30').

5. Accessory Buildings And Structures In Yards: Accessory buildings and structures may be located in a required yard subject to section 21A.36.020, table 21A.36.020B, "Obstructions In Required Yards", of this title.

F. Maximum Building Coverage: The surface coverage of all principal and accessory buildings shall not exceed sixty percent (60%) of the lot area for detached dwellings and seventy percent (70%) for attached dwellings. For lots with buildings legally existing on April 12, 1995, the coverage of existing buildings shall be considered legal conforming.

G. Special Parking Provisions: On site parking requirements shall be one stall per dwelling unit. Off site parking facilities may be authorized as a conditional use to satisfy the parking requirements of this title, as established in subsection 21A.44.020L of this title.

H. Maximum Lot Size: With the exception of lots created by a subdivision plat, notice of minor subdivision or minor subdivision amendments recorded in the office of the Salt Lake County recorder, the maximum size of a new lot shall not exceed two hundred percent (200%) of the minimum lot size allowed by the base zoning district. Lots in excess of the maximum lot size may be created through the subdivision process subject to the following standards:

1. The size of the new lot is compatible with other lots on the same block face;

2. The configuration of the lot is compatible with other lots on the same block face; and

3. The relationship of the lot width to the lot depth is compatible with other lots on the same block face.

I. Standards For Attached Garages: The width of an attached garage facing the street may not exceed fifty percent (50%) of the width of the front facade of the house. The

width of the garage is equal to the width of the garage door, or in the case of multiple garage doors, the sum of the widths of each garage door plus the width of any intervening wall elements between garage doors. (Ord. 73-11, 2011: Ord. 12-11, 2011: Ord. 90-05 § 2 (Exh. B), 2005: Ord. 13-04 § 4, 2004: Ord. 88-95 § 2 (Exh. A), 1995: Ord. 26-95 § 2(12-9), 1995)

## 21A.24.110: R-2 SINGLE- AND TWO-FAMILY RESIDENTIAL DISTRICT:

A. Purpose Statement: The purpose of the R-2 single- and two-family residential district is to preserve and protect for single-family dwellings the character of existing neighborhoods which exhibit a mix of single- and two-family dwellings by controlling the concentration of two-family dwelling units. Uses are intended to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play and to promote sustainable and compatible development patterns.

B. Uses: Uses in the R-2 single- and two-family residential district, as specified in section 21A.24.190, "Table Of Permitted And Conditional Uses For Residential Districts", of this chapter, are permitted subject to the general provisions set forth in section 21A.24.010 of this chapter and this section.

C. Minimum Lot Area And Lot Width: The minimum lot areas and lot widths required in this district are as follows:

| Land Use | Minimum Lot Area | Minimum Lot Width |
|---|---|---|
| Municipal service uses, including city utility uses and police and fire stations | No minimum | No minimum |
| Natural open space and conservation areas, public and private | No minimum | No minimum |
| Places of worship less than 4 acres in size | 12,000 square feet | 80 feet |
| Public pedestrian pathways, trails and greenways | No minimum | No minimum |
| Public/private utility transmission wires, lines, pipes and poles | No minimum | No minimum |
| Single-family detached dwellings | 5,000 square feet | 50 feet |
| Twin home dwellings | 4,000 square feet per dwelling | 25 feet |
| Two-family dwellings[1] | 8,000 square feet | 50 feet |
| Utility substations and buildings | 5,000 square feet | 50 feet |
| Other permitted or conditional uses as listed in section 21A.24.190 of this chapter | 5,000 square feet | 50 feet |

Qualifying Provisions:
1.In subdivisions approved after April 12, 1995, no more than 2 lots may be used for such dwellings located adjacent to one another and no more than 3 such dwellings may be located on the same block face.

D. Maximum Building Height:

1. The maximum height of buildings with pitched roofs shall be:

a. Twenty eight feet (28') measured to the ridge of the roof; or

b. The average height of other principal buildings on the block face.

2. The maximum height of a flat roof building shall be twenty feet (20').

3. Maximum exterior wall height adjacent to interior side yards shall be twenty feet (20') for exterior walls placed at the building setback established by the minimum required yard. Exterior wall height may increase one foot (1') (or fraction thereof) in height for each foot (or fraction thereof) of increased setback beyond the minimum required interior side yard. If an exterior wall is approved with a reduced setback through a special exception, variance or other process, the maximum allowable exterior wall height decreases by one foot (1') (or fraction thereof) for each foot (or fraction thereof) that the wall is located closer to the property line than the required side yard setback.

a. Lots with cross slopes where the topography slopes, the downhill exterior wall height may be increased by one-half foot (0.5') for each one foot (1') difference between the elevation of the average grades on the uphill and downhill faces of the building.

b. Exceptions:

(1) Gable Walls: Walls at the end of a pitched roof may extend to a height necessary to support the roof structure except that the height of the top of the widest portion of the gable wall must conform to the maximum wall height limitation described in this section.

(2) Dormer Walls: Dormer walls are exempt from the maximum exterior wall height if:

(A) The width of a dormer is ten feet (10') or less; and

(B) The total combined width of dormers is less than or equal to fifty percent (50%) of the length of the building facade facing the interior side yard; and

(C) Dormers are spaced at least eighteen inches (18") apart.

4. Building height for initial construction of a building shall be measured as the vertical distance between the top of the roof and the established grade at any given point of building coverage. Building height for any subsequent structural modification or addition to a building shall be measured from finished grade existing at the time a building permit is requested. Building height for the R-1 districts, R-2 district and SR districts is defined and illustrated in chapter 21A.62 of this title.

5. Where buildings are stepped to accommodate the slope of terrain, each step shall have a horizontal dimension of at least twelve feet (12').

6. a. For properties outside of the H historic preservation overlay district, additional building height may be granted as a special exception by the planning commission subject to the special exception standards in chapter 21A.52 of this title and if the proposed building height is in keeping with the development pattern on the block face. The planning commission will approve, approve with conditions, or deny the request pursuant to chapter 21A.52 of this title.

b. Requests for additional building height for properties located in an H historic preservation overlay district shall be reviewed by the historic landmarks commission

which may grant such requests subject to the provisions of section 21A.34.020 of this title.

E. Minimum Yard Requirements:

1. Front Yard: The minimum depth of the front yard for all principal buildings shall be equal to the average of the front yards of existing buildings within the block face. Where there are no existing buildings within the block face, the minimum depth shall be twenty feet (20'). Where the minimum front yard is specified in the recorded subdivision plat, the requirement specified on the plat shall prevail.

2. Corner Side Yard: Ten feet (10').

3. Interior Side Yard:

a. Twin home dwellings: No side yard is required along one side lot line. A ten foot (10') side yard is required along the other.

b. Other uses: Four feet (4'); provided, that on interior lots one yard must be at least ten feet (10').

4. Rear Yard: Twenty five percent (25%) of the lot depth, but not less than fifteen feet (15') and need not exceed twenty five feet (25').

5. Accessory Buildings And Structures In Yards: Accessory buildings and structures may be located in a required yard subject to section 21A.36.020, table 21A.36.020B, "Obstructions In Required Yards", of this title.

F. Maximum Building Coverage: The surface coverage of all principal and accessory buildings shall not exceed forty five percent (45%) of the lot for two-family dwellings and forty percent (40%) for single-family dwellings. For lots with buildings legally existing on April 12, 1995, the coverage of existing buildings shall be considered legal conforming.

G. Maximum Lot Size: With the exception of lots created by a subdivision plat, notice of minor subdivision or minor subdivision amendments recorded in the office of the Salt Lake County recorder, the maximum size of a new lot shall not exceed one hundred fifty percent (150%) of the minimum lot size allowed by the base zoning district. Lots in excess of the maximum lot size may be created through the subdivision process subject to the following standards:

1. The size of the new lot is compatible with other lots on the same block face;

2. The configuration of the lot is compatible with other lots on the same block face; and

3. The relationship of the lot width to the lot depth is compatible with other lots on the same block face.

H. Standards For Attached Garages: The width of an attached garage facing the street may not exceed fifty percent (50%) of the width of the front facade of the house. The width of the garage is equal to the width of the garage door, or in the case of multiple garage doors, the sum of the widths of each garage door plus the width of any intervening wall elements between garage doors. (Ord. 73-11, 2011: Ord. 12-11, 2011: Ord. 90-05 § 2 (Exh. B), 2005: Ord. 26-95 § 2(12-10), 1995)

## 21A.24.120: RMF-30 LOW DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT:

A. Purpose Statement: The purpose of the RMF-30 low density multi-family residential district is to provide an environment suitable for a variety of housing types of a low

density nature, including single-family, two-family, and multi-family dwellings, with a maximum height of thirty feet (30'). This district is appropriate in areas where the applicable master plan policies recommend multi-family housing with a density of less than fifteen (15) dwelling units per acre. Uses are intended to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood.

B. Uses: Uses in the RMF-30 low density multi-family residential district, as specified in section 21A.24.190, "Table Of Permitted And Conditional Uses For Residential Districts", of this chapter, are permitted subject to the general provisions set forth in section 21A.24.010 of this chapter and this section.

C. Minimum Lot Area And Lot Width: The minimum lot areas and lot widths required in this district are as follows:

| Land Use | Minimum Lot Area | Minimum Lot Width |
|---|---|---|
| Multi-family dwellings | 9,000 square feet[1] | 80 feet |
| Municipal service uses, including city utility uses and police and fire stations | No minimum | No minimum |
| Natural open space and conservation areas, public and private | No minimum | No minimum |
| Places of worship less than 4 acres in size | 12,000 square feet | 140 feet |
| Public pedestrian pathways, trails and greenways | No minimum | No minimum |
| Public/private utility transmission wires, lines, pipes and poles | No minimum | No minimum |
| Single-family attached dwellings (3 or more) | 3,000 square feet per unit | Interior: 25 feet<br>Corner: 35 feet |
| Single-family detached dwellings | 5,000 square feet | 50 feet |
| Twin home dwelling | 4,000 square feet per unit | 25 feet |
| Two-family dwellings | 8,000 square feet | 50 feet |
| Utility substations and buildings | 5,000 square feet | 50 feet |
| Other permitted or conditional uses as listed in section 21A.24.190 of this chapter | 5,000 square feet | 50 feet |

Qualifying Provisions:
1.9,000 square foot minimum for 3 dwelling units plus 3,000 square feet for each additional dwelling unit.

D. Maximum Building Height: The maximum building height permitted in this district is thirty feet (30').

E. Minimum Yard Requirements:

1. Front Yard: Twenty feet (20').

2. Corner Side Yard: Ten feet (10').

3. Interior Side Yard:

a. Single-family detached and two-family dwellings:

(1) Interior lots: Four feet (4') on one side and ten feet (10') on the other.

(2) Corner lots: Four feet (4').

b. Single-family attached: No yard is required, however if one is provided it shall not be less than four feet (4').

c. Twin home dwelling: No yard is required along one side lot line. A ten foot (10') yard is required on the other.

d. Multi-family dwelling: Ten feet (10') on each side.

e. All other permitted and conditional uses: Ten feet (10') on each side.

4. Rear Yard: Twenty five percent (25%) of the lot depth, but not less than twenty feet (20') and need not exceed twenty five feet (25').

5. Accessory Buildings And Structures In Yards: Accessory buildings and structures may be located in a required yard subject to section 21A.36.020, table 21A.36.020B, "Obstructions In Required Yards", of this title.

F. Required Landscape Yards: The front and corner side yards shall be maintained as landscape yards.

G. Maximum Building Coverage:

1. Single-Family Detached: The surface coverage of all principal and accessory buildings shall not exceed forty five percent (45%) of the lot area.

2. Single-Family Attached Dwellings: The surface coverage of all principal and accessory buildings shall not exceed fifty percent (50%) of the lot area.

3. Two-Family And Twin Home Dwellings: The surface coverage of all principal and accessory buildings shall not exceed fifty percent (50%) of the lot area.

4. Multi-Family Dwellings: The surface coverage of all principal and accessory buildings shall not exceed forty percent (40%) of the lot area.

5. Existing Dwellings: For dwellings existing on April 12, 1995, the coverage of such existing buildings shall be considered legally conforming.

6. Nonresidential Land Uses: The surface coverage of all principal and accessory buildings shall not exceed fifty percent (50%) of the lot area.

H. Landscape Buffers: For multiple-family uses where a lot abuts a lot in a single-family or two-family residential district, a landscape buffer shall be provided in accordance with chapter 21A.48 of this title. (Ord. 12-11, 2011: Ord. 62-09 §§ 5, 8, 2009: Ord. 61-09 § 6, 2009: Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(12-11), 1995)

## 21A.24.130: RMF-35 MODERATE DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT:

A. Purpose Statement: The purpose of the RMF-35 moderate density multi-family residential district is to provide an environment suitable for a variety of moderate density housing types, including single-family, two-family, and multi-family dwellings with a maximum height of thirty five feet (35'). This district is appropriate in areas where the applicable master plan policies recommend a density of less than thirty (30) dwelling units per acre. This district includes other uses that are typically found in a multi-family residential neighborhood of this density for the purpose of serving the neighborhood. Uses are intended to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood.

B. Uses: Uses in the RMF-35 moderate density multi-family residential district, as specified in the table of permitted and conditional uses for residential districts found at section 21A.24.190 of this chapter, are permitted subject to the general provisions set forth in section 21A.24.010 of this chapter and this section.

C. Minimum Lot Area And Lot Width: The minimum lot areas and lot widths required in this district are as follows:

| Land Use | Minimum Lot Area | Minimum Lot Width |
|---|---|---|
| Multi-family dwellings (3 through 11 units) | 9,000 square feet[1] | 80 feet |
| Multi-family dwellings (12 or more units) | 26,000 square feet[1] | 80 feet |
| Municipal service uses, including city utility uses and police and fire stations | No minimum | No minimum |
| Natural open space and conservation areas, public and private | No minimum | No minimum |
| Places of worship less than 4 acres in size | 12,000 square feet | 140 feet |
| Public pedestrian pathways, trails and greenways | No minimum | No minimum |
| Public/private utility transmission wires, lines, pipes and poles | No minimum | No minimum |
| Single-family attached dwellings (3 or more) | 3,000 square feet | Interior: 22 feet<br>Corner: 32 feet |
| Single-family detached dwellings | 5,000 square feet | 50 feet |
| Twin home dwellings | 4,000 square feet | 25 feet |
| Two-family dwellings | 8,000 square feet | 50 feet |
| Utility substations and buildings | 5,000 square feet | 50 feet |

| | | |
|---|---|---|
| Other permitted or conditional uses as listed in section 21A.24.190 of this chapter | 5,000 square feet | 50 feet |

Qualifying provisions:
1.9,000 square feet for 3 units, plus 2,000 square feet for each additional dwelling unit up to and including 11 units. 26,000 square feet for 12 units, plus 1,000 square feet for each additional dwelling unit up to 1 acre. For developments greater than 1 acre 1,500 square feet for each dwelling unit is required.

D. Maximum Building Height: The maximum building height permitted in this district is thirty five feet (35').

E. Minimum Yard Requirements:

1. Front Yard: Twenty feet (20').

2. Corner Side Yard: Ten feet (10').

3. Interior Side Yard:

a. Single-family detached and two-family dwellings:

(1) Interior lots: Four feet (4') on one side and ten feet (10') on the other.

(2) Corner lots: Four feet (4').

b. Single-family attached: No yard is required, however, if one is provided it shall not be less than four feet (4').

c. Twin home dwelling: No yard is required along one side lot line while a ten foot (10') yard is required on the other.

d. Multi-family dwellings:

(1) Interior lots: Side yard shall be at least ten feet (10').

e. All other permitted and conditional uses: Ten feet (10') on each side.

4. Rear Yard: Twenty five percent (25%) of the lot depth, but not less than twenty feet (20') and need not exceed twenty five feet (25').

5. Accessory Buildings And Structures In Yards: Accessory buildings and structures may be located in a required yard subject to section 21A.36.020, table 21A.36.020B, "Obstructions In Required Yards", of this title.

6. Existing Yards: For buildings legally existing on April 12, 1995, the required yard shall be no greater than the established setback line of the existing building unless the proposed yard encroachment is to accommodate additional units. New principal buildings must conform to current yard area requirements, unless the new principal two-family dwelling or twin home has legal conforming status as outlined in section 21A.38.120 of this title.

F. Required Landscape Yards: The front yard, corner side and, for interior multi-family lots, one of the interior side yards shall be maintained as landscape yards.

G. Maximum Building Coverage:

1. Single-Family Detached: The surface coverage of all principal and accessory buildings shall not exceed forty five percent (45%) of the lot area.

2. Single-Family Attached Dwellings: The surface coverage of all principal and accessory buildings shall not exceed sixty percent (60%) of the lot area.

3. Two-Family And Twin Home Dwellings: The surface coverage of all principal and accessory buildings shall not exceed fifty percent (50%) of the lot area.

4. Multi-Family Dwellings: The surface coverage of all principal and accessory buildings shall not exceed sixty percent (60%) of the lot area.

5. Existing Dwellings: For dwellings existing on April 12, 1995, the coverage of such existing buildings shall be considered legally conforming.

6. Nonresidential Land Uses: The surface coverage of all principal and accessory buildings shall not exceed sixty percent (60%) of the lot area.

H. Landscape Buffers: Where a lot abuts a lot in a single-family or two-family residential district, a landscape buffer shall be provided in accordance with chapter 21A.48 of this title. (Ord. 12-11, 2011: Ord. 62-09 §§ 6, 9, 2009: Ord. 61-09 § 7, 2009: Ord. 35-99 §§ 18, 19, 1999: Ord. 26-95 § 2(12-12), 1995)

## 21A.24.140: RMF-45 MODERATE/HIGH DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT:

A. Purpose Statement: The purpose of the RMF-45 moderate/high density multi-family residential district is to provide an environment suitable for multi-family dwellings of a moderate/high density with a maximum building height of forty five feet (45'). This district is appropriate in areas where the applicable master plan policies recommend a density of less than forty three (43) dwelling units per acre. This district includes other uses that are typically found in a multi-family residential neighborhood of this density for the purpose of serving the neighborhood. Such uses are designed to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood.

B. Uses: Uses in the RMF-45 moderate/high density multi-family residential district, as specified in table of permitted and conditional uses for residential districts found at section 21A.24.190 of this chapter, are permitted subject to the general provisions set forth in section 21A.24.010 of this chapter and this section.

C. Minimum Lot Area And Lot Width: The minimum lot areas and lot widths required in this district are as follows:

| Land Use | Minimum Lot Area | Minimum Lot Width |
|---|---|---|
| Multi-family dwellings (3 to 14 units) | 9,000 square feet[1] | 80 feet |
| Multi-family dwellings (15 or more) | 21,000 square feet[1] | 80 feet |
| Municipal service uses, including city utility uses and police and fire stations | No minimum | No minimum |

| | | |
|---|---|---|
| Natural open space and conservation areas, public and private | No minimum | No minimum |
| Places of worship less than 4 acres in size | 12,000 square feet | 140 feet |
| Public pedestrian pathways, trails and greenways | No minimum | No minimum |
| Public/private utility transmission wires, lines, pipes and poles | No minimum | No minimum |
| Single-family attached dwellings | 3,000 square feet | Interior: 22 feet<br>Corner: 32 feet |
| Utility substations and buildings | 5,000 square feet | 50 feet |
| Other permitted or conditional uses as listed in section 21A.24.190 of this chapter | 10,000 square feet | 80 feet |

Qualifying provisions:
1.9,000 square feet for 3 units, plus 1,000 square feet for each additional dwelling unit up to and including 14 units. 21,000 square feet for 15 units, plus 800 square feet for each additional dwelling unit up to 1 acre. For developments greater than 1 acre 1,000 square feet for each dwelling unit is required.

D. Maximum Building Height: The maximum building height permitted in this district is forty five feet (45').

E. Minimum Yard Requirements:

1. Front Yard: Twenty percent (20%) of lot depth, but need not exceed twenty five feet (25'). For buildings legally existing on April 12, 1995, the required front yard shall be no greater than the existing yard.

2. Corner Side Yard:

a. Single-family attached dwellings: Ten feet (10').

b. Multi-family dwellings: Twenty feet (20').

c. All other permitted and conditional uses: Twenty feet (20').

3. Interior Side Yard:

a. Single-family attached dwelling: No yard is required, however if one is provided it shall not be less than four feet (4').

b. Multi-family dwellings: The minimum yard shall be eight feet (8'); provided, that no principal building is erected within ten feet (10') of a building on an adjacent lot.

c. All other permitted and conditional uses: Ten feet (10') on each side.

4. Rear Yard: The rear yard shall be twenty five percent (25%) of the lot depth, but need not exceed thirty feet (30').

5. Accessory Buildings And Structures In Yards: Accessory buildings and structures may be located in a required yard subject to section 21A.36.020, table 21A.36.020B,

"Obstructions In Required Yards", of this title.

F. Required Landscape Yards: The front yard, corner side and, for interior lots, one of the interior side yards shall be maintained as a landscape yard except that single-family attached dwellings, no interior side yard shall be required.

G. Maximum Building Coverage: The surface coverage of all principal and accessory buildings shall not exceed sixty percent (60%) of the lot area.

H. Landscape Buffers: Where a lot abuts a lot in a single-family or two-family residential district, a landscape buffer shall be provided in accordance with chapter 21A.48, "Landscaping And Buffers", of this title. (Ord. 12-11, 2011: Ord. 62-09 § 7, 2009: Ord. 26-95 § 2(12-13), 1995)

## 21A.24.150: RMF-75 HIGH DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT:

A. Purpose Statement: The purpose of the RMF-75 high density multi-family residential district is to provide an environment suitable for high density multi-family dwellings. This district is appropriate in areas where the applicable master plan policies recommend a maximum density less than eighty five (85) dwelling units per acre. This district includes other uses that are typically found in a multi-family residential neighborhood of this density for the purpose of serving the neighborhood. Such uses are designed to be compatible with the existing scale and intensity of the neighborhood. The standards for the district are intended to provide for safe and comfortable places to live and play, promote sustainable and compatible development patterns and to preserve the existing character of the neighborhood.

B. Uses: Uses in the RMF-75 high density multi-family residential district as specified in section 21A.24.190, "Table Of Permitted And Conditional Uses For Residential Districts", of this chapter are permitted subject to the general provisions set forth in section 21A.24.010 of this chapter and this section.

C. Minimum Lot Area And Lot Width: The minimum lot areas and lot widths required in this district are as follows:

| Land Use | Minimum Lot Area | Minimum Lot Width |
|---|---|---|
| Multi-family dwellings (3 to 14 units) | 9,000 square feet[2] | 80 feet |
| Multi-family dwellings (15 or more) | 19,000 square feet[2] | 100 feet |
| Municipal service uses, including city utility uses and police and fire stations | No minimum | No minimum |
| Natural open space and conservation areas, public and private | No minimum | No minimum |
| Off site parking facilities | 10,000 square feet | 50 feet |
| Places of worship less than 4 acres in size | 12,000 square feet | 140 feet |
| Public pedestrian pathways, trails and greenways | No minimum | No minimum |

| | | |
|---|---|---|
| Public/private utility transmission wires, lines, pipes and poles | No minimum | No minimum |
| Single-family attached (3 or more) | 2,000 square feet[1] | Interior: 16 feet<br>End unit: 20 feet<br>Corner: 22 feet |
| Single-family detached dwellings | 5,000 square feet | 50 feet |
| Utility substations and buildings | 5,000 square feet | 50 feet |
| Other permitted or conditional uses as listed in section 21A.24.190 of this chapter | 20,000 square feet | 100 feet |

Qualifying provisions:
1.3 unit minimum.
2.9,000 square feet for 3 units, plus 800 square feet for each additional unit up to and including 14 units. 19,000 square feet for 15 units, plus 350 square feet for each additional unit up to 1 acre. For development greater than 1 acre, 500 square feet for each dwelling unit is required.

D. Maximum Building Height: The maximum building height permitted in this district is seventy five feet (75').

E. Minimum Yard Requirements:

1. Front Yard: Twenty five feet (25'), except single-family detached or attached, fifteen feet (15').

2. Corner Side Yard: Twenty five feet (25'), except single-family detached or attached, fifteen feet (15').

3. Interior Side Yard: Fifteen feet (15'), except for single-family detached, four feet (4'), or attached, four feet (4') for end units, no setback for attached units.

4. Rear Yard: The rear yard shall be twenty five percent (25%) of the lot depth, but need not exceed thirty feet (30').

5. Accessory Buildings And Structures In Yards: Accessory buildings and structures may be located in a required yard subject to section 21A.36.020, table 21A.36.020B, "Obstructions In Required Yards", of this title.

F. Required Landscape Yards: The required front yard, corner side and, for interior lots, one of the interior side yards shall be maintained as a landscape yard.

G. Maximum Building Coverage: The surface coverage of all principal and accessory buildings shall not exceed sixty percent (60%) of the lot area.

H. Landscape Buffers: Where a lot abuts a lot in a single-family or two-family residential district, a landscape buffer shall be provided in accordance with chapter 21A.48, "Landscaping And Buffers", of this title. (Ord. 12-11, 2011: Ord. 11-05 § 1, 2005: Ord. 26-95 § 2(12-14), 1995)

## 21A.24.160: RB RESIDENTIAL/BUSINESS DISTRICT:

A. Purpose Statement: The purpose of the RB residential/business district is to create vibrant small scale retail, service, and office uses oriented to the local area within residential neighborhoods along higher volume streets. Development is intended to be oriented to the street and pedestrian, while acknowledging the need for automobile access and parking. This district is appropriate in areas where supported by applicable master plans. The standards for the district are intended to promote appropriate scaled building and site design that focuses on compatibility with existing uses.

B. Uses: Uses in the RB residential/business district as specified in section 21A.24.190, "Table Of Permitted And Conditional Uses For Residential Districts", of this chapter are permitted subject to the general provisions set forth in section 21A.24.010 of this chapter and this section.

C. Planned Development Review: Planned developments, which meet the intent of the ordinance, but not the specific design criteria outlined in the following subsections, may be approved by the planning commission pursuant to the provisions of chapter 21A.55 of this title.

D. Minimum Lot Area And Lot Width: The minimum lot areas and lot widths required in this district are as follows:

| Land Use | Minimum Lot Area | Minimum Lot Width |
|---|---|---|
| A single dwelling unit located above first floor retail or office uses | Included in principal use | Included in principal use |
| Municipal service uses, including city utility uses and police and fire stations | No minimum | No minimum |
| Natural open space and conservation areas, public and private | No minimum | No minimum |
| Offices, when located within an existing building originally designed for residential use | 5,000 square feet | 50 feet |
| Places of worship less than 4 acres in size | 5,000 square feet | 50 feet |
| Public pedestrian pathways, trails and greenways | No minimum | No minimum |
| Public/private utility transmission wires, lines, pipes and poles | No minimum | No minimum |
| Retail goods establishments, when located within an existing building originally designed for residential use | 5,000 square feet | 50 feet |
| Retail service establishments, when located within an existing building originally designed for residential use | 5,000 square feet | 50 feet |
| Single-family detached dwellings | 5,000 square feet | 50 feet |
| Two-family dwellings | 8,000 square feet | 50 feet |
| Utility substations and buildings | 5,000 square feet | 50 feet |
| Other permitted or conditional uses as listed in section 21A.24.190 of this chapter | 5,000 square feet | 50 feet |

E. Maximum Building Height: The maximum building height permitted in this district is thirty feet (30').

F. Minimum Yard Requirements:

1. Front Yard: Twenty percent (20%) of lot depth, but need not exceed twenty five feet (25'). For buildings legally existing on April 12, 1995, the front yard shall be no greater than the existing yard.

2. Corner Side Yard: Ten feet (10'). For buildings legally existing on April 12, 1995, the corner side yard shall be no greater than the existing yard.

3. Interior Side Yard: Six feet (6'); provided, that on interior lots one yard must be at least ten feet (10'). For buildings legally existing on April 12, 1995, the required yard shall be no greater than the existing yard.

4. Rear Yard: Twenty five percent (25%) of the lot depth, but the yard need not exceed thirty feet (30').

5. Accessory Buildings And Structures In Yards: Accessory buildings and structures may be located in a required yard subject to section 21A.36.020, table 21A.36.020B, "Obstructions In Required Yards", of this title.

6. Parking In Required Yard Area: No parking is allowed within the front or corner side yard.

G. Required Landscape Yards: All front and corner side yards shall be maintained as landscape yards.

H. Maximum Building Coverage: The surface coverage of all principal and accessory buildings shall not exceed fifty percent (50%) of the lot area.

I. Design Standards: All principal buildings constructed or remodeled after April 12, 1995, shall conform to the following design standards:

1. All roofs shall be of a hip or gable design, except additions or expansions to existing buildings may be of the same roof design as the original building;

2. The remodeling of residential buildings for retail or office use shall be allowed only if the residential character of the exterior is maintained;

3. The front building elevation shall contain not more than fifty percent (50%) glass;

4. Special sign regulations of chapter 21A.46, "Signs", of this title;

5. Building orientation shall be to the front or corner side yard;

6. Building additions shall consist of materials, color and exterior building design consistent with the existing structure, unless the entire structure is resurfaced; and

7. No parking is allowed within the front or corner side yard.

J. New Nonresidential Construction: Construction of a new principal building, parking lot or addition to an existing building for a nonresidential use that includes the demolition of a residential structure shall only be approved as a conditional use pursuant to chapter 21A.54, "Conditional Uses", of this title and subject to the design standards of subsection I of this section; provided, that in such cases the planning commission finds that the applicant has adequately demonstrated the following:

1. The location of the residential structure is impacted by surrounding nonresidential structures to the extent that it does not function as a contributing residential element to the residential-business neighborhood (RB district); and

2. The property is isolated from other residential structures and does not relate to other residential structures within the residential-business neighborhood (RB district); and

3. The design and condition of the residential structure is such that it does not make a material contribution to the residential character of the neighborhood.

K. Parking Lot/Structure Lighting: If a parking lot/structure is adjacent to a residential zoning district or land use, the poles for parking lot/structure security lighting are limited to sixteen feet (16') in height and the globe must be shielded to minimize light encroachment onto adjacent residential properties. Lightproof fencing is required adjacent to residential properties. (Ord. 12-11, 2011: Ord. 23-10 § 2, 2010: Ord. 61-09 § 8, 2009: Ord. 3-05 § 3, 2005: Ord. 8-97 §§ 1, 2, 1997: Ord. 26-95 § 2(12-15), 1995)

## 21A.24.164: R-MU-35 RESIDENTIAL/MIXED USE DISTRICT:

A. Purpose Statement: The purpose of the R-MU-35 residential/mixed use district is to provide areas within the city for mixed use development that promote residential urban neighborhoods containing residential, retail, service commercial and small scale office uses. This district is appropriate in areas where the applicable master plan policies recommend mixed use with a residential density less than thirty (30) dwelling units per acre. The standards for the district reinforce the mixed use character of the area and promote appropriately scaled development that is pedestrian oriented. This zone is intended to provide a buffer for lower density residential uses and nearby collector, arterial streets and higher intensity land uses.

B. Uses: Uses in the R-MU-35 residential/mixed use district, as specified in section 21A.24.190, "Table Of Permitted And Conditional Uses For Residential Districts", of this chapter are permitted subject to the general provisions set forth in section 21A.24.010 of this chapter and this section.

C. Minimum Lot Area And Lot Width: The minimum lot areas and lot widths required in this district are as follows:

| Land Use | Minimum Lot Area | Minimum Lot Width |
|---|---|---|
| Multi-family dwellings (3 to 11) | 9,000 square feet[1] | 80 feet |
| Multi-family dwellings (12 or more) | 26,000 square feet[1] | 80 feet |
| Municipal service uses, including city utility uses and police and fire stations | No minimum | No minimum |
| Natural open space and conservation areas, public and private | No minimum | No minimum |
| Nonresidential uses | No minimum | No minimum |
| Places of worship less than 4 acres in size | 12,000 square feet | 140 feet |
| Public pedestrian pathways, trails and greenways | No minimum | No minimum |
| Public/private utility transmission wires, lines, pipes and poles | No minimum | No minimum |

| | | |
|---|---|---|
| Single-family attached dwellings (3 or more) | 3,000 square feet per unit | Interior: 22 feet<br>Corner: 32 feet |
| Single-family detached dwellings | 5,000 square feet | 50 feet |
| Twin home dwellings | 4,000 square feet per unit | 25 feet |
| Two-family dwellings | 8,000 square feet | 50 feet |
| Utility substations and buildings | 5,000 square feet | 50 feet |
| Other permitted or conditional uses as listed in section 21A.24.190 of this chapter | 5,000 square feet | 50 feet |

Qualifying provisions:
1.9,000 square feet for 3 units, plus 2,000 square feet for each additional dwelling unit up to and including 11 dwelling units. 26,000 square feet for 12 units, plus 1,000 square feet for each additional dwelling unit up to 1 acre. For developments greater than 1 acre, 1,500 square feet for each dwelling unit is required.

A modification to the density regulations in this subsection may be granted as a conditional use, subject to conformance with the standards and procedures of chapter 21A.54, "Conditional Uses", of this title and supported by the applicable master plan. Such conditional uses shall also be subject to design review.

D. Minimum Yard Requirements:

1. Single-Family Detached Dwellings:

a. Front yard: Fifteen feet (15').

b. Corner side yard: Ten feet (10').

c. Interior side yard:

(1) Corner lots: Four feet (4').

(2) Interior lots: Four feet (4') on one side and ten feet (10') on the other.

d. Rear yard: Twenty five percent (25%) of the lot depth, but need not be more than twenty feet (20').

2. Single-Family Attached, Two-Family And Twin Home Dwellings:

a. Front yard: Minimum five feet (5'). Maximum fifteen feet (15').

b. Corner side yard: Minimum five feet (5'). Maximum fifteen feet (15').

c. Interior side yard:

(1) Single-family attached: No yard is required, however if one is provided it shall not be less than four feet (4').

(2) Two-family:

(A) Interior lot: Four feet (4') on one side and ten feet (10') on the other.

(B) Corner lot: Four feet (4').

(3) Twin home: No yard is required along one side lot line. A ten foot (10') yard is required on the other.

d. Rear yard: Twenty five percent (25%) of lot depth or twenty five feet (25'), whichever is less.

3. Multi-Family Dwellings And Any Other Residential Uses:

a. Front yard: No setback is required. Maximum fifteen feet (15').

b. Corner side yard: No setback is required. Maximum fifteen feet (15').

c. Interior side yard: No setback is required.

d. Rear yard: Twenty five percent (25%) of lot depth, but need not exceed thirty feet (30').

4. Nonresidential Development:

a. Front yard: No setback is required. Maximum fifteen feet (15').

b. Corner side yard: No setback is required. Maximum fifteen feet (15').

c. Interior side yard: No setback is required.

d. Rear yard: Twenty five percent (25%) of lot depth, but need not exceed thirty feet (30').

5. Legal Lots: Lots legally existing on the effective date hereof, April 12, 1995, shall be considered legal conforming lots.

6. Landscaping: For multiple-unit residential uses, nonresidential and mixed uses, no yards or landscaped setbacks are required; however any setback provided, up to fifteen feet (15'), shall be landscaped. If parking is located in the front or corner side yard of the building, then a fifteen foot (15') landscaped setback is required.

7. Required Yards For Legally Existing Buildings: For buildings legally existing on the effective date hereof, required yards shall be no greater than the established setback line.

E. Maximum Building Height: The maximum building height shall not exceed thirty five feet (35'), except that nonresidential buildings and uses shall be limited by subsections E1 and E2 of this section. Buildings taller than thirty five feet (35'), up to a maximum of forty five feet (45'), may be authorized as conditional uses, subject to the requirements of chapter 21A.54, "Conditional Uses", of this title; and provided, that the proposed conditional use is supported by the applicable master plan.

1. Maximum height for nonresidential buildings: Twenty feet (20').

2. Maximum floor area coverage of nonresidential uses in mixed use buildings of residential and nonresidential uses: One floor.

F. Minimum Open Space: For residential uses and mixed uses containing residential uses, not less than twenty percent (20%) of the lot area shall be maintained as open space. This open space may take the form of landscaped yards or plazas, balconies and courtyards, subject to site plan review approval.

G. Landscape Yards: All front and corner side yards provided, up to fifteen feet (15') in depth, shall be maintained as a landscape yard in conformance with chapter 21A.48, "Landscaping And Buffers", of this title.

H. Landscape Buffers: Where a lot in the R-MU-35 district abuts a lot in a single-family or two-family residential district, landscape buffers shall be provided as required in chapter 21A.48, "Landscaping And Buffers", of this title. (Ord. 12-11, 2011: Ord. 61-09 §§ 9, 29, 2009: Ord. 71-04 § 1 (Exh. A), 2004)

## 21A.24.168: R-MU-45 RESIDENTIAL/MIXED USE DISTRICT:

A. Purpose Statement: The purpose of the R-MU-45 residential/mixed use district is to provide areas within the city for mixed use development that promotes residential urban neighborhoods containing residential, retail, service commercial and small scale office uses. This district is appropriate in areas where the applicable master plan policies recommend mixed use with a residential density less than forty four (44) dwelling units per acre. The standards for the district reinforce the mixed use character of the area and promote appropriately scaled development that is pedestrian oriented.

B. Uses: Uses in the R-MU-45 residential/mixed use district, as specified in section 21A.24.190, "Table Of Permitted And Conditional Uses For Residential Districts", of this chapter, are permitted subject to the general provisions set forth in section 21A.24.010 of this chapter and this section.

C. Minimum Lot Area And Lot Width: The minimum lot areas and lot widths required in this district are as follows:

| Land Use | Minimum Lot Area | Minimum Lot Width |
|---|---|---|
| Multi-family dwellings (3 to 14) | 9,000 square feet[1] | 50 feet |
| Multi-family dwellings (15 or more) | 20,000 square feet[1] | 80 feet |
| Municipal service uses, including city utility uses and police and fire stations | No minimum | No minimum |
| Natural open space and conservation areas, public and private | No minimum | No minimum |
| Nonresidential uses | No minimum | No minimum |
| Places of worship less than 4 acres in size | 5,000 square feet | 50 feet |
| Public pedestrian pathways, trails and greenways | No minimum | No minimum |
| Public/private utility transmission wires, lines, pipes and poles | No minimum | No minimum |

| | | |
|---|---|---|
| Single-family attached dwellings (3 or more) | 3,000 square feet per unit | Interior: 22 feet<br>Corner: 32 feet |
| Single-family detached dwellings | 4,000 square feet | 50 feet |
| Twin home dwellings | 3,000 square feet per unit | 20 feet |
| Two-family dwellings | 6,000 square feet | 40 feet |
| Utility substations and buildings | 5,000 square feet | 50 feet |
| Other permitted or conditional uses as listed in section 21A.24.190 of this chapter | 5,000 square feet | 50 feet |

Qualifying provisions:
1.9,000 square feet for 3 units, plus 1,000 square feet for each additional dwelling unit up to and including 14 dwelling units. 21,000 square feet for 15 units, plus 800 square feet for each additional dwelling unit up to 1 acre. For developments greater than 1 acre, 1,000 square feet for each dwelling unit is required.

A modification to the density regulations in this subsection may be granted as a conditional use, subject to conformance with the standards and procedures of chapter 21A.54, "Conditional Uses", of this title and supported by the applicable master plan. Such conditional uses shall also be subject to design review.

D. Minimum Yard Requirements:

1. Single-Family Detached Dwellings:

a. Front yard: Fifteen feet (15').

b. Corner side yard: Ten feet (10').

c. Interior side yard:

(1) Corner lots: Four feet (4').

(2) Interior lots: Four feet (4') on one side and ten feet (10') on the other.

d. Rear yard: Twenty five percent (25%) of the lot depth, but need not be more than twenty feet (20').

2. Single-Family Attached, Two-Family And Twin Home Dwellings:

a. Front yard: Minimum five feet (5'). Maximum fifteen feet (15').

b. Corner side yard: Minimum five feet (5'). Maximum fifteen feet (15').

c. Interior side yard:

(1) Single-family attached: No yard is required, however if one is provided it shall not be less than four feet (4').

(2) Two-family:

(A) Interior lot: Four feet (4') on one side and ten feet (10') on the other.

(B) Corner lot: Four feet (4').

(3) Twin home: No yard is required along one side lot line. A ten foot (10') yard is required on the other.

d. Rear yard: Twenty five percent (25%) of lot depth or twenty five feet (25'), whichever is less.

3. Multi-Family Dwellings And Any Other Residential Uses:

a. Front yard: No setback is required. Maximum fifteen feet (15').

b. Corner side yard: No setback is required. Maximum fifteen feet (15').

c. Interior side yard: No setback is required.

d. Rear yard: Twenty five percent (25%) of lot depth, but need not exceed thirty feet (30').

4. Nonresidential Development:

a. Front yard: No setback is required. Maximum fifteen feet (15').

b. Corner side yard: No setback is required. Maximum fifteen feet (15').

c. Interior side yard: No setback is required.

d. Rear yard: Twenty five percent (25%) of lot depth, but need not exceed thirty feet (30').

5. Legal Conforming Lots: Lots legally existing on the effective date hereof, April 12, 1995, shall be considered legal conforming lots.

6. Landscaping: For multiple-unit residential uses, nonresidential and mixed uses, no yards or landscaped setbacks are required; however any setback provided, up to fifteen feet (15'), shall be landscaped. If parking is located in the front or corner side yard of the building, then a fifteen foot (15') landscaped setback is required.

7. Required Yards For Legally Existing Buildings: For buildings legally existing on the effective date hereof, required yards shall be no greater than the established setback line.

E. Maximum Building Height: The maximum building height shall not exceed forty five feet (45'), except that nonresidential buildings and uses shall be limited by subsections E1 and E2 of this section. Buildings taller than forty five feet (45'), up to a maximum of seventy five feet (75'), may be authorized as conditional uses, subject to the requirements of chapter 21A.54, "Conditional Uses", of this title; and provided, that the proposed conditional use is supported by the applicable master plan.

1. Maximum height for nonresidential buildings: Twenty feet (20').

2. Maximum floor area coverage of nonresidential uses in mixed use buildings of residential and nonresidential uses: One floor.

F. Minimum Open Space: For residential uses and mixed uses containing residential uses, not less than twenty percent (20%) of the lot area shall be maintained as open space. This open space may take the form of landscaped yards or plazas, balconies and courtyards, subject to site plan review approval.

G. Landscape Yards: All front and corner side yards provided, up to fifteen feet (15') in depth, shall be maintained as a landscape yard in conformance with chapter 21A.48, "Landscaping And Buffers", of this title.

H. Landscape Buffers: Where a lot in the R-MU-45 district abuts a lot in a single-family or two-family residential district, landscape buffers shall be provided as required in chapter 21A.48, "Landscaping And Buffers", of this title. (Ord. 12-11, 2011: Ord. 61-09 §§ 10, 30, 2009: Ord. 71-04 § 2 (Exh. B), 2004)

## 21A.24.170: R-MU RESIDENTIAL/MIXED USE DISTRICT:

A. Purpose Statement: The purpose of the R-MU residential/mixed use district is to reinforce the mixed use character of the area and encourage the development of areas as high density residential urban neighborhoods containing retail, service commercial, and small scale office uses. This district is appropriate in areas of the city where the applicable master plans support high density, mixed use development. The standards for the district are intended to facilitate the creation of a walkable urban neighborhood with an emphasis on pedestrian scale activity while acknowledging the need for transit and automobile access.

B. Uses: Uses in the R-MU residential/mixed use district as specified in section 21A.24.190, "Table Of Permitted And Conditional Uses For Residential Districts", of this chapter are permitted subject to the general provisions set forth in section 21A.24.010 of this chapter and this section.

C. Planned Development Review: Planned developments, which meet the intent of the ordinance, but not the specific design criteria outlined in the following subsections, may be approved by the planning commission pursuant to the provisions of chapter 21A.55 of this title.

D. Minimum Lot Area And Lot Width: The minimum lot areas and lot widths required in this district are as follows:

| Land Use | Minimum Lot Area | Minimum Lot Width |
|---|---|---|
| Multi-family dwellings | No minimum lot area required | 50 feet |
| Municipal service uses, including city utility uses and police and fire stations | No minimum | No minimum |
| Natural open space and conservation areas, public and private | No minimum | No minimum |
| Nonresidential uses | No minimum | No minimum |
| Places of worship less than 4 acres in size | 5,000 square feet | 50 feet |
| Public pedestrian pathways, trails and greenways | No minimum | No minimum |
| Public/private utility transmission wires, lines, pipes and poles | No minimum | No minimum |

| | | |
|---|---|---|
| Single-family attached dwellings | 3,000 square feet per dwelling unit | Interior: 22 feet<br>Corner: 32 feet |
| Single-family detached dwellings | 5,000 square feet | 50 feet |
| Twin home dwellings | 4,000 square feet per dwelling unit | 25 feet |
| Two-family dwellings | 8,000 square feet | 50 feet |
| Utility substations and buildings | 5,000 square feet | 50 feet |
| Other permitted or conditional uses as listed in section 21A.24.190 of this chapter | 5,000 square feet | 50 feet |

E. Minimum Yard Requirements:

1. Single-Family Detached Dwellings:

a. Front yard: Fifteen feet (15').

b. Corner side yard: Ten feet (10').

c. Interior side yard:

(1) Corner lots: Four feet (4').

(2) Interior lots: Four feet (4') on one side and ten feet (10') on the other.

d. Rear yard: Twenty five percent (25%) of the lot depth, but need not be more than twenty feet (20').

2. Single-Family Attached, Two-Family And Twin Home Dwellings:

a. Front yard: Fifteen feet (15').

b. Corner side yard: Ten feet (10').

c. Interior side yard:

(1) Single-family attached: No yard is required, however if one is provided it shall not be less than four feet (4').

(2) Two-family:

(A) Interior lot: Four feet (4') on one side and ten feet (10') on the other.

(B) Corner lot: Four feet (4').

(3) Twin home: No yard is required along one side lot line. A ten foot (10') yard is required on the other.

d. Rear yard: Twenty five percent (25%) of lot depth or twenty five feet (25'), whichever is less.

3. Multi-Family Dwellings And Any Other Residential Uses:

a. Front yard: No setback is required.

b. Corner side yard: No setback is required.

c. Interior side yard: No setback is required.

d. Rear yard: Twenty five percent (25%) of lot depth, but need not exceed thirty feet (30').

4. Nonresidential Development:

a. Front yard: No setback is required.

b. Corner side yard: No setback is required.

c. Interior side yard: No setback is required.

d. Rear yard: Twenty five percent (25%) of lot depth, but need not exceed thirty feet (30').

5. Existing Lots: Lots legally existing on the effective date hereof, April 12, 1995, shall be considered legal conforming lots.

6. Minimum Lot Area Exemptions: For multiple-unit residential uses, nonresidential and mixed uses, no minimum lot area is required. In addition, no yards or landscaped setbacks are required; except where interior side yards are provided, they shall not be less than four feet (4').

7. Existing Buildings: For buildings legally existing on the effective date hereof, required yards shall be no greater than the established setback line.

8. Maximum Setback: A maximum setback is required for at least twenty five percent (25%) of the building facade. The maximum setback is ten feet (10') greater than the minimum setback or fifteen feet (15') if no minimum setback is required. Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of chapter 21A.59 of this title, and the review and approval of the planning commission. The planning director, in consultation with the transportation director, may modify this requirement if the adjacent public sidewalk is substandard and the resulting modification to the setback results in a more efficient public sidewalk. The planning director may waive this requirement for any addition, expansion, or intensification, which increases the floor area or parking requirement by less than fifty percent (50%) if the planning director finds the following:

a. The architecture of the addition is compatible with the architecture of the original structure or the surrounding architecture.

b. The addition is not part of a series of incremental additions intended to subvert the intent of the ordinance.

Appeal of administrative decision is to the planning commission.

9. Parking Setback: Surface parking is prohibited in a front or corner side yard. Surface parking lots within an interior side yard shall maintain a thirty foot (30') landscape setback from the front property line or be located behind the primary structure. Parking structures shall maintain a forty five foot (45') minimum setback from a front or corner side yard property line or be located behind the primary structure. There are no minimum or maximum setback restrictions on underground parking. The planning director may modify or waive this requirement if the planning director finds the following:

a. The parking is compatible with the architecture/design of the original structure or the surrounding architecture.

b. The parking is not part of a series of incremental additions intended to subvert the intent of the ordinance.

c. The horizontal landscaping is replaced with vertical screening in the form of berms, plant materials, architectural features, fencing and/or other forms of screening.

d. The landscaped setback is consistent with the surrounding neighborhood character.

e. The overall project is consistent with section 21A.59.060 of this title.

Appeal of administrative decision is to the planning commission.

F. Maximum Building Height: The maximum building height shall not exceed seventy five feet (75'), except that nonresidential buildings and uses shall be limited by subsections F1 and F2 of this section. Buildings taller than seventy five feet (75'), up to a maximum of one hundred twenty five feet (125'), may be authorized as conditional uses, subject to the requirements of chapter 21A.54, "Conditional Uses", of this title; and provided, that the proposed conditional use is located within the one hundred twenty five foot (125') height zone of the height map of the east downtown master plan.

1. Maximum height for nonresidential buildings: Forty five feet (45').

2. Maximum floor area coverage of nonresidential uses in mixed use buildings of residential and nonresidential uses: Three (3) floors.

G. Minimum Open Space: For residential uses and mixed uses containing residential use, not less than twenty percent (20%) of the lot area shall be maintained as open space. This open space may take the form of landscape yards or plazas and courtyards, subject to site plan review approval.

H. Landscape Yards: All front and corner side yards provided shall be maintained as a landscape yard in conformance with chapter 21A.48, "Landscaping And Buffers", of this title.

I. Landscape Buffers: Where a lot in the R-MU district abuts a lot in a single-family or two-family residential district, landscape buffers shall be provided as required in chapter 21A.48, "Landscaping And Buffers", of this title.

J. Entrance And Visual Access:

1. Minimum First Floor Glass: The first floor elevation facing a street of all new buildings or buildings in which the property owner is modifying the size of windows on the front facade, shall not have less than forty percent (40%) glass surfaces. All first floor glass shall be nonreflective. Display windows that are three-dimensional and are at least two feet (2') deep are permitted and may be counted toward the forty percent (40%) glass requirement. Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of chapter 21A.59 of this title, and the review and approval of the planning commission. The planning director, in consultation with the transportation director, may modify this requirement if the adjacent public sidewalk is substandard and the resulting modification to the setback results in a more efficient public sidewalk. The planning director may approve a modification to this requirement, if the planning director finds:

a. The requirement would negatively impact the historic character of the building,

b. The requirement would negatively impact the structural stability of the building, or

c. The ground level of the building is occupied by residential uses, in which case the forty percent (40%) glass requirement may be reduced to twenty five percent (25%).

Appeal of administrative decision is to the planning commission.

2. Facades: Provide at least one operable building entrance per elevation that faces a public street. Buildings that face multiple streets are only required to have one door on any street, if the facades for all streets meet the forty percent (40%) glass requirement as outlined in subsection J1 of this section.

3. Maximum Length: The maximum length of any blank wall uninterrupted by windows, doors, art or architectural detailing at the first floor level shall be fifteen feet (15').

4. Screening: All building equipment and service areas, including on grade and roof mechanical equipment and transformers that are readily visible from the public right of way, shall be screened from public view. These elements shall be sited to minimize their visibility and impact, or enclosed as to appear to be an integral part of the architectural design of the building.

K. Parking Lot/Structure Lighting: If a parking lot/structure is adjacent to a residential zoning district or land use, the poles for parking lot/structure security lighting are limited to sixteen feet (16') in height and the globe must be shielded to minimize light encroachment onto adjacent residential properties. Lightproof fencing is required adjacent to residential properties. (Ord. 12-11, 2011: Ord. 23-10 § 3, 2010: Ord. 61-09 § 11, 2009: Ord. 3-05 § 4, 2005: Ord. 26-95 § 2(12-16), 1995)

## 21A.24.180: RO RESIDENTIAL/OFFICE DISTRICT:

A. Purpose Statement: The RO residential/office district is intended to provide a suitable environment for a combination of residential dwellings and office use. This district is appropriate in areas of the city where the applicable master plans support high density mixed use development. The standards encourage the conversion of historic structures to office uses for the purpose of preserving the structure and promote new development that is appropriately scaled and compatible with the surrounding neighborhood.

B. Uses: Uses in the RO residential/office district, as specified in section 21A.24.190, "Table Of Permitted And Conditional Uses For Residential Districts", of this chapter are permitted subject to the general provisions set forth in section 21A.24.010 of this chapter and this section.

C. Minimum Lot Area And Lot Width: The minimum lot areas and lot widths required in this district are as follows:

| Land Use | Minimum Lot Area | Minimum Lot Width |
|---|---|---|
| Multi-family dwellings | No minimum | 100 feet |
| Municipal service uses, including city utility uses and police and fire stations | No minimum | No minimum |
| Natural open space and conservation areas, public and private | No minimum | No minimum |
| Offices, as specified in section 21A.24.190 of this chapter | 20,000 square feet | 100 feet |
| Offices, as specified in subsection I of this section | 5,000 square feet to 20,000 square feet | 50 feet |

| | | |
|---|---|---|
| Places of worship less than 4 acres in size | 12,000 square feet | 80 feet |
| Public pedestrian pathways, trails and greenways | No minimum | No minimum |
| Public/private utility transmission wires, lines, pipes and poles | No minimum | No minimum |
| Single-family residences | 5,000 square feet | 50 feet |
| Two-family dwellings | 8,000 square feet | 50 feet |
| Utility substations and buildings | 5,000 square feet | 50 feet |
| Other permitted or conditional uses as listed in section 21A.24.190 of this chapter | 20,000 square feet | 100 feet |

D. Maximum Building Height: The maximum building height permitted in this district is sixty feet (60') except:

1. The height for single-family dwellings and two-family dwellings shall be thirty feet (30'); and

2. If the property abuts a zoning district with a greater maximum building height, then the maximum height in the RO district shall be ninety feet (90').

E. Minimum Yard Requirements:

1. Multi-Family Dwellings And Offices On Greater Than Twenty Thousand Square Foot Lot Area:

a. Front Yard: Twenty five feet (25').

b. Corner Side Yard: Twenty five feet (25').

c. Interior Side Yard: Fifteen feet (15').

d. Rear Yard: The rear yard shall be twenty five percent (25%) of the lot depth, but need not exceed thirty feet (30').

2. Single-Family, Two-Family Dwellings, And Offices On Lots Less Than Twenty Thousand Square Feet:

a. Front Yard: Twenty feet (20').

b. Corner Side Yard: Ten feet (10').

c. Interior Side Yard:

(1) Corner lots: Ten feet (10').

(2) Interior lots: Four feet (4') on one side and ten feet (10') on the other.

d. Rear Yard: The rear yard shall be twenty five percent (25%) of the lot depth, but need not exceed thirty feet (30').

3. Accessory Buildings And Structures In Yards: Accessory buildings and structures may be located in a required yard subject to section 21A.36.020, table 21A.36.020B of this title.

F. Required Landscape Yards: The front yard, corner side and, for interior lots, one of the interior side yards shall be maintained as a landscape yard.

G. Maximum Building Coverage: The surface coverage of all principal and accessory buildings shall not exceed sixty percent (60%) of the lot area.

H. Landscape Buffers: Where a lot in the RO district abuts a lot in a single-family or two-family residential district, a landscape buffer shall be provided in accordance with chapter 21A.48 of this title.

I. Offices In Existing Buildings On Lots Less Than Twenty Thousand Square Feet: Offices occupying existing buildings are permitted on a five thousand (5,000) square foot minimum lot. Additions to existing buildings that are greater than fifty percent (50%) of the existing building footprint or that exceed the height of the existing building shall be subject to conditional use approval. (Ord. 12-11, 2011: Ord. 61-09 § 12, 2009: Ord. 19-01 §§ 1 _ 5, 2001: Ord. 26-95 § 2(12-17), 1995)

## 21A.24.190: TABLE OF PERMITTED AND CONDITIONAL USES FOR RESIDENTIAL DISTRICTS:

| Legend: | C = | Conditional | P = | Permitted |
|---|---|---|---|---|

| | Permitted And Conditional Uses, By District Residential Districts | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Use** | **FR-1/ 43,560** | **FR-2/ 21,780** | **FR-3/ 12,000** | **R-1/ 12,000** | **R-1/ 7,000** | **R-1/ 5,000** | **SR-1** | **SR-2** | **SR-3** | **R-2** | **RMF-30** | **RMF-35** | **RMF-45** | **RMF-75** | **RB** | **R-MU-35** | **R-MU-45** | **R-MU** | **RO** |
| **Residential:** | | | | | | | | | | | | | | | | | | | |
| Accessory guest and servants' quarters | | | | | | | | | | | | | | | | | | | |
| Accessory uses on accessory lots | | | | | | | | | | | | | | | | | | | |
| Assisted living facility, large | | | | | | | | | | | | C | P | P | | C | P | P | P |
| Assisted living facility, small | | | | C | C | C | C | | | C | C | P | P | P | P | P | P | P | P |

| | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Dormitories, fraternities, sororities (see section 21A.36.150 of this title) | | | | | | | | | | | | | | | | | | | |
| Eleemosynary facilities | C | C | C | C | C | C | C | | C | C | C | C | P | P | | C | P | P | P |
| Group home, large (see section 21A.36.070 of this title) | | | | | | | | | | | C | C | C | C | C | C | C | C | C |
| Group home, small (see section 21A.36.070 of this title) | P | P | P | P | P | P | P | | P | P | P | P | P | P | P | P | P | P | P |
| Manufactured home | P | P | P | P | P | P | P | | P | P | P | P | P | P | P | P | P | P | |
| Mixed use developments, including residential and other uses allowed in the zoning district | | | | | | | | | | | | | | | P[1] | P | P | P | P |
| Multiple-family dwellings | | | | | | | | | | | P | P | P | P | P | P | P | P | P |
| Nursing care facility (see section 21A.36.060 of this title) | | | | | | | | | | | | | P | P | | | P | P | |
| Resident healthcare facility (see section 21A.36.040 of this title) | | | | | | | | | | | P | P | P | P | P | P | P | P | P |
| Residential substance abuse treatment home, large | | | | | | | | | | | | | | | | | | | |
| Residential substance abuse treatment home, small | | | | | | | | | | | | | | P | | P | P | P | P |

| | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Rooming (boarding) house | | | | | | | | | | | | | C | C | C | C | C | C | C |
| Single-family attached dwellings | | | | | | | | | P | | P | P | P | P | | P | P | P | P |
| Single-family detached dwellings | P | P | P | P | P | P | P | | P | P | P | P | P | P | P | P | P | P | P |
| Transitional treatment home, large (see section 21A.36.090 of this title) | | | | | | | | | | | | | C | C | | | C | C | C |
| Transitional treatment home, small (see section 21A.36.090 of this title) | | | | | | | | | | | | C | C | C | | C | C | C | C |
| Transitional victim home, large (see section 21A.36.080 of this title) | | | | | | | | | | | | | C | C | | | C | C | C |
| Transitional victim home, small (see section 21A.36.080 of this title) | | | | | | | | | | | | C | C | P | | C | C | P | P |
| Twin home dwellings | | | | | | | P | | P | P | P | P | | | | P | P | P | P |
| Two-family dwellings | | | | | | | P | | P | P[2] | P | P | | | P | P | P | P | P |
| **Office and related uses:** | | | | | | | | | | | | | | | | | | | |
| Financial institutions with drive-through facilities | | | | | | | | | | | | | | | | | | | |
| Financial institutions without drive-through facilities | | | | | | | | | | | | | | | | P | P | P[3] | P[6] |
| Medical and dental clinics and offices | | | | | | | | | | | | | C | C | C | C | C | C[3] | C[6] |

| | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Municipal service uses, including city utility uses and police and fire stations | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C | C |
| Offices, excluding medical and dental clinics and offices | | | | | | | | | | | | | C | C | C[4] | C | C | C[3] | C[6] |
| **Recreation, cultural and entertainment:** | | | | | | | | | | | | | | | | | | | |
| Art galleries | | | | | | | | | | | | | | | P | P | P | P[3] | P |
| Art studio | | | | | | | | | | | | | | | P | P | P | P | P |
| Community and recreation centers, public and private on lots less than 4 acres in size | | | | | | | | | | | | | | | | | | | P |
| Dance studio | | | | | | | | | | | | | | | P | P | P | P[3] | |
| Live performance theaters | | | | | | | | | | | | | | | C | C | C | C | C |
| Movie theaters | | | | | | | | | | | | | | | C | C | C | C | C |
| Natural open space and conservation areas on lots less than 4 acres in size | P | P | P | P | P | P | P | | P | P | P | P | P | P | P | P | P | P | P |
| Parks and playgrounds, public and private, less than 4 acres in size | P | P | P | P | P | P | P | | P | P | P | P | P | P | P | P | P | P | P |
| Pedestrian pathways, trails and greenways | P | P | P | P | P | P | P | | P | P | P | P | P | P | P | P | P | P | P |
| Private clubs/tavern/ lounge/brewpub; 2,500 square feet or less in floor area | | | | | | | | | | | | | | | | | | C[8] | |

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|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Retail sales and service:** | | | | | | | | | | | | | | | | | | | |
| Gas station (may include accessory convenience retail and/or minor repairs) as defined in chapter 21A.62 of this title | | | | | | | | | | | | | | | C | C | C | C | |
| Health and fitness facility | | | | | | | | | | | | | | | C | C | C | C | |
| Liquor store | | | | | | | | | | | | | | | | | | | |
| Restaurants, without drive-through facilities | | | | | | | | | | | | | | | | P | | P[3] | |
| Retail goods establishments | | | | | | | | | | | | | | | P[4] | P | P | P[3] | |
| Retail service establishments | | | | | | | | | | | | | | | P[4] | P | P | P[3] | |
| **Institutional:** | | | | | | | | | | | | | | | | | | | |
| Adult daycare center | | | | | | | | | | | | | | | | P | P | P | P |
| Child daycare center | | | | | | | | | | | | | | P | P | P | P | P | P |
| Governmental uses and facilities | | | | | | | | | | | | | | | C | C | C | C | P[6] |
| Library | C | C | C | C | C | C | C | | C | C | C | C | C | C | C | C | C | C | C |
| Museum | | | | | | | | | | | | | | | P | C | C | P | |
| Music conservatory | | | | | | | | | | | | | | | P | C | C | P | |
| Nursing care facility (see section 21A.36.060 of this title) | | | | | | | | | | | | | P | P | | | P | P | |
| Places of worship on lots less than 4 acres in size | C | C | C | C | C | C | C | | C | C | C | C | C | C | C | C | C | C | C |

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| Schools, professional and vocational | | | | | | | | | | | | | | | P[4] | C | C | P[3] | P[6] |
| Seminaries and religious institutes | | | | C | C | C | C | | C | C | C | C | C | C | C | C | C | C | C |
| **Commercial:** | | | | | | | | | | | | | | | | | | | |
| Laboratory, medical, dental, optical | | | | | | | | | | | | | | | | | | P[3] | |
| Plant and garden shop, with outdoor retail sales area | | | | | | | | | | | | | | | | | | | |
| **Miscellaneous:** | | | | | | | | | | | | | | | | | | | |
| Accessory uses, except those that are otherwise specifically regulated in this chapter, or elsewhere in this title | P | P | P | P | P | P | P | | P | P | P | P | P | P | P | P | P | P | P |
| Adaptive reuse of a landmark building | C[9] | C[9] | C[9] | C[9] | C[9] | C[9] | C[9] | C[9] | C[9] | C[9] | C[9] | C[9] | C[9] | C[9] | C[9] | C[9] | C[9] | C[9] | C[9] |
| Bed and breakfast | | | | | | | | | | | | | | | P | P | P | P | P |
| Bed and breakfast inn | | | | | | | | | | | | | | | P | | P | P | P |
| Bed and breakfast manor | | | | | | | | | | | | | | | | | | P | |
| Community garden | P | P | P | P | P | P | P | | P | P | P | P | P | P | P | P | P | P | P |
| Crematorium | | | | | | | | | | | | | | | | C | C | C | |
| Funeral home | | | | | | | | | | | | | | | | C | C | C | |
| House museum in landmark sites (see subsection 21A.24.010T of this chapter) | C | C | C | C | C | C | C | | C | C | C | C | C | C | C | C | C | C | C |
| Large wind energy system | | | | | | | | | | | | | | | | | | | |

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| Offices and reception centers in landmark sites (see subsection 21A.24.010T of this chapter) | C | C | C | C | C | C | C | | C | C | C | C | C | C | C | C | C | C | C[6] |
| Park and ride parking, shared with church parking lot on arterial street | | | | | | | | | | | | | | | | | | | |
| Parking, off site facilities (accessory to permitted uses) | | | | | | | | | | | | | | | | | | | |
| Parking, off site (to support nonconforming uses in a residential zone or uses in the CN or CB zones) | | | | | | | | | | | | | | | C | C | C | C | C |
| Public/private utility buildings and structures[5] | P[5] | P[5] | P[5] | P[5] | P[5] | P[5] | P[5] | | P[5] | P[5] | P[5] | P[5] | P[5] | P[5] | P[5] | P[5] | P[5] | P[5] | P[5,7] |
| Public/private utility transmission wires, lines, pipes and poles[5] | P | P | P | P | P | P | P | | P | P | P | P | P | P | P | P | P | P | P |
| Reuse of church and school buildings | | | | | | | | | | | | | | | | | | | |
| Seasonal farm stand | | | | | | | | | | | | | | | P | P | P | P | P |
| Solar array | | | | | | | | | | | | | | | | | | | |
| Urban farm | P | P | P | P | P | P | P | | P | P | P | P | P | P | P | P | P | P | P |
| Veterinary offices | | | | | | | | | | | | | | | | | | P[3] | P[6] |

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| Wireless telecommunications facilities (see section 21A.40.090, table 21A.40.090E of this title) | | | | | | | | | | | | | | | | | | | |

Qualifying provisions:

1.A single apartment unit may be located above first floor retail/office.

2.Provided that no more than 2 two-family buildings are located adjacent to one another and no more than 3 such dwellings are located along the same block face (within subdivisions approved after April 12, 1995).

3.Subject to conformance with the provisions of subsection 21A.24.170E of this chapter.

4.Construction for a nonresidential use shall be subject to all provisions of subsections 21A.24.160I and J of this chapter.

5.See subsection 21A.02.050B of this title for utility regulations.

6.Building additions on lots less than 20,000 square feet for office uses may not exceed 50 percent of the building's footprint. Building additions greater than 50 percent of the building's footprint or new office building construction are subject to the conditional use process.

7.Subject to conformance to the provisions in section 21A.02.050 of this title.

8.A conditional use permit for a class B or C private club or association shall be subject to the following qualifying provisions. For the purpose of these provisions a class B or C private club or association shall have the meaning set forth in title 5, chapter 5.50 of this code, as amended.

a.In approving a conditional use permit for a class B or C private club or association the planning commission shall:

(1)Require that a security and operations plan be prepared and filed with the city which shall include:

(A)A complaint-response community relations program;
(B)Having a representative of the private club or association meet with neighbors upon request to attempt to resolve any neighborhood complaints regarding the operations on the premises;
(C)Design and construction requirements to ensure that any sound level originating within the premises, measured within 15 feet from an exterior wall or door thereof, does not exceed the maximum permissible sound level set forth for residential use districts in section 9.28.060 of this code;
(D)Allowing live entertainment only within an enclosed building subject to the foregoing sound limit;
(E)Prohibiting electronically amplified sound in any exterior portion of the premises;
(F)Designating a location for smoking tobacco outdoors in conformance with state law;
(G)Having trash strewn on the premises, including any smoking and parking lot areas, be collected and deposited in a trash receptacle by 6:00 A.M. the following day; and
(H)Having portable trash receptacles on the premises emptied daily and automated receptacles emptied at least weekly. Automated receptacles shall be located only within a city approved trash storage area;

(2)Review the site plan and floor plan proposed for the premises, and as result of such review may require design features intended to reduce alcohol related problems such as consumption by minors, driving under the influence, and public drunkenness;
(3)Require buffering where a private club or association abuts a residential building or area, including landscaping or walls along any property line or within any required yard area on the lot where the premises are located;
(4)Require that landscaping be located, and be of a type, that cannot be used as a hiding place; and
(5)Require that the exterior of the premises be maintained free of graffiti at all times, including the main building, any accessory building or structure, and all signs.

b.If necessary to meet the standards for approval of a conditional use permit set forth in section 21A.54.080 of this title, the following conditions may be imposed:

(1)Require parking area lighting to produce a minimum foot-candle that provides safe lighting for pedestrians but does not intrude on residents' enjoyment of their

homes; and
(2)Consider the proposed location of an outdoor smoking area in the security and operations plan and the potential effect on neighboring residences, businesses and buildings and designating a new area if the area designated in the security and operations plan appears to adversely affect neighboring residences, businesses and buildings.

9.Subject to conformance with the provisions of subsection 21A.24.010T of this chapter.

(Ord. 30-12, 2012: Ord. 21-11, 2011: Ord. 79-10, 2010: Ord. 27-10, 2010: Ord. 19-10 § 5, 2010: Ord. 12-09 § 1 (Exh. A), 2009: Ord. 61-08 § 4 (Exh. C), 2008: Ord. 60-08 § 9 (Exh. C), 2008: Ord. 21-08 § 2 (Exh. A), 2008: Ord. 2-08 § 1, 2008: Ord. 13-06 § 4 (Exh. C), 2006: Ord. 54-05 § 1 (Exh. A), 2005: Ord. 11-05, 2005: Ord. 71-04 § 3 (Exh. C), 2004: Ord. 13-04 § 5, 2004: Ord. 5-02 § 2, 2002: Ord. 19-01 § 6, 2001: Ord. 35-99 § 20, 1999: Ord. 30-98 § 2, 1998: Ord. 19-98 § 1, 1998: amended during 5/96 supplement: Ord. 88-95 § 1 (Exh. A), 1995: Ord. 84-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(12-18), 1995)

**Footnotes** - Click any footnote link to go back to its reference.
Footnote 1: See section 21A.36.210 of this title.

# CHAPTER 21A.26
# COMMERCIAL DISTRICTS

## 21A.26.010: GENERAL PROVISIONS:

A. Statement Of Intent: Salt Lake City commercial districts are intended to enhance the economic vitality of the specific commercial districts and the city as a whole, encourage sustainable and profitable businesses, create dynamic and vital business districts, and implement the adopted development policies of the city. The zoning districts differ in the range and intensity of uses to reflect the diverse nature of the commercial areas within the city. Some zoning districts encourage commercial development that supports residential neighborhoods while other zoning districts promote community and regional commercial areas. Each zoning district includes standards and land uses that are intended to provide certainty to property owners, business owners and neighbors about what is allowed and to enhance employment opportunities, encourage efficient use of land and to enhance property values and the tax base. The standards are intended to allow development flexibility within parameters that support the purpose statement of the individual zoning districts and promote the desired character for the commercial area.

B. Site Plan Review: In certain districts, permitted uses and conditional uses have the potential for adverse impacts if located and laid out without careful planning. Such impacts may interfere with the use and enjoyment of adjacent property and uses. Site plan review is a process designed to address such adverse impacts and minimize them where possible. Site plan review is required for all conditional uses, and all permitted uses except single-family dwellings, two-family dwellings and twin homes. All uses in these districts shall be subject to the site plan review regulations contained in chapter 21A.58 of this title.

C. Impact Controls And General Restrictions In The Commercial Districts:

1. Refuse Control: Temporary storage of refuse materials shall be limited to that produced on the premises. Refuse containers must be covered and shall be stored within completely enclosed buildings or screened in conformance with the requirements of chapter 21A.48 of this title. For buildings existing as of April 12, 1995, this screening

provision shall be required if the floor area or parking requirements are increased by twenty five percent (25%) or more by an expansion to the building or change in the type of land use.

2. Lighting: On site lighting shall be located, directed or designed in such a manner as to contain and direct light and glare to the property on which it is located only.

3. Outdoor Sales, Display Or Storage: "Outdoor storage" and "outdoor sales and display", as defined in chapter 21A.62 of this title, are allowed where specifically authorized in the table of permitted and conditional uses in section 21A.26.080 of this chapter. These uses shall also conform to the following:

a. The outdoor sales or display of merchandise shall not encroach into areas of required parking;

b. The outdoor sales or display of merchandise shall not be located in any required yard area within the lot;

c. The outdoor sales or display of merchandise shall not include the use of banners, pennants, or strings of pennants;

d. Outdoor storage shall be required to be fully screened with opaque fencing not to exceed seven feet (7') in height; and

e. Outdoor sales and display and outdoor storage shall also be permitted when part of an authorized temporary use as established in chapter 21A.42 of this title.

D. Permitted Uses: The uses specified as permitted uses in section 21A.26.080, "Table Of Permitted And Conditional Uses For Commercial Districts", of this chapter are permitted provided that they comply with all requirements of this chapter, the general standards set forth in part IV of this title, and all other applicable requirements of this title.

E. Conditional Uses: The uses specified as conditional uses in section 21A.26.080, "Table Of Permitted And Conditional Uses For Commercial Districts", of this chapter shall be allowed in the commercial districts provided they are approved pursuant to the standards and procedures for conditional uses set forth in chapter 21A.54 of this title, and comply with all other applicable requirements of this title.

F. Accessory Uses, Buildings And Structures: Accessory uses and structures are permitted in the commercial districts subject to the requirements of this chapter, subsection 21A.36.020B, section 21A.36.030, and chapter 21A.40 of this title.

G. Off Street Parking And Loading: The parking and loading requirements for the commercial districts are set forth in chapter 21A.44 of this title.

H. Landscaping And Buffering: The landscaping and buffering requirements for the commercial districts shall be as specified in chapter 21A.48, including section 21A.48.110, of this title.

I. Signs: Signs shall be allowed in the commercial districts in accordance with provisions of chapter 21A.46 of this title.

J. Modifications To Maximum Height: Additions to the maximum height due to the natural topography of the site may be approved pursuant to the following procedures and standards:

1. Modifications Of Ten Percent Or Less Of Maximum Height:

a. The planning commission may approve, as a special exception, additional height not exceeding ten percent (10%) of the maximum height pursuant to the standards and procedures of chapter 21A.52 of this title. Specific conditions for approval are found in chapter 21A.52 of this title.

2. Modifications Of More Than Ten Percent Of Maximum Height:

a. Conditional Use: As a conditional use for properties on a sloping lot in commercial zoning districts, pursuant to chapter 21A.54 of this title, the planning commission may allow additional building height of more than ten percent (10%) of the maximum height, but not more than one additional story, if the first floor of the building exceeds twenty thousand (20,000) square feet. The additional story shall not be exposed on more than fifty percent (50%) of the total building elevations.

K. Bed And Breakfast Establishments And Reception Centers In Landmark Sites In The CN Neighborhood Commercial And CB Community Business Districts:

1. Conditional Use Required: Where not otherwise authorized by this title and after conditional use approval by the planning commission pursuant to chapter 21A.54 of this title, landmark sites in a CN or CB district may be used for a bed and breakfast establishment or reception center subject to the following standards:

a. Standards: In addition to the standards for conditional uses, section 21A.54.080 of this title, the planning commission shall find the following:

(1) The structure is designated as a landmark site on the Salt Lake City register of cultural resources. The designation process must be completed prior to the city accepting a conditional use application for the structure unless the planning director determines that it is in the best interest of the city to process the designation and conditional use applications at the same time because of the risk of probable demolition;

(2) The use is conducive to the preservation of the landmark site;

(3) The use is compatible with the surrounding residential neighborhood; and

(4) The use does not result in the removal of residential characteristics of the structure (if the structure is a residential structure), including mature landscaping.

b. Condition Of Approval: A preservation easement in favor of the city shall be placed upon the landmark site. (Ord. 73-11, 2011: Ord. 12-11, 2011: Ord. 35-99 §§ 22, 23, 1999: Ord. 88-95 (Exh. A), 1995: Ord. 26-95 § 2(13-0), 1995)

## 21A.26.020: CN NEIGHBORHOOD COMMERCIAL DISTRICT:

A. Purpose Statement: The CN neighborhood commercial district is intended to provide for small scale, low intensity commercial uses that can be located within and serve residential neighborhoods. This district is appropriate in areas where supported by applicable master plans and along local streets that are served by multiple transportation modes, such as pedestrian, bicycle, transit and automobiles. The standards for the district are intended to reinforce the historic scale and ambiance of traditional neighborhood retail that is oriented toward the pedestrian while ensuring adequate transit and automobile access. Uses are restricted in size to promote local orientation and to limit adverse impacts on nearby residential areas.

B. Uses: Uses in the CN neighborhood commercial district as specified in section 21A.26.080, "Table Of Permitted And Conditional Uses For Commercial Districts", of this chapter, are permitted subject to the general provisions set forth in section 21A.36.010 of this title and this section.

C. Planned Development Review: Planned developments, which meet the intent of the ordinance, but not the specific design criteria outlined in the following subsections, may be approved by the planning commission pursuant to the provisions of chapter 21A.55 of this title.

D. Lot Size Requirements: No minimum lot area or lot width is required. No lot shall be larger than sixteen thousand five hundred (16,500) square feet.

E. Maximum District Size: The total area of a contiguously mapped CN district shall not exceed ninety thousand (90,000) square feet, excluding all land in public rights of way.

F. Minimum Yard Requirements:

1. Front Or Corner Side Yard: A fifteen foot (15') minimum front or corner side yard shall be required. Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of chapter 21A.59 of this title, and the review and approval of the planning commission.

2. Interior Side Yard: None required.

3. Rear Yard: Ten feet (10').

4. Buffer Yards: Any lot abutting a lot in a residential district shall conform to the buffer yard requirements of chapter 21A.48 of this title.

5. Accessory Buildings And Structures In Yards: Accessory buildings and structures may be located in a required yard subject to section 21A.36.020, table 21A.36.020B of this title.

6. Maximum Setback: A maximum setback is required for at least sixty five percent (65%) of the building facade. The maximum setback is twenty five feet (25'). Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of chapter 21A.59 of this title, and the review and approval of the planning commission. The planning director, in consultation with the transportation director, may modify this requirement if the adjacent public sidewalk is substandard and the resulting modification to the setback results in a more efficient public sidewalk. The planning director may waive this requirement for any addition, expansion, or intensification, which increases the floor area or parking requirement by less than fifty percent (50%) if the planning director finds the following:

a. The architecture of the addition is compatible with the architecture of the original structure or the surrounding architecture.

b. The addition is not part of a series of incremental additions intended to subvert the intent of the ordinance.

Appeal of administrative decision is to the planning commission.

7. Parking Setback: Surface parking is prohibited in a front or corner side yard. Surface parking lots within an interior side yard shall maintain a thirty foot (30') landscape setback from the front property line or be located behind the primary structure. Parking structures shall maintain a forty five foot (45') minimum setback from a front or corner side yard property line or be located behind the primary structure. There are no minimum or maximum setback restrictions on underground parking. The planning director may modify or waive this requirement if the planning director finds the following:

a. The parking is compatible with the architecture/design of the original structure or the surrounding architecture.

b. The parking is not part of a series of incremental additions intended to subvert the intent of the ordinance.

c. The horizontal landscaping is replaced with vertical screening in the form of berms, plant materials, architectural features, fencing and/or other forms of screening.

d. The landscaped setback is consistent with the surrounding neighborhood character.

e. The overall project is consistent with section 21A.59.060 of this title.

Appeal of administrative decision is to the planning commission.

G. Landscape Yard Requirements: Front and corner side yards shall be maintained as landscape yards. Subject to site plan review approval, part or all of the landscape yard may be a patio or plaza, conforming to the requirements of section 21A.48.090 of this title.

H. Maximum Height: Twenty five feet (25').

I. Entrance And Visual Access:

1. Minimum First Floor Glass: The first floor elevation facing a street of all new buildings or buildings in which the property owner is modifying the size of windows on the front facade, shall not have less than forty percent (40%) glass surfaces. All first floor glass shall be nonreflective. Display windows that are three-dimensional and are at least two feet (2') deep are permitted and may be counted toward the forty percent (40%) glass requirement. Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of chapter 21A.59 of this title, and the review and approval of the planning commission. The planning director may approve a modification to this requirement if the planning director finds:

a. The requirement would negatively impact the historic character of the building, or

b. The requirement would negatively impact the structural stability of the building.

Appeal of administrative decision is to the planning commission.

2. Facades: Provide at least one operable building entrance per elevation that faces a public street. Buildings that face multiple streets are only required to have one door on any street, if the facades for all streets meet the forty percent (40%) glass requirement as outlined in subsection I1 of this section.

3. Maximum Length: The maximum length of any blank wall uninterrupted by windows, doors, art or architectural detailing at the first floor level shall be fifteen feet (15').

4. Screening: All building equipment and service areas, including on grade and roof mechanical equipment and transformers that are readily visible from the public right of way, shall be screened from public view. These elements shall be sited to minimize their visibility and impact, or enclosed as to appear to be an integral part of the architectural design of the building.

J. Parking Lot/Structure Lighting: If a parking lot/structure is adjacent to a residential zoning district or land use, the poles for the parking lot/structure security lighting are limited to sixteen feet (16') in height and the globe must be shielded to minimize light encroachment onto adjacent residential properties. Lightproof fencing is required adjacent to residential properties. (Ord. 59-12, 2012: Ord. 23-10 § 4, 2010: Ord. 61-09 § 14, 2009: Ord. 3-05 § 5, 2005: Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(13-1), 1995)

## 21A.26.025: SNB SMALL NEIGHBORHOOD BUSINESS DISTRICT:

A. Purpose Statement: The purpose of the small neighborhood business zoning district is to provide areas for small commercial uses to be located adjacent to residential land uses, including midblock. This district will preserve and enhance older commercial structures and storefront character by allowing a variety of commercial uses and placing more strict regulations on new construction and major additions to existing buildings. The regulations are intended to restrict the size and scale of the commercial uses in order to mitigate negative impacts to adjacent residential development and encourage pedestrian oriented development. This zoning district is appropriate in places where it is supported by a community master plan, small area master plan or other adopted city policies.

B. Uses: Uses in the SNB small neighborhood business district as specified in the table of permitted and conditional uses:

PERMITTED AND CONDITIONAL USES, BY
DISTRICT RESIDENTIAL DISTRICTS

Legend:

| | | | | |
|---|---|---|---|---|
| | C = | Conditional | P = | Permitted |

| Use | SNB |
|---|---|
| Residential: | |
| Accessory guest and servants' quarters | |
| Accessory uses on accessory lots | |
| Assisted living facility, large | |
| Assisted living facility, small | P |
| Dormitories, fraternities, sororities (see section 21A.36.150 of this title) | |
| Group home, large (see section 21A.36.070 of this title) | |
| Group home, small (see section 21A.36.070 of this title) | P |
| Manufactured home | P |
| Mixed use developments, including residential and other uses allowed in the zoning district | P[1] |
| Multiple-family dwellings | P |
| Nursing care facility (see section 21A.36.060 of this title) | |
| Resident healthcare facility (see section 21A.36.040 of this title) | |
| Residential substance abuse treatment home, large | |
| Residential substance abuse treatment home, small | |
| Rooming (boarding) house | |
| Single-family attached dwellings | P |
| Single-family detached dwellings | P |
| Transitional treatment home, large (see section 21A.36.090 of this title) | |

| | | |
|---|---|---|
| | Transitional treatment home, small (see section 21A.36.090 of this title) | |
| | Transitional victim home, large (see section 21A.36.080 of this title) | |
| | Transitional victim home, small (see section 21A.36.080 of this title) | |
| | Twin home dwellings | P |
| | Two-family dwellings | P |
| Office and related uses: | | |
| | Financial institutions with drive-through facilities | |
| | Financial institutions without drive-through facilities | |
| | Medical and dental clinics and offices | |
| | Municipal service uses, including city utility uses and police and fire stations | C |
| | Offices, excluding medical and dental clinics and offices | P |
| Recreation, cultural and entertainment: | | |
| | Art galleries | P |
| | Art studio | P |
| | Community and recreation centers, public and private on lots less than 4 acres in size | |
| | Community gardens as defined in chapter 21A.62 of this title and as regulated by subsection 21A.24.010Q of this title | P |
| | Live performance theaters | |
| | Movie theaters | |
| | Natural open space and conservation areas on lots less than 4 acres in size | P |
| | Parks and playgrounds, public and private, less than 4 acres in size | |
| | Pedestrian pathways, trails and greenways | P |
| | Private clubs/tavern/lounge/brewpub; 2,500 square feet or less in floor area | |
| | Studio, dance, music, art classes type | P |
| Retail sales and service: | | |
| | "Gas station" (may include accessory convenience retail and/or minor repairs) as defined in chapter 21A.62 of this title | |
| | Health and fitness facility | P |

| | | |
|---|---|---|
| | Liquor store | |
| | Restaurants, without drive-through facilities | |
| | Retail goods establishments | P[2] |
| | Retail service establishments | P[2] |
| Institutional: | | |
| | Adult daycare center | |
| | Child daycare center | |
| | Daycare, registered home daycare or preschool | P |
| | Governmental uses and facilities | C |
| | Library | C |
| | Museum | P |
| | Places of worship on lots less than 4 acres in size | C |
| | School, music conservatory | |
| | Schools, professional and vocational | |
| | Seminaries and religious institutes | C |
| Commercial: | | |
| | Laboratory, medical, dental, optical | |
| | Plant and garden shop, with outdoor retail sales area | P |
| Miscellaneous: | | |
| | Accessory uses, except those that are otherwise specifically regulated in this chapter, or elsewhere in this title | P |
| | Bed and breakfast (in landmark site) | P |
| | Bed and breakfast inn | |
| | Bed and breakfast manor | |
| | Crematorium | |
| | Farmers' market | |
| | Funeral home | |
| | House museum in landmark sites (see subsection 21A.24.010T of this title) | C |

| | | |
|---|---|---|
| | Offices and reception centers in landmark sites (see subsection 21A.24.010T of this title) | C |
| | Park and ride parking, shared with church parking lot on arterial street | |
| | Parking, off site (to support nonconforming uses) | |
| | Parking, off site facilities (accessory to permitted uses) | |
| | Public/private utility buildings and structures | P[3] |
| | Public/private utility transmission wires, lines, pipes and poles[5] | P |
| | Reuse of church and school buildings | |
| | Veterinary offices | |
| | Wireless telecommunications facilities (see section 21A.40.090, table 21A.40.090E of this title) | C |

Qualifying provisions:
1. Residential units may be located above or below first floor retail/office.
2. Construction for a nonresidential use shall be subject to all provisions of subsections 21A.24.160I and J of this title.
3. See subsection 21A.02.050B of this title for utility regulations.

C. Conditional Building And Site Design Review:

1. Projects which meet the intent of this section, but not the specific design criteria outlined in the following subsections, may be approved by the planning commission pursuant to the provisions of chapter 21A.59 of this title.

D. Minimum Lot Area And Lot Width: The minimum lot areas and lot widths required in this district are as follows:

| Land Use | Minimum Lot Area | Minimum Lot Width |
|---|---|---|
| Dwelling unit, located above first floor retail or office uses | Included in principal use | Included in principal use |
| Municipal service uses, including city utility uses and police and fire stations | No minimum | No minimum |
| Natural open space and conservation areas, public and private | No minimum | No minimum |
| Places of worship less than 4 acres in size | 5,000 square feet | 50 feet |
| Public pedestrian pathways, trails and greenways | No minimum | No minimum |
| Public/private utility transmission wires, lines, pipes and poles | No minimum | No minimum |
| Retail goods establishments, when located within an existing building originally designed for residential use | 5,000 square feet | 50 feet |

| | | |
|---|---|---|
| Retail service establishments, when located within an existing building originally designed for residential use | 5,000 square feet | 50 feet |
| Single-family detached dwellings | 5,000 square feet | 50 feet |
| Two-family dwellings | 8,000 square feet | 50 feet |
| Other permitted or conditional uses as listed in section 21A.24.190 of this title | 5,000 square feet | 50 feet |

E. Maximum District Size:

1. Sixteen thousand (16,000) square feet.

F. Yard Requirements:

1. Front And Corner Side Yard: Front and corner side yard setbacks shall be equal to the required yard areas of the abutting zoning district along the block face. When the property abuts more than one zone the more restrictive requirement shall apply.

2. Interior Side Yard: Interior side yard equal to the required yard areas of the abutting zoning district along the block face. When the property abuts more than one zone the more restrictive requirement shall apply.

3. Rear Yard: Rear yard setbacks shall be equal to the required yard areas of the abutting zoning district along the block face. When the property abuts more than one zoning district the more restrictive requirement shall apply.

4. Buffer Yards: Any lot abutting a lot in a residential district shall conform to the buffer yard requirements of chapter 21A.48, "Landscaping And Buffers", of this title.

5. Accessory Buildings And Structures In Yards: Accessory buildings and structures may be located in a required yard subject to section 21A.36.020, table 21A.36.020B, "Obstructions In Required Yards", of this title.

6. Parking In Required Yard Area: No parking is allowed within the front or corner side yard.

G. Landscape Yard Requirements:

1. Front and corner side yards shall be maintained as landscape yards. Subject to site plan review approval, part or the entire landscape yard may be a patio or plaza, conforming to the requirements of section 21A.48.090 of this title.

H. Maximum Height:

1. Twenty five feet (25'). However, in no instance shall the height exceed the maximum height of any abutting residential zoning district along the block face.

I. Maximum Height Of Accessory Structures:

1. Refer to subsection 21A.40.050C of this title.

J. Hours Of Operation:

1. Businesses in the SNB zone shall be open to the general public no earlier than seven o'clock (7:00) A.M. and no later than ten o'clock (10:00) P.M.

K. Minimum First Floor Glass:

1. The first floor elevation of all new facades facing a street, or buildings in which the property owner is modifying the size of windows on the front facade, shall not have less than forty percent (40%) glass surfaces. All first floor glass shall be nonreflective. The window face of display windows that are three-dimensional and are at least two feet (2') deep are permitted and may be counted toward the forty percent (40%) glass requirement. Exceptions to this requirement may be authorized through the conditional building and site design review process, subject to the requirements of chapter 21A.59 of this title. The planning director may approve a modification to this requirement if the planning director finds:

a. The requirement would negatively impact the historic character of the building, or

b. The requirement would negatively impact the structural stability of the building.

c. This requirement would not be required for first floor residential development.

L. Facade Articulation:

1. Structures of greater than thirty feet (30') in width shall consist of one of the following design features:

a. The maximum length of any blank wall uninterrupted by windows, doors, art or architectural detailing at the first floor level shall not exceed seventy five percent (75%) of the building facade.

b. Changes of color, texture, or material, either horizontally or vertically, at intervals of not less than ten feet (10') and not more than twenty feet (20').

c. A repeating pattern of wall recesses and projections, such as bays, offsets, reveals or projecting ribs, that has a relief of at least eight inches (8").

M. Primary Entrance Design:

1. Primary entrance design shall consist of at least three (3) of the following design elements at the primary entrance, so that the primary entrance is architecturally prominent and clearly visible from the abutting street. Alternatives to these standards may be reviewed by the planning director:

a. Architectural details such as arches, friezes, tile work, canopies, or awnings.

b. Integral planters or wing walls that incorporate landscape or seating.

c. Enhanced exterior light fixtures such as wall sconces, light coves with concealed light sources, or decorative pedestal lights.

d. A repeating pattern of pilasters projecting from the facade wall by a minimum of eight inches (8") or architectural or decorative columns.

e. Recessed entrances that include a minimum step back of two feet (2') from the primary facade and that include glass on the sidewalls.

f. All building equipment and service areas, including on grade and roof mechanical equipment and transformers that are readily visible from the public right of way, shall be screened from public view. These elements shall be sited to minimize their visibility and impact, or enclosed as to appear to be an integral part of the architectural design of the building. Refer to section 21A.48.120 of this title for refuse dumpster screening requirements.

N. Exterior Lighting:

1. Exterior lighting for structures in the SNB zone shall have the following qualities in addition to lighting requirements found in subsection 21A.24.010K of this title.

a. Exterior lighting shall be down directed and shielded from adjacent properties.

b. All exterior and interior lighting features that are readily visible from the exterior shall not strobe, flash, or flicker.

O. New Nonresidential Construction:

1. Construction of a new principal building, parking lot or addition to an existing building for a nonresidential use that includes the demolition of a commercial structure or a structure containing residential units may only be approved through a conditional building and site design review process pursuant to chapter 21A.59 of this title and subject to the design standards of subsection I of this section; provided, that in such cases the planning commission finds that the applicant has adequately demonstrated the following:

a. The replacement use for properties containing residential units will include an equal or greater number of residential units; and

b. The structure is isolated from other structures and does not relate to other structures within the residential-business neighborhood. For purpose of this section, an isolated structure is a structure that does not meet the development pattern of the block face or block faces for corner properties; and

c. The design and condition of the structure is such that it does not make a material contribution to the character of the neighborhood. A structure is considered to make a material contribution when it is similar in scale, height, width, and solid to void ratio of openings in the principal street facing facade.

P. Enlargement Of A Structure: The enlargement by square footage of an existing structure may be approved by an administrative hearing officer only if all of the following conditions are met:

1. Use is permitted in the zone.

2. The proposed use is compatible to the neighborhood in terms of development intensity, building configuration, building height, and building bulk.

3. The traffic generated by the proposed expansion is similar to that generated by the existing use or off street parking is available for the additional square footage.

4. The use will not be detrimental to the existing character of development in the immediate neighborhood or endanger the public health, safety, or general welfare. (Ord. 59-12, 2012)

## 21A.26.030: CB COMMUNITY BUSINESS DISTRICT:

A. Purpose Statement: The CB community business district is intended to provide for the close integration of moderately sized commercial areas with adjacent residential

neighborhoods while limiting adverse impacts through appropriate design standards. This district is appropriate in areas supported by applicable master plans and along collector or arterial streets. Development is intended to be oriented to the pedestrian with buildings close to the street and compatible with the scale of the adjacent neighborhood. Uses are restricted in size and intensity in order to limit adverse impacts on adjacent residential areas.

B. Uses: Uses in the CB community business district as specified in section 21A.26.080, "Table Of Permitted And Conditional Uses For Commercial Districts", of this chapter are permitted subject to the general provisions set forth in section 21A.26.010 of this chapter and this section.

C. Planned Development Review: Planned developments, which meet the intent of the ordinance, but not the specific design criteria outlined in the following subsections, may be approved by the planning commission pursuant to the provisions of chapter 21A.55 of this title.

D. Lot Size Requirements: No minimum lot area or lot width is required, however any lot exceeding four (4) acres in size shall be allowed only as a conditional use.

E. Maximum Building Size: Any building having a fifteen thousand (15,000) gross square foot floor area of the first floor or a total floor area of twenty thousand (20,000) gross square feet or more, shall be allowed only as a conditional use. An unfinished basement used only for storage or parking shall be allowed in addition to the total square footage.

F. Minimum Yard Requirements:

1. Front Or Corner Side Yard: No minimum yard is required. If a front yard is provided, it shall comply with all provisions of this title applicable to front or corner side yards, including landscaping, fencing, and obstructions.

2. Interior Side Yard: None required.

3. Rear Yard: Ten feet (10').

4. Buffer Yards: Any lot abutting a lot in a residential district shall conform to the buffer yard requirements of chapter 21A.48 of this title.

5. Accessory Buildings And Structures In Yards: Accessory buildings and structures may be located in a required yard subject to section 21A.36.020, table 21A.36.020B of this title.

6. Maximum Setback: A maximum setback is required for at least seventy five percent (75%) of the building facade. The maximum setback is fifteen feet (15'). Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of chapter 21A.59 of this title, and the review and approval of the planning commission. The planning director, in consultation with the transportation director, may modify this requirement if the adjacent public sidewalk is substandard and the resulting modification to the setback results in a more efficient public sidewalk. The planning director may waive this requirement for any addition, expansion, or intensification, which increases the floor area or parking requirement by less than fifty percent (50%) if the planning director finds the following:

a. The architecture of the addition is compatible with the architecture of the original structure or the surrounding architecture.

b. The addition is not part of a series of incremental additions intended to subvert the intent of the ordinance.

Appeal of administrative decision is to the planning commission.

7. Parking Setback: Surface parking is prohibited in a front or corner side yard. Surface parking lots within an interior side yard shall maintain a twenty foot (20') landscape setback from the front property line or be located behind the primary structure. Parking structures shall maintain a thirty five foot (35') minimum setback from a front or

corner side yard property line or be located behind the primary structure. There are no minimum or maximum setback restrictions on underground parking. The planning director may modify or waive this requirement if the planning director finds the following:

a. The parking is compatible with the architecture/design of the original structure or the surrounding architecture.

b. The parking is not part of a series of incremental additions intended to subvert the intent of the ordinance.

c. The horizontal landscaping is replaced with vertical screening in the form of berms, plant materials, architectural features, fencing and/or other forms of screening.

d. The landscaped setback is consistent with the surrounding neighborhood character.

e. The overall project is consistent with section 21A.59.060 of this title.

Appeal of administrative decision is to the planning commission.

G. Landscape Yard Requirements: If a front or corner side yard is provided, such yard shall be maintained as a landscape yard. The landscape yard can take the form of a patio or plaza, subject to site plan review approval.

H. Maximum Height: Thirty feet (30').

I. Entrance And Visual Access:

1. Minimum First Floor Glass: The first floor elevation facing a street of all new buildings or buildings in which the property owner is modifying the size of windows on the front facade, shall not have less than forty percent (40%) glass surfaces. All first floor glass shall be nonreflective. Display windows that are three-dimensional and are at least two feet (2') deep are permitted and may be counted toward the forty percent (40%) glass requirement. Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of chapter 21A.59 of this title, and the review and approval of the planning commission. The planning director may approve a modification to this requirement if the planning director finds:

a. The requirement would negatively impact the historic character of the building,

b. The requirement would negatively impact the structural stability of the building, or

c. The ground level of the building is occupied by residential uses, in which case the forty percent (40%) glass requirement may be reduced to twenty five percent (25%).

Appeal of administrative decision is to the planning commission.

2. Facades: Provide at least one operable building entrance per elevation that faces a public street. Buildings that face multiple streets are only required to have one door on any street, if the facades for all streets meet the forty percent (40%) glass requirement as outlined in subsection I1 of this section.

3. Maximum Length: The maximum length of any blank wall uninterrupted by windows, doors, art or architectural detailing at the first floor level shall be fifteen feet (15').

4. Screening: All building equipment and service areas, including on grade and roof mechanical equipment and transformers that are readily visible from the public right of way, shall be screened from public view. These elements shall be sited to minimize their visibility and impact, or enclosed as to appear to be an integral part of the architectural design of the building.

J. Parking Lot/Structure Lighting: If a parking lot/structure is adjacent to a residential zoning district or land use, the poles for the parking lot/structure security lighting are limited to sixteen feet (16') in height and the globe must be shielded to minimize light encroachment onto adjacent residential properties. Lightproof fencing is required adjacent to residential properties. (Ord. 59-12, 2012: Ord. 23-10 § 5, 2010: Ord. 61-09 § 15, 2009: Ord. 3-05 § 6, 2005: Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(13-2), 1995)

## 21A.26.040: CS COMMUNITY SHOPPING DISTRICT:

A. Purpose Statement: The purpose of the CS community shopping district is to provide an environment for vibrant, efficient and attractive shopping center development at a community level scale while promoting compatibility with adjacent neighborhoods through design standards. This district provides economic development opportunities through a mix of land uses, including retail sales and services, entertainment, office and residential. This district is appropriate in areas where supported by applicable master plans, along city and state arterial streets and where the mass and scale of development is compatible with adjacent land uses. Development is intended to be oriented toward the pedestrian while accommodating other transportation modes.

B. Uses: Uses in the CS community shopping district as specified in section 21A.26.080, "Table Of Permitted And Conditional Uses For Commercial Districts", of this chapter are permitted subject to the general provisions set forth in section 21A.26.010 of this chapter and this section.

C. Planned Development Review: All new construction of principal buildings, uses, or additions that increases the floor area and/or parking requirement by twenty five percent (25%) in the CS community shopping district may be approved only as a planned development in conformance with the provisions of chapter 21A.55 of this title.

D. Minimum Lot Size:

1. Minimum lot area: Sixty thousand (60,000) square feet, excluding shopping center pad sites.

2. Minimum lot width: One hundred fifty feet (150').

E. Minimum Yard Requirements:

1. Front And Corner Side Yard: Thirty feet (30').

2. Interior Side Yard: Fifteen feet (15').

3. Rear Yard: Thirty feet (30').

4. Buffer Yards: All lots abutting property in a residential district shall conform to the buffer yard requirements of chapter 21A.48 of this title.

5. Accessory Buildings And Structures In Yards: Accessory buildings and structures may be located in a required yard subject to section 21A.36.020, table 21A.36.020B of this title.

F. Landscape Yard Requirements: A landscape yard of fifteen feet (15') shall be required on all front and corner side yards, conforming to the requirements of section 21A.48.090 of this title.

G. Maximum Height: No building shall exceed forty five feet (45').

H. Access Restrictions: To maintain safe traffic conditions, lots in the CS community shopping district shall not exceed one driveway per one hundred fifty feet (150') of frontage on arterial or major collector streets. The location of driveways shall be subject to review by the development review team through the site plan review process.

I. Effect Of Planned Development On Minimum Standards: Pursuant to chapter 21A.55 of this title, the planning commission may modify the standards set forth in subsections D through H of this section in the approval of planned developments within this district. (Ord. 12-11, 2011: Ord. 23-10 § 6, 2010: Ord. 61-09 § 16, 2009: Ord. 35-99 § 24, 1999: Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(13-3), 1995)

## 21A.26.050: CC CORRIDOR COMMERCIAL DISTRICT:

A. Purpose Statement: The purpose of the CC corridor commercial district is to provide an environment for efficient and attractive commercial development with a local and regional market area along arterial and major collector streets while promoting compatibility with adjacent neighborhoods through design standards. This district provides economic development opportunities through a mix of land uses, including retail sales and services, entertainment, office and residential. Safe, convenient and inviting connections that provide access to businesses from public sidewalks, bike paths and streets are necessary. Access should follow a hierarchy that places the pedestrian first, bicycle second and automobile third. This district is appropriate in areas where supported by applicable master plans. The standards are intended to promote a safe and aesthetically pleasing environment to all users.

B. Uses: Uses in the CC corridor commercial district as specified in section 21A.26.080, "Table Of Permitted And Conditional Uses For Commercial Districts", of this chapter, are permitted subject to the general provisions set forth in section 21A.26.010 of this chapter and this section.

C. Minimum Lot Size:

1. Minimum lot area: Ten thousand (10,000) square feet.

2. Minimum lot width: Seventy five feet (75').

D. Minimum Yard Requirements:

1. Front And Corner Side Yards: Fifteen feet (15').

2. Interior Side Yards: None required.

3. Rear Yards: Ten feet (10').

4. Buffer Yards: All lots abutting property in a residential district shall conform to the buffer yard requirement of chapter 21A.48 of this title.

5. Accessory Buildings And Structures In Yards: Accessory buildings and structures may be located in a required yard subject to section 21A.36.020, table 21A.36.020B of

this title.

E. Landscape Yard Requirements: A landscape yard of fifteen feet (15') shall be required on all front and corner side yards, conforming to the requirements of section 21A.48.090 and subsection 21A.48.100C of this title.

F. Maximum Height: No building shall exceed thirty feet (30'). Buildings higher than thirty feet (30') may be allowed in accordance with the provisions of subsections F1 and F2 of this section.

1. Procedure For Modification: A modification to the height regulations in this subsection F may be granted as a conditional use in conformance with the provisions of chapter 21A.54 of this title. In evaluating an application submitted pursuant to this section, the planning commission shall find that the increased height will result in improved site layout and amenities.

2. Landscaping: If an additional floor is approved, increased landscaping shall be provided over and above that which is normally required for landscape yards, landscape buffer yards, and parking lot perimeter and interior landscaping. The amount of increased landscaping shall be equal to ten percent (10%) of the area of the additional floor.

3. Maximum Additional Height: Additional height shall be limited to fifteen feet (15'). (Ord. 12-11, 2011: Ord. 61-09 § 17, 2009: Ord. 3-01 § 1, 2001: Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(13-4), 1995)

## 21A.26.060: CSHBD SUGAR HOUSE BUSINESS DISTRICT (CSHBD1 AND CSHBD2):

In this chapter and the associated zoning map, the CSHBD zone is divided into two (2) subareas for the purpose of defining design criteria. In other portions of this text, the CSHBD1 and CSHBD2 zones are jointly referred to as the CSHBD zone because all other standards in the zoning ordinance are the same.

A. Purpose Statement: The purpose of the CSHBD Sugar House business district is to promote a walkable community with a transit oriented, mixed use town center that can support a twenty four (24) hour population. The CSHBD provides for residential, commercial and office use opportunities, with incentives for high density residential land use in a manner compatible with the existing form and function of the Sugar House master plan and the Sugar House business district.

B. Uses: Uses in the CSHBD Sugar House business district as specified in section 21A.26.080, "Table Of Permitted And Conditional Uses For Commercial Districts", of this chapter are permitted, subject to the general provisions set forth in section 21A.26.010 of this chapter and this section.

C. Conformance With Adopted Business District Design Guideline Handbook: All new construction of principal buildings and additions that increase the off street parking requirement shall be subject to and shall conform with the adopted business district design guidelines handbook located as an appendix section in the Sugar House master plan.

D. Conditional Building And Site Design Review: All new construction of principal buildings that exceed fifty feet (50') in height in the CSHBD1 district or thirty feet (30') in height in the CSHBD2 district or twenty thousand (20,000) square feet in size in either district shall be subject to conditional building and site design review. The planning commission has the authority to approve projects through the conditional building and site design review process. Conditional building and site design review shall be approved in conformance with the business district design guideline handbook and the provisions of chapter 21A.59 of this title.

E. Minimum Lot Size: No minimum lot area or width is required.

F. Minimum Yard Requirements:

1. Front And Corner Side Yards: No minimum yard is required.

2. Maximum Setback: The maximum setback is fifteen feet (15'). Exceptions to this requirement may be authorized through the conditional building and site design review process, subject to the requirements of chapter 21A.59 of this title, and the review and approval of the planning commission. The planning director, in consultation with the transportation director, may modify this requirement if the adjacent public sidewalk is substandard and the resulting modification to the setback results in a more efficient public sidewalk, and/or the modification conforms with the business district design guidelines handbook. Appeal of an administrative decision is to the planning commission.

3. Interior Side Yards: None required.

4. Rear Yards: No minimum yard is required.

5. Buffer Yards: All lots abutting a lot in a residential district shall conform to the buffer yards and landscape requirements of chapter 21A.48 of this title. In addition, for those structures located on properties zoned CSHBD that abut properties in a low density, single-family residential zone, every three feet (3') in building height above thirty feet (30'), shall be required a corresponding one foot (1') setback from the property line at grade. This additional required setback area can be used for landscaping or parking.

G. Maximum Height: Maximum height limits vary, depending upon location and land use. The following regulations shall apply for each area within the CSHBD zone:

1. CSHBD1:

a. The maximum building height in the CSHBD1 zone shall not exceed thirty feet (30') for those buildings used exclusively for nonresidential purposes.

b. Additional building square footage may be obtained up to a maximum building height of one hundred five feet (105'); however, for each additional floor of nonresidential use above thirty feet (30'), one floor of residential use is required.

c. The residential component may be transferred off site to another property within the CSHBD zoning district in accordance with the provisions of subsection K of this section. If the required residential component is transferred off site, the maximum nonresidential building height allowed shall be seventy five feet (75'). Any building with a height in excess of seventy five feet (75') shall be subject to the requirements of subsection G1d of this section.

d. Maximum building height may be obtained to one hundred five feet (105') for any building subject to at least ninety percent (90%) of all parking for said building being provided as structured parking, and in the case of a nonresidential building, the developer shall provide off site residential development that is equal to or greater than the square footage of the nonresidential building that exceeds thirty feet (30') in height.

2. CSHBD2:

a. The maximum building height in the CSHBD2 zone shall not exceed thirty feet (30') for those buildings used exclusively for nonresidential purposes.

b. Additional square footage may be obtained up to a maximum building height of sixty feet (60'); however, for each additional floor of nonresidential use above thirty feet (30'), one floor of residential use is required.

c. The residential component may be transferred off site to another property within the CSHBD zoning district in accordance with the provisions of subsection K of this section. If the residential component is transferred "off site", the maximum nonresidential building height allowed shall be forty five feet (45').

d. Buildings used exclusively for residential purposes may be built to a maximum height of sixty feet (60').

3. Stepback Requirement: In the CSHBD1 and CSHBD2 zoning districts, floors rising above thirty feet (30') in height shall be stepped back fifteen (15) horizontal feet from the building foundation at grade, in those areas abutting low density, single-family residential development and/or public streets.

H. Minimum First Floor Glass: The first floor elevation facing a street of all new buildings or buildings in which the property owner is modifying the size of windows on the front facade within the CSHBD Sugar House business district zones, shall not have less than forty percent (40%) glass surfaces. All first floor glass shall be nonreflective. Display windows that are three-dimensional and are at least two feet (2') deep are permitted and may be counted toward the forty percent (40%) glass requirement. Exceptions to this requirement may be authorized through the conditional building and site review process subject to the requirements of chapter 21A.59 of this title, and the review and approval of the planning commission. The planning director may approve a modification to this requirement, if the planning director finds:

1. The requirement would negatively impact the historic character of the building; or

2. The requirement would negatively impact the structural stability of the building; or

3. The ground level of the building is occupied by residential uses, in which case the forty percent (40%) glass requirement may be reduced to twenty five percent (25%). Appeal of administrative decision is to the planning commission.

I. Mechanical Equipment: Rooftop mechanical equipment should be screened with architecturally integrated elements of the building.

J. First Floor/Street Level Requirements: The first floor or street level space of all buildings within this area shall be required to provide uses consisting of residential, retail goods establishments, retail service establishments, public service portions of businesses, restaurants, taverns/lounges/brewpubs, private clubs, art galleries, theaters or performing art facilities.

K. Residential Requirement For Mixed Use Developments: For those mixed use developments requiring a residential component, the residential portion of the development shall be as follows:

1. Located in the same building as noted in subsection G of this section, or

2. May be located on a different property in the area zoned CSHBD. For such off site residential configuration, the amount of residential development required is equal to the total amount of square footage obtained for the nonresidential floors rising in excess of thirty feet (30'), less any square footage of the required fifteen foot (15') stepback noted in subsection G of this section. In addition, prior to the issuance of a building permit for the nonresidential structure, the applicant must identify specifically where the residential structure will be located in the area zoned CSHBD and enter into a development agreement with the city to ensure the construction of the residential structure in a timely manner. In such cases where the residential use is built off site, one of the following shall apply:

a. Construction of the off site residential use must be progressing beyond the footings and foundation stage, prior to the nonresidential portion of the development obtaining a certificate of occupancy, or

b. A financial assurance that construction of the off site residential use will commence within two (2) years of receiving a certificate of occupancy for the nonresidential component of the development. The financial assurance shall be in an amount equal to fifty percent (50%) of the construction valuation for the residential component of the development by the building official. The city shall call the financial assurance and deposit the proceeds in the city's housing trust fund if construction has not commenced within two (2) years of the issuance of the certificate of occupancy for the nonresidential component of the development. The financial assurance shall be in an amount equal to fifty percent (50%) of the construction valuation for the residential component of the development as determined by the building official. The city shall call the financial assurance and deposit the proceeds in the city's housing trust fund if construction has not commenced within two (2) years of the issuance of the certificate of occupancy for the nonresidential component of the development. (Ord. 89-05 § 5, 2005: Ord. 35-99 §§ 25, 26, 1999: Ord. 26-95 § 2(13-5), 1995)

## 21A.26.070: CG GENERAL COMMERCIAL DISTRICT:

A. Purpose Statement: The purpose of the CG general commercial district is to provide an environment for a variety of commercial uses, some of which involve the outdoor display/storage of merchandise or materials. This district provides economic development opportunities through a mix of land uses, including retail sales and services, entertainment, office, residential, heavy commercial and low intensities of manufacturing and warehouse uses. This district is appropriate in locations where supported by applicable master plans and along major arterials. Safe, convenient and inviting connections that provide access to businesses from public sidewalks, bike paths and streets are necessary. Access should follow a hierarchy that places the pedestrian first, bicycle second and automobile third. The standards are intended to create a safe and aesthetically pleasing commercial environment for all users.

B. Uses: Uses in the CG general commercial district as specified in section 21A.26.080, "Table Of Permitted And Conditional Uses For Commercial Districts", of this chapter are permitted subject to the general provisions set forth in section 21A.26.010 of this chapter and this section.

C. Minimum Lot Size:

1. Minimum Lot Area: Ten thousand (10,000) square feet.

2. Minimum Lot Width: Sixty feet (60').

3. Existing Lots: Lots legally existing prior to April 12, 1995, shall be considered legal conforming lots.

D. Minimum Yard Requirements:

1. Front Yard: Ten feet (10').

2. Corner Side Yard: Ten feet (10').

3. Interior Side Yard: None required.

4. Rear Yard: Ten feet (10').

5. Buffer Yard: All lots abutting residential property shall conform to the buffer yard requirements of chapter 21A.48 of this title.

6. Accessory Buildings And Structures In Yards: Accessory buildings and structures may be located in a required yard subject to section 21A.36.020, table 21A.36.020B of this title.

E. Landscape Yard Requirements: A landscape yard of ten feet (10') shall be required on all front or corner side yards, conforming to the requirements of section 21A.48.090 of this title.

F. Maximum Height: No building shall exceed sixty feet (60'). Buildings higher than sixty feet (60') may be allowed in accordance with the provisions of subsections F1 and F2 of this section.

1. Procedure For Modification: A modification to the height regulations in this subsection F may be granted as a conditional use in conformance with the provisions of chapter 21A.54 of this title. In evaluating an application submitted pursuant to this section, the planning commission shall find that the increased height will result in improved site layout and amenities.

2. Landscaping: If additional floors are approved, increased landscaping shall be provided over and above that which is normally required for landscape yards, landscape buffer yards, and parking lot perimeter and interior landscaping. The amount of increased landscaping shall be equal to ten percent (10%) of the area of the additional floors.

3. Maximum Additional Height: Additional height shall be limited to thirty feet (30'). (Ord. 12-11, 2011: Ord. 61-09 § 18, 2009: Ord. 3-01 § 2, 2001: Ord. 35-99 § 27, 1999: Ord. 26-95 § 2(13-6), 1995)

## 21A.26.077: TC-75 TRANSIT CORRIDOR DISTRICT:

A. Purpose Statement: The purpose of the TC-75 transit corridor district is to create transit oriented neighborhoods near stations along major transit corridors with a high residential density that promotes commercial and economic growth, increases transit ridership and improves the vitality of the community. The primary focus is to increase residential density through development that takes advantage of the proximity to transit and creates a sustainable, transit oriented neighborhood. The standards for the district are intended to create a pedestrian friendly environment and to emphasize that pedestrian and mass transit access is the primary focus of development.

B. Uses: Uses in the TC-75 transit corridor district as specified in section 21A.26.080, "Table Of Permitted And Conditional Uses For Commercial Districts", of this chapter, are permitted subject to the general provisions set forth in section 21A.26.010 of this chapter and this section.

C. Planned Development Review: Planned developments, which meet the intent of this section, but not the specific design criteria outlined in the following subsections may be approved by the planning commission pursuant to the provisions of chapter 21A.55 of this title.

D. Minimum Lot Size:

1. Minimum lot area: Ten thousand (10,000) square feet.

2. Minimum lot width: Fifty feet (50').

E. Minimum Yard Requirements:

1. Front And Corner Side Yards: Fifteen feet (15'). Exceptions to this requirement may be authorized through the conditional building and site design review process, subject to the requirements of chapter 21A.59 of this title, and the review and approval of the planning commission. Exceptions to the minimum setback are limited to the two (2) lower levels of the building only; the main tower of the building must maintain the minimum setback. Exceptions are limited to structural elements that enhance the pedestrian experience of the space such as, but not limited to, patio covers, building entry canopies, etc.

2. Interior Side Yards: None required.

3. Rear Yards: None required.

4. Buffer Yards: All lots abutting property in a residential district shall conform to the buffer yard requirement of chapter 21A.48 of this title.

5. Accessory Buildings And Structures In Yards: Accessory buildings and structures may be located in a required yard subject to table 21A.36.020B of this title.

6. Maximum Building Setback: Twenty five feet (25'). Exceptions to this requirement may be authorized through the conditional building and site design review process, subject to the requirements of chapter 21A.59 of this title, and the review and approval of the planning commission. The majority of the ground level facade of a building shall be placed parallel, and not at an angle, to the street. Where an arcade facing the street is provided, the maximum setback for the building shall be measured to the supporting beams for the arcade or the facade of the upper floors, not the facade of the arcade level. The planning director, in consultation with the transportation director, may modify this requirement if the adjacent public sidewalk is substandard and the resulting modification to the setback results in a more efficient public sidewalk. The planning director may waive this requirement for any addition, expansion, or intensification, which increases the floor area or parking requirement by less than fifty percent (50%) if the planning director finds the following:

a. The architecture of the addition is compatible with the architecture of the original structure or the surrounding architecture.

b. The addition is not part of a series of incremental additions intended to subvert the intent of this section.

Any appeal of an administrative decision made pursuant to subsection E6 of this section may be made to the planning commission.

F. Landscape Yard Requirements: A landscape yard of fifteen feet (15') shall be required on all front and corner side yards, conforming to the requirements of section 21A.48.090 and subsection 21A.48.100C of this title, except as authorized as a conditional use, subject to conformance with the standards and procedures of chapter 21A.54 of this title.

G. Maximum Nonresidential Building Height: The maximum building height in the TC-75 zoning district shall not exceed thirty feet (30') for those buildings used exclusively for nonresidential purposes.

1. Additional building square footage may be allowed up to a maximum building height of seventy five feet (75') (or to a building height of 125 feet through the conditional building and site design review process, subject to conformance with the standards and procedures of chapter 21A.59 of this title and conformity with applicable master plan policy) provided that for each additional floor of nonresidential use above thirty feet (30'), the equivalent amount of square footage, inclusive of the first thirty feet (30'), is required to be built as residential square footage.

2. The residential component may be transferred off site to another property in the TC-75 zoning district along the 400 South Street frontage generally located between 200 East and 925 East. For such off site residential configuration, the amount of residential development required is equal to the square footage of the total amount of square footage obtained for the nonresidential floors rising in the total project.

3. For those developments where the required residential component is transferred off site, prior to the issuance of a building permit for the nonresidential structure, the applicant must identify specifically where the residential structure will be located in the area zoned TC-75 along to 400 South Street corridor generally located between 200 East and 900 East and enter into a development agreement with the city to ensure the construction of the residential structure in a timely manner. In such cases where the residential use is built off site, one of the following shall apply:

a. Construction of the off site residential use must be progressing beyond the footings and foundation stage, prior to the nonresidential portion of the development obtaining a certificate of occupancy, or

b. A financial assurance that construction of the off site residential use will commence within two (2) years of receiving a certificate of occupancy for the nonresidential component of the development. The financial assurance shall be in an amount equal to fifty percent (50%) of the construction valuation for the residential component of the development as determined by the building official. The city shall call the financial assurance and deposit the proceeds in the city's housing trust fund if construction has not commenced within two (2) years of the issuance of the certificate of occupancy for the nonresidential component of the development.

4. Maximum building height may be obtained to one hundred twenty five feet (125') for any building subject to at least ninety percent (90%) of all parking for said building being provided as structured parking.

H. Maximum Residential Building Height: No residential building, or mixed use building shall exceed seventy five feet (75') in height. Building heights in excess of seventy five feet (75'), but not more than one hundred twenty five feet (125') may be approved through the conditional building and site design review process, subject to conformance with the standards and procedures of chapter 21A.59 of this title and conformity with applicable master plan policy.

1. Maximum building height may be obtained to one hundred twenty five feet (125') where at least ninety percent (90%) of all parking for said building is provided as structured parking.

2. The ground floor shall include either nonresidential uses or public service portions of residential buildings.

I. Restrictions On Parking Lots And Structures: The following regulations shall apply to surface or aboveground parking facilities.

1. Block Corner Areas: Within block corner areas, surface parking lots and structures shall be located behind principal buildings, or at least sixty feet (60') from front and corner side lot lines.

2. Mid Block Areas: Within the mid block areas, parking structures shall be located behind principal buildings, or above the first level, or at least thirty feet (30') from front and corner side lot lines. A modification to this requirement may be granted as a conditional use, subject to conformance with the standards and procedures of chapter 21A.54 of this title. Parking structures located above the first level and less than thirty feet (30') from a front or corner side yard shall meet the following:

a. Retail goods/service establishments, offices and/or restaurants shall be provided on the first floor adjacent to the front or corner side lot line.

b. Levels of parking above the first level facing the front or corner side lot line shall have floors and/or facades that are horizontal, not sloped.

Mid block surface parking lots shall have a twenty five foot (25') landscaped setback.

3. Accessory And Commercial Parking Structures: Accessory parking structures, built prior to the principal use, and commercial parking structures, shall be permitted as conditional uses with the approval of the planning commission pursuant to the provisions of chapter 21A.54 of this title.

4. Belowground Parking Facilities: No special design and setback restrictions shall apply to belowground parking facilities.

5. Landscape Requirements: Surface parking lots shall meet interior landscape requirements as outlined in chapter 21A.48 of this title.

6. Waiver: The planning director may modify or waive this requirement if the planning director finds the following:

a. The parking is compatible with the architecture/design of the original structure or the surrounding architecture.

b. The parking is not part of a series of incremental additions intended to subvert the intent of this section.

c. The horizontal landscaping is replaced with vertical screening in the form of berms, plant materials, architectural features, fencing and/or other forms of screening.

d. The landscaped setback is consistent with the surrounding neighborhood character.

e. The overall project is consistent with section 21A.59.060 of this title.

Any appeal of an administrative decision made pursuant to this subsection I6 may be made to the planning commission.

7. Conditional Building And Site Design Review: A modification to the restrictions on parking lots and structures provisions of this section may be authorized as conditional

building and site design review, subject to the requirements of chapter 21A.59 of this title, and the review and approval of the planning commission.

J. Minimum First Floor Glass: The first floor elevation facing a street of all new buildings, or buildings in which the property owner is modifying the size of windows on the front facade, shall not have less than forty percent (40%) glass surfaces. There must be visual clearance behind the glass for a minimum of two feet (2'). All first floor glass shall be nonreflective. The reflectivity in glass shall be limited to eighteen percent (18%) as defined by ASTA standards. Display windows that are three-dimensional and are at least two feet (2') deep are permitted and may be counted toward the forty percent (40%) glass requirement. Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of chapter 21A.59 of this title, and the review and approval of the planning commission. The planning director may approve a modification to this requirement if the planning director finds:

1. The requirement would negatively impact the historic character of the building, or

2. The requirement would negatively impact the structural stability of the building.

3. The ground level of the building is occupied by residential uses, in which case the forty percent (40%) glass requirement may be reduced to twenty five percent (25%).

Any appeal of an administrative decision made pursuant to this subsection may be made to the planning commission.

K. Doors And Facades: Provide at least one operable building entrance per elevation that faces a public street. Buildings that face multiple streets are only required to have one door on either street, if the facades for both streets meet the forty percent (40%) glass requirement as outlined in subsection J of this section.

L. Maximum Length Of Blank Walls: The maximum length of any blank wall uninterrupted by windows, doors, art or architectural detailing at the first floor level shall be fifteen feet (15').

M. Density: There is no maximum residential density. (Ord. 12-11, 2011: Ord. 23-10 § 7, 2010: Ord. 76-05 § 1, 2005)

## 21A.26.078: TSA TRANSIT STATION AREA DISTRICT:

A. Purpose Statement: The purpose of the TSA transit station area district is to provide an environment for efficient and attractive transit and pedestrian oriented commercial, residential and mixed use development around transit stations. Redevelopment, infill development and increased development on underutilized parcels should include uses that allow them to function as part of a walkable, mixed use district. Existing uses that are complementary to the district, and economically and physically viable, should be integrated into the form and function of a compact, mixed use pedestrian oriented neighborhood. Each transit station is categorized into a station type. These typologies are used to establish appropriate zoning regulations for similar station areas. Each station area will typically have two (2) subsections: the core area and the transition area. Due to the nature of the area around specific stations, the restrictions of overlay zoning districts, and the neighborhood vision, not all station areas are required to have a core area and a transition area.

1. Core Area: The purpose of the core area is to provide areas for comparatively intense land development with a mix of land uses incorporating the principles of sustainable, transit oriented development and to enhance the area closest to a transit station as a lively, people oriented place. The core area is generally within a one-fourth ($^1/_4$) mile walk of a transit station platform. The core area may mix ground floor retail, office, commercial and residential space in order to activate the public realm.

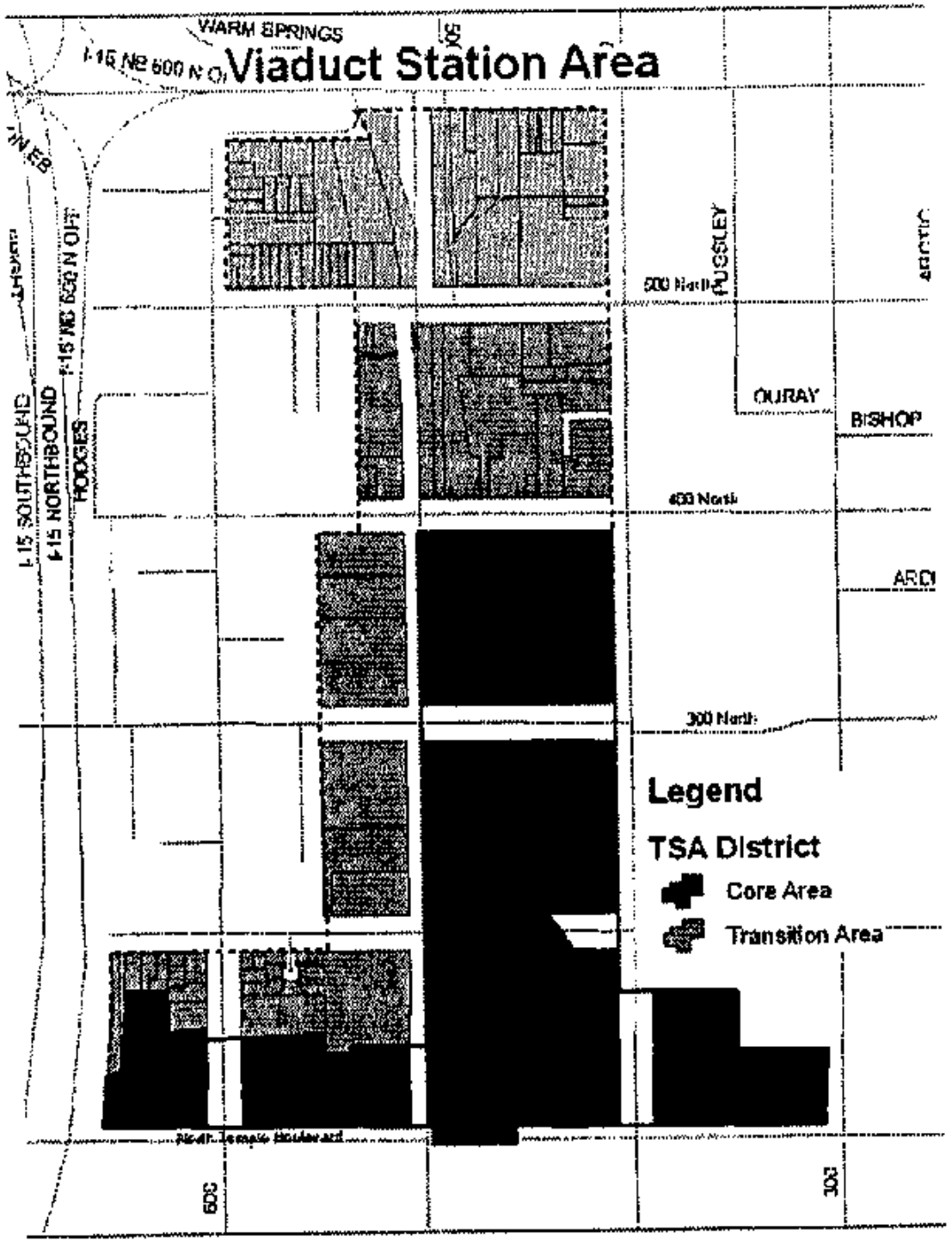
Buildings in this area should have minimal setbacks to encourage active outdoor use adjacent to the sidewalk, such as outdoor dining and patios that reflect the desired character of the area. Building facades should be varied and articulated, include storefronts adjacent to the street, windows on the street level, and have clearly defined entrances to provide visual interest to pedestrians. Buildings should be a minimum of two (2) or three (3) stories in height, depending on location, in order to define the

street edge. Arcades, bays, and balconies are encouraged. The configuration of buildings must balance the needs of all modes of circulation with the safety and comfort of pedestrians and bicyclists. A vertical mix of uses, with office and residential above ground floor commercial uses is encouraged. A minimum of thirty (30) dwelling units per acre is encouraged within the core.

2. Transition Area: The purpose of the transition area is to provide areas for a moderate level of land development intensity that incorporates the principles of sustainable transit oriented development. The transition area is intended to provide an important support base to the core area and transit ridership as well as buffer surrounding neighborhoods from the intensity of the core area. These areas reinforce the viability of the core area and provide opportunities for a range of housing types at different densities. Transition areas are generally located within a one-half ($^1/_2$) mile from the station platform, but may vary based on the character of the area. Transition areas typically serve the surrounding neighborhood; include a broad range of building forms that house a mix of compatible land uses. The minimum desired density is ten (10) dwelling units per acre. Commercial uses may include office, retail, restaurant and other commercial land uses that are necessary to create mixed use neighborhoods. Commercial uses can be clustered around intersections and along block faces to create neighborhood nodes.

B. Station Area Types: A station area typology is the use of characteristics, such as building types, mix of land use, transit service and street network to create generalizations about an area that can be used to define a common vision for development of a transit station area. Each typology recognizes the important difference among places and destinations and takes into account the local context of a station and its surroundings. Each station area typically will include a core area, where the most intense development will occur, and a transition area, which is intended to create a buffer area between the core and those areas with generally lower intensities and densities. Prior to classifying a transit station into a specific type, a station area plan must be adopted by the city council prior to applying this zoning district to a geographic area. Only those stations that have an adopted station area plan will be classified.

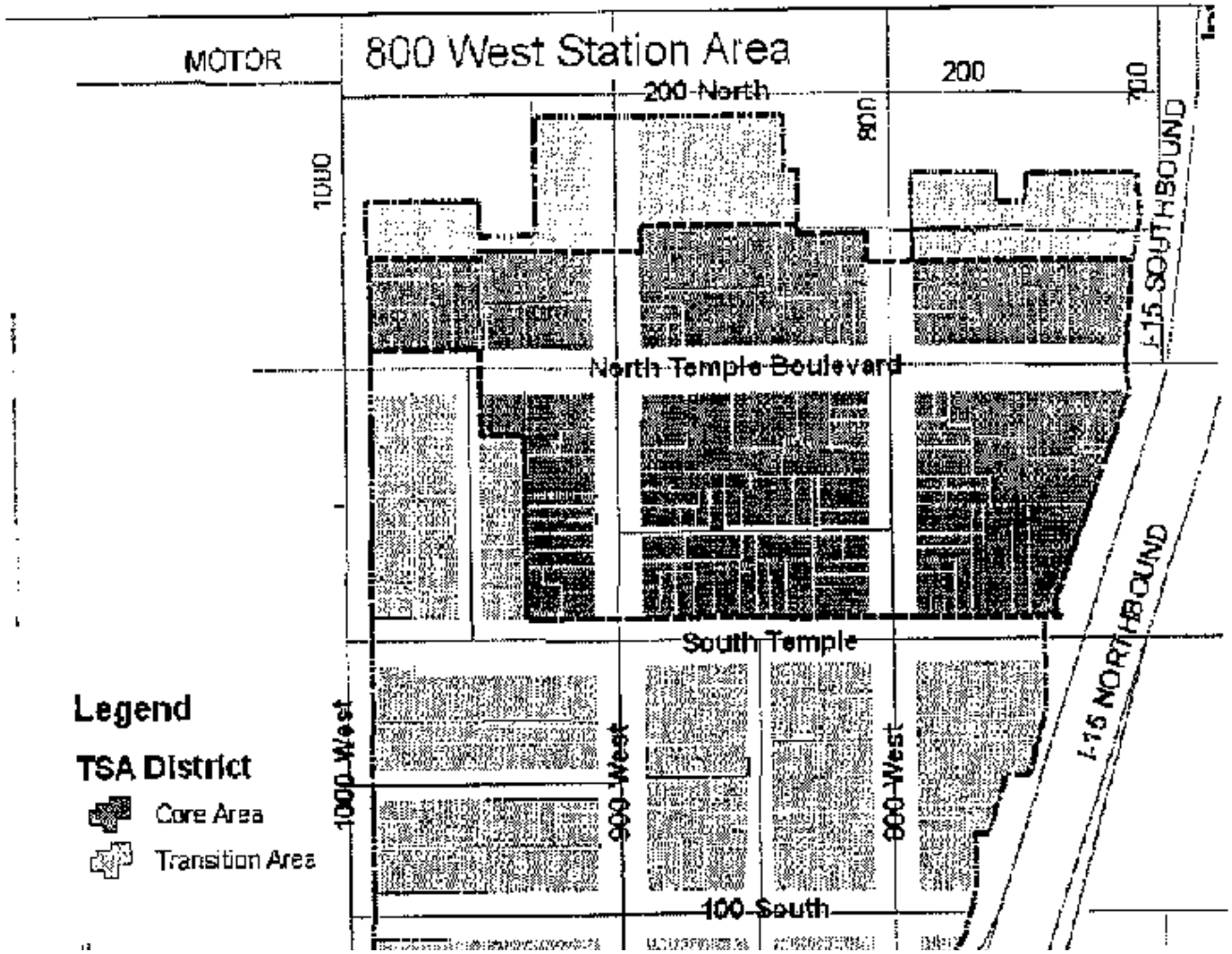
1. Urban Center Station: An urban center station contains the highest relative intensity level and mix of uses. The type of station area is meant to support Downtown Salt Lake and not compete with it in terms of building scale and use. The intensity level of the area is characterized by a twenty four (24) hour population, active streetscapes, defined street walls and the presence of multiple types of public transit or as a node where several rail transit lines converge. Development generally occurs on vacant parcels or through redevelopment of underutilized parcels. The station area has a compact, dense, interconnected and walkable development pattern. Large scale development occurs closer to the station platforms; and is scaled back as it gets closer to less intense areas. Building forms vary, but are typically oriented to the pedestrian, are multiple stories in height, and contain a horizontal and vertical mix of land uses. Buildings up to ten (10) stories in height are allowed in the core, while buildings in the transition zone are approximately half that size. The station area contains a number of regional attractions, such as destination retail, employment, dining and entertainment and a high level of pedestrian activity. A variety of dense housing options exist. Development includes civic amenities, such as public gathering places. Uses that help implement the vision for the station and that area commonly found in an intense urban area are appropriate. The following stations are considered an urban center type of station: North Temple Viaduct Transfer Station.

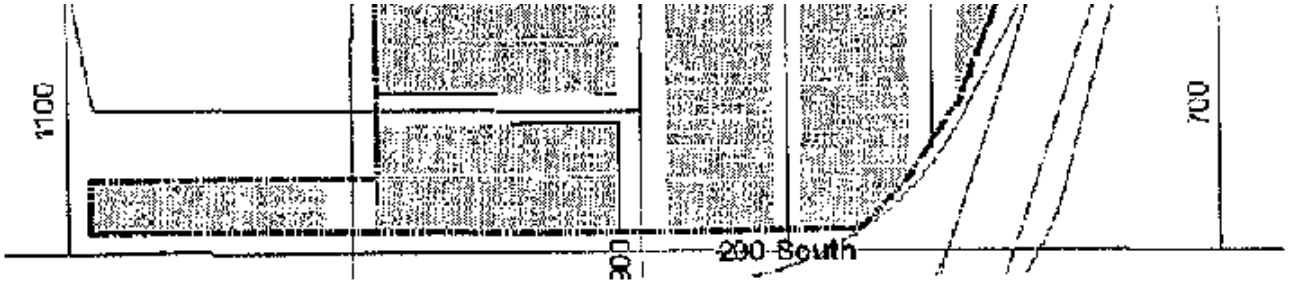

Viaduct Station Area
WARM SPRINGS
I-15 NB 600 N OFF
I-15 SOUTHBOUND
I-15 NORTHBOUND
I-15 NB 600 N OFF
HODGES
500 North
PUGSLEY
OURAY
BISHOP
400 North
300 North
Legend
TSA District
Core Area
Transition Area
600
300

2. Urban Neighborhood Station: An evolving and flexible development pattern defines an urban neighborhood station area. Development generally happens as infill on vacant parcels or redevelopment of underutilized parcels. These stations evolve in established residential areas where initial changes may add density and intensity in compact building forms that blend in with the residential character of the area. Urban neighborhoods consist of multilevel buildings that are generally lower scale than what is found in the urban center station area. The desired mix of uses would include ground floor commercial or office uses with the intent of creating a lively, active, and safe streetscape. A mix of building types are possible, ranging from single use structures to mixed use buildings. Residential uses are generally located above the first floor, although they can be located on the ground floor in certain situations. The highest residential densities and most intense land uses are generally located closest to the station platform. Urban neighborhoods are served by at least two (2) forms of transit, including light rail and bus service. The uses serve the surrounding neighborhood with nearby destinations and have the potential to attract people from other neighborhoods.

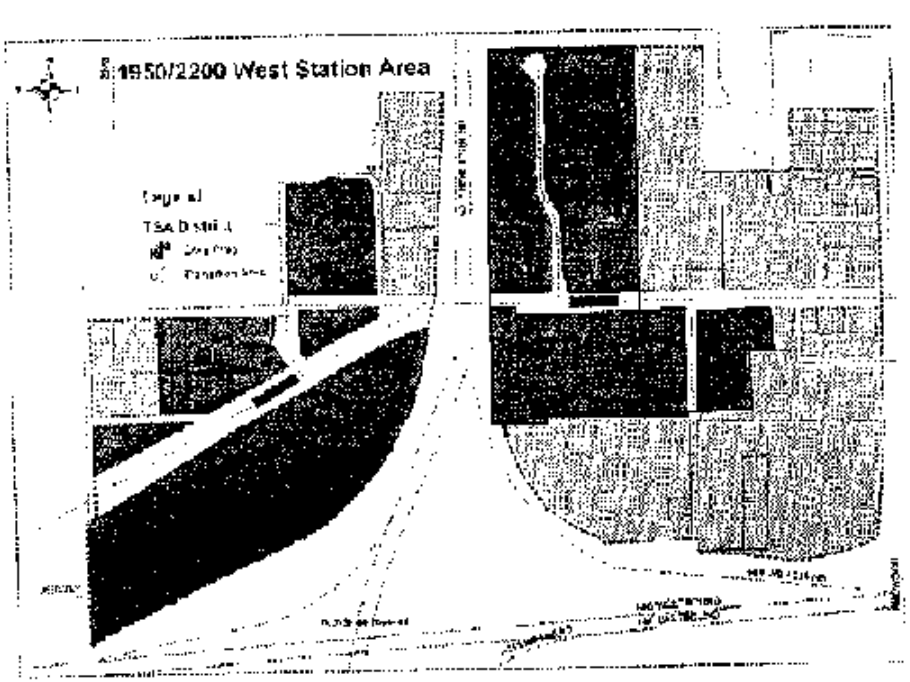
In some urban neighborhood station areas, a linear development pattern along commercial streets that intersect the transit corridor defines a neighborhood main street. Neighborhood main streets are approximately two (2) blocks long, with two (2) 4-story buildings located close to the sidewalk. The ground floors of buildings are typically occupied by active uses, such as retail or restaurants.

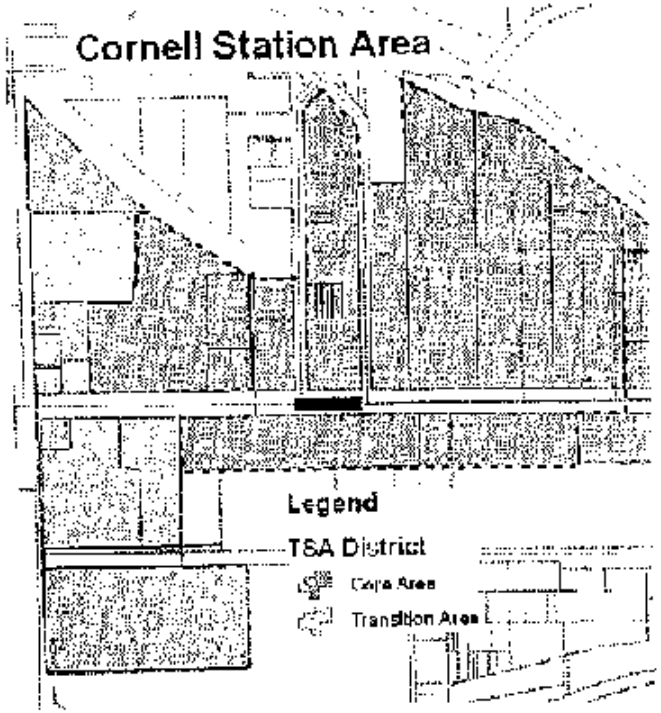
The following stations are considered to be urban neighborhood stations: 800 West light rail station.





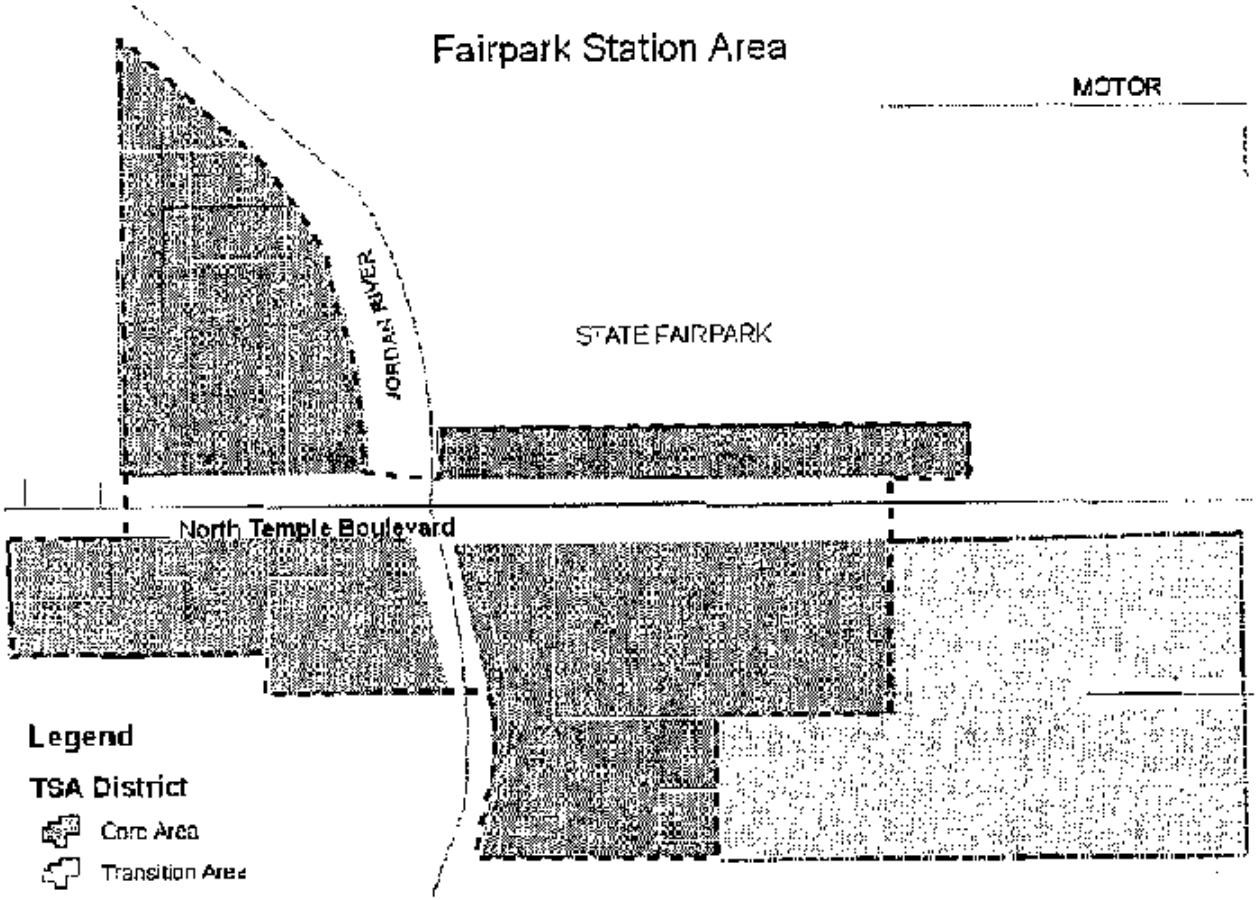

3. Mixed Use Employment Center Station: A mixed use employment station is an area with a high concentration of jobs that attract people from the entire region. These areas generally start with a campus style development pattern and are dominated by a single type of use that generally employs a high number of people. Buildings are often large scale in nature and may have large footprints. New development occurs on vacant parcels. Redevelopment occurs on surface parking lots, underutilized land, or as additions to existing buildings as businesses expand. The primary mode of circulation is by automobile, but the area is served by at least two (2) types of mass transit which provides alternative modes of transportation for employees. Land uses that support the employment centers such as retail sales and service and restaurants are located throughout the station area and should occupy ground floor space in multi-story buildings oriented to the pedestrian and transit user. A mix of housing types and sizes are appropriate to provide employees with the choice to live close to where they work. Building types should trend toward more flexible building types over time. The area is likely to have large blocks and lacks a consistent street network. Connectivity for all modes of travel is important due to the limited street network. The following stations are considered to be mixed use employment center stations: 1950 West, 2200 West, and the Cornell light rail stations.




4. Special Purpose Station: The special purpose station is typically centered on a specific land use or large scale regional activity. These areas are generally served by a

mix of transit options, usually light rail or bus. New development is limited due to the nature of the primary function of the area, but redevelopment of underutilized parcels is likely to occur. Land uses such as restaurants and retail support the dominant land use and attract people to the area. A mix of housing types and sizes are appropriate in certain situations. Future development should be aimed at increasing the overall intensity and frequency of use in the station area by adding a mix of uses that can be arranged and designed to be compatible with the primary use. The following stations are considered to be special purpose stations: Fairpark light rail station.




C. Review Process: The intent of the review process is to make the process for desirable development easy to realize in a relatively quick time frame. The review process focuses on building forms and their relationship to adjacent buildings, the public street, transit and other public spaces. The review process for all new development and redevelopment within the transit station area zoning district is based on the development score which is generated by the "Transit Station Area Development Guidelines" hereby adopted by reference.

1. Presubmittal Conference: All applicants for development within the transit station area zoning district are required to attend a presubmittal conference with the planning division. The purpose of the presubmittal conference is to notify the applicant of the goals of the station area plans, the standards in this section, and the review and approval process.

2. Development Review Application: After a presubmittal conference, the developer can submit a development review application. This application and all submittal

requirements will be used to determine the development score. The application shall include a score sheet on which the development guidelines and their assigned values are indicated and two (2) checklists: one for the applicant's use and one for the planning division's use.

3. Application Review: Table 21A.26.078C of this section summarizes the application review process. All applications shall be processed as follows:

a. Tier 1 Planning Commission Review: If a project is assigned a score less than 50 points, the project can only be approved by the planning commission through the conditional building and site design review process in chapter 21A.59 of this title. Once the applicant receives written notice of their score, they will be given thirty (30) days to notify the planning division of their intention to proceed with the project through the conditional building and site design review process or make necessary plan adjustments to increase their development score to the minimum level in order to go through an administrative hearing process.

b. Tier 2 Administrative Hearing: A project that has a development score between 50 and 99 points is eligible for an administrative hearing. Any project being reviewed at an administrative hearing shall be reviewed using the standards found in section 21A.59.060, "Standards For Design Review", of this title.

(1) Notice And Posting Requirements: Notice of the administrative hearing shall be done in accordance with chapter 21A.10 of this title.

(2) Administrative Hearing: After consideration of the information received from the applicant and any other interested party, the planning director, or designee may approve, approve with conditions, deny or refer the matter to the planning commission.

(3) Appeals Of Administrative Hearing Decision: Any person aggrieved by the decision made by the planning director or designee at an administrative hearing may appeal the decision to the Salt Lake City planning commission by filing notice of appeal within ten (10) days after the record of decision is published. The notice shall state the reason(s) for the appeal. Reason(s) for the appeal shall be based upon procedural error, the development score of the project or the criteria set forth in section 21A.59.060, "Standards For Design Review", of this title.

c. Tier 3 Administrative Review: The planning director has the authority to approve a project scoring 100 points or more without holding a public hearing. The project shall be allowed to go through the standard building permit process. A public hearing is not required because the project incorporates adequate design guidelines or development incentives to be deemed compliant with the vision for the station area.

TABLE 21A.26.078C APPLICATION REVIEW

| Development Score | Review Process |
|---|---|
| 0 _ 49 points | Planning commission conditional building and site design review process |
| 50 _ 99 points | Administrative hearing process |
| 100 or more points | Administrative review |

D. Development Score: The purpose of the development score is to allow flexibility for designers while implementing the city's vision of the applicable station area plans and the purpose of this zoning district. The development score measures the level of compatibility between a proposed project and the station area plan. A "station area plan" is a development, land use, urban design and placemaking policy document for the area around a specific transit station. The development score is based on the design guidelines and development incentives in the "Transit Station Area Development Guidelines" book, hereby adopted by reference. The "Transit Station Area Development Guidelines" shall be amended following the adopted procedures for zoning text amendments in chapter 21A.50, "Amendments", of this title. Each design guideline is assigned a value.

1. Formulating The Score: The development score is formulated by calculating all of the development guideline values for a particular project. Each design guideline and incentive is given a value based on its importance. Some guidelines are considered more important and carry a higher value than others. The planning director shall

evaluate each project in the transit station area zone and assign a development score. The development standards in subsection G of this section and the design standards in subsection J of this section shall be complied with by all projects and are not calculated in the development score.

2. Using The Score: Every development is required to meet a minimum development score. The minimum score represents a percentage of the total points possible.

3. Project Review: A development score shall be assigned to all projects within the transit station area zoning district after a complete development review application is submitted. The planning director shall provide, in writing, a copy of the review checklist and explanation of the outcome of the score to the applicant within thirty (30) days of submitting a complete application.

4. Appeals: An applicant may appeal the development score to the planning commission. In hearing the appeal, the planning commission shall hold a public hearing in accordance with section 21A.10.030 of this title. In deciding the appeal, the planning commission shall base its decision on its interpretation of the design guidelines, the development score and whether the project complies with the goals of the applicable station area plans and the purposes of the TSA zoning district.

E. Certificate Of Occupancy: Prior to issuing a certificate of occupancy, a project shall be inspected by the city to determine if the project substantially complies with the development score and, if applicable, any conditions of approval required by the planning commission, administrative hearing officer or planning director. If the project does not receive final approval at the inspection, the project must be brought into compliance with the development score and, if applicable, any conditions of approval required by the planning commission, administrative hearing officer or planning director.

F. Prohibited Uses: The intent of this section is to identify those land uses that are not compatible with transit oriented development due to the nature of the use, the land requirements of the use, or the potential impacts of the use. Uses listed in table 21A.26.078E of this section and that have an "X" in a box next to the specific land use, indicates it is prohibited. Any use not listed, but is substantially similar to a use listed, shall be prohibited. All other uses are permitted.

TABLE 21A.26.078E PROHIBITED USES

| Use | Urban Center | | Urban Neighborhood | | Mixed Use Employment Center | | Special Purpose | |
|---|---|---|---|---|---|---|---|---|
| | Core | Transition | Core | Transition | Core | Transition | Core | Transition |
| Ambulance services, dispatching, staging and maintenance | X | X | X | X | X | X | X | X |
| Animal pound | X | X | X | X | X | X | X | X |
| Auto salvage and recycling | X | X | X | X | X | X | X | X |
| Auto, truck, and RV repair, sales and/or service (minor or major) | X | X | X | X | X | X | X | X |
| Bus yards and repair facilities | X | X | X | X | X | X | X | X |
| Car washes | X | X | X | | X | | X | X |
| Cemeteries, any type | X | X | X | X | X | X | X | X |
| Chemical manufacturing | X | X | X | X | X | X | X | X |
| Commercial parking lots not located in a parking structure | X | X | X | X | X | | X | |
| Community correction facilities, any size | X | X | X | X | X | X | X | X |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Concrete manufacturing | X | X | X | X | X | X | X | X |
| Contractor's yard | X | X | X | X | X | X | X | X |
| Detached single-family dwelling | X | | X | | X | | X | |
| Drive-through windows and service | X | X | X | X | X | X | X | X |
| Electric generation facility; excluding solar, wind, or other similar renewable energy generation | X | X | X | X | X | X | X | X |
| Explosives manufacturing | X | X | X | X | X | X | X | X |
| Extractive industries | X | X | X | X | X | X | X | X |
| Flammable liquids or gases, heating fuel distribution | X | X | X | X | X | X | X | X |
| Gas stations | X | X | X | | X | | X | |
| Heavy equipment rental, repair and sales | X | X | X | X | X | X | X | |
| Heavy industrial | X | X | X | X | X | X | X | X |
| Heavy manufacturing | X | X | X | X | X | X | X | X |
| Homeless shelters | X | X | X | X | X | X | X | X |
| Impound lot | X | X | X | X | X | X | X | X |
| Incinerators, for any purpose | X | X | X | X | X | X | X | X |
| Jails | X | X | X | X | X | X | X | X |
| Kennel | X | X | X | X | X | X | X | X |
| Landfills, any type | X | X | X | X | X | X | X | X |
| Manufactured/mobile home sales and service | X | X | X | X | X | X | X | X |
| Ministorage facilities | X | | X | | X | | X | |
| Outdoor storage including storage or staging of fleet vehicles associated with a business, but not intended to include outdoor retail sales areas or outdoor storage as an accessory and incidental use to a principal use | X | X | X | X | X | X | X | X |
| Pawnshops | X | X | X | X | X | X | X | X |
| Railroad freight terminal facility | X | X | X | X | X | X | X | X |
| Recycling processing center | X | X | X | X | X | X | X | X |
| Rock, sand and gravel storage and distribution | X | X | X | X | X | X | X | X |
| Sewage treatment facility | X | X | X | X | X | X | X | X |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Sexually oriented business | X | X | X | X | X | X | X | X |
| Solid waste transfer station | X | X | X | X | X | X | X | X |
| Stable, public or private | X | X | X | X | X | X | X | X |
| Truck freight terminal | X | X | X | X | X | X | X | X |
| Truck stops | X | X | X | X | X | X | X | X |
| Warehouse as a primary use | X | X | X | X | X | | X | |
| Wholesale distributors | X | X | X | X | X | | X | X |

1. Existing Uses And Buildings: A use located within a station area legally existing at the time that this zoning district was adopted, but listed as a prohibited use in this subsection F, shall be considered a legal nonconforming use. A structure legally existing at the time this section was adopted, but not conforming to the standards in this chapter, shall be considered a legal noncomplying structure. Any legal nonconforming use or legal noncomplying structure is subject to chapter 21A.38 of this title.

G. Development Standards:

1. Intent: The purpose of the following development standards is to promote an intense and efficient use of land at increased densities in the station areas. The development standards are intended to create a safe and pleasant environment near transit stations by encouraging an intensive area of mixed use development and activities, pedestrian amenities and by limiting conflicts between vehicles and pedestrians. Development standards are intended to create a reasonably continuous building edge that defines the exterior spatial enclosure of the street or open space and protect adjacent low density residential zoning districts. With some exceptions, buildings line a street at or near the public right of way to the greatest extent possible.

2. Application: The dimensional requirements in table 21A.26.078D of this section apply to all new buildings and developments as well as additions to existing buildings. The following development standards apply to the core and transition areas of all station types:

a. Building Height: Height limits are intended to control the overall scale of buildings, the compatibility with adjacent development, and the composition of the urban form of the block. Minimum building heights in the core area relate to the width of the street, with a minimum ratio of one foot (1') of building height for every three feet (3') of street width. Building height is measured from the finished grade to the highest point of the building. The following exceptions apply:

(1) The minimum building height applies to all structures that are adjacent to a public or private street.

(2) Elevator shafts, parapet walls, and other projections are permitted subject to subsection 21A.36.020C, "Height Exceptions", of this title.

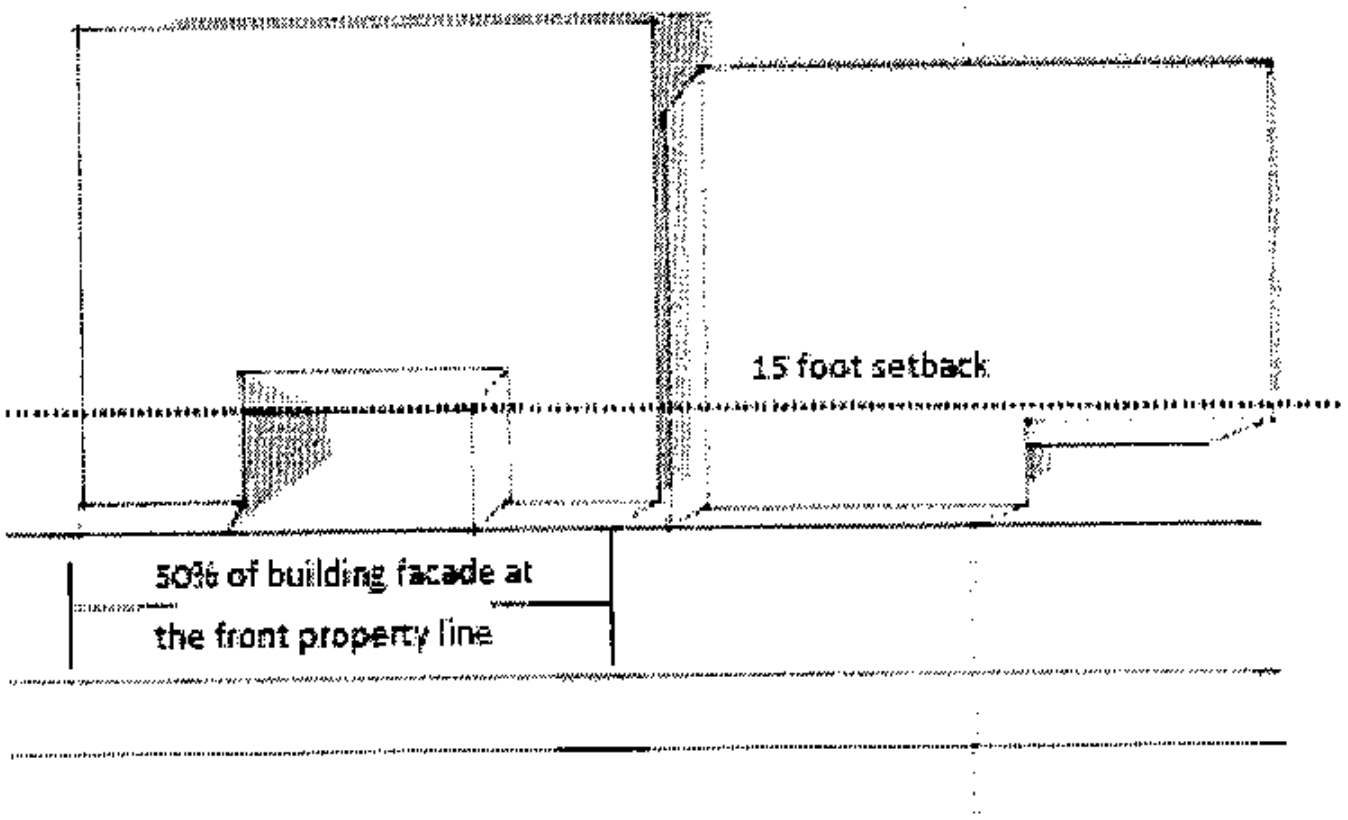
(3) Projects that achieve a development score that qualifies for administrative review are eligible for an increase in height. The increase shall be limited to one story of inhabitable space. The height of the additional story shall be equal to or less than the average height of the other stories in the building.

b. Setbacks: Required building setbacks promote streetscapes that are consistent with the desired character of the street and various station typologies and its core and transition areas. Building setbacks create a safe environment that is inviting to pedestrians and transit users and maintain light, air and potential privacy for adjacent residential uses.

(1) Front Yard Setback: All portions of a front yard not occupied by building, driveways, walkways or other similar feature must be completely landscaped or include an active outdoor use such as outdoor dining with the space not dedicated to active outdoor use completely landscaped.

Walls up to three feet (3') in height, patios and other similar elements intended to activate the sidewalk can be located to the property line.

(2) North Temple Boulevard: The front yard setback along North Temple Boulevard shall be fifteen feet (15') for a minimum of fifty percent (50%) of the width of the street facing facade. Up to fifty percent (50%) of a street facing facade may encroach up to the front property line. In this case, the area not occupied by the building footprint must be landscaped or include active outdoor use, such as outdoor dining, plazas, courtyards or other similar usable public space or use. Setbacks over fifteen feet (15') are not allowed.




(3) Side Yard Setback:

(A) Drive aisles are allowed in the side yard setback. In the transition subarea, parking is allowed in the side yard subject to subsection L of this section.

(B) Side yard setback when adjacent to a single-family or two-family zoning district:

(i) A minimum of twenty five feet (25') in the core area.

(ii) Fifteen feet (15') in the transition area.

(C) Side yard setback when adjacent to other uses or districts: No minimum side yard required.

(4) Rear Yard Setback:

(A) Core area: If a structure is located adjacent to a single-family or two-family residential zoning district, the rear setback shall be equal to the height of the building on the subject property in the transit station area district. Buildings may be stepped so taller portions of a building are farther away from the rear property line. The horizontal measurement of the step shall be equal to the vertical measurement of the taller portion of the building. When a public alley is between the two (2) properties, the width of the alley may be counted towards the setback.

(B) Transition area: A minimum of twenty five feet (25').

(5) Special Setback Provisions For Properties Adjacent To Jordan River: For properties that are adjacent to the Jordan River, the building setback from the Jordan River shall be fifty feet (50'), measured from the annual high water line as defined in section 21A.34.130 of this title. For buildings over fifty feet (50') in height, the setback shall increase one foot (1') for every foot in height over fifty feet (50') up to a maximum of seventy five feet (75'). Portions of buildings over fifty feet (50') in height may be stepped back to comply with this standard.

c. Minimum Lot Area:

(1) The minimum lot area applies to all new subdivisions of land.

(2) Any legally existing lot may be developed without having to comply with the minimum lot size requirements.

TABLE 21A.26.078D DIMENSIONAL REQUIREMENTS

| | Min. Height[2] | Max. Height | Min. Front Yard | Max. Front Yard | Min. Side Yard[1] | Min. Rear Yard[1] | Minimum Lot Coverage For Structures | Minimum Lot Size (Sq. Ft.) |
|---|---|---|---|---|---|---|---|---|
| Urban center: | | | | | | | | |
| Core | 30' | 90' [3] | None | 15 | None | None | 70% | 5,000 |
| Transition | 25' | 60' | None | 15 | None | None | 50% | 1,500 |
| Urban neighborhood: | | | | | | | | |
| Core | 25' | 75' | None | 10 | None | None | 70% | 5,000 |
| Transition | 0' | 50' | None | 10 | None | None | 50% | 1,000 |
| Mixed use employment station: | | | | | | | | |
| Core | 25' | 75' | None | 15 | None | None | 60% | 5,000 |
| Transition | 0' | 60' | None | 15 | None | None | 50% | 1,500 |
| Special purpose: | | | | | | | | |
| Core | 25' | 75' | None | 25 | None | None | 60% | 10,000 |
| Transition | 0' | 60' | None | 25 | None | None | 50% | 1,500 |

Notes:

1. Reference subsection G2 of this section for specific standards.
2. Minimum building heights apply to those properties with frontage on the street where fixed rail transit is located.
3. Buildings with a roof that has at least 2 sloping planes may be allowed up to 105 feet. The additional height may include inhabitable space.

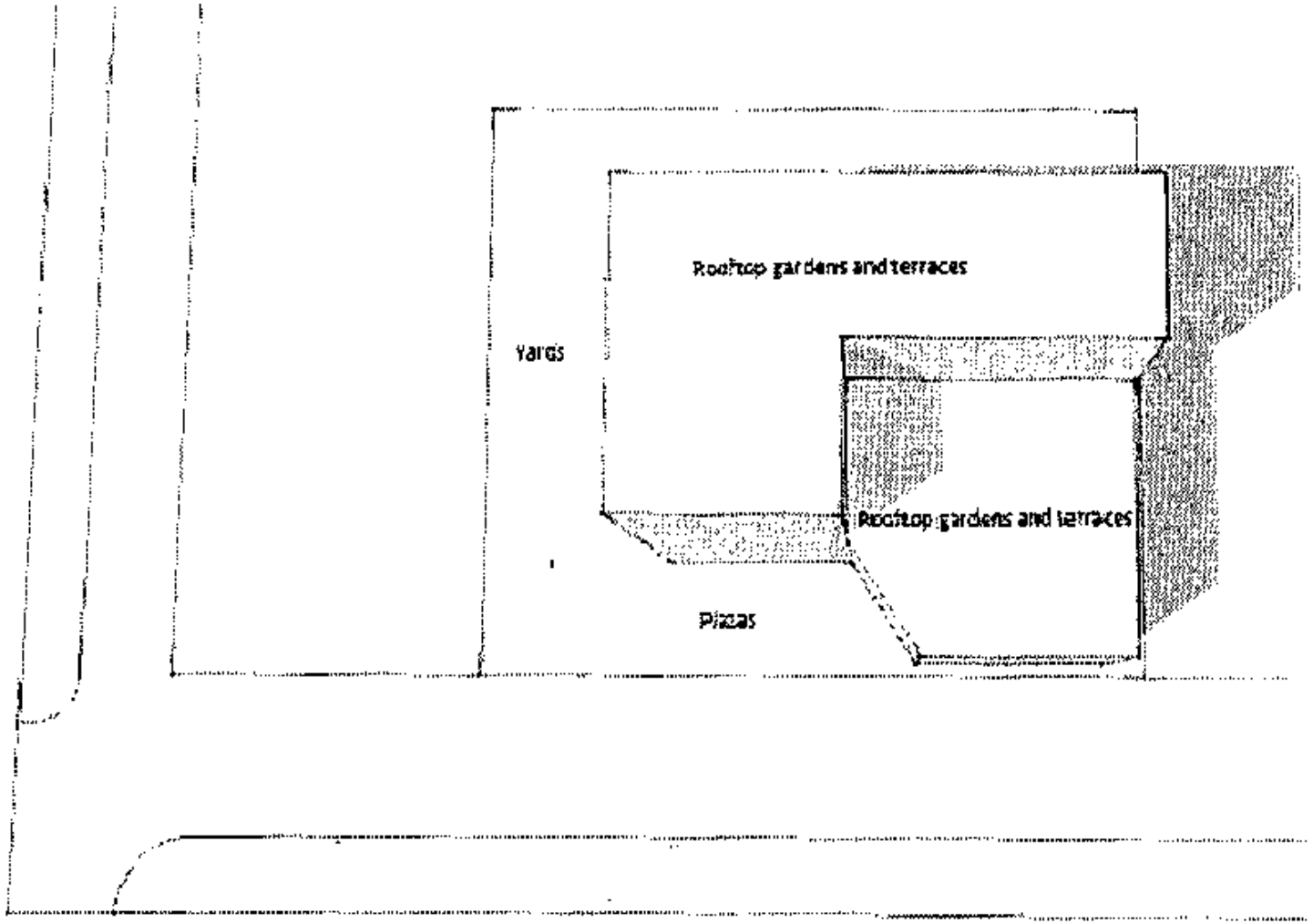
d. Minimum Lot Coverage: The intent of the minimum lot coverage is to ensure compact development.

e. Open Space: In order to provide space for passive and active recreation, public and private use, offset storm drainage due to nonpermeable surfaces and as an amenity to individual developments and their residents, employees and customers, open space is required for all new developments.

(1) Core Area:

(A) Within the core area, open space may include landscaped yards, patios, public plazas, pocket parks, courtyards, rooftop and terrace gardens and other similar types of open space amenity.

(B) A minimum of ten percent (10%) of the land area up to five thousand (5,000) square feet.



(2) Transition Area:

(A) Within the transition area, open space may include landscaped yards, patios, public plazas, pocket parks, courtyards, rooftop gardens and terraces, community gardens and other similar types of amenities.

(B) The minimum open space requirement is ten percent (10%) of the land area up to two thousand five hundred (2,500) square feet.

(3) Access To Open Space: All required open space shall be accessible to the users of the building(s).

f. Circulation And Connectivity: Development within the station area shall be easily accessible from public spaces and provide safe and efficient options for all modes of travel. Circulation networks, whether public or private, require adequate street, pedestrian and bicycle connections to provide access to development. The internal circulation network shall be easily recognizable, formalized and interconnected.

(1) All parking lots shall comply with the standards in section 21A.44.020, "General Off Street Parking Requirements", of this title.

H. Residential Densities:

1. Core area: No maximum.

2. Transition area: No maximum.

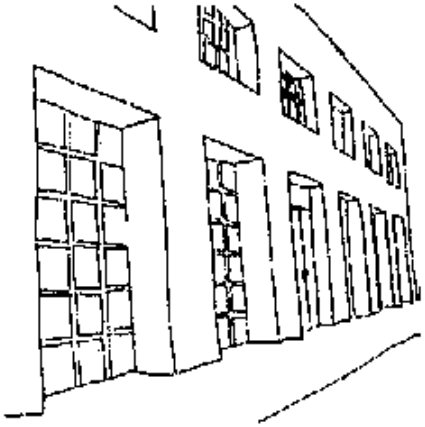
I. Accessory Structures: No accessory structure shall be located in a required front yard or between the primary building and a property line adjacent to a public street.

J. Design Standards:

1. Purpose: Design standards create the fundamental characteristics of a transit oriented district and the basic design elements required for a successful transit station area. Design standards are intended to provide a safe and interesting walkable environment by connecting ground floor uses adjacent to the sidewalk areas, by encouraging the continuity of retail and service uses, providing surveillance opportunities on the street and public open spaces and framing the street by bringing portions of buildings up to the sidewalk. All buildings shall be designed for the context and character of the project and how they interact visually, functionally, and socially with the context of the public environment.

2. Application: The following design standards apply to all projects within the core and transition areas of all station area types:

a. Building Walls Adjacent To A Street: Street-facing building facades shall provide architectural variety and scale. Changes in plane, color, texture, materials, scale of materials, patterns, art, or other architectural detailing are acceptable methods to create variety and scale. Building walls parallel to a public street and greater than thirty feet (30') in length shall be broken up by architectural features such as bay windows, recessed entrances or windows, balconies, cornices, columns, or other similar architectural features. The architectural feature may be either recessed or project a minimum of twelve inches (12").



b. Ground Floor Building Materials: Other than ground windows and doors, eighty percent (80%) of the remaining ground floor wall area shall be clad in durable materials. Durable materials include brick, masonry, textured or patterned concrete and/or cut stone. Other materials may be used as accent or trim provided they cover twenty percent (20%) or less of the ground floor adjacent to a street.

c. Ground Floor Glass And Transparency: All street-facing elevations of a development shall be designed so that the first floor street-facing facade has at least sixty percent (60%) clear glass between three (3) and eight feet (8') above grade to allow pedestrians to view activities inside the building or lighted display windows. There must be visual clearance behind the glass for a minimum of two feet (2'). Three-dimensional display windows at least two feet (2') deep are permitted and may be counted toward the sixty percent (60%) glass requirement. Ground floor windows of commercial uses shall be kept clear at night, free from any window covering, with internal illumination. When ground floor glass conflicts with the internal function of the building, other means shall be used to activate the sidewalk, such as display windows, public art, architectural ornamentation or detailing or other similar treatment. The first floor elevation facing a street of all new buildings, or buildings in which the property owner is modifying the size of windows on the front facade, shall not have less than sixty percent (60%) glass surfaces. The reflectivity in glass shall be limited to eighteen percent (18%) as defined by ASTA standards. The planning director may approve a modification to this requirement if the planning director finds:

(1) The requirement would negatively affect the historic character of the building, or

(2) The requirement would negatively affect the structural stability of the building.

(3) The ground level of the building is occupied by residential uses, in which case the sixty percent (60%) glass requirement may be reduced to forty percent (40%).

Any appeal of an administrative decision made pursuant to this subsection may be made to the planning commission.

d. Building Entrances: The intent of regulating building entrances is to promote security on the street and public spaces by providing frequent points of access and sources of activity. Functional entrances to nonresidential uses should be located at an average of seventy five feet (75') or less from one another. At least one operable building entrance per elevation facing a public street shall be provided. Each ground floor leasable space is required to have an operable entrance facing the street and a walkway to the sidewalk. If a plaza or open space is provided as part of the development, a minimum of one entrance opening onto the plaza or open space shall be provided. This entrance shall be counted towards the spacing of functional entrances identified in this section and may count as the primary entrance to the building.

e. Ground Floor Residential Uses: The interior floor elevation of ground floor residential units in the core area shall be a minimum of two feet (2') and a maximum of five feet (5') above grade. Dwelling units located on the ground floor and facing a public or private street shall have a minimum of one primary entrance facing the street in the core area. The facades of all buildings in the core and transition areas with ground floor residential uses shall feature elements that signal habitation such as windows, entrances, stairs, porches, bay windows, and balconies that are visible from the public street. Attached single-family dwellings, townhomes, row houses, entrances that open onto a courtyard facing a public street, and other similar housing types shall have a primary entrance facing the street for each unit.

f. Parking Structures: The intent of regulating parking structures is to minimize the visual impact of the structure and the cars parking within it, and to reduce their impact on the ground floors adjacent to public sidewalks and streets. Parking structures are permitted within the core and transition areas provided:

(1) The ground floor of parking structures adjacent to a public street shall include an active use other than parking such as office, retail, residential leasing office, restaurant, etc. Parking is permitted behind the ground floor uses. If the ground floor does not include active use, then the structure must be set back behind a building or be a minimum of sixty feet (60') from a property line adjacent to a public street or sidewalk.

(2) The levels of parking above the first level facing the front or corner side lot line shall have horizontal floors and/or facades and not sloped.

(3) The levels of parking above the second level shall be designed to effectively screen the vehicles so they are not readily visible from an adjacent street.

(4) Below grade parking structures for structures with ground floor residential uses may extend a maximum of five feet (5') above the existing grade provided the above grade portion is screened with vegetation or architectural feature(s).

g. Mechanical Equipment: All roof mounted mechanical and electrical equipment, communication antennas or dishes shall be enclosed, screened, organized, designed and located to be out of view from streets and public spaces. The parapet or enclosure shall be equal to or greater than the height of the equipment to be screened to reduce equipment noise and odors, and other impacts onto adjacent uses and maintain the integrity of overall architectural character and scale of the building. Mechanical equipment may be located on the ground provided it is behind the building, screened and not located in a required rear yard or side yard setback. Utility boxes are subject to section 21A.40.160, "Ground Mounted Utility Boxes", of this title.

h. Service Areas: Service areas, loading docks, refuse containers and similar areas shall be fully screened from public view. All screening enclosures viewable from the street shall be either incorporated into the building architecture or shall incorporate building materials and detailing compatible with the building being served. All screening devices shall be a minimum of one foot (1') higher than the object being screened. Dumpsters must be located a minimum of twenty five feet (25') from a single- or two-family residential zoning district.

K. Multiple Buildings On A Single Parcel: Multiple principal buildings on a single parcel are permitted provided each principal building meets the requirements of this chapter and each principal building obtained a separate development score. New principal buildings can be located towards the rear of a parcel provided there is an existing or additional new principal building that complies with the front yard building setbacks. If one principal building receives a development score lower than other principal buildings on the site, the project shall be processed based on the lowest development score obtained.

L. Parking: The purpose of this subsection is to provide locations for off street parking. All off street surface parking lots should be located so that they are compatible with

pedestrian oriented streets. New uses and development or redevelopment within this district shall comply with the requirements of this subsection.

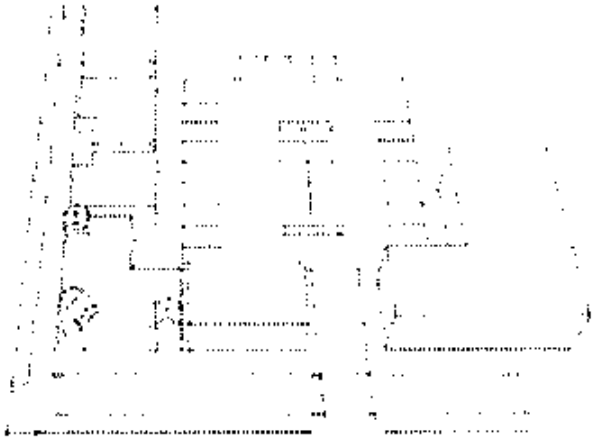
1. Surface Parking Lots And Structures On Corner Properties: On corner properties, surface parking lots and structures shall be located behind principal buildings or at least sixty feet (60') from a front and corner side lot lines.

2. Surface Parking In The Core Area: Surface parking lots in the core area are required to be located behind the principal building or to the side of a principal building. When located to the side of a building, the parking lot shall be:

a. Set back a minimum of thirty feet (30') from a property line adjacent to a public street. The space between the parking lot and the property line adjacent to a public street shall be landscaped or activated with outdoor dining, plazas or similar feature.

b. Screened with a landscaped hedge or wall that is at least thirty six inches (36") above grade and no taller than forty two inches (42") above grade. Landscaping berms are not permitted.

c. The parking lot shall be no wider than what is required for one row of parking and drive aisle as indicated in table 21A.44.020 of this title.



3. Surface Parking In The Transition Area: Surface parking lots in the transition area are required to be located behind the principal building or to the side of a principal building. When located to the side of a principal building, the parking lot shall be:

a. Set back so that no portion of the parking area other than the driveway is closer to the street than the front wall setback of the building. In cases where the front wall of the building is located within five feet (5') of a property line adjacent to a street, the parking lot shall be set back a minimum of eight feet (8'). The space between the parking lot and the property line adjacent to a street shall be landscaped or activated with outdoor dining, plazas or similar feature.

b. Screened with a landscaped hedge or wall that is at least thirty six inches (36") above grade and no taller than forty two inches (42") above grade. Landscaping berms are not permitted.

4. Walkways Through Parking Lots: Parking lots with more than fifteen (15) stalls shall provide a pedestrian walkway through the parking lot to the primary building entrance or a sidewalk providing access to a primary building entrance. One walkway must be provided for every three (3) drive aisles. Walkways shall be curb separated from the parking areas and a minimum of five feet (5') wide. Vehicles shall not overhang the walkway. Parking lot landscaping requirements in chapter 21A.48 of this title shall be included on the side of the walkway. Where the walkway crosses a drive aisle, a crosswalk that is clearly identified by a change in color, material, or similar technique shall be used.

5. Other Applicable Standards: All other standards in chapter 21A.44, "Off Street Parking And Loading", of this title shall apply.

M. Conflicting Regulations: In cases where the regulations of this section conflict with another section of this zoning ordinance, this section shall take precedence except in situations where the conflict is related to the use of the property, in which case the more restrictive regulation takes precedence. In station areas within an overlay district, the overlay district shall take precedence.

N. Developments Over Five Acres:

1. Intent: Large scale developments have the potential to function as a self-contained mixed use neighborhood and could have both positive and negative impacts on nearby properties. All developments over five (5) acres in size shall be designed and planned to include a series of blocks and a network of public or private streets that connects to the existing public streets in the area and to adjacent development and neighborhoods. Buildings should be oriented to this street network. Regulating block size is necessary to provide development sites that are oriented to the pedestrian while accommodating other modes of transportation. A street network is required to ensure adequate circulation for pedestrians, bicycles, automobiles and service vehicles through the site, to adjacent sites and the public streets.

2. Application: These standards are in addition to all other applicable standards. In situations where the standards in this section conflict with a standard in another section, the standard in this section shall take precedence. A separate development score is required for each new principal building in a development over five (5) acres. A development over five (5) acres shall be subject to the applicable review process based on the lowest development score assigned to an individual building in the development.

a. Block Layout: The intent of regulating block size and dimension is to create a development pattern where all principal buildings have their primary facades facing a street, whether public or private. All developments over five (5) acres in size shall be designed to include a series of blocks based on the standards below:

(1) The maximum perimeter dimension of any block shall be one thousand six hundred feet (1,600'). The maximum length of any individual block face shall be four hundred forty feet (440').

(2) The maximum perimeter dimension of a block may be increased to two thousand four hundred (2,400) linear feet, and the maximum length of any block face increased to six hundred feet (600') provided a mid block pedestrian network is included. The mid block pedestrian network must be a minimum of twenty feet (20') wide and include pedestrian amenities such as lighting, benches, and other similar features. The mid block walkway shall connect to at least two (2) block faces or be extended to the property line to allow for future extension. The standards in subsection J2 of this section apply to building walls adjacent to a mid block walkway.

b. Housing Proximity To Transit: Developments that include housing should cluster the housing so a minimum of fifty percent (50%) of the housing is located with one-fourth ($^1/_4$) mile walking distance of a transit platform.

c. Connectivity To Public Streets, Sidewalks, And Bicycle Lanes: In order to ensure that the development will be fully integrated into the transit station area, that safe and efficient travelways are provided, and to limit the impact on the primary transit street and other adjacent streets, the internal circulation system, including private streets, drive aisles, sidewalks and bicycle lanes shall connect to the public street, sidewalks and bicycle lanes. All new streets shall be designed as a "complete street" defined as a street that provides dedicated space for pedestrians, bicyclists and automobiles.

d. Vehicle Access: Regulating access to private property from public streets is necessary for integrating private development and public spaces. Limiting the number of access points and spacing between access points reduces areas of conflict between vehicles, pedestrians and bicycles. Maximum access widths promote a development pattern that is oriented to pedestrians and bicyclists while accommodating vehicles.

(1) Access points located on public streets intended for vehicles shall be spaced a minimum of one hundred feet (100') apart.

(2) No property shall have more than one vehicle access point for every two hundred (200) linear feet of frontage on a public street.

(3) No access drive shall be greater than twenty four feet (24') wide.

(4) The location of all vehicle access points is subject to approval from the transportation division of the city. The standards of this section may be modified by the transportation division when, in the opinion of the director of the transportation division, a different design would improve the overall safety for all modes of transportation or improve the efficiency of the transportation network.

e. Internal Circulation: Internal circulation systems allow for vehicles, pedestrians and bicyclists to move safely and efficiently throughout a development site. A logical, simple and well designed internal circulation system that connects with adjacent circulation networks provides room for vehicles, safe walking paths for pedestrians through the parking lot and the site to the public way, and well marked routes for bicycles traveling from public spaces to bicycle parking areas within a site. All new developments over five (5) acres are required to submit an internal circulation network plan.

(1) Travel Lanes That Connect Parking Areas With A Public Street: All internal vehicle travel lanes that connect internal parking areas with a public street shall be designed to meet the minimum requirements in section 21A.44.020 of this title.

(2) Design Speed: The internal circulation system shall be designed to move vehicles at speeds of twenty (20) miles per hour or less.

(3) Future Access To Adjacent Properties And Rights Of Way: All internal drive aisles, sidewalks, and paths shall be extended to property lines to allow for future cross access to adjacent properties when the adjacent property is undeveloped and to rights of way.

(4) Centerlines: The centerline of all internal streets shall be in line with the centerline of a street on the opposite side of an intersecting street unless the intersecting street is divided by a median. Offset streets shall be a minimum of two hundred feet (200') apart, measured from centerline to centerline.

(5) Publicly Dedicated Streets: Any street that is to be publicly dedicated shall meet the city's minimum construction and design standards (including street lighting, park strip, street trees, etc.).

(6) Pedestrian Routes: Pedestrian routes that provide safe, comfortable, clear and direct access throughout the development shall be provided. Pedestrian paths shall be bordered by residential fronts, green space, active open space, or commercial store fronts.

(7) Bicycle Paths: A coordinated system of bicycle paths should be provided.

(8) Approval; Modification Of Standards: The internal circulation network is subject to approval from the transportation division of the city. The standards of this section may be modified by the transportation division when, in the opinion of the director of the transportation division, a different design would improve the overall safety for all modes of transportation or improve the efficiency of the transportation network.

f. Parking: Parking may be provided along any private street within a development over five (5) acres. The parking shall be counted towards the applicable off street parking standard when provided on private streets. All parking areas and stalls must comply with the parking lane widths identified in section 21A.44.020, table 21A.44.020 of this title.

g. Open Space: In order to provide space for passive and active recreation, public and private gatherings, offset storm drainage due to nonpermeable surfaces and as an amenity to individual developments and their residents, employees and customers, usable open space is required for all new developments.

(1) Required: In the core and transition areas of all station areas, a minimum of ten percent (10%) of the site, up to fifteen thousand (15,000) square feet, shall be devoted to open space. "Usable open space" is defined as landscaped areas, plazas, outdoor dining areas, terraces, rooftop gardens, stormwater retention areas, and any other similar type of area.

(2) Connectivity To Adjacent Open Space: When adjacent to public open space, parks, trails and pathways, open space on developments over five (5) acres in size are encouraged to provide access to the public open space.

h. Landscaping: All areas not occupied by buildings, plazas, terraces, patios, parking areas, or other similar feature shall be landscaped. If a project is developed in phases, only those areas in a phase that is under construction shall be landscaped. Landscaping in future phases shall be installed as those phases develop. Areas in future phases may be used as community gardens or other active open space until such time as development of that phase begins. (Ord. 62-11, 2011: Ord. 59-10, 2010)

## 21A.26.080: TABLE OF PERMITTED AND CONDITIONAL USES FOR COMMERCIAL DISTRICTS:

| Legend: | C = | Conditional | P = | Permitted |
|---|---|---|---|---|

| | Permitted And Conditional Uses By District | | | | | | |
|---|---|---|---|---|---|---|---|
| **Use** | **CN** | **CB** | **CS[1]** | **CC** | **CSHBD[1]** | **CG** | **TC-75** |
| Residential: | | | | | | | |
| Assisted living center, large | | P | | P | | P | P |
| Assisted living center, small | | P | | P | | P | P |
| Dwelling, single room occupancy[6] | | | | | | | P |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | Eleemosynary facilities | | P | | | P | | P |
| | Group home, large (see section 21A.36.070 of this title) | | | | C | | C | P |
| | Group home, small (see section 21A.36.070 of this title) above or below first story office, retail and commercial uses or on the first story, as defined in the adopted building code where the unit is not located adjacent to the street frontage | P | P | P | P | P | P | P |
| | Living quarters for caretaker or security guard | P | P | P | P | P | P | P |
| | Mixed use developments including residential and other uses allowed in the zoning district | P[11] | P | P | P | P | P | P |
| | Multiple-family dwellings | P | P | P | P | P | P | P |
| | Nursing home | | P | | P | | P | P |
| | Residential substance abuse treatment home, large (see section 21A.36.100 of this title) | | | | C | | C | C |
| | Residential substance abuse treatment home, small (see section 21A.36.100 of this title) | | | | C | | C | C |
| | Rooming (boarding) house | C | C | C | C | C | C | C |
| | Transitional treatment home, large (see section 21A.36.090 of this title) | | | | C | | C | C |
| | Transitional treatment home, small (see section 21A.36.090 of this title) | | | | C | | C | C |
| | Transitional victim home, large (see section 21A.36.080 of this title) | | | | C | | C | C |
| | Transitional victim home, small (see section 21A.36.080 of this title) | | | | C | | C | C |
| Office and related uses: | | | | | | | | |
| | Financial institutions with drive-through facilities | | P | P | P | P | P | C |
| | Financial institutions without drive-through facilities | P | P | P | P | P | P | P |
| | Medical and dental clinics and offices | P | P | P | P | P | P | P |
| | Offices | P | P | P | P | P | P | P |
| | Veterinary offices, operating entirely within an enclosed building and keeping animals overnight only for treatment purposes | C | P | P | P | P | P | C |
| Retail sales and services: | | | | | | | | |
| | Auction sales | | | | P | | P | |
| | Automobile repair, major | | | C | P | | P | C |
| | Automobile repair, minor | C | P | P | P | P | P | P |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | Automobile sales/rental and service | | | | P | | P | |
| | Boat/recreational vehicle sales and service | | | | P | | P | |
| | Car wash as accessory use to gas station or convenience store that sells gas | | P | P | P | P | P | C |
| | Car wash, with or without gasoline sales | | | P | P | | P | C |
| | Conventional department store | | | P | | P | | |
| | Equipment rental, indoor and outdoor | | | | P | | P | C |
| | Furniture repair shop | C | P | P | P | P | P | P |
| | "Gas station" (may include accessory convenience retail and/or minor repairs) as defined in chapter 21A.62 of this title | C | C | P | P | P | P | |
| | Health and fitness facility | | P | P | P | P | C | P |
| | Liquor store | | C | C | C | C | C | C |
| | Manufactured/mobile home sales and service | | | | | | P | |
| | Mass merchandising store | | | P | | P | P | |
| | Pawnshop | | | | | | P | |
| | Restaurants with drive-through facilities | C | P | P | P | P | P | C |
| | Restaurants without drive-through facilities | P | P | P | P | P | P | P |
| | Retail goods establishments with drive-through facilities | C | P | P | P | P | P | C |
| | Retail goods establishments without drive-through facilities | P | P | P | P | P | P | P |
| | Retail services establishments with drive-through facilities | C | P | P | P | P | P | C |
| | Retail services establishments without drive-through facilities | P | P | P | P | P | P | P |
| | Specialty store | | | P | P | P | P | |
| | Superstore and hypermarket store | | | P | | | P | |
| | Truck repair, large | | | | | | P | |
| | Truck sales and rental, large | | | | P | | P | |
| | Upholstery shop | C | P | P | P | P | P | P |
| | Value retail/membership wholesale | | | | | | P | |
| | Warehouse club store | | | | | | P | |
| Institutional (sites <2 acres): | | | | | | | | |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | Adult daycare center | P | P | P | P | P | P | P |
| | Child daycare center | P | P | P | P | P | P | P |
| | Colleges and universities with nonresidential campuses | | | | | | P | P |
| | Community correctional facility, large (see section 21A.36.110 of this title) | | | | | | | |
| | Community correctional facility, small (see section 21A.36.110 of this title) | | | | | | C[9] | |
| | Community recreation centers on lots less than 4 acres in size | P | P | P | P | P | P | P |
| | Government facilities (excluding those of an industrial nature and prisons) | P | P | P | P | P | P | P |
| | Libraries | C | C | C | C | C | C | C |
| | Medical/dental research facilities | | | | | | | P |
| | Museum | | P | P | P | P | P | P |
| | Music conservatory | | P | P | P | P | P | P |
| | Places of worship on lots less than 4 acres in size | C | P | P | P | P | P | P |
| | Research, commercial, scientific, educational | | | | | | | P |
| | Schools, professional and vocational | | P | P | P | P | P | P |
| | Seminaries and religious institutes | C | P | P | P | P | P | P |
| Commercial and manufacturing: | | | | | | | | |
| | Bakery, commercial | | | | | | P | |
| | Blacksmith shop | | | | | | P | |
| | Blood donation centers, commercial and not accessory to a hospital or medical clinic | | | | C | | P | |
| | Cabinet and woodworking mills | | | | | | P | |
| | Commercial laundries, linen service and dry cleaning | | | | | | P | |
| | Industrial assembly | | | | | | P | |
| | Laboratory, medical, dental, optical | P | P | P | P | P | P | P |
| | Laboratory, testing | | | C | C | | P | C |
| | Miniwarehouse | | | | P | | P | C |
| | Motion picture studio | | | P | | P | P | P |
| | Photo finishing lab | | | P | P | P | P | P |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | Plant and garden shop, with outdoor retail sales area | C | C | C | C | C | P | P |
| | Sign painting/fabrication | | | | | | P | |
| | Warehouse | | | | P | | P | |
| | Welding shop | | | | | | P | |
| | Wholesale distributors | | | | P | | P | |
| Recreation, cultural and entertainment: | | | | | | | | |
| | Amusement park | | | P | | | P | |
| | Art gallery | P | P | P | P | P | P | P |
| | Art studio | P | P | P | P | P | P | P |
| | Commercial indoor recreation | | | P | P | P | P | P |
| | Commercial outdoor recreation | | | C | | | P | C |
| | Commercial video arcade | | | | P | P | P | P |
| | Dance studio | P | P | P | P | P | P | P |
| | Live performance theaters | | C | P | P | P | P | P |
| | Miniature golf | | | P | P | | P | P |
| | Movie theaters | | C | P | P | P | P | P |
| | Natural open space and conservation areas | C | C | C | C | C | C | C |
| | Parks and playgrounds, public and private, on lots less than 4 acres in size | P | P | P | P | P | P | P |
| | Pedestrian pathways, trails, and greenways | P | P | P | P | P | P | P |
| | Private club | | C | P | C | P | P | C |
| | Sexually oriented businesses | | | | | | P[5] | |
| | Squares and plazas on lots less than 4 acres in size | P | P | P | P | P | P | C |
| | Tavern/lounge/brewpub, 2,500 square feet or less in floor area | | | P | P | P | P | P |
| | Tavern/lounge/brewpub, more than 2,500 square feet in floor area | | | C | C | P | P | C |
| Miscellaneous: | | | | | | | | |
| | Accessory uses, except those that are specifically regulated in this chapter, or elsewhere in this title | P | P | P | P | P | P | P |
| | Ambulance services, dispatching, staging and maintenance conducted entirely within an enclosed building | | P | P | P | P | P | P |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | Ambulance services, dispatching, staging and maintenance utilizing outdoor operations | | P[7] | P[7] | P[7] | P[7] | P | |
| | Animal cremation service | | | | C | | | |
| | Auditorium | | | P | P | P | P | P |
| | Auto salvage (indoor) | | | | | | P | |
| | Bed and breakfast | P | P | P | P | P | P | P |
| | Bed and breakfast inn | P | P | P | P | P | P | P |
| | Bed and breakfast manor | C[3] | C[3] | | P | P | P | P |
| | Bus line terminals | | | | P | | P | C |
| | Bus line yards and repair facilities | | | | | | P | |
| | Check cashing/payday loan business | | P[10] | | P[10] | | P[10] | |
| | Commercial parking garage or lot | | | | C | P | P | C |
| | Communication towers | | P | P | P | P | P | P |
| | Communication towers, exceeding the maximum building height | | C | C | C | C | C | C |
| | Community garden | P | P | P | P | P | P | P |
| | Contractor's yard/office (including outdoor storage) | | | | C | | P | |
| | Crematorium | | | C | C | C | C | C |
| | Farmers' market | | | C | C | | P | C |
| | Flea market (indoor) | | | P | P | P | P | C |
| | Flea market (outdoor) | | | | | | P | |
| | Funeral home | | | P | P | P | P | C |
| | Homeless shelter | | | | | | C | |
| | Hotel or motel | | C | | P | P | P | C |
| | House museum in landmark sites (see subsection 21A.24.010T of this title) | C | C | C | C | C | C | C[8] |
| | Impound lot | | | | | | C | |
| | Intermodal transit passenger hub | | | | | | C | |
| | Kennels | | | | | | P | |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | Large wind energy system | | P | | P | | P | P |
| | Limousine service utilizing 4 or more limousines | | | | | | P | |
| | Limousine service utilizing not more than 3 limousines | | C | | C | | P | |
| | Microbrewery | | | | | | P | |
| | Off site parking, as per chapter 21A.44 of this title | C | P | P | P | P | P | C |
| | Offices and reception centers in landmark sites (see subsection 21A.24.010T of this title) | P | P | P | P | P | P | P |
| | Outdoor sales and display | | C | C | P | P | P | C |
| | Outdoor storage | | | | C | | P | |
| | Outdoor storage, public | | | | C | | P | |
| | Park and ride lots | | C | C | C | P | P | C |
| | Park and ride, parking shared with existing use | | P | P | P | P | P | P |
| | Pet cemeteries[4] | | | | | | P | |
| | Precision equipment repair shops | | | | P | | P | |
| | Public/private utility buildings and structures[2] | P[2] | P[2] | P[2] | P[2] | P[2] | P[2] | P[2] |
| | Public/private utility transmission wires, lines, pipes and poles[2] | P | P | P | P | P | P | P |
| | Radio, television station | | | C | | P | P | P |
| | Recreational vehicle park (minimum 1 acre) | | | | C | | | |
| | Recycling collection station | P | P | P | P | P | P | |
| | Reverse vending machines | P | P | P | P | P | P | P |
| | Seasonal farm stand | P | P | P | P | P | P | P |
| | Solar array | | | | | | P | |
| | Taxicab facilities, dispatching, staging and maintenance | | | | | | P | |
| | Temporary labor hiring office | | | | | | P | |
| | Urban farm | P | P | P | P | P | P | P |
| | Vehicle auction use | | | | | | P | |
| | Vending carts on private property as per title 5, chapter 5.65 of this code | | | | | P | | |
| | Wireless telecommunications facility (see section 21A.40.090, table 21A.40.090E of this title) | | | | | | | |

Qualifying provisions:

1.Development in the CS district shall be subject to planned development approval pursuant to the provisions of chapter 21A.55 of this title. Certain developments in the CSHBD zone shall be subject to the conditional building and site design review process pursuant to the provisions of subsection 21A.26.060D of this chapter and chapter 21A.59 of this title.

2.Subject to conformance to the provisions in subsection 21A.02.050B of this title for utility regulations.

3.When located in a building listed on the Salt Lake City register of cultural resources (see subsection 21A.24.010T of this title and subsection 21A.26.010K of this chapter).

4.Subject to Salt Lake Valley health department approval.

5.Pursuant to the requirements set forth in section 21A.36.140 of this title.

6.Subject to location restrictions as per section 21A.36.190 of this title.

7.Greater than 3 ambulances at location require a conditional use.

8.Building additions on lots less than 20,000 square feet for office uses may not exceed 50 percent of the building's footprint. Building additions greater than 50 percent of the building's footprint or new office building construction are subject to the conditional uses process.

9.A community correctional facility is considered an institutional use and any such facility located within an airport noise overlay zone is subject to the land use and sound attenuation standards for institutional uses of the applicable airport overlay zone within chapter 21A.34 of this title.

10.No check cashing/payday loan business shall be located closer than $^1/_2$ mile of other check cashing/payday loan businesses.

11.Mixed use developments within the CN zoning district may include single-family and duplex dwellings.

(Ord. 21-11, 2011: Ord. 27-10, 2010: Ord. 23-10 § 8, 2010: Ord. 21-10 § 1, 2010: Ord. 19-10 § 3, 2010: Ord. 10-10 § 13, 2010: Ord. 7-09 § 2, 2009: Ord. 2-09 § 2, 2009: Ord. 61-08 § 4 (Exh. C), 2008: Ord. 60-08 § 10 (Exh. D), 2008: Ord. 21-08 § 3 (Exh. B), 2008: Ord. 2-08 § 2, 2008: Ord. 61-06 § 3 (Exh. C), 2006: Ord. 13-06 § 2 (Exh. A), 2006: Ord. 1-06 § 30, 2005: Ord. 89-05 § 6 (Exh. F), 2005: Ord. 76-05 § 8 (Exh. C), 2005: Ord. 68-05 § 1 (Exh. A), 2005: Ord. 18-04 § 2, 2004: Ord. 17-04 § 6 (Exh. E), 2004: Ord. 13-04 § 7 (Exh. B), 2004: Ord. 6-03 § 1 (Exh. A), 2003: Ord. 23-02 § 3 (Exh. A), 2002: Ord. 2-02 § 1, 2002: Ord. 38-99 § 6, 1999: Ord. 35-99 § 29, 1999: Ord. 19-98 § 2, 1998: amended during 5/96 supplement: Ord. 88-95 § 1 (Exh. A), 1995: Ord. 84-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(13-7), 1995)

# CHAPTER 21A.28
# MANUFACTURING DISTRICTS

## 21A.28.010: GENERAL PROVISIONS:

A. Statement Of Intent: The manufacturing districts are intended to provide appropriate locations for manufacturing, fabrication, processing, packaging, distribution, storage, shipping and other transportation activities contributing to the economic base of the city; to enhance employment opportunities; to encourage the efficient use of land; to enhance property values and the tax base; to improve the design quality of industrial areas; and to help implement adopted plans.

B. Impact Controls And General Restrictions In The Manufacturing Districts:

1. Refuse Control: Refuse containers must be covered and shall be stored within completely enclosed buildings or screened in conformance with the requirements of chapter 21A.48 of this title.

2. Lighting: On site lighting shall be located, directed or designed in such a manner as to contain and direct light and glare only to the property on which it is located.

3. Outdoor Sales, Display Or Storage: "Outdoor sales and display" and "outdoor storage", as defined in chapter 21A.62 of this title, are allowed where specifically authorized in the table of permitted and conditional uses in section 21A.28.040 of this chapter. These uses shall conform to the following:

a. The outdoor sales display of merchandise, and outdoor storage of equipment shall not:

(1) Encroach into areas of required parking;

(2) Be located in any required yard area within the lot; or

(3) Include the use of banners, pennants or strings of pennants.

b. Outdoor storage of auto bodies, or other metal, glass bottles, rags, rubber, paper or other articles commonly known as junk, in the M-1 and M-2 districts shall be screened by a solid wall or fence (including solid entrance and exit gates) not less than seven feet (7') nor more than ten feet (10') in height. The outdoor storage shall not be stacked higher than the enclosing wall or fence. Fencing location shall not encroach into any sight distance triangle.

c. Outdoor sales and display and outdoor storage shall also be permitted when part of an authorized temporary use, as established in chapter 21A.42 of this title.

C. Permitted Uses: The uses specified as permitted uses, in the table of permitted and conditional uses for manufacturing districts found in section 21A.28.040 of this chapter, are permitted, provided that they comply with all requirements of this chapter, the general standards set forth in part IV of this title, and all other applicable requirements of this title.

D. Conditional Uses: The uses specified as conditional uses, in section 21A.28.040, "Table Of Permitted And Conditional Uses For Manufacturing Districts", of this chapter, shall be allowed in the manufacturing districts provided they are approved pursuant to the standards and procedures for conditional uses set forth in chapter 21A.54 of this title, and comply with all other applicable requirements of this title.

E. Accessory Uses: Accessory uses such as restaurants, cafeterias, doctors'/nurses' offices and daycare facilities that are provided for the use and convenience of employees/ occupants of the principal use are allowed, provided they are located within the principal building. Accessory uses integral to the operation of the principal use are permitted within separate accessory buildings and structures. Storage of flammable liquids that are accessory to a principal use shall be permitted subject to fire department approval. The requirements of chapter 21A.40 of this title shall also apply.

F. Off Street Parking And Loading: All uses in the manufacturing districts shall comply with the provisions governing off street parking and loading in chapter 21A.44 of this title.

G. Landscaping And Buffering: All uses in the manufacturing districts shall comply with the provisions governing landscaping and buffering in chapter 21A.48 of this title, including section 21A.48.110 of this title.

H. Signs: Signs shall be allowed in the manufacturing districts in accordance with provisions of chapter 21A.46 of this title.

I. Environmental Performance Standards: All uses in the manufacturing districts shall conform to the environmental performance standards in section 21A.36.180 of this title.

(Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(14-0), 1995)

## 21A.28.020: M-1 LIGHT MANUFACTURING DISTRICT:

A. Purpose Statement: The purpose of the M-1 light manufacturing district is to provide an environment for light industrial uses that produce no appreciable impact on adjacent properties and desire a clean attractive industrial setting. This zone is appropriate in locations that are supported by the applicable master plan policies adopted by the city. This district is intended to provide areas in the city that generate employment opportunities and to promote economic development. The uses include other types of land uses that support and provide service to manufacturing and industrial uses. Safe, convenient and inviting connections that provide access to businesses from public sidewalks, bike paths and streets are necessary and to be provided in an equal way. Certain land uses are prohibited in order to preserve land for manufacturing uses.

B. Uses: Uses in the M-1 light manufacturing district as specified in section 21A.28.040, "Table Of Permitted And Conditional Uses For Manufacturing Districts", of this chapter are permitted subject to the general provisions set forth in section 21A.28.010 of this chapter.

C. Minimum Lot Size:

1. Minimum Lot Area: Twenty thousand (20,000) square feet.

2. Minimum Lot Width: Eighty feet (80').

3. Existing Lots: Lots legally existing as of April 12, 1995, shall be considered legal conforming lots.

D. Minimum Yard Requirements:

1. Front Yard: Fifteen feet (15').

2. Corner Side Yard: Fifteen feet (15').

3. Interior Side Yard: None required.

4. Rear Yard: None required.

5. Accessory Uses, Buildings And Structures In Yards: Accessory uses, buildings and structures may be located in a required yard area subject to section 21A.36.020, table 21A.36.020B of this title.

E. Landscape Yard Requirements:

1. Front And Corner Side Yards: All required front and corner side yards shall be maintained as landscape yards in conformance with the requirements of chapter 21A.48 of this title.

2. Buffer Yards: All lots abutting a lot in a residential district shall conform to the buffer yard requirements of chapter 21A.48 of this title.

F. Maximum Height:

1. No building shall exceed sixty five feet (65') except that emission free distillation column structures, necessary for manufacture processing purposes, shall be permitted up to the most restrictive federal aviation administration imposed minimal approach surface elevations, or one hundred twenty feet (120') maximum, whichever is less. Said approach surface elevation will be determined by the Salt Lake City department of airports at the proposed locations of the distillation column structure. Any proposed development in the airport flight path protection (AFPP) overlay district, as outlined in section 21A.34.040 of this title, will require approval of the department of airports prior to issuance of a building permit. All proposed development within the AFPP overlay district which exceeds fifty feet (50') will also require site specific approval from the federal aviation administration.

2. In the M-1 zoning districts located west of the Salt Lake City International Airport and north of Interstate 80 (I-80), buildings may exceed sixty five feet (65') in height subject to the conditional building and site design review standards and procedures of chapter 21A.59 of this title. In no case shall any building exceed eighty five feet (85'). (Ord. 12-11, 2011: Ord. 78-10, 2010: Ord. 61-07 § 1, 2007: Ord. 26-95 § 2(14-1), 1995)

## 21A.28.030: M-2 HEAVY MANUFACTURING DISTRICT:

A. Purpose Statement: The purpose of the M-2 heavy manufacturing district is to provide an environment for larger and more intensive industrial uses that do not require, and may not be appropriate for, a nuisance free environment. This zone is appropriate in locations that are supported by the applicable master plan policies adopted by the city. This district is intended to provide areas in the city that generate employment opportunities and to promote economic development. The uses include other types of land uses that support and provide service to manufacturing and industrial uses. Due to the nature of uses allowed in this zone, land uses that may be adversely impacted by heavy manufacturing activities are not permitted. Certain land uses are prohibited in order to preserve land for manufacturing uses. Safe, convenient and inviting connections that provide access to businesses from public sidewalks, bike paths and streets are necessary and to be provided in an equal way.

B. Uses: Uses in the M-2 heavy manufacturing district as specified in the section 21A.28.040, "Table Of Permitted And Conditional Uses For Manufacturing Districts", of this chapter are permitted subject to the general provisions set forth in section 21A.28.010 of this chapter.

C. Minimum Lot Size:

1. Minimum Lot Area: Twenty thousand (20,000) square feet.

2. Minimum Lot Width: Eighty feet (80').

3. Existing Lots: Lots established prior to April 12, 1995, shall be considered legal conforming lots.

D. Minimum Yard Requirements:

1. Front Yard: Twenty five feet (25').

2. Corner Side Yard: Fifteen feet (15').

3. Interior Side Yard: Twenty feet (20').

4. Rear Yard: Thirty five feet (35').

5. Accessory Uses, Buildings And Structures In Yards: Accessory uses, buildings and structures may be located in a required yard area subject to section 21A.36.020, table 21A.36.020B of this title.

E. Landscape Yard Requirements: The first twenty five feet (25') of all required front yards and the first fifteen feet (15') of all required corner side yards shall be maintained as landscape yards in conformance with the requirements of chapter 21A.48 of this title, including section 21A.48.110 of this title.

F. Maximum Height: No building shall exceed eighty feet (80'), except that chimneys and smokestacks shall be permitted up to one hundred twenty feet (120') in height. (Ord. 12-11, 2011: Ord. 35-99 §§ 30, 31, 1999: Ord. 26-95 § 2(14-6), 1995)

## 21A.28.040: TABLE OF PERMITTED AND CONDITIONAL USES FOR MANUFACTURING DISTRICTS:

| Legend: | C = | Conditional | P = | Permitted |
|---|---|---|---|---|

| | Permitted And Conditional Uses By District | |
|---|---|---|
| **Use** | **M-1** | **M-2** |
| Office and related uses: | | |
| Financial institutions with or without drive-through facilities | P | |
| Offices, medical and nonmedical | P | |
| Retail sales and services: | | |
| Automobile and truck repair | P | P |
| Automobile and truck sales and rental (including large truck) | P | P |
| Automobile parts sales | P | P |
| Building materials distribution | P | P |
| Communication services | P | P |
| Convenience store | P | P |
| Electronic repair shop | P | |

| | | |
|---|---|---|
| Equipment rental | P | P |
| Furniture repair shop | P | P |
| Laundry, dry cleaning and dyeing | P | P |
| Liquor store | C | P |
| Package delivery facility | P | P |
| Recreational vehicle sales and service | P | P |
| Restaurants with or without drive-through facilities | P | |
| Retail goods establishments with or without drive-through facilities | P | P |
| Tire distribution retail/wholesale | P | P |
| Truck repair, large | P | P |
| Upholstery shop | P | P |
| Institutional: | | |
| Adult daycare center | P | P |
| Child daycare center | P | P |
| Community correctional facility, large (see section 21A.36.110 of this title) | C[8] | |
| Community correctional facility, small (see section 21A.36.110 of this title) | C[8] | |
| Local government facilities | P | P |
| Museum | P | C |
| Music conservatory | P | C |
| Places of worship | C | |
| Schools, professional and vocational (with outdoor activities) | P | |
| Schools, professional and vocational (without outdoor activities) | P | P |
| Seminaries, religious institutes | P | C |
| Commercial: | | |

| | | |
|---|---|---|
| Blacksmith shops | P | P |
| Carpet cleaning | P | P |
| Commercial laundry, linen service and dry cleaning establishments | P | P |
| Diaper service | P | P |
| Gas station (sales and/or minor repair) | P | P |
| Greenhouse for food and plant production | P | |
| Heavy equipment (rental) | P | P |
| Heavy equipment (sales and service) | P | P |
| Precision equipment repair | P | P |
| Welding shop | P | P |
| Manufacturing: | | |
| Bottling plant | P | P |
| Cabinet making/woodworking mills | P | P |
| Chemical manufacturing and storage | | C |
| Commercial bakery | P | P |
| Concrete manufacturing | C | P |
| Drop forge industry | | P |
| Explosive manufacturing and storage | | C |
| Flammable liquids or gases, heating fuel distribution and storage | | P |
| Food processing | P | P |
| Grain elevator | | P |
| Heavy manufacturing | | P |
| Incinerator, medical waste/hazardous waste | | C |
| Industrial assembly | P | P |
| Laboratory, medical, dental, optical | P | P |
| Laboratory, testing | P | P |

| | | |
|---|---|---|
| Light manufacturing | P | P |
| Moving and storage | P | P |
| Outdoor storage, public | P | P |
| Paint manufacturing | | P |
| Photo finishing lab | P | P |
| Printing plant | P | |
| Publishing company | P | P |
| Railroad freight terminal facility[4] | C | C |
| Railroad repair shop | | P |
| Recycling collection station | P | P |
| Recycling processing center (indoor) | P | P |
| Recycling processing center (outdoor) | C | P |
| Refinery of petroleum products | | C |
| Rock, sand and gravel storage and distribution | C | P |
| Sign painting/fabrication | P | P |
| Truck freight terminal | P | P |
| Warehousing | P | P |
| Wholesale distributors | P | P |
| Recreation, cultural and entertainment: | | |
| Art gallery | P | C |
| Art studio | P | C |
| Commercial indoor recreation | P | P |
| Commercial outdoor recreation | P | P |
| Commercial video arcade | P | P |
| Community and recreation centers | P | C |
| Dance studios | P | C |
| Live performance theaters | P | C |

| | | |
|---|---|---|
| Movie theaters | P | C |
| Natural open space and conservation areas | P | P |
| Pedestrian pathways, trails, and greenways | P | P |
| Sexually oriented business[5] | P | P |
| Taverns, private clubs, brewpubs, and microbreweries[6] | P | C |
| Miscellaneous: | | |
| Accessory uses, except those that are otherwise specifically regulated in this chapter, or elsewhere in this title | P | P |
| Agricultural use | P | P |
| Ambulance services, dispatching, staging and maintenance utilizing indoor and outdoor operations | P | P |
| Animal cremation service | P | P |
| Animal pound, kennel and veterinary offices offering general overnight boarding | P | P |
| Automobile salvage and recycling (indoor) | P | P |
| Automobile salvage and recycling (outdoor) | C | P |
| Bus line terminals | P | P |
| Bus line yards and repair facilities | | P |
| Check cashing/payday loan business | P[9] | |
| Communication towers | P | P |
| Communication towers, exceeding the maximum building height | C | C |
| Community garden | P | P |
| Contractor's yard/office (with exterior storage) | P | P |
| Crematorium | P | P |
| Display room; wholesale | P | P |
| Funeral home | P | P |
| Hotel or motel | P | |

| | | |
|---|---|---|
| House museum in landmark sites (see subsection 21A.24.010T of this title) | C | C |
| Impound lot | P | P |
| Large wind energy system | P | P |
| Limousine service | P | P |
| Living quarters for caretaker or security guard, limited to uses on lots 1 acre in size or larger and is accessory to a principal use allowed by the zoning district | C | C |
| Motion picture studio | P | P |
| Off site parking | P | P |
| Offices and reception centers in landmark sites (see subsection 21A.24.010T of this title) | C | C[7] |
| Outdoor storage and display | P | P |
| Park and ride lots | P | P |
| Park and ride, parking shared with existing use | P | P |
| Pet cemeteries[2] | P | |
| Poultry farm or processing plant | | P |
| Public/private electric generation facility[3] | C | C |
| Public/private utility buildings and structures | P | P |
| Public/private utility transmission wires, lines, pipes and poles[1] | P | P |
| Radio, television station | P | P |
| Railroad "spur" delivery facility | P | P |
| Raising of furbearing animals | C | P |
| Seasonal farm stand | P | P |
| Sewage treatment plant | C | C |
| Slaughterhouses | C | P |
| Solar array | P | P |
| Solid waste transfer station | C | C |

| | | |
|---|---|---|
| Stockyards | C | P |
| Taxicab operation; dispatching, staging and maintenance | P | P |
| Urban farm | P | P |
| Vehicle auction establishment | P | P |
| Vending carts on private property as per title 5, chapter 5.65 of this code | P | P |
| Wireless telecommunications facility (see section 21A.40.090, table 21A.40.090E of this title) | | |

Qualifying provisions:
1.See subsection 21A.02.050B of this title for utility regulations.
2.Subject to Salt Lake Valley health department approval.
3.Electric generating facilities shall be located within 2,640 feet of an existing 138 kV or larger electric power transmission line.
4.No railroad freight terminal facility may be located within a 5 mile radius of any other existing railroad freight terminal facility.
5.Pursuant to the requirements set forth in section 21A.36.140 of this title.
6.If a place of worship is located within 600 feet of a tavern, private club, brewpub or microbrewery, a written waiver of spacing requirements is required as a condition of approval.
7.Building additions on lots less than 20,000 square feet for office uses may not exceed 50 percent of the building's footprint. Building additions greater than 50 percent of the building's footprint or new office building construction are subject to the conditional use process.
8.A community correctional facility is considered an institutional use and any such facility located within an airport noise overlay zone is subject to the land use and sound attenuation standards for institutional uses of the applicable airport overlay zone within chapter 21A.34 of this title.
9.No check cashing/payday loan business shall be located closer than $^1/_2$ mile of other check cashing/payday loan businesses.

(Ord. 21-11, 2011: Ord. 19-10 § 4, 2010: Ord. 11-10 § 1, 2010: Ord. 7-09 § 3, 2009: Ord. 2-09 § 3, 2009: Ord. 61-08 § 4 (Exh. C), 2008: Ord. 2-08 § 2, 2008: Ord. 61-06 § 1 (Exh. A), 2006: Ord. 1-06 § 30, 2005: Ord. 22-04 § 1 (Exh. A), 2004: Ord. 18-04 § 3, 2004: Ord. 17-04 § 5 (Exh. D), 2004: Ord. 13-04 § 8 (Exh. C), 2004: Ord. 50-02 § 1, 2002: Ord. 23-02 § 4 (Exh. B), 2002: Ord. 84-01 § 1, 2001: Ord. 35-99 § 32, 1999: Ord. 19-98 § 3, 1998: Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(14-3), 1995)

# CHAPTER 21A.30
# DOWNTOWN DISTRICTS

## 21A.30.010: GENERAL PROVISIONS:

A. Statement Of Intent: The downtown districts are intended to provide use, bulk, urban design and other controls and regulations appropriate to the commercial core of the city and adjacent areas in order to enhance employment opportunities; to encourage the efficient use of land; to enhance property values; to improve the design quality of

downtown areas; to create a unique downtown center which fosters the arts, entertainment, financial, office, retail and governmental activities; to provide safety and security; encourage permitted residential uses within the downtown area; and to help implement adopted plans.

B. Site Plan Review; Design Review: In certain districts, permitted uses and conditional uses have the potential for adverse impacts if located and laid out on lots without careful planning. Such impacts may interfere with the use and enjoyment of adjacent property and uses. Site plan review is a process designed to address such adverse impacts and minimize them where possible. Design review is a process which addresses elements of urban design.

Site plan review, pursuant to chapter 21A.58 of this title, for all of the downtown districts, D-1, D-2, D-3 and D-4 is required to protect the local economy, maintain safe traffic conditions, maintain the environment, and assure harmonious land-use relationships between commercial uses and more sensitive land uses in affected areas.

Design review is necessary to implement the policies of the urban design plan as adopted by the city council. Design review shall apply only to conditional uses in the D-1 and D-4 districts. In the D-1 district, the conditional use process is used to evaluate and resolve urban design issues related to the downtown area.

C. Development Review Steps In The Downtown Districts: The process for review of development proposals in the downtown districts is illustrated in the diagram set forth in section 21A.30.070 of this chapter. The specific procedures involving conditional use approval and site plan review are set forth in part V of this title.

All proposed uses shall be subject to site plan review. For conditional uses in the D-1 district, the petition will be forwarded to the planning commission for approval.

D. Impact Controls And General Restrictions In The Downtown Districts:

1. Refuse Control: Refuse containers must be covered and shall be stored within completely enclosed buildings or screened in conformance with the requirements of chapter 21A.48 of this title. For buildings existing as of April 12, 1995, this screening provision shall be required if the floor area or parking requirements are increased by twenty five percent (25%) or more by an expansion to the building or change in the type of land use.

2. Lighting: On site lighting, including parking lot lighting and illuminated signs, shall be located, directed or designed in such a manner so as not to create glare on adjacent properties.

E. Outdoor Sales, Display And Storage: "Outdoor sales and display" and "outdoor storage", as defined in chapter 21A.62 of this title, are allowed where specifically authorized in section 21A.30.050, "Table Of Permitted And Conditional Uses For Downtown Districts", of this chapter. These uses shall conform to the following:

1. The outdoor sales or display of merchandise shall not encroach into areas of required parking;

2. The outdoor sales or display of merchandise shall not be located in any required yard area within the lot;

3. The outdoor sales or display of merchandise shall not include the use of banners, pennants or strings of pennants;

4. Outdoor storage shall be allowed only where specifically authorized in the applicable district regulation and shall be required to be fully screened with opaque fencing not to exceed eight feet (8') in height; and

5. Outdoor sales and display and outdoor storage shall also be permitted when part of an authorized temporary use as established in chapter 21A.42 of this title.

F. Permitted Uses: The uses specified as permitted uses in section 21A.30.050, "Table Of Permitted And Conditional Uses For Downtown Districts", of this chapter are permitted; provided, that they comply with all requirements of this chapter, the general standards set forth in part IV of this title, and all other applicable requirements of this title.

G. Conditional Uses: The uses specified as conditional uses in section 21A.30.050, "Table Of Permitted And Conditional Uses For Downtown Districts", of this chapter, shall be permitted in the downtown districts provided they are approved pursuant to the standards and procedures for conditional uses set forth in chapter 21A.54 of this title, and comply with all other applicable requirements of this title, including the design review process established in this chapter.

H. Off Street Parking And Loading: All uses in the downtown districts shall comply with the provisions governing off street parking and loading in chapter 21A.44 of this title.

I. Landscaping And Buffering: All uses in the downtown districts shall comply with the provisions governing landscaping and buffering in chapter 21A.48 of this title, including section 21A.48.110 of said chapter.

J. Signs: Signs shall be allowed in the downtown districts in accordance with provisions of chapter 21A.46 of this title.

K. Environmental Performance Standards: All uses in the downtown districts shall conform to the environmental performance standards in section 21A.36.180 of this title. (Ord. 83-98 § 1, 1998: Ord. 26-95 § 2(15-0), 1995)

## 21A.30.020: D-1 CENTRAL BUSINESS DISTRICT:

A. Purpose Statement: The purpose of the D-1 central business district is to provide for commercial and economic development within Salt Lake City's most urban and intense areas. A broad range of uses, including very high density housing, are intended to foster a twenty four (24) hour activity environment consistent with the area's function as the business, office, retail, entertainment, cultural and tourist center of the region. Development is intended to be very intense with high lot coverage and large buildings that are placed close together while being oriented towards the pedestrian with a strong emphasis on a safe and attractive streetscape and preserving the urban nature of the downtown area. This district is appropriate in areas where supported by applicable master plans. The standards are intended to achieve established objectives for urban design, pedestrian amenities and land use control.

B. Uses: Uses in the D-1 central business district as specified in section 21A.30.050, "Table Of Permitted And Conditional Uses For Downtown Districts", of this chapter, are permitted subject to the general provisions set forth in section 21A.30.010 of this chapter. In addition, all conditional uses in the D-1 district shall be subject to design review approval by the planning commission.

C. Organization Of District Regulations: In addition to regulations that apply to the D-1 central business district as a whole, three (3) sets of regulations are contained in this district that apply to specific geographical areas:

1. Special Controls Over Block Corners: These regulations apply only to properties within a specified distance from street intersections, as established in subsection E of this section.

2. Special Controls Over Mid Block Areas: These regulations apply only to the intervening property between block corner properties, as established in subsection F of this section.

3. Special Controls Over The Main Street Retail Core: These regulations apply only to the Main Street retail core area, as established in subsection G of this section. The regulations governing block corners and mid block areas also apply to the Main Street retail core.

D. D-1 District General Regulations: The regulations established in this section apply to the D-1 district as a whole.

1. Minimum Lot Size: No minimum lot area or lot width is required, except in block corner areas as specified in subsection E5 of this section.

2. Yard Requirements:

a. Front And Corner Side Yards: No minimum yards are required, however, no yard shall exceed five feet (5') except as authorized as a conditional use. Such conditional uses shall be subject to the requirements of chapter 21A.54 of this title, as well as design review by the planning commission. Where an entire block frontage is under one ownership, the setback for that block frontage shall not exceed twenty five feet (25'). Exceptions to this requirement may be authorized as conditional uses, subject to the requirements of chapter 21A.54 of this title, and the review and approval of the planning commission.

b. Interior Side And Rear Yards: None required.

3. Restrictions On Parking Lots And Structures: An excessive influence of at or above ground parking lots and structures can negatively impact the urban design objectives of the D-1 district. To control such impacts, the following regulations shall apply to at or above ground parking facilities:

a. Within block corner areas and on Main Street, parking lots and structures shall be located behind principal buildings, or at least seventy five feet (75') from front and corner side lot lines.

b. Within the mid block areas, parking lots and structures shall conform to the following:

(1) Retail goods/service establishments, offices and/or restaurants shall be provided on the first floor adjacent to the front or corner side lot line. The facades of such first floor shall be compatible and consistent with the associated retail or office portion of the building and other retail uses in the area.

(2) Levels of parking above the first level facing the front or corner side lot line shall have floors/facades that are horizontal, not sloped.

c. Accessory parking structures built prior to the principal use, and commercial parking structures, shall be permitted as conditional uses with the approval of the planning commission pursuant to the provisions of chapter 21A.54 of this title.

d. No special restrictions shall apply to belowground parking facilities.

e. Parking lots, proposed as a principal use to facilitate a building demolition, shall be permitted as a conditional use with the approval of the planning commission pursuant to the provisions of chapter 21A.54 of this title, where it is found that the parking lot is:

(1) Associated with a proposed principal land use; or

(2) Shown to be necessary for an existing adjacent land use(s). Demand shall be demonstrated through affidavits or executed lease agreements for off site parking. Said lot shall be located within five hundred feet (500') of the principal use(s) that it is proposed to serve, and shall not exceed more than fifty percent (50%) of the required parking stall count for said use(s); or

(3) Not associated with a principal land use or a specific increase in parking demand. The applicant shall document to the planning commission's satisfaction that there is a need for more commercial parking in a given area and, if so, it must participate in the overall downtown token program.

4. Minimum First Floor Glass: The first floor elevation facing a street of all new buildings or buildings in which the property owner is modifying the size of windows on the front facade within the D-1 central business district shall be at least forty percent (40%) glass surfaces, except that in the Main Street retail core where this requirement shall be sixty percent (60%). All first floor glass in the Main Street retail core shall be nonreflective type glass. Exceptions to this requirement may be authorized as

conditional uses, subject to the requirements of chapter 21A.54 of this title. The zoning administrator may approve a modification to this requirement, as a routine and uncontested special exception, pursuant to the procedures found in chapter 21A.14 of this title, if the zoning administrator finds:

a. The requirement would negatively impact the historic character of the building, or

b. The requirement would negatively impact the structural stability of the building.

5. Interior Plazas, Atriums And Galleries: Interior plazas, atriums and galleries shall be permitted throughout the D-1 central business district.

6. 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.

7. Landscape Requirements: All buildings constructed after April 12, 1995, shall conform to the special landscape requirements applicable to the D-1 central business district as contained in chapter 21A.48 of this title.

8. Mid Block Walkways: As part of the city's plan for the downtown area, it is intended that mid block walkways be provided to facilitate pedestrian movement within the area. To delineate the public need for such walkways, the city has formulated an official plan for their location and implementation, which is on file at the planning division office. All buildings constructed after the effective date hereof within the D-1 central business district shall conform to this officially adopted plan for mid block walkways.

9. Landscape Requirements For Demolition Sites: Vacant lots, resulting from demolition activities where no replacement use is proposed, shall conform to chapter 21A.48 of this title, special landscape requirements applicable to the D-1 central business district.

E. Special Controls Over Block Corners:

1. Intent: Special controls shall apply to land at block corners to encourage greater commercial vitality in the downtown by focusing a higher level of development intensity at street intersections. Control over the intensity of development on blocks is needed due to the large size of blocks and streets and the resulting effects on pedestrian/ vehicular circulation and business activity.

2. Block Corner: "Block corner" means the ninety degree (90°) intersection of private property adjacent to the intersection of two (2) public street rights of way both of which are at least one hundred thirty two feet (132') wide.

3. Corner Building: "Corner building" means a building, the structure of which rises above the ground within one hundred feet (100') of a block corner on the street face and one hundred feet (100') in depth.

4. Application: For corner buildings, the provisions of this subsection shall extend to one hundred sixty five feet (165') from the block corner on the street face and one hundred sixty five feet (165') in depth.

5. Lot Size And Shape: The size and shape of the lot shall conform to the following. Lots existing prior to April 12, 1995, which do not meet these requirements shall be exempt.

a. Minimum lot area: Ten thousand (10,000) square feet.

b. Minimum lot width: One hundred feet (100').

6. Height Regulations: No corner building shall be less than one hundred feet (100') nor more than three hundred seventy five feet (375') in height. The minimum one hundred foot (100') high portion of the building shall be located not further than five feet (5') from the lot line along front and corner lot lines. Buildings higher than three

hundred seventy five feet (375') may be allowed in accordance with the provisions of subsections E6a and E6b of this section.

a. Conditions For Taller Corner Buildings: Corner buildings may exceed the three hundred seventy five foot (375') height limit provided they conform to the following requirements:

(1) To minimize excessive building mass at higher elevations and preserve scenic views, some or all of the building mass over the three hundred seventy five foot (375') height level shall be subject to additional setback, as determined appropriate through the conditional use approval process.

(2) Not less than one percent (1%) of the building construction budget shall be used for enhanced amenities, including art visible to the public, enhanced design elements of the exterior of the building or exterior spaces available to the public for cultural or recreational activities. The property owner shall not be required to exceed one hundred thousand dollars ($100,000.00) in required amenities.

(3) The operation of uses within the building, including accessory parking facilities, shall comply with the adopted traffic demand management guidelines administered by the city traffic engineer.

b. Additional Standards For Certain Height Modifications:

(1) The first one hundred feet (100') of height shall not be set back from the street front more than five feet (5') except that setbacks above the first fifty feet (50') may be approved as a conditional use.

(2) Modifying the height will achieve the preservation of a landmark site or contributing structure in an H historic preservation overlay district.

(3) Modifying the height will allow interim service commercial uses to support the downtown community.

c. Conditional Use Approval: A modification to the height regulations in subsection E6a of this section may be granted as a conditional use, subject to conformance with the standards and procedures of chapter 21A.54 of this title. Such conditional uses shall also be subject to design review.

F. Special Controls Over Mid Block Areas:

1. Intent: Special controls shall apply to land located at the middle of blocks. Such controls are needed to establish coordinated levels of development intensity and to promote better pedestrian and vehicular circulation.

2. Area Of Applicability: The controls established under this subsection shall apply to:

a. Buildings constructed after April 12, 1995; and

b. All intervening land between block corner properties, as established in subsection E2 of this section.

3. Height Regulations: No building shall be more than one hundred feet (100') in height; provided, that taller buildings may be authorized as a conditional use, subject to the requirements of chapter 21A.54 of this title, and design review.

G. Special Controls Over The Main Street Retail Core:

1. Intent: Special controls shall apply to land located within the Main Street retail core area to preserve and enhance the viability of retail uses within the downtown area. The regulations of this subsection shall be in addition to the requirements of subsections E and F of this section.

2. Area Of Applicability: The controls established in this subsection shall apply to property developed or redeveloped after April 12, 1995, when located along any block face on the following streets:

a. Main Street between South Temple Street and 400 South Street;

b. 100 South Street between West Temple Street and State Street;

c. 200 South Street between West Temple Street and State Street; and

d. 300 South Street between West Temple Street and State Street.

3. First Floor Retail Required: The first floor space of all buildings within this area shall be required to provide uses consisting of retail goods establishments, retail service establishments or restaurants, public service portions of businesses, department stores, art galleries, motion picture theaters or performing arts facilities.

4. Restrictions On Driveways: Driveways shall not be permitted along Main Street, but shall be permitted along other streets within the Main Street retail core area, provided they are located at least eighty feet (80') from the intersection of two (2) street right of way lines. (Ord. 12-11, 2011: Ord. 65-05 §§ 2, 3, 2005: Ord. 35-99 §§ 33-35, 1999: Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(15-1), 1995)

## 21A.30.030: D-2 DOWNTOWN SUPPORT DISTRICT:

A. Purpose Statement: The purpose of the D-2 downtown support commercial district is to provide an area that fosters the development of a sustainable urban neighborhood that accommodates commercial, office, residential and other uses that relate to and support the central business district. Development within the D-2 downtown support commercial district is intended to be less intensive than that of the central business district, with high lot coverage and buildings placed close to the sidewalk. This district is appropriate in areas where supported by applicable master plans. Design standards are intended to promote pedestrian oriented development with a strong emphasis on a safe and attractive streetscape.

B. Uses: Uses in the D-2 downtown support district, as specified in section 21A.30.050, "Table Of Permitted And Conditional Uses For Downtown Districts", of this chapter, are permitted subject to the general provisions set forth in section 21A.30.010 of this chapter and this section.

C. Lot Size Requirements: No minimum lot area or lot width shall be required.

D. Maximum Building Height: No building shall exceed sixty five feet (65'). Buildings taller than sixty five feet (65') but less than one hundred twenty feet (120') may be authorized as conditional uses, subject to the requirements of chapter 21A.54 of this title.

E. Minimum Yard Requirements: None required. (Ord. 12-11, 2011: Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(15-2), 1995)

## 21A.30.040: D-3 DOWNTOWN WAREHOUSE/RESIDENTIAL DISTRICT:

A. Purpose Statement: The purpose of the D-3 downtown warehouse/residential district is to provide for the reuse of existing warehouse buildings for multi-family and mixed use while also allowing for continued retail, office and warehouse use within the district. The reuse of existing buildings and the construction of new buildings are to be done as multi-family residential or mixed use developments containing retail or office uses on the lower floors and residential on the upper floors. This district is appropriate in areas where supported by applicable master plans. The standards are intended to create a unique and sustainable downtown neighborhood with a strong emphasis on urban design, adaptive reuse of existing buildings, alternative forms of transportation and pedestrian orientation.

B. Uses: Uses in the D-3 downtown warehouse/residential district as specified in section 21A.30.050, "Table Of Permitted And Conditional Uses For Downtown Districts", of this chapter, are permitted subject to the provisions of this chapter and other applicable provisions of this title.

C. Controls Over Mixed Use: The concept of mixed use is central to the nature of the D-3 downtown warehouse/residential district. To ensure that mixed use developments provide for on site compatibility as well as neighborhood compatibility, the change of land use type or an increase in floor area by twenty five percent (25%) of existing principal buildings and the construction of buildings for new uses after April 12, 1995, shall conform to the following provisions. Construction related to the rehabilitation including remodeling or modification of existing uses, or the change of use to a similar use, shall not be subject to these provisions.

1. Buildings containing commercial/office uses located above the second story shall incorporate multi-family dwellings, boarding house, bed and breakfast, or hotel uses in the amount of at least fifty percent (50%) of the total floor area of the building;

2. Commercial/office uses shall be permitted as the sole use in two-story buildings only; and

3. Commercial/office uses in buildings of three (3) stories or more without multi-family dwellings shall be allowed only as a conditional use and then only when the applicant has demonstrated that the proposed location is not suitable for multi-family residential use.

D. Lot Size Requirements: No minimum lot area or lot width shall be required.

E. Maximum Building Height: No building shall exceed seventy five feet (75'). Buildings taller than seventy five feet (75') but less than ninety feet (90') may be authorized as conditional uses, provided the additional height is supported by the applicable master plan, the overall square footage of the buildings is greater than fifty percent (50%) residential use, and subject to the requirements of chapter 21A.54 of this title.

F. Minimum Yard Requirements: None required, except for surface parking lots which are required to be set back from the front and corner side yard property lines fifteen feet (15').

G. Minimum First Floor Glass: The first floor elevation facing a street of all new buildings or buildings in which the property owner is modifying the size of windows on the front facade within the D-3 downtown warehouse/residential district, shall be at least forty percent (40%) glass surfaces. Exceptions to this requirement may be authorized as conditional uses, subject to the requirements of chapter 21A.54 of this title. The zoning administrator may approve a modification to this requirement, as a routine and uncontested special exception pursuant to the procedures found in chapter 21A.14 of this title if the zoning administrator finds:

1. The requirement would negatively impact the historic character of the building, or

2. The requirement would negatively impact the structural stability of the building.

H. Mid Block Walkways: As a part of the city's plan for the downtown area, it is intended that mid block walkways be provided to facilitate pedestrian movement within the area. To delineate the public need for such walkways, the city has formulated an official plan for their location and implementation, which is on file at the planning division office. All

buildings constructed within the D-3 downtown district shall conform to this plan for mid block walkways.

I. Special Provisions:

1. All new buildings constructed in the D-3 downtown district shall have a minimum of seventy percent (70%) of the exterior material of brick, masonry, textured or patterned concrete and/or cut stone. The seventy percent (70%) includes the windows of the building.

a. Except for minor building designs (e.g., soffit, fascia) the following materials are only allowed under the conditional use process: EIFS, vinyl, tilt-up concrete panels, corrugated metal and aluminum siding and other materials.

b. Two-dimensional curtain wall veneer of glass, spandrel glass or metal as a primary building material is prohibited.

c. The fenestration of all new construction shall be three-dimensional (e.g., recessed windows, protruding cornices, etc.).

2. Notwithstanding the residential parking requirements, any building that has ten (10) or more residential units with at least twenty percent (20%) of the units as either affordable, senior housing, or assisted living units shall be allowed to have a minimum of one-half ($^1/_2$) of a parking space provided for each dwelling unit.

3. A modification to the special provisions of this section may be granted as a conditional use, subject to conformance with the standards and procedures of chapter 21A.54 of this title. Such conditional uses shall also be subject to design review.

J. Minimum Open Space: All lots containing dwelling units shall provide common open space in the amount of twenty percent (20%) of the lot area. This common open space may take the form of ground level plazas, interior atriums, landscape areas, roof gardens and decks on top of buildings or other such forms of open space available for the common use by residents of the property. (Ord. 12-11, 2011: Ord. 35-99 § 36, 1999: Ord. 83-98 § 2, 1998: Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(15-3), 1995)

## 21A.30.045: D-4 DOWNTOWN SECONDARY CENTRAL BUSINESS DISTRICT:

A. Purpose Statement: The purpose of the D-4 secondary central business district is to foster an environment consistent with the area's function as a housing, entertainment, cultural, convention, business, and retail section of the city that supports the central business district. Development is intended to support the regional venues in the district, such as the Salt Palace Convention Center, and to be less intense than in the central business district. This district is appropriate in areas where supported by applicable master plans. The standards are intended to achieve established objectives for urban and historic design, pedestrian amenities, and land use control, particularly in relation to retail commercial uses.

B. Uses: Uses in the D-4 secondary central business district as specified in section 21A.30.050, "Table Of Permitted And Conditional Uses For Downtown Districts", of this chapter, are permitted subject to the general provisions set forth in section 21A.30.010 of this chapter. In addition, all conditional uses in the D-4 district shall be subject to design review approval by the planning commission.

C. D-4 District General Regulations:

1. Minimum Lot Size: No minimum lot area or lot width is required.

2. Yard Requirements:

a. Front And Corner Side Yards: No minimum yards are required, however, no yard shall exceed five feet (5') except as authorized as a conditional use. Such conditional uses shall be subject to the requirements of chapter 21A.54 of this title, as well as design review by the planning commission. Where an entire block frontage is under one ownership, the setback for that block frontage shall not exceed twenty five feet (25'). Exceptions to this requirement may be authorized as conditional uses, subject to the requirements of chapter 21A.54 of this title and the review and approval of the planning commission.

b. Interior Side And Rear Yards: None required.

3. Restrictions On Parking Lots And Structures: An excessive influence of at or above ground parking lots and structures can negatively impact the urban design objectives of the D-4 district. To control such impacts, the following regulations shall apply to at or above ground parking facilities:

a. Within block corner areas, structures shall be located behind principal buildings, or at least seventy five feet (75') from front and corner side lot lines.

b. Within the mid block areas, parking structures shall be located behind principal buildings, or at least thirty feet (30') from front and corner side lot lines. A modification to this requirement may be granted as a conditional use, subject to conformance with the standards and procedures of chapter 21A.54 of this title. Parking structures shall meet the following:

(1) Retail goods/service establishments, offices and/or restaurants shall be provided on the first floor adjacent to the front or corner side lot line. The facades of such first floor shall be compatible and consistent with the associated retail or office portion of the building and other retail uses in the area.

(2) Levels of parking above the first level facing the front or corner side lot line shall have floors/facades that are horizontal, not sloped.

(3) Mid block surface parking lots shall have a fifteen foot (15') landscaped setback.

c. Accessory parking structures built prior to the principal use, and commercial parking structures, shall be permitted as conditional uses with the approval of the planning commission pursuant to the provisions of chapter 21A.54 of this title.

d. No special restrictions shall apply to belowground parking facilities.

e. At grade (surface) parking facilities shall be set back behind the principal building and shall be set back at least seventy five feet (75') from front and corner side lot lines and landscaped in a way that minimizes visual impacts.

4. Minimum First Floor Glass: The first floor elevation facing a street of all new buildings or buildings in which the property owner is modifying the size of windows on the front facade within the D-4 secondary central business district, shall be at least forty percent (40%) glass surfaces. All first floor glass shall be nonreflective type glass. Exceptions to this requirement may be authorized as conditional uses, subject to the requirements of chapter 21A.54 of this title. The zoning administrator may approve a modification to this requirement, as a routine and uncontested special exception pursuant to the procedures found in chapter 21A.14 of this title if the zoning administrator finds:

a. The requirement would negatively impact the historic character of the building; or

b. The requirement would negatively impact the structural stability of the building.

5. Interior Plazas, Atriums And Galleries: Interior plazas, atriums and galleries shall be permitted throughout the D-4 secondary central business district.

6. 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.

7. Landscape Requirements: All buildings constructed after April 12, 1995, shall conform to the special landscape requirements applicable to the D-4 secondary central business district as contained in chapter 21A.48 of this title.

8. Maximum Building Height: No building shall exceed seventy five feet (75'). Buildings taller than seventy five feet (75') but less than one hundred twenty feet (120') may be authorized as conditional uses, subject to the requirements of chapter 21A.54 of this title.

9. Mid Block Walkways: As a part of the city's plan for the downtown area, it is intended that mid block walkways be provided to facilitate pedestrian movement within the area. To delineate the public need for such walkways, the city has formulated an official plan for their location and implementation, which is on file at the planning division office. All buildings constructed after the effective date hereof within the D-4 downtown district shall conform to this plan for mid block walkways.

10. Mid Block Streets: Developments constructing mid block streets, either privately owned with a public easement or publicly dedicated, that are desired by an applicable master plan:

a. May use a portion or all of the overhead and underground right of way of the new mid block street as part of their developable area irrespective of lot lines, subject to design review and approval of the planning commission.

b. May increase the height of the building on the remaining abutting parcel, subject to conformance with the standards and procedures of chapter 21A.54 of this title. Such conditional uses shall also be subject to design review approval by the planning commission.

11. Exception To Parking Requirements: Notwithstanding the residential parking requirements, any building that has ten (10) or more residential units with at least twenty percent (20%) of the units as either affordable, senior housing, or assisted living units shall be allowed to have a minimum of one-half ($^1/_2$) of a parking space provided for each dwelling unit. (Ord. 12-11, 2011: Ord. 35-99 § 37, 1999: Ord. 83-98 § 3 (Exh. A), 1998)

## 21A.30.050: TABLE OF PERMITTED AND CONDITIONAL USES FOR DOWNTOWN DISTRICTS:

| Legend: | C = | Conditional | P = | Permitted |
|---|---|---|---|---|

| | Permitted And Conditional Uses By District | | | |
|---|---|---|---|---|
| **Use** | **D-1** | **D-2** | **D-3** | **D-4** |
| Residential: | | | | |
| Eleemosynary facilities | P | P | P | P |
| Group home, large (see section 21A.36.070 of this title) | | C | C | |
| Group home, small (see section 21A.36.070 of this title) above or below first story office, retail and commercial use or on the first story, as defined in the adopted building code where the unit is not located adjacent to the street frontage | P | P | P | P |

| | | | | | |
|---|---|---|---|---|---|
| | Homeless shelter | | | C | |
| | Mixed use developments, including residential and other uses allowed in the zoning district | P | P | P | P |
| | Multiple-family dwellings | P | P | P | P |
| | Residential substance abuse treatment home, large (see section 21A.36.100 of this title) | | C | C | |
| | Residential substance abuse treatment home, small (see section 21A.36.100 of this title) | | C | C | |
| | Transitional treatment home, large (see section 21A.36.090 of this title) | | C | C | |
| | Transitional treatment home, small (see section 21A.36.090 of this title) | | C | C | |
| | Transitional victim home, large (see section 21A.36.080 of this title) | | C | C | |
| | Transitional victim home, small (see section 21A.36.080 of this title) | | C | C | |
| Office and related uses: | | | | | |
| | Adult daycare centers | P | P | P | P |
| | Child daycare centers | P | P | P | P |
| | Financial institutions with drive-through facilities | P | P | C | P |
| | Financial institutions without drive-through facilities | P | P | P | P |
| | Medical and dental clinics | P | P | P | P |
| | Offices | P | P | P | P |
| | Veterinary office, operating entirely within an enclosed building and keeping animals overnight only for treatment purposes | | P | P | |
| Retail sales and services: | | | | | |
| | Automobile sales/rental and service | C | C | | |
| | Car wash | | P[4] | | |
| | Conventional department store | P | P | | P |
| | Fashion oriented department store | P[3] | | | |
| | Furniture repair shop | P | P | P | P |
| | "Gas station" (may include accessory retail sales and/or minor repair) as defined in chapter 21A.62 of this title | C | P | C | C |
| | Health and fitness facility | P | P | P | P |
| | Liquor store | C | C | C | C |
| | Mass merchandising store | P | P | | P |

| | | | | | |
|---|---|---|---|---|---|
| | Merchandise display rooms | P | P | P | P |
| | Pawnshop | C | P | | |
| | Restaurants with drive-through facilities | P | P | P | P |
| | Restaurants without drive-through facilities | P | P | P | P |
| | Retail goods establishments | P | P | P | P |
| | Retail laundries, linen service and dry cleaning | P | P | P | P |
| | Retail services establishments | P | P | P | P |
| | Specialty fashion department store | P[3] | | | |
| | Specialty store | P | P | | P |
| | Superstore and hypermarket store | | P | | |
| | Upholstery shop | | P | P | |
| Commercial and manufacturing: | | | | | |
| | Laboratory, medical, dental, optical | P | P | P | P |
| Institutional (sites <4 acres): | | | | | |
| | Colleges and universities | P | P | P | P |
| | Community and recreation centers, public and private, on lots less than 4 acres in size | P | P | P | P |
| | Government facilities (excluding those of an industrial nature and prisons) | | | P | P |
| | Libraries | | | P | P |
| | Museum | P | P | P | P |
| | Music conservatory | P | P | P | P |
| | Places of worship | P | P | P | P |
| | Schools, K - 12 private | | | P | P |
| | Schools, K - 12 public | | | P | P |
| | Schools, professional and vocational | P | P | P | P |
| | Seminaries and religious institutes | | | P | P |
| Recreation, cultural and entertainment: | | | | | |
| | Art galleries | P | P | P | P |

| | | | | | |
|---|---|---|---|---|---|
| | Artists' lofts and studios | P | P | P | P |
| | Brewpub (indoor) | P | P | P | P |
| | Brewpub (outdoor) | P | P | C | P |
| | Commercial indoor recreation | P | P | P | P |
| | Commercial video arcade | P | P | P | P |
| | Dance studios | P | P | P | P |
| | Live performance theater | P | P | P | P |
| | Motion picture theaters | P | P | P | P |
| | Natural open space and conservation areas on lots less than 4 acres in size | C | C | C | C |
| | Parks and playgrounds on lots less than 4 acres in size | P | P | P | P |
| | Pedestrian pathways, trails, and greenways | C | C | C | C |
| | Performance arts facilities | P | P | P | P |
| | Private club (indoor) | P | P | P | P |
| | Private club (outdoor) | P | P | C | P |
| | Squares and plazas on lots less than 4 acres in size | C | C | C | C |
| | Tavern/lounge (indoor) | P | P | P | P |
| | Tavern/lounge (outdoor) | P | P | C | P |
| Miscellaneous: | | | | | |
| | Accessory uses, except those that are otherwise specifically regulated in this chapter, or elsewhere in this title | P | P | P | P |
| | Automobile repair, major | C | P | C | C |
| | Automobile repair, minor | C | P | C | C |
| | Bed and breakfast | P | P | P | P |
| | Bed and breakfast inn | P | P | P | P |
| | Bed and breakfast manor | P | P | P | P |
| | Blood donation center, commercial and not accessory to a hospital or medical clinic | | P | | |
| | Bus line terminal | | P | | |
| | Bus line yards and repair facilities | | P | | |

| | | | | | |
|---|---|---|---|---|---|
| | Check cashing/payday loan business | P[6] | | | |
| | Commercial laundry, linen service, and commercial dry cleaning establishments | C | P | C | C |
| | Commercial parking garage, lot or deck | C | P | C | C |
| | Communication towers | P | P | P | P |
| | Communication towers, exceeding the maximum building height | C | C | C | C |
| | Community garden | P | P | P | P |
| | Conference centers | | | | P |
| | Convention centers with or without hotels | | | | P |
| | Crematorium | C | C | C | |
| | Exhibition halls | | | | P |
| | Food product processing/manufacturing | | P | | |
| | Funeral home | P | P | P | |
| | Graphic/design business | P | P | P | P |
| | Heliports, accessory | C | C | | |
| | Homeless shelter | | | C | |
| | Hotels and motels | P | P | P | P |
| | House museum in landmark sites (see subsection 21A.24.010T of this title) | C | C | C | C |
| | Industrial assembly | | C | C | |
| | Large wind energy system | | | | |
| | Limousine service | | P | | |
| | Microbreweries | | C | | |
| | Miniwarehouse | | P | P | |
| | Off site parking | P | P | P | P |
| | Offices and reception centers in landmark sites (see subsection 21A.24.010T of this title) | C | C | C | C[5] |
| | Outdoor sales and display | C | P | P | C |
| | Precision equipment repair shops | | P | C | |
| | Public/private utility buildings and structures[1] | P[1] | P[1] | P[1] | P[1] |

| | | | | | |
|---|---|---|---|---|---|
| | Public/private utility transmission wires, lines, pipes and poles[1] | P | P | P | P |
| | Publishing company | P | P | P | P |
| | Radio stations | P | P | P[2] | P |
| | Railroad passenger station | P | P | P | P |
| | Seasonal farm stand | P | P | P | P |
| | Social service missions and charity dining halls | | P | P | |
| | Solar array | | | | |
| | Street vendors (see title 5, chapter 5.64 of this code) | | | | |
| | TV stations | P | P | | P |
| | Temporary labor hiring office | | P | C | |
| | Urban farm | P | P | P | P |
| | Vending carts on private property as per title 5, chapter 5.65 of this code | P | P | P | P |
| | Warehouse | | P | P | |
| | Warehouse, accessory | P | P | P | P |
| | Wholesale distribution | | P | P | |
| | Wireless telecommunications facilities (see section 21A.40.090, table 21A.40.090E of this title) | | | | |

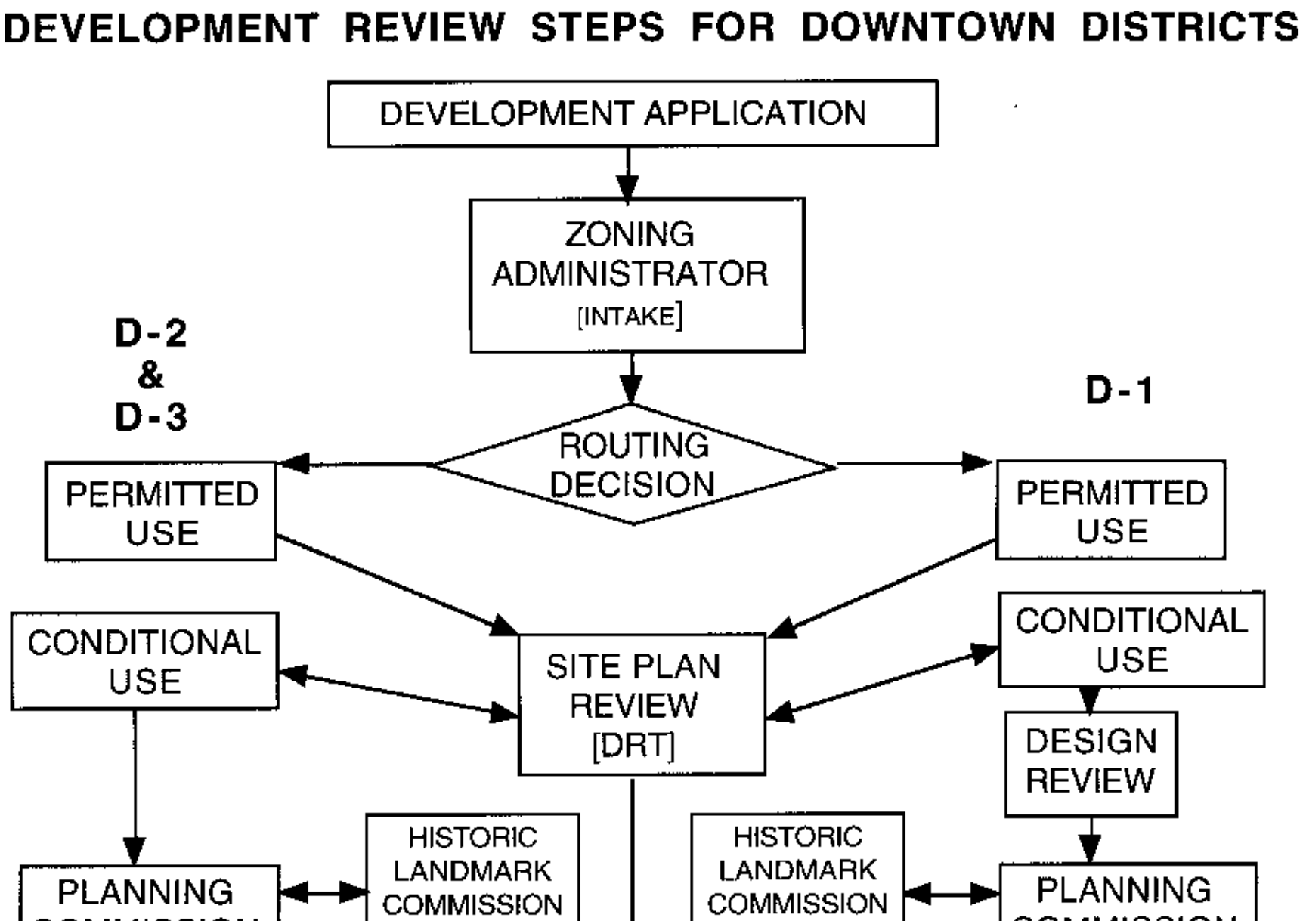
Qualifying provisions:
1.Subject to conformance to the provisions in subsection 21A.02.050B of this title.
2.Radio station equipment and antennas shall be required to go through the site plan review process to ensure that the color, design and location of all proposed equipment and antennas are screened or integrated into the architecture of the project and are compatible with surrounding uses.
3.Uses allowed only within the boundaries and subject to the provisions of the downtown Main Street core overlay district (section 21A.34.110 of this title).
4.Any car wash located within 165 feet (including streets) of a residential use shall only be permitted as a conditional use.
5.Building additions on lots less than 20,000 square feet for office uses may not exceed 50 percent of the building's footprint. Building additions greater than 50 percent of the building's footprint or new office building construction are subject to the conditional use process.
6.No check cashing/payday loan business shall be located closer than $^1/_2$ mile of other check cashing/payday loan businesses.

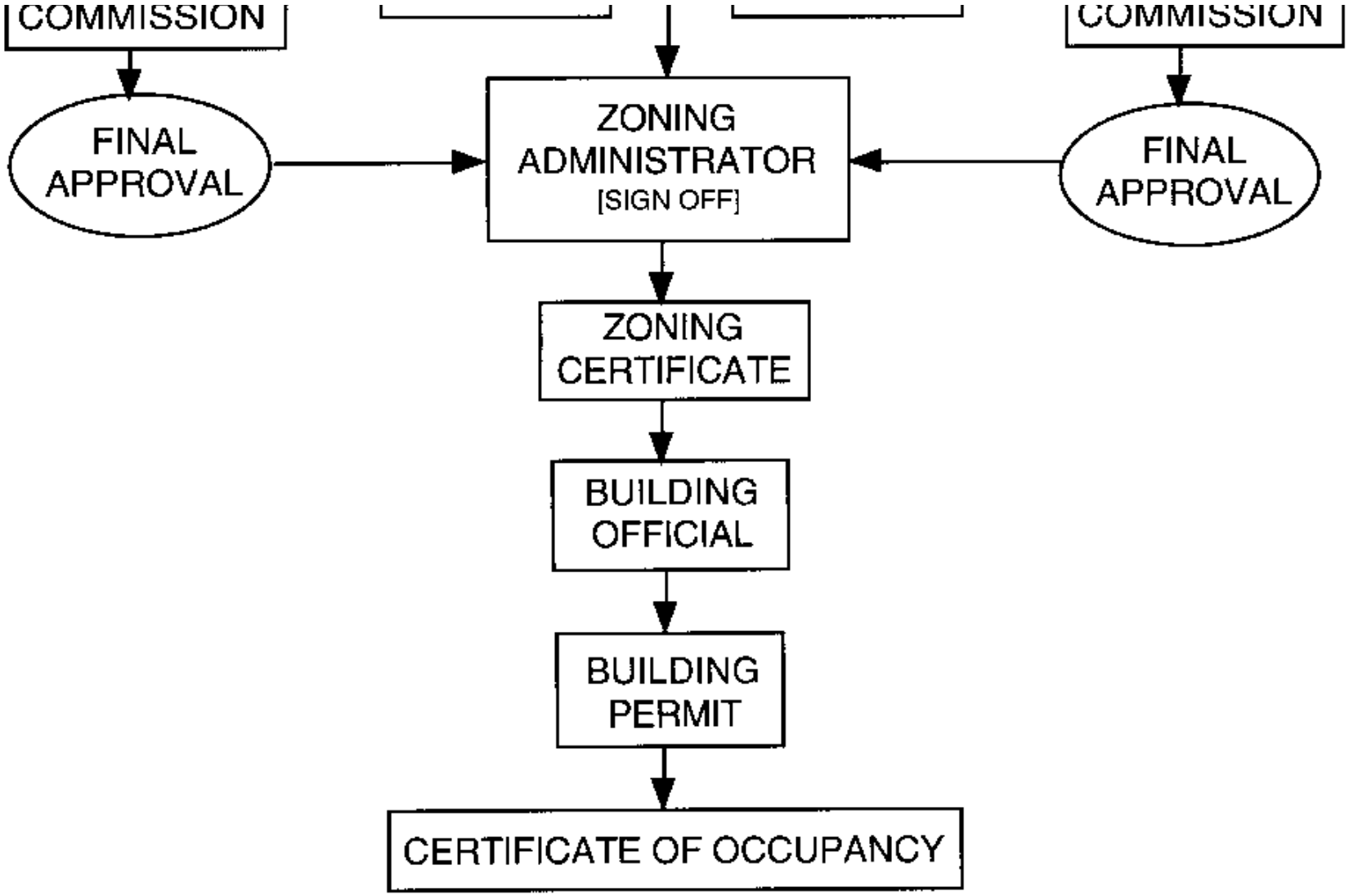
(Ord. 21-11, 2011: Ord. 27-10, 2010: Ord. 19-10 § 6, 2010: Ord. 7-09 § 4, 2009: Ord. 61-08 § 4 (Exh. C), 2008: Ord. 21-08 § 4 (Exh. C), 2008: Ord. 2-08 § 2, 2008: Ord. 13-06 § 3 (Exh. B), 2006: Ord. 66-05 § 1 (Exh. A), 2005: Ord. 86-04 § 1 (Exh. A), 2004: Ord. 79-04 § 1 (Exh. A), 2004: Ord. 17-04 § 2 (Exh. A), 2004: Ord. 13-04 § 9 (Exh. D), 2004: Ord. 4-04 § 1 (Exh. A), 2004: Ord. 23-02 § 5 (Exh. C), 2002: Ord. 38-99 § 7, 1999: Ord. 35-99 § 38, 1999: Ord. 83-98 § 4 (Exh. B), 1998: Ord. 21-98 § 1, 1998: Ord. 19-98 § 4, 1998: amended during 5/96 supplement: Ord. 88-95 § 1 (Exh. A), 1995: Ord. 84-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(15-4), 1995)

## 21A.30.060: SUMMARY TABLE OF YARD AND BULK REQUIREMENTS; DOWNTOWN DISTRICTS:

(Rep. by Ord. 19-11, 2011)

**21A.30.070: DOWNTOWN DISTRICTS DEVELOPMENT APPROVAL PROCESS:**






(Ord. 26-95 § 2(15-6), 1995)

# CHAPTER 21A.31
# GATEWAY DISTRICTS

## 21A.31.010: GENERAL PROVISIONS:

A. Statement Of Intent: The gateway districts are intended to provide controlled and compatible settings for residential, commercial, and industrial developments, and implement the objectives of the adopted gateway development master plan through district regulations that reinforce the mixed use character of the area and encourage the development of urban neighborhoods containing supportive retail, service commercial, office, industrial uses and high density residential.

B. Uses: Uses in the gateway district as specified in section 21A.31.050, "Table Of Permitted And Conditional Uses In The Gateway District", of this chapter, are permitted subject to the general provisions set forth in this section.

C. Permitted Uses: The uses specified as permitted uses, in section 21A.31.050, "Table Of Permitted And Conditional Uses In The Gateway District", of this chapter are permitted; provided, that they comply with all requirements of this chapter, the general standards set forth in part IV of this title, and all other applicable requirements of this title.

D. Conditional Uses: The uses specified as conditional uses in section 21A.31.050, "Table Of Permitted And Conditional Uses In The Gateway District", of this chapter, shall be permitted in the gateway district provided they are approved pursuant to the standards and procedures for conditional uses set forth in chapter 21A.54 of this title, and comply with all other applicable requirements of this title, including the design review process established in this chapter.

E. Site Plan Review; Design Review: In certain districts, permitted uses and conditional uses have the potential for adverse impacts if located and oriented on lots without careful planning. Such impacts may interfere with the use and enjoyment of adjacent property and uses. Site plan review is a process designed to address such adverse impacts and minimize them where possible. Design review is a process that addresses elements of urban design.

Site plan review, pursuant to chapter 21A.58 of this title, for all of the gateway districts, is required to protect the local economy, maintain safe traffic conditions, maintain the environment, and assure harmonious land-use relationships between commercial uses and more sensitive land uses in affected areas.

Design review is necessary to implement the policies of the urban design plan as adopted by the city council. Design review shall apply only to conditional uses in the gateway district. In the gateway district, the conditional use process is used to evaluate and resolve urban design.

F. Mid Block Walkways: As a part of the city's plan for the downtown area, it is intended that mid block walkways be provided to facilitate pedestrian movement within the area. To delineate the public need for such walkways, the city has formulated an official plan for their location and implementation, which is on file at the planning division office. All buildings constructed after the effective date hereof within the G-MU gateway-mixed use district shall conform to this plan for mid block walkways.

G. Location Of Service Areas: All loading docks 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.

H. Restrictions On Parking Lots And Structures: The following regulations shall apply to surface or aboveground parking facilities:

1. Block Corner Areas: Within block corner areas, surface parking lots and structures shall be located behind principal buildings, or at least seventy five feet (75') from front

and corner side lot lines.

2. Mid Block Areas: Within the mid block areas, parking structures shall be located behind principal buildings, or at least thirty feet (30') from front and corner side lot lines. A modification to this requirement may be granted as a conditional use, subject to conformance with the standards and procedures of chapter 21A.54 of this title. Parking structures shall meet the following:

a. Retail goods/service establishments, offices and/or restaurants shall be provided on the first floor adjacent to the front or corner side lot line. The facades of such first floors shall be compatible and consistent with the associated retail or office portion of the building and other retail uses in the area.

b. Levels of parking above the first level facing the front or corner side lot line shall have floors and/or facades that are horizontal, not sloped.

c. Mid block surface parking lots shall have a fifteen foot (15') landscaped setback.

3. Accessory And Commercial Parking Structures: Accessory parking structures built prior to the principal use, and commercial parking structures, shall be permitted as conditional uses with the approval of the planning commission pursuant to the provisions of chapter 21A.54 of this title.

4. Belowground Parking Facilities: No special design and setback restrictions shall apply to belowground parking facilities.

5. Height Requirements: The minimum height for a parking structure shall be forty five feet (45'). The maximum height shall not exceed seventy five feet (75').

6. Site Plan Review: Parking structures shall be required to go through the site plan review process.

7. Landscape Requirements: Surface parking lots shall have a landscaped setback of at least twenty feet (20') and meet interior landscaped requirements as outlined in chapter 21A.48 of this title.

8. Conditional Use Approval: A modification to the restrictions on parking lots and structures provisions of this section may be granted as a conditional use, subject to conformance with the standards and procedures of chapter 21A.54 of this title. Such conditional uses shall also be subject to design review.

I. Impact Controls And General Restrictions:

1. Refuse Control: Refuse containers must be covered and shall be stored within completely enclosed buildings or screened in conformance with the requirements of chapter 21A.48 of this title. For buildings existing as of April 12, 1995, this screening provision shall be required if the floor area or parking requirements are increased by twenty five percent (25%) or more by an expansion to the building or change in the type of land use.

2. Lighting: On site lighting, including parking lot lighting and illuminated signs, shall be located, directed or designed in a manner to prevent glare on adjacent properties.

J. Outdoor Sales, Display And Storage: "Outdoor sales and display" and "outdoor storage", as defined in chapter 21A.62 of this title, are allowed where specifically authorized in section 21A.31.050, "Table Of Permitted And Conditional Uses In The Gateway District", of this chapter. These uses shall conform to the following:

1. Outdoor sales and display and outdoor storage may also be permitted when part of an authorized temporary use as established in chapter 21A.42 of this title;

2. The outdoor permanent sales or display of merchandise shall not encroach into areas of required parking;

3. The outdoor permanent sales or display of merchandise shall not be located in any required yard area within the lot;

4. The outdoor sales or display of merchandise shall not include the use of banners, pennants or strings of pennants; and

5. Outdoor storage shall be allowed only where specifically authorized in the applicable district regulation and shall be required to be fully screened with opaque fencing not to exceed eight feet (8') in height.

K. Off Street Parking And Loading: All uses in the gateway district shall comply with the provisions governing off street parking and loading in chapter 21A.44 of this title.

1. Notwithstanding the residential parking requirements, any building that has ten (10) or more residential units with at least twenty percent (20%) of the units as either affordable, senior housing, or assisted living units shall be allowed to have a minimum of one-half ($^1/_2$) of a parking space provided for each dwelling unit.

L. Environmental Performance Standards: All uses in the gateway district shall conform to the environmental performance standards in section 21A.36.180 of this title.

M. Wall Or Fencing: All uses in the gateway district shall comply with the provisions governing fences, walls and hedges in section 21A.40.120 of this title.

N. Affordable Housing:

1. Notwithstanding the minimum height requirements identified above, any buildings that have ten (10) or more residential units with at least twenty percent (20%) of the units as affordable shall be allowed to have a minimum building height of thirty feet (30').

2. Affordable housing units within a market rate development shall be integrated throughout the project in an architectural manner.

O. Accessory Uses, Buildings And Structures: Accessory uses and structures are permitted in the gateway district subject to the requirements of this chapter, chapter 21A.36, subsection 21A.36.020B, section 21A.36.030, and chapter 21A.40 of this title.

P. Urban Design: The urban design standards are intended to foster the creation of a rich urban environment that accommodates growth and is compatible with existing buildings and uses in the area. All general development and site plans shall be designed to complement the surrounding existing contiguous (historic) development. The following design standards will provide human scale through change, contrast, intricacy, color and materials where the lower levels of buildings face public streets and sidewalks. They will also spatially define the street space in order to concentrate pedestrian activity, create a clear urban character and promote visibility of commercial activities at the ground level. The standards will also encourage diversity through the use of building forms and materials, while respecting the patterns, styles and methods of construction traditionally used in the gateway area.

The following urban design standards will be reviewed as part of the site plan review process, with assistance from planning division staff as necessary:

1. Architectural Character And Materials:

a. A differentiated base (on a building over 45 feet high) will provide human scale through change, contrast, and intricacy in facade form, color and/or material where the lower levels of the building face the sidewalk(s) and street(s). Scaling elements such as insets and projections serve to break up flat or monotonous facades, and respond to older nearby buildings. Therefore, all buildings in the gateway districts are subject to the following standards:

(1) All buildings over forty five feet (45') in height shall be designed with a base that is differentiated from the remainder of the building. The base shall be between one and three (3) stories in height, be visible from pedestrian view, and appropriately scaled to the surrounding contiguous historic buildings. The base shall include fenestration that distinguishes the lower from upper floors. Insets and/or projections are encouraged.

(2) All new buildings in the gateway district shall have a minimum of seventy percent (70%) of the exterior material (excluding windows) be brick, masonry, textured or

patterned concrete and/or cut stone. With the exception of minor building elements (e.g., soffit, fascia) the following materials are allowed only under the conditional use process: EIFS, tilt-up concrete panels, corrugated metal, vinyl and aluminum siding, and other materials.

(3) All buildings which have been altered over seventy five percent (75%) on the exterior facade shall comply with the exterior material requirement for new construction. Buildings older than fifty (50) years are exempt from this requirement if alterations are consistent with the existing architecture.

(4) Two-dimensional curtain wall veneer of glass, spandrel glass or metal as a primary building material is prohibited. The fenestration of all new construction shall be three-dimensional (e.g., recessed windows, protruding cornice, etc.).

b. The climate in Salt Lake City is such that in the summer months shade is preferred, and in the winter months protection from snow is preferred. By providing the pedestrian with a sidewalk that is enjoyable to use year round, a pedestrian oriented neighborhood is encouraged. Therefore, new construction in the gateway area is subject to the following standards:

(1) Arcades are permitted in the gateway district, but where an arcade extends over the public way, a revocable permit is required. Where an arcade is on private property facing the street, the maximum setback for the building shall be measured to the supporting beams for the arcade or the facade of the upper floors, not the facade of the arcade level.

(2) Awnings and/or marquees, with or without signage, are required over entry doors which are set back from the property line and may be allowed, under revocable permit, when an entry is at a property line.

(3) Awnings, with or without signage, are permitted over ground level windows. Where awnings extend out over the public way, a revocable permit is required.

2. Windows And Building Fenestration:

a. Buildings whose exteriors are smooth, and do not provide any three-dimensional details or fenestration are not appropriate in the gateway district. Recessed windows will eliminate flat, sterile elevations. Highly reflective materials are distracting, and focus attention away from the positive qualities of the gateway district. Therefore, all buildings in the gateway districts are subject to the following standards:

(1) Buildings with completely smooth exterior surfaces shall not be permitted, all new construction shall have three-dimensional details on the exterior that includes cornices, windowsills, headers and similar features.

(2) All windows shall be recessed from the exterior wall a minimum of three inches (3"). Bay windows, projecting windows, and balcony doors are exempt from this requirement.

(3) The reflectivity of the glass used in the windows shall be limited to eighteen percent (18%) as defined by the ASTA standard.

3. Entrance And Visual Access:

a. The intent in the gateway district is to encourage pedestrian activity between the public street/sidewalk and buildings. Sidewalks shall provide continuous, uninterrupted interest to the pedestrian by providing visual interest and/or amenities. The gateway environment will benefit with increased pedestrian activity; this activity will only occur if opportunities are provided that make walking to a destination a preferred and an enjoyable pursuit. The use of blank building facade walls is discouraged. Therefore, all buildings in the gateway area are subject to the following standards:

(1) Minimum First Floor Glass: The first floor elevation facing a street of all new buildings or buildings in which the property owner is modifying the size of windows on the front facade within the gateway district shall not have less than forty percent (40%) glass surfaces. All first floor glass shall be nonreflective. Display windows that are three-dimensional and are at least two feet (2') deep are permitted and may be counted toward the forty percent (40%) glass requirement. Exceptions to this requirement may be authorized as conditional uses, subject to the requirements of chapter 21A.54 of this title, and the review and approval of the planning commission. The zoning administrator may approve a modification to this requirement, as a routine and uncontested special exception, pursuant to the procedures

found in chapter 21A.14 of this title, if the zoning administrator finds:

(A) The requirement would negatively impact the historic character of the building, or

(B) The requirement would negatively impact the structural stability of the building.

(2) Facades: Provide at least one operable building entrance per elevation that faces a public street. Buildings that face multiple streets are only required to have one door on either street, if the facades for both streets meet the forty percent (40%) glass requirement.

(3) Maximum Length: The maximum length of any blank wall uninterrupted by windows, doors, art or architectural detailing at the first floor level shall be fifteen feet (15').

(4) Screening: All building equipment and service areas, including on-grade and roof mechanical equipment and transformers that are readily visible from the public right of way, shall be screened from public view. These elements shall be sited to minimize their visibility and impact, or enclosed as to appear to be an integral part of the architectural design of the building.

4. Building Lines And Front Area Requirements:

a. A continuity of building frontage adjacent and parallel to the street encourages a more active involvement between building uses and pedestrians. Leftover or ambiguous open space that has no apparent use or sense of place will not contribute positively to an active street life. Therefore, all buildings in the gateway district are subject to the following standard:

(1) The majority of the ground level facade of a building shall be placed parallel, and not at an angle, to the street.

5. Public Amenities And Public Art:

a. Amenities and works of art enhance quality of life as well as visual interest. Public amenities and public art encourage pedestrian activity and contribute to the pedestrian experience. A cohesive, unified lighting and amenity policy will help give the gateway district its own distinctive identity. Therefore, public amenities and public art are subject to the following standards:

(1) Sidewalks and street lamps installed in the public right of way shall be of the type specified in the sidewalk/street lighting policy document.

(2) Public art (which may include artists' work integrated into the design of the building and landscaping, sculpture, painting, murals, glass, mixed media or work by artisans), that is accessible or directly viewable to the general public shall be included in all projects requiring conditional use approval for a site or design standard. The plan to incorporate public art shall be reviewed by the Salt Lake art design board.

6. Conditional Use Approval: A modification to the urban design provisions of this section may be granted as a conditional use, subject to conformance with the standards and procedures of chapter 21A.54 of this title. Such conditional uses shall also be subject to design review.

Q. Definitions: For the purposes of this section, the following terms shall have the following meanings:

AFFORDABLE HOUSING: Housing which persons of income below the county area median are able to afford. See definitions of "Moderate Income", "Low Income" and "Very Low Income".

BLOCK FACE: Structures that appear on one of four (4) sides of a block, the structures along a street that are between two (2) other streets.

CONTIGUOUS: Next in sequence, touching or connected throughout an unbroken sequence.

FACADE: The front of a building, or any other "face" of a building on a street or courtyard given special architectural treatment.

FENESTRATION: The arrangement, proportioning and design of windows and doors in a building, an opening in a surface.

LOW INCOME: Between fifty percent (50%) and eighty percent (80%) of the county area median income.

MASSING: The principal part or main body of matter, bulk.

MODERATE INCOME: Between eighty percent (80%) and one hundred twenty percent (120%) of the county area median income.

PROPORTION: The relation of one part to another or to the whole with respect to magnitude, quantity or degree.

PROPORTIONAL: Corresponding in size, degree or intensity, having the same or a constant ratio.

REMODEL: To alter the structure of, remake.

SCALE: A proportion between two (2) sets of dimensions.

STREETSCAPE: A general description of all structures along a street frontage that may include: multiple buildings, benches, works of art, and landscaping.

VERY LOW INCOME: At or below fifty percent (50%) of the county area median income. (Ord. 83-98 § 6 (Exh. D), 1998)

## 21A.31.020: G-MU GATEWAY-MIXED USE DISTRICT:

A. Purpose Statement: The G-MU gateway-mixed use district is intended to implement the objectives of the adopted gateway development master plan and encourage the mixture of residential, commercial and assembly uses within an urban neighborhood atmosphere. The 200 South corridor is intended to encourage commercial development on an urban scale and the 500 West corridor is intended to be a primary residential corridor from North Temple to 400 South. Development in this district is intended to create an urban neighborhood that provides employment and economic development opportunities that are oriented towards the pedestrian with a strong emphasis on a safe and attractive streetscape. The standards are intended to achieve established objectives for urban and historic design, pedestrian amenities and land use regulation.

B. Uses: Uses in the G-MU gateway-mixed use district as specified in section 21A.31.050, "Table Of Permitted And Conditional Uses In The Gateway District", of this chapter are permitted subject to the general provisions set forth in section 21A.31.010 of this chapter and this section.

C. Planned Development Review: All new construction of principal buildings, uses, or additions that increase the floor area and/or parking requirement by twenty five percent (25%) in the G-MU gateway-mixed use district may be approved only as a planned development in conformance with the provisions of chapter 21A.55 of this title.

D. Special Provisions:

1. Commercial Uses, 200 South: All buildings fronting 200 South shall have commercial uses that may include retail goods/services establishments, offices, restaurants, art galleries, motion picture theaters or performing arts facilities shall be provided on the first floor adjacent to the front or corner side lot line. The facades of such first floor shall be compatible and consistent with the associated retail or office portion of the building and other retail uses in the area.

2. Residential Units, 500 West: Buildings fronting on 500 West shall be required to have residential units occupying a minimum of fifty percent (50%) of the structure's gross square footage.

3. Mid Block Street Development: Developments constructing mid block streets, either privately owned with a public easement or publicly dedicated, that are desired by an applicable master plan:

a. May use a portion or all of the overhead and underground right of way of the new mid block street as part of their developable area irrespective of lot lines, subject to design review and approval of the planning commission.

b. May increase the height of the building on the remaining abutting parcel, subject to conformance with the standards and procedures of chapter 21A.54 of this title. Such conditional uses shall also be subject to design review approval by the planning commission.

4. Conditional Use Approval: A modification to the special provisions of this section may be granted as a conditional use, subject to conformance with the standards and procedures of chapter 21A.54 of this title. Such conditional uses shall also be subject to design review.

E. Building Height: The minimum building height shall be forty five feet (45') and the 200 South street corridor shall have a minimum height of twenty five feet (25'). The maximum building height shall not exceed seventy five feet (75') except buildings with nonflat roofs (e.g., pitched, shed, mansard, gabled or hipped roofs) may be allowed, up to a maximum of ninety feet (90') (subject to subsection I of this section). The additional building height may incorporate habitable space.

1. Conditional Use Approval: A modification to the minimum building height or to the maximum building height (up to 120 feet) provisions of this section may be granted as a conditional use, subject to conformance with the standards and procedures of chapter 21A.54 of this title, and subject to compliance to the applicable master plan. Such conditional uses shall also be subject to design review.

2. Height Exceptions: Spires, tower, or decorative noninhabitable elements shall have a maximum height of ninety feet (90') and with conditional use approval may exceed the maximum height, subject to conformance with the standards and procedures of chapter 21A.54 of this title. Such conditional uses shall also be subject to design review.

F. Minimum Lot Area And Lot Width: None required.

G. Minimum Yard Requirements: No minimum setback requirements. There is not a maximum front yard or corner side yard setback except that a minimum of twenty five percent (25%) of the length of the facade of a principal building shall be set back no farther than five feet (5') from the street right of way line. Surface parking lots shall have a fifteen foot (15') landscape setback from the front property line.

H. Signs: Signs shall be allowed in the gateway districts in accordance with provisions of chapter 21A.46 of this title.

I. Affordable Housing: Notwithstanding the maximum height requirements identified above, any buildings that have at least ten (10) or more residential units with at least twenty percent (20%) of the units as affordable shall be allowed a maximum building height of ninety feet (90'). The affordable units shall be integrated throughout the project in an architectural manner. (Ord. 12-11, 2011: Ord. 23-10 § 9, 2010: Ord. 83-98 § 6 (Exh. D), 1998)

## 21A.31.050: TABLE OF PERMITTED AND CONDITIONAL USES IN THE GATEWAY DISTRICT:

| | | | | |
|---|---|---|---|---|
| Legend: | C = | Conditional | P = | Permitted |

| Use | Permitted And Conditional Uses By District<br>G-MU |
|---|---|
| Residential: | |
| Eleemosynary facilities | P |
| Group home, large (see section 21A.36.070 of this title) | C |
| Group home, small (see section 21A.36.070 of this title) above or below first story office, retail and commercial uses or on the first story, as defined in the adopted building code where the unit is not located adjacent to the street frontage | P |
| Living quarters for caretaker or security guard | P |
| Multiple-family dwellings | P |
| Residential substance abuse treatment home, large (see section 21A.36.100 of this title) | C |
| Residential substance abuse treatment home, small (see section 21A.36.100 of this title) | C |
| Single-family residence - attached | P |
| Transitional treatment home, large (see section 21A.36.090 of this title) | C |
| Transitional treatment home, small (see section 21A.36.090 of this title) | C |
| Transitional victim home, large (see section 21A.36.080 of this title) | C |
| Transitional victim home, small (see section 21A.36.080 of this title) | C |
| Office and related uses: | |
| Financial institutions, with drive-through facilities | C |
| Financial institutions, without drive-through facilities | P |
| Medical and dental clinics | P |
| Offices | P |
| Veterinary office, operating entirely within an enclosed building and keeping animals overnight only for treatment purposes | |
| Retail sales and services: | |
| Auction sales (indoor) | P |
| Automobile repair, major (indoor) | P |
| Automobile repair, major (outdoor) | |

| | | | | |
|---|---|---|---|---|
| | Automobile repair, minor (indoor) | P | | |
| | Automobile repair, minor (outdoor) | | | |
| | Automobile sales/rental and service (indoor) | P | | |
| | Automobile sales/rental and service (outdoor) | | | |
| | Boat/recreational vehicle sales and service (indoor) | P | | |
| | Boat/recreational vehicle sales and service (outdoor) | | | |
| | Car wash | C | | |
| | Conventional department store | P | | |
| | Electronic repair shop | P | | |
| | Equipment rental, indoor and outdoor | P | | |
| | Furniture repair shop | | | |
| | "Gas station" (may include accessory convenience retail and/or minor repairs as defined in chapter 21A.62 of this title) | C | | |
| | Health and fitness facility | P | | |
| | Liquor store | C | | |
| | Mass merchandising store | P | | |
| | Merchandise display rooms | P | | |
| | Pawnshop | | | |
| | Restaurants, with drive-through facilities | | | |
| | Restaurants, without drive-through facilities | P | | |
| | Retail goods establishments | P | | |
| | Retail services establishments | P | | |
| | Specialty store | P | | |
| | Superstore and hypermarket | P | | |
| | Upholstery shop | C | | |
| | Value retail/membership wholesale | | | |
| Institutional: | | | | |
| | Adult daycare center | P | | |

| | |
|---|---|
| Child daycare center | P |
| Colleges and universities | P |
| Community and recreation centers | P |
| Government facilities (excluding those of an industrial nature and prisons) | P |
| Libraries | P |
| Museum | P |
| Music conservatory | P |
| Places of worship | P |
| School, professional and vocational | P |
| Schools, K - 12 private | P |
| Schools, K - 12 public | P |
| Seminaries and religious institutes | P |
| Commercial and manufacturing: | |
| Bakery, commercial | |
| Blacksmith shop | |
| Blood donation centers, commercial and not accessory to a hospital or medical clinic | |
| Bottling plant | |
| Cabinet and woodworking mills | |
| Carpet cleaning | P |
| Industrial assembly | C |
| Laboratory; medical, dental, optical | P |
| Miniwarehouse | C |
| Motion picture studio | C |
| Moving and storage | |
| Photo finishing lab | P |
| Plant and garden shop, with outdoor retail sales area | C |
| Printing plant | C |

| | | | | |
|---|---|---|---|---|
| | Publishing company | P | | |
| | Sign painting/fabrication (indoor) | | | |
| | Truck freight terminal | | | |
| | Warehouse | C | | |
| | Welding shop | | | |
| | Wholesale distributors | C | | |
| Recreation, cultural and entertainment: | | | | |
| | Amusement park | C | | |
| | Arenas, stadiums | P | | |
| | Art galleries | P | | |
| | Artists' lofts and studios | P | | |
| | Botanical gardens | P | | |
| | Brewpub (indoor) | P | | |
| | Brewpub (outdoor) | C | | |
| | Commercial indoor recreation | P | | |
| | Commercial outdoor recreation | C | | |
| | Commercial video arcade | P | | |
| | Dance studio | P | | |
| | Live performance theaters | P | | |
| | Miniature golf | P | | |
| | Motion picture theaters | P | | |
| | Movie theaters | P | | |
| | Museums | P | | |
| | Park (public and private) | P | | |
| | Performance arts facilities | P | | |
| | Private club (indoor) | P | | |
| | Private club (outdoor) | C | | |

| | |
|---|---|
| Private recreational facilities | P |
| Tavern/lounge (indoor) | P |
| Tavern/lounge (outdoor) | C |
| Zoological park | C |
| Miscellaneous: | |
| Accessory uses, except those that are otherwise specifically regulated in this chapter, or elsewhere in this title | P |
| Ambulance services, dispatching, staging and maintenance conducted entirely within an enclosed building | C |
| Amphitheater | P |
| Auditorium | P |
| Auto salvage and recycling (indoor) | C |
| Bed and breakfast | P |
| Bed and breakfast inn | P |
| Bed and breakfast manor | P |
| Bus line terminal | C |
| Bus line yards and repair facilities | C |
| Commercial parking garage, lot or deck | C |
| Communication towers | P |
| Communication towers, exceeding the maximum building height | C |
| Community garden | P |
| Contractor's yard/office (with exterior storage) | C |
| Emergency response and medical service facilities including fire stations and living quarters | C |
| Farmers' market | P |
| Flea market (indoor) | P |
| Funeral home | |
| Graphic/design business | P |
| Heliports, accessory | C |
| Hotels and motels | P |

| | |
|---|---|
| Large wind energy system | |
| Limousine service | |
| Microbreweries | |
| Off site parking | P |
| Outdoor sales and display | C |
| Park and ride lots | C |
| Park and ride, parking shared with existing use | P |
| Precision equipment repair shops | |
| Public/private utility buildings and structures[1] | P[1] |
| Public/private utility transmission wires, lines, pipes and poles | C |
| Radio stations | C |
| Railroad passenger station | C |
| Railroad "spur" delivery facility | C |
| Recycling collection station | |
| Reverse vending machines | |
| Seasonal farm stand | P |
| Social service missions and charity dining halls | C |
| Solar array | P |
| Street vendors (see title 5, chapter 5.64 of this code) | |
| Taxicab facilities, dispatching, staging and maintenance | |
| Television station | C |
| Temporary labor hiring office | P |
| Urban farm | P |
| Vending carts on private property as per title 5, chapter 5.65 of this code | P |
| Wireless telecommunications facilities (see section 21A.40.090, table 21A.40.090E of this title) | |

Qualifying provisions:
1.Subject to conformance to the provisions in subsection 21A.02.050B of this title.

No conditional use permit shall be granted for any property which abuts a residential zoning district, except for places of worship, public/private utilities and related facilities, residential facilities for persons with a disability, planned developments and educational facilities.

(Ord. 21-11, 2011: Ord. 27-10, 2010: Ord. 2-09 § 7, 2009: Ord. 21-08 § 5 (Exh. D), 2008: Ord. 2-08 § 2, 2008: Ord. 13-04 § 10 (Exh. E), 2004: Ord. 4-04 § 2 (Exh. B), 2004: Ord. 23-02 § 6 (Exh. D), 2002: Ord. 38-99 § 8, 1999: Ord. 83-98 § 6 (Exh. D), 1998)

# CHAPTER 21A.32
# SPECIAL PURPOSE DISTRICTS

## 21A.32.010: GENERAL PROVISIONS:

A. Statement Of Intent: Certain geographic areas of the city contain land uses or platting patterns that do not fit traditional zoning classifications (e.g., residential, commercial, industrial) or uniform bulk regulations. These areas currently contain special land uses (e.g., airports or medical centers) which have a unique character, or contain mixed land uses which are difficult to regulate using uniform bulk and density standards. Because these areas have unique land uses, platting patterns and resources, special districts are needed to respond to these conditions. These special purpose districts are further intended to maintain the integrity of these areas, allow for greater flexibility in site design, and achieve the specialized goals for these areas.

B. Site Plan Review: In certain districts, permitted uses and conditional uses have the potential for adverse impacts if located and laid out without careful planning. Such impacts may interfere with the use and enjoyment of adjacent property and uses. Site plan review is a process designed to address such adverse impacts and minimize them where possible. Site plan review of development proposals is required in the RP, BP, FP, PL, PL-2, I, UI, MH and MU districts. All uses in these districts shall be subject to the site plan review regulations contained in chapter 21A.58 of this title.

C. Permitted Uses: The uses specified as permitted uses in section 21A.32.140, "Table Of Permitted And Conditional Uses For Special Purpose Districts", of this chapter, are permitted provided that they comply with all requirements of this chapter, the general standards set forth in part IV of this title and all other applicable requirements of this title.

D. Conditional Uses: The uses specified as conditional uses, in section 21A.32.140, "Table Of Permitted And Conditional Uses For Special Purpose Districts", of this chapter, shall be allowed in the special purpose districts provided they are approved pursuant to the standards and procedures for conditional uses set forth in chapter 21A.54 of this title, and comply with all other applicable requirements of this title.

E. Accessory Uses, Buildings And Structures: Accessory uses, buildings and structures are allowed in special purpose districts subject to the requirements of this chapter, section 21A.36.020, table 21A.36.020B and chapter 21A.40 of this title.

F. Environmental Performance Standards: All uses shall conform to the environmental performance standards established in section 21A.36.180 of this title.

G. Off Street Parking And Loading: The parking and loading requirements for the special purpose districts are set forth in chapter 21A.44 of this title.

H. Signs: Signs shall be allowed in the special purpose districts in accordance with provisions of chapter 21A.46 of this title. (Ord. 73-02 § 2, 2002: Ord. 35-99 § 39, 1999: Ord. 12-98 § 2, 1998: Ord. 26-95 § 2(16-0), 1995)

## 21A.32.020: RP RESEARCH PARK DISTRICT:

A. Purpose Statement: The purpose of the RP research park district is to provide a campuslike environment for high technology research and development uses and related activities and to create employment centers that may benefit from being located near the University Of Utah. This district is appropriate in areas of the city where the applicable master plans support this type of land use. The standards promote development that is intended to create an environment that is compatible with nearby areas.

B. Uses: Uses in the RP research park district as specified in the table of permitted and conditional uses for special purpose districts found at section 21A.32.140 of this chapter are permitted subject to the general provisions set forth in section 21A.32.010 of this chapter and this section.

C. Minimum Lot Area And Lot Width:

1. Minimum lot area: Forty thousand (40,000) square feet.

2. Minimum lot width: One hundred fifty feet (150').

D. Maximum Building Height: Building height shall be limited to forty five feet (45'). Building heights in excess of forty five feet (45') but less than seventy five feet (75') may be approved as a conditional use; provided, that the additional height is supported by the master plan and compatible with the adjacent neighborhood.

E. Minimum Open Space: The minimum open space for any use shall not be less than thirty percent (30%) of the lot area.

F. Minimum Yard Requirements:

1. Front Yard: Thirty feet (30').

2. Corner Side Yard: Thirty feet (30').

3. Interior Side Yard: Twenty feet (20').

4. Rear Yard: Twenty five feet (25').

5. Accessory Buildings And Structures In Yards: Accessory buildings and structures may be located in required yard areas subject to section 21A.36.020, table 21A.36.020B of this title.

G. Attached Buildings On Separate Lots: Buildings on separate lots of record that are attached by a common wall along the interior side lot line may be permitted, subject to the site plan review approval pursuant to the provisions of chapter 21A.58 of this title. Where such buildings are authorized, the requirement for interior side yards in subsection F3 of this section shall be waived.

H. Landscape Yard Requirements: All of the minimum yard requirements shall be maintained as landscape yards. All landscape yards shall comply with the requirements of chapter 21A.48 of this title.

1. Front yard: Thirty feet (30').

2. Corner side yard: Thirty feet (30').

3. Interior side yard: Eight feet (8'). Where a common access drive serves two (2) adjacent lots and extends along the side lot line to parking facilities in the rear of the lot, this landscape yard may be reduced or eliminated if the reduction or elimination is compensated for by increasing another landscape yard, subject to site plan review approval.

4. Rear yard: Eight feet (8').

I. Landscape Buffer: Where a lot in the RP research park district abuts a lot in a residential district, a landscape buffer shall be provided in conformance with the requirements of chapter 21A.48 of this title.

J. Other District Regulations: In addition to the foregoing regulations, all uses shall comply with the following requirements:

1. Enclosed Operations: All principal uses shall take place within entirely enclosed buildings.

2. Outdoor Storage: No outdoor storage shall be permitted.

3. Nuisance Impacts: Uses and processes shall be limited to those that do not create a nuisance to the use and enjoyment of adjacent property due to odor, dust, smoke, gases, vapors, noise, light, vibration, refuse matter or water carried waste. The use of explosive or radioactive materials, or any other hazardous materials, shall conform to all applicable state or federal regulations. (Ord. 12-11, 2011: Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(16-1), 1995)

## 21A.32.030: BP BUSINESS PARK DISTRICT:

A. Purpose Statement: The purpose of the BP business park district is to provide an attractive environment for modern offices, light assembly and warehouse development and to create employment and economic development opportunities within the city in a campuslike setting. This district is appropriate in areas of the city where the applicable master plans support this type of land use. The standards promote development that is intended to create an environment that is compatible with nearby, existing developed areas.

B. Uses: Uses in the BP business park district as specified in section 21A.32.140, "Table Of Permitted And Conditional Uses For Special Purpose Districts", of this chapter are permitted subject to the general provisions set forth in section 21A.32.010 of this chapter and this section.

C. Minimum Lot Area And Lot Width:

1. Minimum Lot Area: Twenty thousand (20,000) square feet.

2. Minimum Lot Width: One hundred feet (100').

D. Maximum Building Height: No building shall exceed sixty feet (60') in height.

E. Minimum Open Space: The minimum open space for any use shall not be less than thirty percent (30%) of the lot area.

F. Minimum Yard Requirements:

1. Front Yard: Thirty feet (30').

2. Corner Side Yard: Thirty feet (30').

3. Interior Side Yard: Twenty feet (20').

4. Rear Yard: Twenty five feet (25').

5. Accessory Buildings And Structures In Yards: Accessory buildings and structures may be located in required yard areas subject to section 21A.36.020, table 21A.36.020B of this title.

G. Landscape Yard Requirements: All or a portion of the yards required shall be maintained as landscape yards. All landscape yards shall comply with the requirements of chapter 21A.48 of this title.

1. Front Yard: Thirty feet (30').

2. Corner Side Yard: Thirty feet (30').

3. Interior Side Yard: Eight feet (8').

4. Rear Yard: Eight feet (8').

H. Landscape Buffers: Where a lot in the BP business park district abuts a lot in a residential district, landscape buffers shall be required in conformance with chapter 21A.48 of this title.

I. Other District Regulations: In addition to the foregoing regulations, all uses shall comply with the following requirements:

1. Enclosed Operations: All principal uses shall take place within entirely enclosed buildings.

2. Outdoor Storage: Accessory outdoor storage shall be screened with a solid fence and approved through the site plan review process.

3. Nuisance Impacts: Uses and processes shall be limited to those that do not create a nuisance to the use and enjoyment of adjacent property due to odor, dust, smoke, gases, vapors, noise, light, vibration, refuse matter or water carried waste. The use of explosive or radioactive materials, or any other hazardous materials, shall conform to all applicable state or federal regulations.

4. Property Zoned Business Park: When a property zoned business park abuts, or is across the street from, an AG-2 or AG-5 zoning district the following standards shall apply:

a. Buildings shall be prohibited within one hundred feet (100') of the adjacent property line;

b. Parking lots shall be prohibited within fifty feet (50') of the adjacent property line; and

c. The portion of the lot located between the adjacent property line and the parking lot or building shall be improved in the form of a landscaped buffer with a minimum five foot (5') berm and shall comply with the provisions of subsection 21A.48.080D3 of this title. (Ord. 12-11, 2011: Ord. 61-09 § 20, 2009: Ord. 14-00 § 2, 2000: Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(16-2), 1995)

## 21A.32.040: FP FOOTHILLS PROTECTION DISTRICT:

A. Purpose Statement: The purpose of the FP foothills protection district is to protect the foothill areas from intensive development in order to protect the scenic value of these areas, wildlife habitats and to minimize flooding and erosion. This district is appropriate in areas where supported by applicable master plans.

B. Uses: Uses in the FP foothills protection district as specified in section 21A.32.140, "Table Of Permitted And Conditional Uses For Special Purpose Districts", of this chapter, are permitted subject to the general provisions set forth in section 21A.32.010 of this chapter and this section.

C. Special Foothills Regulations: The regulations contained in subsection 21A.24.010P of this title, shall apply to the FP foothills protection district.

D. Minimum Lot Area And Lot Width: Any use, except trailheads, in the FP foothills protection district shall comply with the following lot area and width requirements:

1. Minimum lot area: Sixteen (16) acres.

2. Minimum lot width: One hundred forty feet (140').

E. Maximum Building Height: See subsection 21A.24.010P of this title for special foothills regulations governing building height.

F. Minimum Yard Requirements: No principal or accessory building shall be located within twenty feet (20') of the front or corner side lot line nor shall any principal or accessory building be located within seventy five feet (75') of any side or rear lot line. Accessory structures (other than accessory buildings) shall conform to section 21A.36.020, table 21A.36.020B of this title.

G. Maximum Disturbed Area: The disturbed site area shall not exceed two (2) acres. For the purposes of this district, "disturbed areas" shall be defined as areas of grading and removal of existing vegetation for principal and accessory buildings and areas to be hard surfaced.

H. Slope Restrictions: To protect the visual and environmental quality of foothill areas, no building shall be constructed on any portion of the site that exceeds a thirty percent (30%) slope for lots in subdivisions granted preliminary approval by the planning commission after November 4, 1994.

I. Fence Restrictions: Fences and walls shall only be constructed after first obtaining a building permit subject to the standards of this subsection.

1. Site Plan Submittal: As a part of the site plan review process, a fencing plan shall be submitted which shall show:

a. Any specific subdivision approval conditions regarding fencing;

b. Material specifications and illustrations necessary to determine compliance with specific subdivision approval limitations and the standards of this section.

2. Field Fencing Of Designated Undevelopable Areas: Fencing on areas identified as undevelopable areas or transitional areas on any subdivision granted preliminary approval by the planning commission after November 4, 1994, or any lot previously platted which identifies undevelopable areas or transitional areas shall be limited to the following standards unless subdivision approval granted prior to November 4, 1994, included specific fencing requirements which are more restrictive. The more restrictive requirement shall apply.

a. A low visibility see through fence shall consist of flat black colored steel "T" posts and not more than four (4) strands of nonbarbed steel wire, strung at even vertical spacing on the "T" post, and erected to a height of not more than forty two inches (42") above the natural ground surface.

b. When fencing lot boundary lines, vegetation or native brush shall not be cleared so as to create a visible demarcation from off site.

c. The existing surface of the ground shall not be changed by grading activities when erecting boundary fences.

d. Fence materials and designs must not create a hazard for big game wildlife species.

e. No field fencing shall be erected in conflict with pedestrian easements dedicated to Salt Lake City.

3. Buildable Area Fencing: Fencing on any portions of a lot identified as buildable area or required side yard on any subdivision granted preliminary approval by the planning commission after November 4, 1994, or any lot previously platted which identifies undevelopable areas or transitional areas shall be limited to the following standards unless subdivision approval granted prior to November 4, 1994, includes specific fencing requirements which are more restrictive. The more restrictive requirement shall apply.

a. An open, see through fence shall be constructed of tubular steel, wrought iron or similar materials, finished with a flat black, nonreflective finish constructed to a height of six feet (6') or less; or

b. A sight obscuring or privacy type fence shall be of earth tone colors, or similar materials to the primary dwelling, and located in a way to screen private outdoor living spaces from off site view.

4. Front Or Corner Side Yard Fencing: Walls and fences located within the front or corner side yards or along dedicated roads shall not exceed a maximum of forty two inches (42") in height. (Ord. 12-11, 2011: Ord. 26-95 § 2(16-3), 1995)

## 21A.32.050: AG AGRICULTURAL DISTRICT:

A. Purpose Statement: The purpose of the AG agricultural district is to preserve and protect agricultural uses in suitable portions of Salt Lake City until these lands can be developed for the most appropriate use. These regulations are also designed to minimize conflicts between agricultural and nonagricultural uses. This district is appropriate in areas of the city where the applicable master plans support this type of land use.

B. Uses: Uses in the AG agricultural district as specified in section 21A.32.140, "Table Of Permitted And Conditional Uses For Special Purpose Districts", of this chapter are permitted subject to the general provisions set forth in section 21A.32.010 of this chapter and this section.

C. Minimum Lot Area And Lot Width:

| Land Use | Minimum Lot Area | Minimum Lot Width |
|---|---|---|
| Agricultural uses | 5 acres | 100 feet |
| Conditional uses | 5,000 square feet | 50 feet |
| Single-family dwellings | 10,000 square feet | 100 feet |
| Small group homes | 10,000 square feet | 100 feet |

D. Maximum Building Height:

1. Single-Family Dwellings: Thirty feet (30').
2. Small Group Homes: Thirty feet (30').
3. Agricultural Uses: Forty five feet (45').
4. Conditional Uses: Forty five feet (45').

E. Minimum Yard Requirements:

1. Front Yard: Thirty feet (30').
2. Corner Side Yard: Thirty feet (30').
3. Interior Side Yard: Twenty feet (20').
4. Rear Yard: Thirty feet (30').
5. Accessory Buildings And Structures In Yards: Accessory buildings and structures may be located in required yard areas subject to section 21A.36.020, table

21A.36.020B of this title.

F. Required Landscape Yards: All front and corner side yards shall be maintained as landscape yards in conformance with the requirements of chapter 21A.48 of this title.

G. Restrictions On Agricultural Uses: In addition to the applicable foregoing regulations, agricultural uses shall comply with the following requirements:

1. Agricultural uses shall not include commercial operations involving retail sales to the general public, except for seasonal farm stands.

2. No feeding, grazing, or sheltering of livestock and poultry, whether within penned enclosures or within enclosed buildings, shall be permitted within one hundred feet (100') of an existing single-family dwelling on an adjacent lot.

3. Stockyards, feed yards, slaughterhouses and rendering plants shall not be permitted. (Ord. 12-11, 2011: Ord. 61-09 § 21, 2009: Ord. 26-95 § 2(16-4), 1995)

## 21A.32.052: AG-2 AGRICULTURAL DISTRICT:

A. Purpose Statement: The purpose of the AG-2 agricultural district is to preserve and protect agricultural uses in suitable portions of Salt Lake City on lots not less than two (2) acres. These regulations are also designed to minimize conflicts between agricultural and nonagricultural uses. This district is appropriate in areas of the city where the applicable master plans support this type of land use.

B. Uses: Uses in the AG-2 agricultural district as specified in section 21A.32.140, "Table Of Permitted And Conditional Uses For Special Purpose Districts", of this chapter are permitted subject to the general provisions set forth in section 21A.32.010 of this chapter and this section.

C. Minimum Lot Area And Lot Width:

| Land Use | Minimum Lot Area | Minimum Lot Width |
|---|---|---|
| Agricultural uses | 2 acres | 150 feet |
| Kennel, public and private | 5 acres | 220 feet |
| Natural open space and conservation areas, public and private | No minimum | No minimum |
| Public pedestrian pathways, trails and greenways | No minimum | No minimum |
| Public/private utility wires, lines, pipes and poles | No minimum | No minimum |
| Single-family dwellings | 2 acres | 150 feet |
| Small group homes | 2 acres | 150 feet |

| | | |
|---|---|---|
| Utility substations and buildings | 5,000 square feet | 50 feet |
| Other permitted or conditional uses as listed in section 21A.32.140 of this chapter | 2 acres | 150 feet |

D. Maximum Building Height:

1. Single-Family Dwellings: Thirty feet (30').

2. Small Group Homes: Thirty feet (30').

3. Agricultural Uses: Forty five feet (45').

4. Conditional Uses: Forty five feet (45').

E. Minimum Yard Requirements For Single-Family And Group Homes:

1. Front Yard: Thirty feet (30').

2. Corner Side Yard: Thirty feet (30').

3. Interior Side Yard: Thirty five feet (35').

4. Rear Yard: None.

5. Accessory Buildings And Structures In Yards: Accessory buildings and structures may be located in required yard areas subject to section 21A.36.020, table 21A.36.020B of this title.

F. Maximum Building Coverage For Single-Family And Group Homes: The surface coverage of the principal dwelling shall not exceed eighty percent (80%) of the buildable area for residential uses of the lot.

G. Buildable Area For Principal Dwelling: A residential structure shall not be located further than two hundred feet (200') from the front property line.

H. Required Landscape Yards: All front and corner side yards shall be maintained as landscape yards in conformance with the requirements of chapter 21A.48 of this title.

I. Restrictions On Agricultural Uses: In addition to the applicable foregoing regulations, agricultural uses shall comply with the following requirements:

1. No feeding, grazing, or sheltering of livestock and poultry, whether within penned enclosures or within enclosed buildings, shall be permitted within fifty feet (50') of an existing single-family dwelling on an adjacent lot. (Ord. 12-11, 2011: Ord. 61-09 § 22, 2009: Ord. 14-00 § 3, 2000)

## 21A.32.054: AG-5 AGRICULTURAL DISTRICT:

A. Purpose Statement: The purpose of the AG-5 agricultural district is to preserve and protect agricultural uses in suitable portions of Salt Lake City on lots not less than five (5) acres. These regulations are also designed to minimize conflicts between agricultural and nonagricultural uses. This district is appropriate in areas of the city where the applicable master plans support this type of land use.

B. Uses: Uses in the AG-5 agricultural district as specified in section 21A.32.140, "Table Of Permitted And Conditional Uses For Special Purpose Districts", of this chapter are permitted subject to the general provisions set forth in section 21A.32.010 of this chapter and this section.

C. Minimum Lot Area And Lot Width:

| Land Use | Minimum Lot Area | Minimum Lot Width |
|---|---|---|
| Agricultural uses | 5 acres | 220 feet |
| Natural open space and conservation areas, public and private | No minimum | No minimum |
| Pet cemetery | 2 acres | 150 feet |
| Public pedestrian pathways, trails and greenways | No minimum | No minimum |
| Public/private utility wires, lines, pipes and poles | No minimum | No minimum |
| Single-family dwellings | 5 acres | 220 feet |
| Small group homes | 5 acres | 220 feet |
| Utility substations and buildings | 5,000 square feet | 50 feet |
| Other permitted or conditional uses as listed in section 21A.32.140 of this chapter | 5 acres | 220 feet |

D. Maximum Building Height:

1. Single-Family Dwellings: Thirty feet (30').

2. Small Group Homes: Thirty feet (30').

3. Agricultural Uses: Forty five feet (45').

4. Conditional Uses: Forty five feet (45').

E. Minimum Yard Requirements:

1. Front Yard: Thirty feet (30').

2. Corner Side Yard: Thirty feet (30').

3. Interior Side Yard: Thirty five feet (35').

4. Rear Yard: None.

5. Accessory Buildings And Structures In Yards: Accessory buildings and structures may be located in required yard areas subject to section 21A.36.020, table 21A.36.020B of this title.

F. Maximum Building Coverage For Single-Family And Group Homes: The surface coverage of all principal dwellings shall not exceed fifty percent (50%) of the buildable area for residential uses of the lot.

G. Buildable Area For Principal Dwelling: A residential structure shall not be located further than two hundred feet (200') from the front property line.

H. Required Landscape Yards: All front and corner side yards shall be maintained as landscape yards in conformance with the requirements of chapter 21A.48 of this title.

I. Restrictions On Agricultural Uses: In addition to the applicable foregoing regulations, agricultural uses shall comply with the following requirements:

1. No feeding, grazing, or sheltering of livestock and poultry, whether within penned enclosures or within enclosed buildings, shall be permitted within fifty feet (50') of an existing single-family dwelling on an adjacent lot. (Ord. 12-11, 2011: Ord. 61-09 § 23, 2009: Ord. 14-00 § 3, 2000)

## 21A.32.056: AG-20 AGRICULTURAL DISTRICT:

A. Purpose Statement: The purpose of the AG-20 agricultural district is to preserve and protect agricultural uses, on lots not less than twenty (20) acres, in suitable portions of Salt Lake City. These regulations are also designed to minimize conflicts between agricultural and nonagricultural uses. This district is appropriate in areas of the city where the applicable master plans support this type of land use.

B. Uses: Uses in the AG-20 agricultural district as specified in the table of permitted and conditional uses for special purpose districts found at section 21A.32.140 of this chapter are permitted subject to the general provisions set forth in section 21A.32.010 of this chapter and this section.

C. Minimum Lot Area And Lot Width:

| Land Use | Minimum Lot Area | Minimum Lot Width |
|---|---|---|

| | | |
|---|---|---|
| Agricultural uses | 20 acres | 500 feet |
| Kennels, public and private | 5 acres | 220 feet |
| Natural open space and conservation areas, public and private | No minimum | No minimum |
| Pet cemetery | 2 acres | 150 feet |
| Public pedestrian pathways, trails and greenways | No minimum | No minimum |
| Public/private utility wires, lines, pipes and poles | No minimum | No minimum |
| Utility substations and buildings | 5,000 square feet | 50 feet |
| Other permitted or conditional uses as listed in section 21A.32.140 of this chapter | 20 acres | 500 feet |

D. Maximum Building Height: Building height shall be limited to forty five feet (45'). Building heights in excess of forty five feet (45') but not more than sixty five feet (65') may be approved as a conditional use; provided that the additional height is compatible with adjacent properties and does not conflict with the airport flight path protection overlay zone.

E. Minimum Yard Requirements:

1. Front Yard: Fifty feet (50').

2. Corner Side Yard: Fifty feet (50').

3. Interior Side Yard: None required.

4. Rear Yard: None required.

5. Accessory Buildings And Structures In Yards: Accessory buildings and structures may be located in required yard areas subject to section 21A.36.020, table 21A.36.020B of this title.

F. Required Landscape Yards: None required.

G. Restrictions On Agricultural Uses: In addition to the applicable foregoing regulations, agricultural uses shall comply with the following requirements:

1. No feeding, grazing, or sheltering of livestock and poultry, whether within penned enclosures or within enclosed buildings, shall be permitted within fifty feet (50') of an existing single-family dwelling on an adjacent lot. (Ord. 12-11, 2011: Ord. 14-00 § 3, 2000)

## 21A.32.060: A AIRPORT DISTRICT:

A. Purpose Statement: The purpose of the A airport district is to provide a suitable environment for the Salt Lake City International Airport and private uses that function in support of the airport facility. This district is appropriate in areas of the city where the applicable master plans support this type of land use.

B. Uses: Uses in the A airport district as specified in the table of permitted and conditional uses for special purpose districts found at section 21A.32.140 of this chapter, are permitted subject to the general provisions set forth in section 21A.32.010 of this chapter and this section.

C. Minimum Lot Area And Width: No minimum lot area or lot width is required.

D. Maximum Building Height: Maximum building height shall be determined by the Salt Lake City International Airport in accordance with subsections 21A.34.040F through R of this title.

E. Minimum Yard Requirements: No minimum yards shall be required. (Ord. 12-11, 2011: Ord. 86-98 § 18, 1998: Ord. 26-95 § 2(16-5), 1995)

## 21A.32.070: PL PUBLIC LANDS DISTRICT:

A. Purpose Statement: The purpose of the PL public lands district is to specifically delineate areas of public use and to control the potential redevelopment of public uses, lands and facilities. This district is appropriate in areas of the city where the applicable master plans support this type of land use.

B. Uses: Uses in the PL public lands district, as specified in the table of permitted and conditional uses for special purpose districts found at section 21A.32.140 of this chapter, are permitted subject to the general provisions set forth in section 21A.32.010 of this chapter and this section.

C. Minimum Lot Area And Lot Width:

| Land Use | Minimum Lot Area | Minimum Lot Width |
|---|---|---|
| Public schools | 5 acres | 150 feet |
| Other permitted uses | 20,000 square feet | 75 feet |

D. Maximum Building Height:

1. Local government facilities, prison or jail, government offices, arenas, stadiums, fairgrounds and exhibition halls: Seventy five feet (75'); provided, that where adjacent to a zoning district allowing greater height, the height standard of the adjacent district shall apply.

2. Other uses: Thirty five feet (35').

E. Minimum Yard Requirements:

1. Public School:

a. Front yard: Thirty feet (30').

b. Corner side yard: Thirty feet (30').

c. Interior side yard: Fifty feet (50').

d. Rear yard: One hundred feet (100').

2. Other Uses:

a. Front yard: Thirty feet (30').

b. Corner side yard: Thirty feet (30').

c. Interior side yard: Twenty feet (20').

d. Rear yard: Thirty feet (30').

3. Accessory Buildings And Structures In Yards: Accessory buildings and structures may be located in required yard areas subject to section 21A.36.020, table 21A.36.020B of this title.

F. Required Landscape Yards: All front and corner side yards shall be maintained as landscaped yards in conformance with the requirements of chapter 21A.48 of this title.

G. Landscape Buffers: When a lot in the PL public lands district abuts a lot in a single-family or two-family residential district, landscape buffers, in accordance with the requirements of chapter 21A.48 of this title, shall be required. (Ord. 12-11, 2011: Ord. 26-95 § 2(16-6), 1995)

## 21A.32.075: PL-2 PUBLIC LANDS DISTRICT:

A. Purpose Statement: The purpose of the PL-2 public lands district is to specifically delineate areas of public use and to control the potential redevelopment of public uses, lands and facilities in an urban context. This district is appropriate in areas of the city where the applicable master plans support this type of land use.

B. Uses: Uses in the PL-2 public lands district, as specified in the table of permitted and conditional uses for special purpose districts found at section 21A.32.140 of this chapter, are permitted subject to the general provisions set forth in section 21A.32.010 of this chapter and this section.

C. Minimum Lot Area And Lot Width: No minimum lot area or lot width shall be required.

D. Maximum Building Height:

1. Local government facilities, government offices, arenas, stadiums, and exhibition halls: Seventy five feet (75') provided, that where adjacent to a zoning district allowing greater height, the height standard of the adjacent district shall apply. A modification to the maximum building height provisions of this section may be granted only as a conditional use subject to conformance with the standards and procedures of chapter 21A.54 of this title, and subject to compliance with the applicable master plan.

2. Other uses: Thirty five feet (35').

E. Minimum Yard Requirements:

1. Front yard: Twenty feet (20').

2. Corner side yard: Twenty feet (20').

3. Interior side yard: None.

4. Rear yard: None.

F. Accessory Buildings And Structures In Yards: Accessory buildings and structures may be located in required yard areas subject to section 21A.36.020, table 21A.36.020B of this title.

G. Required Landscape Yards: All front and corner side yards shall be maintained as landscaped yards in conformance with the requirements of chapter 21A.48 of this title.

H. Landscape Buffers: When a lot in the PL-2 public lands district abuts a lot in a single-family or two-family residential district, landscape buffers, in accordance with the requirements of chapter 21A.48 of this title, shall be required.

I. Accessory Retail Sales And Services Uses When Located Within A Principal Building: Pursuant to section 21A.32.140, "Table For Permitted And Conditional Uses For Special Purpose Districts", of this chapter, accessory retail sales and services uses, restaurants, delis and other food service uses shall be permitted subject to the following qualifying provisions:

1. Preference: Preference will be given to nonprofit organizations.

2. Maximum Floor Area: Two thousand (2,000) square feet.

3. New Business Or Location: Tenant must be opening a new business or adding a new location. Tenants are not allowed to relocate from an existing location in a commercial, downtown or gateway zoning district in the city.

4. Signage Standards For Accessory Uses:

a. Sign Type And Size Standards:

| Type Of Sign Permitted | Maximum Area Per Sign Face | Sign Face Height | Number Of Signs Permitted |
|---|---|---|---|
| Flat sign[1] (oriented to the accessory use storefront providing public pedestrian access) | 0.5 square foot of sign area per linear foot of accessory use storefront with a maximum area of 20 square feet | 14 inches | 1 per accessory use storefront |

Note:
1.Backlit awnings shall not be permitted.

b. Illumination: Signs shall not be internally illuminated.

c. Setback For Exterior Signs: Signs for accessory uses which have an exterior public pedestrian entrance that face a public street shall be set back a minimum of two hundred feet (200') from the public street right of way. (Ord. 12-11, 2011: Ord. 73-02 § 3, 2002)

## 21A.32.080: I INSTITUTIONAL DISTRICT:

A. Purpose Statement: The purpose of the I institutional district is to regulate the development of larger public, semipublic and private institutional uses in a manner harmonious with surrounding uses. The uses regulated by this district are generally those having multiple buildings on a campuslike setting. Such uses are intended to be compatible with the existing scale and intensity of the neighborhood and to enhance the character of the neighborhood. This district is appropriate in areas of the city where the applicable master plans support this type of land use.

B. Uses: Uses in the I institutional district as specified in section 21A.32.140, "Table Of Permitted And Conditional Uses For Special Purpose Districts", of this chapter, are permitted subject to the general provisions set forth in section 21A.32.010 of this chapter and this section.

C. Minimum Lot Size: The following minimum lot size requirements shall apply to authorized permitted uses. Lot size requirements for conditional uses shall be determined for each conditional use.

| Land Use | Minimum Lot Area | Minimum Lot Width |
|---|---|---|
| Places of worship | 2 acres | 100 feet |
| Other uses | 20,000 square feet | 100 feet |

D. Maximum Building Height: Building height shall be limited to thirty five feet (35'). Building heights in excess of thirty five feet (35') but not more than seventy five feet (75') may be approved as a conditional use; provided, that for each foot of height over thirty five feet (35'), each required yard shall be increased one foot (1').

E. Minimum Open Space: The minimum open space for any use shall not be less than forty percent (40%) of the lot area.

F. Minimum Yard Requirements:

1. Front Yard: Twenty feet (20').

2. Corner Side Yard: Twenty feet (20').

3. Interior Side Yard: Twenty feet (20').

4. Rear Yard: Twenty five feet (25').

5. Accessory Buildings And Structures In Yards: Accessory buildings and structures may be located in required yard areas subject to section 21A.36.020, table 21A.36.020B of this title.

G. Landscape Yard Requirements: Landscape yards, as specified below, shall be required for each use in the I institutional district and shall be improved in conformance with the requirements of chapter 21A.48 of this title.

1. Front Yard: Twenty feet (20').

2. Corner Side Yard: Twenty feet (20').

3. Interior Side Yard: Eight feet (8').

4. Rear Yard: Eight feet (8').

H. Landscape Buffers: Landscape buffers shall be provided where a use in the I institutional district abuts a lot in a residential district, as specified in chapter 21A.48 of this title.

I. Traffic And Parking Impact: The traffic and parking characteristics of institutional uses can have a significant impact on the nearby residential neighborhoods. To ensure that these characteristics do not impair the safety or enjoyment of property in nearby areas, a traffic and parking study shall be submitted to the city in conjunction with the site plan review provisions of this title whenever an expansion of an existing use or an expansion of the mapped district is proposed. New institutional uses or expansions/ intensifications of existing institutional uses shall not be permitted unless the traffic and parking study provides clear and convincing evidence that no significant impacts will occur. The zoning administrator may, upon recommendation of the development review team waive the requirement for a traffic and parking study if site conditions clearly indicate that no impact would result from the proposed development.

J. Lighting: All uses and developments shall provide adequate lighting so as to assure safety and security. Lighting installations shall not have an adverse impact on traffic safety or on surrounding properties and uses. Light sources shall be shielded to minimize light spillover onto adjacent properties. (Ord. 12-11, 2011: Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(16-7), 1995)

## 21A.32.090: UI URBAN INSTITUTIONAL DISTRICT:

A. Purpose Statement: The purpose of the UI urban institutional district is to regulate the development of larger public, semipublic and private institutional uses in an urban context. The uses regulated by this district are generally those having multiple buildings on a campuslike setting, located within a developed community. Such uses are intended to be compatible with the existing scale and intensity of the neighborhood and to enhance the character of the neighborhood. This district is appropriate in areas of the city where the applicable master plans support this type of land use.

B. Uses: Uses in the UI urban institutional district as specified in section 21A.32.140, "Table Of Permitted And Conditional Uses For Special Purpose Districts", of this chapter, are permitted subject to the general provisions set forth in section 21A.32.010 of this chapter and this section.

C. Minimum Lot Size: The following minimum lot size requirements shall apply to authorized permitted uses. Lot size requirements for conditional uses shall be determined for each conditional use.

| Land Use | Minimum Lot Area | Minimum Lot Width |
|---|---|---|
| Places of worship | 20,000 square feet | 100 feet |
| Other uses | 1 acre | 150 feet |

D. Maximum Building Height: Building height shall be limited to seventy five feet (75'). Building heights in excess of seventy five feet (75') but not more than one hundred twenty feet (120') may be approved as a conditional use; provided, that the additional height is supported by the master plan and compatible with the adjacent neighborhood.

E. Minimum Open Space: The minimum open space for any use shall not be less than twenty percent (20%) of the lot area.

F. Minimum Yard Requirements: For all uses other than hospitals, the minimum yard requirements shall be:

1. Front Yard: Fifteen feet (15').

2. Corner Side Yard: Fifteen feet (15').

3. Interior Side Yard: None required.

4. Rear Yard: Twenty five feet (25').

5. Accessory Buildings And Structures In Yards: Accessory buildings and structures may be located in required yard areas subject to section 21A.36.020, table 21A.36.020B, "Obstructions In Required Yards", of this title.

6. Minimum Requirements May Be Altered Or Waived: Minimum yard requirements may be altered or waived by the planning commission as a planned development pursuant to the standards and procedures for planned developments set forth in chapter 21A.55, "Planned Developments", of this title.

G. Landscape Yard Requirements: Landscape yards, as specified below, shall be required for each use, except hospitals, in the UI urban institutional district and shall be improved in conformance with the requirements of chapter 21A.48, "Landscaping And Buffers", of this title.

1. Front Yard: Fifteen feet (15').

2. Corner Side Yard: Fifteen feet (15').

3. Interior Side Yard: None required.

4. Rear Yard: Ten feet (10').

5. Minimum Requirements May Be Altered Or Waived: Landscape yard requirements may be altered or waived by the planning commission as a planned development pursuant to the standards and procedures for planned developments set forth in chapter 21A.55 of this title.

H. Special Yard Requirements For Hospitals: For hospitals, the minimum yard requirements shall be:

1. Front Yard: Thirty feet (30').

2. Corner Side Yard: Thirty feet (30').

3. Interior Side Yard: Fifteen feet (15').

4. Rear Yard: Twenty five feet (25').

5. Accessory Buildings And Structures In Yards: Accessory buildings and structures may be located in required yard areas subject to section 21A.36.020, table 21A.36.020B, "Obstructions In Required Yards", of this title.

I. Special Landscape Yard Requirements For Hospitals: Landscape yards, as specified below, shall be required for hospitals in the UI urban institutional district and shall be improved in conformance with the requirements of chapter 21A.48, "Landscaping And Buffers", of this title.

1. Front Yard: Thirty feet (30').

2. Corner Side Yard: Thirty feet (30').

3. Interior Side Yard: Ten feet (10').

4. Rear Yard: Ten feet (10').

J. Landscape Buffers: Landscape buffers shall be provided where a use in the UI urban institutional district abuts a lot in a residential district, as specified in chapter 21A.48, "Landscaping And Buffers", of this title.

K. Traffic And Parking Impact: The traffic and parking characteristics of institutional uses can have a significant impact on the nearby residential neighborhoods. To ensure that these characteristics do not impair the safety or enjoyment of property in nearby areas, a traffic and parking study shall be submitted to the city in conjunction with the site plan review provisions of this title whenever any additional parking is provided or required for an existing use or for any expansion of a mapped district is proposed. Unless the

traffic and parking study provides clear and convincing evidence that no significant impacts will occur, the application shall be denied. The zoning administrator may, upon recommendation of the development review team, waive the requirement for a traffic and parking study if site conditions clearly indicate that no impact would result from the proposed development.

L. Lighting: All uses and developments shall provide adequate lighting so as to assure safety and security. On site lighting shall be located, directed or designed in such a manner as to contain and direct light and glare to the property on which it is located only. (Ord. 12-11, 2011: Ord. 23-10 § 10, 2010: Ord. 26-95 § 2(16-8), 1995)

## 21A.32.100: OS OPEN SPACE DISTRICT:

A. Purpose Statement: The purpose of the OS open space district is to preserve and protect areas of public and private open space and exert a greater level of regulation over any potential redevelopment of existing open space areas. This district is appropriate in areas of the city where the applicable master plans support this type of land use.

B. Uses: Uses in the OS open space district, specified in section 21A.32.140, "Table Of Permitted And Conditional Uses For Special Purpose Districts", of this chapter, are permitted subject to the general provisions set forth in section 21A.32.010 of this chapter and this section.

C. Minimum Lot Size:

1. Minimum Lot Area: Ten thousand (10,000) square feet.

2. Minimum Lot Width: Fifty feet (50').

D. Maximum Building Height: Building height shall be limited to thirty five feet (35'); provided, that for each foot of height in excess of twenty feet (20'), each required yard and landscaped yard shall be increased one foot (1').

E. Minimum Yard Requirements:

1. Front Yard: Thirty feet (30').

2. Corner Side Yard: Thirty feet (30').

3. Interior Side Yard: Twenty feet (20').

4. Rear Yard: Thirty feet (30').

5. Accessory Buildings And Structures In Yards: Accessory buildings and structures may be located in required yard areas subject to section 21A.36.020, table 21A.36.020B, "Obstructions In Required Yards", of this title.

F. Landscape Yard Requirements: Landscape yards shall be required for each use in the OS open space district and shall be improved in conformance with the requirements of chapter 21A.48, "Landscaping And Buffers", of this title.

1. Front Yard: Thirty feet (30').

2. Corner Side Yard: Thirty feet (30').

3. Interior Side Yard: Ten feet (10').

4. Rear Yard: Ten feet (10').

G. Special Conditional Use Controls Over Communications Towers:

1. Designation Of Telecommunication Site: Within the OS open space zoning district there is set aside a telecommunication site to accommodate the erection of microwave, radio or other communication towers and related facilities, located north of Ensign Peak in Salt Lake County, Utah, and described as follows:

a. Beginning at a point that is located S. 19° 10' 29" E. 1.533.61 feet from the northwest corner of Section 19, T.1N., R.1E., SLB&M; thence 32° 33' 21" E. 364.42 feet; thence S. 57° 26' 39" W. 2.890.15 feet; thence N. 32° 33' 21" N. 285.15 feet: thence N. 55° 52' 23" E. 2.891.23 feet to the point of beginning, containing 21.549 acres, more or less.

b. This telecommunication site is set aside in order to promote the location of communications towers in a manageable area and to protect the aesthetics and environment of the site.

2. Special Conditional Use Standards: A conditional use may be authorized by the planning commission pursuant to the standards and procedures for conditional uses set forth in chapter 21A.54 of this title, to permit a communication tower within the established telecommunications site provided the planning commission makes the additional findings:

a. The facility is located within the telecommunication site described above;

b. The facilities and access roads are designed and constructed so as to minimally disturb the natural terrain; and

c. The owner of the communications tower agrees to accommodate the multiple use of the tower where feasible.

3. Title To Site To Remain With City: Pursuant to section 69-3-1, Utah Code Annotated, or its successor, the city shall retain title to all property which it presently owns within such site.

4. Exceptions: This section shall not affect the use, operation, expansion or construction of towers and related facilities on property owned by telecommunication companies as of January 1, 1986. (Ord. 12-11, 2011: Ord. 13-04 § 11, 2004: Ord. 35-99 § 40, 1999: Ord. 26-95 § 2(16-9), 1995)

## 21A.32.105: NOS NATURAL OPEN SPACE DISTRICT:

A. Purpose Statement: The purpose of the NOS natural open space district is to protect and ensure stewardship over important natural open land areas of citywide or regional importance. This district is appropriate in areas of the city where the applicable master plans support this type of land use.

B. Definition: "Natural open space" areas are lands which are principally undeveloped with near native vegetation and may include environmentally sensitive areas; areas of

geologic significance; wetlands; stream corridors; foothills; mountains; shorelands; uplands and areas of significant wildlife habitat.

C. Uses: Permitted activities in this district are limited to ecosystem management, conservation and passive recreational uses as listed in section 21A.32.140, "Table Of Permitted And Conditional Uses For Special Purpose Districts", of this chapter. (Ord. 12-11, 2011: Ord. 72-05 § 1, 2005)

## 21A.32.110: MH MOBILE HOME PARK DISTRICT:

A. Purpose Statement: The purpose of the MH mobile home park district is to create an environment suitable for mobile home dwelling units. This district establishes regulations for the development of sites suitable for mobile homes. This district is appropriate in areas of the city where the applicable master plans support this type of land use.

B. Applicability: The regulations of this district shall apply only to mobile homes, as defined in chapter 21A.62 of this title.

C. Minimum District Size: The minimum size of any MH mobile home park district shall be ten (10) acres.

D. Uses: Uses in the MH mobile home park district, as specified in section 21A.32.140, "Table Of Permitted And Conditional Uses For Special Purpose Districts", of this chapter, are permitted subject to the general provisions set forth in section 21A.32.010 of this chapter and this section.

E. Maximum Building Height: No dwelling unit shall exceed fifteen feet (15') in height. On site recreation buildings and clubhouses shall not exceed thirty feet (30').

F. Minimum Yard Requirements:

1. Front Yard: Twenty feet (20') from the right of way line of a public street, or the edge of pavement of a private street or common access drive.

2. Corner Side Yard: Twenty feet (20') from the right of way line of a public street, or the edge of pavement of a private street or common access drive.

3. Interior Side Yard: Ten feet (10').

4. Rear Yard: Ten feet (10').

5. Accessory Buildings And Structures In Yards: Accessory buildings and structures may be located in required yard areas subject to section 21A.36.020, table 21A.36.020B of this title.

G. Landscape Yard Requirements: Landscape yards shall be required for all dwellings and shall be improved in conformance with the requirements of chapter 21A.48 of this title.

1. Front Yard: Twenty feet (20').

2. Corner Side Yard: Twenty feet (20').

3. Interior Side Yard: Three feet (3').

4. Rear Yard: Three feet (3').

H. Peripheral Landscape Buffer: Each mobile home park shall provide a peripheral landscape buffer twenty feet (20') in width around the entire perimeter of the park. Such perimeter landscape buffer shall not include any required yard of a dwelling and shall be improved in conformance with the requirements of chapter 21A.48 of this title.

I. Maximum Density: The maximum density of any mobile home park shall not exceed ten (10) dwellings per acre.

J. Common Open Space: Common open space shall be provided for the use and enjoyment of the residents of a mobile home park. The amount of common open space provided shall equal two hundred fifty (250) square feet per dwelling unit.

K. Planned Development Review And Approval: Each mobile home park shall require subdivision approval (if fee simple lots are being created) and planned development approval (if no fee simple lots are being created), pursuant to the standards and procedures for planned developments, chapter 21A.55 of this title. The following site plan standards shall be used in considering either approval:

1. Internal streets shall not be less than twenty four feet (24') wide.

2. The configuration of the entrance road connecting the park to a public street shall be subject to site plan review.

3. All roads shall be paved.

4. Sidewalks shall be provided to accommodate pedestrian circulation needs.

L. Occupancy Requirements: Before any occupancy permit shall be granted for a mobile home dwelling, any such park shall contain not less than fifty (50) completed lots ready for occupancy.

M. Accessory Uses: Mobile home dwellings shall be subject to the following regulations on accessory uses and structures:

1. No accessory uses shall be allowed in the front yard or corner side yard, except for off street parking which may be located in the front yard only on a driveway not more than sixteen feet (16') wide.

2. Awnings open on three (3) sides may extend into interior side and rear yards, provided that such awning does not extend closer than five feet (5') to the side or rear lot lines.

3. Accessory uses and structures shall not comprise more than seventy five percent (75%) of any interior side yard or more than fifty percent (50%) of any rear yard.

4. Controls over accessory uses and structures not addressed above shall be subject to the provisions of chapter 21A.40 of this title. (Ord. 12-11, 2011: Ord. 23-10 § 11, 2010: Ord. 61-09 § 24, 2009: Ord. 26-95 § 2(16-10), 1995)

## 21A.32.120: EI EXTRACTIVE INDUSTRIES DISTRICT:

A. Purpose Statement: The purpose of the EI extractive industries district is to provide locational control over extractive uses and to promote the reclamation of these sites. Inherent in this purpose is the need to provide appropriate buffering adjacent to other zoning districts. This district is appropriate in areas of the city where the applicable master plans support this type of land use.

B. Uses: Uses in the EI extractive industries district, as specified in section 21A.32.140, "Table Of Permitted And Conditional Uses For Special Purpose Districts", of this chapter, are permitted subject to the general provisions set forth in section 21A.32.010 of this chapter and this section.

C. Minimum Lot Size:

1. Minimum Lot Area: Ten (10) acres.

2. Minimum Lot Width: Three hundred feet (300').

D. Maximum Building Height: Seventy five feet (75').

E. Minimum Yard Requirements:

1. Front Yard: Fifty feet (50').

2. Corner Side Yard: Fifty feet (50').

3. Interior Side Yard: Thirty feet (30').

4. Rear Yard: Thirty feet (30').

5. Accessory Buildings And Structures In Yards: Accessory buildings and structures may be located in required yard areas subject to section 21A.36.020, table 21A.36.020B of this title.

F. Landscape Yard Requirements: The first thirty feet (30') of all required yards shall be maintained as landscape yards in conformance with the requirements of chapter 21A.48 of this title.

G. Buffer Requirements: No extraction or mining activities are permitted within one thousand feet (1,000') of property zoned in a residential district or an institutional district. In addition, landscape buffers shall be provided as required in chapter 21A.48, "Landscaping And Buffers", of this title.

H. Reclamation Plan For New And Expanded Uses: All new extractive use sites or the expansion of an existing site across property lines existing as of April 12, 1995, must submit a reclamation plan to the planning commission, indicating how the site will be reclaimed upon completion of mining activities to allow for the productive and compatible reuse of the site. The reclamation plan shall include the following items of information:

1. A grading plan showing the end state topography of the site upon completion of reclamation;

2. A revegetation plan indicating what planting will occur to reestablish vegetation on the site;

3. A drainage/hydrology plan indicating the hydrological characteristics of the site after reclamation, including the creation/modification of floodplains and wetlands;

4. A typical site plan of proposed use or uses of the site following reclamation, including the proposed zoning for the site, building locations, roads and streets, topography, parking and landscaping;

5. A financial analysis detailing all the costs of the reclamation plan; and

6. A proposed form of financial security to assure the implementation of the reclamation plan. (Ord. 12-11, 2011: Ord. 26-95 § 2(16-11), 1995)

## 21A.32.130: MU MIXED USE DISTRICT:

A. Purpose Statement: The purpose of the MU mixed use district is to encourage the development of areas as a mix of compatible residential and commercial uses. The district is to provide for limited commercial use opportunities within existing mixed use areas while preserving the attractiveness of the area for residential use. The district is intended to provide a higher level of control over nonresidential uses to ensure that the use and enjoyment of residential properties is not substantially diminished by nonresidential redevelopment. The intent of this district shall be achieved by designating certain nonresidential uses as conditional uses within the mixed use district and requiring future development and redevelopment to comply with established standards for compatibility and buffering as set forth in this section. The design standards are intended to facilitate walkable communities that are pedestrian and mass transit oriented while still ensuring adequate automobile access to the site.

B. Permitted Uses: Uses in the MU mixed use district as specified in section 21A.32.140, "Table Of Permitted And Conditional Uses For Special Purpose Districts", of this chapter are permitted subject to the provisions set forth in section 21A.32.010 of this chapter and this section.

C. Planned Development Review: Planned developments, which meet the intent of the ordinance, but not the specific design criteria outlined in the following subsections may be approved by the planning commission pursuant to the provisions of chapter 21A.55 of this title.

D. Minimum Lot Area And Width: The minimum lot areas and lot widths required in this district are as follows:

| Land Use | Minimum Lot Area | Minimum Lot Width |
|---|---|---|
| Multi-family dwellings<br>(3 to 14 units) | 9,000 square feet[1,2] | 50 feet |
| Multi-family dwellings<br>(15 or more) | 17,500 square feet[1,2] | 80 feet |
| Municipal service uses, including city utility uses and police and fire stations | 5,000 square feet | 50 feet |

| | | |
|---|---|---|
| Natural open space and conservation areas, public and private | No minimum | No minimum |
| Nonresidential uses | No minimum | No minimum |
| Pedestrian pathways, trails and greenways | No minimum | No minimum |
| Places of worship less than 4 acres in size | 5,000 square feet | 50 feet |
| Public/private utility transmission wires, lines, pipes, and poles | No minimum | No minimum |
| Single-family attached dwellings | 3,000 square feet per dwelling unit | Interior: 22 feet<br>Corner: 32 feet |
| Single-family detached dwellings | 4,000 square feet | 40 feet |
| Twin home | 3,000 square feet per dwelling unit | 20 feet |
| Two-family dwellings | 6,000 square feet | 40 feet |
| Utility substations and buildings | 5,000 square feet | 50 feet |
| Other permitted or conditional uses as listed in section 21A.32.140 of this chapter | 5,000 square feet | 50 feet |

Qualifying Provisions:
1.9,000 square feet for 3 units, plus 800 square feet for each additional dwelling unit up to and including 14 dwelling units. 17,500 square feet for 15 units, plus 750 square feet for each additional dwelling unit up to 1 acre. For developments greater than 1 acre, 800 square feet for each dwelling unit is required.
2.Density bonus: When the minimum open space requirement is increased to 30 percent; or when 80 percent or more of the off street parking is structured parking within the principal building or underground; or when a combined ratio of increased open space and structured parking within the principal building or underground is provided, the minimum lot area required, subject to site plan review approval, shall be as follows:

9,000 square feet for 3 units, plus 800 square feet for each additional dwelling unit up to and including 14 dwelling units. 17,500 square feet for 15 units, plus 650 square feet for each additional dwelling unit up to 1 acre. For developments greater than 1 acre, 700 square feet per dwelling unit is required.

E. Minimum Yard Area Requirements:

1. Single-Family Detached, Single-Family Attached, Two-Family, And Twin Home Dwellings:

a. Front Yard: Ten feet (10').

b. Corner Side Yard: Ten feet (10').

c. Interior Side Yard:

(1) Corner Lots: Four feet (4').

(2) Interior Lots:

(A) Single-Family Attached: No yard is required, however if one is provided it shall not be less than four feet (4').

(B) Single-Family Detached, Two-Family And Twin Home Dwellings: Four feet (4') on one side and ten (10) on the other.

d. Rear Yard: Twenty five percent (25%) of the lot depth, but need not be more than twenty feet (20').

2. Multi-Family Dwellings, Including Mixed Use Buildings With Less Than Twenty Five Percent Nonresidential Uses:

a. Front Yard: Ten feet (10') minimum.

b. Corner Side Yard: Ten feet (10').

c. Interior Side Yard: Ten feet (10').

d. Rear Yard: Twenty five percent (25%) of the lot depth, but need not exceed thirty feet (30'), however, if one hundred percent (100%) of the off street parking is provided within the principal building and/or underground, the minimum required rear yard shall be fifteen feet (15').

3. Nonresidential Development, Including Mixed Uses With Greater Than Twenty Five Percent Nonresidential Uses:

a. Front Yard: Ten feet (10') minimum.

b. Corner Side Yard: Ten feet (10').

c. Interior Side Yard: No setback is required.

d. Rear Yard: Twenty five percent (25%) of lot depth, but need not exceed thirty feet (30').

4. Legally Existing Lots: Lots legally existing on the effective date hereof, April 7, 1998, shall be considered legal conforming lots.

5. Additions: For additions to buildings legally existing on the effective date hereof, required yards shall be no greater than the established setback line.

6. Maximum Setback: A maximum setback is required for at least seventy five percent (75%) of the building facade. The maximum setback is twenty feet (20'). Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of chapter 21A.59 of this title, and the review and approval of the planning commission. The planning director, in consultation with the transportation director, may modify this requirement if the adjacent public sidewalk is substandard and the resulting modification to the setback results in a more efficient public sidewalk. The planning director may waive this requirement for any addition, expansion, or intensification, which increases the floor area or parking requirement by less than fifty percent (50%) if the planning director finds the following:

a. The architecture of the addition is compatible with the architecture of the original structure or the surrounding architecture.

b. The addition is not part of a series of incremental additions intended to subvert the intent of the ordinance.

Appeal of administrative decision is to the planning commission.

7. Parking Setback: Surface parking is prohibited in a front or corner side yard. Surface parking lots within an interior side yard shall maintain a twenty five foot (25') landscape setback from the front property line or be located behind the primary structure. Parking structures shall maintain a forty five foot (45') minimum setback from a front or corner side yard property line or be located behind the primary structure. There are no minimum or maximum setback restrictions on underground parking. The planning director may modify or waive this requirement if the planning director finds the following:

a. The parking is compatible with the architecture/design of the original structure or the surrounding architecture.

b. The parking is not part of a series of incremental additions intended to subvert the intent of the ordinance.

c. The horizontal landscaping is replaced with vertical screening in the form of berms, plant materials, architectural features, fencing and/or other forms of screening.

d. The landscaped setback is consistent with the surrounding neighborhood character.

e. The overall project is consistent with section 21A.59.060 of this title.

Appeal of administrative decision is to the planning commission.

F. Maximum Building Height: The maximum building height shall not exceed forty five feet (45'), except that nonresidential buildings and mixed use buildings shall be limited by subsections F1 and F2 of this section. Buildings taller than forty five feet (45'), up to a maximum of sixty feet (60'), may be authorized as conditional uses, subject to the requirements of chapter 21A.54 of this title, provided that the additional height is for residential uses only.

1. Maximum Height For Nonresidential Buildings: Nonresidential buildings shall not exceed thirty feet (30') or two (2) stories, whichever is less.

2. Maximum Height Of Mixed Use Buildings Of Residential And Nonresidential Uses: Mixed use buildings shall not exceed forty five feet (45'). Nonresidential uses in a mixed use building are limited to the first two (2) stories.

G. Minimum Ground Floor Glass: The ground floor of the building elevation fronting the street on all nonresidential buildings and uses within the MU mixed use district shall contain not less than forty percent (40%) and not more than seventy percent (70%) nonreflective glass surfaces. Display windows that are three-dimensional and are at least two feet (2') deep are permitted and may be counted toward the forty percent (40%) glass requirement. Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of chapter 21A.59 of this title, and the review and approval of the planning commission. The planning director may approve a modification to this requirement if the planning director finds:

1. The requirement would negatively impact the historic character of the building,

2. The requirement would negatively impact the structural stability of the building, or

3. The ground level of the building is occupied by residential uses, in which case the forty percent (40%) glass requirement may be reduced to twenty five percent (25%).

Appeal of administrative decision is to the planning commission.

H. Minimum Open Space: For residential uses and mixed uses containing residential use, not less than twenty percent (20%) of the lot area shall be maintained as open space. This open space may take the form of landscaped yards or plazas and courtyards, subject to site plan review approval.

I. Required Landscape Yards: All front and corner side yards shall be maintained as landscape yards.

J. Landscape Buffers: Where a nonresidential or mixed use lot abuts a residential or vacant lot within the MU mixed use district or any residential district, a ten foot (10') landscape buffer shall be provided subject to the improvement requirements of subsection 21A.48.080D of this title.

K. Nonresidential Use Of A Residential Structure: The conversion and remodeling of a residential structure to a nonresidential use shall be allowed only if the exterior residential character is maintained.

L. New Nonresidential Construction: Construction of a new principal building for a nonresidential use that includes the demolition of a residential structure or located between two (2) existing residential uses on the same block face shall only be approved as a conditional use pursuant to chapter 21A.54 of this title, unless located on an arterial street.

M. Entrance And Visual Access:

1. Facades: Provide at least one operable building entrance per elevation that faces a public street. Buildings that face multiple streets are only required to have one door on any street, if the facades for all streets meet the forty percent (40%) glass requirement as outlined in subsection G of this section.

2. Maximum Length: The maximum length of any blank wall uninterrupted by windows, doors, art or architectural detailing at the first floor level shall be fifteen feet (15').

3. Screening: All building equipment and service areas, including on grade and roof mechanical equipment and transformers that are readily visible from the public right of way, shall be screened from public view. These elements shall be sited to minimize their visibility and impact, or enclosed as to appear to be an integral part of the architectural design of the building.

N. Parking Lot/Structure Lighting: If a parking lot/structure is adjacent to a residential zoning district or land use, the poles for parking lot/structure security lighting are limited to sixteen feet (16') in height and the globe must be shielded to minimize light encroachment onto adjacent residential properties. Lightproof fencing is required adjacent to residential properties. (Ord. 12-11, 2011: Ord. 23-10 § 12, 2010: Ord. 3-05 § 7, 2005: Ord. 64-01 § 1, 2001: Ord. 12-98 § 3, 1998)

## 21A.32.140 TABLE OF PERMITTED AND CONDITIONAL USES FOR SPECIAL PURPOSE DISTRICTS:

| Legend: | C = | Conditional use | P = | Permitted use |
|---|---|---|---|---|

| Use | Permitted And Conditional Uses | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | RP | BP | FP | AG | AG-2 | AG-5 | AG-20 | OS | NOS | A | PL | PL-2 | I | UI | MH | EI | MU |
| Residential: | | | | | | | | | | | | | | | | | |
| Assisted living facility (see section 21A.36.050 of this title) | | | | | | | | | | | | | | | | | P |
| Congregate care facility | | | | | | | | | | | | | P | P | | | P |
| Eleemosynary facilities | | | | | | | | | | | P | P | P | P | | | P |
| Group home, large (see section 21A.36.070 of this title) | | | | | | | | | | | | | | | | | C |

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|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Group home, small (see section 21A.36.070 of this title) | | | | P | P | P | | | | | | | | | | | P |
| | Living quarters for caretakers and security guards | P | P | | | | | | | | | P | | P | P | | | P |
| | Manufactured home | | | | P | P | P | | | | | | | | | | | P |
| | Mixed use developments, including residential and other uses allowed in the zoning district | | | | | | | | | | | | | | | | | P |
| | Mobile homes | | | | | | | | | | | | | | | P | | |
| | Multi-family (no maximum density limitation) | | | | | | | | | | | | | | P | | | |
| | Multiple-family dwellings | | | | | | | | | | | | | | | | | P |
| | Nursing care facility | | | | | | | | | | | | | P | P | | | P |
| | Resident healthcare facility (see section 21A.36.040 of this title) | | | | | | | | | | | | | | | | | P |
| | Residential substance abuse treatment home, large (see section 21A.36.100 of this title) | | | | | | | | | | | | | | | | | C |
| | Residential substance abuse treatment home, small (see section 21A.36.100 of this title) | | | | | | | | | | | | | | | | | P |
| | Rooming (boarding) house | | | | | | | | | | | | | | | | | C |
| | Single-family attached dwellings | | | | | | | | | | | | | | | | | P |
| | Single-family detached dwellings | | | P | P | P | P | | | | | | | | | | | P |
| | Transitional treatment home, large (see section 21A.36.090 of this title) | | | | | | | | | | | | | | | | | C |
| | Transitional treatment home, small (see section 21A.36.090 of this title) | | | | | | | | | | | | | | | | | C |
| | Transitional victim home, large (see section 21A.36.080 of this title) | | | | | | | | | | | | | | | | | C |
| | Transitional victim home, small (see section 21A.36.080 of this title) | | | | | | | | | | | | | | | | | P |
| | Twin home and two-family dwellings | | | | | | | | | | | | | | | | | P |

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| Office and related uses: | | | | | | | | | | | | | | | | | |
| Accessory offices supporting an institutional use | | | | | | | | | | | | P | | P | | | |
| Financial institutions with drive-through facilities | P | P | | | | | | | | | | | | | | | P[3] |
| Financial institutions without drive-through facilities | P | P | | | | | | | | | | | | | | | P |
| Government offices | P | P | | | | | | | | P | P | P | P | P | | | P |
| Medical and dental offices | P | P | | | | | | | | | | | P | P | | | P |
| Municipal service uses, including city utility uses and police and fire stations | | | | | | | | | | | | | | | | | C |
| Offices | | P | | | | | | | | P | | P | | | | | C |
| Offices, research related | P | P | | | | | | | | | | P | | | | | P |
| Veterinary offices, operating entirely within an enclosed building and keeping animals overnight only for treatment purposes | | P | | | | | | | | | | | | | | | P |
| Retail sales and services: | | | | | | | | | | | | | | | | | |
| Accessory retail sales and services uses when located within a principal building | | | | | | | | | | | | P | | | | | |
| Accessory retail sales and services uses, when located within the principal building and operated primarily for the convenience of employees | P | P | | | | | | | | P | P | P | P | P | | | P |
| Commercial service establishments | | | | | | | | | | | | | | | | | C |
| "Gas station" (may include accessory convenience retail and/or minor repairs) as defined in chapter 21A.62 of this title | | C[7] | | | | | | | | | | | | | | | C[3] |
| Health and fitness centers | | | | | | | | | | | | | | | | | C |
| Restaurants with drive-through facilities | | C[7] | | | | | | | | | | | | | | | P[3] |
| Restaurants without drive-through facilities | | C[7] | | | | | | | | | | | | | | | P |
| Retail goods establishments | | C[7] | | | | | | | | | | | | | | | P |

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| | Retail service establishments | | | | | | | | | | | | | | | | | P |
| Institutional: | | | | | | | | | | | | | | | | | | |
| | Adult daycare centers | | | | | | | | | | | | P | P | P | | | P |
| | Cemeteries and accessory crematoriums | | | | | | | | P | | | | | | | | | |
| | Child daycare centers | P | P | | | | | | | | P | P | P | P | P | | | P |
| | Colleges and universities | | | | | | | | | | | | P | P | P | | | |
| | Community and recreation centers | | | | | | | | P | | | P | P | P | P | | | P |
| | Conference center | P | | | | | | | | | P | | C | C | P | | | |
| | Convention center, with or without hotels | | | | | | | | | | | C | | | | | | |
| | Convents and monasteries | | | | | | | | | | | | | P | P | | | |
| | Dental laboratories/research facilities | P | P | | | | | | | | | | | C | | | | P |
| | Emergency response and medical service facilities including fire stations and living quarters | C | | | | | | | | | P | | | P | | | | |
| | Exhibition hall | | | | | | | | | | | C | P | C | P | | | |
| | Government uses and facilities (excluding those of an industrial nature and prisons) | | | | | | | | | | | | | | | | | C |
| | Hospitals, including accessory lodging facilities | C | | | | | | | | | | | | P | P | | | |
| | Libraries | | | | | | | | | | | P | P | P | P | | | C |
| | Medical and dental clinics | P | P | | | | | | | | | | | P | P | | | P |
| | Medical/nursing schools | | | | | | | | | | | | | P | | | | |
| | Medical research facilities | P | | | | | | | | | | | | P | | | | P |
| | Meeting halls of membership organizations | | P | | | | | | | | | | | P | P | | | P |
| | Nursing care facility; sanitariums | | | | | | | | | | | | | P | P | | | |
| | Pet cemetery | | | | P[4] | P[4] | P[4] | P[4] | P[4,5] | | | | | | | | | |

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| | Philanthropic uses | | | | | | | | | | | | P | P | P | | | |
| | Places of worship | P | P | | | | | | | | | | | P | P | | | P |
| | Prison or jail | | | | | | | | | | | C | | | | | | |
| | Religious assembly with exhibit hall | | | | | | | | | | | | | C | P | | | |
| | Research, commercial, scientific, educational | P | P | | | | | | | | | P | P | | | | | C |
| | Reuse of schools and churches | | | | | | | | | | | C | | C | C | | | P |
| | Schools, K - 12 private | | | | | | | | | | | | | P | P | | | |
| | Schools, K - 12 public | | | | | | | | | | | P | P | | | | | |
| | Schools, professional and vocational | C | P | | | | | | | | P | | | P | P | | | |
| | Seminaries and religious institutes | | | | | | | | | | | P | | P | P | | | C |
| Recreation, cultural and entertainment: | | | | | | | | | | | | | | | | | | |
| | Amphitheaters | | | | | | | | | | | | C | | | | | |
| | Arenas, stadiums, fairgrounds | | | | | | | | | | | C | | C | C | | | |
| | Art galleries | | | | | | | | | | | | P | | | | | P |
| | Art studio | | | | | | | | | | | | | | | | | P |
| | Botanical gardens | C | | | | | | | | | | | C | | | | | |
| | Commercial indoor recreation | | C | | | | | | | | | | | | | | | |
| | Community gardens as defined in chapter 21A.62 of this title | | | | | | | | | | | | | | | | | P |
| | Country clubs | | | | | | | | P | | | | | | | | | |
| | Dance studio | | | | | | | | | | | | | | | | | P |
| | Golf courses | | | | | | | | P | | P | P | | | | | | |
| | Movie theaters/live performance theaters | | | | | | | | | | | | C | | | | | C |
| | Museums | C | | | | | | | | | | P | P | P | P | | | P |
| | Music conservatory | | | | | | | | | | | | | | | | | P |
| | Natural open space and conservation areas | | | | P | P | P | P | P | P[9] | | | | | | | | P |

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| | Nature preserves/conservation areas, public and private | | | P | P | P | P | P | P | P[9] | | | | | | | | P |
| | Park (public) | C | | | | | | | P | | | P | P | | P | | | P |
| | Pedestrian pathways, trails and greenways | | | | | | | | | | | | | | P | | | P |
| | Performing arts production facility | | | | | | | | | | | | | | | | | P |
| | Private club 2,500 square feet or less in floor area | | | | | | | | | | | | | | | | | C[12] |
| | Private recreational facilities | P | | | | | | | P | | | | | P | P | | | P |
| | Tavern/lounge/brewpub; 2,500 square feet or less in floor area | | | | | | | | | | | | | | | | | C |
| | Zoological park | | | | | | | | P | | | | | | | | | |
| Airport and related uses: | | | | | | | | | | | | | | | | | | |
| | Air cargo terminals and package delivery facilities | | P | | | | | | | | P | | | | | | | |
| | Airline service and maintenance operations | | | | | | | | | | P | | | | | | | |
| | Airline ticketing and baggage processing | | | | | | | | | | P | | | | | | | |
| | Airport operations (including air traffic control, navigational aids, emergency and maintenance operations) | | | | | | | | | | P | | | | | | | |
| | Alcoholic beverage consumption establishments (on premises) (within terminal complex only) | | | | | | | | | | P | | | | | | | |
| | Ambulance services, dispatching, staging and maintenance conducted entirely within an enclosed building | P | P | | | | | | | | | | | | | | | |
| | Ambulance services, dispatching, staging and maintenance utilizing outdoor operations | P[10] | P[10] | | | | | | | | | | | | | | | |
| | Automobile rental agencies | | P | | | | | | | | P | | | | | | | |
| | Commercial recreation center (within terminal complex only) | | | | | | | | | | P | | | | | | | |

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| | Financial institutions (within terminal complex only) | | | | | | | | | P | | | | | | | |
| | Fuel storage for on site distribution | | | | | | | | | P | | | | | | | |
| | General aviation facilities | | | | | | | | | P | | | | | | | |
| | Heliport | C | C | | | | | | | P | | | C | C | | | |
| | Light manufacturing | | C | | | | | | | P | | | | | | | |
| | Meeting rooms (within terminal complex only) | | | | | | | | | P | | | | | | | |
| | Offices | | | | | | | | | P | | | | | | | |
| | Restaurants; other food services | | | | | | | | | P | | | | | | | |
| | Retail goods establishments - specialty, primarily for airport customers (within terminal complex only) | | | | | | | | | P | | | | | | | |
| | Retail services establishments - primarily for airport customers (within terminal complex only) | | | | | | | | | P | | | | | | | |
| Miscellaneous: | | | | | | | | | | | | | | | | | |
| | Accessory uses, except those that are otherwise specifically regulated in this chapter, or elsewhere in this title | P | P | P | P | P | P | P | P | | P | P | P | P | P | P | P | P |
| | Agricultural uses | | C | | P | P | P | P | | | P | | | | | | | |
| | Bed and breakfast | | | | | | | | | | | | | C[2] | P | | | P |
| | Bed and breakfast inn | | | | | | | | | | | | | C[2] | P | | | P |
| | Bed and breakfast manor | | | | | | | | | | | | | | P | | | P |
| | Commercial parking garage or lot | | C | | | | | | | | | | | | | | | |
| | Communication towers | P | P | C | | | | | | | P | P | C | P | P | | P | |
| | Communication towers, exceeding the maximum building height | C | C | | | | | | | | P | | P[13] | C | C | | C | |
| | Community garden | P | P | P | P | P | P | P | | | | P | P | P | P | P | | P |
| | Concrete or asphalt manufacturing | | | | | | | | | | | | | | | | P | |

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| | Hotels and motels | C | C | | | | | | | | P | | | | | | P |
| | House museum in landmark sites (see subsection 21A.24.010T of this title) | | | | | | | | | | | | | | | | C |
| | Industrial assembly | | P | | | | | | | | P | | | | | | |
| | Jewelry fabrication and associated processing | | P | | | | | | | | | | | | | | |
| | Kennels, public or private, on lots of 5 acres or larger[8] | | C | | P[8] | P[8] | P[8] | P[8] | | | | | | | | | |
| | Large wind energy system | C | C | | C | C | C | C | | | C | | | P | P | | |
| | Local government facilities | P | P | P | | | | | | | P | P | P | P | P | | P | |
| | Mining and extraction of minerals and materials, including ore, stone, sand, gravel, oil and oil shale | | | | | | | | | | | | | | | | P | |
| | Off site parking | | | | | | | | | | P | C | C | C | C | | | C |
| | Offices and reception centers in landmark sites (see subsection 21A.24.010T of this title) | | | | | | | | | | | | | | | | | C[11] |
| | Outdoor storage, accessory | | P | | | | | | | | P | | | | | | P | |
| | Park and ride lots | | | | | | | | | | P | C | | | | | | |
| | Park and ride parking, shared with existing use | P | P | | | | | | | | P | P | | P | P | | P | P |
| | Parking structure | P | P | P | | | | | | | P | P | P | C | C | | P | P |
| | Production related to on site research | P | | | | | | | | | | | | | | | | C |
| | Public/private utility buildings and structures[1] | P[1] | P[1] | P[1] | P[1] | P[1] | P[1] | P[1] | P[1] | | P[1] | P[1] | P[1] | P[1] | P[1] | P[1] | P[1] | P[1] |
| | Public/private utility transmission wires, lines, pipes and poles[1] | P | P | P | P | P | P | P | P | | P | P | P | P | P | P | P | P |
| | Radio station | | P[6] | | | | | | | | | | P | | | | | |
| | Seasonal farm stands | | | | P | P | P | P | | | | P | P | P | P | | | P |
| | Solar array | P | P | | P | | | | | | P | P | | P | | | | |
| | Stable, private | | | | P | P | P | P | | | | | | | | | | |

| | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Stable, public | | | | | | C | C | | | | | | | | | | |
| | Storage of extracted material | | | | | | | | | | | | | | | | P | |
| | Transportation terminals, including bus, rail and trucking | | | | | | | | | | P | | | C | | | | |
| | Trucking, repair, storage, etc., associated with extractive industries | | | | | | | | | | | | | | | | P | |
| | Urban farm | P | P | P | P | P | P | P | P | | | P | P | P | P | | | |
| | Vending carts on private property as per title 5, chapter 5.65 of this code | P | P | | | | | | | | | | | | | | | |
| | Warehouse, accessory to retail and wholesale business (5,000 square foot or greater floor plate) | | | | | | | | | | | | | | | | | C |
| | Warehouse, accessory to retail and wholesale business (maximum 5,000 square foot floor plate) | | | | | | | | | | | | | | | | | P |
| | Warehouse, including ministorage warehouses | | P | | | | | | | | P | | | | | | | |
| | Wholesale distribution | | P | | | | | | | | P | | | | | | | C |

Qualifying provisions:

1.Subject to conformance to the provisions in subsection 21A.02.050B of this title.

2.When located in a building listed on the Salt Lake City register of cultural resources.

3.When located on an arterial street.

4.Subject to Salt Lake Valley health department approval.

5.In conjunction with, and within the boundaries of, a cemetery for human remains.

6.Radio station equipment and antennas shall be required to go through the site plan review process to ensure that the color, design and location of all proposed equipment and antennas are screened or integrated into the architecture of the project and are compatible with surrounding uses.

7.When approved as part of a business park planned development pursuant to the provisions of chapter 21A.55 of this title.

8.Kennels, public or private, whether within penned enclosures or within enclosed buildings, shall not be permitted within 200 feet of an existing single-family dwelling on an adjacent lot.

9.Trails and trailheads without parking lots and directional and informational signage specific to trail usage shall be permitted.

10.Greater than 3 ambulances at location require a conditional use.

11.Building additions on lots less than 20,000 square feet for office uses may not exceed 50 percent of the building's footprint. Building additions greater than 50 percent of the building's footprint or new office building construction are subject to the conditional use process.

12.A conditional use permit for a class B or C private club or association shall be subject to the following qualifying provisions. For the purpose of these provisions a class B or C private club or association shall have the meaning set forth in section 5.50.010 of this code, as amended.

a.In granting conditional use approval for a class B or C private club or association the planning commission shall:

(1)Require that a security and operations plan be prepared and filed with the city which shall include:

(A)Providing a complaint-response community relations program;
(B)Having a representative of the private club or association meet with neighbors upon request to attempt to resolve any neighborhood complaints regarding the operations on the premises;
(C)Requiring design and construction methods to ensure that any sound level originating within the premises, measured within 15 feet from an exterior wall or door thereof, does not exceed the maximum permissible sound level set forth for residential use districts in section 9.28.060 of this code;
(D)Allowing live entertainment only within an enclosed building subject to the foregoing sound limit;
(E)Prohibiting electronically amplified sound in any exterior portion of the premises;
(F)Designating a location for smoking tobacco outdoors in conformance with state law;
(G)Requiring any trash strewn on the premises, including any smoking and parking lot areas, be collected and deposited in a trash receptacle by 6:00 A.M. the following day;
(H)Having portable trash receptacles on the premises emptied daily and automated receptacles emptied at least weekly. Automated receptacles shall be located only within a city approved trash storage area; and
(I)A parking management plan that takes into consideration the impact of parking on surrounding neighborhoods.

(2)Review the site plan and floor plan proposed for the premises, and as result of such review may require design features intended to reduce alcohol related problems such as consumption by minors, driving under the influence, and public drunkenness;
(3)Require buffering where a private club or association abuts a residential building or area, including landscaping or walls along any property line or within any required yard area on the lot where the premises are located;
(4)Require that landscaping be located, and be of a type, that cannot be used as a hiding place; and
(5)Require that the exterior of the premises be maintained free of graffiti at all times, including the main building, any accessory building or structure, and all signs.

b.If necessary to meet the standards for approval of a conditional use set forth in section 21A.54.080 of this title, the following conditions may be imposed:

(1)Limit the size and kind of signage located on the outside of any building containing a private club or association in conformance with chapter 21A.46 of this title;
(2)Require parking area lighting to produce a minimum foot-candle that provides safe lighting for pedestrians but does not intrude on residents' enjoyment of their homes; and
(3)Consider the proposed location of an outdoor smoking area in the security and operations plan and the potential effect on neighboring residences, businesses and buildings and designating a new area if the potential effects of the area in the security and operations plan appear to adversely affect neighboring residences, businesses and buildings.

13.Maximum of 1 monopole per property and only when it is government owned and operated for public safety purposes.

(Ord. 21-11, 2011: Ord. 18-11, 2011: Ord. 27-10, 2010: Ord. 23-10 § 13, 2010: Ord. 10-10 § 3, 2010: Ord. 65-09 § 1, 2009: Ord. 48-09 § 1, 2009: Ord. 61-08 § 4 (Exh. C), 2008: Ord. 21-08 § 6 (Exh. E), 2008: Ord. 2-08 § 2, 2008: Ord. 61-06 § 2 (Exh. B), 2006: Ord. 13-06 § 5 (Exh. D), 2006: Ord. 10-06 § 1 (Exh. A), 2006: Ord. 1-06 § 30, 2005: Ord. 71-05 § 1 (Exh. A), 2005: Ord. 18-04 § 4, 2004: Ord. 13-04 § 12 (Exh. F), 2004: Ord. 73-02 § 4 (Exh. A), 2002: Ord. 23-02 § 7 (Exh. E), 2002: Ord. 64-01 § 2, 2001: Ord. 68-00 § 1, 2000: Ord. 14-00 § 4, 2000: Ord. 9-00 § 3, 2000: Ord. 35-99 § 41, 1999: Ord. 12-98 § 4, 1998: amended during 5/96 supplement: Ord. 85-95 § 1 (Exh. A), 1995: Ord. 84-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(16-12), 1995)

# CHAPTER 21A.34
# OVERLAY DISTRICTS

## 21A.34.010: GENERAL PROVISIONS:

A. Statement Of Intent: An overlay district is intended to provide supplemental regulations or standards pertaining to specific geographic features or land uses, wherever these are located, in addition to "base" or underlying zoning district regulations applicable within a designated area. Whenever there is a conflict between the regulations of a base zoning district and those of an overlay district, the overlay district regulations shall control.

B. Site Plan Review: Permitted uses and conditional uses in the overlay districts have the potential for adverse impacts if located and laid out on lots without careful planning. Such impacts may interfere with the use and enjoyment of adjacent property and uses. Site plan review is a process designed to address such adverse impacts and minimize them where possible. Site plan review of development proposals is required in the T transitional overlay district, the LC lowland conservancy overlay district, and the LO landfill overlay district. All uses in these districts shall be subject to the site plan review regulations contained in chapter 21A.58 of this title. (Ord. 26-95 § 2(17-0), 1995)

## 21A.34.020: H HISTORIC PRESERVATION OVERLAY DISTRICT:

A. Purpose Statement: In order to contribute to the welfare, prosperity and education of the people of Salt Lake City, the purpose of the H historic preservation overlay district is to:

1. Provide the means to protect and preserve areas of the city and individual structures and sites having historic, architectural or cultural significance;

2. Encourage new development, redevelopment and the subdivision of lots in historic districts that is compatible with the character of existing development of historic districts or individual landmarks;

3. Abate the destruction and demolition of historic structures;

4. Implement adopted plans of the city related to historic preservation;

5. Foster civic pride in the history of Salt Lake City;

6. Protect and enhance the attraction of the city's historic landmarks and districts for tourists and visitors; and

7. Foster economic development consistent with historic preservation.

B. Definitions:

1. H Historic Preservation Overlay District: A geographically or thematically definable area which contains buildings, structures, sites, objects, landscape features, archeological sites and works of art, or a combination thereof, that contribute to the historic preservation goals of Salt Lake City.

2. Contributing Structure: A contributing structure is a structure or site within an H historic preservation overlay district that meets the criteria outlined in subsection C2 of this section and is of moderate importance to the city, state, region or nation because it imparts artistic, historic or cultural values. A contributing structure has its major character defining features intact and although minor alterations may have occurred they are generally reversible. Historic materials may have been covered but evidence indicates they are intact.

3. Noncontributing Structure: A noncontributing structure is a structure within an H historic preservation overlay district that does not meet the criteria listed in subsection C2

of this section. The major character defining features have been so altered as to make the original and/or historic form, materials and details indistinguishable and alterations are irreversible. Noncontributing structures also include those which are less than fifty (50) years old.

4. Landmark Site: A landmark site is any site included on the Salt Lake City register of cultural resources that meets the criteria outlined in subsection C2 of this section. Such sites are of exceptional importance to the city, state, region or nation and impart high artistic, historic or cultural values. A landmark site clearly conveys a sense of time and place and enables the public to interpret the historic character of the site.

5. New Construction: The building of a new principal structure on a lot or property within an H historic preservation overlay district or on a landmark site.

6. Demolition: Any act or process which destroys a structure, object or property within an H historic preservation overlay district or a landmark site. (See subsection B7 of this section.)

7. Demolition, Partial: Partial demolition includes any act which destroys a portion of a structure consisting of not more than twenty five percent (25%) of the floor area of the structure, and where the portion of the structure to be demolished is not readily visible from the street. Partial demolition also includes the demolition or removal of additions or materials not of the historic period on any exterior elevation exceeding twenty five percent (25%) when the demolition is part of an act of restoring original historic elements of a structure and/or restoring a structure to its historical mass and size.

C. Establishment Of Overlay District:

1. Procedure For Establishment Of An H Historic Preservation Overlay District Or Landmark Site: An H historic preservation overlay district or landmark site shall be established pursuant to the procedures for amending the zoning map of this title in chapter 21A.50 of this title. An application for a map amendment to establish an H historic preservation overlay district or landmark site shall be prepared by the historic landmark commission and submitted to the planning commission. Any individual or organization can request that the historic landmark commission consider preparing an application of a landmark site or H historic preservation overlay district. The application shall contain information and recommendations concerning the areas, buildings and premises for areas included in the amendment application.

2. Criteria For Selection Of An H Historic Preservation Overlay District Or Landmark Site: The historic landmark commission shall evaluate each parcel of property within a proposed H historic preservation overlay district or the parcel of property associated with a landmark site. Individual parcels within a proposed district, the district as a whole, and landmark sites shall be evaluated according to the following:

a. Significance in local, regional, state or national history, architecture, engineering or culture, associated with at least one of the following:

(1) Events that have made significant contribution to the broad patterns of history, or

(2) Lives of persons significant in the history of the city, region, state, or nation, or

(3) The distinctive characteristics of a type, period or method of construction; or the work of a notable architect or master craftsman, or

(4) Information important in the understanding of the prehistory or history of Salt Lake City; and

b. Physical integrity in terms of location, design, setting, materials, workmanship, feeling and association as defined by the national park service for the National Register of Historic Places; and

c. The age of the site. Sites must be at least fifty (50) years old, or have achieved significance within the past fifty (50) years if the properties are of exceptional importance.

3. Boundaries Of A Proposed Historic Preservation Overlay District: When applying the evaluation criteria in subsection C2 of this section, the historic landmark commission shall recommend boundaries of a proposed H historic preservation overlay district to ensure that the boundaries:

a. Contain documented historic or architectural resources;

b. Coincide with documented historic boundaries such as early roadways, canals, subdivision plats or property lines;

c. Coincide with logical physical or manmade features and reflect recognized neighborhood boundaries; and

d. Contain nonhistoric resources or vacant land only where necessary to create appropriate boundaries to meet the criteria of subsection C2 of this section.

4. Boundaries Of A Proposed Landmark Site: When applying the evaluation criteria in subsection C2 of this section, the historic landmark commission shall draw the boundaries of a landmark site to ensure that historical associations, and/or those which best enhance the integrity of the site comprise the boundaries.

D. The Adjustment Of Boundaries Of An H Historic Preservation Overlay District And The Revocation Of The Designation Of Landmark Site:

1. Procedure: The procedure for the adjustment of boundaries of an H historic preservation overlay district and the revocation of the designation of a landmark site shall be the same as that outlined in subsection C1 of this section.

2. Criteria For Adjusting The Boundaries Of An H Historic Preservation Overlay District: Criteria for adjusting the boundaries of an H historic preservation overlay district are as follows:

a. The properties have ceased to meet the criteria for inclusion within an H historic preservation overlay district because the qualities which caused them to be originally included have been lost or destroyed, or such qualities were lost subsequent to the historic landmark commission recommendation and adoption of the district;

b. Additional information indicates that the properties do not comply with the criteria for selection of the H historic preservation overlay district as outlined in subsection C2 of this section; or

c. Additional information indicates that the inclusion of additional properties would better convey the historical and architectural integrity of the H historic preservation overlay district, provided they meet the standards outlined in subsection C2 of this section.

3. Criteria For The Revocation Of The Designation Of A Landmark Site: Criteria for the revocation of the designation of a landmark site are as follows:

a. The property has ceased to meet the criteria for designation as a landmark site because the qualities that caused it to be originally designated have been lost or destroyed or the structure has been demolished.

b. Additional information indicates that the landmark site does not comply with the criteria for selection of a landmark site as outlined in subsection C2 of this section.

c. Additional information indicates that the landmark site is not of exceptional importance to the city, state, region or nation.

E. Certificate Of Appropriateness Required: After the establishment of an H historic preservation overlay district, or the designation of a landmark site, no alteration in the exterior appearance of a structure, site, object or work of art affecting the landmark site or a property within the H historic preservation overlay district shall be made or permitted to be made unless or until the application for a certificate of appropriateness has been submitted to, and approved by, the historic landmark commission, or administratively by the planning director, as applicable, pursuant to subsection F of this section. Certificates of appropriateness shall be required for:

1. Any construction needing a building permit;

2. Removal and replacement or alteration of architectural detailing, such as porch columns, railing, window moldings, cornices and siding;

3. Relocation of a structure or object on the same site or to another site;

4. Construction of additions or decks;

5. Alteration or construction of accessory structures, such as garages, etc.;

6. Alterations to windows and doors, including replacement or changes in fenestration patterns;

7. Construction or alteration of porches;

8. Masonry work including, but not limited to, tuckpointing, sandblasting and chemical cleaning;

9. The construction or alterations of site features including, but not limited to, fencing, walls, paving and grading;

10. Installation or alteration of any exterior sign;

11. Any demolition;

12. New construction; and

13. Installation of an awning over a window or door.

F. Procedure For Issuance Of Certificate Of Appropriateness:

1. Administrative Decision: Certain types of construction or demolition may be approved administratively subject to the following procedures:

a. Types Of Construction Allowed Which May Be Approved By Administrative Decision:

(1) Minor alteration of or addition to a landmark site or contributing site;

(2) Substantial alteration of or addition to a noncontributing site;

(3) Partial demolition of either a landmark site or a contributing structure;

(4) Demolition of an accessory structure; and

(5) Demolition of a noncontributing structure.

(6) Installation of solar energy collection systems that are not readily visible from a public right of way, as described in and pursuant to subsection 21A.40.190B of this title.

b. Submission Of Application: An application for a certificate of appropriateness shall be made on a form prepared by the planning director and shall be submitted to the planning division. The planning director shall make a determination of completeness pursuant to section 21A.10.010 of this title, and shall forward the application for review and decision.

c. Materials Submitted With Application: The application shall include photographs, construction drawings, and other documentation such as an architectural or massing model, window frame sections and samples deemed necessary to consider the application properly and completely.

d. Notice For Application For Demolition Of A Noncontributing Structure: An application for demolition of a noncontributing structure shall require notice for determination of noncontributing sites pursuant to chapter 21A.10 of this title.

e. Standards For Approval: The application shall be reviewed according to the standards set forth in subsections G and H of this section, whichever is applicable.

f. Review And Decision By The Planning Director: On the basis of written findings of fact, the planning director or the planning director's designee shall either approve, deny or conditionally approve the certificate of appropriateness based on the standards in subsections G and H of this section, whichever is applicable, within thirty (30) days following receipt of a completed application. The decision of the planning director shall become effective at the time the decision is made.

g. Referral Of Application By Planning Director To Historic Landmark Commission: The planning director may refer any application to the historic landmark commission due to the complexity of the application, the significance of change to the landmark site or contributing structure in the H historic preservation overlay district, or the need for consultation for expertise regarding architectural, construction or preservation issues.

h. Appeal Of Administrative Decision To Historic Landmark Commission: The applicant, if aggrieved by the administrative decision, may appeal the decision to the historic landmark commission within ten (10) calendar days following the date on which a record of decision is issued. Once an appeal of an administrative decision has been filed, the procedure shall be as outlined in subsection F2 of this section.

2. Historic Landmark Commission: Certain types of construction, demolition and relocation shall only be allowed to be approved by the historic landmark commission subject to the following procedures:

a. Types Of Construction To Be Reviewed By The Historic Landmark Commission:

(1) Substantial alteration or addition to a landmark site or contributing site;

(2) New construction of principal building in H historic preservation overlay district;

(3) Relocation of landmark site or contributing site;

(4) Demolition of landmark site or contributing site;

(5) Applications for administrative approval referred by the planning director; and

(6) Appeal of administrative decisions by the applicant.

(7) Installation of solar energy collection systems that may be readily visible from a public right of way, as described in and pursuant to subsection 21A.40.190B of this title.

b. Submission Of Application: The procedure for an application for a certificate of appropriateness shall be the same as specified in subsection F1b of this section.

c. Materials Submitted With Application: The requirements for the materials to be submitted upon application for a certificate of appropriateness shall be the same as specified in subsection F1c of this section. Applications for a certificate of appropriateness for demolition shall also submit a reuse plan for the property.

d. Notice: Applications for a certificate of appropriateness shall require notice pursuant to section 21A.10.020 of this title.

e. Public Hearing: Applications for a certificate of appropriateness shall require a public hearing pursuant to section 21A.10.030 of this title.

f. Standards For Approval: The application shall be reviewed according to the standards set forth in subsections G through L of this section, whichever are applicable.

g. Review And Decision By The Historic Landmark Commission: The historic landmark commission shall make a decision at a regularly scheduled meeting, within sixty (60) days following receipt of a completed application, except that a review and decision on an application for a certificate of appropriateness for demolition of a landmark site or contributing structure declaring an economic hardship shall be made within one hundred twenty (120) days following receipt of a completed application.

(1) After reviewing all materials submitted for the case, the recommendation of the planning division and conducting a field inspection, if necessary, the historic landmark commission shall make written findings of fact based on the standards of approval as outlined in this subsection F through subsection L of this section, whichever are applicable.

(2) On the basis of its written findings of fact the historic landmark commission shall either approve, deny or conditionally approve the certificate of appropriateness. A decision on an application for a certificate of appropriateness for demolition of a contributing structure may be deferred for up to one year pursuant to subsections L and M of this section.

(3) The decision of the historic landmark commission shall become effective at the time the decision is made. Demolition permits for landmark sites or contributing structures shall not be issued until the appeal period has expired.

(4) Written notice of the decision of the historic landmark commission on the application, including a copy of the findings of fact, shall be sent by first class mail to the applicant within ten (10) working days following the historic landmark commission's decision.

h. Appeal Of Historic Landmark Commission Decision To Appeals Hearing Officer: The applicant, any owner of abutting property or of property located within the same H historic preservation overlay district, any recognized or registered organization pursuant to title 2, chapter 2.62 of this code, the Utah State Historical Society or the Utah Heritage Foundation, aggrieved by the historic landmark commission's decision, may object to the decision by filing a written appeal with the appeals hearing officer within ten (10) calendar days following the date on which a record of decision is issued. The filing of the appeal shall stay the decision of the historic landmark commission pending the outcome of the appeal, except that the filing of the appeal shall not stay the decision of the historic landmark commission if such decision defers a demolition request for up to one year pursuant to the provisions of subsections L and M of this section.

i. Review By City Attorney: Following the filing of an appeal to the appeals hearing officer of a decision of the historic landmark commission to deny or defer a certificate of appropriateness for demolition, the planning director shall secure an opinion of the city attorney evaluating whether the denial or deferral of a decision of the demolition would result in an unconstitutional taking of property without just compensation under the Utah and United States constitutions or otherwise violate any applicable constitutional provision, law, ordinance or regulation.

j. Appeal Of Appeals Hearing Officer Decision To District Court: Any party aggrieved by the decision of the appeals hearing officer may file a petition for review with the district court within thirty (30) days following the decision of the appeals hearing officer. The filing of an appeal of the appeals hearing officer decision shall stay the decision of the appeals hearing officer pending the outcome of the appeal, except that the filing of the appeal shall not stay the decision of the appeals hearing officer if such decision defers a demolition request for up to one year pursuant to the provisions of subsections L and M of this section.

G. Standards For Certificate Of Appropriateness For Alteration Of A Landmark Site Or Contributing Structure: In considering an application for a certificate of appropriateness for alteration of a landmark site or contributing structure, the historic landmark commission, or the planning director, for administrative decisions, shall find that the project substantially complies with all of the following general standards that pertain to the application and that the decision is in the best interest of the city:

1. A property shall be used for its historic purpose or be used for a purpose that requires minimal change to the defining characteristics of the building and its site and environment;

2. 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;

3. All sites, structures and objects shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create a false sense of history or architecture are not allowed;

4. Alterations or additions that have acquired historic significance in their own right shall be retained and preserved;

5. Distinctive features, finishes and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved;

6. Deteriorated architectural features shall be repaired rather than replaced wherever feasible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other structures or objects;

7. 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;

8. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant cultural, historical, architectural or archaeological material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment;

9. Additions or alterations to structures and objects shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired. The new work shall be differentiated from the old and shall be compatible in massing, size, scale and architectural features to protect the historic integrity of the property and its environment;

10. Certain building materials are prohibited including the following:

a. Vinyl or aluminum cladding when applied directly to an original or historic material, and

b. Any other imitation siding material designed to look like wood siding but fabricated from an imitation material or materials;

11. Any new sign and any change in the appearance of any existing sign located on a landmark site or within the H historic preservation overlay district, which is visible from any public way or open space shall be consistent with the historic character of the landmark site or H historic preservation overlay district and shall comply with the standards outlined in chapter 21A.46 of this title;

12. Additional design standards adopted by the historic landmark commission and city council.

H. Standards For Certificate Of Appropriateness Involving New Construction Or Alteration Of A Noncontributing Structure: In considering an application for a certificate of appropriateness involving new construction, or alterations of noncontributing structures, the historic landmark commission, or planning director when the application involves the alteration of a noncontributing structure, shall determine whether the project substantially complies with all of the following standards that pertain to the application, is visually compatible with surrounding structures and streetscape as illustrated in any design standards adopted by the historic landmark commission and city council and is in the best interest of the city:

1. Scale And Form:

a. Height And Width: The proposed height and width shall be visually compatible with surrounding structures and streetscape;

b. 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;

c. Roof Shape: The roof shape of a structure shall be visually compatible with the surrounding structures and streetscape; and

d. Scale Of A Structure: The size and mass of the structures shall be visually compatible with the size and mass of surrounding structure and streetscape.

2. Composition Of Principal Facades:

a. Proportion Of Openings: The relationship of the width to the height of windows and doors of the structure shall be visually compatible with surrounding structures and streetscape;

b. Rhythm Of Solids To Voids In Facades: The relationship of solids to voids in the facade of the structure shall be visually compatible with surrounding structures and streetscape;

c. Rhythm Of Entrance Porch And Other Projections: The relationship of entrances and other projections to sidewalks shall be visually compatible with surrounding structures and streetscape; and

d. Relationship Of Materials: The relationship of the color and texture of materials (other than paint color) of the facade shall be visually compatible with the predominant materials used in surrounding structures and streetscape.

3. Relationship To Street:

a. Walls Of Continuity: Facades and site structures, such as walls, fences and landscape masses, shall, when it is characteristic of the area, form continuity along a street to ensure visual compatibility with the structures, public ways and places to which such elements are visually related;

b. Rhythm Of Spacing And Structures On Streets: The relationship of a structure or object to the open space between it and adjoining structures or objects shall be visually compatible with the structures, objects, public ways and places to which it is visually related;

c. Directional Expression Of Principal Elevation: A structure shall be visually compatible with the structures, public ways and places to which it is visually related in its orientation toward the street; and

d. Streetscape; Pedestrian Improvements: Streetscape and pedestrian improvements and any change in its appearance shall be compatible to the historic character of the landmark site or H historic preservation overlay district.

4. Subdivision Of Lots: The planning director shall review subdivision plats proposed for property within an H historic preservation overlay district or of a landmark site and may require changes to ensure the proposed subdivision will be compatible with the historic character of the district and/or site(s).

I. Standards For Certificate Of Appropriateness For Relocation Of Landmark Site Or Contributing Structure: In considering an application for a certificate of appropriateness for relocation of a landmark site or a contributing structure, the historic landmark commission shall find that the project substantially complies with the following standards:

1. The proposed relocation will abate demolition of the structure;

2. The proposed relocation will not diminish the overall physical integrity of the district or diminish the historical associations used to define the boundaries of the district;

3. The proposed relocation will not diminish the historical or architectural significance of the structure;

4. The proposed relocation will not have a detrimental effect on the structural soundness of the building or structure;

5. A professional building mover will move the building and protect it while being stored; and

6. A financial guarantee to ensure the rehabilitation of the structure once the relocation has occurred is provided to the city. The financial guarantee shall be in a form approved by the city attorney, in an amount determined by the planning director sufficient to cover the estimated cost to rehabilitate the structure as approved by the historic

landmark commission and restore the grade and landscape the property from which the structure was removed in the event the land is to be left vacant once the relocation of the structure occurs.

J. Standards For Certificate Of Appropriateness For Demolition Of Landmark Site: In considering an application for a certificate of appropriateness for demolition of a landmark site, the historic landmark commission shall only approve the application upon finding that the project fully complies with one of the following standards:

1. The demolition is required to alleviate a threat to public health and safety pursuant to subsection Q of this section; or

2. The demolition is required to rectify a condition of economic hardship, as defined and determined pursuant to the provisions of subsection K of this section.

K. Definition And Determination Of Economic Hardship: The determination of economic hardship shall require the applicant to provide evidence sufficient to demonstrate that the application of the standards and regulations of this section deprives the applicant of all reasonable economic use or return on the subject property.

1. Application For Determination Of Economic Hardship: An application for a determination of economic hardship shall be made on a form prepared by the planning director and shall be submitted to the planning division. The application must include photographs, information pertaining to the historic significance of the landmark site and all information necessary to make findings on the standards for determination of economic hardship.

2. Standards For Determination Of Economic Hardship: The historic landmark commission shall apply the following standards and make findings concerning economic hardship:

a. The applicant's knowledge of the landmark designation at the time of acquisition, or whether the property was designated subsequent to acquisition;

b. The current level of economic return on the property as considered in relation to the following:

(1) The amount paid for the property, the date of purchase, and party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant, and the person from whom the property was purchased,

(2) The annual gross and net income, if any, from the property for the previous three (3) years; itemized operating and maintenance expenses for the previous three (3) years; and depreciation deduction and annual cash flow before and after debt service, if any, for the previous three (3) years,

(3) Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, during the previous three (3) years,

(4) Real estate taxes for the previous four (4) years and assessed value of the property according to the two (2) most recent assessed valuations by the Salt Lake County assessor,

(5) All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing or ownership of the property,

(6) The fair market value of the property immediately prior to its designation as a landmark site and the fair market value of the property as a landmark site at the time the application is filed,

(7) Form of ownership or operation of the property, i.e., sole proprietorship, for profit corporation or not for profit corporation, limited partnership, joint venture, etc., and

(8) Any state or federal income tax returns on or relating to the property for the previous two (2) years;

c. The marketability of the property for sale or lease, considered in relation to any listing of the property for sale or lease, and price asked and offers received, if any, within the previous two (2) years. This determination can include testimony and relevant documents regarding:

(1) Any real estate broker or firm engaged to sell or lease the property,

(2) Reasonableness of the price or rent sought by the applicant, and

(3) Any advertisements placed for the sale or rent of the property;

d. The infeasibility of alternative uses that can earn a reasonable economic return for the property as considered in relation to the following:

(1) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation,

(2) Estimate of the cost of the proposed construction, alteration, demolition or removal, and an estimate of any additional cost that would be incurred to comply with the decision of the historic landmark commission concerning the appropriateness of proposed alterations,

(3) Estimated market value of the property in the current condition after completion of the demolition and proposed new construction; and after renovation of the existing property for continued use, and

(4) The testimony of an architect, developer, real estate consultant, appraiser, or other professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property;

e. Economic incentives and/or funding available to the applicant through federal, state, city, or private programs.

3. Procedure For Determination Of Economic Hardship: The historic landmark commission shall establish a three (3) person economic review panel. This panel shall be comprised of three (3) real estate and redevelopment experts knowledgeable in real estate economics in general, and more specifically, in the economics of renovation, redevelopment and other aspects of rehabilitation. The panel shall consist of one person selected by the historic landmark commission, one person selected by the applicant, and one person selected by the first two (2) appointees. If the first two (2) appointees cannot agree on a third person within thirty (30) days of the date of the initial public hearing, the third appointee shall be selected by the mayor within five (5) days after the expiration of the thirty (30) day period.

a. Review Of Evidence: All of the evidence and documentation presented to the historic landmark commission shall be made available to and reviewed by the economic review panel. The economic review panel shall convene a meeting complying with the open meetings act to review the evidence of economic hardship in relation to the standards set forth in subsection K2 of this section. The economic review panel may, at its discretion, convene a public hearing to receive testimony by any interested party; provided, that notice for such public hearing shall be in accordance with chapter 21A.10, "General Application And Public Hearing Procedures", of this title.

b. Report Of Economic Review Panel: Within forty five (45) days after the economic review panel is established, the panel shall complete an evaluation of economic hardship, applying the standards set forth in subsection K2 of this section and shall forward a written report with its findings of fact and conclusions to the historic landmark commission.

c. Historic Landmark Commission Determination Of Economic Hardship: At the next regular historic landmark commission meeting following receipt of the report of the economic review panel, the historic landmark commission shall reconvene its public hearing to take final action on the application.

(1) Finding Of Economic Hardship: If after reviewing all of the evidence, the historic landmark commission finds that the application of the standards set forth in subsection K2 of this section results in economic hardship, then the historic landmark commission shall issue a certificate of appropriateness for demolition.

(2) Denial Of Economic Hardship: If the historic landmark commission finds that the application of the standards set forth in subsection K2 of this section does not result in economic hardship then the certificate of appropriateness for demolition shall be denied.

(3) Consistency With The Economic Review Panel Report: The historic landmark commission decision shall be consistent with the conclusions reached by the economic review panel unless, based on all of the evidence and documentation presented to the historic landmark commission, the historic landmark commission

finds by a vote of three-fourths ($^3/_4$) majority of a quorum present that the economic review panel acted in an arbitrary manner, or that its report was based on an erroneous finding of a material fact.

L. Standards For Certificate Of Appropriateness For Demolition Of A Contributing Structure In An H Historic Preservation Overlay District: In considering an application for a certificate of appropriateness for demolition of a contributing structure, the historic landmark commission shall determine whether the project substantially complies with the following standards:

1. Standards For Approval Of A Certificate Of Appropriateness For Demolition:

a. The physical integrity of the site as defined in subsection C2b of this section is no longer evident;

b. The streetscape within the context of the H historic preservation overlay district would not be negatively affected;

c. The demolition would not adversely affect the H historic preservation overlay district due to the surrounding noncontributing structures;

d. The base zoning of the site is incompatible with reuse of the structure;

e. The reuse plan is consistent with the standards outlined in subsection H of this section;

f. The site has not suffered from wilful neglect, as evidenced by the following:

(1) Wilful or negligent acts by the owner that deteriorates the structure,

(2) Failure to perform normal maintenance and repairs,

(3) Failure to diligently solicit and retain tenants, and

(4) Failure to secure and board the structure if vacant; and

g. The denial of a certificate of appropriateness for demolition would cause an economic hardship as defined and determined pursuant to the provisions of subsection K of this section.

2. Historic Landmark Commission Determination Of Compliance With Standards Of Approval: The historic landmark commission shall make a decision based upon compliance with the requisite number of standards in subsection L1 of this section as set forth below.

a. Approval Of Certificate Of Appropriateness For Demolition: Upon making findings that at least six (6) of the standards are met, the historic landmark commission shall approve the certificate of appropriateness for demolition.

b. Denial Of Certificate Of Appropriateness For Demolition: Upon making findings that two (2) or less of the standards are met, the historic landmark commission shall deny the certificate of appropriateness for demolition.

c. Deferral Of Decision For Up To One Year: Upon making findings that three (3) to five (5) of the standards are met, the historic landmark commission shall defer a decision for up to one year during which the applicant must conduct a bona fide effort to preserve the site pursuant to subsection M of this section.

M. Bona Fide Preservation Effort: Upon the decision of the historic landmark commission to defer the decision of a certificate of appropriateness for demolition for up to one year, the applicant must undertake bona fide efforts to preserve the structure. The one year period shall begin only when the bona fide effort has commenced. A bona fide

effort shall consist of all of the following actions:

1. Marketing the property for sale or lease;

2. Filing an application for alternative funding sources for preservation, such as federal or state preservation tax credits, Utah heritage revolving fund loans, redevelopment agency loans, etc.;

3. Filing an application for alternative uses if available or feasible, such as conditional uses, special exceptions, etc.; and

4. Obtaining written statements from licensed building contractors or architects detailing the actual costs to rehabilitate the property.

N. Final Decision For Certificate Of Appropriateness For Demolition Following One Year Deferral: Upon the completion of the one year period and if the applicant provides evidence of a bona fide preservation effort, the historic landmark commission shall make a final decision for the certificate of appropriateness for demolition pursuant to subsection F2 of this section. The historic landmark commission shall approve the certificate of appropriateness for demolition and approve, approve with modifications or deny the certificate of appropriateness for the reuse plan for new construction pursuant to subsection F2, H or P of this section.

O. Recordation Requirement For Approved Certificate Of Appropriateness For Demolition: Upon approval of a certificate of appropriateness for demolition of a landmark site or a contributing structure, the historic landmark commission shall require the applicant to provide archival quality photographs, plans or elevation drawings, as available, necessary to record the structure(s) being demolished.

P. Review Of Postdemolition Plan For New Construction Or Landscape Plan And Bond Requirements For Approved Certificate Of Appropriateness For Demolition: Prior to approval of any certificate of appropriateness for demolition the historic landmark commission shall review the postdemolition plans to assure that the plans comply with the standards of subsection H of this section. If the postdemolition plan is to landscape the site, a bond shall be required to ensure the completion of the landscape plan approved by the historic landmark commission. The design standards and guidelines for the landscape plan are provided in section 21A.48.050 of this title.

1. The bond shall be issued in a form approved by the city attorney. The bond shall be in an amount determined by the zoning administrator and shall be sufficient to cover the estimated cost, to: a) restore the grade as required by title 18 of this code; b) install an automatic sprinkling system; and c) revegetate and landscape as per the approved plan.

2. The bond shall require installation of landscaping and sprinklers within six (6) months, unless the owner has obtained a building permit and commenced construction of a building or structure on the site.

Q. Exceptions Of Certificate Of Appropriateness For Demolition Of Hazardous Structures: A hazardous structure shall be exempt from the provisions governing demolition if the building official determines, in writing, that the building currently is an imminent hazard to public safety. Hazardous structures demolished under this section shall comply with subsection P of this section. Prior to the issuance of a demolition permit, the building official shall notify the planning director of the decision. (Ord. 31-12, 2012: Ord. 8-12, 2012: Ord. 62-11, 2011: Ord. 20-11, 2011: Ord. 69-09 §§ 6, 7, 2009: Ord. 77-03 §§ 6, 7, 2003: Ord. 35-99 §§ 42 _ 44, 1999: Ord. 83-96 §§ 4, 5, 1996: Ord. 70-96 § 1, 1996: Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(17-1), 1995)

## 21A.34.030: T TRANSITIONAL OVERLAY DISTRICT:

A. Purpose Statement: The purpose of T transitional overlay district is to allow for the redevelopment of certain older residential areas for limited commercial and light industrial

uses. This district is intended to provide a higher level of control over such activity to ensure that the use and enjoyment of existing residential properties is not substantially diminished by future nonresidential redevelopment. The intent of this district shall be achieved by designating certain nonresidential uses as conditional uses within the overlay district and requiring future redevelopment to comply with established standards for compatibility and buffering as set forth in this section.

B. District Locational Criteria: Residential areas covered by the T transitional overlay district are characterized by:

1. A land use designation in the city's general plan identifying reuse or redevelopment for nonresidential uses;

2. The presence of external influences, such as proximity to expressways, railroad tracks and incompatible uses, which impact the long term viability of residential use; and

3. Deteriorating housing stock.

C. Permitted Uses: The uses specified as permitted uses in the table of permitted and conditional uses set forth in part III of this title for the underlying district shall be permitted uses and no other.

D. Conditional Uses: The uses specified as conditional uses in the table of permitted and conditional uses set forth in part III of this title for the underlying district shall be conditional uses. In addition to the conditional uses permitted in the underlying district, the following uses shall be allowed as conditional uses in the T transitional overlay district:

1. Light manufacturing and industrial assembly uses;

2. Warehouse and wholesale uses in which goods and materials are stored in completely enclosed buildings;

3. Offices;

4. Furniture and appliance repair shops;

5. Commercial photography studios and photofinishing laboratories;

6. Retail goods establishments;

7. Retail services establishments;

8. Medical and dental offices and clinics; and

9. Medical laboratories.

E. Minimum Lot Area: The minimum lot area for any conditional use shall be ten thousand (10,000) square feet.

F. Minimum Lot Width: The minimum lot width for any conditional use shall be sixty feet (60').

G. Maximum Building Height: The maximum building height for conditional uses shall be thirty five feet (35').

H. Site Design Criteria: The land use compatibility of a proposed conditional use shall be assessed, through the application of the following criteria in addition to the standards for conditional uses set forth in chapter 21A.54, "Conditional Uses", of this title.

1. The proposed principal building shall be located not less than twenty feet (20') from any residential dwelling;

2. Interior side yards for lots abutting residential uses shall not be less than twelve feet (12');

3. Interior side yards for lots abutting another nonresidential use shall not be less than eight feet (8');

4. Front and corner side yards shall be provided consistent with the underlying zoning district;

5. Rear yards shall not be less than twenty five feet (25');

6. Signs should be limited to one flat nonilluminated identification sign not more than six (6) square feet per fifty feet (50') of lot frontage.

I. Buffer Requirements: All conditional uses shall conform to the buffer requirements established in subsection 21A.48.100E of this title.

J. Application: The application for a conditional use in the transitional overlay district shall include information in sufficient detail so that the planning commission may judge the compatibility of the conditional use with the existing residential conditions and the adopted mixed use development policies and for the planning commission to assess the impacts to the existing neighborhood. The following specific information shall also be provided in the application:

1. The amount of employee, customer or other business related traffic (i.e., delivery and pick up) expected to be generated by the proposed use;

2. Traffic impact analysis determining the anticipated effect on contiguous streets and necessary improvements to the street network required to maintain an acceptable level of service for the neighborhood;

3. The location and design of vehicular access to the proposed use, the amount of off street parking facilities, and the location, arrangement and dimensions of loading and unloading facilities;

4. Hours of operation of the business;

5. The amount of noise, noxious odors, fumes or vibration anticipated from the proposed use;

6. Schematic elevations of all building facades indicating building materials, entries, loading docks, signage and building height;

7. Schematic landscape plan.

K. Standards: In evaluating the suitability of a proposed conditional use, the planning commission shall consider the following standards:

1. In addition to all the requirements, standards and criteria established for the transitional overlay district, each conditional use must satisfy the requirements of chapter 21A.54, "Conditional Uses", of this title.

2. The applicant has the burden of establishing to the planning commission that the proposed conditional use meets the purposes of the transitional overlay district. (Ord. 61-09 § 26, 2009: Ord. 26-95 § 2(17-2), 1995)

## 21A.34.040: AFPP AIRPORT FLIGHT PATH PROTECTION OVERLAY DISTRICT:

A. Purpose Statement: It is determined that a hazard to the operation of the airport endangers the lives and property of users of the Salt Lake City International Airport, and the health, safety and welfare of property or occupants of land in its vicinity. If the hazard is an obstruction or incompatible use, such hazard effectively reduces the size of the area available for landing, takeoff and maneuvering of aircraft, thus tending to destroy or impair the utility of the Salt Lake City International Airport and the public investment. Accordingly, it is declared:

1. That the creation or establishment of an airport hazard is a public nuisance and an injury to the region served by the Salt Lake City International Airport;

2. That it is necessary in the interest of the public health, public safety, and general welfare that the creation or establishment of airport hazards be prevented; and

3. That the prevention of these hazards should be accomplished, to the extent legally possible, by the exercise of the police power without compensation.

B. Title For Citation: This section shall be known and may be cited as *SALT LAKE CITY INTERNATIONAL AIRPORT ZONING ORDINANCE*.

C. Definitions: In this chapter the following terms, phrases, words and their derivations shall have the meanings as defined in this subsection:

AIR CIRCULATION SYSTEM: Any method of cooling and heating an area with all windows and/or doors closed, or with evaporative coolers and/or similar devices.

AIRPORT: The Salt Lake City International Airport.

AIRPORT ELEVATION: The highest point of the airport's usable landing area measured in feet from mean sea level.

AIRPORT HAZARD: Any structure or object or natural growth located on or in the vicinity of the airport, or any use of land near the airport, which obstructs the airspace required for the flight of aircraft in landing or takeoff at the airport, or is otherwise hazardous to such landing or takeoff of aircraft.

AIRPORT MASTER PLAN: The master plan of the airport showing the layout of existing and proposed airport facilities.

AIRPORT REFERENCE POINT: The point established as the approximate geographic center of the airport landing area.

FAA: The federal aviation administration.

HEIGHT: Is expressed in terms of mean sea level elevation unless otherwise specified.

INCOMPATIBLE USE: Any structure or use of land which, exposes residents or occupants in the vicinity of airports to unacceptable levels of aircraft noise (as defined in FAA guidelines) constitutes an airport hazard.

NONCONFORMING USE: Any preexisting structure, tree or use of land which is inconsistent with the provisions of this section or an amendment.

NONPRECISION INSTRUMENT RUNWAY: A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance or area type navigation equipment, for which straight-in nonprecision instrument approach procedure has been approved or planned, and for which no precision approach facilities are planned or indicated on an FAA planning document.

PERSON: An individual, firm, partnership, corporation, company, association, joint stock association or governmental entity. It includes a trustee, receiver, assignee or similar representative of any of the foregoing.

PRECISION INSTRUMENT RUNWAY: A runway having an existing instrument approach procedure utilizing an instrument landing system (ILS) or a precision approach radar (PAR). It shall also mean a runway for which a precision approach system is planned and is so indicated on an FAA approved airport layout plan or any other FAA approved planning document.

PRIMARY SURFACE: A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred feet (200') beyond each end of such runway; but when the runway has no special prepared hard surface, or planned hard surface, the primary surface ends at each end of such runway. The width of the primary surface of a runway will be that width described in part 77, section 77.25, of the federal aviation regulations (FAR), which is incorporated by reference and made a part hereof, for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

RUNWAY: A defined area on the airport prepared for landing and takeoff of aircraft along its length.

SOUND ATTENUATION: Special construction methods or materials supplementing general building code requirements that are designed or have the effect of insulating interior spaces from exterior noise or sound to lower decibel levels. Sound attenuation requirements of subsection V of this section, or successor subsection, must be demonstrated and satisfied on building plans, pursuant to the requirements of title 18, chapter 18.88 of this code before they can be approved by the building official.

STRUCTURE: An object constructed or installed by man, including, but without limitation, buildings, towers, smokestacks, earth formations and overhead transmission lines.

TREE: Any stationary object of natural growth.

UTILITY RUNWAY: A runway that is constructed for and intended to be used by propeller driven aircraft of twelve thousand five hundred (12,500) pounds' maximum gross weight or less.

VISUAL RUNWAY: A runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure, and no instrument designation indicated on an FAA approved airport layout plan or on any planning document submitted to the FAA by competent city authority.

D. Airport Master Plan And Airport Zoning Map: Airport types and airport height provisions for the airport shall be determined by and based on the most recent airport layout plan and airport zoning map, approved by the proper city airport officials and by the FAA. Any such maps so approved at the time and passage hereof shall be deemed to be as much a part of this section by this reference as if fully prescribed and detailed herein.

E. Airport Influence Zones Established; Map: In order to carry out the provisions of this section, there are created and established certain airport influence zones which include all of the land lying within the approach zones, transitional zones, horizontal zones, conical zones and airport height restriction zones. Such zones are shown on the airport zoning map on file in the office of the city planning commission, as the same appears as of the effective date hereof, and as hereinafter amended from time to time and hereinafter updated to reflect the updating changes made thereon by ordinances adopted by the city council. Such map and all references, notations and other information shown thereon are made a part of this chapter and incorporated by reference to the same extent as if said map and the information thereon were fully described and set forth herein.

F. Height Limitations In Airport Zones: Except as otherwise provided in this section, no structure or tree shall be erected, altered, allowed to grow or be maintained in any zone created by this chapter to a height in excess of the applicable height limit herein established for such zone. Additionally, structures within the M-1 light manufacturing zoning district must conform to the height regulations outlined in section 21A.28.020 of this title regarding maximum heights and site specific airport and FAA approvals.

G. Runway Larger Than Utility, Visual Approach Zone; Established: Visual approach zones for runways larger than utility are established with the inner edge coinciding with the width of the primary surface and being five hundred feet (500') wide. The approach zone expands outward uniformly to a width of one thousand five hundred feet (1,500') at a horizontal distance of five thousand feet (5,000') from the primary surface, its centerline being the continuation of the centerline of the runway.

H. Runway Larger Than Utility, Visual Approach Zone; Height Limitation: The height limitation in a runway larger than utility, visual approach zone slopes upward twenty feet (20') horizontally for each one foot (1') vertically, beginning at the end of and at the same elevation as the primary surface, and extends to a horizontal distance of five

thousand feet (5,000') along the extended runway centerline.

I. Runway Larger Than Utility, Nonprecision Instrument Approach Zone; Established: Runway larger than utility with a visible minimum as low as three-fourths ($^3/_4$) mile nonprecision instrument approach zones is established, with the inner edge of this approach zone coinciding with the width of the primary surface and which is one thousand feet (1,000') wide. The approach zone expands outward uniformly to a width of sixteen thousand feet (16,000') at a horizontal distance of fifty thousand feet (50,000') from the primary surface, its centerline being the continuation of the centerline of the runway.

J. Runway Larger Than Utility, Nonprecision Instrument Approach Zone; Height Limitation: The height limitation in a runway larger than utility with a visual minimum as low as three-fourths ($^3/_4$) mile nonprecision instrument approach slopes upward fifty feet (50') horizontally for each one foot (1') vertically, beginning at the end of and at the same elevation as the primary surface, and extends to a horizontal distance of ten thousand feet (10,000') along the extended runway centerline; thence, slopes upward forty feet (40') horizontally for each one foot (1') vertically to an additional horizontal distance of forty thousand feet (40,000') along the extended runway centerline.

K. Precision Instrument Runway Approach Zone; Established: Precision instrument runway approach zones are established with the inner edge coinciding with the width of the primary surface, and being one thousand feet (1,000') wide. The approach zone expands outward uniformly to a width of sixteen thousand feet (16,000') at a horizontal distance of fifty thousand feet (50,000') from the primary surface, its centerline being the continuation of the centerline of the runway.

L. Precision Instrument Runway Approach Zone; Height Limitation: The height limitation in a precision instrument runway approach zone slopes upward fifty feet (50') horizontally for each one foot (1') vertically, beginning at the end of and at the same elevation as the primary surface, and extends to a horizontal distance of ten thousand feet (10,000') along the extended runway centerline; and thence slopes upward forty feet (40') horizontally for each one foot (1') vertically to an additional distance of forty thousand feet (40,000') along the extended runway centerline.

M. Transitional Zones; Established: Transitional zones are established as the area beneath the transitional surfaces. Transitional surfaces extend outward and upward at ninety degree (90°) angles to the runway centerline and the runway centerline extended, at a slope of seven feet (7') horizontally for each one foot (1') vertically from the sides of the primary and approach surfaces to where they intersect the horizontal and conical surfaces. Transitional zones for those portions of the precision approach zones which project through and beyond the limits of the conical surface extend a distance of five thousand feet (5,000'), measured horizontally from the edge of the approach zones and at ninety degree (90°) angles to the extended runway centerline.

N. Transitional Zones; Height Limitations: The height limitation in a transitional zone slopes upward and outward seven feet (7') horizontally for each foot vertically, beginning at the sides of and at the same elevation as the primary surface and the approach zones, and extending to a height of one hundred fifty feet (150') above the airport elevation, and is at an elevation four thousand three hundred seventy six feet (4,376') above mean sea level. In addition to the foregoing, there are established height limits sloping upward and outward seven feet (7') horizontally for each foot vertically, beginning at the sides of and at the same elevation of the approach zones and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, height limits sloping upward and outward seven feet (7') horizontally for each foot vertically shall be maintained, beginning at the sides of and at the same elevation as precision instrument runway approach surface, and extending to a horizontal distance of five thousand feet (5,000') measured at ninety degree (90°) angles to the extended runway centerline.

O. Horizontal Zones; Established: Horizontal zones are established as that area the perimeter of which is constructed by swinging arcs of specified radii from a point on the centerline and two hundred feet (200') beyond each end of each runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is five thousand feet (5,000') for all runways designated as utility or visual, and ten thousand feet (10,000') for all other runways. The radius of the arc specified for each end of a runway will have the same arithmetical value. That value will be the highest determined for either end of the runway. When a five thousand foot (5,000') arc is encompassed by tangents connecting two (2) adjacent ten thousand foot (10,000') arcs, the five thousand foot (5,000') arc shall be disregarded in determining the horizontal zone: The horizontal zone does not include the approach and transitional zones.

P. Horizontal Zones; Height Limit: The height limitation in a horizontal zone shall be one hundred fifty feet (150') above the airport elevation, and is at an elevation of four thousand three hundred seventy six feet (4,376') above mean sea level.

Q. Conical Zones; Established: Conical zones are established as the area that commences at the periphery of the horizontal zone and extend outward from there a horizontal distance of four thousand feet (4,000'). The conical zone does not include the precision instrument approach zones and the transitional zones.

R. Conical Zones; Height Limit: The height limitation of the conical zone slopes upward and outward twenty feet (20') horizontally for each foot vertically, beginning at the periphery of the horizontal zone and at one hundred fifty feet (150') above the airport elevation extending to a height of three hundred fifty feet (350') above the airport elevation.

S. Areas in More Than One Zone. An area located in more than one zone shall conform to the regulations of the zone with the more restrictive regulation or limitation.

T. Height Limitations; Conformance For Structures And Trees: Nothing in this section shall be construed as prohibiting the growth, construction or maintenance of any tree or structure to a height consistent with the terms of this chapter.

U. Airport Influence Zones: Airport influence zones, as reflected on figure 3-1 of the airport's land use policy plan, which boundaries shall be reflected in the zoning map, are established as follows:

1. Airport influence zone A is that area exposed to very high levels of aircraft noise, and having specific height restrictions.

2. Airport influence zone B is that area exposed to high levels of aircraft noise, and having specific height restrictions.

3. Airport influence zone C is that area exposed to moderate levels of aircraft noise, and having specific height restrictions.

4. Airport influence zone H is that area having specific height restrictions.

V. Airport Influence Zones; Incompatible Uses: Except as provided for in this section, no structure or use of land shall be erected, altered or utilized in any airport influence zone so as to create an incompatible use as hereinafter established for such zones. To avoid the enlargement of existing nonconforming uses, defined as incompatible, compliance with these provisions will be required for the entire structure when changes of use occur. When structures, other than single-family or two-family dwellings, are remodeled or altered, only the area involved in the work must comply. The requirements of sound attenuation to various levels set forth below, are found in title 18, chapter 18.88 of this code, but are incorporated herein by reference.

1. Airport Influence Zone A: The following uses are incompatible in this zone and are prohibited:

   a. Residential uses;

   b. Commercial uses, except those constructed with air circulation systems and at least twenty five (25) dBs of sound attenuation;

   c. Institutional uses such as schools, hospitals, churches and rest homes;

   d. Hotels and motels, except those constructed with air circulation systems and at least thirty (30) dBs of sound attenuation in sleeping areas and at least twenty five (25) dBs of sound attenuation elsewhere.

2. Airport Influence Zone B: The following uses are incompatible in this zone and are prohibited:

a. Residential uses, except residences in agricultural zones with air circulation systems and at least twenty five (25) dBs of sound attenuation;

b. Institutional uses such as schools, hospitals, churches and rest homes, except those constructed with air circulation systems and at least twenty five (25) dBs of sound attenuation;

c. Hotels and motels except those constructed with air circulation systems, and at least twenty five (25) dBs of sound attenuation, in sleeping areas.

3. Airport Influence Zone C: The following uses are incompatible uses in this zone and are prohibited:

a. Residential uses, except those constructed with air circulation systems;

b. Mobile homes, except those constructed with air circulation systems and at least twenty (20) dBs of sound attenuation;

c. Institutional uses such as schools, hospitals, churches and rest homes, except those constructed with air circulation systems.

4. Airport Influence Zone H: The uses within zone H shall be the same as the underlying city zone.

W. Airport Influence Zones; Avigation Easements:

1. Any development on land located within airport influence zones A, B or C requires the acknowledgment of the existing prescriptive avigation easement. Such easement is the memorialization by dedication of an avigation easement by the owners, both legal and equitable, of the property to be developed. A sample of the avigation easement shall be on file with the city recorder.

2. For purposes of this action, development requiring the easement is defined as the subdivision of land (defined under title 20 of this code), and/or the new construction of improvements upon vacant land, excepting only:

a. New construction which is proposed on improved and subdivided property where plats therefor were approved and filed of record prior to September 13, 1983, the date of conceptual approval following public hearing; and

b. Remodeling of or additions to existing structures on improved and subdivided lots, provided no change of use is involved.

3. The requirement of an avigation easement is separate and apart from the various sound attenuation requirements that may be imposed on construction in various zones.

X. Use Restrictions; Electrical Or Visual Hazards: Notwithstanding any other provision of this section, no use may be made of land or water within any zone established by this chapter in such a manner as to:

1. Create any electrical interference with navigational signals for radio communication between the airport and the aircraft;

2. Make it difficult for pilots to distinguish airport lights and others;

3. Result in glare in the eyes of the pilots using the airport;

4. Impair visibility in the vicinity of the airport; or

5. Otherwise in any way create a hazard or endanger the landing, takeoff or maneuvering of aircraft intending to use the airport.

Y. Nonconforming Uses; Regulations Not Retroactive: The regulations prescribed in this section shall not be construed to require the removal, lowering, or other changes or alterations in any structure or tree not conforming to the regulations as of April 12, 1995, or otherwise interfere with the continuance of a nonconforming use. Nothing contained herein shall require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to April 12, 1995, and which is diligently prosecuted.

Z. Nonconforming Uses; Marking And Lighting: Notwithstanding the provisions of subsection Y of this section, or its successor, the owner of any existing nonconforming structure or tree is required to permit the installation, operation and maintenance thereon of such markers and lights as shall be deemed necessary by the airport manager, to indicate to the operators of aircraft in the vicinity of the airport the presence of such airport hazards. Such markers and light shall be installed, operated and maintained at the expense of the owner of the property involved.

AA. Permits; Future Uses: Except as specifically provided in subsections BB through DD of this section no material change shall be made in the use of land, and no structure or tree shall be erected, altered, planted or otherwise established in any zone created by this chapter, unless a permit therefor shall have been applied for and granted. Each application for a permit shall indicate the purpose for which the permit is desired, with sufficient particularity to permit it to be determined or that the resulting use, structure or tree would conform to the regulations herein prescribed.

BB. Permits; Issuance Restrictions: No permit shall be granted that would allow the establishment or creation of an airport hazard or permit a nonconforming use, structure or tree to be made or become higher or become a greater hazard to air navigation than it was on April 12, 1995, or any amendment thereto, or than it is when the application for a permit is made.

CC. Abandoned Or Deteriorated Structures Or Trees: Whenever the building inspector determines that a nonconforming structure or tree has been abandoned or more than eighty percent (80%) torn down, physically deteriorated or decayed, no permit shall be granted that would allow such structure or tree to exceed the applicable height limit or otherwise deviate from the zoning regulations.

DD. Hazard Marking And Lighting: Any permit or variance granted may, if such action is deemed advisable to effectuate the purpose of this chapter and be reasonable in the circumstances, be so conditioned as to require the owner of the structure or tree in question to permit the property owner at his own expense, to install, operate and maintain thereon such markers and lights as may be necessary to indicate to flyers the presence of an airport hazard.

EE. Airport Landscape Overlay District: The airport landscape overlay district shall consist of all properties located generally between Interstate 215 and the eastern boundary of the Salt Lake International Center, and between 2700 North and the Western Pacific Railroad corridor south of Interstate 80. This airport landscape overlay district is more particularly depicted on the map attached as exhibit A to ordinance 70-03.

FF. Airport Parking Lot Landscaping: All parking lots located within the airport landscaping overlay district shall comply with the following guidelines:

1. General Landscaping Performance Standards: Landscaping plans for parking lots shall be developed to reflect a balance between the responsibility of ensuring the safety and security of persons and property with the objective of creating aesthetically pleasing, environmentally sensitive landscapes. Landscaping should address city goals related to reduction of urban heat islands, visual buffering of parking lots, impacts of noise, water conservation, as well as minimization of dust, runoff and sedimentation. Landscaping shall consist of a variety of landscape materials, which may include trees, turf, ground cover, shrubs, perennials, managed water features, and rock features. Drought tolerant or resistant vegetation, which reflects the natural vegetation and geography of the region, should be used to create an aesthetically appealing landscape.

2. Reduction Of Urban Heat Islands: The following standards are intended to help mitigate the contribution to the urban heat island effect from large parking areas. Parking lot owners or operators may use a combination of any of the following methods to reduce urban heat:

a. The total airport parking supply shall consist of a combination of surface and structured parking lots. Structured parking shall offset the area of surface parking that is otherwise required, thereby reducing the area that contributes to urban heat.

b. Landscaping within large land use areas may be evaluated in terms of a comprehensive planned development program to consider the total landscaping within the entire development area. Landscaping may be shifted from the interior of parking lots to other areas within the developed area.

c. Landscaping, which includes trees, shrubs, ground cover and perennials, shall be dispersed throughout parking lots to provide shade while ensuring trees are not planted at a spacing or density that will encourage wildlife use or create an aviation hazard.

d. Shade for pedestrians shall be provided in parking lots through the use of pedestrian shelters integrated with landscaping.

e. Interior landscaped areas shall be provided in parking lots to reduce heat, provide a visual buffer and reduce runoff.

f. No specific ratio of trees and shrubs to landscaped area is required.

3. Visual Buffering: Landscaped buffers, not less than ten feet (10') in width, shall be provided, where feasible, between parking lots and primary entrance and exit roads. Visual screening shall be provided within landscape buffers to enhance aesthetics and reduce visibility of parked vehicles. Visual screening may consist of a combination of earth berms, shrubs, trees or other methods.

4. Water Conservation: To promote water conservation, landscape concepts shall incorporate features that use trees, shrubs, ground cover, and perennials that are drought tolerant or resistant species that can withstand dry conditions once established. The plant list developed by the city, titled "Water Conserving Plants For Salt Lake City", shall be used as the primary reference in determining drought tolerance of plants. All irrigation systems shall be designed for efficient use of potable water. Traditional turf areas should be minimized in favor of alternative landscape practices to reduce the use of water.

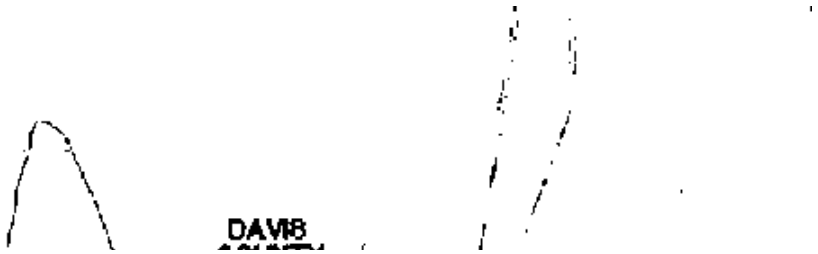
5. Temporary Parking Lots: Parking lots that are intended to be in use for three (3) years or less are exempt from parking lot landscaping requirements. Such parking lots may exist to phase the construction of other facilities and shall be removed once the facilities are completed. Temporary lots that are within the area of an approved comprehensive plan may remain in use for the duration approved in the plan. However, temporary parking lots shall still comply with applicable development standards for parking lots as outlined in section 21A.44.020 of this title. Parking lots that remain in use by the public beyond three (3) years shall be brought into compliance with these standards within twelve (12) months.

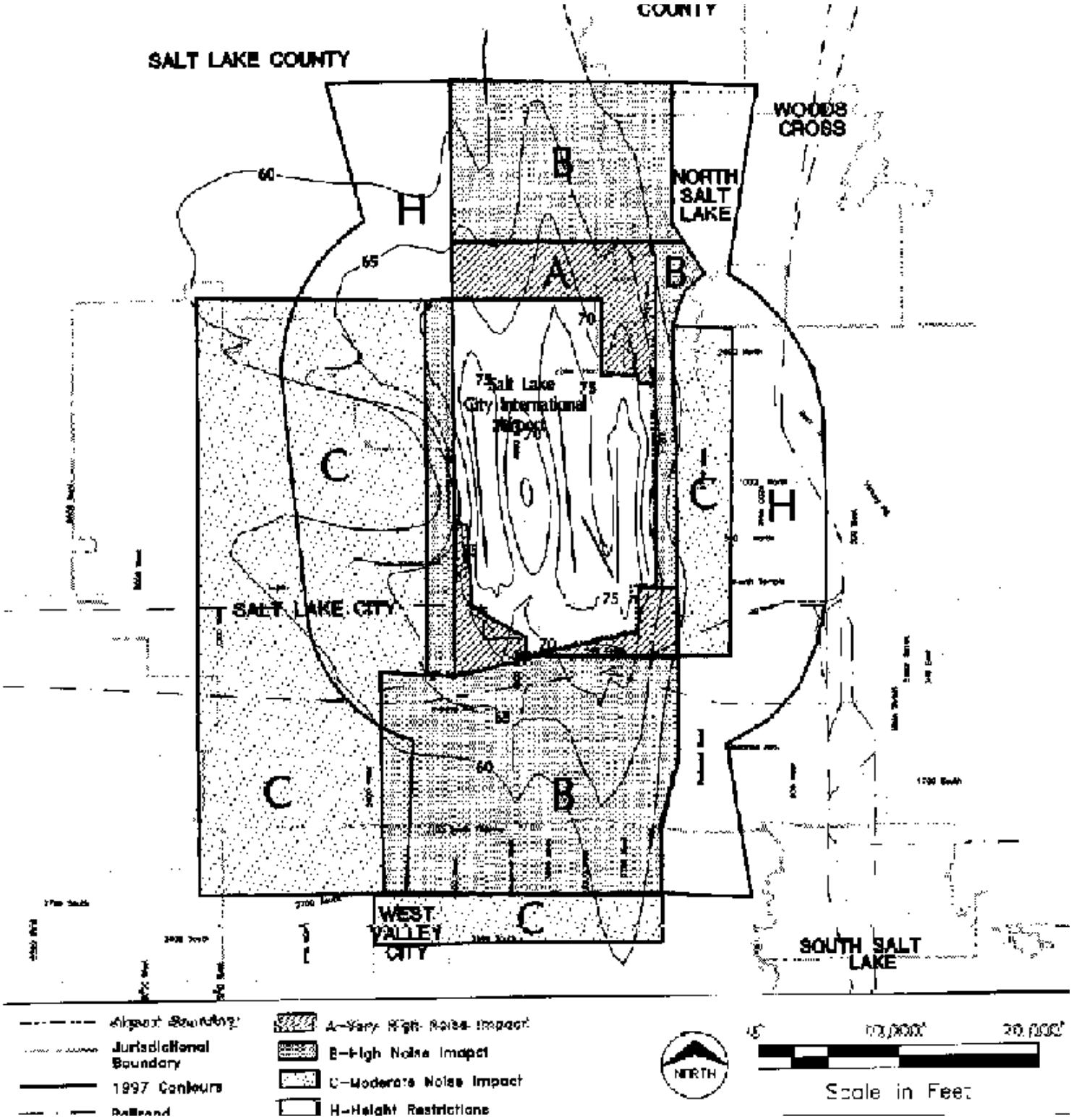
6. Operational And Maintenance Lots: Parking lots that are not available to the public for parking and are used to store vehicles, operational materials, or maintenance equipment are exempt from landscaping requirements. The portions of permanent storage lots that are adjacent to public areas shall be landscaped using acceptable landscaping principles contained herein to screen the storage area from public view.

7. Plan Approval: All landscape plans shall be coordinated with the city's development review team (DRT) and planning division, for review and comment on compliance with city ordinances and these performance standards. The planning director and director of airports shall jointly approve final landscaping plans for any airport parking lot.

GG. Conflicting Regulations: Where there exists a conflict between any of the regulations or limitations prescribed in this chapter and any other regulation applicable to the same area, whether the conflict is with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall govern and prevail.

HH. Violation; Penalty: Each violation of this section shall constitute a misdemeanor and be punished as provided in section 1.12.050 of this code, or its successor section.




SALT LAKE COUNTY
WOODS CROSS
NORTH SALT LAKE
SALT LAKE CITY
WEST VALLEY CITY
SOUTH SALT LAKE
Salt Lake City International Airport
60
65
70
75
A
B
C
H
Airport Boundary
Jurisdictional Boundary
1997 Contours
Railroad
A-Very High Noise Impact
B-High Noise Impact
C-Moderate Noise Impact
H-Height Restrictions
NORTH
Scale in Feet

(Ord. 61-07 § 2, 2007: Ord. 70-03 §§ 1, 2, 2003: Ord. 26-95 § 2(17-3), 1995)

## 21A.34.050: LC LOWLAND CONSERVANCY OVERLAY DISTRICT:

A. Purpose Statement: It is the purpose of this district to promote the public health, safety and general welfare of the present and future residents of the city and downstream drainage areas by providing for the protection, preservation, proper maintenance, and use of the city's watercourses, lakes, ponds, floodplain and wetland areas. The requirements of this district shall supplement other applicable codes and regulations, including state and federal regulations and the Salt Lake City floodplain ordinance.

B. Lowland Protection Areas: Areas protected by the LC lowland conservancy overlay district encompass areas consisting of waterbodies such as streams, lakes, ponds and wetlands, as identified on the zoning map, and also the Jordan River and the Surplus Canal. These areas are referred to herein as lowland protection areas.

C. Lowland Protection Area Standards:

1. Setback Required: A nonbuildable setback area around the waterbodies described in subsection B of this section shall be required. The nonbuildable setback shall be fifty feet (50') for nonresidential uses and twenty five feet (25') for residential uses from the boundary line of the LC lowland conservancy overlay district as identified on the zoning map, or from the banks of the Jordan River or Surplus Canal.

2. Permitted Uses: No development or improvement to land shall be permitted within the limits of a water body. Within the setback area identified in subsection C1 of this section, permitted uses shall be limited to the following, subject to the other requirements of this district:

a. Agricultural uses, provided such uses are permitted in the underlying district and do not involve any grading, earthmoving, modification of site hydrology, removal of wetland vegetation or construction of permanent buildings/structures;

b. Open space and recreational uses that do not involve any grading, earthmoving, modification of site hydrology, removal of wetland vegetation or construction of permanent buildings/structures.

3. Conditional Uses: Within the limits of a water body, conditional uses shall be limited to those involving only limited filling, excavating or modification of existing hydrology, as listed below:

Boat docks and piers.

Boat launching ramps.

Observation decks and walkways within wetlands.

Public and private parks including wildlife and game preserves, fish and wildlife improvement projects, and nature interpretive centers.

Repair or replacement of existing utility poles, lines and towers.

Roads and bridges.

Swimming beaches.

Underground utility transmission infrastructure:

a. An appropriate plan for mitigation of any construction activities shall be prepared, and

b. Absent any state or federal regulations, a plan for creating no adverse impact should the line be abandoned shall be prepared.

Watercourse relocation and minor modifications.

Within the setback area, conditional uses shall be limited to the following:

All uses listed above.

Pedestrian paths and trails.

Public and private open space that requires grading or modification of site hydrology.

Stormwater drainage and detention facilities.

4. Natural Vegetation Buffer Strip: A natural vegetation strip shall be maintained along the edge of the stream, lake, pond or wetland to minimize erosion, stabilize the stream bank, protect water quality, maintain water temperature at natural levels, preserve fish and wildlife habitat, to screen manmade structures, and also to preserve aesthetic values of the natural watercourse and wetland areas. Within the twenty five foot (25') natural vegetation strip, no buildings or structures (including paving) may be erected, except as allowed by conditional use. However, normal repair and maintenance of existing buildings and structures shall be permitted. The natural vegetation strip shall extend landward a minimum of twenty five feet (25') from the ordinary high water mark of a perennial or intermittent stream, lake or pond and the edge of a wetland. The natural vegetation strip may be interrupted to provide limited access to the water body.

Within the natural vegetation strip, trees and shrubs may be selectively pruned or removed for harvest of merchantable timber, to achieve a filtered view of the water body from the principal structure and for reasonable private access to the stream, lake, pond or wetland. Said pruning and removal activities shall ensure that a live root system stays intact to provide for stream bank stabilization and erosion control.

5. Landscape Plan Required: A landscape plan shall be submitted with each conditional use permit application for development activity within the LC lowland conservancy overlay district and contain the following:

a. A plan describing the existing vegetative cover of the property and showing those areas where the vegetation will be removed as part of the proposed construction;

b. A plan describing the proposed revegetation of disturbed areas specifying the materials to be used. The vegetation must be planned in such a way that access for stream maintenance purposes shall not be prevented; and

c. Such a plan shall be in conformance with the requirements of chapter 21A.48 of this title.

D. State And Federal Permits Required: A conditional use shall not be granted unless the applicant has first obtained a section 404 permit from the army corps of engineers and a stream alteration permit from the Utah state department of natural resources, water rights division, as applicable.

E. Conditional Use Standards: In addition to demonstrating conformance with the conditional use standards contained in chapter 21A.54 of this title, each applicant for a conditional use within the LC lowland conservancy overlay district must demonstrate conformance with the following standards:

1. The development will not detrimentally affect or destroy natural features such as ponds, streams, wetlands, and forested areas, nor impair their natural functions, but will preserve and incorporate such features into the development's site;

2. The location of natural features and the site's topography have been considered in the designing and siting of all physical improvements;

3. Adequate assurances have been received that the clearing of the site topsoil, trees, and other natural features will not occur before the commencement of building operations; only those areas approved for the placement of physical improvements may be cleared;

4. The development will not reduce the natural retention storage capacity of any watercourse, nor increase the magnitude and volume of flooding at other locations; and that in addition, the development will not increase stream velocities;

5. The soil and subsoil conditions are suitable for excavation and site preparation, and the drainage is designed to prevent erosion and environmentally deleterious surface runoff;

6. The proposed development activity will not endanger health and safety, including danger from the obstruction or diversion of flood flow;

7. The proposed development activity will not destroy valuable habitat for aquatic or other flora and fauna, adversely affect water quality or groundwater resources, increase stormwater runoff velocity so that water levels from flooding increased, or adversely impact any other natural stream, floodplain, or wetland functions, and is otherwise consistent with the intent of this title;

8. The proposed water supply and sanitation systems are adequate to prevent disease, contamination and unsanitary conditions; and

9. The availability of alternative locations not subject to flooding for the proposed use. (Ord. 45-09 § 1, 2009: Ord. 26-95 § 2(17-4), 1995)

## 21A.34.060: GROUNDWATER SOURCE PROTECTION OVERLAY DISTRICT:

A. Title, Applicability And Authority:

1. Title: This section shall be known as the *GROUNDWATER SOURCE PROTECTION ORDINANCE.*

2. Applicability: The provisions of this section shall be effective within the corporate boundaries of the city with respect to both city owned and noncity owned groundwater sources, and, to the fullest extent permitted by law, outside the corporate boundaries of the city with respect to city owned groundwater sources. This section establishes certain standards and restrictions intended to prevent contamination of the public drinking water supply as a result of toxic substances entering the groundwater. It shall be the responsibility of any person owning real property and/or owning or operating a business within the protective zones or recharge areas established pursuant to this section to conform and comply with the applicable provisions contained in this section. Ignorance of this section shall not excuse any violations of the provisions hereof.

3. Authority: This section is adopted pursuant to authority provided in the Utah municipal land use and development act[1], section 10-8-15, Utah Code Annotated, the Utah administrative code, R309-113, and other applicable statutory and common law of the state.

B. Purpose And Intent: The purpose of this section is to protect, preserve, and maintain existing and potential public drinking groundwater sources in order to safeguard the public health, safety and welfare of customers and other users of the city's public drinking water supply, distribution and delivery system. The intent of this section is to establish and designate drinking water source protection zones and groundwater recharge areas for all underground sources of public drinking water which enter the city's culinary drinking water supply, distribution and delivery system, whether such sources are located within, or outside of, the city's corporate boundaries. This section establishes criteria for regulating the storage, handling, use or production of hazardous waste, petroleum product and regulated substances within identified areas where groundwater is, or could be affected by the potential contaminant source. This shall be accomplished by the designation and regulation of property uses and conditions that may be maintained within such zones or areas. Unless otherwise specified, the provisions of this section apply to new development, changes or expansion of use, and/or handling, movement, and storage of hazardous waste, petroleum products and regulated substances.

The degree of protection afforded by this section is considered adequate at the present time to address the perceived actual and potential threat to underground drinking water sources. This section does not ensure that public drinking water sources will not be subject to accidental or intentional contamination, nor does it create liability on the part of the city, or an officer or employee thereof, for any damages to the public water supplies from reliance on this section or any administrative order lawfully made hereunder.

Compliance with the terms of this section shall not relieve the person subject to the terms hereof of the obligation to comply with any other applicable federal, state, regional or local regulations, rule, ordinance or requirement.

C. Definitions: Unless the context specifically indicates otherwise, the following terms used in this section shall have the following meanings:

BEST MANAGEMENT PRACTICES (BMPs): A practice or combination of practices determined to be the most effective practicable (including technological, economic, and institutional considerations) means of preventing or reducing the amount of pollution to a level compatible with water, soil, and air quality goals.

CITY: Salt Lake City Corporation.

CLOSURE: The cessation of operation of a facility, or any portion thereof, and the act of securing such facility or portion thereof to ensure protection of ground water in accordance with the appropriate state, federal, regional and local regulations applicable to the specific facility and with the provisions of this section.

COLLECTION AREA: The area surrounding a ground water source which is underlain by collection pipes, tile, tunnels, infiltration boxes, or other ground water collection devices.

CONTINUOUS TRANSIT: The nonstop movement of a mobile vehicle except for stops required by traffic laws.

COUNCIL: The Salt Lake City council.

DIRECTOR: The director of the public utilities department.

DISCHARGE: Means and includes, but shall not be limited to, spilling, leaking, seeping, pouring, injecting, emitting, emptying, disposing, releasing, or dumping regulated substances, hazardous waste or petroleum products to the soils, air, ground water, or surface waters of the city. Discharge does not include the use of a regulated substance in accordance with the appropriate use intended or specified by the manufacturer of the substances, provided that such use is not prohibited by federal, state, regional or local regulations. Discharge shall not include discharges specifically authorized by federal or state permits.

DRINKING WATER SOURCE: A drinking water spring or well supplying water which has been permitted or intended for consumptive use.

DRINKING WATER SOURCE PROTECTION ZONE (DWSP), OR PROTECTION ZONE: An area within which best management practices are mandated for restricted uses, or certain uses are prohibited, in order to protect ground water flowing to public drinking water sources, and designated as a protection zone, level 1, 2, 3 or 4, pursuant to subsection D2 of this section.

GROUND WATER: Any water which may be drawn from the ground.

GROUND WATER DIVIDE: A line on a water table on each side of which the water table slopes downward in a direction away from the line.

GROUND WATER TOT: Time of travel for ground water to a drinking water source.

HANDLE: To use, generate, process, produce, package, treat, store, or transport a regulated substance, hazardous waste or petroleum product in any fashion.

HAZARDOUS WASTE: All waste regulated under the following federal acts: the reserve conservation and recovery act, the toxic substance control act, the clean water act, the clean air act, the solid waste disposal act and the atomic energy act of 1954.

HEALTH DEPARTMENT: The Salt Lake Valley health department.

OPERATING PERMIT: A permit to operate a facility handling regulated substances, hazardous waste or petroleum products under this section. The permit will be issued by the Salt Lake City division of building services and licensing.

PCS: Potential contaminant source.

PWS: Public water system.

PETROLEUM PRODUCT: Fuels (gasoline, diesel fuel, kerosene, and mixtures of these products), lubricating oils, motor oils (new and used), hydraulic fluids, and other similar petroleum based products.

PRIMARY RECHARGE AREA: Each area by that name designated pursuant to subsection D2 of this section.

PUBLIC UTILITIES DEPARTMENT: The Salt Lake City department of public utilities.

RECHARGE AREA: Either a primary recharge area or a secondary recharge area.

RECHARGE AREA AND PROTECTION ZONE MAP: The map by that name designated in subsection D1 of this section.

REGULATED PERSON: Each person, corporation, partnership, association or other legal entity subject to the provisions of this section.

REGULATED SUBSTANCES: Substances (including degradation and interaction products) which, because of quantity, concentration, physical, chemical (including ignitability, corrosivity, reactiveness, and toxicity), infectious characteristics, radiomutagenicity, carcinogenicity, teratogenicity, bioaccumulative effect, persistence (nondegradability) in nature, or any other characteristics relevant to a particular material, may cause significant harm to human health and/or the environment (including surface and ground water, plants, and animals), including, without limitation, those substances set forth in the generic regulated substances list which is included in this section as appendix A. Regulated substances shall include those set forth in the following lists, as the same may be amended from time to time: Identification and listing of hazardous materials (40 CFR part 261, subpart D) and list of extremely hazardous substances (40 CFR part 355, appendices A and B) and which are in a form capable of entering the ground water.

RESIDENTIAL USE: Any building or structure or portion thereof that is designed for or used for residential purposes and any activity involving the use or occupancy of a lot for residential purposes. Residential use shall include those customary and accessory residential activities associated with the principal permitted use of a lot for residential purposes as set out in the zoning ordinance of the city.

SECONDARY AS SUCH RECHARGE AREA: The areas depicted on appendix C to this section.

SECONDARY CONTAINMENT: Any system that is used to provide release detection and release prevention, such as trays under containers, floor curbing or other systems designed to hold materials or liquids that may discharge from containers holding regulated substances, petroleum products or hazardous waste. Examples include a double walled tank, a double walled integral piping system, or a single walled tank or integral piping system that is protected by an enclosed concrete vault, liner, or an impervious containment area.

SEPTIC HOLDING TANK: A watertight receptacle, used to contain septic waste, the contents of which are removed and disposed of at a waste disposal facility.

SEPTIC TANK SYSTEM: A generally watertight receptacle connected to a drain field that allows liquid from the tank to enter the soil. The system is constructed to promote separation of solid and liquid components of domestic wastewater, to provide decomposition of organic matter, to store solids, and to allow clarified liquid to discharge for further treatment and disposal in a soil absorption system.

SLUDGE, OR BIOSOLIDS: The solids separated from wastewater during the wastewater treatment process.

TRAVEL TIME CONTOUR: The locus of points that form a line of any configuration in space from which ground water particles on that line theoretically take an equal amount of time to reach a given destination, such as a well or a well field, as predicted by the refined Salt Lake Valley MODFLOW/MODPATH model.

USGS: The United States geological survey.

WELL: Any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed for which the intended use of such excavation is the location, acquisition, development, or artificial recharge of ground water.

WELL FIELD: An area of land which contains one or more drinking water supply wells.

D. Extent And Designation Of Recharge Areas And Protection Zones:

1. Recharge Area And Protection Zone Map: The extent of the recharge areas and the protection zones may be seen on the recharge area and protection zone map, appendix C to this section. The recharge area and protection zone map is incorporated and made a part of this section. The recharge area boundary lines have been located along streets and/or section lines for convenience of assessing which prohibition and restrictions apply to a specific property. Amendments, additions, or deletions to this map may be made by the city council following public notice and after approval by the public utilities department. This notice shall be published at least thirty (30) days prior to consideration by the public utilities department.

2. Designation Of Recharge Areas And Protection Zones: The following recharge areas and protection zones are hereby designated within the city:

a. Primary recharge area, as determined by the USGS (see appendix C to this section).

b. Secondary recharge area, as determined by the USGS (see appendix C to this section).

c. Protection zone 1 shall be the area within a one hundred foot (100') radius from the margin of the collection area.

d. Protection zone 2 shall be the area within a two hundred fifty (250) day ground water TOT to the margin of the collection area, the boundary of the aquifer(s) which supplies water to the ground water source, or the ground water divide, whichever is closer.

e. Protection zone 3 shall be the area within a three (3) year TOT to the margin of the collection area, the boundary of the aquifer(s) which supplies water to the ground water source, or the ground water divide, whichever is closer.

f. Protection zone 4 shall be the area within a fifteen (15) year TOT to the margin of the collection area, the boundary of the aquifer(s) which supplies water to the ground water source, or the ground water divide, whichever is closer.

3. Determination Of Applicable Standards: In determining the location of properties and facilities within the recharge areas and protection zones depicted on the recharge area and protection zone map, the following rules shall apply:

a. Property located wholly or partially within a single recharge area or a protection zone on the overlay map shall be governed by the restrictions applicable to that recharge area or protection zone.

b. Properties located within more than one recharge area or protection zone as shown on the overlay map shall be governed by the restrictions applicable to the most restrictive protection zone.

4. Review Of Recharge Area And Protection Zone Map: The public utilities department shall review the recharge area and protection zone map at least once every five (5) years, or more frequently as determined appropriate by the public utilities department, and may recommend changes as deemed appropriate. Failure to conduct this review shall not affect the validity of the existing approved map. The basis for updating the map may include, but is not limited to, the following:

a. Changes in technical or scientific knowledge in the areas of geohydrology, hydraulics, and geology;

b. Changes in well field configuration;

c. Changes in pumping rates for the well field;

d. Development of new wells, well fields, and/or springs; or

e. Changes in water quality.

E. Uses And Restrictions Within Recharge Areas And Protection Zones:

1. Prohibitions And Restrictions: A list of uses which may constitute potential contamination sources is set forth in appendix B to this section. The list categorizes each use as either "restricted" or "prohibited" within the protection zones referenced in subsection D2 of this section, and includes BMPs, if available, for each use. Permit requests for restricted uses shall be processed as outlined in subsection F of this section. The public utilities department shall update and/or revise appendix B to this section from time to time as uses, technology, and BMPs evolve over time.

2. Discharges: No person shall discharge, or permit the discharge of any regulated substance, hazardous waste or petroleum product, whether treated or untreated, to soils, air, ground water, or surface water in any recharge area or protection zone, that may have a deleterious effect upon the ground water in the city, unless the discharge is in compliance with federal, state, and local regulations.

F. Review Of Development Plans; Permits:

1. Application: Permit applications for all new restricted uses, or expansion of an existing restricted use, shall be submitted to the Salt Lake City division of building services and licensing for review, issuance of building permits (if applicable), and issuance of an operating permit. The review process shall include referral of proposed plans and specifications to the public utilities department for review.

2. Approval Of Permit: If the public utilities department finds that the proposed use will not have an adverse impact on ground water quality, or that the potential adverse impacts can be mitigated by implementing best management practices or other strategies, the permit may be approved. If approved, all recommendations of the public utilities department shall be attached to the permit as conditions of approval.

3. Denial Of Permit: If the public utilities department determines that the proposed use may have an adverse effect upon ground water quality, and that the adverse effect cannot be adequately mitigated through use of BMPs or other methods, the permit shall be denied.

G. Management Strategies; Best Management Practices:

1. Toxic, Hazardous, And Other Materials Handling Regulations:

a. Storage Containers: All regulated substances, hazardous waste and petroleum products shall be stored in suitable containers to reduce the chance for such substances to be accidentally introduced into the environment. These storage containers shall be product tight and, except where provided elsewhere in this section, shall be provided with a means to control spillage and to contain or drainoff spillage and fire protection water discharged in the storage area. Storage containers and secondary containment areas must be covered and/or elevated to prevent the accumulation of rain or other water. Defective storage containers shall be removed from service for repair or disposal in accordance with local, state, and federal standards.

b. Secondary Containment: Secondary containment shall be constructed of a material of sufficient structural integrity and composition to contain the required capacity of liquids and not be structurally weakened as a result of contact with the discharge of the regulated substance, hazardous waste or petroleum product to be contained. The material shall be free of cracks, joints, gaps, or other imperfections which would allow leakage through the containment material.

The secondary containment system shall have sufficient capacity to contain: 1) ten percent (10%) of the volume of all containers and one hundred percent (100%) of the volume of the largest single container, whichever is greater, plus 2) the design flow rate of the automatic fire extinguishing system (for 20 minutes) for the area or room in which the storage is located. If the storage area and/or containment area are open to rainfall, the secondary containment system must also accommodate the volume of a twenty four (24) hour rainfall as determined by a 25-year storm frequency. Liquid that accumulates in the secondary containment system shall be removed in as timely a manner as necessary to prevent overflow of the system. Nonhazardous liquids may be drained in accordance with applicable local regulations. If the collected material is a hazardous waste under title 40, part 261 of the code of federal regulations, it must be managed as a hazardous waste in accordance with all applicable requirements of parts 262 through 266 of that regulation.

Vacuum suction devices, absorbent scavenger materials or other devices approved by the public utilities department, shall be present on site or available to facilitate the removal or further containment of spilled regulated substances. Devices or materials shall be available in sufficient magnitude so as to at least control and collect the total quantity of regulated substances, hazardous waste or petroleum product that the containment system is designed to contain. Emergency containers shall be present and of such capacity as to hold the total quantity of regulated substances, hazardous waste or petroleum product plus absorbent material.

c. Regulated Substances Emergency Management Plan: An emergency plan shall be prepared and filed with the health department, the city's fire department, the city' s police department, and the public utilities department indicating the procedures that will be followed in the event of the release of a regulated substance, hazardous waste or petroleum product so as to control and collect all such spilled material in such a manner as to prevent it from discharging into any storm or sanitary drains or the ground. Facilities which have had, or appear to have had, unauthorized discharges to soil or ground water shall be required by the public utilities department to submit a regulated substances management plan for the facility. The written plan will be used to demonstrate to the public utilities department that the facility owner or operator understands the procedures and has the proper equipment to handle regulated substances, hazardous waste or petroleum products within the guidelines of this section. The plan should not be implemented without the approval of the public utilities department.

d. Reporting Of Spills: Any spill of a regulated substance, hazardous waste or petroleum product in excess of the nonaggregate quantity thresholds established by the list of hazardous waste (40 CFR part 261, subpart D), 40 code of federal regulations appendix VIII - hazardous constituents and EPA designation reportable quantities and notification requirements for hazardous substances under CERCLA (40 CFR 302, effective July 3, 1986), shall be reported by telephone to the public utilities department, the health department and the local water utility within one hour of discovery of the spill. Cleanup shall commence immediately upon discovery of the spill. A full written report shall be submitted to the public utilities department, the health department and the local water utility within fifteen (15) days of discovery of the spill.

2. Best Management Practices: Under the provisions of this section, all potential contamination sources shall incorporate and utilize best management practices in their operations. BMPs that reduce the potential for spills and leaks at a site to occur and enter ground water shall be construed within the context of this section to include, but not be limited to, structural and nonstructural practices, conservation practices, and operation and maintenance procedures as specified by the Utah department of environmental quality and the U.S. environmental protection agency. BMPs outlined in appendix B to this section supplement those outlined below. It is the responsibility of the applicant to comply with the most recent, updated version of BMP provisions.

a. Underground Storage Tanks: Installation of any new underground storage tanks ("USTs") used to store regulated substances, hazardous waste or petroleum products for either residential or nonresidential activities in recharge areas and protection zones designated under subsection D2 of this section, shall require a secondary containment system for the tank and associated underground piping, and an automatic leak detection system. A permit from Utah state division of environmental remediation and response shall be required for the removal or closure of USTs. The permit shall require that leaking tanks be pumped dry and removed from the ground by a state licensed company. If removal of the UST(s) is not feasible, the lines shall be disconnected and capped and the tank shall be filled with an inert substance such as washed sand. Best management practices implementation is required for all USTs.

b. Septic Tank Systems: No person shall place, maintain, or operate on site sewage disposal from a septic tank within the primary recharge area, protection zones 1 and 2, or within three hundred feet (300') of any public street in which a public sewer is laid. Septic systems in zones 3 and 4 shall comply with the Utah state department of health "care of waste disposal regulations", parts IV and V. Nonresidential activities which have septic tank systems shall have installed a four inch (4") diameter vertical pipe with a locked cap or locked top in the top of the septic tank. This monitoring pipe shall be located in a manner which will permit ready access by public utilities department personnel to extract representative samples to check for improper/unauthorized disposal of regulated substances. A septic holding tank that does not discharge into the soil would be preferred. The contents of a septic holding tank shall be removed, as necessary, and treated or disposed of at an approved facility.

c. Sewage Collection, Transmission And Disposal: No person shall discharge treated or untreated sewage in any area not specifically designated for that purpose by the city. The owner or operators of any wastewater treatment plant, sanitary sewer, force main, gravity sewer, or lateral shall notify the public utilities department within one hour of discovering a break that may or does result in the leakage of sewage. Emergency telephone numbers will be prominently displayed on all sewage lift stations within zones 1, 2, 3, and 4, and the primary recharge area. All leaking sewage collection and transmission pipes shall be repaired or replaced. New sewage collection and transmission pipes shall be installed according to acceptable construction standards, as determined by the Utah department of environmental quality and the city, and shall have routine inspections during and after construction. No wastewater treatment plants shall be placed, maintained, or operated within protection zones 1 or 2.

d. General Stormwater Management: All future stormwater management systems to be constructed and implemented for restricted uses within the protection zones and recharge areas shall obtain permits in accordance with applicable local, state, and federal laws and regulations.

e. Deicing Salt Storage And Application: Deicing salt shall be stored on an impermeable pad and shall be covered. Deicing salt application shall use best management practices and shall evaluate substitute products and technologies.

f. Landfills: Expansion or creation of new landfills is prohibited in the primary recharge area and zones 1 and 2. Existing landfills in the primary recharge area or in protection zone 1 shall be required to comply with the provisions of Utah administration code R315-301-1 through 301-5. Landfills shall develop and implement a landfill monitoring program. The monitoring shall include the vadose zone and ground water. If the monitoring detects contamination, the following corrective measures may be required:

(1) Cover the landfill with suitable low permeability materials and minimize the application of supplemental water to reduce infiltration of moisture.

(2) Install ground water containment and treatment actions, additional monitoring, and erosion controls as required.

3. Environmental Quality Monitoring: Facilities which have had, or appear to have had, unauthorized releases to soil or ground water shall be required by the public utilities department to monitor soil and ground water in and adjacent to the facility. At the request of the public utilities department, the facility will submit a monitoring plan for public utilities department review. The plan shall be implemented with the approval of the public utilities department. Facilities that undergo closure may be required to monitor soil and ground water in and adjacent to the facility subject to closure. All costs associated with the closing and monitoring of the site will be paid for by the operator of the facility.

H. Exclusions And Exemptions:

1. Qualifying Statement: The exclusions and exemptions contained in this subsection H shall not apply to protection zone 1, i.e., sites within a one hundred foot (100') radius from a well.

2. Exclusions: The following substances are not subject to the provisions of this section provided that these substances are handled, stored, and disposed of in a manner that does not result in an unauthorized release or cause contamination of the ground water:

a. Regulated substances stored at residences that do not exceed ten (10) pounds (dry) or five (5) gallons (liquid) (except as allowed in subsection H2d of this section) and are used for personal, family, or household purposes.

b. Fertilizers, treated seed (except as noted in this section), pesticides, herbicides, erosion control products, and soil amendment, in quantities normally available at retail outlets, when stored, handled and applied in accordance with the manufacturer's instructions, label directions, and nationally recognized standards.

c. Commercial products limited to use at a commercial or industrial site solely for office or janitorial purposes when stored in total quantities of less than fifty (50) pounds for dry products, or fifty five (55) gallons for liquids.

d. Prepackaged consumer products available through retail sale to individuals for personal, family, or household use, that are properly stored.

e. Water based latex paint, or oil based finishes, in quantities normally available at retail outlets, when stored, handled and applied in accordance with the manufacturer's instructions, label directions, and nationally recognized standards.

f. Compressed gases.

g. Substances or mixtures which may pose a hazard but are labeled pursuant to the federal food, drug, and cosmetic act.

h. Substances which, in the judgment of the director, pose no hazard to ground water.

3. Continuous Transit: The transportation of any regulated substance(s), hazardous waste or petroleum products through any protection zone or recharge area shall be allowed provided that the transporting vehicle is in continuous transit.

4. Vehicular And Yard Maintenance Fuel And Lubricant Use: The use of any petroleum product solely as an operational fuel in the vehicle or yard maintenance fuel tank or as a lubricant in such a vehicle shall be exempt from the provisions of this section. These spent products shall be properly disposed of in compliance with applicable federal, state, and local regulations.

I. Enforcement, Violation And Penalties:

1. Notification Of Violation: Whenever the director finds that any regulated person has violated or is violating any provision of this section, or any order, rule or regulation issued or promulgated hereunder, the director may serve upon said regulated person a written notice of violation. Such written notice shall be served in person or by certified mail, return receipt requested. Within five (5) days after the receipt of such notice, an explanation for the violation and a plan for the satisfactory correction and prevention thereof, which shall include specific required actions, shall be submitted by the regulated person to the director. Submission of this plan in no way relieves the regulated person of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the city to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

2. Consent Orders: The director is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any regulated person responsible for noncompliance. Such orders will include specific action to be taken by the regulated person. Consent orders shall have the same force and effect as administrative orders issued pursuant to subsections I4 and I5 of this section, and shall be judicially enforceable.

3. Order To Show Cause Hearing: The director may order any regulated person which causes or contributes to violation(s) of any provisions of this section, or any order, rule or regulation issued or promulgated hereunder, to appear before the director and show cause why a proposed enforcement action should not be taken. Notice shall be served on the regulated person, which notice shall specify the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the regulated person show cause why this proposed enforcement action should not be taken. Such written notice shall be served in person on any authorized representative of the regulated person, or by certified mail, return receipt requested, at least seven (7) days prior to the hearing. Whether or not the regulated person appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be a prerequisite for taking any other actions against the regulated person.

4. Compliance Orders: When the director finds that a regulated person has violated or continues to violate any provision of this section, or any rule or regulation issued or promulgated hereunder, he may issue an order to the regulated person responsible for the violation directing that the regulated person come into compliance within thirty (30) days. If the regulated person does not come into compliance within thirty (30) days, any and all available remedies may be pursued and service may be discontinued. Compliance orders may also contain other requirements to address noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants released. A compliance order may not extend the deadline for compliance established for a federal standard or requirement, nor does a compliance order release the regulated person of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the regulated person.

5. Cease And Desist Orders: When the director finds that a regulated person is violating any provision of this section, any rule or regulation issued or promulgated hereunder, or that the regulated person's past violations are likely to recur, the director may issue an order to the regulated person directing it to cease and desist all such violations and directing the regulated person to:

a. Immediately comply with all requirements; and

b. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation. Issuance of a cease and desist order shall not be a prerequisite to taking any other action against the regulated person.

6. Administrative Fines:

a. Notwithstanding any other section of this chapter, any regulated person found to have violated any provision of this section, or any order, rule or regulation issued or promulgated hereunder, may be fined in an amount not greater than ten thousand dollars ($10,000.00) per day, as determined by the director in his reasonable discretion. Such fines shall be assessed on a per day, per violation basis. The city may also assess penalties as outlined in sections 21A.20.040 and 21A.20.050 of this

title.

b. The city may charge a regulated person for the costs of preparing administrative enforcement actions, such as notices and orders, which charge may be assessed whether or not a fine under subsection I6a of this section is also imposed.

c. Assessments for fines and/or administrative costs may be added to the regulated person's next scheduled water service charge, and the director shall have such other collection remedies as may be available for other service charges and fees.

d. Unpaid charges, fines, assessments and penalties shall, after sixty (60) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance. Thereafter, interest on any unpaid balances, including penalties, shall accrue at a rate of one percent (1%) per month. A lien against the individual regulated person's property will be sought for unpaid charges, fines, and penalties.

e. Regulated persons desiring to dispute such fines or assessments must file a written request for the director to reconsider the fine or assessment, along with full payment thereof within thirty (30) days of being notified of the fine or assessment. The director shall convene a hearing on the matter within fourteen (14) days of receiving the request from the regulated person. In the event the regulated person's appeal is successful, any amounts paid by the regulated person to the city shall be returned to the regulated person, without interest.

f. The imposition of an administrative fine, assessment or other charge shall not be a prerequisite for taking any other action against the regulated person.

7. Emergency Suspensions: The director may order the immediate suspension of a regulated person's actions (after informal notice to the regulated person), whenever such suspension or shutoff is necessary in order to stop an actual or threatened discharge which reasonably appears to present or cause a risk of an imminent or substantial endangerment to the health or welfare of the city's culinary water customers. Any regulated person notified of a suspension of its activities shall immediately stop conducting such activities. In the event of a regulated person's failure to immediately comply voluntarily with the suspension order, the director shall take such steps as deemed necessary to enforce such order. The director shall allow the regulated person to recommence operations when the regulated person has demonstrated to the satisfaction of the director that the period of endangerment has passed. A regulated person that is responsible, in whole or in part, for any discharge presenting imminent endangerment, shall submit to the director a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, prior to the date of any show cause hearing under subsection I3 of this section. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

8. Injunctive Relief: Whenever a regulated person has violated or continues to violate a provision of this section, or continues to violate any order, rule or regulation issued or promulgated hereunder, the city may petition any court of competent jurisdiction for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the section provision, order, rule, regulation or other requirement. In addition, the city may recover reasonable attorney fees, court costs, and other expenses of litigation by appropriate legal action against the regulated person found to have violated any provision hereof, or of any order, or any other rule or regulation issued or promulgated hereunder. Such other action as appropriate for legal and/or equitable relief may also be sought by the city. A petition for injunctive relief need not be filed as a prerequisite to taking any other action against a regulated person.

9. Civil Fine Pass Through Recovery: In the event that a regulated person releases such pollutants which cause the city to violate any conditions of any applicable laws, rules or ordinances to which the city is subject, and the city is fined or held liable regarding such violations, then such regulated person shall be fully liable for the total amount of the fines and civil penalties assessed against the city, and any administrative costs incurred.

10. Public Nuisances: Any violation of the provisions of this section, or of any order, rule or regulation issued or promulgated hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the director. Any person(s) creating a public nuisance shall be subject to the provisions of this code governing nuisances, including reimbursing the city for any costs incurred in removing, abating or remedying said nuisance.

11. Enforcement By Other Agencies: The city may request the health department, and the health department is hereby granted the authority upon such request, to enforce or administer any and all provisions of this section and prosecute any violations thereof. To the extent of any such request, references in this section to the public utilities department and the city shall be deemed to mean the health department, and references in this section to the director shall be deemed to mean the director of the health department. In addition, the city may refer to the state of Utah or the United States government, for civil or criminal prosecution, any violations of this section which also violate applicable provisions of state or federal law, orders, administrative rules or permits. It is the intent of the city that this section shall be construed to the greatest extent

possible to be consistent with the provisions of applicable county, state and/or federal laws, ordinances, rules, regulations or permits. In the event of any conflict, the more restrictive provisions shall apply.

12. Nonexclusive Remedies: The provisions of subsections I1 through I11 of this section are not exclusive remedies. The city reserves the right to take any, all, or any combination of these actions against a noncompliant regulated person. However, the city reserves the right to take other action against any regulated person when the circumstances warrant. Further, the city is empowered to take more than one enforcement action against any noncompliant regulated person. These actions may be taken concurrently.

13. Disputes; Appeals:

a. Persons objecting to the configuration of the recharge area and protection zone map, or the inclusion of specific property within any recharge areas or protection zones, or to the denial of a permit or the conditions attached hereto, or any rulings of the public utilities department under this subsection I, may appeal to the appeals hearing officer in accordance with the provisions of chapter 21A.16 of this title.

b. The written appeal shall contain:

(1) Documentation of compliance, or

(2) (A) Response to specific violations cited in the cease and desist order and the remedial actions planned in order to bring the facility into compliance; and

(B) A schedule for compliance.

c. Upon receipt of the written appeal, the appeals hearing officer shall review the appeal within ten (10) days of its receipt and respond to the appellant. If the appeals hearing officer determines that the written response from the appellant is adequate and noncompliance issues are addressed, the appellant shall be notified by mail and no further action is required. If the appeals hearing officer determines that the appeal response is inadequate, the appellant may request a hearing before the appeals hearing officer. This hearing shall be held within thirty (30) days of receiving the cease and desist order. The cease and desist order shall remain in effect until the hearing is conducted.

APPENDIX A

GENERIC REGULATED SUBSTANCE LIST

| |
|---|
| Acid and basic cleaning solutions |
| Animal dips |
| Antifreeze and coolants |
| Arsenic and arsenic compounds |
| Battery acids |
| Bleaches and peroxide |
| Brake and transmission fluid |
| Brine solution |
| Casting and foundry chemicals |

- Caulking agents and sealants
- Cleaning solvents
- Corrosion and rust preventatives
- Cutting fluids
- Degreasing solvents
- Disinfectants
- Dyes
- Electroplating solutions
- Engraving and etching solutions
- Explosives
- Fertilizers
- Fire extinguishing chemicals
- Food processing wasters
- Formaldehyde
- Fuels and additives
- Glues, adhesives and resins
- Greases
- Hydraulic fluid
- Indicators
- Industrial and commercial janitorial supplies
- Industrial sludges and stillbottoms
- Inks, printing, and photocopying chemicals
- Laboratory chemicals
- Liquid storage batteries
- Medical, pharmaceutical, dental, veterinary, and hospital solutions
- Mercury and mercury compounds
- Metal finishing solutions

| |
|---|
| Oils |
| Painting solvents |
| Paints, primers, thinners, dyes, stains, wood preservatives, varnishing and cleaning compounds |
| Pesticides and herbicides |
| Photo development chemicals |
| Plastic resins, plasticizers and catalysts |
| Poisons |
| Polishes |
| Polychlorinated biphenyls (PCBs) |
| Pool chemicals |
| Processed dust and particulates |
| Radioactive sources |
| Reagents and standards |
| Refrigerants |
| Roofing chemicals and sealers |
| Sanitizers, disinfectants, bactericides, and algaecides |
| Soaps, detergents and surfactants |
| Solders and fluxes |
| Stripping compounds |
| Tanning industry chemicals |
| Transformer and capacitor oils and fluids |
| Wastewater |
| Water and wastewater treatment chemicals |

APPENDIX B

USE MATRIX FOR POTENTIAL CONTAMINATION SOURCES

The following table identifies uses which have varying potentials to contaminate ground water sources. These uses have been classified according to the risk of contamination in each protection as follows:

Restricted Uses (R): The nature of the use, or some element of the use, represents a "potential contamination source". The use may be permitted only after review and approval by the division of building services and licensing after having received comments and recommendations from the public utilities department and the Salt Lake Valley health department. Approval is subject to implementation of best management practices and compliance with other reasonable conditions as may be established by these agencies.

Prohibited uses (X): The risk of contamination is very high in the specified zone. The use is not permitted.

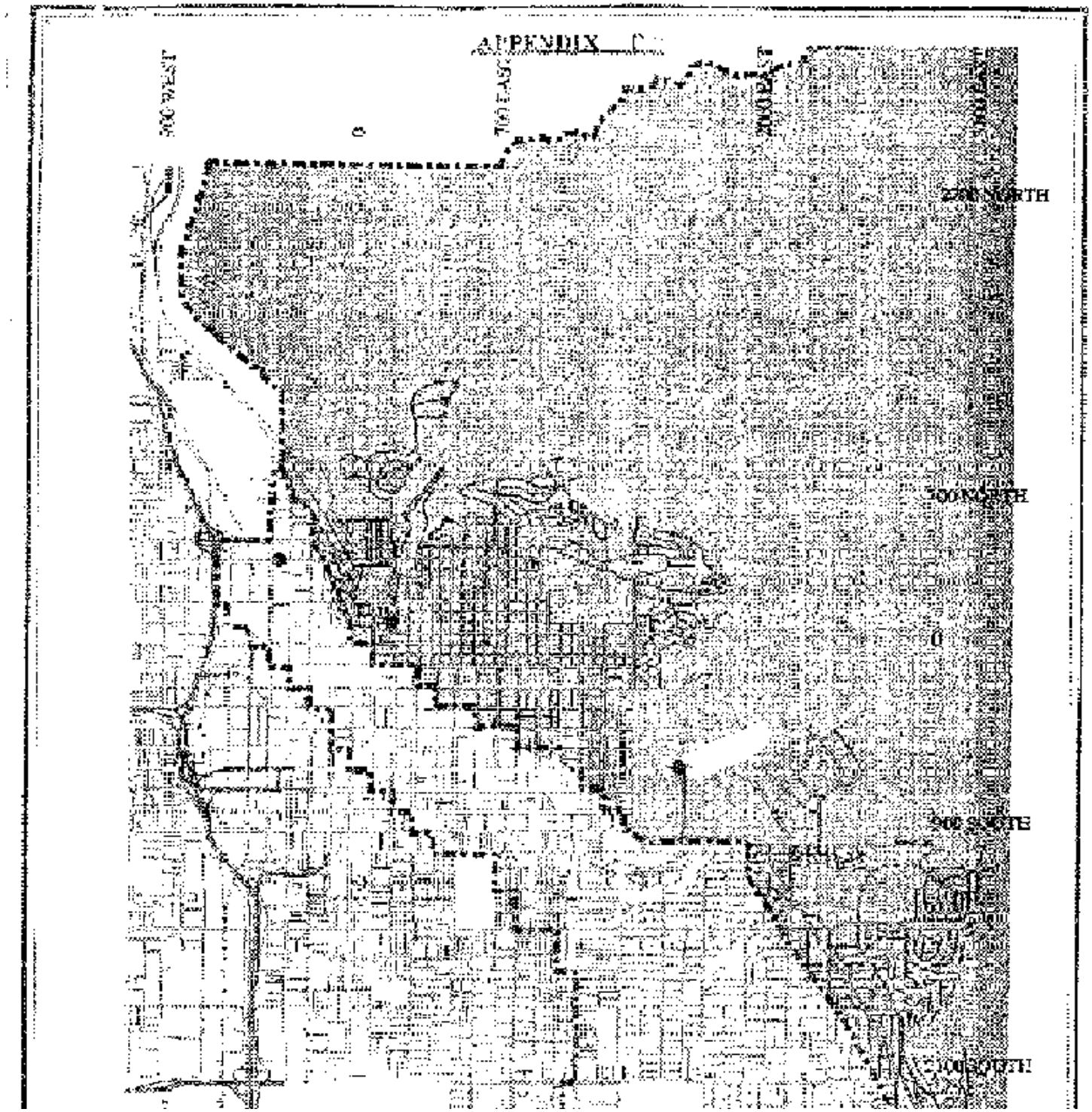
| Potential Contamination Source | Protection Zone | | | | | Related Regulations | Best Management Practice (s) |
|---|---|---|---|---|---|---|---|
| | Primary Recharge | Secondary Recharge | Zone 1 | Zone 2 | Zone 3 And 4 | | |
| Abandoned wells | X | X | X | X | X | UAC R655-4, 12.1 to 1.2 - requirements for abandoned wells | Shall be sealed |
| Agricultural pesticide, herbicide, and fertilizer storage, use, filling, and mixing areas | R | R | X | R | R | FIFRA - 40 CFR 152-157, RCRA subtitled C, Utah pesticide control act | BMP - department of agriculture |
| Appliance repair | R | R | X | R | R | RCRA subtitled C | |
| Automobile operations:<br>- Auto body shops<br>- Dealership maintenance departments<br>- Engine repair<br>- Fleet vehicle maintenance facilities<br>- Oil and lube shops<br>- Rustproofing facilities<br>- Service stations with underground storage tanks<br>- Tire shops<br>- Vehicle rental with maintenance | R | R | X | R | R | RCRA subtitled C, UST guidelines, pretreatment, UAC R315-5 (used oil) | BMP - Salt Lake Valley health department |
| Beauty salons | R | R | X | R | R | | |
| Car washes | R | R | X | R | R | Pretreatment | |
| Cemeteries, golf courses, parks, and plant nurseries | R | R | X | R | R | FIFRA | |
| Chemigation wells | R | R | X | X | R | UIC | |
| Concrete, asphalt, tar, and coal companies | R | R | X | R | R | | |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Dry cleaners (with on site chemicals) | R | R | X | X | R | RCRA subtitled C, pretreatment, BMP - Salt Lake Valley health department | |
| Dry cleaners (without on site chemicals) | R | R | X | R | R | | |
| Farm operations:<br>- Animal feed lots<br>- Dairy farms<br>- Farm dump sites<br>- Farm machinery maintenance garages<br>- Manure piles | R<br>R<br>X<br>R<br>R | R<br>R<br>R<br>R<br>R | X<br>X<br>X<br>X<br>X | X<br>X<br>R<br>R<br>X | R<br>R<br>R<br>R<br>R | UPDES - R317-8, UAC R315-5 (used oil), solid and hazardous waste, RCRA subtitled C | |
| Food processing, meatpacking, and slaughterhouses | R | R | X | X | R | UPDES - R317-8, pretreatment | |
| Fuel, oil, and heating oil distribution and storage facilities | X | R | X | R | R | | |
| Furniture stripping, painting, and finishing | R | R | X | R | R | RCRA subtitled C | |
| Hospitals, medical offices, and dental offices | R | R | X | R | R | Solid and hazardous waste | |
| Industrial manufacturers of chemicals, pesticides, herbicides, paper products, leather products, textiles, rubber, plastics, fiberglass, silicone, glass, pharmaceuticals, and electrical equipment | X | R | X | R | R | FIFRA, RCRA subtitled C | |
| Junk and salvage yards | | | | | | | BMP - Salt Lake Valley health department |
| Laundromats | R | R | X | R | R | Pretreatment | |
| Machine shops, metal plating, heat treating, smelting, annealing, and descaling facilities | X | R | X | R | R | Pretreatment, RCRA subtitled C | |
| Mortuaries | R | R | X | R | R | Pretreatment | |
| Photo processing and print shops | R | R | X | R | R | Pretreatment | |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| Residential pesticide, herbicide, and fertilizer storage, use, filling, and mixing areas (except as excluded under subsection H2 of this section) | R | R | X | R | R | | Follow manufacturer's directions for use and storage |
| RV waste disposal stations | R | R | X | X | R | UAC R392 | |
| Salt and salt/sand piles | R | R | X | R | R | | DEQ/UDOT BMP |
| Sand and gravel excavation and processing | R | R | X | R | R | UAC GW R317-6, UAC R313-25 | |
| Septic tank drain field systems | X | R | X | X | R | UDWQ, individual wastewater disposal systems, UAC R317-501 through R317-513, state department of health code of waste disposal regulations - parts IV and V | |
| Stormwater impoundment and snow storage sites | R | R | X | R | R | UPDES | |
| Toxic chemical and oil pipelines | X | X | X | X | X | | |
| Underground storage tanks | X | R | X | R | R | UAC R311-203, 205, 206 | |
| Veterinary clinics | R | R | X | R | R | Solid and hazardous waste | |

| | | | | |
|---|---|---|---|---|
| CFR | Code of federal regulations | | UDSW | Utah division of solid waste |
| DEQ | Utah division of air quality | | UDWQ | Utah division of water quality |
| FIFRA | | | UIC | |
| GWR | | | UPDES | Utah pollution discharge elimination system |
| RCRA | Resource conservation and recovery act | | UST | Underground storage tanks |
| UAC | Utah administrative code | | | |

APPENDIX C


APPENDIX C
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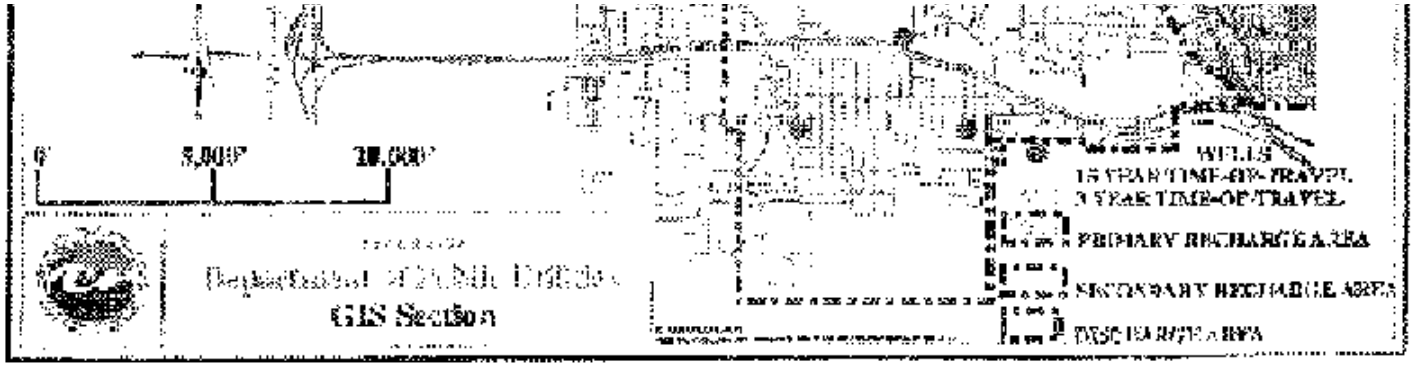
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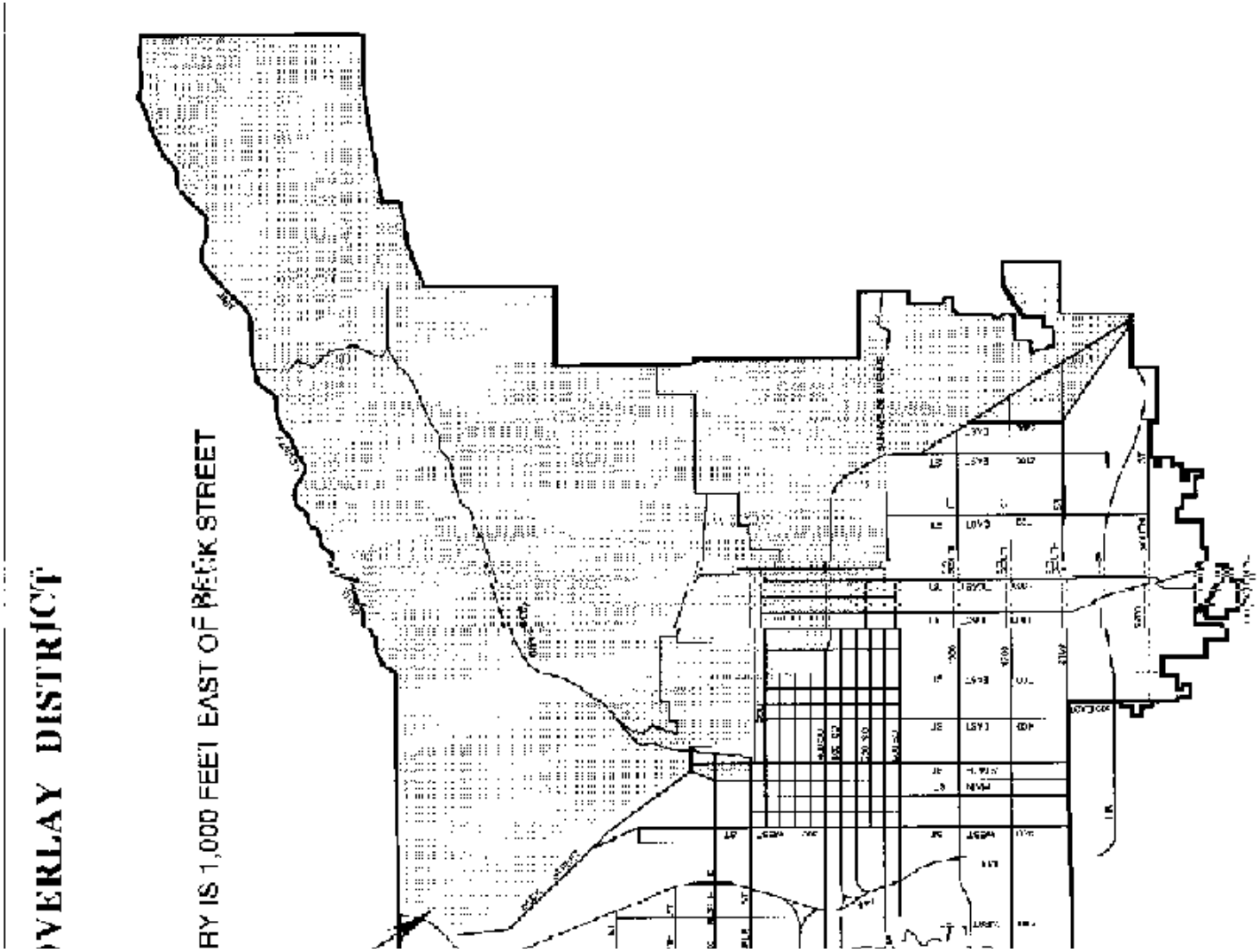
GIS Section
WELLS
15 YEAR TIME-OF-TRAVEL
5 YEAR TIME-OF-TRAVEL
PRIMARY RECHARGE AREA
SECONDARY RECHARGE AREA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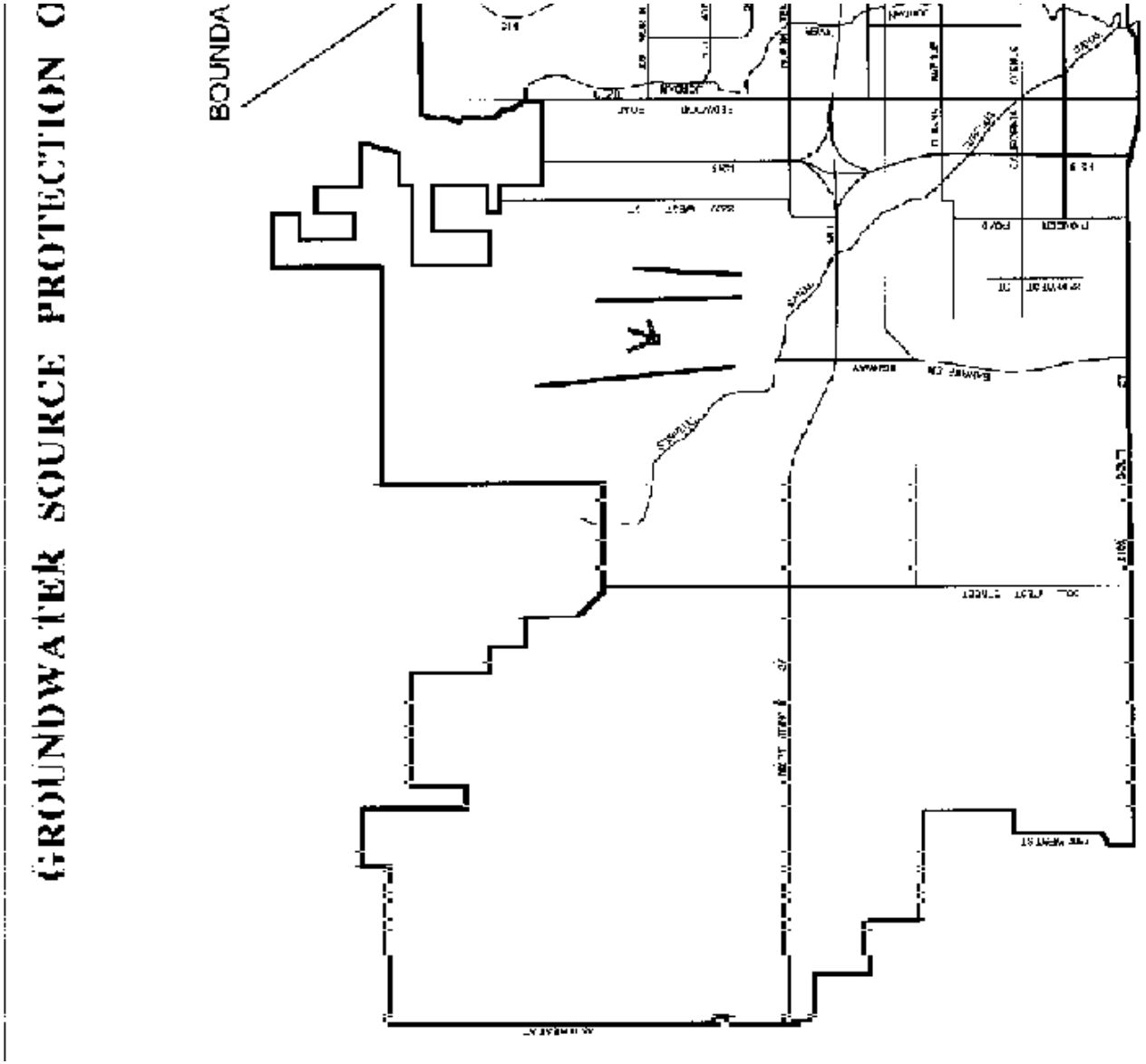



(Ord. 8-12, 2012: Ord. 1-06 § 30, 2005: Ord. 95-98 § 2, 1998)

**21A.34.070: LO LANDFILL OVERLAY DISTRICT:**

A. Purpose: The purpose of the LO landfill overlay district is to provide greater control over the locations of both public and private landfills and their design, use, reuse and reclamation, and to provide transitional zones adjacent to landfills facilitating the transition from landfills and landfill related uses to other types of land uses.

B. Conditional Uses: All land uses allowed in the LO landfill overlay district shall be approved through the conditional use process pursuant to chapter 21A.54 of this title.

1. Landfill Overlay District: Landfills, together with accessory sorting, recycling and composting of landfill materials, and the deposit or storage of sludge may be allowed as conditional uses in the LO landfill overlay district.

2. Transitional Area: Recycling or processing centers may be allowed as a conditional use in a landfill transitional area.

C. Prohibited Uses: Landfills and other uses which are noxious or offensive by reason of emission of odor, smoke, dust or gas, or by reason of allowing any material to escape onto adjoining property, or by reason of drawing birds, animals, or other pests onto, over, or near the use of adjoining property are prohibited in the transitional area.

D. Landfill Proximity To Residential Or Institutional Zones: No actual landfilling shall be conducted within one thousand feet (1,000') of the boundary of any residential or institutional zoning district.

E. Minimum Lot Area:

1. Landfills: No landfill shall be on a lot less than eight (8) acres in size.

2. Other Landfill Related Conditional Uses: Any other conditional uses allowed by this chapter shall be on a lot no smaller than determined appropriate pursuant to the procedures of this chapter.

F. Maximum Height: The maximum height of any landfill shall be fixed by the planning commission to mitigate potential adverse effects on adjoining properties.

G. Minimum Yard Requirements:

1. Front Yard: The minimum front yard setback shall be thirty feet (30').

2. Side Yard: The minimum side yard setback shall be ten feet (10'), which may be increased by the planning commission to mitigate potential adverse impacts between adjoining land uses.

3. Rear Yard: The minimum rear yard setback shall be ten feet (10'), which may be increased by the planning commission to mitigate potential adverse impacts between adjoining land uses.

H. Required Landscape Yard And Buffer Requirement: All conditional uses permitted by this section shall maintain the following landscaping and buffering:

1. The first thirty feet (30') of all front yards shall be maintained as landscape yards as approved by the planning commission.

2. The planning commission may require that landscaping include trees along all property lines adjacent to a public street or nonlandfill property to create a continuous linear visual buffer. Any trees required shall be at least two inches (2") caliper and spaced at thirty feet (30') on center.

I. Application Requirements: An application shall be made to the zoning administrator on a form or forms provided by the office of the zoning administrator, accompanied by the application requirements outlined in subsection 21A.54.060A of this title, as well as the following:

1. Plan for controlling and/or mitigating pests that may be attracted to the site;

2. An end use plan; and

3. A landscape plan indicating how the proposed landscaping will mitigate noise, dust, or other impacts on surrounding uses. If surrounding properties are undeveloped, the landscape plan shall address potential impacts on uses permitted within the applicable zoning districts for such undeveloped property.

J. Procedure For Approval: The planning director shall not allow any conditional use under this chapter to begin operation until the applicant documents that all approvals have been granted by all necessary county, state and federal agencies including the approval of a financial assurance plan sufficient to assure adequate closure, post closure care and corrective action of the facility and demonstration of compliance with the state of Utah division of solid and hazardous waste administrative rules.

K. Standards For Approval: The planning commission shall only approve, approve with conditions or deny a conditional use in an LO landfill overlay district based upon written findings of fact with regard to each of the standards outlined in section 21A.54.080 of this title. In addition, if the proposed conditional use involves the temporary storage, sorting, recycling, processing, composting or treatment of materials, the planning commission must find that such materials will not generally be on the property longer than one hundred eighty (180) days unless the physical or chemical processes involved in the proposed use require longer than one hundred eighty (180) days, in which case the temporary use shall be limited to such necessary times.

L. Conditions: In addition to the conditions stated above, and the standards for conditional uses outlined in section 21A.54.080 of this title the planning commission may impose conditions and limitation upon a conditional use concerning use, construction, character, location, landscaping, screening, parking, hours and days of operation and other matters that may be necessary or appropriate to prevent or minimize any adverse impact.

1. The planning commission may require that storage of materials in the transitional area be enclosed in a structure if proposed open storage or recycling of materials may have a material negative impact on a neighboring land use.

2. The planning commission shall specify such conditions in writing when approving the conditional use.

3. The violation of any conditions of approval shall constitute grounds for revocation of the conditional use approval.

M. Effective Length Of Approval: Unless extended by the zoning administrator, development plan approvals shall not be valid for a period longer than one year unless a building permit is issued and construction is diligently pursued to completion.

N. Appeal Of Decision: Any person adversely affected by the decision of the planning commission may, within thirty (30) days after the decision of the planning commission, file an appeal with the city council specifying the grounds on which the person was adversely affected. (Ord. 26-95 § 2(17-6), 1995)

## 21A.34.080: CHPA CAPITOL HILL PROTECTIVE AREA OVERLAY DISTRICT:

A. Purpose: The purpose of the CHPA capitol hill protective area overlay district is to protect the view corridor to the Utah state capitol building. In all zoning districts in the CHPA capitol hill protective area overlay district, no structure shall exceed in height the basic maximum height permitted in a particular zoning district in which the structure is located.

B. Standards: In the CHPA capitol hill protective area overlay district the use of special provisions, special exceptions, conditional use, or incentives related to exceeding the maximum height allowed for the underlying zoning shall be prohibited.

1. Exceptions: The provisions of this section shall not apply to restrict the height of the following:

a. Church spire, tower or belfry;

b. Chimney;

c. Elevator bulkhead;

d. A parapet wall or cornice for ornament and without windows, extending above the height limit not more than five feet (5').

C. District Location: The CHPA capitol hill protective area overlay district is the area surrounding the Utah state capitol building within the following boundaries:

Commencing at the intersection of State Street and North Temple Street, thence west along North Temple Street to Main Street thence north along Main Street to Center Street; thence northwesterly along Center Street to Girard Avenue; then east along Girard Avenue to the east edge of Memory Grove Park in City Creek Canyon; thence southerly along the east edge of said Memory Grove Park to the intersection of Ninth Avenue and A Street; thence south along A Street to Fourth Avenue; thence west along Fourth Avenue to Canyon Road; thence southerly along Canyon Road to Second Avenue; thence westerly along Second Avenue to State Street and North Temple Street, to the point of beginning.
(Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(17-7), 1995)

## 21A.34.090: SSSC SOUTH STATE STREET CORRIDOR OVERLAY DISTRICT:

A. Purpose: The purpose of the SSSC South State Street corridor overlay district is to acknowledge and reinforce the historical land development patterns along South State Street between 900 South and 2100 South.

B. Maximum Building Height Exemption: Buildings located within the BP business park base zoning district within the SSSC South State Street corridor overlay district may exceed the height of the base zoning district to a height not to exceed ninety feet (90').

C. Minimum Yard Requirement Exemption:

1. Front Yard: Structures located within the CC corridor commercial base zoning district and the SSSC South State Street corridor overlay district are exempted from the minimum front yard setback requirement. The required fifteen foot (15') landscaped setback applies to all other uses, including open storage and vacant land.

2. Maximum Setback: A maximum setback is required for at least thirty five percent (35%) of the building facade. The maximum setback is twenty five feet (25'). Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of chapter 21A.59 of this title, and the review and approval of the planning commission. The planning director may waive this requirement for any addition, expansion, or intensification, which increases the floor area or parking requirement by less than fifty percent (50%) if the planning director finds the following:

a. The architecture of the addition is compatible with the architecture of the original structure or the surrounding architecture.

b. The addition is not part of a series of incremental additions intended to subvert the intent of the ordinance.

Appeal of administrative decision is to the planning commission.

3. Parking Setback: Surface parking is prohibited in a front or corner side yard. Surface parking lots within an interior side yard shall maintain a twenty five foot (25') landscape setback from the front property line or be located behind the primary structure. Parking structures shall maintain a forty five foot (45') minimum setback from a front or corner side yard property line or be located behind the primary structure. There are no minimum or maximum setback restrictions on underground parking. The planning director may modify or waive this requirement if the planning director finds the following:

a. The parking is compatible with the architecture/design of the original structure or the surrounding architecture.

b. The parking is not part of a series of incremental additions intended to subvert the intent of the ordinance.

c. The horizontal landscaping is replaced with vertical screening in the form of berms, plant materials, architectural features, fencing and/or other forms of screening.

d. The landscaped setback is consistent with the surrounding neighborhood character.

e. The overall project is consistent with section 21A.59.060 of this title.

Appeal of administrative decision is to the planning commission.

D. District Location: The South State Street corridor overlay district is the area generally aligned with the State/Main Street corridor from 900 South to 2100 South, within the following approximate boundaries referenced on the zoning map:

Commencing 165 feet east of the east right-of-way line at the intersection of 2100 South and State Street, thence north to a point 165 feet east of the right-of-way line at the intersection of 900 South and State Street, thence west to a point 165 feet west of the right-of-way line at the intersection of 900 South and Main Street, thence south to the right-of-way line at 1300 South, thence east to the east right-of-way line at the intersection of 1300 South and Main Street, thence south to the intersection of 2100 South and Main Street, thence east along the north right-of-way line on 2100 South to the point of beginning.

E. Entrance And Visual Access:

1. Minimum First Floor Glass: The first floor elevation facing a street of all new buildings or buildings in which the property owner is modifying the size of windows on the front facade, shall not have less than forty percent (40%) glass surfaces. All first floor glass shall be nonreflective. Display windows that are three-dimensional and are at least two feet (2') deep are permitted and may be counted toward the forty percent (40%) glass requirement. Exceptions to this requirement may be authorized as conditional building and site design review, subject to the requirements of chapter 21A.59 of this title, and the review and approval of the planning commission. The planning director may approve a modification to this requirement if the planning director finds:

a. The requirement would negatively impact the historic character of the building,

b. The requirement would negatively impact the structural stability of the building, or

c. The ground level of the building is occupied by residential uses, in which case the forty percent (40%) glass requirement may be reduced to twenty five percent (25%).

Appeal of administrative decision is to the planning commission.

2. Facades: Provide at least one operable building entrance per elevation that faces a public street. Buildings that face multiple streets are only required to have one door on any street, if the facades for all streets meet the forty percent (40%) glass requirement as outlined in subsection F1 of this section.

3. Maximum Length: The maximum length of any blank wall uninterrupted by windows, doors, art or architectural detailing at the first floor level shall be fifteen feet (15').

4. Screening: All building equipment and service areas, including on grade and roof mechanical equipment and transformers that are readily visible from the public right of way, shall be screened from public view. These elements shall be sited to minimize their visibility and impact, or enclosed as to appear to be an integral part of the architectural design of the building.

F. Parking Lot/Structure Lighting: If a parking lot/structure is adjacent to a residential zoning district or land use, the poles for the parking lot/structure security lighting are limited to sixteen feet (16') in height and the globe must be shielded to minimize light encroachment onto adjacent residential properties. Lightproof fencing is required adjacent to residential properties. (Ord. 62-09 § 4, 2009: Ord. 61-09 § 27, 2009: Ord. 3-05 § 8, 2005: Ord. 26-95 § 2(17-8), 1995)

## 21A.34.100: M-1H LIGHT MANUFACTURING HEIGHT OVERLAY DISTRICT:

A. Purpose: The purpose of the M-1H light manufacturing height overlay district is to provide a location for specialized industrial buildings with a need to exceed the maximum allowable building height in the light manufacturing M-1 zoning district.

1. Overlay District Boundary Description: Between 1730 South and 2100 South and 5200 West and 5500 West Streets, more particularly described as follows:

Beginning at the southwest corner of the Pratezk Industrial Park plat 1, part of the southwest quarter of section 13, T1S, R2W, Salt Lake base and meridian; thence S 89° 52'14" W 231.07 feet to a point of curve, (radius bears N 00°07'46" W); thence westerly 513.29 feet along a 5692.07 foot radius curve to the right; thence N 84°22'13" W 438.08 feet; thence N 78°52'46" W 65.00 feet to a point of curve, (radius bears N 11°07'14" E); thence northwesterly 835.44 feet along a 607.00 foot radius curve to the right; thence N 00°01'16" W 1570.24 feet to a point of curve, (radius bears N 89°58'44" E); thence northeasterly 41.58 feet along a 26.50 foot radius curve to the right; thence N 89°52'07" E 804.02 feet; thence N 89°52'14" E 105.00 feet; thence N 89°52'21" E 810.98 feet to a point of curve, (radius bears S 00°07'39" E); thence southeasterly 41.67 feet along a 26.50 foot radius curve to the right; thence S 00°01'22" E 2206.47 feet to a point of curve, (radius bears S 89°58'38" W); thence southwesterly 62.76 feet along a 40.00 foot radius curve to the right to the point of beginning.

2. Maximum Building Height: The maximum allowable building height in the M-1H overlay district shall be eighty five feet (85'). (Ord. 7-03 § 1, 2003)

## 21A.34.110: DMSC DOWNTOWN MAIN STREET CORE OVERLAY DISTRICT:

A. Purpose Statement: The purpose of the DMSC downtown Main Street core overlay district is to encourage the concentration of large scale fashion retailing along the city's Main Street corridor within the boundaries of the district as described in subsection B of this section.

B. District Location: The DMSC downtown Main Street core overlay district is the area bounded by the centerlines of South Temple, State Street, 500 South and West Temple Streets.

C. Permitted And Conditional Uses: The uses specified as permitted or conditional uses in the tables of permitted and conditional uses for the underlying zoning district as set forth in this part. (Ord. 4-04 § 3, 2004)

## 21A.34.120: YCI YALECREST COMPATIBLE INFILL OVERLAY DISTRICT:

A. Purpose Statement: The purpose of the Yalecrest compatible infill (YCI) overlay district is to establish standards for new construction, additions and alterations of principal and accessory residential structures within the Yalecrest community. The goal is to encourage compatibility between new construction, additions or alterations and the existing character and scale of the surrounding neighborhood. The YCI overlay district promotes a desirable residential neighborhood by maintaining aesthetically pleasing environments, safety, privacy, and neighborhood character. The standards allow for flexibility of design while providing compatibility with existing development patterns within the Yalecrest community.

B. Overlay District Boundary: The YCI overlay district applies to any residential property zoned residential R-1/5000 or R-1/7000 within the area defined by the intersecting centerlines of 1300 East, 800 South, Sunnyside Avenue (840 South), 1900 East and 1300 South Streets.

C. Building Height:

1. Maximum Building Height: All heights to be measured from finish grade.

a. Pitched roofs: Twenty seven and one-half feet (27.5') measured to the midpoint of the roof (as indicated in section 21A.62.050, illustration B, of this title).

b. Mansard or flat roofs: Twenty feet (20').

c. Lots with cross slopes where the topography slopes from one side property line to the other side or corner side property line may increase the maximum building height, as measured from the downhill side face of the building at a rate of one-half foot (0.5') for each one foot (1') difference between average grades of the uphill and downhill faces of the building, up to a maximum height of thirty feet (30').

2. Maximum Exterior Wall Height Adjacent To Interior Side Yards: Eighteen and one-half feet (18.5') for exterior walls placed at the building setback established by the minimum required yard. Exterior wall height may increase one foot (1') (or fraction thereof) in height for each foot (or fraction thereof) of increased setback beyond the minimum required interior side yard. If an exterior wall is approved with a reduced setback through a special exception, variance or other process, the maximum allowable exterior wall height decreases by one foot (1') (or fraction thereof) for each foot (or fraction thereof) that the wall is located closer to the property line than the required side yard setback.

a. Lots With Cross Slopes: Lots with cross slopes where the topography slopes from one side property line to the other side or corner side property line, the downhill exterior wall height may be increased by one-half foot (0.5') for each one foot (1') difference between the elevation of the average grades on the uphill and downhill faces of the building.

b. Exceptions:

(1) Gable Walls: Walls at the end of a pitched roof may extend to a height necessary to support the roof structure except that the height of the top of the widest portion of the gable wall must conform to the maximum wall height limitation described in this section.

(2) Dormer Walls: Dormer walls are exempt from the maximum exterior wall height if:

(A) The width of a dormer is ten feet (10') or less; and

(B) The total combined width of dormers is less than equal to fifty percent (50%) of the length of the building facade facing the interior side yard; and

(C) Dormers spaced at least eighteen inches (18") apart.

D. Front Yard Requirements: The minimum front yard shall be derived by measuring the front yards (the open, unoccupied, landscaped space between the front building lines of all developed properties) fronting the same side of the street within three hundred feet (300') of the subject property but in no case shall the measurements extend across intervening streets. The minimum required front yard shall be equal to the average of the smallest fifty percent (50%) of front yards measured. For example, if ten (10) developed properties are located along the same side of the street within three hundred feet (300') of the subject property, the required minimum front yard is equal to the average of the five (5) (10 x 50% = 5) smallest front yards.

E. Accessory Structures:

1. Maximum Height For Accessory Structures With A Pitched Roof: Fifteen feet (15').

2. Noncomplying Detached Garages: An existing noncomplying detached garage located in the rear yard may be rebuilt or expanded at its existing location to a maximum size of four hundred forty (440) square feet subject to the approval of the development review team (DRT).

3. Garages Located In Front Of The House: No detached garage shall be constructed forward of the "front line of the building" (as defined in section 21A.62.040 of this title), unless a new garage is constructed to replace an existing garage. In this case, the new garage shall be constructed in the same location with the same dimensions as the garage being replaced.

4. Maximum Garage Door Height: Eight and one-half feet (8.5').

F. Standards For Attached Garages:

1. Located Behind Or In Line With The Front Line Of The Building: No attached garage shall be constructed forward of the "front line of the building" (as defined in section 21A.62.040 of this title), unless a new garage is constructed to replace an existing garage. In this case, the new garage shall be constructed in the same location with the same dimensions as the garage being replaced.

2. Width Of An Attached Garage: The width of an attached garage facing the street may not exceed fifty percent (50%) of the width of the front facade of the house. The width of the garage is equal to the width of the garage door, or in the case of multiple garage doors, the sum of the widths of each garage door plus the width of any intervening wall elements between garage doors up to a maximum of three feet (3').

3. Maximum Garage Door Height: Eight and one-half feet (8.5').

G. Special Exception For Garages: A garage built into a hillside and located forward of the front line of the building may be allowed as a special exception granted by the planning commission, subject to the following standards:

1. The rear and side yards cannot be reasonably accessed for the purpose of parking.

2. Because of the topography of the lot it is impossible to construct a garage and satisfy the standards of the YCI.

3. The ceiling elevation of the garage is below the elevation of the first or main floor of the house.

4. The garage meets all applicable yard requirements. (Ord. 73-11, 2011: Ord. 44-05 § 1, 2005)

## 21A.34.130: RCO RIPARIAN CORRIDOR OVERLAY DISTRICT[2]:

A. General Provisions:

1. Purpose Statement: The purpose of the RCO riparian corridor overlay district is to minimize erosion and stabilize stream banks, improve water quality, preserve fish and wildlife habitat, moderate stream temperatures, reduce potential for flood damage, as well as preserve the natural aesthetic value of streams and wetland areas of the city. This overlay district is intended to provide protection for the following aboveground streams, stream corridors and associated wetlands east of the Interstate 215 Highway: City Creek, Red Butte Creek, Emigration Creek, Parleys Creek, and Jordan River. Where these streams flow through areas already developed on the effective date of this section (January 15, 2008), the RCO is intended to achieve a reasonable balance between the dual nature of these areas: natural streams and developed land uses.

2. District Location: The RCO district applies to that portion of any lot or parcel of land located between the annual high water level (AHWL) of City Creek, Red Butte Creek, Emigration Creek, Parleys Creek and the Jordan River, where not located belowground, and a line which is one hundred feet (100') along a horizontal plane from the AHWL. The RCO district does not apply to any lot or parcel where a stream, with respect to such lot or parcel, is located entirely belowground in a pipe or covered channel.

3. Applicability: The RCO district regulations set forth in this section supplement regulations in the underlying base zoning district. RCO regulations shall govern any use or development conducted within the RCO district unless specifically exempted under the provisions of this section or another provision of this title.

a. An RCO permit is supplementary to any land use permit authorized under this title.

b. Canals and irrigation ditches are not subject to this section.

c. The surplus canal and watercourses west of Interstate 215 are regulated under section 21A.34.050, "LC Lowland Conservancy Overlay District", of this chapter and are not subject to this section.

4. Relationship To Other Laws: The requirements of the RCO district shall apply in addition to any other applicable federal, state, county, or city law or regulation.

a. Any use or development within the RCO district shall conform to applicable provisions of title 20, "Subdivisions", of this code and this title. Compliance with the requirements of this section shall not relieve a landowner from compliance with other applicable provisions of this title except as expressly otherwise set forth in this section.

b. If a landowner obtains a permit for a use or development located within the RCO district that is entirely within the jurisdiction of a federal or state government agency or Salt Lake County, then the landowner shall also apply for a riparian protection permit. If the relevant federal, state, or county agency approves the use or development as in compliance with the agency's requirements, then the city shall issue the riparian protection permit subject to compliance with the federal, state, or county approval and shall not independently review the use or development for compliance with this section.

c. If any portion of a proposed use or development is outside the jurisdiction of a federal, state, or county agency, then the applicant shall comply with the provisions of this section and shall obtain a riparian protection permit if required under the provisions of this section.

d. Salt Lake County shall not be required to obtain a riparian protection permit for any county flood control activity authorized by the Utah code within or along a stream in the RCO district. However, Salt Lake County shall obtain a riparian protection permit for any stream restoration and nonflood control development or other use conducted by the county which is located within the RCO district.

e. Any person who leases federal or state land, or any appurtenant structure or building located within the RCO district shall obtain a riparian protection permit if required under the provisions of this section.

f. A city department or agency that conducts a use or development within the RCO district shall follow the requirements of this section and obtain a riparian protection permit if required for such use or development.

g. The department of public utilities shall develop general permits as needed to address routine channel maintenance, possible emergency situations, and similar activities. These general permits shall provide how a particular use or development shall be conducted to avoid adverse stream corridor impacts and shall include required mitigation and restoration measures consistent with the provisions of this section. The process for reviewing and approving a general permit application shall be the same for a public or private person or entity.

B. Decision Making Authority:

1. Public Utilities Director: The public utilities director shall be responsible for implementing and administering the provisions of this section. The public utilities director:

a. May authorize a minor exemption and reasonable use exception to the provisions of this section as set forth, respectively, in subsections C5 and C6 of this section;

b. May render an administrative interpretation of any provision in this section pursuant to the procedures set forth in chapter 21A.12 of this title;

c. May not make any decision involving land use, zoning, subdivision, legal conformity in a zoning district, historic preservation, restoration, rehabilitation, or demolition of any structure except as expressly set forth in this section;

d. Shall expedite the permit review process if an applicant reasonably demonstrates imminent danger to individuals or property is associated with the subject land;

e. May adopt reasonable regulations, including approval of general permits, to implement the provisions of this section; and

f. May designate one or more staff persons within the department to carry out these responsibilities. Wherever this section refers to the director, such reference shall also include the director's designee.

2. Public Utilities Advisory Committee: Pursuant to the authority granted in subsection 2.40.110I of this code, the public utility advisory committee shall hear and decide any appeal arising from a final decision granting or denying a riparian protection permit pursuant to procedures set forth in chapter 21A.16 of this title.

3. Appeal Of Decision: Any person adversely affected by any decision of the public utilities advisory committee may, within thirty (30) days after the decision is made, present to the district court a petition specifying the grounds on which the person was adversely affected.

C. Review Process And Procedures: An application for a riparian protection permit shall be considered and processed as set forth in this subsection.

1. Riparian Protection Permit Application: A complete application shall be submitted to the department of public utilities and shall contain at least the following information submitted by the applicant, unless certain information is determined by the public utilities director to be inapplicable or unnecessary to evaluate the application under the provisions of this section. The public utilities director may determine, consistent with the requirements of this section, other application matters such as the scale, quality, and details shown on maps and plans, and the number of application copies required for submittal.

a. The applicant's name, address, telephone number and interest in the land;

b. The landowner's name, address and telephone number, if different than the applicant, and the owner's signed consent to the filing of the application;

c. The street address and legal description of the subject land;

d. The zoning classification, boundaries of base and overlay zoning districts, and present use of the subject land;

e. A complete description of the use or development for which a riparian protection permit is requested;

f. Plan view and cross sections of the site which show:

(1) The riparian corridor boundary with respect to the subject land;

(2) The annual high water line and each setback line from the AHWL (area A, 25 feet; area B, 50 feet; and area C, 100 feet), elevation, and slope;

(3) The location and setback of existing and proposed buildings and structures;

(4) Existing and proposed grades;

(5) Any nonnative or invasive vegetation identified by location, type, and size, including any area where invasive vegetation is proposed for removal;

(6) 100-year floodplain, past flood hazard areas, geological faults, high liquefaction areas, and slopes thirty percent (30%) or greater;

(7) Habitat of any known threatened or endangered species of aquatic and terrestrial flora or fauna, if required by the public utilities director;

(8) If wetlands exist on the subject land, a wetlands delineation approved by the U.S. army corps of engineers; and

(9) Such other and further information or documentation as the public utilities director may reasonably deem necessary for proper consideration of a particular application, including, but not limited to, geotechnical and hydrological reports required under subsection E8 of this section.

2. Riparian Corridor Delineation: The riparian corridor shall be delineated at the annual high water level.

a. When the annual high water level cannot be found, the top of the channel bank may be substituted if approved by the public utilities director.

b. A boundary location or delineation required under this section shall be prepared by a licensed professional hydraulic engineer, hydrologist, wetlands scientist, fluvial geomorphologist, another equivalent qualified environmental science professional, or the public utilities department.

c. Any wetland delineation within a stream corridor shall be approved by the U.S. army corps of engineers prior to submittal of the delineation to the public utilities director.

d. If a wetland exists within and extends beyond the one hundred feet (100') of the riparian corridor, the outermost edge of the wetland shall be the outer edge of the riparian corridor.

3. Determination Of Completeness: Upon receipt of an application for a riparian protection permit, the public utilities director shall make a determination of completeness of the application pursuant to section 21A.10.010 of this title.

4. Notice Of Applications For Additional Approvals: Whenever in connection with an application for a riparian protection permit, an applicant is requesting another type of approval, such as a building permit, subdivision, conditional use permit, variance, special exception, or change in zoning or land use, each required notice shall include a reference to all other requested approvals.

5. Minor Exceptions Authorized: Minor exceptions to the provisions of this section may be approved by the public utilities director as provided in this subsection. A minor exception may not authorize an exception to a prohibited land use.

a. Criteria: A minor exception shall be approved only if the public utilities director finds the exception:

(1) Is of a technical nature (i.e., relief from a dimensional or design standard);

(2) Will not authorize a deviation of more than ten percent (10%) from an otherwise applicable numerical standard;

(3) Is required to compensate for some unusual aspect of the site or proposed use or development generally not shared by landowners in the vicinity;

(4) Supports a goal or objective consistent with any RCO master plan as may be adopted, subsequent restoration efforts, or the purpose of this section;

(5) Will protect sensitive natural resources or better integrate development with the riparian environment;

(6) Will avoid filling, grading, and construction of retaining walls; and

(7) Is not likely to:

(A) Interfere with the use and enjoyment of adjacent land;

(B) Create a danger to public health or safety, particularly from flooding or erosion damage;

(C) Change stream bank stability or increase the likelihood of erosion; or

(D) Affect water quality.

b. Conditions May Be Required: In granting a minor exception, the public utilities director may attach any conditions necessary to meet the intent of this section. Any performance bond required by such conditions shall be administered as provided in this title and any other applicable provision of this code.

c. Time Limit: The public utilities director shall prescribe a time limit within which action under the minor exception shall begin. Failure to begin such action within the established time limit shall void the minor exception.

d. Burden Of Proof: The applicant shall have the burden of providing evidence to support a minor exception request.

6. Reasonable Use Exception: If a landowner believes application of the provisions of this section would deny all reasonable economic use of the owner's lot or parcel of land, the owner may request a reasonable use exception pursuant to this subsection. A request for a reasonable use exception shall be made to the public utilities director and shall include basis for the owner's reasonable use exception request and any information set forth in title 2, chapter 2.66 of this code which the public utilities director deems relevant to the request.

a. Criteria: The public utilities director shall approve a request for a reasonable use exception when all of the following criteria are met:

(1) The application of the provisions of this section would deny all reasonable economic use of the land;

(2) No other reasonable economic use of the land would have less impact on the riparian corridor area;

(3) The impact to the riparian corridor area resulting from granting the reasonable economic use request is the minimum necessary to allow for reasonable economic use of the land;

(4) The inability of the applicant to derive reasonable economic use of the land is not the result of actions by the applicant or the applicant's predecessor;

(5) The reasonable economic use exception mitigates the loss of riparian corridor area functions to the extent reasonably feasible under the facts of the application; and

(6) The reasonable economic use exception only authorizes a permitted or conditional use authorized by the underlying district and conforms to other applicable requirements of this title to the extent reasonably feasible under the facts of the application.

b. Burden Of Proof: The applicant shall have the burden of providing evidence to support a reasonable economic use exception request.

7. Action By Public Utilities Director: Following review of a complete application for a riparian protection permit, and any request for a minor exception or reasonable use exception, the director shall, pursuant to provisions of this section: a) approve the permit; b) approve the permit subject to specific modifications; or c) deny the permit. A riparian protection permit for the proposed use or development shall be approved if the public utilities director determines such action is in accord with the provisions of this section and meets the following criteria:

a. Construction associated with the use or development is not reasonably anticipated to result in the discharge of sediment or soil into any storm drain, wetland, water body, or onto an adjacent lot or parcel; and

b. Except as otherwise required under a reasonable use exception, the proposed use or development:

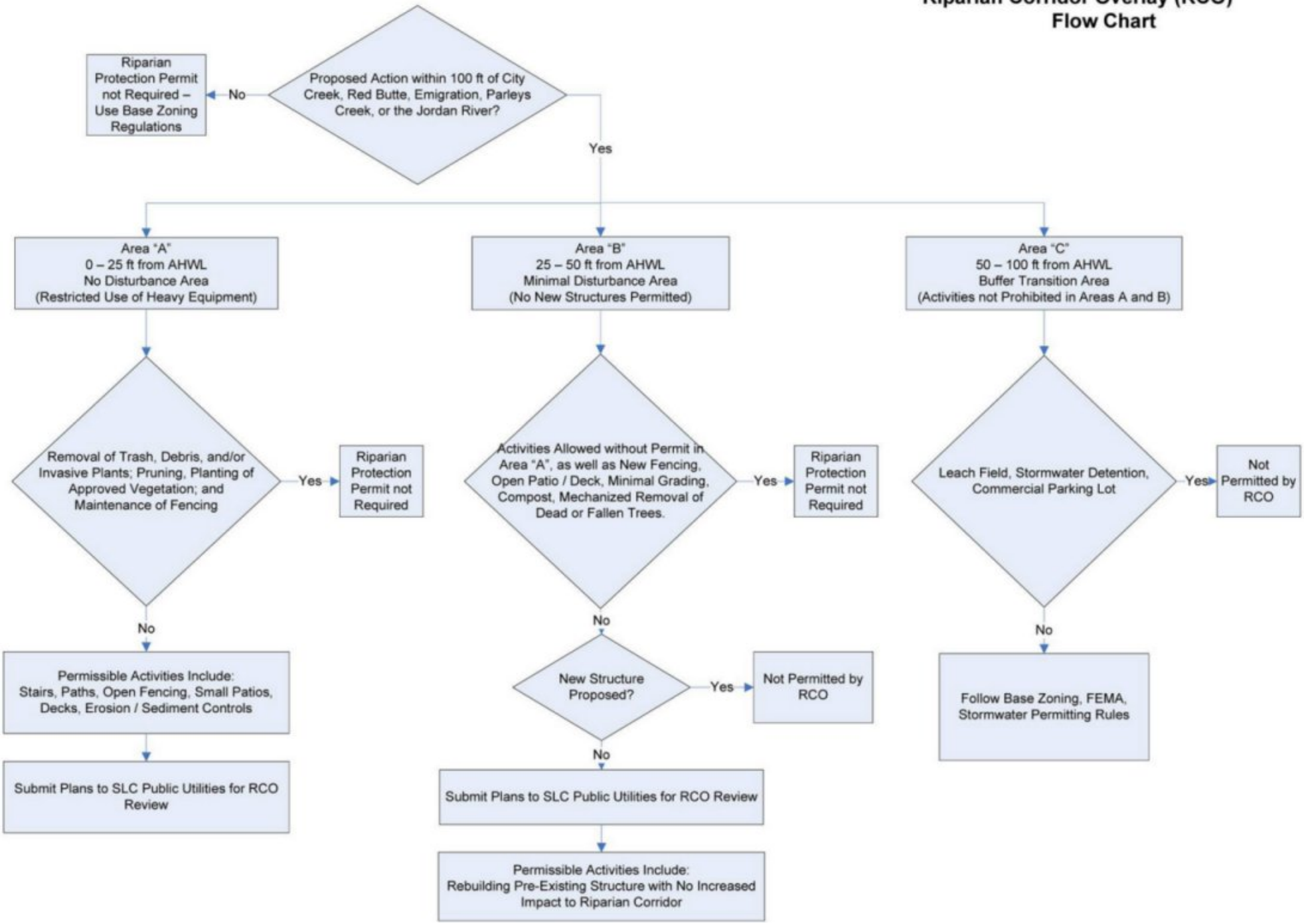
(1) Will result in equal or better protection for the riparian corridor area, considering the provisions of this section, as reasonably determined by the public utilities director; and

(2) Will not occupy more than fifty percent (50%) of the total area within areas A and B described in subsection D2 of this section.

8. Appeal Of Decision: Any person adversely affected by a final decision of the public utilities director may within thirty (30) days after such decision appeal to the public utility advisory committee as provided in subsection B2 of this section.

9. Application Process Flow Chart: The riparian corridor permit application process is conceptually illustrated in table 21A.34.130-1 of this subsection C9. The provisions of this section shall prevail over any conflict with the flow chart.

# Salt Lake City
# Riparian Corridor Overlay (RCO)
# Flow Chart



D. Permitted Uses:

1. In General: No person shall engage in any ground disturbing use or development on a lot or parcel that will remove, fill, dredge, clear, destroy, armor, terrace, or otherwise alter the RCO district through manipulation of soil or other material except as allowed by:

a. This section and, where required by this section, the public utilities director; or

b. The U.S. army corps of engineers, Salt Lake County flood control, the Utah state engineer, or any other government agency with jurisdiction over land in the RCO district to the extent provided in subsection A4 of this section.

2. Permitted Use Areas; Developed Land: The following use areas are hereby established for developed lots or parcels within the RCO district as shown on illustration A of this subsection:

a. Area A: A "no disturbance area" located between the annual high water line and twenty five feet (25') from the AHWL;

b. Area B: A "structure limit area" located between twenty five (25) and fifty feet (50') from the AHWL; and

c. Area C: A "buffer transition area" located between fifty (50) and one hundred feet (100') from the AHWL.

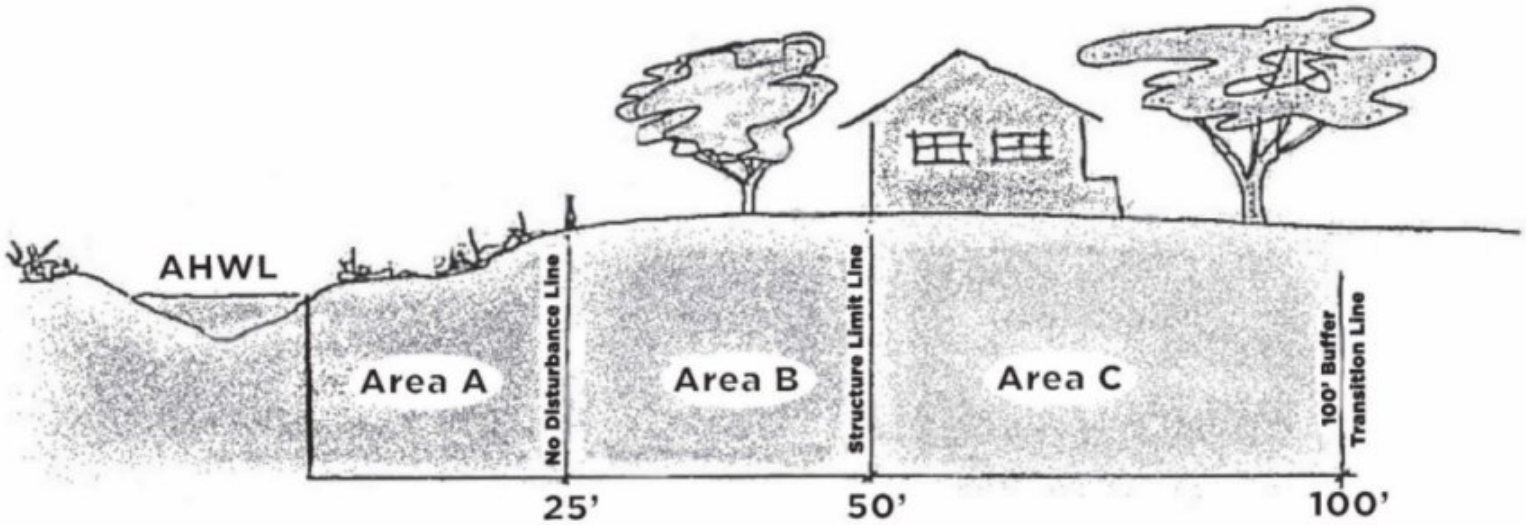



*Illustration A*
*100 Foot Riparian Corridor*

3. Permitted Use Area; Undeveloped Land: On a one acre or larger undeveloped lot or parcel within the RCO district, area A, the "no disturbance area" described above, shall be extended to one hundred feet (100') from the AHWL.

4. Permitted Use Table; Developed Land: Permitted uses allowed on a developed lot or parcel within the RCO district are shown on table 21A.34.130-2 of this subsection

D4. Uses allowed by right are indicated by the letter "P"; uses which require a riparian protection permit are indicated by the letters "RPP"; and prohibited uses are indicated by a blank space.

a. Any use or development not shown on this table shall be prohibited unless authorized by a provision of this section or another applicable provision of this title.

b. Table 21A.34.130-2 of this subsection D4 is a summary of the provisions in this subsection D. The text of this section shall control over anything contrary shown on the table.

TABLE 21A.34.130-2
USES ALLOWED BY AREA ON DEVELOPED LOTS

| Use | Area A | Area B | Area C | Comments |
|---|---|---|---|---|
| Maintenance and use of any lawfully established use, development, or structure existing on January 15, 2008; any use, development, or structure established thereafter shall be authorized only as provided in this section | P | P | P | See subsection D6 of this section |
| Any action not constituting development or a ground disturbing activity except as otherwise set forth on this table | P | P | P | |
| Maintenance of existing lawn and garden areas | P | P | P | |
| Herbicide, pesticide and fertilizer application in accordance with best management practices | P | P | P | |
| Replanting noninvasive vegetation | P | P | P | |
| Maintenance tree pruning | P | P | P | |
| Minor ground disturbing activity | RPP | P | P | See subsections D7 and E1b of this section |
| Manual removal of trash, storm debris, and fallen, dead, or diseased trees | P | P | P | |
| Invasive plant removal | P | P | P | |
| Planting noninvasive vegetation | P | P | P | |
| Maintenance of existing fence or structure | P | P | P | |
| Pruning or tree removal within utility easement by responsible entity | P | P | P | |
| Tree removal and replacement | P | P | P | Permitted with some exceptions; see subsection E4 of this section |
| Activities approved by U.S. army corps of engineers or state engineer | P | P | P | See subsection D7g of this section |
| Open fence, new | P | P | P | See subsections D8 and E1b of this section |
| Open patio/deck | RPP | P | P | |

| | | | | |
|---|---|---|---|---|
| Minimal grading | | P | P | See subsection D8 of this section |
| Compost from yard debris | | P | P | |
| Mechanized removal of fallen, dead, or diseased trees | | P | P | |
| Use or development allowed by underlying district | | | P | See subsection D9 of this section |
| Commercial parking lot | | | | Not permitted; see subsection D9 of this section |
| Leach field, stormwater retention pond, and detention basin | | | | |
| Public utilities work | RPP/P | RPP/P | RPP/P | See subsection D11 of this section |
| New construction or maintenance of access stairs, landscape walls, and paths | RPP | P | P | See subsection E1 of this section, particularly subsection E1b of this section for permitted new construction |
| Low impact stream crossing | RPP | | | |
| Maintenance of existing irrigation and flood control devices | P | RPP | RPP | |
| Installation and maintenance of erosion control devices | RPP | RPP | RPP | |
| Building replacement and expansion | RPP | RPP | P | See subsection E2 of this section |
| Removal of debris or trees with heavy equipment | RPP | RPP | RPP | See subsections E3 and E4 of this section |
| Trail on publicly owned right of way | RPP | RPP | P | See subsection E9 of this section |

5. Permitted Use Table; Undeveloped Land: Permitted uses allowed on an undeveloped lot or parcel within the RCO district are shown on table 21A.34.130-3 of this subsection D5. Uses allowed by right are indicated by the letter "P"; uses which require a riparian protection permit are indicated by the letters "RPP"; and prohibited uses are indicated by a blank space.

a. Any use or development not shown on this table shall be prohibited unless authorized by a provision of this section or another applicable provision of this title.

b. Table 21A.34.130-3 of this subsection D5 is a summary of the provisions in this subsection D. The text of this section shall control over anything contrary shown on the table.

TABLE 21A.34.130-3
USES ALLOWED ON UNDEVELOPED LAND

| Use | Area A (100 Foot Setback Area) | Comments |
|---|---|---|
| Maintenance and use of any lawfully established structure or use existing on January 15, 2008; any use, development, or structure established thereafter shall be authorized only as provided in this section | P | See subsection D6 of this section |
| Any action not constituting development or a ground disturbing activity except as otherwise set forth on this table | P | |

| | | |
|---|---|---|
| Maintenance of existing lawn and garden areas | P | |
| Herbicide, pesticide and fertilizer application in accordance with best management practices | P | |
| Replanting noninvasive vegetation | P | |
| Maintenance tree pruning | P | |
| Minor ground disturbing activity | P | See subsections D7, E1b and E4 of this section |
| Manual removal of trash, storm debris, and fallen, dead, or diseased trees | P | |
| Pruning or tree removal within utility easement by responsible entity | P | |
| Tree removal or replacement | P | |
| Invasive plant removal | P | |
| Planting noninvasive vegetation | P | |
| Maintenance of existing fence or structure | P | |
| Activities approved by U.S. army corps of engineers or state engineer | P | See subsection D7g of this section |
| Commercial parking lot | | Not permitted; see subsection D9 of this section |
| Leach field, stormwater retention pond, and detention basin | | |
| Public utilities work | RPP/P | See subsection D11 of this section |
| Trail on publicly owned right of way | RPP | See subsection E9 of this section |

6. Uses Allowed By Right On Developed Land; All Areas: The following uses may be conducted on a lot or parcel within area A, B, or C without a riparian protection permit:

a. Maintenance and use of any lawfully established structure or use existing on January 15, 2008; any use, development, or structure established thereafter shall be authorized only as provided in this section;

b. Maintenance of lawns and gardens, including benches and pathways;

c. Application of herbicide, pesticide, and fertilizer, subject to applicable state and federal regulations and in accordance with best management practices identified by the department of public utilities;

d. Replanting of vegetation with noninvasive species identified by the public utilities director;

e. Maintenance pruning of existing trees; and

f. Any other activity which is not a development or other ground disturbing activity.

7. Uses Allowed By Right On Developed Or Undeveloped Land; Area A: The following minor ground disturbing activities shall be allowed by right in a residential district on a developed or undeveloped lot or parcel within area A without a riparian protection permit:

a. Manual removal of trash, storm debris, and fallen, diseased, or dead trees or other vegetation by the landowner;

b. Pruning or removal of trees within a utility easement by the responsible entity;

c. Tree removal and replacement as provided in subsection E4 of this section;

d. Removal of invasive plants;

e. Planting of noninvasive vegetation shown on a list of approved and prohibited vegetation within riparian protection areas published by the department of public utilities and/or the urban forester;

f. Maintenance of an existing fence or structure within the original footprint if:

(1) Further stream bank armoring is not required; and

(2) Soil is not unstable due to steep slope movement; and

g. Construction activities approved by the U.S. army corps of engineers under the federal clean water act or the river and harbors act, or by the Utah state engineer under the stream alteration permit program as set forth in subsection A4 of this section.

8. Uses Allowed By Right On Developed Land; Area B: Uses allowed within area B on a developed lot or parcel without a riparian protection permit include:

a. Any use described in subsection D4 of this section;

b. Open fencing approved under a general permit promulgated by the public utilities director;

c. Construction of open patios which do not involve an existing grade change of more than two feet (2') and decks which are not higher than two feet (2') above grade;

d. Minimal grading;

e. Compost from yard debris; and

f. Mechanized removal of fallen, dead, or diseased trees as provided in subsection E4 of this section.

9. Uses Allowed By Right On Developed Land; Area C: Uses allowed within area C on a developed lot or parcel without a riparian protection permit include any use or development allowed by the underlying district or as set forth in subsections D7 and D8, or E1b of this section, except a leach field, stormwater retention pond, detention basin, or commercial parking lot.

10. Uses Allowed By Right On Undeveloped Land: Uses allowed on undeveloped land shall be as authorized by the underlying base zoning district, except within residential districts, the research park district, public lands districts, and the institutional and urban institutional district. Within such districts the following shall apply:

a. The one hundred foot (100') nondisturbance area requirement as described in subsection D3 of this section; and

b. The use and development standards set forth in subsection E of this section.

11. Public Utilities Work: In addition to the uses listed on the foregoing tables, the city may complete work within the RCO district as provided in this subsection.

a. Emergency Work: Emergency work to protect an immediate threat to life or land is allowed without a riparian protection permit.

(1) The city department undertaking the work shall notify the public utilities director of activity within twenty four (24) hours thereafter.

(2) Any stream channel or riparian area damaged as a result of city work shall be restored. The department of public utilities shall issue a riparian protection permit for such restoration work and shall inspect and approve the work undertaken.

(3) Temporary emergency structures, sandbags, and other emergency related materials shall be removed from the site in a timely manner.

b. Other Work: The following work may be undertaken within a riparian corridor protection area subject to the issuance of a riparian protection permit as provided in this subsection:

(1) Matters of public safety;

(2) Work to protect life or property in an emergency;

(3) Flood control;

(4) Channel or riparian restoration;

(5) Maintenance, including storm drainage system, irrigation structures, utility and street work;

(6) Public utilities projects approved by the department of public utilities, including, but not limited to, new utility or street work; bridge maintenance, repair, replacement, or new construction; public trails, such as bike and pedestrian paths located on publicly owned land;

(7) Public gathering places such as amphitheaters and gazebos located on publicly owned land;

(8) Maintenance access roads; and

(9) Utility service devices such as stormwater lift stations and irrigation structures.

c. Equipment: Plans submitted for a riparian protection permit shall include a description of equipment to be used for any work proposed. Such equipment shall be sufficiently sized for the task and chosen to minimize any impact to a stream channel and the riparian corridor area.

d. Construction Design Standards: The department of public utilities shall develop construction design standards applicable to projects approved under this subsection.

E. Use And Development Standards: Other uses and development standards within the RCO district shall be conducted as provided in this subsection and shall be consistent with any RCO master plan as may be adopted.

1. Area A: Development within area A shall conform to the standards set forth in this subsection.

a. Developed Lot In A Residential District: On a developed lot in a residential district, no new construction shall occur closer than twenty five feet (25') to the annual high water level, except as permitted by this subsection.

b. Allowed Minor Ground Disturbing Activities: The following activities shall be allowed in a residential district within area A if heavy equipment is not used and as provided by a riparian protection permit:

(1) New construction or maintenance of access stairs, landscape walls; and/or paths between vertical levels within area A and no more than one per level in terraced areas;

(2) An open permeable patio or deck not located within a streambed and constructed in a manner that:

(A) Will not impede any high water flow above the AHWL;

(B) Does not change existing grade; and

(C) Is not greater than one hundred fifty (150) square feet;

(3) Low impact stream crossings;

(4) Construction of open fences, beyond the AHWL in any area within the RCO district, if approved by the public utilities director or as authorized by a general permit promulgated by the director;

(5) Maintenance of existing irrigation and flood control devices; and

(6) Installation and maintenance of erosion control devices, approved, if necessary, by the U.S. army corps of engineers, Salt Lake County flood control, the Utah state engineer or any other government authority with jurisdiction. Such erosion controls may include armoring, if, as reasonably determined by the approving authority:

(A) The armoring is authorized or required by the public utilities director and/or one or more of the foregoing government authorities;

(B) The armoring is necessary to protect the structural integrity of an existing structure on the land or significant loss of land area due to erosion;

(C) The landowner has reasonably exhausted less intrusive methods to prevent significant land damage;

(D) The armoring is placed only where necessary to prevent significant land damage in the foreseeable future; and

(E) The proposed armoring will not negatively impact other adjacent or downstream land.

2. Area B: Replacement, rebuilding, or expansion of a building within areas A and B shall conform to the standards set forth in this subsection.

a. Replacement Buildings: Replacement or rebuilding of a preexisting structure in area A and/or B shall require a riparian protection permit and is allowed, consistent with the continuation of nonconforming uses and noncomplying structures as set forth in section 21A.38.050 of this title, if:

(1) The structure replaces a preexisting structure with the same type of structure or a structure of lesser impact pursuant to underlying zoning district standards;

(2) No portion of the footprint of the new structure is any nearer to the AHWL than the nearest point of the preexisting structure to the AHWL;

(3) The total square footage of the portion of the footprint of the new structure to be located within area A and/or B does not exceed the total square footage of the footprint of the old structure as it was located within area A and/or B;

(4) The new structure:

(A) Does not require further armoring of the stream bank; and

(B) Is not located in any unstable area due to movement of a steep slope, unstable soils, or geological activity along a fault that will not support the structural footprint; and

(C) Complies with applicable requirements of the underlying zoning district and any other applicable city regulation except as otherwise set forth in this section.

b. Building Expansion: Notwithstanding any other provision of this title to the contrary, an existing structure (not including a deck, patio, or similar structure) may be expanded by up to twenty five percent (25%) in area A or B as provided by a riparian protection permit if such expansion does not result in any structure being built closer to the AHWL than any portion of the existing structure.

(1) The foregoing rule shall also apply to a replacement structure.

(2) As a tradeoff for allowing expansion or replacement with a larger structure, the public utilities director shall require, as a condition of the riparian protection permit, that the landowner spend five percent (5%) of the project cost on stream bank restoration or specify a minimum number of linear feet of stream bank that shall be restored based on the size of the expansion and consistent with any RCO master plan as may be adopted and any subsequent restoration project applicable to the entire stream corridor.

3. Use Of Heavy Equipment In Areas A And B: Heavy equipment may be used in areas A and B as provided by a riparian protection permit issued pursuant to standards promulgated by the public utilities director to minimize and mitigate impacts from the use thereof, and subject to any applicable federal, state, and county requirements.

4. Tree Removal And Replacement: Trees located in area A, B, or C which are fallen, diseased, or dead, or which are less than two inches (2") in caliper, may be removed without a riparian protection permit so long as replacement trees are planted in the same area.

a. Trees which are removed shall be replaced as follows:

(1) For trees six inches (6") in caliper or less: One to one (1:1);

(2) For trees six (6) to eight inches (8") in caliper: Two to one (2:1); and

(3) For trees eight inches (8") or greater in caliper: Three to one (3:1).

(4) Any replacement tree which does not survive for at least one year shall be replaced again.

b. Removal of live trees is prohibited without approval from the public utilities director. In determining whether a live tree should be removed, the director shall consult with the zoning administrator and the urban forester.

c. Replacement trees shall be an approved species and size shown on the list of approved and prohibited vegetation within riparian protection areas published by department of public utilities and/or the urban forester and shall have the following minimum size:

(1) Deciduous trees shall have a minimum trunk size of two inches (2") in caliper, and

(2) Evergreen trees shall have a minimum size of five feet (5') in height.

d. Any tree which is more than two inches (2") in caliper shall not be removed unless authorized by a riparian protection permit.

e. The director may promulgate a general permit for tree stump removal in any area within the RCO district. Removal of any tree stump located within twenty five feet (25') of the annual high water line shall be approved by the urban forester.

5. Development On Undeveloped Residential Lots Or Parcels: Development on an undeveloped residential lot or parcel which is one acre or larger and located within area A, B, or C shall meet the requirements of this subsection.

a. The no disturbance setback for such lots shall be increased to one hundred feet (100').

(1) If the depth of the lot or parcel is less than two hundred feet (200'), then the setback shall be reduced by the ratio of the actual lot depth to two hundred feet (200').

(2) The development potential (density) located within area B and C may be transferred to the balance of the subject lot or parcel and the minimum lot size in the zoning district may be reduced by the zoning administrator, on advice and consultation with the public utilities director, to accommodate such additional density. In the alternative, the development potential (density) may be applied to an adjacent lot or parcel within the control or ownership of the applicant.

b. When a new structure is proposed to be constructed on a lot or parcel with a reduced setback as a result of this subsection, the zoning administrator, on advice and consultation with the public utilities director, may reduce required front and side yard setbacks by a factor of twenty five percent (25%); provided, however, that the setback shall not be reduced by more than the ratio calculated under subsection E5a(2) of this section.

c. In all cases the minimum nondisturbance setback shall be at least fifty feet (50').

6. Development In Nonresidential Districts: A required setback on a lot or parcel located in a nonresidential district may be reduced to allow development within twenty five feet (25') of a stream if the stream is daylighted as provided in subsection E7 of this section.

7. Incentives For Stream Bank Restoration Or Daylighting In Nonresidential Districts: Any applicant for a project that daylights a stream or completes a city approved stream bank restoration program for at least fifty feet (50') along a stream in a riparian corridor shall be allowed to build within twenty five feet (25') of the AHWL, subject to a riparian protection permit approved by the public utilities director, so long as the applicant:

a. Incorporates best practice stormwater management facilities to reduce water pollution as specified by the public utilities director;

b. Agrees to monitor and control trash, litter, and other pollutants along the stream; and

c. Installs an amenity in the corridor such as a plaza, benches, trail, and/or sidewalk that is open to and accessible by the public.

8. Steep Slope And Soil Stability Standards: As part of a riparian protection permit, the public utilities director may require a geotechnical report and impose greater setbacks for structures or buildings from the structure limit line to ensure safety. When unstable soils are suspected, regardless of the slope, the public utilities director may require a geotechnical report, increase the no disturbance line, and impose greater setbacks for a structure or building from the structure limit line to ensure safety.

a. Replacement or repair of an existing retaining structure shall require a riparian protection permit.

b. Each proposed project shall be reviewed on an individual basis.

9. Trails: Trails may be established along a publicly owned right of way within any area located in the RCO district.

a. A riparian protection permit shall be required for a trail located in area A.

b. Public access to private land adjoining a stream channel shall be prohibited unless authorized by the landowner or pursuant to an access easement.

F. Definitions: For the purpose of this section the following words and terms shall be defined as set forth below and shall apply in addition to the terms defined in chapter 21A.62 of this title:

ANNUAL HIGH WATER LEVEL (AHWL): The average (mean) elevation of City Creek, Red Butte Creek, Emigration Creek, Parleys Creek, and the Jordan River occurring during a calendar year as indicated by fresh silt or sand deposits, the presence of litter and debris, or other characteristics indicative of a high water level.

ARMORING: Material such as rock, concrete or stone filled gabion baskets placed along a stream bank to prevent erosion.

BANK: The confining sides of a natural stream channel, including the adjacent complex that provides stability, erosion resistance, and aquatic habitat.

BEST MANAGEMENT PRACTICES (Also Known As BMPs): The utilization of methods, techniques, or products demonstrated to be the most effective and reliable in minimizing adverse impacts on water bodies and the adjacent stream corridors.

CHANNEL: The bed and banks of a natural stream or river.

DAYLIGHTING: Restoring a piped drainage system to an open, natural condition.

DEVELOPMENT: The carrying out of any building activity, the making of any material change in the use or appearance of any structure or land, or the dividing of land into parcels by any person. The following activities or uses shall be taken for the purposes of these regulations to involve "development":

1. The construction of any principal building or structure;

2. Increase in the intensity of use of land, such as an increase in the number of dwelling units or an increase in nonresidential use intensity that requires additional parking;

3. Alteration of a shore or bank of a creek, pond, river, stream, lake or other waterway;

4. Commencement of drilling (except to obtain soil samples), the driving of piles, or excavation on a parcel of land;

5. Demolition of a structure;

6. Clearing of land as an adjunct of construction, including clearing or removal of vegetation and including any significant disturbance of vegetation or soil manipulation;

7. Deposit of refuse, solid or liquid waste, or fill on a parcel of land; and

8. For the purpose of this section, any ground disturbing activity.

The following operations or uses shall not be taken for the purpose of these regulations to involve "development":

1. Work by a highway or road agency or railroad company for the maintenance of a road or railroad track, if the work is carried out on land within the boundaries of the right of way;

2. Utility installations as stated in subsection 21A.02.050B of this title;

3. Landscaping for residential uses; and

4. Work involving the maintenance of existing landscaped areas and existing rights of way such as setbacks and other planting areas.

EROSION: The process by which a ground surface is worn away by wind, water, ice, gravity, artificial means, or land disturbance.

EROSION CONTROL: A construction method, structure, or other measure undertaken to limit the detachment or movement of soil, rock fragments, or vegetation by water, wind, ice, and/or gravity.

FLOOD HAZARD AREA: An area with a high flood potential as determined by the federal emergency management agency.

FLOODPLAIN: The area likely to be inundated by water when the flow within a stream channel exceeds bank full discharge stage.

FOOTPRINT: The area under a structure at ground or grade level.

GENERAL PERMIT: A permit for a category of uses with similar characteristics authorized by the public utilities director.

GRADING: Any act by which soil is cleared, stripped, moved, leveled, stockpiled, or any combination thereof, and includes the conditions that result from that act.

GROUND DISTURBING ACTIVITY: Removing, filling, dredging, clearing, destroying, armoring, terracing or otherwise altering an area through manipulation of soil or other

material.

HABITAT: The physical environment utilized by a particular species, or species population.

HEAVY EQUIPMENT: A vehicle or machine designed for construction or earthmoving work including, but not limited to, a backhoe, bulldozer, compactor, crane, dump truck, excavator, front loader, grader, scraper, skid-steer loader, or tractor.

HIGH LIQUEFACTION POTENTIAL: Soil conditions where an earthquake with a fifty percent (50%) probability of occurring within a 100-year period will be strong enough to cause liquefaction.

INVASIVE SPECIES: A usually nonnative species that is highly successful in a new habitat and whose presence is significantly detrimental to native species.

LEACH FIELD: A porous soil area, through which septic tank leach lines run, emptying treated waste.

LIQUEFACTION: The strength and stiffness of saturated soil is reduced by earthquake shaking.

LOW IMPACT STREAM CROSSING: A walkway which does not impede the flow of water in a stream channel during a period of high water flow.

MINIMAL GRADING: Movement of soil with hand tools which does not change the existing elevation by more than one foot (1').

NATIVE VEGETATION: One or more plant species indigenous to a particular area.

NO DISTURBANCE LINE: That line which is located twenty five feet (25') from the AHWL as shown on illustration A of this section.

ONE HUNDRED FOOT BUFFER LINE: That line located one hundred feet (100') from the AHWL as shown on illustration A of this section.

100-YEAR FLOODPLAIN: An area adjoining a river or stream likely to be inundated during a flood having a magnitude expected to be equaled or exceeded once in one hundred (100) years on average.

OPEN FENCE: An artificially constructed barrier that allows light transmission and visibility through at least fifty percent (50%) of the fence.

OPEN PERMEABLE PATIO OR DECK: A patio or deck which does not impede the flow of water in a stream channel during a period of high water flow.

OVERLAY DISTRICT: See section 21A.62.040 of this title.

PUBLIC UTILITIES DIRECTOR: The duly appointed individual serving as director of the Salt Lake City department of public utilities.

RIPARIAN AREA: An area including a stream channel or wetland, and the adjacent land where the vegetation complex and microclimate conditions are products of the combined presence and influence of perennial and/or intermittent water, associated high water tables, and soils that exhibit some wetness characteristics.

RIPARIAN CORRIDOR: A one hundred foot (100') wide stream corridor measured from the annual high water level (AHWL) of the adjacent stream or wetland, which has a total width of at least two hundred feet (200') plus the width of the streambed plus any adjacent wetland.

RIPARIAN PROTECTION PERMIT: A permit issued by the public utilities director containing conditions which regulate or prohibit development under the provisions of this section.

RIPARIAN SETBACK: The area between the annual high water level of a stream and a line parallel to the stream which is a defined distance from the AHWL.

STORMWATER DETENTION BASIN: An artificial flow control structure used to contain floodwater for a limited period of time to provide protection for areas downstream during peak periods of rain or melting snow.

STREAM: City Creek, Red Butte Creek, Emigration Creek, Parleys Creek and the Jordan River.

STREAM CORRIDOR: A stream and adjacent land within a defined distance from the stream.

STRUCTURE: Anything constructed or erected with a fixed location on the ground or in/over the water bodies in the city. Structure includes, but is not limited to, buildings, fences, walls, signs, and piers and docks, along with any objects permanently attached to the structure.

STRUCTURE LIMIT LINE: That line which is located fifty feet (50') from the AHWL as shown on illustration A of this section.

UNSTABLE SOIL: Soil on a slope of greater than thirty percent (30%) which is likely to move unless stability measures are undertaken to prevent such movement.

WETLAND: Those areas inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

G. Measurements:

1. All distances noted in this section shall be measured along a horizontal plane from the annual high water level to the applicable riparian boundary line, property line, edge of building or structure, or other point. These distances are not measured by following the topography of the land. Consequently, on steeply sloped topography the measured overground distance may not accurately reflect the distances specified in the permits and conditions specified in this section.

2. When any distance measurement results in a fractional number, the required distance shall be measured to the nearest foot. Any fraction less than one-half foot ($^1/_2$') shall be disregarded and fractions of one-half foot ($^1/_2$') or larger shall be included in the measurement.

3. When measuring a required minimum distance, the measurement shall be made at the shortest distance between the two (2) points and perpendicular to the riparian setback line. (Ord. 62-08 § 1 (Exh. A), 2008: Ord. 3-08 § 3, 2008)

**Footnotes** - Click any footnote link to go back to its reference.
Footnote 1: UCA § 10-9-102.
Footnote 2: The riparian corridor overlay district shall be applied to all property located within 100 feet of the annual high water level of the aboveground portions of City Creek, Red Butte Creek, Emigration Creek, Parleys Creek, and the Jordan River. The riparian corridor overlay district shall not apply to any other stream corridor. Any RCO designation shown on the Salt Lake City zoning map which is contrary to the foregoing shall be and hereby is removed from such map.

# CHAPTER 21A.36
# GENERAL PROVISIONS

## 21A.36.010: USE OF LAND AND BUILDINGS:

The following rules shall apply to the use of land and buildings in each zoning district:

A. Enclosed Business Activity: All business activity, service, storage, merchandise, display, repair, processing, assembly and manufacturing shall be conducted wholly within an enclosed building except where specifically provided otherwise. Permitted off street parking lots, off street loading facilities, and outdoor sales in zoning districts where such

outdoor sales are permitted, need not be enclosed.

B. One Principal Building Per Lot: Not more than one principal building shall be located on any lot, except that:

1. Lots in the SR-3, RMF-35, RMF-45, RMF-75, R-MU-35, R-MU-45, R-MU, RO, CB, CS, CC, CSHBD, CG, RP, BP, MU, M-1, M-2, A, I and UI districts may have more than one principal building on a lot, subject to all of the principal nonresidential buildings being occupied by one use, or all principal residential and nonresidential buildings having frontage on a public street and subject to site plan review approval, pursuant to chapter 21A.58 of this title; and

2. More than one principal building may be permitted on a lot in all zoning districts other than those identified in subsection B1 of this section, or when the principal buildings are occupied by more than one use, when authorized in conjunction with an approved planned development pursuant to chapter 21A.55 of this title. All land uses shall front a public street unless specifically exempted from this requirement by other provisions of this title.

C. Frontage Of Lot On Public Street: All lots shall front on a public street unless specifically exempted from this requirement by other provisions of this title.

D. Hazardous Waste Prohibition: It is unlawful to permanently store or dispose of hazardous waste within Salt Lake City except for incineration of hazardous waste as allowed in the industrial M-2 zoning district.

E. Flag Lots In Nonresidential Districts: In the CG, BP, RP, M-1 and M-2 districts, flag lots shall be permitted, subject to subdivision regulations; provided, that:

1. As part of new subdivisions or through the planned development process only when the flag lot is proposed at the rear of an existing parcel;

2. The flag lot access strip shall have a minimum of twenty four feet (24') of frontage on a public street; and

3. The city subdivision review process determines the following:

a. It is not desirable or necessary to extend a public street to access the parcel, and

b. The existing lot and site layout is not conducive to private street development. (Ord. 23-10 § 14, 2010: Ord. 61-09 § 31, 2009: Ord. 71-04 § 5, 2004: Ord. 35-99 § 45, 1999: Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(18-1), 1995)

## 21A.36.020: CONFORMANCE WITH LOT AND BULK CONTROLS:

A. Conformance With District Requirements: No structure or lot shall be developed, used or occupied unless it meets the lot area, lot width, yards, building height, and other requirements established in the applicable district regulations, except where specifically established otherwise elsewhere in this title.

In any residential district, on a lot legally established prior to April 12, 1995, a single-family dwelling may be erected regardless of the size of the lot, subject to complying with all yard area requirements of the R-1/5,000 district. Legal conforming lots in nonresidential districts shall be approved for any permitted use or conditional use allowed in the zoning district subject to complying with all yard area requirements of the district in which the lot is located.

B. Obstructions In Required Yards: Accessory uses and structures, and projections of the principal structure, may be located in a required yard only as indicated ("X") in table 21A.36.020B of this section. No portion of an obstruction authorized in table 21A.36.020B of this section shall extend beyond the authorized projection. Dimensions shall be

measured from the finished surface of the building or structure.

TABLE 21A.36.020B
OBSTRUCTIONS IN REQUIRED YARDS[1]

| Type Of Structure Or Use Obstruction | Front And Corner Side Yards | Side Yard | Rear Yard |
|---|---|---|---|
| Accessory buildings subject to the provisions of chapter 21A.40 of this title, and located at least 1 foot from the side property line except for the FP and FR districts where no accessory building is permitted in any yard. Accessory buildings shall be at least 10 feet from a principal residential building on an adjacent lot | | X[3] | X |
| Arbors and trellises not to exceed 12 feet in height or 120 square feet in residential districts. This requirement shall also apply to nonresidential districts unless otherwise authorized | X | X | X |
| Architectural ornament not elsewhere regulated projecting not more than 4 inches | X | X | X |
| Awnings and canopies, extending not more than $2^1/_2$ feet into front, corner side, or side yards and not more than 5 feet into rear yards allowed in residential districts only | X | X | X |
| Balconies projecting not more than 5 feet | | | X |
| Basketball hoop and backboard on or adjacent to permitted driveways | X | X | X |
| Bay windows which are 1 story high, not more than 10 feet long, project 2 feet or less and are located not less than 4 feet from a lot line | X | X | X |
| Below grade encroachments[2] | X | X | X |
| Breezeways and open porches | | | X |
| Central air conditioning systems, heating, ventilating, pool and filtering equipment, the outside elements shall be located not less than 4 feet from a lot line. Structures less than 4 feet from the property line shall be reviewed as a special exception according to the provisions of section 21A.52.030 of this title | | X | X |
| Chimneys projecting 2 feet or less into the yard must be located not less than 2 feet from a lot line | | X | X |
| Decks (open) 2 feet high or less | X | X | X |
| Eaves, not including gutters projecting 2 feet or less into the yard. 4 foot eave may project into a 20 foot yard area | X | X | X |
| Fallout shelters (completely underground), conforming to applicable civil defense regulations and located not less than 4 feet from a lot line | | | X |
| Fences or walls subject to applicable height restrictions of chapter 21A.40 of this title | X | X | X |
| Fire escapes projecting 4 feet or less | | | X |
| Flagpoles: | | | |

| | | | |
|---|---|---|---|
| Residential districts: 1 permanent flagpole per street frontage | X | X | X |
| Nonresidential districts: 3 flagpoles per street frontage | X | X | X |
| Subject to provisions of table 21A.36.020C of this section | | | |
| Grade changes of 2 feet or less except for the FP and FR districts which shall be subject to the provisions of subsection 21A.24.010P of this title. (All grade changes located on a property line shall be supported by a retaining wall.) | X | X | X |
| Ground mounted utility boxes subject to the provisions of section 21A.40.160 of this title | X | X | X |
| Ham radio antennas subject to provisions of subsection 21A.40.090D of this title | | | X |
| Landscaping, including decorative berms 4 feet or less in height with no grade change along any property line, provided that if such landscaping obstructs the visibility of an intersection the city may require its pruning or removal | X | X | X |
| Laundry drying equipment (clothesline and poles) | | | X |
| Parking, carports and covered parking spaces except as otherwise expressly authorized by section 21A.44.050, table 21A.44.050 of this title | | | X |
| Patios on grade | X | X | X |
| Patios on grade (attached, covered and unenclosed) maintaining a minimum 15 foot setback from the rear property line | | | X |
| Porches (attached, covered and unenclosed) projecting 5 feet or less | | | X |
| Recreational (playground) equipment | | | X |
| Refuse dumpster | | | X |
| Removable ramp for persons with disabilities (when approved as a special exception) | X | X | X |
| Satellite dish antennas | | X | X |
| Signs, subject to the provisions of chapter 21A.46 of this title | X | X | X |
| Steps and required landings 4 feet or less above or below grade which are necessary for access to a permitted building and located not less than 4 feet from a lot line | X | X | X |
| Swimming pools (measured to the water line), tennis courts, game courts, and similar uses shall not be located less than 10 feet from a property line | | X | X |
| Window mounted refrigerated air conditioners and evaporative "swamp" coolers located at least 2 feet from the property line. Window mounted refrigerated air conditioner units and "swamp" coolers less than 2 feet from the property line shall be reviewed as a special exception according to the provisions of section 21A.52.030 of this title | X | X | X |
| Window wells not over 6 feet in width and projecting not more than 3 feet from structure | X | X | X |

Notes:

1. "X" denotes where obstructions are allowed.
2. Below grade encroachments (encroachments which are completely below grade where the surface grade remains intact and where the below grade encroachment is not visible from the surface) into required yards shall be treated as a special exception in accordance with the procedures set forth in chapter 21A.52 of this title.
3. The accessory structure shall be located wholly behind the primary structure on the property.

C. Height Exceptions: Exceptions to the maximum building height in all zoning districts are allowed as indicated in table 21A.36.020C of this section.

TABLE 21A.36.020C
HEIGHT EXCEPTIONS

| Type | Extent Above Maximum Building Height Allowed By The District | Applicable Districts |
|---|---|---|
| Chimney | As required by local, state or federal regulations | All zoning districts |
| Church steeples or spires | No limit | All zoning districts |
| Elevator/stairway tower or bulkhead | 16 feet | All commercial, manufacturing, downtown, RO, R-MU, RMF-45, RMF-75, RP, BP, I, UI, A, PL and PL-2 districts |
| Flagpole | Maximum height of the zoning district in which the flag is located or 60 feet, whichever is less. Conditional use approval is required for additional height | All zoning districts |
| Mechanical equipment parapet wall | 5 feet | All zoning districts, other than the FP, FR-1, FR-2, FR-3, and open space districts |

D. Front And Corner Side Yard Driveways: A driveway leading to a properly located garage or parking area shall be permitted in a required front or corner side yard area. No portion of the front or corner side yard as required in this title, except for these approved driveways, shall be hard surfaced or graveled in a manner that will encourage or make possible the parking of automobiles. Except for entrance and exit driveways leading to properly located parking areas, no curb cuts or driveways are permitted. (Ord. 73-11, 2011: Ord. 19-11, 2011: Ord. 62-09 § 4, 2009: Ord. 21-08 § 7 (Exh. F), 2008: Ord. 20-06 § 1, 2006: Ord. 13-04 §§ 13, 14 (Exhs. G, H), 2004: Ord. 73-02 § 6 (Exh. C), 2002: Ord. 59-02 § 1, 2002: Ord. 35-99 §§ 46 _ 48, 1999: Ord. 30-98 § 3, 1998: Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(18-2), 1995)

## 21A.36.030: HOME OCCUPATIONS:

A. Purpose: The purpose of this section is to permit the establishment of home occupations in all residential districts and within legal conforming single-family, duplex, and multi-family dwellings within commercial and nonresidential districts and ensure that the home occupations are compatible with the district in which they are located and have no negative impact upon the surrounding neighborhood.

B. Permitted Home Occupations: Subject to compliance with the standards specified in this section, the following occupations, that do not have the client come to the home, shall be permitted as home occupations subject only to approval by the zoning administrator pursuant to subsection I of this section:

1. Artists, illustrators, writers, photographers, editors, drafters, and publishers;

2. Consultants, private investigators, field representatives and other similar activities;

3. Bookkeeping and other similar computer activities;

4. Locksmith;

5. Distribution of products assembled at home for off premises sales (such as crafts, etc.);

6. Janitorial services;

7. Mail order business or sales representative; and

8. Distribution of products grown as part of an urban farm for on or off premises sales (such as garden produce).

C. Home Occupations Prohibited: The following businesses, regardless of their conformance with the standards in subsection H of this section, are prohibited as home occupations:

1. Auto repairs;

2. Kennels;

3. Welding shops or machine shops;

4. Large appliance/electronics or equipment repair or service (washers, dryers, refrigerators and other appliances or equipment that are too large to be carried in 1 individual's arms);

5. Truck hauling;

6. Cabinetmaking;

7. Deliveries; and

8. Stables.

D. Conditional Home Occupations:

1. The following home occupations, which either require a client to come to the home or which may result in neighborhood impacts if not properly managed, may be authorized by the planning commission as an accessory use only by special exception pursuant to standards specified in this section as well as the provisions of chapter 21A.52 of this title:

a. Barbers, cosmetologists, manicurists;

b. Consultant services;

c. Physicians, therapists, massage therapists;

d. Home instruction of musical instruments, voice, dance, acting and educational subjects;

e. Small appliance/electronics/equipment repair or service (items which can be carried in 1 individual's arms);

f. Dressmaker/tailor where there is no cleaning, dyeing or pressing by mechanically operated equipment;

g. Contractor, "handyman", and landscape or yard maintenance contractor; subject to the special conditions that no construction materials or equipment will be stored on the premises;

h. Artists, photographers; and

i. Other similar personal or professional services where the client comes to the home.

2. The planning commission may delegate authority to the planning director to handle special exceptions for conditional home occupations. The planning director will review and approve applications in accordance with the provisions of chapter 21A.52 of this title.

E. Application: Applications for home occupations shall be filed with the zoning administrator. The applications shall include the following information:

1. A complete description of the type of business proposed including the location of the storage and operations area for the home occupation;

2. A listing of the individuals at the home who will be working on the business;

3. The expected hours of operation of the business;

4. The expected number of clients per hour and total expected number of clients visiting the home per day;

5. For conditional home occupations, approval of the apartment management or property owner if the business is conducted on a leased property is required. Notification is subject to the provisions of chapter 21A.10 of this title.

F. License Required: It is unlawful for any person, firm, corporation, or association to engage in a "home occupation" as defined in section 21A.62.040 of this title without first obtaining a license pursuant to the provisions of title 5, chapter 5.04 of this code. Prior to issuance of said license, the criteria set forth in this title must be satisfied and all applicable fees shall be paid. All home occupation permits shall be valid for one year, and may be renewed annually, provided there have been no reported violations, subject to subsection J of this section.

G. Determination Of Completeness: Upon receipt of an application for a home occupation, the zoning administrator shall make a determination of completeness pursuant to section 21A.10.010 of this title.

H. Standards: All home occupations shall comply with the following standards:

1. The home occupation must be clearly incidental and secondary to the primary use of the dwelling for residential purposes;

2. The area of the residence, used for home occupations shall remain in character with the rest of the home except for such minor alterations necessary to conduct an

approved home occupation;

3. The home occupation shall not be conducted in, nor in any way use, the garage, carport, any accessory building or any portion of the yard. A home occupation license to distribute produce grown on the premises for off premises sales may be conducted in the rear yard and include the use of accessory buildings but may not occupy required parking areas;

4. The home occupation work conducted at the residence shall not involve any employees other than persons lawfully living in the residence;

5. The residence must be the principal residence of the applicant;

6. Other than the applicant's personal transportation there shall be no vehicles or equipment stored outdoors, or in a garage or accessory building on the property associated with the home occupation which would not normally be found at a residence;

7. Delivery of merchandise, goods, or equipment, to the site of the home occupation, shall be made by a vehicle typically employed in residential deliveries. No deliveries to the site of the home occupation by semitractor/trailer truck shall be permitted. Loading and deliveries to the site of the home occupation shall be limited to the hours of eight o'clock (8:00) A.M. and six o'clock (6:00) P.M.;

8. No mechanical or electrical apparatus, equipment or tools shall be permitted in the home occupation except those which are commonly associated with a residential use or as are customary to home crafts, and which do not exceed two hundred twenty (220) volts or which are customary to an approved conditional home occupation;

9. Tools, items, equipment or occupations which are offensive or noxious by reason of the emission of odor, smoke, gas, dust, vibration, magnetic or electrical interference, noise, or other similar impacts extending beyond the property line of the lot where the occupation is located, are prohibited;

10. Stock in trade, inventory or other merchandise shall be allowed to be kept only in the interior space of the dwelling;

11. No outdoor storage is permitted in conjunction with the occupation other than produce for off premises sales as outlined in subsection H3 of this section;

12. Other than allowed conditional home occupations, no clients or customers shall come to the home nor shall any additional vehicular traffic or parking needs be generated;

13. For conditional home occupations, no more than one client may be served at one time and no more than one place of vehicular parking shall be occupied by a client at any time;

14. The home occupation shall not require any internal alterations, other than those necessary for an approved home occupation, nor any external alterations to the residence, nor provide any visible evidence from the exterior that the building is being used for any other purpose than that of a residence;

15. Only one nonilluminated nameplate, with a maximum sign face as specified in chapter 21A.46 of this title, stating the name of the business or occupant and mounted flat against the building, shall be allowed;

16. The home occupation shall not cause a demand for municipal or utility services or community facilities in excess of those usually and customarily provided for residential uses; and

17. No direct sales of products are made from the home whether or not incidental to the home occupation.

I. Decision By Planning Commission Or Planning Director: The planning commission or planning director shall issue a permit for the home occupation if the planning commission or planning director finds that:

1. The provisions of this title are satisfied;

2. The home occupation will be in keeping with the character of the neighborhood and will not adversely affect the desirability or stability of the neighborhood;

3. The home occupation does not diminish the use and enjoyment of adjacent properties or create an adverse parking impact on adjacent streets or properties;

4. The home occupation will not negatively impact the future use of the property as a residence;

5. The home occupation will not adversely affect the public health, safety or welfare; and

6. The home occupation conforms with all fire, building, plumbing, electrical and health codes.

J. Loss Of Home Occupation Use: The zoning administrator may terminate any home occupation use upon making findings that support either or both of the following conclusions:

1. Any of the required licenses or permits necessary for the operation of the business have been revoked or suspended; or

2. Any of the provisions of this title have been violated.

K. Appeals:

1. Any termination of a home occupation may be appealed pursuant to the provisions of title 5, chapter 5.02 of this code as if the termination were a business license revocation.

2. Any person adversely affected by the denial or issuance of a permit for a home occupation may appeal that decision to the appeals hearing officer pursuant to chapter 21A.52 of this title.

L. Existing Home Occupation Licenses: Existing licenses for home occupations which were legal under the prior zoning ordinance regulating home occupations but which are not permitted under this title may be kept and reissued for subsequent years.

M. Nontransferability: Permits for home occupations are personal to the applicant, nontransferable and do not run with the land. (Ord. 31-12, 2012: Ord. 8-12, 2012: Ord. 73-11, 2011: Ord. 62-11, 2011: Ord. 21-11, 2011: Ord. 10-10 § 1, 2010: Ord. 54-00 § 1, 2000: Ord. 35-99 §§ 49, 50, 1999: Ord. 26-95 § 2(18-3), 1995)

## 21A.36.040: RESIDENT HEALTHCARE FACILITIES:

A "resident healthcare facility" as defined in chapter 21A.62 of this title, shall be permitted as of right in the RMF-30, RMF-35, RMF-45, RMF-75, RB, R-MU-35, R-MU-45, R-MU, RO, and MU districts provided it complies with all of the requirements of the particular zoning district, the general standards set forth in this part and all other applicable requirements of this title and of this code, including business licensing requirements. (Ord. 10-10 § 4, 2010)

## 21A.36.050: ASSISTED LIVING FACILITIES:

An "assisted living facility" as defined in chapter 21A.62 of this title, shall be permitted in the RMF-35, RMF-45, RMF-75, R-MU-35, R-MU-45, R-MU, and MU districts provided it complies with all of the requirements of the particular zoning district, the general standards set forth in this part and all other applicable requirements of this title and of this code, including business licensing requirements. If the assisted living facility is an apartment building, the facility shall not exceed the density allowed in the base zoning district. If the assisted living facility is a rooming house, for the purpose of calculating the density allowed under the base zoning district, three (3) boarders shall constitute one dwelling unit. (Ord. 10-10 § 5, 2010)

## 21A.36.060: NURSING CARE FACILITIES:

A "nursing care facility" as defined in chapter 21A.62 of this title, shall be permitted in the RMF-45, RMF-75, R-MU-35, R-MU-45, R-MU, and MU districts provided it complies with all of the requirements of the particular zoning district, the general standards set forth in this part and all other applicable requirements of this title. (Ord. 10-10 § 6, 2010)

## 21A.36.070: GROUP HOMES:

A. Purpose Statement: The purpose of this section is to permit the establishment of group homes for "persons with disabilities" as defined in chapter 21A.62 of this title, subject to licensing procedures and, where appropriate, conditional use standards.

B. License Required: No group home for persons with disabilities shall be established, operated or maintained within the city without a valid license issued by the Utah state division of licensing, department of human services, and without a valid business license issued by the Salt Lake City business license office.

C. Small Group Homes; Authorized As Permitted Uses: Small group homes shall be permitted pursuant to subsection B of this section in the FR-1, FR-2, FR-3, R-1/12,000, R-1/7,000, R-1/5,000, SR-1, SR-3, R-2, RMF-30, RMF-35, RMF-45, RMF-75, RB, R-MU-35, R-MU-45, R-MU, RO, CC, CG, D-2, D-3, AG, AG-2, AG-5, and MU districts provided:

1. No small group home shall be located within eight hundred feet (800') of another group home; and

2. Small group homes established in the RB and RO districts shall be located above the ground floor.

D. Large Group Homes; Authorized As Conditional Uses: Large group homes, as either principal or accessory uses, may be allowed, as conditional uses pursuant to the provisions of chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-30, RMF-35, RMF-45, RMF-75, RB, R-MU-35, R-MU-45, R-MU, RO, CC, CG, D-2, D-3, G-MU, and MU districts provided:

1. No large group home shall be located within eight hundred feet (800') of another group home; and

2. Large group homes established in the RB and RO districts shall be located above the ground floor. (Ord. 10-10 § 7, 2010: Ord. 20-06 § 1, 2006: Ord. 71-04 §§ 9, 10, 2004: Ord. 14-00 § 6, 2000: Ord. 38-99 § 1, 1999: Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(18-7), 1995)

## 21A.36.080: TRANSITIONAL VICTIM HOMES:

A. Purpose Statement: The purpose of this section is to permit the establishment of transitional victim homes for the physically abused as defined in chapter 21A.62 of this title, subject to licensing procedures and, where appropriate, conditional use standards.

B. License Required: No transitional victim home for the physically abused shall be established, operated or maintained within the city without a valid license issued by the Utah state division of licensing, department of human services, and without a valid business license issued by the Salt Lake City business license office.

C. Small Transitional Victim Homes Authorized As Permitted Uses: Small transitional victim homes shall be permitted as either principal or accessory uses pursuant to subsection B of this section in the RMF-75, R-MU, RO, and MU districts provided:

1. No small transitional victim home shall be located within eight hundred feet (800') of another transitional victim home, residential substance abuse treatment home or transitional treatment home.

2. Small transitional victim homes established in RO districts shall be located above the ground floor.

D. Small Transitional Victim Homes Authorized As Conditional Uses: Small transitional victim homes, as either principal or accessory uses, may be allowed as a conditional use, pursuant to the provisions of chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-35, RMF-45, R-MU-35, R-MU-45, CC, CG, D-2, D-3, and G-MU districts provided:

1. No small transitional victim home shall be located within eight hundred feet (800') of another transitional victim home, residential substance abuse treatment home or transitional treatment home.

E. Large Transitional Victim Homes Authorized As Conditional Uses: Large transitional victim homes, as either principal or accessory uses, may be allowed as a conditional use, pursuant to the provisions of chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-45, RMF-75, R-MU-45, R-MU, RO, CC, CG, D-2, D-3, G-MU, and MU districts provided:

1. No large transitional victim home shall be located within eight hundred feet (800') of another transitional victim home, residential substance abuse treatment home, transitional treatment home or community correctional facility; and

2. Large transitional victim homes established in RO districts shall be located above the ground floor. (Ord. 10-10 § 8, 2010: Ord. 2-09 § 8, 2009)

## 21A.36.090: TRANSITIONAL TREATMENT HOMES:

A. Purpose Statement: The purpose of this section is to permit the establishment of transitional treatment homes for "persons with disabilities" as defined in chapter 21A.62 of this title, subject to licensing procedures and, where appropriate, conditional use standards.

B. License Required: No transitional treatment home for persons with disabilities shall be established, operated or maintained within the city without a valid license issued by the Utah state division of licensing, department of human services, and without a valid business license issued by the Salt Lake City business licensing office.

C. Small Transitional Treatment Homes Authorized As Conditional Uses: Small transitional treatment homes, as either principal or accessory uses, may be allowed as a conditional use, pursuant to the provisions of chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-35, RMF-45, RMF-75, R-MU-35, R-MU-45, R-MU, RO, CC, CG, D-2, D-3, G-MU, and MU districts provided:

1. No small transitional treatment home shall be located within eight hundred feet (800') of another transitional treatment home, residential substance abuse treatment home, transitional victim home or community correctional facility; and

2. A small transitional treatment home established in the RO district shall be located above the ground floor.

D. Large Transitional Treatment Homes Authorized As Conditional Uses: Large transitional treatment homes may be allowed as either principal or accessory uses, as a conditional use pursuant to the provisions of chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-45, RMF-75, R-MU-45, R-MU, RO, CC, CG, D-2, D-3, G-MU, and MU districts provided:

1. No large transitional treatment home shall be located within eight hundred feet (800') of another transitional treatment home, residential substance abuse treatment home, transitional victim home or community correctional facility; and

2. A large transitional treatment home established in the RO district shall be located above the ground floor. (Ord. 10-10 § 9, 2010: Ord. 2-09 § 9, 2009)

## 21A.36.100: RESIDENTIAL SUBSTANCE ABUSE TREATMENT HOMES:

A. Purpose Statement: The purpose of this section is to permit the establishment of residential substance abuse treatment homes for the addicted as defined in chapter 21A.62 of this title, subject to licensing procedures and, where appropriate, conditional use standards.

B. License Required: No residential substance abuse treatment home shall be established, operated or maintained within the city without a valid license issued by the Utah state division of licensing, department of human services, and without a valid business license issued by the Salt Lake City business licensing office.

C. Small Residential Substance Abuse Treatment Homes Authorized As Permitted Uses: Small residential substance abuse treatment homes shall be permitted as either principal or accessory uses pursuant to subsection B of this section in the RMF-75, R-MU-35, R-MU-45, R-MU, RO, and MU districts provided:

1. No small residential substance abuse treatment home shall be located within eight hundred feet (800') of another residential substance abuse treatment home, transitional victim home or transitional treatment home; and

2. A small residential substance abuse treatment home established in RO districts shall be located above the ground floor.

D. Small Residential Substance Abuse Treatment Homes Authorized As Conditional Uses: Small residential substance abuse treatment homes, as either principal or accessory uses, may be allowed as a conditional use pursuant to the provisions of chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-35, RMF-45, CC, CG, D-2, D-3 and G-MU districts provided:

1. No small residential substance abuse treatment home shall be located within eight hundred feet (800') of another residential substance abuse treatment home, transitional victim home, transitional treatment home or community correctional facility.

E. Large Residential Substance Abuse Treatment Homes Authorized As Conditional Uses: Large residential substance abuse treatment homes, as either principal or accessory uses, may be allowed as a conditional use pursuant to the provisions of chapter 21A.54 of this title, and pursuant to subsection B of this section in the RMF-45, RMF-75, R-MU-45, R-MU, RO, CC, CG, D-2, D-3, G-MU, and MU districts provided:

1. No large residential substance abuse treatment home shall be located within eight hundred feet (800') of another residential substance abuse treatment home, transitional victim home, transitional treatment home or community correctional facility; and

2. A small residential substance abuse treatment home established in RO districts shall be located above the ground floor. (Ord. 10-10 § 10, 2010: Ord. 2-09 § 10, 2009)

## 21A.36.110: COMMUNITY CORRECTIONAL FACILITY:

A. Purpose Statement: The purpose of this section is to permit the establishment of a "community correctional facility" as defined in chapter 21A.62 of this title, subject to the provisions of this section that provide a community involvement process and site selection criteria to address the health and safety of the community including neighboring properties and facility residents.

B. State And City Licensing: No community correctional facility shall be established, operated or maintained within the city without a valid license or operating contract issued by the Utah state division of licensing or department of corrections or other appropriate state agency, and without obtaining a Salt Lake City business license. For types of uses that do not require a state license, the applicant shall provide evidence from the state of Utah indicating that the state does not require a license for the particular facility.

C. Small Community Correctional Facility Authorized As Conditional Use: A "small community correctional facility" means a "community correctional facility" as defined in chapter 21A.62 of this title that provides temporary occupancy for up to thirty (30) individuals exclusive of staff. Small community correctional facilities, as either principal or accessory uses, may be allowed as a conditional use, pursuant to the provisions of chapter 21A.54 of this title, pursuant to subsections B, E and F of this section and pursuant to sections 21A.26.080 and 21A.28.040 of this title.

D. Large Community Correctional Facility Authorized As Conditional Use: A "large community correctional facility" means a "community correctional facility" as defined in chapter 21A.62 of this title that provides temporary occupancy for more than thirty (30) individuals exclusive of staff. Large community correctional facilities, as either principal or accessory uses, may be allowed as a conditional use, pursuant to the provisions of chapter 21A.54 of this title, and pursuant to subsections B, E and F of this section and pursuant to section 21A.28.040 of this title.

E. Community Correctional Facility Authorized As Conditional Use: Community correctional facilities, as either principal or accessory uses, may be allowed as a conditional use, pursuant to the provisions of chapter 21A.54 of this title, pursuant to this subsection and subsections B, C, and F of this section, and pursuant to sections 21A.26.080 and 21A.28.040 of this title, subject to the following requirements and provisions:

1. Program Description Required: The applicant must provide a detailed description of the treatment program, operations, management and security plans of the facility, with the amount of information satisfactory to the planning director, which clearly indicate that the facility will operate as a "community correctional facility" as defined in chapter 21A.62 of this title and consistent with the purpose statement in this section.

2. Site Selection Standards:

a. A small community correctional facility shall not be located within one-half ($^1/_2$) mile of any residential zoning district boundary.

b. A large community correctional facility shall only be located within an M-1 light industrial zoning district and be located west of Interstate 215. A large community correctional facility shall not be located within one-half ($^1/_2$) mile of any residential zoning district boundary.

c. Each community correctional facility shall not be closer than one-half ($^1/_2$) mile from any other community correctional facility.

d. No community correctional facility shall be located within one-half ($^1/_2$) mile of any public or private K _ 12 school, place of worship, public library, nursery school as a principal not ancillary or accessory use or children's daycare center as a principal not ancillary or accessory use, publicly owned playground or park. The establishment of such land uses within the specified spacing criteria after the occupancy of a community correctional facility shall not create nonconformity or be the sole cause for denial of a conditional use permit for the expansion of an existing authorized facility.

e. Spacing requirements are measured in a straight line at the closest point from property line to property line.

f. The site has reasonable access to transit.

3. Site Design Standards: The applicant shall provide site plan and conditional use application information that evidences that adequate setbacks and buffers between the property lines and any structures or fenced compounds enclosing usable areas of the facility are provided. Additional setbacks and buffer areas may be established by the planning commission to mitigate any determined potential impacts. Additional setback for buffer areas may include visitor parking, landscaping, storm drain detention basins exclusive of required landscaped setbacks. Any required fencing or walls as a condition of approval must be nonclimbable fencing or walls of a design approved as part of the conditional use approval.

4. Operational Limits:

a. A community correctional facility may provide ancillary, temporary occupancy for individuals placed as part of, or in lieu of, confinement, rehabilitation, or treatment as such ancillary, temporary occupancy is described in section 21A.62.040 of this title. A community correctional facility's ancillary population shall remain less than twenty five percent (25%) of the facility's entire resident population.

b. Community correctional facilities are for temporary occupancy. Residents shall not reside for a period greater than thirty six (36) months, excluding ancillary residents who shall not reside for a period greater than six (6) months.

F. Conditions Of Approval: An applicant's failure to comply with the conditions of the conditional use approval or with any standards provided herein shall be grounds for revocation, suspension or modification of the conditions or the approval by the planning commission.

Following the planning commission approval of a conditional use for a community correctional facility, the applicant shall submit to the planning director the most current operational and incident reports submitted to the state department of corrections every twelve (12) months. In addition to the state reports the applicant shall describe the effectiveness of any impact mitigation strategies required as part of the conditional use approval.

G. Authority To Modify Regulations: In approving any community correctional facility, the planning commission may change, alter, modify or waive any provisions of this section as they apply to the proposed development. No such change, alteration, modification or waiver shall be approved unless the planning commission finds that the proposed development:

1. Will support the reconstruction and reuse of an existing structure and site in a manner that will not violate the purposes of the standards for which a community correctional facility may be approved pursuant to this section. (Ord. 2-09 § 1, 2009)

## 21A.36.120: ADULT DAYCARE CENTER:

An adult daycare center, as defined in chapter 21A.62 of this title, may be permitted as follows:

A. Permitted Use: An adult daycare center is a permitted use in the R-MU-35, R-MU-45, R-MU, RO, CN, CB, CS, CC, CSHBD, CG, M-1, D-1, D-2, D-3, I, UI, and MU districts.

B. Conditional Use: An adult daycare center may be allowed as a conditional use pursuant to the provisions of chapter 21A.54 of this title, in the RMF-45 and RMF-75 districts. (Ord. 10-10 § 11, 2010: Ord. 71-04 § 17, 2004: Ord. 26-95 § 2(18-12), 1995)

## 21A.36.130: CHILD DAYCARE:

Child daycare shall be permitted pursuant to the following provisions:

A. Nonregistered Home Daycare: Nonregistered home daycare, limited to no more than two (2) children, excluding the provider's children, is permitted in the home of the care provider in the FR-1/43,560, FR-2/21,780, FR-3/12,000, R-1/12,000, R-1/7,000, R-1/5,000, SR-1, SR-3, R-2, RMF-30, RMF-35, RMF-45, RMF-75, RB, R-MU-35, R-MU-45, R-MU, RO, and MU districts and within legal conforming single-family, duplex, and multi-family dwellings within commercial and nonresidential districts excluding M-1 and M-2 districts. A business revenue license or home occupation conditional use approval shall not be required.

B. Registered Home Daycare Or Registered Home Preschool: A registered home daycare or registered home preschool as defined in chapter 21A.62 of this title, may be allowed as an accessory use in the FR-1/43,560, FR-2/21,780, FR-3/12,000, R-1/12,000, R-1/7,000, R-1/5,000, SR-1, SR-3, R-2, RMF-30, RMF-35, RMF-45, RMF-75, RB, R-MU-35, R-MU-45, R-MU, RO, and MU districts and within legal conforming single-family, duplex, and multi-family dwellings within commercial and nonresidential districts excluding M-1 and M-2 districts as a home occupation special exception pursuant to the provisions of chapter 21A.52 of this title. The permittee shall also obtain appropriate licensing where applicable from the state pursuant to the Utah Code Annotated, 1953.

1. Permit; Application: An application for a residential home daycare or preschool must be submitted to the zoning administrator. As a part of the application, the applicant must submit the following documentation:

a. The number of children and employees; both total for the day and the expected maximum number to be on the premises at any given time;

b. The hours and days of operation;

c. Proof of appropriate licensing from the state, where applicable, or basis upon which exemption therefrom is claimed; and

d. The names, addresses, and signatures of record property owners abutting the applicant's property and those across the street(s).

2. Standards: All residential home daycare or preschools shall be subject to the standards set forth in chapter 21A.52 of this title and subject to the following specific standards:

a. The applicant resides at the home in which the business will be conducted;

b. At no time shall the applicant provide home daycare or home preschool services for a group of children exceeding the maximum specified for such facility;

c. The outdoor play area for the home daycare or home preschool shall be located in the rear or side yards of the home for the protection and safety of the children and for the protection of the neighborhood;

d. The use of the home for the services of providing childcare shall be clearly incidental and secondary to the use of the dwelling for residential purposes and shall not change the character of the home or the neighborhood;

e. The care and supervision of the children shall be conducted in a manner which is not a public nuisance to the neighborhood;

f. There shall be no advertising of such occupation, business or service, no window or other signs or displays;

g. No employees other than persons lawfully living in the dwelling;

h. No use of any accessory dwellings for daycare purposes;

i. No play or yard equipment located in the front yard; and

j. It is unlawful for any person to engage in a "registered home daycare or registered home preschool" as defined in section 21A.62.040 of this title without first obtaining a license pursuant to the provisions of title 5, chapter 5.04 of this code. Prior to issuance of said license, the criteria set forth in this title must be satisfied and all applicable fees shall be paid. All home occupation business licenses shall be valid for one year, and may be renewed annually, provided there have been no reported violations, subject to subsection 21A.36.030J of this chapter.

C. Child Daycare Center: A child daycare center as defined in chapter 21A.62 of this title, may be permitted as follows:

1. Permitted Use: A child daycare center is a permitted use in the RMF-75, R-MU-35, R-MU-45, R-MU, RB, RO, CN, CB, CC, CS, CSHBD, CG, D-1, D-2, D-3, M-1, I, UI, BP, RP, A, PL and PL-2 districts.

2. Conditional Use: A child daycare center may be allowed as a conditional use pursuant to the provisions of chapter 21A.54 of this title, in the R-1/12,000, R-1/7,000, R-1/5,000, SR-1, SR-3, R-2, RMF-30, RMF-35 and RMF-45 districts.

a. Site Requirements:

(1) Minimum Lot Size: Twenty thousand (20,000) square feet.

(2) Location Requirements: The child daycare use shall be addressed on and oriented to an arterial street as shown on the city's major street plan.

(3) Rear Yard Playground Equipment: All outside playground equipment shall be located only in the rear yard.

(4) Landscape Buffering: Any outside area where children are allowed must be fenced with a solid fence at least six feet (6') high. At least ten feet (10') from the fence to the interior portion of the property shall be landscaped in such a way that the area cannot be used by the patrons.

b. Signage: Signs are limited to either one nonilluminated low profile identification sign, or one "flat sign" as defined in chapter 21A.46 of this title. The size of the sign shall be determined as part of the conditional use approval.

c. Prohibitions:

(1) Residential Demolition: No existing building containing a residential dwelling unit may be demolished to allow for the construction of a new conditional use facility for child daycare under this section.

(2) Residential Conversion: The conversion of any existing residential structure or a conditional use allowed under this section shall not permit any major exterior or interior alterations of the building to be made which render the building substantially incompatible with the return to its use as a residence.

(3) No Variances: The planning commission shall not approve a childcare conditional use pursuant to this section if the appeals hearing officer would be required to grant a variance from any zoning condition.

(4) Six Hundred Feet Proximity: No conditional use allowed under this section may be within six hundred feet (600') on the same street frontage as another conditional use allowed under this section.

d. Application: The application for a child daycare center shall include, in addition to application submission requirements of chapter 21A.54 of this title, the following information:

(1) The number of children, employees, staff or volunteers; both total for the day and the expected maximum number to be on the premises at any given time;

(2) The hours and days of operation;

(3) The proposed signage; and

(4) The number, location and dimensions of any dropoff or pick up areas for either private transportation or public transportation.

e. Standards: Standards for approval shall include, in addition to standards of chapter 21A.54 of this title, the following:

(1) Specific Standards For Child Daycare Conditional Uses:

(A) The lot is of sufficient size to accommodate all required parking in the side and rear yards, or to the rear of the required landscaped setback in the front yard;

(B) The dropoff and pick up area is designed in a manner that vehicles do not back into a public street or the stacking or queuing of vehicles will not interrupt traffic flow on the public street; and

(C) The signage is appropriate for the area. (Ord. 8-12, 2012: Ord. 10-10 § 2, 2010: Ord. 52-06 § 1, 2006: Ord. 71-04 §§ 18 _ 20, 2004: Ord. 73-02 § 7, 2002: Ord. 35-99 §§ 51, 52, 1999: Ord. 26-95 § 2(18-13), 1995)

## 21A.36.140: SEXUALLY ORIENTED BUSINESSES:

A. Purpose Statement: The purpose of this section is to establish reasonable and uniform regulation to prevent the concentration of sexually oriented businesses or their location in areas deleterious to the community of Salt Lake City and to regulate the signage of such businesses to control the adverse effects of such signage and to prevent their inappropriate exposure to the community. The provisions of this section are to be construed as a regulation of time, place, and manner of the operation of these businesses consistent with the limitation provided by provisions of the United States and Utah constitutions.

B. Zoning Districts In Which Sexually Oriented Businesses Are Permitted: Subject to the additional restrictions set forth in this title, sexually oriented businesses, as listed on the tables of permitted uses set forth in part III of this title, for each zoning district or category of districts, shall be permitted in the following zoning districts pursuant to

conditional site plan review by the planning commission as provided in subsection D of this section:

1. CG general commercial district;

2. M-1 light manufacturing district; and

3. M-2 heavy manufacturing district.

C. Nonconforming Sexually Oriented Businesses: For the purposes of this title, a legal nonconforming sexually oriented business may not be enlarged, expanded, or extended to occupy all or a part of another structure or site or be extended to occupy additional space or square footage within the same structure that it did not occupy pursuant to Salt Lake City approval.

1. A valid, existing sexually oriented business shall not be deemed nonconforming for purposes of this subsection C as the result of the subsequent location of a use specified in subsection F1, F2, or F3 of this section.

D. Sexually Oriented Businesses Conditional Site Plan Review Required: The planning commission shall conduct a conditional site plan review for all sexually oriented businesses within the guidelines set forth in both this chapter and all other applicable sections of this zoning ordinance. The following list identifies the circumstances that shall require that a sexually oriented business come before the planning commission for conditional site plan review:

1. A project where new construction and site development of a sexually oriented business is involved;

2. A project where the conversion of a structure(s) into a sexually oriented business is being considered; or

3. A project where an existing sexually oriented business is contemplating an addition or expansion that would have at least one or more of the following effects:

a. Alteration of traffic flows by way of ingress, egress, or within the site itself.

b. Alteration or rearrangement of on site parking which results in a reduction or increase in the number of parking spaces or placement within a required yard area.

c. Addition to structure that increases the existing floor area.

d. The construction of additional off street parking areas to support a sexually oriented business.

e. Alteration of existing signage, including the location and/or design. An alteration shall not be interpreted to include changing the text or copy on signs that are designed to accommodate changeable copy.

4. If a sexually oriented business does not fall under any of the categories listed in subsections D1 through D3 of this section, it shall not be subject to planning commission review; however, it shall comply with all distance and signage requirements as specified for sexually oriented businesses in this code, including, without limitation, subsections F1 through F4 of this section.

E. Application For Sexually Oriented Business Conditional Site Plan Review: Applications for conditional site plan review may be obtained from the city license authority and should be returned to the same when completed. The application for a conditional site plan review shall be filed with the city license authority on the same day that the application for a sexually oriented business license, if applicable, is filed with the license authority. The application for a conditional site plan review shall include the items listed in section 21A.58.060 of this title.

F. Standards For Sexually Oriented Business Conditional Site Plan Review: The planning commission shall conduct a conditional site plan review for sexually oriented businesses for compliance with the following standards:

1. Required Distance From Other Uses: No sexually oriented business shall be located within a one thousand foot (1,000') radius of any place of worship, park, school, residential zoning district, residential use, or licensed child daycare center, as measured in a straight line, without regard to intervening structures, streets or other barriers from the nearest point of the property line of the school, park, place of worship, residential zoning district, residential use, or licensed child daycare center, to the nearest point of the property line of the sexually oriented business. For the purpose of this section, "park" shall include any public recreation or public open space that operates as a public gathering place, including a park, playground, swimming pool, golf course, athletic field, plaza, square, library grounds, and/or designated trail.

2. Required Distance From Gateway Corridors: No sexually oriented business shall be permitted to locate within one hundred sixty five feet (165') of any gateway corridor identified in subsection F6 of this section, as measured in a straight line, without regard to intervening structures, streets or other barriers, from the nearest point of the gateway corridor street right of way line to the nearest point of the property line of the sexually oriented business. If any block shall be surrounded on all four (4) sides by a designated gateway, then no sexually oriented business shall be permitted in that block.

3. Required Distance From Landmark Sites: No sexually oriented business shall be permitted within a three hundred thirty foot (330') radius of any landmark site. The distance shall be measured from the nearest point of the property line of the landmark site to the nearest point of the property line of the sexually oriented business without regard to intervening structures, streets or other barriers.

4. Concentration Prohibited: No sexually oriented businesses shall be allowed within a one thousand foot (1,000') radius of another sexually oriented business. The distance shall be measured from the nearest point of the property line of the existing sexually oriented business to the nearest point of the property line of the proposed sexually oriented business without regard to intervening structures, streets or other barriers.

5. Sign Regulations: Sexually oriented business signs shall be limited as follows:

a. No more than one sign shall be allowed on sexually oriented business premises;

b. No sign on the sexually oriented business premises shall be allowed to exceed eighteen (18) square feet;

c. No animation shall be permitted on or around any sexually oriented business sign or on the exterior walls or roof of the premises;

d. No descriptive art or designs depicting any activity related to, or inferring, the nature of the business shall be allowed on any sexually oriented business sign which shall contain alphanumeric copy only;

e. Only flat wall signs shall be permitted for any sexually oriented business;

f. Painted signs or painted wall advertising shall not be allowed; and

g. Other than the signs specifically allowed by this title, the sexually oriented business shall not construct or allow to be constructed any temporary sign, banner, light, or other device designed to draw attention to the business location.

6. Gateway Corridors: For the purposes of regulating sexually oriented businesses, gateway corridors shall include:

a. Beck Street from the northern city limits becoming 300 West Street to 900 South Street;

b. 600 South Street from 200 East Street to 500 West Street;

c. 500 South Street from 200 East Street to 500 West Street;

d. Main Street from 700 South Street to North Temple Street;

e. State Street from 600 South Street to North Temple Street;

f. West Temple Street from 900 South Street to North Temple Street;

g. 400 West from 900 South Street to Beck Street;

h. 500 West from 600 South Street to North Temple Street;

i. 400 South from 900 West to 200 East;

j. 200 West from 900 South to 700 South; and

k. 700 South from 200 West to Main Street.

7. Modifications May Be Required: The planning commission may require modifications to a proposed sexually oriented business conditional site plan as it relates to traffic and parking, site layout, environmental protection, landscaping, and signage in order to achieve the objectives set forth in section 21A.58.040 of this title.

G. Payment Of Fee: The application shall be accompanied by the application fee shown on the Salt Lake City consolidated fee schedule, plus the cost of first class postage for required notification mailing. No application shall be considered complete unless accompanied by fee payment.

H. Repealed.

I. Public Hearing Notice Requirements: The planning commission shall hold at least one public hearing to review, consider and approve, approve with conditions, or deny a conditional site plan review application after public notification pursuant to chapter 21A.10 of this title.

J. Completion Of Review Process: The city shall complete its review process within thirty (30) days of the day a complete sexually oriented business conditional site plan review application is filed. (Ord. 62-11, 2011: Ord. 24-11, 2011)

## 21A.36.150: FRATERNITIES AND SORORITIES:

A. Purpose Statement: The purpose of the provisions of this section is to regulate the establishment and operation of fraternities and sororities in residential areas of the city in order to ensure their compatibility with the character of existing residential neighborhoods adjacent to a university and to preserve the peacefulness and privacy of residents.

B. Area In Which Permitted: A fraternity or sorority house occupied exclusively by the faculty or students of any college or university (together with appropriate supervisory personnel) and supervised by the authorities thereof shall only be established within the following boundaries:

Commencing at the southeast corner of Butler Avenue and University Street said point also being the northwest corner of Lot 1 Block 4 Federal Heights Subdivision, a subdivision of the Northwest $^{1}/_{4}$ Section 4, T.1.S., R.1.E. SLB&M and running north 89°58'3" east 50 feet; thence southeasterly along a 220 foot radius curve to the right 86.34

feet to the northeast corner Lot 5 said Block 4; thence south 22°27'30" west 146.5 feet to the center line of a 14 foot alley; thence southeasterly along a 73.5 foot radius curve to the right (along the center line of said alley) 28.51 feet; thence south 45°1'57" east along the center line of said alley 224.48 feet to the center line of an east-west running alley; thence north 89°57'30" east along the center line of said alley 305.56 feet more or less to the east line of Butler Avenue; thence northwesterly along a 149 foot radius curve to the left (the east line of Butler Avenue) 70.12 feet more or less to the northwest corner of Lot 57 Block 3 Federal Heights Subdivision; thence north 68°12'52" east 180 feet more or less to the center line of an existing alley; thence southeasterly along a 460.75 foot radius curve to the left (center line of said alley) 113.57 feet; thence north 10° 8'59" east 135.0 feet to the south line of Federal Way; thence easterly along 325.75 foot radius curve to the left 58.12 feet to the west line of Wolcott Street; thence north 89° 58'3" east 228.8 feet along the south line of Federal Way to the center line of an existing alley; thence south along the center line of the existing alley 325.00 feet to the north line of 100 South Street; thence west along the north line of 100 South Street 730.56 feet to the southwest corner of Lot 33 Block 4 Federal Heights Subdivision; thence north 70°46'57" west 112.71 feet; thence northwesterly along a 38.0 foot radius curve to the right 29.72 feet to a point on the east line of University Street said point being 52.85 feet south of the northwest corner Lot 38 Block 4 Federal Heights Subdivision; thence north 0°2'30" west 385.28 feet to the point of beginning.

C. Supervision Defined: The phrase "supervised by the authorities" of the college or university, as used in this section, and as also applicable to any existing fraternity or sorority house outside the boundaries set forth above which may have a nonconforming use right, shall be defined to require the following:

1. On or before September 1 of each year, and at such other times as the planning director may deem such a certification appropriate, each college or university having students or faculty residing in a fraternity or sorority house shall certify to the city, by filing a declaration with the planning director, that the college or university has promulgated, adopted and is monitoring compliance with rules concerning fraternity or sorority houses. All rules concerning fraternity or sorority houses promulgated and adopted by any college or university pursuant to this section shall, at a minimum, require the following:

a. No one under twenty one (21) years of age shall be allowed to consume alcoholic beverages on the premises of any fraternity or sorority (the term "premises" shall include all areas owned, controlled or routinely used by the fraternity or sorority, including parking areas);

b. No charge shall be levied for the purchase of alcoholic beverages consumed on the premises;

c. No admission charge shall be levied at any activity on the premises of any fraternity or sorority at which alcoholic beverages are consumed;

d. No funds of any fraternity or sorority shall be used to purchase alcoholic beverages and that no collection of funds shall be made by any fraternity or sorority, or any members thereof, for the purposes of purchasing alcoholic beverages to be consumed on the premises of any fraternity or sorority;

e. At any activity on the premises of any fraternity or sorority where alcoholic beverages are consumed, there shall be food and alternative nonalcoholic beverages readily and visibly available for consumption;

f. Except with respect to certain philanthropic activities as defined by the relevant college or university, only individuals bearing: 1) a personal invitation issued in advance, 2) an admission ticket issued in advance, or 3) identification of membership in the fraternity/sorority system of the relevant college or university shall be allowed to attend any activity on the premises of a fraternity or sorority;

g. At any "philanthropic" function on the premises benefiting a recognized nonprofit organization sponsored by the fraternity or sorority, no alcohol may be present, sold or consumed;

h. At any gathering, other than for a regularly scheduled chapter meeting or a regularly scheduled meal time, involving sixty (60) or more people on the premises of any fraternity or sorority, at which alcoholic beverages are served or consumed, the hosting fraternity/sorority shall hire uniformed category 1 or 2 peace officers employed by the relevant college or university or the city in reasonable numbers, as may be determined by the relevant college or university, to assist in checking admission, checking identification and monitoring compliance with all applicable city and county ordinances, state laws and college or university regulations, and, furthermore, that a representative of at least twenty one (21) years of age from the hosting fraternity or sorority's house corporation be present at all times during such a gathering;

i. No activities on the premises of any fraternity or sorority shall occur before eight o'clock (8:00) A.M. and activities shall close before eleven o'clock (11:00) P.M. on all nights except Friday, Saturday and the day before any legal holiday, on which day such activities shall close by twelve o'clock (12:00) midnight;

j. No band performances, amplified music or other activities shall take place outside on the premises of any fraternity or sorority between the hours of ten o'clock (10:00) P.M. and nine o'clock (9:00) A.M. and any activities taken place outside or inside the premises of any fraternity or sorority at other times shall otherwise comply with all applicable city and county ordinances, state laws, and college or university regulations;

k. No public lewd, obscene, or licentious activities will be sponsored or permitted on the premises by the fraternity or sorority;

l. After any activity on the premises of any fraternity or sorority, the sponsoring entity must clean the exterior of the fraternity or sorority's property and all nearby property on which debris or garbage from the activity has been deposited by ten o'clock (10:00) A.M. the following morning;

m. Each fraternity or sorority chapter shall have in place a risk management policy; and

n. The appearance and landscaping of the premises of any fraternity or sorority shall be accomplished and maintained in a manner that is harmonious with the residential character of the surrounding neighborhood.

D. Twenty Four Hour Telephone Line Required: Any college or university having students or faculty residing on the premises of any fraternity or sorority shall maintain a twenty four (24) hour telephone line for purposes of:

1. Receiving complaints regarding a fraternity or sorority's failure to abide by any applicable city or county ordinances, state laws, or college or university regulations and maintaining a permanent log thereof; and

2. Dispatching the appropriate university or law enforcement personnel regarding enforcement of college or university rules and regulations, but reserving to the city police department primary law enforcement duties.

E. Effect On Existing Penal Provisions: Nothing in this section defining supervision shall be deemed to amend or modify any penal provision(s) of county, city or state law. Any college or university having students or faculty residing on the premises of any fraternity or sorority shall provide, at its own expense or at the expense of the fraternity and sorority houses, a two (2) officer roving police patrol in the area occupied by the college or university's fraternities and sororities between the hours of nine o'clock (9:00) P.M. and one o'clock (1:00) A.M. on Friday and Saturday evenings during the college's or university's academic year, which patrol shall be in radio contact with the dispatcher provided for the foregoing subsection and which shall, as its sole responsibility, be responsible for monitoring compliance by all such fraternities and sororities with all applicable city and county ordinances, state laws, and college or university regulations. (Ord. 81-97 § 1, 1997: Ord. 26-95 § 2(18-15), 1995)

## 21A.36.160: MOBILE BUSINESSES:

A. Mobile Food Business Allowed:

1. Persons selling food or beverages from mobile food businesses may do so by use of private property only, unless otherwise permitted under title 5, chapter 5.69 of this code. Use of private property by mobile food businesses shall be arranged with the real property owner and proof of such property owner authorization shall be required prior to the issuance of a business license.

2. Mobile food businesses are allowed only within the SNB, CN, CB, CS, CC, CSHBD, CG, TC-75, TSA, M-1, M-2, D-1, D-2, D-3, D-4, G-MU, RP, BP, UI, MH, MU, R-MU, R-MU-35, and R-MU-45 zones, in accordance with the provisions of this section.

3. Provisions found in this section shall not apply to vending carts, mobile ice cream vendors, seasonal farm stands and other temporary merchants or uses that are specifically authorized by this title or other city ordinances.

B. Business License And Fees Required: No mobile food business shall continue in operation unless the holder thereof has paid an annual business regulatory fee and has met all applicable requirements as set forth in section 5.04.070 of this code, or its successor section for each mobile food business.

C. Separate Applications: Separate business license applications may be required for each mobile food business. Separate business license fees shall be required for each mobile food business vehicle operating under one business license.

D. Business Activity To Be Temporary: All business activity related to mobile food businesses shall be of a temporary nature subject to the requirements below:

1. A mobile food truck may not park in one individual location for more than twelve (12) hours during any twenty four (24) hour period.

2. The mobile food truck shall be occupied by the owner or operator thereof at all times.

3. No overnight parking is allowed.

E. Location And Placement Requirements: The business operating location must be on private property, on city streets as defined in title 5, chapter 5.69 of this code, within the specified zones, or as otherwise authorized by applicable city ordinance, subject to the requirements below:

1. Parking on a park strip, or otherwise landscaped area is not allowed.

2. A mobile food business shall park on a hard surface. Alternatives to asphalt and cement may be approved by the transportation engineer if the applicant is able to demonstrate that the alternative will not result in the accumulation of debris on the city right of way.

3. Mobile food business vehicles must be parked so that neither the vehicle nor the customers block driveways of existing buildings or uses, or in such a manner as to create a traffic hazard.

4. No mobile food business shall occupy required parking stalls of the primary use.

5. No mobile food business shall interfere with the internal parking lot circulation.

6. Mobile food businesses shall not use the public right of way unless otherwise allowed by ordinance.

7. Any auxiliary power required for the operation of the mobile food truck shall be self-contained. No use of public or private power sources are allowed without providing written consent from the owner.

8. Unless licensed prior to January 1, 2013, a parked mobile food business shall conform to all requirements in the Salt Lake City vehicle idling ordinances (title 12, chapter 12.58 of this code).

9. All materials generated from a mobile food business that are to be disposed of should be disposed of properly. It is illegal to discharge or dispose of any substance, material, food, or waste into the storm drain system. (Sections 17.84.100, prohibition of discharge into storm drain system; 17.36.220, prohibition against opening manhole covers, of this code.)

10. Mobile food businesses shall comply with all other applicable city ordinances.

Provisions found in this section shall not apply to downtown vendors, vending carts, mobile ice cream vendors, seasonal farm stands and other temporary merchants or

uses that are specifically authorized by this title or other city ordinances.

F. Design And Operation Guidelines: Mobile food trucks operating in the public right of way shall comply with the following design requirements:

1. Mobile food truck vehicles shall be designed to meet all applicable Salt Lake Valley health department requirements relating to the handling and distribution of food.

2. The mobile food truck shall not have a drive-through.

3. Mobile food truck vehicles shall be kept in good operating condition, no peeling paint or rust shall be visible.

4. No mobile food truck vehicle operating in the public right of way shall operate within the same block face as another mobile food vendor at any one time.

5. No mobile food truck vehicle shall operate within one hundred feet (100') on the same linear block face of a door to a restaurant, mobile food vendor, food cart, or city authorized special event selling food, except:

a. The above requirement may be waived if the application is submitted with the written consent of the proprietor of such restaurant or shop. The consent shall be on forms deemed appropriate by the business license administrator. Such waiver shall not exempt the applicant from compliance with the other location and distance restrictions of this section.

6. All grounds utilized by a mobile food business shall at all times be maintained in a clean and attractive condition.

7. Trash and recycling containers shall be provided for use of the business patrons.

8. Mobile food businesses shall source local products when available.

9. Any enclosures or canopy extensions must be integrated into the design of the mobile food business vehicle and must not project onto the public sidewalk or any other part of the public right of way not authorized by the transportation division.

G. Signs: No signs shall be used to advertise the conduct of a mobile food business at the premises other than that which is physically attached to the vehicle, except temporary signs authorized by section 21A.46.055 of this title.

H. Professional And Personal Services Prohibited: The performance of professional or personal services for sale shall not be provided from a mobile food business.

I. Approved Kitchen: If the mobile food business includes an area for food preparation and/or sale, it must be approved by the Salt Lake Valley health department. (Ord. 24-12, 2012)

## 21A.36.161: MOBILE FOOD COURTS:

A. Mobile Food Courts A Conditional Use:

1. Operating a mobile food court is unlawful without first obtaining conditional use approval subject to the qualifying provisions written below as well as those in chapter

21A.54 of this title.

2. Mobile food courts are allowed by administrative conditional use approval only within the M-1, M-2, D-1, D-2, D-3, D-4, G-MU, in accordance with the provisions of this chapter.

3. Provisions found in this section shall apply to mobile food businesses, vending carts, and seasonal farm stands that are specifically authorized by this title or other city ordinances.

B. Qualifying Provisions:

1. A mobile food court is required to be on a parcel of at least two thousand (2,000) square feet in size.

2. No less than two (2) and no more than ten (10) individual mobile food businesses or other authorized vendors are allowed on a parcel.

3. No participating mobile food business or other authorized vendor shall continue in operation at the mobile food court unless the holder thereof has paid an annual business regulatory fee as set forth in section 5.04.070 of this code, or its successor section.

4. All requirements of chapter 21A.48, "Landscaping And Buffers", of this title and section 21A.36.020, "Conformance With Lot And Bulk Controls", of this chapter, or their successor chapter or section shall be met prior to the issuance of a permit.

5. Mobile food courts are for the sale of food products only. Retail sale of nonfood items is not permitted.

6. A master sign plan for the mobile food court shall be submitted for review and approval as part of the conditional use process. The plan shall provide information relating to permanent signs for the court, as well as individual signs for each business.

7. All the proposed activities will be conducted on private property owned or otherwise controlled by the applicant and none of the activities will occur on any public right of way.

8. The proposed mobile food court will not impede pedestrian or vehicular traffic in the public way.

9. The proposed mobile food court complies with all conditions pertaining to any existing variances, conditional uses or other approvals granted for the property.

10. All activities associated with a mobile food court must comply with all Salt Lake Valley health department requirements.

11. A detailed site plan demonstrating the following is required:

a. The location and orientation of each vendor pad.

b. The location of any paving, trash enclosures, landscaping, planters, fencing, canopies, umbrellas or other table covers, barriers or any other site requirement by the international building code, or health department.

c. The location of all existing and proposed activities on site.

d. The circulation of all pedestrian and vehicle traffic on the site.

e. The mobile food court shall not occupy required parking stalls of any primary use of the site.

12. Live music will not be performed nor loudspeakers played in the mobile food court area unless the decibel level is within conformance with the Salt Lake City noise control ordinance, title 9, chapter 9.28 of this code.

13. Parking for a mobile food court is required at a ratio of two (2) stalls per mobile food business. This requirement may be waived by the planning commission as part of the conditional use process. No additional parking is required in the D-1, D-2, D-3, D-4, G-MU, CSHBD1, CSHBD2, R-MU, R-MU-35, R-MU-45, MU, G-MU, TC-75 and TSA zones. Hard surface paving at the vehicular entrance to the mobile food court, and for each individual mobile food business is required. Alternatives to asphalt and cement may be approved as part of the conditional use process if the applicant is able to demonstrate that the alternative will not result in the accumulation of mud or debris on the city right of way. (Ord. 24-12, 2012)

## 21A.36.170: REUSE OF CHURCH AND SCHOOL BUILDINGS:

A. Change Of Use: In the PL, PL-2, I, UI or any residential district, a change of use of any church or school to a use that is allowed as a permitted use or conditional use in the zoning district may be allowed as a conditional use pursuant to the provisions of chapter 21A.54 of this title.

B. Temporary Use Of Closed Schools And Churches; Authorized As Conditional Use: The temporary use of closed schools and churches may be allowed as a conditional use pursuant to the provisions of chapter 21A.54 of this title, in FR-1, FR-2, FR-3, R-1/12,000, R-1/7,000, R-1/5,000, SR-1, SR-3, RMF-30, RMF-35, RMF-45, RMF-75, R-MU-35 and R-MU-45 residential districts; provided, that:

1. Use: The temporary use is for office space or educational purposes for public or private charities.

2. Application: The application for a temporary use of a closed school or church shall include, in addition to the application submission requirements of chapter 21A.54 of this title, the following information:

a. Building Plans: As part of the application, the applicant shall provide a site plan drawn to scale showing existing structures, auxiliary buildings, existing parking and landscaping, and any proposed changes to the site. In converting the existing facility to the proposed conditional use, no major exterior or interior alterations of the building shall be made which render the building incompatible with a return to its use as a school or church; and

b. Use Plan: A proposed use plan including:

(1) Hours and days of operation,

(2) Evidence of noise, odor or vibration emissions,

(3) Evidence of the number of classes, including hours taught, days taught, and the expected class size,

(4) Average number of clients per day and the frequency of turnover of the clients, and

(5) Number of employees, staff or volunteers, both total and expected to be on the premises at any given time.

3. Prohibition: No provision of this section shall be construed to allow any use in a closed school or church for retail, residential or industrial purposes, or any use involving any type of correctional or institutional facility.

4. Ownership: The school board or church shall remain the owner of the property during the period of time for which the conditional use is granted and any change of ownership away from the school board or church shall immediately cause the conditional use to terminate.

5. Automatic Termination Of Use: If the school board or church group determines that no future public or religious use will be made of the building as a public school or church, the conditional use as granted under this section shall immediately cease and the property shall thereafter be used only for uses permitted in the zoning district.

6. Temporary Use: The conditional use provided by this section shall be temporary only. The time of such use shall be subject to the decision of the planning commission based on its consideration of the criteria specified in subsection B7 of this section. The planning commission may authorize the conditional use for a period not to exceed five (5) years, which may be renewed for additional periods not in excess of five (5) years.

7. Termination For Excess Use: If the planning commission determines that the conditional use is being used substantially in excess of the plan for use submitted pursuant to subsection B2b of this section, the planning commission may, after an informal hearing, revoke the conditional use if it determines that the excess use is having a negative impact on the neighborhood. (Ord. 71-04 § 21, 2004: Ord. 73-02 § 8, 2002: Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(18-17), 1995)

## 21A.36.180: ENVIRONMENTAL PERFORMANCE STANDARDS:

A. Purpose: The purpose of environmental performance standards is to help ensure that the activities and processes employed by any use protect the of the environment, and the use and enjoyment of nearby properties by limiting the emission of potentially harmful noise, vibration, air pollution, odor and other forms of environmental impacts.

B. Scope Of Regulation: Any use established in any district after April 12, 1995, shall be operated as to comply with applicable performance standards governing noise, vibration, air pollution, odors, fire and explosion hazards and toxic substances. No use already established on April 12, 1995, shall be altered, enlarged, expanded or modified as to conflict with the performance standards applicable to such uses.

C. Review By Other Agencies: In determining the compliance of any proposed use with applicable performance standards pursuant to this section, the zoning administrator may require an applicant for a zoning certificate to obtain review and comments upon the application as proposed from state and county agencies listed on the table below, or their successor agencies, as deemed necessary. See table of concurrent regulatory agencies below:

TABLE OF CURRENT REGULATORY AGENCIES

| **Environmental Category** | **Agency(ies)** |
|---|---|
| Noise | Salt Lake Valley health regulation noise control |
| Air pollution | Salt Lake Valley health regulation air pollution control |
| | State of Utah division of air quality |
| Odors | Salt Lake Valley health regulation air pollution control |
| Toxic substances | Salt Lake Valley health regulations solid waste management facilities |
| | State of Utah division of solid and hazardous waste |
| Water pollution | State of Utah division of water quality |

| | |
|---|---|
| | State of Utah division of drinking water |
| Radiation hazards | State of Utah division of radiation control |

(Ord. 1-06 § 30, 2005: Ord. 26-95 § 2(18-18), 1995)

## 21A.36.190: RESIDENTIAL BUILDING STANDARDS FOR LEGAL CONFORMING SINGLE-FAMILY DETACHED DWELLINGS, TWO-FAMILY DWELLINGS AND TWIN HOMES IN NONRESIDENTIAL ZONING DISTRICTS:

Any new single-family detached dwelling, two-family dwelling or twin home that is replacing a legal conforming single-family, two-family or twin home, in a nonresidential zoning district shall comply with the following standards:

A. Front Facade Controls: To maintain architectural harmony and primary orientation along the street, all buildings shall be required to include an entrance door, and such other features as windows, balconies, porches, and other such architectural features in the front facade of the building, totaling not less than ten percent (10%) of the front facade elevation area, excluding any area used for roof structures. For buildings constructed on a corner lot, only one front facade is required in either the front or corner side facade of the building.

B. Basement Structures: All dwellings must have at least one full story aboveground. Residential structures built into a hillside with less than all elevations exposed may be approved through the site plan review process.

C. Residential Building Foundation Standard: Each dwelling shall have poured concrete footings, the top of which must be placed below the applicable frost line. Except as otherwise authorized by the planning director and the chief building official in foothill districts, each dwelling shall have a site built concrete or masonry foundation/perimeter skirting constructed around the entire perimeter with interior supports as necessary to meet applicable building codes and adopted seismic loading requirements. The dwelling shall be permanently tied to the foundation system in accordance with applicable building codes and adequately weatherproofed.

D. Entrance Landing: At each exit door, there must be a concrete or wood landing that is a minimum of thirty six inches by thirty six inches (36" x 36"), constructed to meet the minimum requirements of the uniform building code with adequate foundation support and permanent attachment to the building.

E. Placement Of A Replacement Structure: Placement of a replacement structure on the existing lot should be consistent with the front yard setbacks of the existing residential structures on the street. Front yard setback must be in line with the average setback of the other principal buildings on the same block face, but not less than fifteen feet (15') from the front property line. For purposes of determining the average setback, steps under three feet (3') in height and eaves projecting three feet (3') or less may project into the required front yard.

F. Scale And Mass Of The Replacement Structure: The scale and mass of the replacement structure should be compatible with that of the existing adjacent residential structures and not exceed twenty five percent (25%) of the structure it is replacing. Replacement structures which exceed twenty five percent (25%) of the original footprint may be allowed as a conditional use subject to the provisions of chapter 21A.54 of this title. (Ord. 63-03 § 3, 2003)

## 21A.36.200: QUALIFYING PROVISIONS FOR AN URBAN FARM:

A. Accessory Buildings: Accessory buildings associated with urban farms are subject to the standards in chapter 21A.40, "Accessory Uses, Buildings And Structures", of this title and the requirements of the international building code. Structures, such as coops and pens, associated with the keeping and raising of animals, livestock, and poultry must meet the requirements of title 8, chapter 8.08, "Keeping Animals, Livestock And Poultry", of this code and are subject to the requirements of the adopted building code, when applicable.

B. Riparian Corridor: Urban farms proposed in a riparian corridor, as defined in section 21A.34.130 of this title, shall be subject to all rules and regulations therein.

C. Storage Requirements: All flammables, pesticides and fertilizers shall be stored in accordance with the regulations of the uniform fire code and Utah state department of agriculture or successor agency. At a minimum, any area where such materials are stored shall have a continuous concrete floor and lip which is tall enough to contain one hundred ten percent (110%) of the volume of all the materials stored in the area. No pesticides, chemical fertilizers or other hazardous materials shall be stored outside of buildings.

D. Disposal Requirements: All flammables, pesticides, fertilizers and other hazardous wastes should be disposed of according to federal and state requirements.

E. Large Vehicles: No vehicles in excess of five (5) tons shall be kept, stored or parked on the property, except that such vehicles may be on the property as necessary for completion of grading performed in accordance with a grading permit issued by the city building services division.

F. Hours Of Operation: All urban farm related uses shall operate only during daylight hours, except for irrigation.

G. Irrigation Systems: Sufficient irrigation shall be provided to cover all needs of the urban farm. Irrigation systems designed for water conservation such as, but not limited to, hand watering, and drip irrigation are strongly encouraged.

H. Delivery And Pick Up: In single-family and two-family zones, delivery and pick up of products is allowed provided pick up times are staggered so that only one patron is on site at a time.

I. Parking: Unless otherwise approved by the transportation division, parking for employees, and patrons of the urban farm shall be provided on site, at a rate of two (2) parking stalls per acre with a minimum of one ADA stall, unless within a single-family or two-family zoning district. All vehicular circulation, staging, and parking shall be on a hard surface.

J. On Site Sales And Events: Products produced or grown on urban farms may be donated or sold on site provided the following requirements are met:

1. The sales stand may not exceed one hundred fifty (150) square feet in size.

2. Signs are allowed as temporary portable signs subject to the regulations in section 21A.46.055 of this title. Signs must be removed immediately following the sale each day.

3. All necessary city business licenses shall be obtained prior to the sale.

4. Sales stands must be set back a minimum of ten feet (10') from the edge of pavement of a city street.

5. The sales stand shall be a nonpermanent structure, and must be removed immediately following the sale.

6. Perishable foods must be stored in a vermin proof area or container when the facility is closed.

K. Fencing: Fencing of urban farms shall comply with the standards in section 21A.40.120, "Regulation Of Fences, Walls And Hedges", of this title.

L. License: A business license is required for an urban farm. When the urban farm is accessory to a residential use, a home occupation license is required.

M. Demolition Of A Single-Family Dwelling: No more than one single-family dwelling may be demolished for an urban farm. Any proposed demolition is subject to all requirements in section 18.64.050, "Residential Demolition Provisions", of this code. (Ord. 21-11, 2011)

## 21A.36.210: QUALIFYING PROVISIONS FOR A COMMUNITY GARDEN:

A. Accessory Buildings: Accessory buildings associated with community gardens are subject to the standards in chapter 21A.40, "Accessory Uses, Buildings And Structures", of this title and the requirements of the international building code. Structures, such as coops and pens, associated with the keeping and raising of animals, livestock, and poultry must meet with the requirements of title 8, chapter 8.08, "Keeping Animals, Livestock And Poultry", of this code and are subject to the requirements of the adopted building code, when applicable.

B. Riparian Corridor: Community gardens proposed in a riparian corridor, as defined in section 21A.34.130 of this title shall be subject to all rules and regulations therein.

C. Disposal Requirements: All flammables, pesticides, fertilizers and other hazardous wastes should be disposed of according to federal and state requirements.

D. Hours Of Operation: Community gardens shall conform with title 9, chapter 9.28, "Noise Control", of this code and other applicable county health department regulations.

E. Large Vehicles: No vehicles in excess of five (5) tons shall be kept or stored on the property, except that such vehicles may be on the property as necessary for completion of grading performed in accordance with a grading permit issued by the city building services division.

F. Irrigation: Sufficient irrigation shall be provided to cover all needs of the community garden. Irrigation systems designed for water conservation such as, but not limited to, hand watering, and drip irrigation are strongly encouraged.

G. Parking: Unless otherwise required by the transportation division, community gardens shall be exempt from the off street parking requirements of chapter 21A.44, "Off Street Parking And Loading", of this title. All vehicular circulation, staging, and parking provided shall be on a hard surfaced area. Any on street parking is to comply with the existing roadway status.

H. On Site Sales And Events: Owners and producers associated with community gardens may conduct educational or promotional events, and sell locally grown products on site provided the following requirements are met:

1. The sale or event is directly linked to the community garden. No external events such as a reception or sales of products and goods not generally associated with a community garden are allowed, unless the event is otherwise allowed in the zone by the zoning ordinance.

2. Signs are allowed as temporary portable signs subject to the regulations in section 21A.46.055 of this title. Signs must be removed immediately following the sale or event each day.

3. All required city business licenses and permits shall be obtained prior to the sale or event.

4. Sales stands and exhibits are not allowed within the public right of way except in an area abutting a community garden.

5. The sales stand and exhibits shall be nonpermanent structures, and must be removed immediately following the sale or event.

6. Perishable foods must be stored in a vermin proof area or container when the facility is closed.

I. Fencing: Fencing of community gardens will comply with the standards in section 21A.40.120, "Regulation Of Fences, Walls And Hedges", of this title.

J. Demolition Of A Single-Family Dwelling: No more than one single-family dwelling may be demolished for a community garden. Any proposed demolition is subject to all requirements in section 18.64.050, "Residential Demolition Provisions", of this code. (Ord. 21-11, 2011)

## 21A.36.220: QUALIFYING PROVISIONS FOR A SEASONAL FARM STAND:

A. Duration: Business activity associated with a seasonal farm stand shall be of a temporary nature.

B. Right Of Way: No seasonal farm stand is allowed within the public right of way.

C. Third Party Location: No business activity shall take place on the premises of a third party without first receiving written permission from the property owner.

D. Parking: Unless approved by the transportation division, if the seasonal farm stand is located within an existing parking lot, it shall not remove or encroach upon required off street parking or loading areas for other uses on the site or impede access to parking or loading areas. All vehicular circulation, staging, and parking provided shall be on a hard surfaced area. Any on street parking shall comply with the existing roadway status.

E. Setback: Seasonal farm stands must be set back a minimum of ten feet (10') from the edge of pavement of a city street.

F. Size: A seasonal farm stand may not exceed one hundred (100) square feet in size.

G. Food Preparation: Food preparation is prohibited at farm stands.

H. Signs: Signs for a seasonal farm stand are allowed as temporary portable signs subject to the regulations in section 21A.46.055 of this title. Signs are not allowed to be placed more than fifty feet (50') from the stand location.

I. Sales: Food crops and/or nonfood, ornamental crops, such as flowers grown locally are allowed to be sold at a seasonal food stand. Prepackaged "shelf stable" foods produced in close proximity to the farm stand may be sold as well, provided they are fully labeled and produced in an approved health department or Utah state department of agriculture facility.

J. Animals: No live animals, birds, or fowl shall be kept or allowed within twenty feet (20') of any area where food is stored or held for sale. This requirement does not apply to guide dogs, signal dogs, or service dogs.

K. Garbage: All garbage and refuse shall be stored and disposed of in accordance with established health department standards.

L. Storage: Perishable foods must be stored in a vermin proof area or container when the facility is closed. (Ord. 21-11, 2011)

## 21A.36.230: QUALIFYING PROVISIONS FOR A SOLAR ARRAY:

A. Setbacks: A solar array shall meet all minimum setback requirements for the zone in which it is located. In no case shall a solar array be located less than six feet (6') from a property line or other structure.

B. Height: A solar array shall not exceed twenty feet (20') in height measured from established grade.

C. Landscape Buffer: No landscaped buffer yards shall be required on a site with a solar array as a principal use.

D. Code Compliance: Solar arrays are subject to review for compliance with all applicable international building and electrical code requirements by the Salt Lake City building services division.

E. Solar Easements: Solar easements are not a requirement for city approval; nonetheless, a property owner who has installed or intends to install a solar array may negotiate a solar easement with adjacent property owners to ensure perpetual sun on the property. Any easement agreed upon must be recorded by the county recorder.

F. Electrical Wires: All electrical wires associated with a solar array, shall be located underground except for wires connecting to the electrical distribution grid.

G. Nonmaintained Or Abandoned Arrays: The building official may require each nonmaintained or abandoned solar array to be removed from the premises when such a system has not been repaired or put into use by the owner, person having control or person receiving benefit of such structure within thirty (30) calendar days after notice of

nonmaintenance or abandonment is given to the owner, person having control or person receiving the benefit of such structure. The city may require a performance bond or other means of financial assurance to guarantee removal of abandoned structures.

H. Utility Interconnection: No solar array shall be installed that does not meet the requirements of Rocky Mountain Power for an interconnected customer owned generator. Off grid systems shall be exempt from this requirement.

I. Off Street Parking And Loading: No additional parking is required for a solar array; however, a solar array may not replace or hinder existing required parking and loading. (Ord. 21-11, 2011)

## 21A.36.240: QUALIFYING PROVISIONS FOR A LARGE WIND ENERGY SYSTEM:

A. Total Height: The total height of the large wind energy system shall be limited to ninety meters (90 m) above existing grade or by FAA regulations, whichever dictates a lower height.

B. Minimum Lot Size: Two (2) acres.

C. Setbacks: A tower in a large wind energy system must be set back at least 1.25 times its total height from any property boundary, must be within the buildable area of the lot and at least 1.25 times its total height from any overhead utility power line.

D. Noise: Noise emitted from the large wind energy system shall not exceed maximum sound levels set forth in title 9, chapter 9.28, "Noise Control", of this code.

E. Blade Clearance: The vertical distance from existing grade to the tip of a wind generator blade when the blade is at its lowest point must be at least fifteen feet (15').

F. Electrical Wires: All electrical wires associated with a large wind energy system, other than wires necessary to connect the wind turbine to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires shall be located underground.

G. Lighting: Lighting of tower(s) and turbine(s) is prohibited except where required by the federal aviation administration.

H. Appearance, Color, And Finish: The wind turbine and tower shall remain painted or finished the color or finish that was originally applied by the manufacturer.

I. Signs: All signs are prohibited, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification on a wind turbine, tower, building, or other associated structure.

J. Utility Interconnection: No large wind energy system shall be installed that does not meet the requirements of local utility providers for an interconnected customer owned generator. Off grid systems shall be exempt from this requirement.

K. Nonmaintained Or Abandoned Facilities: The building official may require each nonmaintained or abandoned large wind energy system to be removed from the premises at the cost of the owner when such a system has not been repaired or put into use by the owner, person having control or person receiving benefit of such structure within thirty (30) calendar days after notice of nonmaintenance or abandonment is given to the owner, person having control or person receiving the benefit of such structure. The city may require a performance bond or other means of financial assurance to guarantee removal of abandoned structures.

L. Off Street Parking Or Loading Requirements: None. A large wind energy system shall not remove or encroach upon required parking or loading areas for other uses on the site or access to such parking or loading areas. (Ord. 21-11, 2011)

# CHAPTER 21A.38
# NONCONFORMING USES AND NONCOMPLYING STRUCTURES

## 21A.38.010: PURPOSE STATEMENT AND INTENT:

A. Purpose: The purpose of this chapter is to regulate the continued existence of:

1. Legal nonconforming principal and accessory uses, which do not conform to the use regulations of this title in the zoning districts in which such uses are located; and

2. Legally constructed noncomplying buildings, structures and property improvements, that do not comply with the applicable bulk and/or yard area regulations of this title in the zoning districts in which such buildings or structures are located.

B. Intent: The intent of this chapter is to allow continued use of legal nonconforming uses and noncomplying structures, while at the same time protecting existing conforming development and furthering orderly development and improvement of the community. Certain nonconformities are permissible as is their continued use so long as in their particular location they are not detrimental to the surrounding neighborhood.

1. Uses of nonconforming and noncomplying buildings, structures or land which are compatible and complement existing or planned development patterns, should be allowed to continue. Improvement for better integration into the surrounding neighborhood should be sought as much as possible.

2. Nonconforming and noncomplying situations which hinder the attainment of the city's master plan, create a nuisance, or are a hazard to a community or neighborhood, should be eliminated or brought into compliance with the provisions of this title. (Ord. 15-05 § 1, 2005)

## 21A.38.020: SCOPE OF REGULATIONS:

This chapter applies to nonconforming uses, noncomplying structures and noncomplying lots. (Ord. 15-05 § 1, 2005)

## 21A.38.030: DETERMINATION OF NONCONFORMING USE STATUS:

A. Burden Of Owner To Establish Legality Of Nonconforming Use: The burden of establishing that any nonconforming use lawfully exists under the provisions of this title shall, in all cases, be the owner's burden and not the city's. Building permits, business licenses and similar documentation may be considered as evidence establishing the legality of use.

B. Determination Of Nonconforming Status: The zoning administrator shall determine the nonconforming use or noncomplying structure status of properties pursuant to the provisions of this chapter. (Ord. 15-05 § 1, 2005)

## 21A.38.040: NONCONFORMING PARKING, SIGNS AND LANDSCAPING:

Nonconforming parking, signs and landscaping, as accessory uses, are regulated by the provisions set forth in chapters 21A.44, 21A.46 and 21A.48 of this title. (Ord. 15-05 § 1, 2005)

## 21A.38.050: AUTHORITY TO CONTINUE:

A. Continuation Of Nonconforming Use: A nonconforming use that lawfully occupies a structure or lot may be continued so long as it remains otherwise lawful, subject to the standards and limitations in this chapter.

B. Continuation Of Noncomplying Structure: A noncomplying structure that was legally constructed on the effective date of any amendment to this title, that makes the structure not comply with the applicable bulk regulations and/or with the standards for front yards, side yards, rear yards, buffer yards, lot area, lot coverage, height, floor area of structures, driveways or open space for the district in which the structure is located may be used and maintained, subject to the standards and limitations in this chapter. (Ord. 15-05 § 1, 2005)

## 21A.38.060: ORDINARY REPAIR AND MAINTENANCE AND STRUCTURAL SAFETY:

Normal maintenance and incidental repair may be performed on a complying structure which contains a nonconforming use or on a noncomplying structure. This section shall not be construed to authorize any violation of section 21A.38.080 or 21A.38.090 of this chapter. This section shall not prevent the strengthening or restoration to a safe condition of a structure in accordance with an order of the building official who declares a structure to be unsafe and orders its restoration to a safe condition. (Ord. 15-05 § 1, 2005)

## 21A.38.070: ABANDONMENT OR LOSS OF NONCONFORMING USE:

A. Abandonment Of Nonconforming Use: A nonconforming use of land or of a structure in a district that is discontinued or remains vacant for a continuous period of one year shall be presumed to be abandoned and shall not thereafter be reestablished or resumed. Any subsequent use or occupancy of the structure or site must conform with the regulations for the district in which it is located.

B. Rebuttal Of Presumption Of Abandonment: The presumption of abandonment may be rebutted upon a showing, to the satisfaction of the zoning administrator, that during such period the owner of the land or structure: 1) has been maintaining the land and structure in accordance with the building code and did not intend to discontinue the use, or 2) has been actively and continuously marketing the land or structure for sale or lease, with the use, or 3) has been engaged in other activities evidencing an intent not to abandon.

C. Calculation Of Period Of Discontinuance: Any period of such discontinuance caused by government actions, without any contributing fault by the nonconforming user, shall not be considered in calculating the length of discontinuance pursuant to subsection A of this section. (Ord. 15-05 § 1, 2005)

## 21A.38.080: MOVING, ENLARGING OR ALTERING NONCONFORMING USES OF LAND AND STRUCTURES:

No nonconforming use may be moved, enlarged or altered and no nonconforming use of land may occupy additional land, except as provided in this section.

A. Enlargement: A nonconforming use may not be enlarged, expanded or extended to occupy all or a part of another structure or site that it did not occupy on the effective date of any amendment to this title that makes the use nonconforming. A nonconforming use for the purposes of this section may be extended within the same structure or as an addition to the same structure, provided the enlargement does not increase the need for additional hard surface parking than is existing on the property.

1. Reoccupation Or Enlargement Of A Structure With A More Intensive Nonconforming Use: Whenever expansion of a nonconforming use exceeds fifty percent (50%) of the original use at the time the use became nonconforming; a nonconforming use expansion requires additional off street parking than existing on the site; or a nonconforming use changes to a more intensive nonconforming use, such expansions shall only be approved as a conditional use subject to the requirements of chapter 21A.54, "Conditional Uses", of this title and applicable specific conditional use standards and/or site and design review standards provided in this section:

a. Specific Conditional Use Standards: The planning commission may grant a conditional use permit for the enlargement of a structure containing a nonconforming use, provision of additional parking area for a nonconforming use or the reoccupation of a structure with a nonconforming use that is more intensive, excepting uses which are only permitted as a conditional use in the heavy manufacturing district (M-2) of this title located within any residential, mixed use, commercial or nonresidential zoning district, subject to consideration of the following standards:

(1) The condition and economic life of the building is such that near future demolition is not likely to occur;

(2) The use provides reuse of buildings with architectural or historic value;

(3) The use supports walk to work or live-work opportunities;

(4) The use provides an appropriate scale of neighborhood or community level of services;

(5) The enlargement will not create any additional noncompliance with zoning standards except for building modifications for life safety concerns;

(6) The enlargement and reuse of the structure would not substantially change the character of the neighborhood; and/or

(7) The use is not in conflict with any other current, local or state development standards (i.e., floodplain hazard protection, fault line hazards, ground water source protection, airport flight path protection, environmental performance standards, and hazardous waste prohibition).

b. Site And Design Review Standards: Whenever an expansion or intensification of a nonconforming use is located within residentially zoned property or abuts residentially zoned property the following site and design review standards shall be reviewed as part of the conditional use approval process:

(1) Building Orientation: The development shall orient to the street, not an interior courtyard or parking lot. The primary access shall be oriented to the pedestrian and have at least one operable building entrance that faces a public street. Residential uses shall meet the standards for subsections 21A.24.010H, "Side Entry Buildings", and 21A.24.010I, "Front Facade Controls", of this title;

(2) Facade: For nonresidential uses, street oriented facades shall maintain detailing and glass in sufficient quantities to facilitate pedestrian interest and interaction:

(A) Minimum First Floor Glass: The first floor elevation facing a street of all new building additions or buildings in which the property owner is modifying the size of windows on the front facade, shall not have less than forty percent (40%) glass surfaces. All first floor glass shall be nonreflective. Display windows that are three-dimensional and are at least two feet (2') deep are permitted and may be counted toward the forty percent (40%) glass requirement. Exceptions to this requirement may be authorized by the planning commission as part of the conditional use site and design review procedure, if the planning commission finds:

(i) The requirement would negatively impact the historic character of the building,

(ii) The requirement would negatively impact the structural stability of the building, or

(iii) The ground level of the building is occupied by residential uses, in which case the forty percent (40%) glass requirement may be reduced to twenty five percent (25%).

(B) Maximum Length: Architectural detailing shall emphasize the pedestrian level of the building. The maximum length of any blank wall uninterrupted by windows, doors, art or architectural detailing at the first floor level shall be fifteen feet (15');

(3) Parking Lots: Parking lots shall be appropriately screened and landscaped to minimize their impact on the neighborhood. Lightproof fencing is required adjacent to residential properties. Parking lot lighting shall be shielded to eliminate excessive glare or light into adjacent neighborhoods. The poles for parking lot lighting are limited to sixteen feet (16') in height from finished grade;

(4) Screening: Dumpsters and loading docks shall be appropriately screened or located within the structure. All building equipment and service areas, including on grade and roof mechanical equipment and transformers that are readily visible from the public right of way, shall be screened from public view. These elements shall be sited to minimize their visibility and impact, or enclosed as to appear to be an integral part of the architectural design of the building; and

(5) Signs: Signage for residential uses shall meet sign standards for subsection 21A.46.080B, "Sign Regulations For Multi-Family Residential Districts", of this title. Signage for nonresidential uses shall emphasize a pedestrian scale and shall meet the sign standards of subsection 21A.46.090A4, "Sign Type, Size And Height Standards For The CN Districts", of this title. Exceptions to this requirement may be authorized by the planning commission as part of the conditional use site and design review procedure, if the planning commission finds that maintaining the nonconforming sign does not negatively impact the neighborhood character.

c. Limitations On Development: Any conditional use authorized for the reoccupation or enlargement of a structure with a more intensive use shall be limited to the following criteria:

(1) No additional lot area may be added to the subject nonconforming property;

(2) No enlargement of a nonconforming principal structure shall involve the razing of more than fifty percent (50%) of the existing building footprint; and

(3) Any nonconforming property with an existing mix of residential and nonresidential uses with more than two (2) existing dwelling units shall provide for a mixed use development with no reduction in the number of dwelling units.

B. Exterior Or Interior Remodeling Or Improvements To Structure: Exterior or interior remodeling or improvements to a structure containing a nonconforming use shall be allowed provided the improvements do not increase the parking requirement.

C. Relocation Of Structure: A structure containing a nonconforming use may not be moved unless the use shall thereafter conform to the regulations of the zoning district into which the structure is moved.

D. Change Of Nonconforming Nonresidential Use To Another Nonconforming Use: Upon application to the zoning administrator, a nonconforming use may be changed to another nonconforming use of the same or similar land use type as defined in chapter 21A.62 of this title. Whenever any nonconforming nonresidential use is changed to a less intensive nonconforming nonresidential use, such use shall not be changed back to a more intensive nonconforming nonresidential use. For purposes of this section, a more intensive nonresidential use is determined when the existing hard surfaced parking available on site does not provide the required number of parking stalls. Whenever any nonconforming nonresidential use is changed to a conforming use, such use shall not later be changed to a nonconforming use.

E. Destruction Of Structure With Nonconforming Use: No structure containing a legal nonconforming use may be reconstructed for a nonconforming use, except in the manner provided in subsections E1 and E2 of this section or unless required by law. Restoration of a damaged or destroyed structure with a nonconforming use shall be started within one year and diligently pursued to completion. Any delay in starting such restoration that is caused by government actions and without contributing fault by the owner, may, upon application to and determination by the zoning administrator, be deducted in calculating the starting date of restoration.

1. Destruction Of Structure To The Extent Of Fifty Percent: If a structure that contains a legal nonconforming use is destroyed to the extent of fifty percent (50%) by fire or natural calamity, or is voluntarily razed, the nonconforming use may be resumed, and the structure restored. The determination of the extent of damage or destruction under this subsection shall be determined by the building official and based on the ratio of the estimated cost of restoring the structure to its condition before the damage or destruction to the estimated cost of duplicating the entire structure as it existed prior to the damage or destruction. The estimate shall be based on the current issue of "Building Standards" published by the International Conference of Building Officials.

2. Destruction Of Structure Greater Than Fifty Percent: If a structure that contains a legal nonconforming use is destroyed, greater than fifty percent (50%), by fire or natural calamity, the nonconforming use may be resumed, and the structure may be restored to accommodate the nonconforming use subject to subsections E2a and E2b of this section.

a. Nonconforming Residential Uses: The zoning administrator may authorize the reconstruction and reestablishment of a legal nonconforming residential structure subject to consideration of the following:

(1) Compliance with all other current, local or state development standards (e.g., floodplain hazard protection, fault line hazards, groundwater source protection, airport flight path protection, environmental performance standards, and hazardous waste prohibition); and/or

(2) The reconstruction will not increase the number of units.

b. Nonconforming Nonresidential Uses: The planning commission may authorize as a special exception the reconstruction and reestablishment of a legal nonconforming nonresidential use structure subject to consideration of the following:

(1) Reconstruction plans shall be reviewed to consider the feasibility of site redesign to better meet underlying zoning district standards without a reduction in type or intensity of use of the property;

(2) Compliance with all other current, local or state development standards (e.g., floodplain hazard protection, fault line hazards, groundwater source protection, airport flight path protection, environmental performance standards, and hazardous waste prohibition);

(3) The reconstruction and reuse of the structure would not change the character of the neighborhood by using construction materials which did not exist previously on the building. Other building materials should not be used, unless the materials are compatible with the neighborhood; and/or

(4) Consideration of the enforcement history of the property regarding any continual public nuisance generated by the nonconforming use activity. (Ord. 73-11, 2011: Ord. 14-06 § 1, 2006: Ord. 15-05 § 1, 2005)

## 21A.38.090: NONCOMPLYING STRUCTURES:

No noncomplying structure may be moved, enlarged or altered, except in the manner provided in this section or unless required by law.

A. Repair, Maintenance, Alterations And Enlargement: Any noncomplying structure may be repaired, maintained, altered or enlarged, except that no such repair, maintenance, alteration or enlargement shall either create any new noncompliance or increase the degree of the existing noncompliance of all or any part of such structure.

B. Moving: A noncomplying structure shall not be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire structure shall thereafter conform to the regulations of the zoning district in which it is located after being moved.

C. Damage Or Partial Destruction Of Noncomplying Structure:

1. Restoration: If a noncomplying structure is damaged or destroyed by fire or natural calamity, the structure may be restored, or, if a noncomplying structure is voluntarily razed to the extent of seventy five percent (75%), the structure may be restored if restoration is started within one year and diligently pursued to completion. Any delay in starting such restoration that is caused by government actions and without contributing fault by the owner, may, upon application to and determination by the zoning administrator, be deducted in calculating the starting date of restoration.

2. Destruction Of Noncomplying Structure With Nonconforming Use: No legal nonconforming structure containing a nonconforming use may be reconstructed, except in the manner provided in subsections C2a and C2b of this section or unless required by law. Restoration of a damaged or destroyed noncomplying structure with a nonconforming use shall be started within one year and diligently pursued to completion. Any delay in starting such restoration that is caused by government actions and without contributing fault by the owner, may, upon application to and determination by the zoning administrator, be deducted in calculating the starting date of restoration.

a. Destruction Of Structure To The Extent Of Fifty Percent: If a noncomplying structure that contains a nonconforming use is destroyed to the extent of fifty percent (50%) by fire or natural calamity, or is voluntarily razed or destroyed by other means, the nonconforming use may be resumed, and the structure restored. The determination of the extent of damage or destruction under this subsection shall be determined by the zoning administrator and based on the ratio of the estimated cost of restoring the structure to its condition before the damage or destruction to the estimated cost of duplicating the entire structure as it existed prior to the damage or destruction. The estimate shall be based on the current issue of "Building Standards" published by the International Conference Of Building Officials (ICBO).

b. Destruction Of Structure Greater Than Fifty Percent: If a noncomplying structure that contains a legal nonconforming use is destroyed, greater than fifty percent (50%), by fire or natural calamity, the nonconforming use may be resumed, and the structure may be restored to accommodate the nonconforming use subject to subsections C2b(1) and C2b(2) of this section.

(1) Nonconforming Residential Use: The zoning administrator may authorize the reconstruction and reestablishment of a legal noncomplying residential structure with a nonconforming residential use subject to consideration of the following:

(A) Compliance with all other current, local or state development standards (e.g., floodplain hazard protection, fault line hazards, groundwater source protection,

airport flight path protection, environmental performance standards, and hazardous waste prohibition); and/or

(B) The reconstruction will not increase the number of units.

(2) Nonconforming Nonresidential Uses: The planning commission may authorize as a special exception the reconstruction and reestablishment of a legal noncomplying structure with a nonconforming nonresidential use subject to consideration of the following:

(A) Reconstruction plans shall be reviewed through the site plan review process to consider the feasibility of site redesign to better meet underlying zoning district standards without a reduction in type or intensity of use of the property;

(B) Compliance with all other current, local or state development standards (e.g., floodplain hazard protection, fault line hazards, groundwater source protection, airport flight path protection, environmental performance standards, and hazardous waste prohibition);

(C) The reconstruction and reuse of the structure would not change the character of the neighborhood by using construction materials which did not exist previously on the building. Other building materials should not be used, unless the materials are compatible with the neighborhood; and/or

(D) Consideration of the enforcement history of the property regarding any continual public nuisance generated by the nonconforming use activity. (Ord. 73-11, 2011: Ord. 14-06 § 1, 2006: Ord. 15-05 § 1, 2005)

## 21A.38.100: NONCOMPLYING LOTS:

A lot that is noncomplying as to lot area or lot frontage that was in legal existence on the effective date of any amendment to this title that makes the existing lot noncomplying shall be considered a legal complying lot. Legal complying lots in residential districts shall be approved for the development of a single-family dwelling regardless of the size of the lot subject to complying with all yard area requirements of the R-1/5,000 district. Legal complying lots in residential districts shall be approved for any permitted use or conditional use allowed in the zoning district, other than a single-family dwelling, subject to complying with all lot area and minimum yard requirements of the district in which the lot is located. Legal complying lots in nonresidential districts shall be approved for any permitted use or conditional use allowed in the zoning district subject to complying with all yard requirements of the district in which the lot is located. (Ord. 15-05 § 1, 2005)

## 21A.38.110: NONCONFORMING ACCESSORY USES AND NONCOMPLYING ACCESSORY STRUCTURES:

The continued existence of a nonconforming accessory use and a noncomplying accessory structure shall be subject to the provisions governing principal nonconforming uses and noncomplying structures set forth in sections 21A.38.080 and 21A.38.090 of this chapter. (Ord. 15-05 § 1, 2005)

## 21A.38.120: LEGAL CONFORMING SINGLE-FAMILY DETACHED DWELLINGS, TWO-FAMILY DWELLINGS, AND TWIN HOMES:

Any single-family detached dwelling, two-family dwelling, or twin home, except those located in M-1 and M-2 zoning districts, that is in legal existence shall be considered legal conforming.

Subject to complying with all other current, local or state development standards, legal conforming status shall authorize alterations, extensions/additions, and replacement of the single-family detached dwelling, two-family dwelling, or twin home.

In zoning districts other than M-1 and M-2, which do not allow detached single-family dwelling units, two-family dwelling units or twin homes, the replacement structure may exceed the original footprint of the existing structure by twenty five percent (25%) when the structure has been destroyed by fire, voluntary demolition or natural calamity. Replacement structures which exceed twenty five percent (25%) of the original footprint, or the replacement of a single-family detached dwelling, two-family dwelling or twin home in an M-1 or M-2 zoning district may be allowed as a conditional use subject to the provisions of chapter 21A.54 of this title.

The replacement structure shall not project into a required yard beyond any encroachment established by the structure being replaced. All replacement structures in nonresidential zones are subject to the provisions of section 21A.36.190, "Residential Building Standards For Legal Conforming Single-Family Detached Dwellings, Two-Family Dwellings And Twin Homes In Nonresidential Zoning Districts", of this title.

When replacing a legal conforming single-family detached dwelling, two-family dwelling or twin home, the number of new parking stalls provided shall be equal to or more than the number of parking stalls being replaced. (Ord. 15-05 § 1, 2005)

## 21A.38.130: RESERVED:

(Ord. 15-05 § 1, 2005)

## 21A.38.140: APPEAL:

Any person adversely affected by a final decision made by the zoning administrator determining the status of a nonconforming use or noncomplying structure may appeal the decision to the appeals hearing officer in accordance with the provisions of chapter 21A.16 of this title. (Ord. 8-12, 2012)

## 21A.38.150: TERMINATION BY AMORTIZATION UPON DECISION OF APPEALS HEARING OFFICER:

The appeals hearing officer may require the termination of a nonconforming use, except billboards, under any plan providing a formula establishing a reasonable time period during which the owner can recover or amortize the amount of the owner's investment in the nonconforming use, if any, as determined by the zoning administrator. The appeals hearing officer may initiate a review for amortization of nonconforming uses upon a petition filed by the mayor or city council, in accordance with the following standards and procedures and consistent with the municipal land use, development, and management act, title 10, chapter 9a, of the Utah Code Annotated and shall mail written notice to the owner and occupant of the property:

A. Initiation Of Termination Procedure: Appeals hearing officer review of a use determined to be nonconforming pursuant to the provisions of this section, for the purpose of establishing an amortization plan for termination of the use, shall first require a report from the zoning administrator to the appeals hearing officer. The zoning administrator's report shall determine the nonconforming use, provide a history of the site and outline the standards for determining an amortization period.

B. Notice To Nonconforming User: Upon receipt of the report of the zoning administrator, recommending the establishment of an amortization plan for a nonconforming use, the appeals hearing officer shall mail the report and plan to the owner and occupant(s) of the nonconforming use, giving notice of the appeals hearing officer's intent to hold a hearing to consider the request in accordance with the standards and procedures set forth in chapter 21A.10 of this title.

C. Appeals Hearing Officer Review: The appeals hearing officer shall hold a noticed hearing within a reasonable time, following the procedures established in chapter 21A.10 of this title, on the request for amortization of the nonconforming use. Upon the conclusion of the hearing, the appeals hearing officer shall determine whether the nonconforming use should be amortized within a definite period of time.

D. Standards For Determining Amortization Period: The appeals hearing officer shall determine the appropriate amortization period upon the consideration of evidence presented by the zoning administrator and the owner of the nonconforming use that is sufficient to make findings regarding the following factors:

1. The general character of the area surrounding the nonconforming use;

2. The zoning classification and use(s) of nearby property;

3. The extent to which property values are adversely affected by the nonconforming use;

4. The owner's actual amount of investment in the property on the effective date of nonconformance, less any investment required by other applicable laws and regulations;

5. The amount of loss, if any, that would be suffered by the owner upon termination of the use; and

6. The extent to which the amortization period will further the public health, safety and welfare.

E. Appeal: Any person adversely affected by a final decision of the appeals hearing officer may file a petition for review of the decision with the district court within thirty (30) days after the decision is rendered. (Ord. 8-12, 2012)

### 21A.38.160: NONCONFORMITY OF TAVERNS, BREWPUBS, MICROBREWERIES OR PRIVATE CLUBS:

A legally existing brewpub, microbrewery, private club, or tavern license, as defined in title 6, chapter 6.08 of this code, shall not be deemed nonconforming for purposes of expansion, reconstruction or licensing (as long as the use is permitted in the base zoning district) if the only reason for such nonconformity is due to the subsequent location of a school, church or park within the spacing requirements as specified under city ordinances. (Ord. 15-05 § 1, 2005)

# CHAPTER 21A.40
# ACCESSORY USES, BUILDINGS AND STRUCTURES

### 21A.40.010: PURPOSE STATEMENT:

This chapter is intended to provide general regulations, applicable to all zoning districts, for accessory uses, buildings and structures which are customarily incidental and subordinate to the principal use and which are located on the same lot. It is further intended to provide specific standards for certain accessory uses, buildings and structures. (Ord. 26-95 § 2(20-0), 1995)

## 21A.40.020: GENERAL AUTHORIZATION:

Except as otherwise expressly provided or limited in this chapter, accessory uses, buildings and structures, as defined in chapter 21A.62 of this title, are permitted in any zoning district in connection with any principal use lawfully existing within such district; provided, that such accessory uses and structures conform to all applicable requirements of this title. Any accessory use, building or structure may be approved in conjunction with the approval of the principal use. (Ord. 26-95 § 2(20-1), 1995)

## 21A.40.030: ZONING COMPLIANCE REQUIRED:

No accessory use, building or structure shall be established or constructed unless it complies with the zoning ordinance and proper building permits, if required, have been obtained. Accessory buildings associated with keeping animals, bees, livestock and poultry are not subject to this chapter or the building coverage limits of the respective zoning district but are subject to the provisions of title 8, "Animals", of this code. (Ord. 20-11, 2011)

## 21A.40.040: USE LIMITATIONS:

In addition to the applicable use limitations of the district regulations, no accessory use, building or structure shall be permitted unless it complies with the restrictions set forth below:

A. An accessory use, building or structure shall be incidental and subordinate to the principal use or structure in area, extent and purpose;

B. An accessory use, building or structure shall be under the same ownership or control as the principal use or structure, and shall be, except as otherwise expressly authorized by the provisions of this title, located on the same lot as the principal use or structure;

C. No accessory use, building or structure shall be established or constructed before the principal use is in operation or the structure is under construction in accordance with these regulations; and

D. No sign, except as expressly authorized by this chapter or by the provisions of chapter 21A.46 of this title, shall be maintained in connection with an accessory use or structure. (Ord. 26-95 § 2(20-3), 1995)

## 21A.40.050: GENERAL YARD, BULK AND HEIGHT LIMITATIONS:

All accessory buildings permitted by this chapter shall be subject to the following general requirements:

A. Location Of Accessory Buildings In Required Yards:

1. Front Yards: Accessory buildings are prohibited in any required front yard and shall be set back at least as far as the principal building when the principal building exceeds the required front yard setback. Notwithstanding the foregoing, hoop houses and cold frame structures up to twenty four inches (24") in height may be placed in a front yard.

2. Corner Lots: No accessory building on a corner lot shall be closer to the street than the distance required for corner side yards. At no time, however, shall an accessory building be closer than twenty feet (20') to a public sidewalk or public pedestrianway and the accessory building shall be set back at least as far as the principal building. Notwithstanding the foregoing, hoop houses and cold frame structures up to twenty four inches (24") in height may be placed in a corner side yard.

3. Side Yards: Accessory buildings are prohibited in any required interior side yard; however, hoop houses, greenhouses, and cold frame structures associated solely with growing food and/or plants are allowed in an interior side yard but no closer than one foot (1') to the corresponding lot line. If an addition to residential buildings results in an existing accessory building being located in a side yard, the existing accessory building shall be permitted to remain, subject to maintaining a four foot (4') separation from the side of the accessory building to the side of the residential building, as required in subsection A4b of this section.

4. Rear Yards: Location of accessory buildings in a rear yard shall be as follows:

a. In residential districts, no accessory building shall be closer than one foot (1') to a side or rear lot line except when sharing a common wall with an accessory building on an adjacent lot. In nonresidential districts, buildings may be built to side or rear lot lines in rear yards, provided the building complies with all applicable requirements of the adopted building code.

b. No portion of the accessory building shall be built closer than four feet (4') to any portion of the principal building; excluding cold frames associated solely with growing food and/or plants.

c. Garages on two (2) or more properties that are intended to provide accessory building use for the primary occupants of the properties, in which the garage is located, may be constructed in the rear yards, as a single structure subject to compliance with adopted building code regulations and the size limits for accessory buildings on each property as indicated herein.

5. Accessory Or Principal Lot: No portion of an accessory building on either an accessory or principal lot may be built closer than ten feet (10') to any portion of a principal residential building on an adjacent lot when that adjacent lot is in a residential zoning district; excluding hoop houses, greenhouses, and cold frames associated solely with growing food and/or plants.

B. Maximum Coverage:

1. Yard Coverage:

a. In residential districts, any portion of an accessory building, excluding hoop houses, greenhouses, and cold frames associated solely with growing food and/or plants, shall occupy not more than fifty percent (50%) of the total area located between the rear facade of the principal building and the rear lot line.

b. The combined coverage for all hoop houses, greenhouses, and cold frames shall not exceed ten percent (10%) when located on vacant lots or, when located on a lot with a principal building, shall not exceed fifteen percent (15%) of the total area located between the rear facade of the principal building and the rear lot line plus the side yard area between the front and rear facades of the principal building.

2. Building Coverage:

a. In the FR, R-1, R-2 and SR residential districts the maximum building coverage of all accessory buildings, excluding hoop houses, greenhouses, and cold frames associated solely with growing food and/or plants, shall not exceed fifty percent (50%) of the building footprint of the principal structure up to a maximum of seven hundred twenty (720) square feet for a single-family dwelling and one thousand (1,000) square feet for a two-family dwelling. The maximum footprint for a primary

accessory structure within the SR-1A is limited to four hundred eighty (480) square feet with an additional one hundred twenty (120) square feet allowed for a secondary accessory structure. Notwithstanding the size of the footprint of the principal building, at least four hundred eighty (480) square feet of accessory building coverage shall be allowed subject to the compliance with subsection B1 of this section.

b. The combined coverage for all hoop houses, greenhouses, and cold frames shall not exceed thirty five percent (35%) of the building footprint of the principal structure.

C. Maximum Height Of Accessory Buildings/Structures:

1. Accessory To Residential Uses In The FP District, RMF Districts, RB, R-MU Districts, SNB And The RO District: The height of accessory buildings/structures in residential districts shall conform to the following:

a. The height of accessory buildings with flat roofs shall not exceed twelve feet (12');

b. The height of accessory buildings with pitched roofs shall not exceed seventeen feet (17') measured to the midpoint of the roof; and

c. Accessory buildings with greater building height may be approved as a special exception, pursuant to chapter 21A.52 of this title.

2. Accessory To Residential Uses In The FR, R-1 Districts, R-2 District And SR Districts: The height of accessory buildings/structures in the FR districts, R-1 districts, R-2 district and SR districts shall conform to the following:

a. The height of accessory buildings with flat roofs shall not exceed twelve feet (12'); nine feet (9') in the SR-1A;

b. The height of accessory buildings with pitched roofs shall not exceed seventeen feet (17') measured as the vertical distance between the top of the roof and the finished grade at any given point of building coverage. In the SR-1A the height of accessory buildings with pitched roofs shall not exceed fourteen feet (14'); and

c. Accessory buildings with greater building height may be approved as a special exception, pursuant to chapter 21A.52 of this title, if the proposed accessory building is in keeping with other accessory buildings on the block face. (Ord. 59-12, 2012: Ord. 51-11, 2011: Ord. 20-11, 2011)

## 21A.40.052: ACCESSORY USES ON ACCESSORY LOTS:

(Rep. by Ord. 61-11, 2011)

## 21A.40.060: DRIVE-THROUGH SERVICE WINDOW REGULATIONS:

Drive-through service windows may be authorized as accessory uses to permitted uses or conditional uses as listed on the tables of permitted and conditional uses set forth in part III of this title, specific district regulations for residential, commercial, manufacturing and downtown districts, when developed in accordance with the following standards:

A. Site Plan Required: A site plan shall be submitted and approved for all proposed accessory drive-through service windows in accordance with the procedures and requirements of chapter 21A.58 of this title.

B. Traffic Circulation Requirements:

1. Only one driveway providing vehicular access to and from the drive-through window or service area shall be provided from any local street, as defined in the city's major street plan;

2. The driveway providing access to the service windows shall be at least fifty feet (50') from the back of the curb of an intersecting street measured to the centerline of the proposed driveway;

3. The amount of stacking space for automobiles awaiting service shall be at least five (5) spaces on site per service window based on single line stacking; and

4. Internal traffic circulation patterns on the lot shall be adequate to keep traffic from backing into a street or blocking access to any required parking spaces located on the lot.

C. Noise Levels: Noise emitted from drive-through service windows and related features (such as remote ordering equipment at outdoor menu boards at fast food restaurants) shall not exceed the levels as established by the Salt Lake Valley health department. (Ord. 1-06 § 30, 2005: Ord. 35-99 §§ 58, 59, 1999: Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(20-5), 1995)

## 21A.40.065: OUTDOOR DINING:

Outdoor dining, in conjunction with a licensed indoor restaurant, tavern, brewpub, microbrewery, private club, market, deli, and other retail sales establishment that sell food or drinks, is allowed within the buildable lot area, in all zoning districts where such uses are allowed, as either a permitted or conditional use.

Outdoor dining, in conjunction with a licensed indoor restaurant, tavern, brewpub, microbrewery, private club, market, deli, and other retail sales establishment that sell food or drinks, is allowed within the required landscaped yard or buffer area, in all commercial and manufacturing zoning districts where such uses are allowed, excepting the RB, CN, MU and R-MU zones, subject to the following conditions:

A. All requirements of chapter 21A.48 and section 21A.36.020 of this title are met.

B. All required business, health and other regulatory licenses for the adjoining indoor restaurant, tavern, brewpub, microbrewery, private clubs, market, deli, and other retail sales establishment that sell food or drinks, have been secured.

C. A detailed site plan demonstrating the following:

1. All the proposed outdoor dining activities will be conducted on private property owned or otherwise controlled by the applicant and that none of the activities will occur on any publicly owned rights of way unless separate approval for the use of any such public rights of way has been obtained from the city;

2. The location of any paving, landscaping, planters, fencing, canopies, umbrellas or other table covers or barriers surrounding the area;

3. The proposed outdoor dining will not impede pedestrian or vehicular traffic; and

4. The main entry has a control point as required by state liquor laws.

D. The proposed outdoor dining complies with all conditions pertaining to any existing variances, conditional uses or other approvals granted for property.

E. Live music will not be performed nor loudspeakers played in the outdoor dining area unless the decibel level is within conformance with the Salt Lake City noise control ordinance, title 9, chapter 9.28 of this code.

F. No additional parking is required unless the seating capacity is being increased by more than five hundred (500) square feet. Parking for outdoor dining areas in excess of five hundred (500) square feet is required at a ratio of three (3) stalls per one thousand (1,000) square feet of outdoor dining area. This requirement may be waived as a special exception, subject to chapter 21A.52 of this title, or if the outdoor dining is approved as part of a conditional use, chapter 21A.54 of this title. No additional parking is required in the D-1, D-2, D-3, D-4 or G-MU zone. (Ord. 13-04 § 19, 2004: Ord. 12-01 § 1, 2001)

## 21A.40.070: MOTOR FUEL PUMP REGULATIONS:

When established pursuant to uses permitted or conditional within the applicable district regulations, all motor fuel pumps shall conform to the requirements below:

A. Location: No motor fuel pumps or islands shall be erected closer than twelve feet (12') to any lot line, required landscape yard, front or side yard or within any "sight distance triangle" as defined in chapter 21A.62 of this title.

B. Safety Curbs Required: All uses for which motor fuel pumps or islands shall be made a part, shall erect a safety curb around the perimeter of all paved areas. All such curbs shall be of approved construction. The curbs shall be located so that no vehicle overhangs any public right of way or adjoining property.

C. Gas Pumps At Convenience Food Stores: In addition to the requirements of subsections A and B of this section, the location of motor fuel pumps at convenience food stores shall be approved by the zoning administrator, where the location of such pumps satisfies the following criteria:

1. Pumps should be visible to the motorist on the street;

2. Pumps should be visible from the store;

3. Pumps should be located on the site in a manner which does not interfere with easy access into or egress from the site at established driveway entrances;

4. Pumps should be located and oriented so all cars in line for motor fuel can be accommodated on site and not block the sidewalk, the street, or any other portion of the public right of way;

5. Pumps should be so located to avoid conflict between cars going to motor fuel pumps and those going to parking spaces. On site circulation should be clearly marked and must reflect established design standards for moving aisles, parking dimensions, and turning radii;

6. Pump location, and vehicular access to and exit from pumps, should not conflict with established pedestrian or bicycle approaches to the store; and

7. Lighting shall be oriented so as not to cast direct light onto adjacent properties. (Ord. 26-95 § 2(20-6), 1995)

## 21A.40.080: ACCESSORY STORAGE OF FLAMMABLE LIQUIDS:

Storage of flammable liquids shall be permitted as accessory to a permitted or conditional use subject to the following conditions:

A. Storage facilities shall not be located in any required landscaped area;

B. Storage facilities shall not be located in a manner that will interfere with parking and vehicular circulation areas; and

C. The location and size of flammable liquid storage facilities shall be subject to Salt Lake City fire department approval. (Ord. 26-95 § 2(20-7), 1995)

## 21A.40.090: ANTENNA REGULATIONS:

All antennas shall comply with the following regulations and all other ordinances of the city and any pertinent regulations of the federal communications commission and the federal aviation administration:

A. TV Antennas: TV antennas shall be permitted in any zoning district, subject to the following restrictions:

1. In residential districts, one rooftop antenna shall be permitted per dwelling;

2. In nonresidential districts, more than one rooftop TV antenna shall be permitted per structure;

3. The maximum dimension, whether height, length or diameter, of any TV antenna shall not exceed ten feet (10'); and

4. Each TV antenna shall be located on that portion of a hip, gable or gambrel roof which does not face a public street. On flat roofs an antenna shall be located to minimize public view.

B. Satellite Dish Antennas: Satellite dish antennas shall be permitted in any zoning district, provided that they meet the criteria set forth below:

1. Residential Districts: No more than one satellite dish antenna may be installed per dwelling unit.

a. A ground mounted satellite dish antenna in residential districts shall not be larger than sixty six inches (66") in diameter and the maximum height of the dish and support structure shall not exceed eight feet (8').

b. Satellite dish antennas eighteen inches (18") or less in diameter shall be allowed on the roof.

2. Nonresidential Districts:

a. Roof, wall or ground mounted satellite dish antennas are permitted.

b. Rooftop antennas shall be screened. Ground mounted antennas shall be located in the rear yard or behind the building.

3. Nameplates Only: No satellite dish shall contain any sign or advertising material, except for an identification nameplate.

C. Communication Towers: Communication towers are permitted in certain nonresidential districts. Refer to the tables of permitted and conditional uses set forth in part III of this title for the applicable district regulations.

D. Amateur Radio Facilities With Surface Area Exceeding Ten Square Feet: Any antenna and antenna support having a combined surface area greater than ten (10) square feet or having any single dimension exceeding twelve feet (12') that is capable of transmitting as well as receiving signals and is licensed by the federal communications commission as an amateur radio facility shall be permitted as an accessory use, but only in compliance with the regulations set forth below:

1. Number Limited: No more than one such antenna or antenna support structure with a surface area greater than ten (10) square feet or any single dimension exceeding twelve feet (12') may be located on any lot.

2. Height Limited: No such antenna and its support structure shall, if ground mounted, exceed seventy five feet (75') in height or, if attached to a building pursuant to subsection D3 of this section, the height therein specified.

3. Attachment To Buildings Limited: No such antenna or its support structure shall be attached to a principal or accessory structure unless all of the following conditions are satisfied:

a. Height: The antenna and its support structure shall not extend more than twenty feet (20') above the highest point of the building on which it is mounted.

b. Mounting: The antenna and its support structure shall not be attached to or mounted upon any building appurtenance, such as a chimney. The antenna and its support structure shall not be mounted or attached to the front or corner side of any principal building facing a street, including any portion of the building roof facing any street. The antenna and its support structure shall be designed to withstand a wind force of eighty (80) miles per hour without the use of supporting guywires.

c. Grounding: The antenna and its support structure shall be bonded to a grounding rod.

d. Other Standards: The antenna and its support structure shall satisfy such other design and construction standards as the zoning administrator determines are necessary to ensure safe construction and maintenance of the antenna and its support structure.

e. Special Exception For Increased Height: Any person desiring to erect an amateur ("ham") radio antenna in excess of seventy five feet (75') shall file an application for a special exception with the zoning administrator pursuant to chapter 21A.52 of this title. In addition to the other application regulations, the application shall specify the details and dimensions of the proposed antenna and its supporting structures and shall further specify why the applicant contends that such a design and height are necessary to accommodate reasonably amateur radio communication. The zoning administrator shall approve the proposed design and height unless the zoning administrator finds that a different design and height which is less violative of the city's demonstrated health, safety or aesthetic considerations also accommodates reasonably amateur radio communication and, further, that the alternative design and height are the minimum practicable regulation necessary to accomplish the city's actual and demonstrated legitimate purposes. The burden of proving the acceptability of the alternative design shall be on the city.

E. Wireless Telecommunications Facilities; Low Power Radio Services Facilities: The purpose of this section is to address planning issues brought on by the rapid growth in demand for low power radio services. This section distinguishes low power radio from other broadcasting type telecommunication technologies and establishes provisions that deal with issues of demand, visual mitigation, noise, engineering, residential impacts, health, safety and facility siting. The requirements of this section apply to both commercial and private low power radio services. Low power radio services facilities include "cellular" or "PCS" (personal communications system) communications and paging systems.

1. Uses: The uses specified in table 21A.40.090E of this section, indicate which facility types are allowed as either a permitted or conditional use within specific zoning districts. Low power radio service facilities may be an accessory use, secondary use or principal use.

a. Administrative Consideration Of Conditional Uses: Applications for low power wireless telecommunication facilities that are listed as conditional uses shall be reviewed according to the procedures set forth in section 21A.54.155 of this title.

TABLE 21A.40.090E

WIRELESS TELECOMMUNICATIONS FACILITIES

| | | | Monopole With Antennas And Antenna Support Structure Less Than 2 Feet Wide[3] | | Monopole With Antennas And Antenna Support Structure Greater Than 2 Feet Wide[3] | | |
|---|---|---|---|---|---|---|---|
| | **Wall Mount[3]** | **Roof Mount[3]** | **District Height Limit But Not To Exceed 60 Feet (Whichever Is Less)** | **60 Feet Or Exceeding The Maximum Height Limit Of The Zone** | **District Height Limit But Not To Exceed 60 Feet (Whichever Is Less)** | **60 Feet Or Exceeding The Maximum Height Limit Of The Zone** | **Lattice Tower** |
| Residential districts: | | | | | | | |
| R-1/12,000 | P[1] | | | | | | |
| R-1/7,000 | P[1] | | | | | | |
| R-1/5,000 | P[1] | | | | | | |
| SR-1 | P[1] | | | | | | |
| SR-3 | P[1] | | | | | | |
| R-2 | P[1] | | | | | | |
| RMF-30 | P[1] | | | | | | |
| RMF-35 | P[1] | | | | | | |
| RMF-45 | P | C | | | | | |
| RMF-75 | P | C | | | | | |
| Mixed use - residential/office districts: | | | | | | | |
| RB | P[1] | | | | | | |
| R-MU | P | C | | | | | |
| RO | P[1] | | | | | | |
| Commercial/manufacturing districts: | | | | | | | |
| CN | P[1] | | | | | | |
| CB | P | C | | | | | |
| CS | P | P | | | | | |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| CC | P | P | P | C | C | C | |
| CSHBD | P | P | P | C | C | C | |
| CG | P | P | P | C | C | C | C |
| D-1 | P | P | P | C | C | C | |
| D-2 | P | P | P | C | C | C | |
| D-3 | P | P | P | C | C | C | |
| D-4 | P | P | P | C | C | C | |
| G-MU | P | P | P | C | C | C | |
| M-1 | P | P | P | C | P | C | C |
| M-2 | P | P | P | C | P | C | C |
| Special purpose/overlay districts: | | | | | | | |
| RP | P | C | | | | | |
| BP | P | P | P | C | C | C | |
| AG | P[1] | P[1] | C | C | C | | |
| AG-2 | P[1] | P[1] | C | C | C | | |
| AG-5 | P[1] | P[1] | C | C | C | | |
| AG-20 | P[1] | P[1] | C | C | C | | |
| A | P | P | P | P | P | C | C |
| PL | P | C | | | | | |
| PL-2 | P | C | | | | | |
| I | P | C | | | | | |
| UI | P | P | C | C | C | | |
| OS[2] | | | C | C | C | C | C |
| EI | P | P | P | C | C | C | |
| MU | P | C | | | | | |

Notes:
P Permitted use
C Conditional use

1. Allowed as a permitted use on a residential building consisting of 4 or more attached dwelling units and on nonresidential buildings. Zoning administrator approval is required to assure compliance to subsection E2a of this section.
2. New telecommunications towers are allowed outside the telecommunication corridor in the OS zone for public safety purposes only.
3. Collocation of a wireless telecommunication facility is allowed per subsection E4 of this section.

2. Facility Types: Low power radio services facilities are characterized by the type or location of the antenna structure. There are seven (7) general types of such antenna structures: wall mounted antennas; roof mounted antennas; monopoles with antennas and antenna support structure less than two feet (2') in width; monopoles with antennas and antenna support structure greater than two feet (2') in width; lattice towers; stealth antennas; and utility pole mounted antennas. Standards for the installation of each type of antenna are as follows:

a. Wall Mounted Antenna: The following provisions apply to wall mounted antennas:

(1) Wall mounted antennas shall not extend above the wall line of the building or extend more than four feet (4') horizontally from the face of the building.

(2) Antennas, equipment and the supporting structure shall be painted to match the color of the building or structure of the background against which they are most commonly seen. Antennas and the supporting structures on buildings 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 roofline of such structures, shall be considered a wall mounted antenna.

b. Roof Mounted Antenna: The following provisions apply to roof mounted antennas:

(1) Roof mounted antennas shall be allowed on top of existing penthouses or mechanical equipment rooms and shall not extend more than eight feet (8') above the existing roofline of the penthouse or mechanical equipment room.

(2) For antennas not mounted on a penthouse or mechanical equipment room, the antennas shall be mounted at least five feet (5') from the exterior wall of a building. For antennas mounted between five (5) and ten feet (10') from the exterior wall, the maximum height of a roof mounted antenna is directly proportional to the distance the antenna is set back from the exterior wall up to a maximum height of ten feet (10') above the roofline of the building to which the antenna is attached. Antennas shall be mounted at least five feet (5') behind any parapet wall. For antennas mounted between five (5) and ten feet (10') behind a parapet wall, the maximum height of the antenna is directly proportional to the distance the antenna is set back from the wall up to a maximum of ten feet (10') as measured from the top of the parapet wall. The antennas shall not extend more than fifteen feet (15') above the roofline of the building itself unless approved as a conditional use (see subsection 21A.62.050H of this title).

(3) Roof mounted antennas are permitted only on a flat roof.

c. Monopole With Antennas And Support Structure Less Than Two Feet In Width: The total of each individual antenna structure mounted on a monopole shall not exceed two feet (2') in width. The maximum height of each individual antenna shall not exceed ten feet (10') in height (see subsection 21A.62.050G of this title). In the case of collocation, when there is more than one antenna located on a monopole, all additional antenna structures shall not exceed the above referenced dimensions. No such antenna shall be located within one hundred sixty five feet (165') of a residential zone other than the R-MU district.

d. Monopole With Antennas And Antenna Support Structure Greater Than Two Feet In Width: The maximum visible width of individual antennas and antenna mounting structures on a monopole shall not exceed eight feet (8') in height or thirteen feet (13') in width as viewed looking directly at the monopole at same elevation as the antennas and antenna mounting structure (see subsection 21A.62.050F of this title). In the case of collocation, when there is more than one antenna located on a monopole, all additional antenna structures shall not individually exceed the above referenced dimensions. No such monopole shall be located within three hundred thirty feet (330') of a residential zone other than the R-MU district.

e. Lattice Tower: The maximum visible width of individual antennas and antenna mounting structures on a lattice tower shall not exceed eight feet (8') in height or

thirteen feet (13') in width (see subsection 21A.62.050E of this title). No such lattice tower shall be located within three hundred thirty feet (330') of a residential zone.

f. Stealth Antennas:

(1) A telecommunication antenna completely disguised as another object or otherwise concealed from view thereby concealing the intended use and appearance of the facility, shall be allowed in all zoning districts subject to meeting the provisions contained in section 21A.36.020, tables 21A.36.020B and 21A.36.020C of this title. The antenna shall conform to the dimensions of the object it is being disguised as and the location of the stealth facility shall be in concert with its surrounding. Examples of stealth facilities include, but are not limited to, flagpoles, light pole standards or architectural elements such as dormers, steeples and chimneys. Final determination regarding stealth poles shall be made by the planning director based on these standards. The electrical equipment shall be located in accordance with subsection E3 of this section.

(2) Antennas Located Within Existing Structures Where There Is No Exterior Evidence Of The Antennas: Antennas located within an existing structure constructed prior to the effective date hereof shall be a permitted use in all zoning districts provided that:

(A) There shall not be any exterior evidence of the antenna or support structure.

(B) The electrical equipment structure shall be located within the existing structure with no exterior evidence of existence, or in compliance with the location requirements as noted in subsection E3 of this section.

g. Utility Pole Mounted Antenna: Antennas on utility poles and associated electrical equipment shall be allowed subject to the following standards:

(1) Antennas:

(A) The antennas shall be located either on an existing utility pole or on a replacement pole in the public right of way, or in a rear yard utility easement.

(B) On an existing pole, the antennas shall not extend more than ten feet (10') above the top of the pole.

(C) The antennas, including the mounting structure, shall not exceed thirty inches (30") in diameter to be considered a permitted use. Antennas with an outside diameter greater than thirty inches (30") shall be a conditional use.

(D) Antennas located in the public right of way shall be a permitted use and shall comply with the standards listed above.

(E) Conditional use approval is required for antennas located in a rear yard utility easement in all residential, CN neighborhood commercial, PL public lands, PL-2 public lands, CB community business, I institutional, and OS open space zoning districts. Antennas located in a rear yard utility easement in all other zoning districts shall be a permitted use and shall comply with the standards listed above.

(2) General Provisions:

(A) The application shall include the signature of the authorized agent of the owner of the utility pole.

(B) Antennas and equipment boxes on the utility poles shall be painted to match the pole to which it is attached to minimize visual impacts.

(C) Generators or noise producing venting systems shall not be used.

(D) Lighting for aircraft is prohibited except where required by federal law.

(E) Electrical and utility cables between the utility pole and electrical boxes shall be placed underground.

(F) Facilities in the public right of way shall be subject to any applicable franchise fees or lease agreements required by the city.

3. Electrical Equipment:

a. Electrical Equipment Located In The Public Right Of Way, Front Yard Or Side Yard: Electrical equipment in the public right of way shall either be attached directly to the utility pole or placed underground.

If the electrical equipment is attached to the pole, the boxes shall not be larger than thirty six inches (36") in height, twelve inches (12") deep and no wider than twenty inches (20"). No more than five (5) such boxes shall be mounted on the utility pole to which it is attached (excluding the power meter and network interface box). The boxes shall be stacked vertically, one above the other, and shall be at least ten feet (10') above the ground. The power meter and network interface box may be installed below the ten foot (10') level.

Electrical equipment in the required front or side yard shall be placed underground.

Electrical equipment placed underground or on a utility pole in the public right of way shall comply with the requirements of the Salt Lake City engineering and transportation divisions.

b. Electrical Equipment Located On Private Property: Electrical equipment shall be located in the rear yard, interior side yard, or within the buildable area on a given parcel. In the case of a parcel with an existing building, the electrical equipment shall not be located between the front and/or corner facades of the building and the street.

Electrical equipment located in a residential zoning district, shall not exceed a width of four feet (4'), a depth of three feet (3'), or a height of four feet (4') to be considered a permitted use.

Electrical equipment located in a CN, PL, PL-2, CB, I or OS zoning district shall not exceed a width of six feet (6'), a depth of three feet (3'), or a height of six feet (6') to be considered a permitted use.

Electrical equipment exceeding the dimensions listed above shall be reviewed administratively as a routine and uncontested special exception per chapter 21A.52 of this title.

Applications not receiving the consenting signatures of all property owners as required by chapter 21A.52 of this title shall be processed as a conditional use, pursuant to the standards set forth in this title.

The electrical equipment shall be subject to the maximum lot coverage requirements in the underlying zoning district.

4. Collocation: Collocation of a wireless telecommunication facility on a previously approved wireless telecommunication service facility such as an existing building, structure, or antenna support structure, is allowed as a permitted use, provided:

a. No increase in the height of the existing wireless telecommunication support structure is proposed;

b. All aspects of the collocation improvements must be located within the previously approved fenced (lease) area;

c. Compliance with the corresponding provisions set forth in this subsection E.

5. Height Limit: The height limit for monopoles and lattice towers shall be limited as per table 21A.40.090E of this section.

6. Location And Minimum Setbacks: Monopoles with antennas and antenna support structure less than two feet (2') in width, monopoles with antennas and antenna support structure greater than two feet (2') in width and lattice towers shall be allowed only in the rear yard area of any lot. These structures shall not be located in a required landscaped area, buffer area or required parking area.

7. Area Limitations For Wall And Roof Mounted Antennas: A combination of both roof and wall mounted antennas are allowed on a building. The total area for all wall and roof mounted antennas and supporting structures combined shall not exceed the lesser of sixty (60) square feet or five percent (5%) of the gross square footage of each exterior wall of a building. The total area is the sum of each individual antenna face and the visible portion of the supporting structure as viewed when looking directly at the face of the building. The total area for a roof mounted antenna shall apply to the closest exterior wall (see subsection 21A.62.050J of this title).

8. Roof And Wall Mounted Antennas On Noncomplying Buildings That Exceed The Maximum Height Limit Of The Zoning District: If a building exceeds the maximum allowable height of the zoning district, roof or wall mounted antennas may be attached to the portion of the building that extends above the maximum height limit of the zoning district, if said antenna is listed as a permitted use in table 21A.40.090E of this section.

9. Additional Conditional Use Requirements: In addition to conditional use standards outlined in chapter 21A.54 of this title, the following shall be considered by the planning commission:

a. Compatibility of the proposed structure with the height and mass of existing buildings and utility structures;

b. Whether collocation of the antenna on the other existing structures in the same vicinity such as other towers, buildings, water towers, utility poles, etc., is possible without significantly impacting antenna transmission or reception;

c. The location of the antenna in relation to existing vegetation, topography and buildings to obtain the best visual screening;

d. Whether the spacing between monopoles and lattice towers creates detrimental impacts to adjoining properties.

10. Accessory Buildings To Antenna Structures: Accessory buildings to antenna structures must comply with the required setback, height and landscaping requirements of the zoning district in which they are located. Monopoles shall be fenced with a six foot (6') chainlink fence and the climbing pegs removed from the lower twenty feet (20') of the monopole. All power lines on the lot leading to the accessory building and antenna structure shall be underground.

11. Historic District: Any antenna proposed for a location within a historic district or on landmark site is subject to approval through the historic landmarks commission as contained in chapter 21A.34 of this title.

12. Permission Required For Antennas And Mounting Structures On Or Over A Public Right Of Way: Antennas and mounting structures encroaching on or over the public sidewalk or on or over a public right of way shall be subject to obtaining permission from the city pursuant to the city's rights of way encroachment policy.

13. Location On City Owned Property Or Land Zoned As Open Space: Telecommunication facilities proposed to be located on city owned property or on any property located within an open space zoning district or subject to the city's open space lands program must obtain approvals from appropriate agencies governing such properties.

14. Nonmaintained Or Abandoned Facilities: The building official may require each nonmaintained or abandoned low power radio services antenna to be removed from the building or premises when such an antenna has not been repaired or put into use by the owner, person having control or person receiving benefit of such structure within thirty (30) calendar days after notice of nonmaintenance or abandonment is given to the owner, person having control or person receiving the benefit of such structure. (Ord. 55-11, 2011: Ord. 10-10 § 12, 2010: Ord. 73-02 §§ 9 (Exh. D) _ 11, 2002: Ord. 81-01 § 1, 2001: Ord. 11-01 § 1, 2001: Ord. 14-00 § 7, 2000: Ord. 3-00 § 1, 2000: Ord. 93-99 §§ 1 _ 4, 1999: Ord. 35-99 §§ 60 _ 62, 1999: amended during 5/96 supplement: Ord. 5-96 § 1, 1996: Ord. 26-95 § 2(20-8), 1995)

## 21A.40.100: RECYCLING CONTAINER REGULATIONS:

Recycling containers shall be permitted in any zoning district as accessory uses to permitted principal uses. They may be stored outdoors, in yard areas as specified below. The purpose of the following regulations is to promote recycling through increased convenience and ensure the neat appearance of recycling containers so that they do not impact aesthetic values of the community. Recycling containers located in single-family and two-family residential districts shall be subject to the accessory storage limits of subsection 21A.24.010R of this title.

A. Multi-Family Residential Districts: In multi-family residential districts, recycling containers shall be either located in an enclosed principal building, accessory building or the rear yard and shall be designed and operated to accommodate on site recycling only.

B. Nonresidential Districts: In nonresidential districts or for nonresidential uses in residential districts recycling containers may be located, designed and operated to accommodate the recycling activities of both on site and off site users.

C. Screening And Site Location:

1. Landscaping and screening of recycling containers shall be provided in a manner that improves their appearance without obscuring their visibility. Landscaping and screening requirements shall be established on a case by case basis as part of the site plan review process pursuant to chapter 21A.58 of this title. In districts where site plan review is not required, no landscaping or screening will be required.

2. Recycling containers shall not be located within any required landscape yard or landscape buffer.

D. Maximum Area Of Recycling Containers: As accessory uses/structures, the area of the lot used for recycling containers shall not exceed two thousand (2,000) square feet for nonresidential districts, one thousand (1,000) square feet for multi-family residential districts and one thousand (1,000) square feet for nonresidential uses in residential districts. Recycling containers comprising more than the maximum lot area shall be considered recycling collection stations, and will be subject to use limitations of the applicable district regulations.

E. Maximum Size Of Recycling Containers: The maximum size of a recycling container shall be four hundred (400) square feet in area, fifty feet (50') in length, six feet (6') in height, and eight feet (8') in width.

F. Maintenance: All recycling containers shall be maintained in a clean and safe condition and free of litter.

G. Advertising: Recycling containers shall not be used for advertising. The maximum sign area to be used for identification and instructions shall be ten (10) square feet.

H. Reverse Vending Machines: Reverse vending machines shall not be permitted in residential districts, except as accessory uses to nonresidential uses. (Ord. 26-95 § 2(20-9), 1995)

## 21A.40.110: AUTOMATIC AMUSEMENT DEVICES:

(Rep. by Ord. 73-11, 2011)

## 21A.40.120: REGULATION OF FENCES, WALLS AND HEDGES:

A. Purpose: Fences, walls and hedges serve properties by providing privacy and security, defining private space and enhancing the design of individual sites. Fences also affect the public by impacting the visual image of the streetscape and the overall character of neighborhoods. The purpose of these regulations is to achieve a balance between the private concerns for privacy and site design and the public concerns for enhancement of the community appearance, and to ensure the provision of adequate light, air and public safety.

B. Location: All fences, walls or hedges shall be erected entirely within the property lines of the property they are intended to serve.

C. Building Permit Required:

1. A no fee building permit shall be obtained prior to construction of any fence that does not exceed six feet (6') in height and is not made of concrete or masonry or does not require structural review under the international building code regulations. The permit is to ensure compliance with adopted regulations.

2. A building permit and fee are required for fences and walls which exceed six feet (6') in height and all fences or walls of any height that are constructed under the international building code. The permit is to ensure compliance with all zoning ordinance standards and requirements (location, height, types of materials) as well as to ensure the structural integrity of the pilasters and foundation system which will be verified by plan review and site inspection.

3. The application for a permit must include plans identifying the location and height of the proposed fence or wall. If the fence or wall is constructed of masonry or concrete of any height or exceeds six feet (6') in height, construction details showing horizontal and vertical reinforcement and foundation details shall be shown on the plans.

4. The building permit fee for a fence will be a general permit fee based on construction costs or valuation of the work.

5. Construction of any fence in the following districts shall also comply with the additional fencing regulations found in the following subsections of this title:

a. FP foothills protection district (21A.32.040I),

b. H historic preservation overlay district (21A.34.020E), and

c. Foothill residential FR-1, FR-2 and FR-3 districts (21A.24.010P).

D. Design Requirements:

1. Residential districts (chapter 21A.24, "Residential Districts", of this title):

a. Allowed Materials: Fences and walls shall be made of high quality, durable materials that require low maintenance. Acceptable materials for a fence include chainlink, wood, brick, masonry block, stone, tubular steel, wrought iron, vinyl, composite/recycled materials (hardy board) or other manufactured material or combination of materials commonly used for fencing.

b. Prohibited Materials: Fences and walls shall not be made of or contain:

(1) Scrap materials such as scrap lumber and scrap metal.

(2) Materials not typically used or designated/manufactured for fencing such as metal roofing panels, corrugated or sheet metal, tarps or plywood.

2. Nonresidential districts (chapters 21A.26 through 21A.34 of this title: commercial districts, manufacturing districts, downtown districts, gateway districts, special purpose districts and overlay districts):

a. Allowed Materials: Fences and walls shall be made of high quality, durable materials that require minimal maintenance. Acceptable materials for fencing in nonresidential districts include, but are not limited to, chainlink, prewoven chainlink with slats, wood, brick, tilt-up concrete, masonry block, stone, metal, composite/recycled materials or other manufactured materials or combination of materials commonly used for fencing.

b. Prohibited Materials: Fences or walls in nonresidential districts shall not be constructed of or contain:

(1) Scrap materials such as scrap lumber and scrap metal.

(2) Materials not typically used or designated/manufactured for fencing such as metal roofing panels, corrugated or sheet metal, tarps or plywood.

E. Height Restrictions:

1. Standard for residential zoning districts: No fence, wall or hedge shall be erected to a height in excess of four feet (4') between the front property line and the front facade of the principal structure.

2. Standards for all zoning districts:

a. Corner Lots; Sight Distance Triangle: No solid fence, wall or hedge shall be erected to a height in excess of three feet (3') if the fence, wall or hedge is located within the sight distance triangle extending thirty feet (30') of the intersection of the right of way lines on any corner lot as noted in section 21A.62.050, illustration I of this title.

b. Corner Side, Side, Rear Yards; Sight Distance Triangle: Fences, walls or hedges may be erected in any required corner side yard (extending to a point in line with the front facade of the principal structure), side yard or rear yard to a height not to exceed six feet (6'). The zoning administrator may require either increased fence setback or lower fence height along corner side yards to provide adequate line of sight for driveways and alleys.

c. Intersection Of Driveway Or Alley Within Public Way; Sight Distance Triangle: Solid fences, walls and hedges located near the intersection of a driveway or an alley within the public way shall not exceed thirty inches (30") in height within a ten foot (10') wide by ten foot (10') deep sight distance triangle as defined in section 21A.62.050, illustration I of this title.

d. Sight Distance Triangle And See Through Fences: Within the area defined as a sight distance triangle, see through fences that are at least fifty percent (50%) open shall be allowed to a height of four feet (4').

e. Alternative Design Solutions: To provide adequate line of sight for driveways and alleys, the zoning administrator, in consulting with the development review team, may require alternative design solutions, including, but not restricted to, requiring increased fence setback and/or lower fence height, to mitigate safety concerns created by the location of buildings, grade change or other preexisting conditions.

f. Measuring: Measuring the height of a fence shall be from the "established grade" of the site as defined in section 21A.62.040 of this title.

g. Special Exception Approval Standards: The planning commission or historic landmark commission may approve taller fencing if it is found that the extra height is necessary for the security of the property in question as defined in chapter 21A.52 of this title.

F. General Requirements:

1. Except when constructed of materials that have been designed or manufactured to remain untreated, all fences or walls shall periodically be treated with paint or chemicals so as to retard deterioration.

2. Fences or walls shall be constructed with good workmanship and shall be secured to the ground or supporting area in a substantial manner and engineered so that the structure of columns or posts and the material used for the intervening panels are adequately constructed to support the materials and withstand wind loads.

3. All fences or walls (including entrance and exit gates) shall be maintained in good repair, free of graffiti, structurally sound, so as to not pose a threat to public health, safety, and welfare.

G. Exceptions: Pillars shall be allowed to extend up to eighteen inches (18") above the allowable height of a fence or wall; provided, that the pillars shall have a maximum diameter or width of no more than eighteen inches (18"); and provided, that the pillars shall have a minimum spacing of no less than six feet (6'), measured face to face.

H. Encroachments: Encroachments into the "sight distance triangle" for driveways as defined and illustrated in chapter 21A.62 of this title, may be approved by the zoning administrator. This regulation shall also apply to sight distance triangles for alleys.

I. Barbed Wire Fences:

1. Permitted Use: Barbed wire fencing is allowed as a permitted use in the AG, AG-2, AG-5, AG-20, A, CG, M-1, M-2 and D-2 districts.

2. Special Exception: Barbed wire fencing may be approved for nonresidential uses as a special exception pursuant to chapter 21A.52 of this title, in all zoning districts except for those listed above as permitted uses. The planning commission may approve as special exceptions, the placement of barbed wire fences, for security reasons, or for the keeping out of animals around nonresidential properties, transformer stations, microwave stations, construction sites or other similar publicly necessary or dangerous sites, provided the requested fence is not in any residential district and is not on or near the property line of a lot which is occupied as a place of residence.

3. Location Requirements: Barbed wire fencing shall not be allowed in required front yard setbacks nor along frontages on streets defined as gateway streets in Salt Lake City's adopted urban design element master plan.

4. Special Design Regulations: No strand of barbed wire shall be permitted less than six feet (6') high. No more than three (3) strands of barbed wire are permitted. The barbed wire strands shall not slant outward from the fence more than sixty degrees (60°) from a vertical line. No barbed wire strand shall project over public property. If the barbed wire proposed slants outward over adjoining private property the applicant must submit written consent from adjoining property owner agreeing to such a projection over the property line.

5. Special Exception Approval Standards: The planning commission may approve, as a special exception, the building permit for a barbed wire fence if it is found that the applicant has shown that the fence is reasonably necessary for security in that it protects people from dangerous sites and conditions such as transformer stations, microwave stations or construction sites.

J. Razor Wire Fences:

1. Special Exception: Razor wire fencing may be approved for nonresidential uses as a special exception pursuant to chapter 21A.52 of this title, in the A, CG, D-2, M-1 and M-2 zoning districts. The planning commission may approve as a special exception the placement of razor wire fences, for security reasons, around commercial or industrial uses, transformer stations, microwave stations, or other similar public necessity or dangerous sites; provided, that the requested fence is not on the property line of a lot which is occupied as a place of residence.

2. Location Requirements: Razor wire fencing shall not be allowed in required front or corner side yard setback.

3. Special Design Regulations: No strand of razor wire shall be permitted on a fence that is less than seven feet (7') high. Razor wire coils shall not exceed eighteen inches (18") in diameter and must slant inward from the fence to which the razor wire is being attached.

4. Special Exception Approval Standards: The planning commission may approve razor wire fencing if the commission finds that the applicant has shown that razor wire is necessary for the security of the property in question.

K. Exemption: The A airport district is exempt from all zoning ordinance fence regulations. The department of airports has administrative authority to regulate and approve fencing within the A airport district. All fencing that the department of airports requires of its clients within the A district is subject to review and approval by the airport.

L. Electric Security Fences:

1. Permitted Use: Electric security fences are allowed as a permitted use in the M-1 and M-2 zones. Electric security fences on parcels or lots that abut a residential zone are prohibited.

2. Special Exception: Electric security fences on parcels or lots adjacent to a commercial zone may be approved as a special exception pursuant to the requirements in chapter 21A.52 of this title.

3. Location Requirements: Electric security fences shall not be allowed in required front yard setbacks or on frontages adjacent to residentially zoned properties.

4. Compliance With Adopted Building Codes: Electric security fences shall be constructed or installed in conformance with all applicable construction codes.

5. Perimeter Fence Or Wall: No electric security fence shall be installed or used unless it is fully enclosed by a nonelectrical fence or wall that is not less than six feet (6') in height. There shall be at least one foot (1') of spacing between the electric security fence and the perimeter fence or wall.

6. Staging Area: All entries to a site shall have a buffer area that allows on site staging prior to passing the perimeter barrier. The site shall be large enough to accommodate a vehicle completely outside of the public right of way.

7. Height: Electric security fences shall have a maximum height of ten feet (10').

8. Warning Signs: Electric security fences shall be clearly identified with warning signs that read: "Warning-Electric Fence" at intervals of not greater than sixty feet (60'). Signs shall comply with requirements in chapter 21A.46, "Signs", of this title.

9. Security Box: Electric security fences shall have a small, wall mounted safe or box that holds building keys for police, firefighters and EMTs to retrieve in emergencies. (Ord. 73-11, 2011: Ord. 60-11, 2011: Ord. 24-11, 2011)

## 21A.40.130: ACCESS FOR PERSONS WITH DISABILITIES:

Building permits for an uncovered vertical wheelchair lift, or for an uncovered access ramp, for persons with disabilities, under four feet (4') in height, or any other form of uncovered access, for persons with disabilities, under four feet (4') in height, that encroaches into required yard areas, may be approved by the zoning administrator as a permitted accessory structure. Covered ramps or other access structures for persons with disabilities that encroach into required yard areas, shall be approved, pursuant to chapter 21A.52 of this title. Application for a special exception for an access structure for persons with disabilities shall not require the payment of any application fees. (Ord. 20-06 § 1, 2006: Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(20-12), 1995)

## 21A.40.140: JUNK VEHICLES AND MATERIALS:

It is unlawful for any property owner or tenant to cause or permit any unlicensed, inoperable, unused or abandoned vehicles or vehicle parts to be in or upon any premises unless the premises is licensed for such use. Open storage of the following materials shall also be prohibited in or upon any premises unless the premises is licensed for such use: junk, scrap metal, used or scrap lumber, wastepaper products, discarded building materials, machinery or machinery parts, interior household furniture, appliances, tree limbs and cuttings, landscape debris, garbage, refuse, trash, rubbish, hazardous waste, industrial waste, construction and demolition waste, sludge, liquid or semiliquid waste; other spent, useless, worthless or discarded materials, or materials stored or accumulated for the purpose of discarding materials that have served their original purpose. (Ord. 88-95 § 1 (Exh.

A), 1995: Ord. 26-95 § 2(20-13), 1995)

## 21A.40.150: SEASONAL FARM STANDS:

Seasonal farm stands may be approved by the zoning administrator as a permitted accessory use in the AG-2, AG-5 and AG-20 districts during the spring and summer. Such use shall be limited to a period between April and October. Seasonal farm stand sales are limited to produce and products produced or grown on the premises. No accessory structure shall be displayed obstructing the "sight distance triangle" as defined in chapter 21A.62 of this title. (Ord. 14-00 § 9, 2000)

## 21A.40.160: GROUND MOUNTED UTILITY BOXES:

A. Compliance With Regulations Required: All ground mounted utility boxes shall be subject to the following regulations unless exempted within section 21A.02.050, "Applicability", of this title or where limited by other provisions of this title.

B. Definition: "Ground mounted utility boxes" shall mean such facilities, including pedestals, boxes, vaults, cabinets, meters or other ground mounted facilities and associated equipment used for the transmission or operation of underground public utilities.

C. Allowed Use: Ground mounted utility boxes proposed as follows, shall be allowed in all zoning districts:

1. Subterranean utility boxes located entirely on private property.

2. Utility boxes located entirely within an enclosed building or structure.

3. Ground mounted equipment required to serve a single commercial customer located behind minimum setback or within five feet (5') of a building.

4. Utility boxes for essential public uses such as traffic control boxes, installed by or with permission of Salt Lake City Corporation.

5. Ground mounted utility boxes located within the front line public utility easement or on private property within a private easement which is mutually acceptable to both the property owner and the utility. The equipment shall not be located within two feet (2') of the sidewalk.

D. Conditional Use: Conditional use review is required for all ground mounted utility boxes not specifically addressed in subsection C of this section. Applications shall be reviewed administratively by the planning director or an assigned designee subject to the following criteria:

1. Location: Utility boxes shall be located and designed to reduce its visual and environmental impacts on the surrounding properties.

2. Spacing: Utility boxes shall be spaced in such a manner as to limit the visual and environmental impact of the boxes on neighboring properties. The planning director may limit the number of boxes allowed on a specific site to meet this standard.

3. Setbacks: The planning director may modify the setback of the utility box to reduce the visual and environmental impact of the box when viewed from the street or an adjacent property. The setback variation will be a function of the site constraints, the size of the proposed box and the setbacks of adjacent properties and structures.

4. Screening: To the greatest extent possible, utility boxes shall be screened from view of adjacent properties and city rights of way. Utility boxes and their associated screening shall be integral to the design of the primary building on site and address crime prevention through environmental design (CPTED) principles by maintaining solid or opaque screening materials.

5. Design: Utility box design shall reflect the urban character and pedestrian orientation of the area where it is located.

6. View: The location shall not block views within sight distance angles of sidewalks, driveways and intersections, or hinder pedestrian or vehicular circulation on the site.

7. Certificate Of Appropriateness: Any ground mounted utility box located within an area subject to section 21A.34.020, "H Historic Preservation Overlay District", of this title shall require certificate of appropriateness review and approval with respect to location and screening materials. (Ord. 29-10, 2010)

## 21A.40.170: CREMATORIUMS:

Crematoriums may be approved where allowed by the applicable table(s) of permitted and conditional uses only when associated with a licensed funeral home, mortuary or dedicated animal cremation service. When reviewing the application for a crematorium, the planning commission or administrative hearing officer will consider the following factors for approval:

A. The crematorium shall emit no visible emissions or odor.

B. Noise emitted from the crematorium shall not exceed maximum sound levels set forth in title 9, chapter 9.28, "Noise Control", of this code.

C. All activity relating to the dead shall be handled discretely and screened from public view to the maximum extent possible, including delivery and storage of the remains.

D. The crematorium shall not be used for the disposal of any waste materials, including medical or industrial.

E. In the case of pet crematoriums, the use shall be for the preparation and cremation of pets only.

F. The crematorium shall receive all necessary approvals from applicable state and federal agencies.

G. The crematorium use shall be consistent with all adopted city ordinances and master plans.

H. The crematorium use shall be associated with a licensed funeral home for human cremation, or a dedicated animal cremation service for animal cremation.

I. A licensed funeral home or mortuary operating an approved crematorium may perform cremation services for other licensed funeral homes or mortuaries. (Ord. 19-10 § 2, 2010)

## 21A.40.180: SMALL WIND ENERGY SYSTEMS:

A. Standards: All small wind energy systems shall comply with the following requirements. If there is any conflict between the provisions of this section and any other requirements of the zoning, site development, and subdivision ordinances, the zoning administrator shall determine which requirements apply to the project in order to achieve the highest level of neighborhood compatibility.

1. Setback: The base of the tower shall be set back from all property lines, public rights of way, and public utility lines a distance equal to the total extended height plus five feet (5'). If the small wind energy system is on a roof, the total extended height is equal to the roof height and tower height. A tower may be allowed closer to a property line than its total extended height if the abutting property owner(s) grants written permission and the installation poses no interference with public utility lines or public road and rail rights of way. Guywires and other support devices shall be set back at least five feet (5') from all property lines.

2. Tower Height: Where the total extended height meets the sound and setback requirements of this section (see subsection A1 of this section), there shall be no specific height limitation, except as imposed by federal aviation administration (FAA) regulations per subsection A10 of this section.

3. Sound: Sound produced by the turbine under normal operating conditions, as measured at the property line of any adjacent property improved with a dwelling unit at the time of the issuance of the zoning certificate, shall not exceed fifty five (55) dBA for any period of time. The fifty five (55) dBA sound level may be exceeded during short term events out of the owner's control such as utility outages and/or severe windstorms.

4. Appearance, Color, And Finish: Colors permitted include grays, browns, greens, tans and other earth tones. Bright, luminescent, or neon colors are prohibited.

5. Clearance: The blade tip or vane of any small wind energy system shall have a minimum ground clearance of fifteen feet (15') as measured at the lowest point of the arc of the blades. Blades on small wind energy systems in residential districts shall not exceed twenty percent (20%) of tower height. All portions of the system shall maintain a clearance from power utility lines as required by the Utah high voltage line safety act.

6. Signage Prohibited: All signs on a wind generator, tower, building, or other structure associated with a small wind energy system visible from any public road, other than the manufacturer's or installer's identification, appropriate warning signs, or owner identification, shall be prohibited.

7. Lighting: No illumination of the turbine or tower shall be allowed unless required by the federal aviation administration (FAA).

8. Access: No foot pegs, rungs, or other climbing aids shall be allowed below twelve feet (12') on a freestanding tower. For lattice or guyed towers, sheets of metal or wood or similar barriers shall be fastened to the bottom tower section such that it cannot readily be climbed.

9. Requirement For Engineered Drawings: Building permit applications for small wind energy systems shall be accompanied by standard drawings of the wind turbine structure and stamped engineered drawings (by an engineer licensed by the state of Utah) of the tower, base, footings, and/or foundation as provided by the manufacturer.

10. Compliance With FAA Regulations: No small wind energy system shall be constructed, altered, or maintained so as to project above any of the imaginary airspace surfaces described in FAR part 77 of the FAA guidance on airspace protection or other current FAA regulations governing airspace protection.

11. Compliance With Building And Electrical Codes: Small wind energy systems and all associated components shall comply with all applicable building and electrical codes adopted by Salt Lake City and the state of Utah.

12. Utility Notification: No small wind energy system shall be installed until evidence has been submitted to the city 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.

13. Abandonment: If a wind turbine is inoperable for six (6) consecutive months the owner shall be notified by Salt Lake City that they must, within six (6) months of receiving the notice, restore their system to operating condition or remove the wind turbine from the tower. If the owner(s) fails to restore their system to operating condition

within the six (6) month time frame, then the owner shall be required, at his expense, to remove the wind turbine from the tower for safety reasons.

14. Off Street Parking Or Loading Requirements: A small wind energy system shall not remove or encroach upon required parking or loading areas for other uses on the site or access to such parking or loading areas.

15. Exceptions: Small wind energy systems are prohibited in the open space OS and natural open space NOS zoning districts. (Ord. 20-11, 2011)

## 21A.40.190: SMALL SOLAR ENERGY COLLECTION SYSTEMS:

A. Standards: All small solar energy collection systems shall comply with the following requirements except as provided in subsection B of this section relating to small solar energy collection systems in the historic preservation overlay districts. Per section 21A.34.020 of this title the historic landmark commission or staff have authority to modify the setbacks, location and height to ensure compliance with the overlay district regulations. Excluding subsection B of this section, if there is any conflict between the provisions of this subsection and any other requirements of the zoning, site development, and subdivision ordinances, the zoning administrator shall determine which requirements apply to the project in order to achieve the highest level of neighborhood compatibility.

1. Setbacks, Location, And Height:

a. A small solar energy collection system shall be located a minimum of six feet (6') from all property lines and other structures, except the structure on which it is mounted.

b. A small solar energy collection system may be located on an accessory structure, including legal accessory structures located less than six feet (6') from a property line.

c. A small solar energy collection system shall not exceed by more than three feet (3') the maximum building height (based on the type of building - principal or accessory - the system is located on) permitted in the zoning district in which it is located or shall not extend more than twelve feet (12') above the roofline of the structure upon which it is mounted, whichever is less.

d. A development proposed to have a small solar energy collection system located on the roof or attached to a structure, or an application to establish a system on an existing structure, shall provide a structural certification as part of the building permit application.

2. Coverage: A small solar energy collection system mounted to the roof of a building shall not exceed ninety percent (90%) of the total roof area of the building upon which it is installed. A system constructed as a separate accessory structure on the ground shall count toward the total building and yard coverage limits for the lot on which it is located.

3. Code Compliance: Small solar energy collection systems shall comply with all applicable building and electrical codes contained in the international building code adopted by Salt Lake City.

4. Solar Easements: A property owner who has installed or intends to install a small solar energy collection system shall be responsible for negotiating with other property owners in the vicinity for any desired solar easement to protect solar access for the system and shall record the easement with the Salt Lake County recorder.

5. Off Street Parking And Loading Requirements: Small solar energy collection systems shall not remove or encroach upon required parking or loading areas for other uses on the site or access to such parking or loading areas.

B. Small Solar Collection Systems And Historic Preservation Overlay Districts Or Landmark Sites:

1. General: In addition to meeting the standards set forth in this section, all applications to install a small solar collection system within the historic preservation overlay district shall obtain a certificate of appropriateness prior to installation. Small solar collection systems shall be allowed in accordance with the location priorities detailed in subsection B3 of this section. If there is any conflict between the provisions of this subsection B, and any other requirements of this section, the provisions of this subsection B shall take precedence.

2. Installation Standards: The small solar energy collection system shall be installed in a location and manner on the building or lot that is least visible and obtrusive and in such a way that causes the least impact to the historic integrity and character of the historic building, structure, site or district while maintaining efficient operation of the solar device. The system must be installed in such a manner that it can be removed and not damage the historic building, structure, or site it is associated with.

3. Small Solar Collection System Location Priorities: In approving appropriate locations and manner of installation, consideration shall include the following locations in the priority order they are set forth below. The method of installation approved shall be the least visible from a public right of way, not including alleys, and most compatible with the character defining features of the historic building, structure, or site. Systems proposed for locations in subsections B3a through B3d of this section, which are not readily visible from a public right of way may be reviewed administratively as set forth in subsection 21A.34.020F1, "Administrative Decision", of this title. Systems proposed for locations in subsections B3e and B3f of this section, which may be visible from a public right of way shall be reviewed by the historic landmark commission in accordance with the procedures set forth in subsection 21A.34.020F2, "Historic Landmark Commission", of this title.

a. Rear yard in a location not readily visible from a public right of way.

b. On accessory buildings or structures in a location not readily visible from a public right of way.

c. In a side yard in a location not readily visible from a public right of way.

d. On the principal building in a location not readily visible from a public right of way.

e. On the principal building in a location that may be visible from a public right of way, but not on the structure's front facade.

f. On the front facade of the principal building in a location most compatible with the character defining features of the structure. (Ord. 20-11, 2011)

# CHAPTER 21A.42
# TEMPORARY USES

## 21A.42.010: PURPOSE STATEMENT:

This chapter is intended to provide general regulations, applicable in all zoning districts, for uses and structures which have only a seasonal or temporary duration, such as uses and structures associated with carnivals and fairs, the Christmas season, or the construction period of a real estate development. (Ord. 26-95 § 2(21-0), 1995)

## 21A.42.020: APPLICABILITY:

This chapter is intended to regulate all temporary uses conducted on private property. Temporary uses of vending carts shall only be allowed in zones where vending carts are allowed as a permitted use and only where the vending carts are associated with an outdoor sales event or special event. Art festivals, neighborhood fairs and other similar activities, authorized by other city regulations to operate on public property or within the public way, are not subject to the provisions of this chapter. (Ord. 23-02 § 2, 2002: Ord. 26-95 § 2(21-1), 1995)

## 21A.42.030: AUTHORITY:

The zoning administrator may authorize temporary uses as defined in chapter 21A.62 of this title, and as hereinafter specified in accordance with the following provisions. (Ord. 26-95 § 2(21-2), 1995)

## 21A.42.040: NO CONTENT BASED DISCRIMINATION:

In applying the provisions of this chapter, the zoning administrator shall not consider the content, except legally prohibited obscenity, of any activity which the applicant claims to be protected by the first amendment to the constitution of the United States or article I, section 15 of the constitution of Utah. Regulation of such constitutionally protected activities by the issuance of temporary use permits for temporary uses shall be limited to time, place and manner, restrictions necessary to protect the legitimate governmental purposes recognized by this title. (Ord. 62-09 § 13, 2009: Ord. 26-95 § 2(21-3), 1995)

## 21A.42.050: PROCESS FOR CONSTITUTIONALLY PROTECTED TEMPORARY USES:

A. Notification To City: If an applicant for a building permit for a temporary use claims that the activity is protected by the first amendment to the constitution of the United States or article I, section 15 of the constitution of Utah, and that the process specified in this chapter for considering the temporary use is insufficiently expeditious or unreasonably burdensome, the applicant shall notify the zoning administrator of the timetable which the applicant claims is necessary to process the application and any burdens which the applicant claims to be unreasonable.

B. Implementation Of Expedited Process: The zoning administrator shall consult with the city attorney and establish an expedited or otherwise modified process for considering the application in a manner and under such schedules as may be necessary to meet any constitutional requirements affording protection to the activity. (Ord. 62-09 § 12, 2009: Ord. 26-95 § 2(21-4), 1995)

## 21A.42.060: TEMPORARY USE PERMIT REQUIRED; SPECIAL STANDARDS FOR ISSUANCE AND REVOCATION:

A temporary use permit is required for temporary uses, in accordance with the following standards set forth below:

A. Application: An application shall be submitted to the zoning administrator. Every application for a temporary use shall include a site plan, traffic plan, including the date,

time, location and anticipated attendance of a temporary event or use, anticipated access routes, ingress and egress for emergency vehicles, and available parking in the vicinity, and the application shall be submitted to the zoning administrator at least thirty (30) calendar days before the scheduled date that the temporary event or use is to take place unless the zoning administrator approves a shorter application deadline.

B. Fees: The application for a temporary use shall be accompanied by the fee shown on the Salt Lake City consolidated fee schedule.

C. Approval: A temporary use permit for a temporary use may be issued by the zoning administrator; provided, that the applicant meets all applicable requirements of this chapter and any other requirements deemed necessary by the zoning administrator to ensure that the temporary use will not have a detrimental impact upon other properties.

D. Basis For Permit Denial: A temporary use permit shall be denied if the zoning administrator determines that the public health, safety or welfare would be impaired, or if the applicant has not adequately addressed traffic and parking issues associated with the proposed use.

E. Conditional Permit: A temporary use permit for a temporary use may be conditioned upon such special requirements as the zoning administrator may determine are necessary to achieve the purposes of this title and to protect the public health, safety and welfare.

F. Revocation Of Permit: A temporary use permit shall be revoked by the zoning administrator pursuant to the procedures of section 21A.08.060 of this title, if any of the standards and conditions imposed pursuant to such permit, are violated.

G. Appeal: Any person adversely affected by a final decision of the zoning administrator may appeal to the appeals hearing officer in accordance with the provisions of chapter 21A.16 of this title. (Ord. 8-12, 2012: Ord. 24-11, 2011)

## 21A.42.070: PERMITTED TEMPORARY USES:

Subject to the specific regulations and time limits and to the other applicable regulations of the zoning district in which the use is permitted, the following temporary uses shall be permitted in the zoning districts specified, upon a finding by the zoning administrator that the parcel upon which the temporary use will be located is adequate in size, that there are adequate parking provisions and traffic access, and that the applicant has agreed to comply with such other conditions as the zoning administrator deems necessary to ensure that the temporary use will not have any material detrimental impact upon other properties:

A. Outdoor Sales Of Plant Products During Spring And Summer: Outdoor sales of plant products during the spring and summer are permitted in the CN, CB, CS, CC, CSHBD, CG, D-2, M-1, M-2, and I districts. Such use shall be limited to a period between April and October. No tree or temporary structure shall be displayed obstructing the "sight distance triangle" as defined in chapter 21A.62 of this title.

B. Christmas Tree And Other Seasonal Item Sales: Christmas tree and other seasonal item sales are permitted in the CN, CB, CC, CS, CSHBD, CG, D-2, D-3, M-1, and M-2 districts. Such use shall be limited to a period not to exceed forty five (45) days, per calendar year. Display of Christmas trees need not comply with the yard requirements of this title. No tree shall be displayed obstructing the "sight distance triangle" as defined in chapter 21A.62 of this title.

C. Festivals, Bazaars, Outdoor Sale Events, Carnivals, Circuses And Other Special Events: Festivals, bazaars, outdoor sale events, carnivals, circuses and other special events are permitted in any commercial, manufacturing, institutional and downtown districts. Such use shall be limited to a period not to exceed fourteen (14) days. Such use

need not comply with the yard requirements of this title except that structures or equipment that might block the view of operators of motor vehicles on any public or private street shall not be located within the "sight distance triangle" defined in chapter 21A.62 of this title. Such use need not comply with the maximum height requirements of this title. The concessionaire responsible for the operation of any such festival, bazaar, outdoor sale event, carnival or circus shall submit at least ten (10) calendar days in advance of the event date a site layout displaying adequate ingress and egress plan for emergency vehicles with no dead end aisles.

D. Farmers' Markets: Farmers' markets are permitted in all commercial districts, except the CN district and in all downtown districts. Such use shall be limited to the period from June through October. Such uses need not comply with the yard requirements of this title except that structures or equipment that might block the view of operators of motor vehicles on any public or private street and shall not be located within the "sight distance triangle" defined in chapter 21A.62 of this title. Such uses need not comply with the maximum height requirements of this title. The person responsible for the operation of any such farmers' market shall submit at least ten (10) calendar days in advance of the event date a site layout displaying adequate ingress and egress plan for emergency vehicles.

E. Movie/Film Locations: Movie/film locations are allowed in all zoning districts subject to the obtaining of a filming permit pursuant to title 3, chapter 3.50 of this code.

F. Tents: Tents smaller than two hundred (200) square feet and canopies smaller than four hundred (400) square feet, associated with a business that is legally licensed as a permanent business or a temporary business as outlined in this chapter, are permitted in all nonresidential districts. No tent shall be allowed to remain for a period of more than two (2) days longer than the period during which the use with which it is associated is allowed to remain, or a maximum of forty five (45) days, per calendar year. Tents larger than two hundred (200) square feet and canopies larger than four hundred (400) square feet, associated with a business that is legally licensed as a permanent business or a temporary business as outlined in this chapter, are permitted in all commercial, manufacturing, downtown and special purpose zoning districts. No tent shall be allowed to remain for a period of more than two (2) days longer than the period during which the use with which it is associated is allowed to remain, or a maximum of forty five (45) days, per calendar year.

The zoning administrator may approve tents or canopies in the commercial, manufacturing, downtown and special purpose zoning districts for a period not to exceed one hundred eighty (180) days, per calendar year, subject to the review and approval or denial of the development review team, if the tent or canopy also meets the parking requirements for the intended use and upon receiving a positive recommendation from the Salt Lake City transportation division, public utilities department, business licensing division, fire department, police department and historic landmark commission (when located within a historic district or on a landmark site).

Unless waived in writing by the zoning administrator, every tent shall comply with the bulk and yard requirements of the district in which it is located.

Tents smaller than two hundred (200) square feet and canopies smaller than four hundred (400) square feet are permitted in all residential districts, without a permit, for personal home use or homeowner hosted function, for a period of not more than fifteen (15) days per calendar year. Tents larger than two hundred (200) square feet and canopies larger than four hundred (400) square feet are permitted in all residential districts, with a fire department permit, for personal home use, for a period of not more than fifteen (15) days. For legal business uses located in a residential district, tents or canopies may be allowed for a period not to exceed forty five (45) days per calendar year, provided that the application for the tent or canopy also meets the parking requirements for the intended use and is supported by a positive recommendation from the Salt Lake City transportation division, public utilities department, business licensing division, fire department, and police department. In addition, when the tent or canopy is proposed to be located in a historic district or on a landmark site, the application must be accompanied by a certificate of appropriateness.

For purposes of this regulation, "canopies" are defined as a tent structure that is open on more than seventy five percent (75%) of its sides.

G. Construction Trailers And Temporary Contractor's Storage Yards: In conjunction with development during the construction period, trailers serving as contractor's offices and temporary on site storage yards for construction materials are permitted. Such facilities shall not be located in any required front yard on the site. When, due to site constraints, location outside of the required front yards is not feasible, the location of such facilities may be approved by the zoning administrator. Temporary construction facilities shall be removed upon the completion of construction.

H. Outdoor Sales Of Fireworks: Outdoor sales of fireworks are permitted in any commercial, manufacturing or the downtown D-2 district from temporary stands or trailers only subject to the requirements of title 18 of this code.

I. Relocatable Offices: Relocatable offices as defined in chapter 21A.62 of this title, are permitted in all zoning districts that permit offices subject to the requirements of title 18 of this code.

J. Bus Shelters, Kiosks And Other Temporary Buildings: Bus shelters, kiosks and other temporary buildings are permitted in all commercial, manufacturing and downtown districts. Such uses shall be limited to a period not to exceed six (6) months. Such facilities shall not be located in any required yard or any required parking area and sales from these facilities shall be prohibited.

K. Snow Cones And Shaved Ice Huts: Snow cone and shaved ice huts are permitted in the CB, CC, CN, CS, CG, CSHBD, M-1, M-2, D-1, D-2, D-3, D-4, G-MU, RP, BP, and MU zoning districts between the dates of May 15 and September 15 of each calendar year. Such facilities shall not be located in any required yard area or any required parking area. Their placement shall not interfere with pedestrian access to other businesses on the site. The building should be located to minimize any light or noise impacts on adjacent residential properties. The temporary buildings shall be limited to: 1) Snowie models: eight (8) or twelve foot (12') kiosk, or 2) Sno Shack models: Sno Shack building, Sno Shack 2000, Sno Shack concession, or 3) equivalent, as determined by the zoning administrator. Inflated signs, banners or other signage exceeding the regulations of the applicable zoning districts are specifically prohibited. (Ord. 28-06 § 1, 2006: Ord. 18-05 § 1, 2005: Ord. 3-04 § 1, 2004: Ord. 61-03 §§ 1, 2, 2003: Ord. 14-00 § 10, 2000: Ord. 35-99 § 65, 1999: Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(21-6), 1995)

## 21A.42.080: BULK AND YARD REGULATIONS:

Except as expressly provided otherwise in section 21A.42.070 of this chapter, every temporary use shall comply with the bulk and yard requirements of the district in which the temporary use is located. (Ord. 26-95 § 2(21-7), 1995)

## 21A.42.090: USE LIMITATIONS:

A. General Limitations: Every temporary use shall comply with the use limitations applicable in the district in which it is located as well as with the limitations made applicable to specified temporary uses by section 21A.42.070 of this chapter.

B. Hours And Days Of Operation: No temporary use shall be operated during any hours or on any days of the week except as designated by the zoning administrator, in the temporary use permit required by section 21A.42.060 of this chapter, on the basis of the nature of the temporary use and the character of the adjacent and surrounding area.

C. Traffic: No temporary use shall be permitted if additional vehicular traffic reasonably expected to be generated by such temporary use would have undue detrimental effects on adjacent and surrounding streets and uses.

D. Sign Limitations: Temporary signs may be permitted in accordance with the procedures and requirements of chapter 21A.46 of this title.

E. Parking: Before approving any temporary use, the zoning administrator shall make an assessment of the total number of off street parking spaces that will be reasonably required in connection with the proposed temporary use, on the basis of the particular use, its intensity, and the availability of other parking facilities in the area. No temporary use shall be authorized that would, in the opinion of the zoning administrator, reduce the amount of required off street parking spaces available for a use in connection with

permanent uses located on the same zoning lot. (Ord. 62-09 § 14, 2009)

# CHAPTER 21A.44
# OFF STREET PARKING AND LOADING

## 21A.44.010: PURPOSE AND SCOPE OF OFF STREET PARKING AND LOADING REQUIREMENTS:

A. Purpose Statement: The requirements of this chapter are intended to promote the orderly use of land and buildings by identifying minimum and maximum standards for accessory parking and loading facilities that will promote safe and convenient vehicular transportation and movement of goods. These requirements are also intended to help lessen traffic congestion and promote public health and welfare through a cleaner environment by reducing the number of vehicle trips. Encouraging nonmotorized transportation and relating parking requirements to the local land use/transportation system are consistent with the objectives of this chapter.

B. Scope Of Regulations: The off street parking and loading provisions of this title shall apply to all buildings and structures erected and all uses of land established after April 12, 1995.

C. Intensification Of Use: When the intensity of any building, structure or premises is increased through the addition of dwelling units, gross floor area, seating capacity, or other units of measurement specified herein for required parking, additional parking shall be provided in the amount by which the requirements for the intensified use exceed those for the existing use.

D. Change In Use: When the use of an existing building or structure is changed to a different type of use, parking shall be provided in the amount required for such new use. However, if an existing building or structure was established prior to the effective date hereof, any increase in required parking shall be limited to the amount by which the new use exceeds the existing use except in the downtown D-1, D-2 and D-3 districts where a change of use shall not require additional parking or loading facilities.

E. Existing Parking And Loading Facilities: If parking and loading facilities are below these requirements, they shall not be further reduced.

F. Voluntary Provision Of Additional Parking And Loading Facilities: The voluntary establishment of off street parking spaces or loading facilities in excess of the requirements of this title to serve any use shall be permitted; provided, that all regulations herein governing the location, design and operation of such facilities are satisfied. For single-family detached dwellings and uses in the downtown D-1 district voluntary additional off street parking spaces or loading facilities are permitted subject to the maximum limits specified in subsections 21A.44.040C1c through C1e of this chapter.

G. Damage Or Destruction: For any conforming or nonconforming use which is involuntarily damaged or destroyed by fire, collapse, explosion or other cause, and which is reconstructed, reestablished or repaired, off street parking or loading facilities in compliance with the requirements of this chapter need not be provided, except that parking or loading facilities equivalent to any maintained at the time of such damage or destruction shall be restored or continued in operation. It shall not be necessary to restore or maintain parking or loading facilities in excess of those required by this title for equivalent new uses or construction.

H. Submission Of A Site Plan: Any application for a building permit shall include a site plan, drawn to scale and fully dimensioned, showing any off street parking or loading facilities to be provided in compliance with this title.

I. Parking Lots With Noncomplying Setbacks: A parking lot existing prior to April 12, 1995, that is noncomplying with respect to landscaped setbacks, may be reconstructed, subject to the following requirements:

1. Compliance with subsection E of this section; and

2. Development shall be reviewed through the site plan review process to consider the feasibility of redesign of parking layout to provide required landscaped setbacks without a reduction in the number of existing parking stalls. (Ord. 60-08 § 2, 2008: Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(22-1), 1995)

## 21A.44.020: GENERAL OFF STREET PARKING REQUIREMENTS:

A. Location Of Parking Spaces: All parking spaces required to serve buildings or uses erected or established after the effective date hereof shall be located on the same lot as the building or use served, except that off site parking spaces to serve nonresidential uses, and as accessory to permitted uses in residential districts, may be permitted in districts which designate off site parking spaces as permitted or conditional uses.

B. Access: All off street parking facilities shall be designed with appropriate means of vehicular access to a street or alley in a manner which will least interfere with traffic movement. Parking lots in excess of five (5) spaces shall be designed to allow vehicles to enter and exit the lot in a forward direction. All vehicular access roads/driveways shall be maintained as hard surface.

C. Utilization Of Required Parking Spaces: Except as otherwise provided in this section, required accessory off street parking facilities provided for uses listed in section 21A.44.060 of this chapter shall be solely for the parking of passenger automobiles of guests, patrons, occupants, or employees of such uses.

D. Parking For Persons With Disabilities: Any parking area to be used by the general public shall provide parking spaces designated and located to adequately accommodate persons with disabilities and these shall be clearly marked as such. Parking spaces for persons with disabilities shall be located in close proximity to the principal building. The designation of parking spaces for persons with disabilities shall constitute consent by the property owner to the enforcement of the restricted use of such spaces to motorists with disabilities by the city. Parking spaces for persons with disabilities shall conform to the standards of the Americans with disabilities act. The number of required parking spaces accessible to persons with disabilities shall be as follows:

| Required Minimum Total In Parking Lot Spaces | | Number Of Accessible Spaces |
|---|---|---|
| | | |
| 1 to 25 | | 1 |
| 26 to 50 | | 2 |
| 51 to 75 | | 3 |

| | | |
|---|---|---|
| 76 to 100 | | 4 |
| 101 to 150 | | 5 |
| 151 to 200 | | 6 |
| 201 to 300 | | 7 |
| 301 to 400 | | 8 |
| 401 to 500 | | 9 |
| 501 to 1,000 | | 2 percent of total |
| 1,001 and over | | 20, plus 1 for each 100 over 1,000 |

E. Off Street Parking Dimensions:

1. The dimensions for parking stalls and associated aisles are established by the transportation division and are set forth in table 21A.44.020 of this section.

2. The following modifications and additions to the dimensions set forth in table 21A.44.020 of this section shall apply:

a. Parking stalls located adjacent to walls or columns shall be one foot (1') wider to accommodate door opening clearance and vehicle maneuverability;

b. Requests for parking angles other than those shown on table 21A.44.020 of this section (including parking angles between 0 degrees and 45 degrees, and between 75 degrees and 90 degrees) may be approved by the city transportation engineer; and

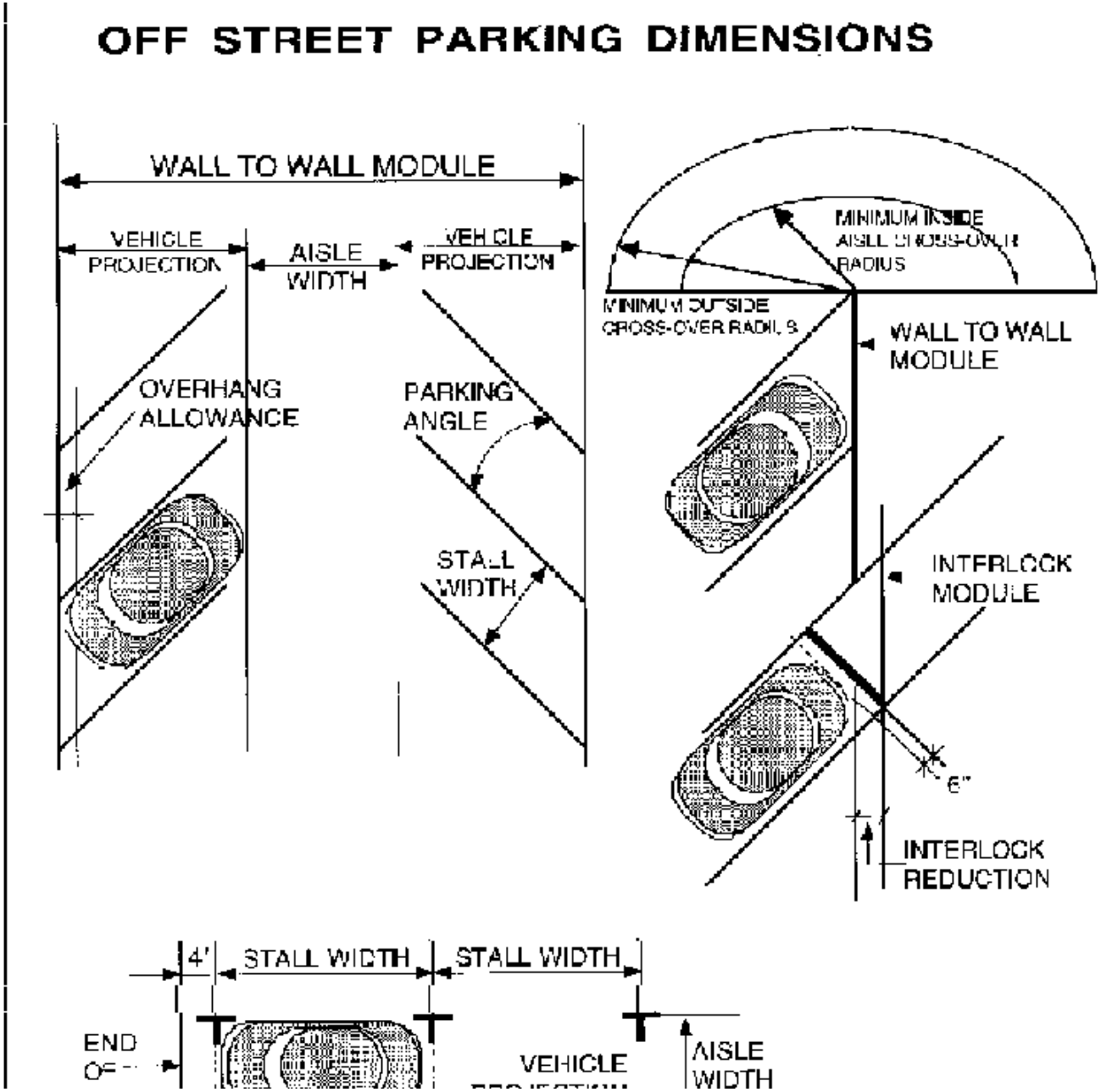
c. If a public alley is used as a parking aisle for single-family dwellings, two-family dwellings or twin homes, additional space shall be required on the lot to provide the full width of aisle as required on table 21A.44.020 of this section. The parking design for all other uses shall not require backing into an alley or right of way.

TABLE 21A.44.020
OFF STREET PARKING DIMENSIONS

| Parking Angle | Stall Width | Vehicle Projection | Aisle Width | Wall To Wall Module Width | Interlock Reduction | Overhang Allowance |
|---|---|---|---|---|---|---|
| 0 | 22'0" | 8'3" | 12'8" | 29'2" | 0'0" | 2'0" |
| 45 | 8'3" | 16'10" | 14'11" | 48'7" | 2'3" | 2'0" |
| 50 | 8'3" | 17'5" | 15'6" | 50'4" | 2'0" | 2'0" |
| 55 | 8'3" | 17'11" | 16'2" | 52'0" | 1'10" | 2'1" |
| 60 | 8'3" | 18'3" | 16'10" | 53'4" | 1'7" | 2'2" |
| 65 | 8'3" | 18'6" | 17'9" | 54'9" | 1'4" | 2'3" |

| | | | | | | |
|---|---|---|---|---|---|---|
| 70 | 8'3" | 18'7" | 18'7" | 55'9" | 1'1" | 2'4" |
| 75 | 8'3" | 18'6" | 20'1" | 57'1" | 0'10" | 2'5" |
| 90 | 8'3" | 17'6" | 24'10" | 59'10" | 0'0" | 2'6" |
| 0 | 22'0" | 8'6" | 11'11" | 28'11" | 0'0" | 2'0" |
| 45 | 8'6" | 16'10" | 14'2" | 47'10" | 2'3" | 2'0" |
| 50 | 8'6" | 17'5" | 14'9" | 49'7" | 2'0" | 2'0" |
| 55 | 8'6" | 17'11" | 15'5" | 51'3" | 1'10" | 2'1" |
| 60 | 8'6" | 18'3" | 16'1" | 52'7" | 1'7" | 2'2" |
| 65 | 8'6" | 18'6" | 17'0" | 54'0" | 1'4" | 2'3" |
| 70 | 8'6" | 18'7" | 17'10" | 55'0" | 1'1" | 2'4" |
| 75 | 8'6" | 18'6" | 19'4" | 56'4" | 0'10" | 2'5" |
| 90 | 8'6" | 17'6" | 24'1" | 59'1" | 0'0" | 2'6" |
| 0 | 22'0" | 8'9" | 10'8" | 28'2" | 0'0" | 2'0" |
| 45 | 8'9" | 16'10" | 13'5" | 47'1" | 2'3" | 2'0" |
| 50 | 8'9" | 17'5" | 14'0" | 48'10" | 2'0" | 2'0" |
| 55 | 8'9" | 17'11" | 14'8" | 50'6" | 1'10" | 2'1" |
| 60 | 8'9" | 18'3" | 15'4" | 51'10" | 1'7" | 2'2" |
| 65 | 8'9" | 18'6" | 16'3" | 53'3" | 1'4" | 2'3" |
| 70 | 8'9" | 18'7" | 17'1" | 54'3" | 1'1" | 2'4" |
| 75 | 8'9" | 18'6" | 18'7" | 55'7" | 0'10" | 2'5" |
| 90 | 8'9" | 17'6" | 23'4" | 58'4" | 0'0" | 2'6" |
| 0 | 22'0" | 9'0" | 9'5" | 27'5" | 0'0" | 2'0" |
| 45 | 9'0" | 16'10" | 12'6" | 46'4" | 2'3" | 2'0" |
| 50 | 9'0" | 17'5" | 13'3" | 48'1" | 2'0" | 2'0" |
| 55 | 9'0" | 17'11" | 13'11" | 49'9" | 1'10" | 2'1" |
| 60 | 9'0" | 18'3" | 14'7" | 51'1" | 1'7" | 2'2" |
| 65 | 9'0" | 18'6" | 15'6" | 52'6" | 1'4" | 2'3" |

| | | | | | | |
|---|---|---|---|---|---|---|
| 70 | 9'0" | 18'7" | 16'4" | 53'6" | 1'1" | 2'4" |
| 75 | 9'0" | 18'6" | 17'10" | 54'10" | 0'10" | 2'5" |
| 90 | 9'0" | 17'6" | 22'7" | 57'7" | 0'0" | 2'6" |



F. Design And Maintenance: Parking lots shall be designed to ensure safe and easy ingress, egress and movement through the interior of the lot. The number of curb cuts onto major roads should be minimized. Shared access driveways between adjacent sites are encouraged. Parking lot islands should be provided on the interior of the parking lot to help direct traffic flow and to provide landscaped areas within such lots.

1. Design Elements: Parking lots shall be designed in accordance with applicable city codes, ordinances and guidelines with respect to:

   a. Minimum distances between curb cuts;

   b. Proximity of curb cuts to intersections;

   c. Provisions for shared driveways;

   d. Location, quantity and design of landscaped islands; and

   e. Design of parking lot interior circulation system.

2. Plan: The design of parking facilities shall be subject to the approval of the development review team and shall conform to the standards developed by the city transportation engineer.

3. Landscaping And Screening: Landscaping and screening shall be provided in accordance with the requirements of chapter 21A.48 of this title.

4. Lighting: Where a parking area or parking lot is illuminated, direct rays of light shall not shine into adjoining property or into a street.

5. Signs: Accessory signs shall be permitted on parking areas in accordance with the provisions specified in chapter 21A.46 of this title.

6. Parking Lot Surface: All open parking areas or lots shall be improved and maintained as hard surface.

7. Driveway Standards:

   a. Driveway Location: In nonresidential districts, the minimum distance between curb cuts shall be twelve feet (12'). In residential districts, driveways shall be six feet (6') from abutting property lines and ten feet (10') from street corner property lines.

   b. Driveway Widths: In front and corner side yards, driveway widths shall not exceed twenty two feet (22') in SR-1 and SR-3 residential districts. In all other districts, the driveways in front and corner side yards shall not exceed thirty feet (30') in width, unless a wider driveway is approved through the site plan review process.

   c. Shared Driveways: Shared driveways, where two (2) or more properties share one driveway access, may be permitted by the development review team.

   d. Circular Driveways: Circular driveways that connect to a driveway extending to a legal parking location shall be constructed of concrete, brick pavers, block or other hard surface material, other than asphalt. The circular driveway shall be situated such that the street front edge is situated parallel to the property line, shall be set back at least fifteen feet (15') from the property line, shall not be wider than twelve feet (12') in width, and shall not be used for overnight parking.

   e. Driveway Surface: All driveways providing access to parking areas or lots shall be improved and maintained as hard surface.

8. Pedestrian Access: All surface parking lots in excess of thirty (30) parking stalls shall provide a clear pedestrian pathway from the parking lot to the entry of the building

or the public sidewalk.

9. Vehicle And Equipment Storage: In CG, M-1, M-2 and EI zoning districts, vehicle and equipment storage may be allowed without hard surfacing as a special exception provided:

a. The lot is used for long term vehicle storage, not for regular parking and/or maneuvering.

b. The vehicles stored are large and/or on tracks that could destroy normal hard surfacing.

c. The parking surface is compacted with six inches (6") of road base and other semihard material with long lasting dust control chemical applied annually.

d. A hard surfaced wash bay is installed to wash wheels to prevent tracking of mud and sand onto the public way.

e. A minimum of fifty feet (50') paved driveway from the public street property line.

f. City traffic engineer's approval.

G. Interpreting Calculation Of Fractional Parking Spaces: When determination of the number of off street parking spaces required by this title results in a requirement of a fractional space, any fraction of less than one-half ($^1/_2$) may be disregarded, while a fraction of one-half ($^1/_2$) or more, shall be counted as one parking space.

Parking space requirements based on the number of employees or users shall be based on the maximum number of employees or users on the premises at any one time.

H. Parking For Low Density Residential Districts: The following restrictions shall apply to single-family detached, single-family attached and two-family dwellings in the FP, FR-1/43,560, FR-2/21,700, FR-3/12,000, R-1/12,000, R-1/7,000, R-1/5,000, SR-1, SR-3 and R-2 districts:

1. Parking on driveways located between the front and corner side lot line and the building line shall not be allowed for satisfying the requirements of section 21A.44.060 of this chapter.

2. The provisions of parking spaces elsewhere on the lot shall conform to the other applicable requirements of this chapter. Requirements for garages shall be as specified in chapter 21A.40 of this title.

3. No parkway shall be used for parking.

4. A maximum of four (4) outdoor parking spaces shall be permitted per lot. Recreational vehicle parking, where permitted, shall be included in this maximum.

5. Parking on an adjacent lot shall be permitted as an accessory use for conforming residential uses, when the accessory lot abuts the principal lot, within FR-1, FR-2, FR-3, R-1/5,000, R-1/7,000, R-1/12,000, R-2, SR-1 and SR-3 zones, subject to the property owner combining the two (2) properties into a single parcel. The term "conforming residential uses", for the purpose of this section, does not include legal conforming two-family and twin homes, nor nonconforming uses.

I. Legalization Of Converted Garages And Associated Front Yard Parking In Residential Zoning Districts: The intent of this section is to facilitate the legalization of attached garages that have been converted to living space without building permits and without replacing parking in a legal location on the lot. Attached garages converted prior to April 12, 1995, including the associated front yard parking, may be legalized subject to obtaining a building permit for all building modifications associated with converting the garage to living space. The building services and licensing division shall inspect the conversion for substantial life safety compliance. Additional requirements include the following:

1. The driveway leading to the converted garage shall not be removed without replacing the same number of parking stalls in a location that is authorized by this title.

2. The driveway shall not be wider than the original garage unless a permit is issued to extend a driveway into the side or rear yard for additional parking. No other portion of the front yard may be used for parking.

3. Parking on the driveway in the front yard is restricted to passenger vehicles only.

J. Special Parking Provisions For The D-1, D-2 Or D-3 District:

1. Intent: The intent of this subsection is to establish short term parking requirements within the Main Street retail core area and to limit required parking increases resulting from a change in use.

2. Applicability: The regulations of subsections J3 and J4 of this section shall apply to parking structures or lots located within, or partially within, the Main Street retail core area, as defined in subsection 21A.30.020G2 of this title. These regulations shall also apply to parking structures or lots established to serve uses located wholly or partially within the area defined in subsection 21A.30.020G2 of this title. The regulations of this subsection shall apply to all uses in the downtown D-1, D-2 and D-3 districts.

3. Short Term Parking Requirements: That number of parking spaces required to serve retail goods or retail service establishments located within the Main Street retail core area shall be designated as short term parking spaces (i.e., for less than one day). These spaces shall be at the retail level (not necessarily the ground level) of a parking structure, or the spaces closest to the retail use shall be designated for short term parking.

4. Change Of Use: Any legally established use in the D-1, D-2 or D-3 district may be changed to any other legal use without providing any additional off street parking, provided that the change of use does not require any expansion to the existing principal structure greater than one thousand (1,000) square feet.

K. Recreational Vehicle Parking: The parking of recreational vehicles shall conform to the standards set forth below:

1. Standards:

a. Recreational vehicle parking spaces shall be in addition to, and not in lieu of, other required off street parking spaces.

b. Recreational vehicle parking is prohibited in the front yard.

c. Recreational vehicle parking is permitted in any enclosed structure conforming to building code and zoning requirements for the zoning district in which it is located.

d. Recreational vehicle parking in side or rear yards may be permitted subject to the following conditions:

(1) Recreational vehicle parking permitted for each residence shall be limited to one motor home or travel trailer and a total of two (2) recreational vehicles of any type;

(2) Recreational vehicles may be parked in the rear yard only on an adequate hard surfaced pad with access provided by either a hard surfaced driveway, hard surfaced drive strips or an access drive constructed of turf block materials with an irrigation system; and

(3) Recreational vehicle parking shall be allowed in side yards only if the rear yard cannot be reasonably accessed, and in a side yard other than the driveway side yard only if the driveway side yard cannot reasonably be used for such additional parking. The existence of a fence or other structure which is not part of a building shall not constitute a lack of rear yard access. Topographical factors, the existence of mature trees or the existence of properly permitted and constructed structures precluding rear yard parking is sufficient to establish a lack of rear yard access.

(4) Side yard parking shall only be permitted subject to the following conditions:

(A) The parking area for the recreational vehicle must be a hard surface of either concrete, asphalt, or turf block;

(B) The recreational vehicle parking space shall not interfere with access to other required parking for the structure;

(C) Access to the recreational vehicle parking from the existing driveway on the property shall have an access taper from the existing driveway and be hard surfaced;

(D) The access or transition area from the existing driveway to the recreational vehicle parking space shall not be used for any parking;

(E) The recreational vehicle parking space shall be screened from the front or street side at the setback line of the existing principal building with a six foot (6') high sightproof fence with a gate for access; and

(F) The recreational vehicle parking space shall be screened on the side yard with a six foot (6') high sightproof fence or equivalent vertical vegetation.

(5) No parked recreational vehicle shall be used for storage of goods, materials or equipment other than those which are reasonably and customarily associated with the recreational vehicle.

(6) All recreational vehicles must be stored in a safe and secure manner. Any tie downs, tarpaulins or ropes must be secured from flapping in windy conditions.

(7) Recreational vehicles shall not be occupied as a dwelling while parked on the property.

L. Off Site Parking Facilities: Off site parking facilities may, in districts where they are specifically allowed as permitted or conditional uses, be used to satisfy the requirements of this title for off street parking, subject to the following requirements:

1. The maximum distance between the proposed use and the closest point of the off site parking facility shall not exceed five hundred feet (500'). However, in the D-1 district, such distance shall not exceed one thousand two hundred feet (1,200').

2. Projects requiring off site, shared, and/or alternative parking in areas of the city where a UI zoning district abuts a D-1 district, the following apply:

a. For a project located within a UI district, the area available for off site, shared, and/or alternative parking shall not exceed five hundred feet (500') within the UI district unless the D-1 district is located within one thousand two hundred feet (1,200'), in which case the area available for off site, shared, and/or alternative parking may extend up to one thousand two hundred feet (1,200') from the project in the direction of the D-1 district;

b. For a project located within a D-1 district, the area available for off site, shared, and/or alternative parking shall not exceed one thousand two hundred feet (1,200'); however, if the UI district is located within one thousand two hundred feet (1,200'), the area available for off site, shared, and/or alternative parking shall not extend into the UI district more than five hundred feet (500');

c. The maximum distance between the proposed use and the off site, shared, and/or alternative parking shall be measured radially from the closest property line of the proposed use to the closest property line of the off site, shared, and/or alternative parking;

d. Parking stalls shall not be counted more than once in off site, shared, and/or alternative parking plans for different facilities, except where different plans comply with off site, shared, and/or alternative parking regulations due to hours of operation, days of usage, or other reasons.

3. Off site parking to support uses in the CB, CN, RB, SNB, MU, R-MU, R-MU-35 and R-MU-45 zones need not comply with the maximum five hundred foot (500') distance limitation, provided the applicant can demonstrate that a viable plan to transport patrons or employees has been developed.

4. Off site parking facilities shall be under the same ownership or leasehold interest as the lot occupied by the building or use to which the parking facilities are accessory. Private possession of off street parking facilities may be either by deed or by long term lease. The deed or lease shall require the owner and/or heirs, successors or assigns to maintain the required number of parking facilities for the duration of five (5) years' minimum contractual relationship. The city shall be notified when the contract is terminated. If for any reason the lease is terminated during the five (5) year minimum contractual period, the lessee shall either replace the parking being lost through the terminated lease, or obtain approval for alternative parking requirements, section 21A.44.030 of this chapter. Pursuant to obtaining a building permit or conditional use permit, documentation of the off site parking facility shall be recorded against both the principal use property and the property to be used for off site parking.

M. Parking Exemptions For Pedestrian Friendly Development:

1. In the CB, CN, RB, SNB, MU, R-MU, R-MU-35 and R-MU-45 zoning districts, businesses may be granted a partial exemption from off street parking requirements if they satisfy the criteria set forth below.

2. For any business that has pedestrian friendly amenities, such as bike racks, baby buggy parking areas, benches or other similar pedestrian oriented amenities, which are located within one hundred feet (100') of the entrance to the business, either on public or private property, the first two thousand five hundred (2,500) square feet of the building area shall be excluded from parking calculations and exempt from parking requirements. Any such pedestrian oriented amenities must be permanently affixed to the property and shall be installed and maintained at the property owner or business owner's expense. Any pedestrian oriented amenities to be located on public property may only be installed pursuant to authorization granted by appropriate city officials, and upon proof of adequate insurance coverage to protect the city from liability.

3. For any business which meets the criteria set forth in subsection M2 of this section, and which also has time limited on street parking of two (2) hours or less ending at six o'clock (6:00) P.M. located within the commercially zoned area and within one hundred feet (100') of the entrance to the business, the first three thousand five hundred (3,500) square feet of the building area shall be excluded from parking calculations and exempt from parking requirements. Any request to change unlimited on street parking to time limited on street parking must be reviewed and approved by appropriate city officials.

4. For any business which meets the criteria set forth in subsection M2 of this section and which also has angular parking spaces which provide traffic calming and provide shorter unprotected crossing distances by narrowing the roadway, and which parking spaces are located within the commercially zoned area and within one hundred feet (100') of the entrance to the business, the first three thousand five hundred (3,500) square feet of building area shall be excluded from parking calculations and exempt from parking requirements. Any request to create angular on street parking spaces where such parking does not now exist, must be reviewed and approved by appropriate city officials.

5. For any business which meets the criteria set forth in subsections M2, M3 and M4 of this section, the first five thousand (5,000) square feet of building area shall be excluded from parking calculations and exempt from parking requirements. (Ord. 59-12, 2012: Ord. 73-11, 2011: Ord. 62-09 § 16, 2009: Ord. 60-08 §§ 3, 4, 2008: Ord. 20-06 § 1, 2006: Ord. 3-05 § 11, 2005: Ord. 35-99 §§ 66 - nbsp;70, 1999: Ord. 30-98 § 6, 1998: Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(22-2), 1995)

## 21A.44.030: ALTERNATIVE PARKING REQUIREMENTS:

Alternative parking requirements may be allowed for certain uses to prevent land from being devoted unnecessarily to parking spaces when other parking solutions respond better to the parking needs of the property, the enjoyment of neighboring property rights and the general neighborhood compatibility. These alternative parking requirements are intended to allow a reduced number of required off street parking stalls when there is documentation that actual parking demand is less than the number required by section 21A.44.060, table 21A.44.060F of this chapter; when special circumstances justify satisfying a portion of a parking requirement by means other than on site parking; or when reduction in required parking spaces is otherwise approved.

A. Types Of Alternative Parking Requirements: In considering a request for alternative parking requirements pursuant to this section the following actions may be taken:

1. Uses For Which An Alternative Parking Requirement May Be Allowed: The zoning administrator may authorize an alternative parking requirement for any use meeting

the criteria set forth in subsection B4 of this section.

2. Modification Of Parking Geometries: The zoning administrator may authorize parking geometry configurations other than those normally required by city code or policy if such parking geometries have been approved, and the reasons therefor explained in writing, by the city transportation engineer.

3. Alternatives To On Site Parking: The zoning administrator may consider the following alternatives to on site parking:

a. Leased parking;

b. Shared parking;

c. Off site parking;

d. An employer sponsored employee vanpool;

e. An employer sponsored public transportation program. (Note: See also subsections 21A.44.020L and 21A.44.060E of this chapter. These alternatives to on site parking are not subject to the alternative parking requirements outlined in this section.)

B. Procedure: All requests for alternative parking requirements shall be processed in accordance with the provisions of chapter 21A.52 of this title.

1. Application: In addition to the materials required by chapter 21A.52 of this title, the applicant for an alternative parking requirement must also submit:

a. A written statement specifying the alternative parking requirement requested and the rationale supporting the application;

b. A professionally prepared parking study for alternative parking requirements requested for unique nonresidential uses and intensified parking reuse;

c. A site plan of the entire alternative parking property drawn to scale at a minimum of one inch equals thirty feet (1" = 30') showing the proposed parking plan.

2. Notice And Hearing: As a special exception, all requests for alternative parking requirements shall require a public notice and a public hearing in conformance with the requirements of chapter 21A.10 of this title.

3. City Internal Review:

a. The zoning administrator shall obtain comments regarding the application from all interested city departments or divisions.

b. The city transportation engineer may, if it determines that the proposal may have an adverse material impact on traffic, require the applicant to submit a professionally prepared traffic impact study prior to the hearing on the application.

c. The zoning administrator may require a professionally prepared parking study where deemed appropriate for applications for unique residential populations and single room occupancy residential uses.

4. General Standards And Considerations For Alternative Parking Requirements: Requests for alternative parking requirements shall be granted in accordance with the standards and considerations for special exceptions in section 21A.52.060 of this title. In addition, an application for an alternative parking requirement shall be granted only if the following findings are determined:

a. That the proposed parking plan will satisfy the anticipated parking demand for the use up to the maximum number specified in table 21A.44.060F, "Schedule Of Minimum Off Street Parking Requirements", of this chapter;

b. That the proposed parking plan does not have a material adverse impact on adjacent or neighboring properties;

c. That the proposed parking plan includes mitigation strategies for any potential impact on adjacent or neighboring properties; and

d. That the proposed alternative parking requirement is consistent with applicable city master plans and is in the best interest of the city.

C. Limitation On Period Of Alternative Parking Requirement: Alternative parking requirements granted pursuant to this chapter do not run with the land and are limited to the conditions under which approval is granted. Any material change in the design or use of any building or structure which increases the demand for parking or any material change in the alternative parking provisions from information provided in the original application shall invalidate and nullify any granted alternative parking requirement. Such material changes may be approved only by the city pursuant to the provisions of this section. The authorization of alternative parking requirement shall survive the sale of the property, and the zoning administrator is authorized to certify such continuation, if the sale makes no material change in the design or use of any building or structure which increases the demand for parking nor makes any material change in the alternative parking provisions from information provided in the original application. (Ord. 60-08 § 5, 2008: Ord. 26-95 § 2(22-3), 1995)

## 21A.44.040: TRANSPORTATION DEMAND MANAGEMENT:

Because the purposes and intent of this title include the lessening of congestion on the streets and roads, as well as generally protecting the public health, safety and welfare, specific standards and regulations are outlined which are intended to reduce traffic congestion and environmental pollution associated with vehicular transportation. The standards and regulations established are intended to be components of an overall transportation demand management plan.

A. Bicycle Parking Requirements: Encouraging the use of bicycles is an important nonmotorized transportation alternative and a component of a transportation demand management program.

1. Required Bicycle Parking Spaces: The minimum number of bicycle parking spaces provided for any use shall be five percent (5%) of the vehicular parking spaces required for such use.

2. Design Standards For Bicycle Parking Spaces: Bicycle parking spaces shall be:

a. Located on the same lot as the principal use;

b. Located to prevent damage to bicycles by cars;

c. In a convenient, highly visible, active, well lighted area;

d. Located so as not to interfere with pedestrian movements;

e. As near the principal entrance of the building as practical;

f. Located to provide safe access from the spaces to the right of way or bicycle lane;

g. Consistent with the surroundings in color and design and incorporated, whenever possible, into buildings or street furniture design;

h. Designed to allow each bicycle to be supported by its frame;

i. Designed to allow the frame and wheels of each bicycle to be secured against theft;

j. Designed to avoid damage to the bicycles;

k. Anchored to resist rust or corrosion, or removal by vandalism;

l. Designed to accommodate a range of bicycle shapes and sizes and facilitate easy locking without interfering with adjacent bicycles.

3. Waiver Of Requirement: If after at least one year from the time that the bicycle parking has been provided to satisfy the requirements of this title, the property owner documents to the zoning administrator that cycling has been promoted within the company and that the bicycle parking provided is not being used in good weather, the zoning administrator shall waive all or part of the bicycle parking requirement.

B. Car Pool Parking Incentives: The following regulations are intended to encourage the use of car pooling to increase vehicle occupancy and reduce traffic volumes and congestion:

1. Applicability: The regulations of this subsection shall apply to all nonresidential buildings or uses constructed after April 12, 1995, that employ one hundred (100) or more people. This shall include multiuse buildings and lots which collectively employ one hundred (100) or more people with buildings constructed after the adoption date of this title, April 12, 1995.

2. Reserved Parking Spaces: Each use subject to the requirements of this subsection shall devote ten percent (10%) of the total number of employee parking spaces for vehicles participating in a car pool program. Car pool parking spaces shall be located to provide superior convenience. The number of employee parking spaces shall be based on one parking stall for each two (2) employees on the highest shift.

3. Submission Of Car Pool Parking Plan: Each use subject to the requirements of this subsection shall submit a plan of the employee parking spaces reserved for car pooling to the development review team for review and approval. The plan shall:

a. Specify the total number of employee parking spaces provided;

b. Indicate the number and location of parking spaces reserved for car pooling; and

c. Include a copy of the car pool program which identifies the individuals participating in the car pool program.

4. Delineation Of Car Pool Parking Spaces: Car pool parking spaces shall be marked by sign or marking on the pavement to identify that the use of the spaces is reserved for the car pool program.

5. Waiver Of Requirement: If after at least one year from the time that the parking stalls reserved for car pooling vehicles have been provided to satisfy the requirements of this title, the property owner documents to the zoning administrator that car pooling has been promoted within the company and that the parking stalls reserved for car pooling vehicles are not being used, the zoning administrator may waive all or part of the car pooling parking requirement.

C. Special Minimum And Maximum Parking For Certain Districts: The regulations of this subsection are intended to reduce traffic volumes, energy consumption, pollution and encourage multi-modal transit in certain zoning districts by reducing the minimum number of parking spaces required, and in some cases, limiting the maximum number of parking spaces allowed. The districts subject to these special controls are districts where alternative forms of transportation exist. The districts subject to these special controls shall be subject to the requirements of section 21A.44.060 of this chapter, only to the extent specifically established in this subsection.

1. D-1 District:

a. Minimum Parking Required; Nonresidential Uses: The minimum number of parking spaces required for nonresidential uses shall be as follows:

(1) No parking is required for the first twenty five thousand (25,000) square feet of floor area.

(2) One space shall be required per one thousand (1,000) square feet of gross floor area in excess of twenty five thousand (25,000) square feet.

b. Minimum Parking Required; Residential Uses: One-half ($^1/_2$) parking space shall be required for each dwelling unit.

c. Parking Allowed; Nonresidential Uses: The number of parking stalls provided for any nonresidential use, other than retail sales and service uses, shall not exceed the amount permitted in the following four (4) phase schedule:

(1) Phase One: No parking maximum is specified. Phase one commences at the adoption date hereof, April 12, 1995, and remains in effect for two (2) years.

(2) Phase Two: Parking maximum ratio of four (4) parking stalls for each one thousand (1,000) square feet of gross floor area. Phase two shall commence at the end of phase one and shall remain in effect for two (2) years.

(3) Phase Three: Parking maximum ratio of three (3) parking stalls for each one thousand (1,000) square feet of gross floor area. Phase three shall commence at the end of phase two and shall remain in effect for two (2) years.

(4) Phase Four: Parking maximum ratio of two and one-half ($2^1/_2$) parking stalls for each one thousand (1,000) square feet of gross floor area. Phase four shall commence at the end of phase three and shall remain in effect permanently from that time.

(5) Phasing Process: The process of enacting phases two, three and four shall include a review and decision process that will involve receiving a recommendation from the city's contract manager of the downtown improvement district, a recommendation from the planning commission and a public hearing before the city council, prior to a final city council decision to enact the next phase. The decision to enact a subsequent phase shall include an analysis of alternative modes of transportation, air quality regulations, land use development, traffic congestion and specifically, the status of the proposed light rail transit system. A subsequent phase shall only be enacted with an affirmative vote by the city council.

d. Maximum Parking Allowed; Retail Sale And Service Uses: The maximum parking for retail sales and service uses shall not exceed four (4) parking stalls for each one thousand (1,000) square feet of gross floor area. Implementation of this maximum parking requirement shall commence two (2) years from the adoption date hereof, April 12, 1995, and shall remain in effect permanently from that time.

e. Maximum Parking Allowed; Residential Uses: The maximum parking for residential uses shall not exceed two (2) parking stalls for each residential unit.

f. Exemption From Maximum Parking: Exemptions from the maximum parking requirements in this subsection C1 may be authorized as a conditional use pursuant to the procedures and standards of chapter 21A.54 of this title. Additionally, the applicant must demonstrate that additional parking is necessary to support a specific land use and that additional on site parking is the most feasible means of supplying the parking demand.

2. R-MU District:

a. For single-family and two-family residential uses in the R-MU district, one parking stall shall be required for each unit. For multiple-family residential uses in the R-MU district, one-half ($^1/_2$) parking space shall be provided for each dwelling unit.

b. Credit for on street parking may be granted, as provided in subsection D of this section.

3. CN And CB Districts:

a. For residential uses in the CN and CB districts, not less than one parking space shall be provided for each dwelling unit.

b. Credit for on street parking may be granted, as provided in subsection D of this section.

4. G-MU, D-3, And D-4 Districts:

a. For residential uses in the G-MU, D-3 and D-4 districts, not less than one parking space shall be provided for each dwelling unit.

b. For buildings that have ten (10) or more residential units with at least twenty percent (20%) of the units as either affordable, senior housing, or assisted living units shall be allowed to have a minimum of one-half ($^1/_2$) of a parking space provided for each dwelling unit.

5. G-MU And D-3 Districts:

a. For nonresidential uses in the G-MU and D-3 districts, no off street parking shall be required for the first five thousand (5,000) square feet of floor area. For all uses with more than five thousand (5,000) square feet, the parking requirement shall be one space per one thousand (1,000) square feet of gross floor area, including the initial five thousand (5,000) square feet.

6. D-4 District:

a. For nonresidential uses in the D-4 district, no off street parking shall be required for the first twenty five thousand (25,000) square feet of floor area. For all uses with more than twenty five thousand (25,000) square feet, the parking requirement shall be one space per one thousand (1,000) square feet of gross floor area, which shall not include the initial twenty five thousand (25,000) square feet.

7. TC-75 District:

a. For nonresidential uses in the TC-75 district, no off street parking shall be required for the first five thousand (5,000) square feet of floor area. For all nonresidential uses with more than five thousand (5,000) square feet, the parking requirement shall be one space per one thousand (1,000) square feet of gross floor area, including the initial five thousand (5,000) square feet.

b. All residential parking requirements listed in table 21A.44.060F of this chapter are reduced by fifty percent (50%) within the TC-75 zoning district.

8. TSA District:

a. There are no minimum off street parking requirements in the core area as identified in section 21A.26.078 of this title.

b. The minimum off street parking requirement in a transition area as identified in section 21A.26.078 of this title shall be equal to fifty percent (50%) of the requirement in section 21A.44.060 of this chapter.

c. The maximum off street parking allowed shall be as follows:

(1) Residential Uses: One stall per dwelling unit in the core area and 1.5 stalls per dwelling unit in the transition area.

(2) All Other Uses: Three (3) stalls for every one thousand (1,000) square feet of net floor space in the core and transition areas.

(3) Mixed Use Developments: The maximum off street parking requirements for mixed use developments shall be calculated based on the above ratios for each different type of use that may occupy the building.

D. Credit For On Street Parking: This subsection is intended to reduce the amount of unnecessary parking spaces and to encourage pedestrian activity as an alternative means of transportation. Credit for on street parking shall be allowed only within the RB, R-MU, CN, CB, CSHBD, D-1, D-2 and D-3 districts. Some or all of the off street parking spaces required in section 21A.44.060 of this chapter may be met by the provision of on street spaces. Such credit shall require the site plan review approval. Requests for on street parking shall meet the following requirements:

1. All on street parking facilities shall be designed in conformance with the standards established by the city transportation engineer;

2. Prior to approving any requests for on street parking, the development review team shall determine that the proposed on street parking will not materially adversely impact traffic movements and related public street functions; and

3. Credit for on street parking shall be limited to the number of spaces provided along the street frontage adjacent to the use. (Ord. 59-10, 2010: Ord. 76-05 § 2, 2005: Ord. 35-99 §§ 71, 72, 1999: Ord. 83-98 § 8, 1998: Ord. 26-95 § 2(22-4), 1995)

## 21A.44.050: PARKING RESTRICTIONS WITHIN YARDS:

A. Regulations, Form Of Restrictions: Within the various chapters of this title, there are regulations that restrict the use of certain yards for off street parking. These regulations can take the form of restrictions against parking in required yards, landscape yard restrictions, or landscape buffer restrictions.

B. Front Yard Parking: Front yard parking may be allowed as a special exception when the rear or side yards cannot be reasonably accessed and it is impossible to build an attached garage that conforms to yard area and setback requirements, subject to the following conditions:

1. The hard surfaced parking area be limited to nine feet (9') wide by twenty feet (20') deep;

2. A minimum twenty foot (20') setback from the front of the dwelling to the front property line exists so that vehicles will not project into the public right of way; and

3. Parking on the hard surfaced area is restricted to passenger vehicles only.

C. Parking Restrictions Within Yards: To make the use of this title more convenient, table 21A.44.050 of this section has been compiled to provide a comprehensive listing of those districts where restrictions exist on the location of parking in yards.

TABLE 21A.44.050
PARKING RESTRICTIONS WITHIN YARDS

| Zoning Districts | Front Yard | Corner Side Yard | Interior Side Yard | Rear Yard |
|---|---|---|---|---|
| Residential districts: | | | | |
| Single/two-family residential districts: FR-1 to SR-1 | Parking not permitted between front lot line and the front wall of the principal building | Parking not permitted between front lot line and the front wall of the principal building | Parking permitted. In the FR districts parking not permitted within 6 feet of interior side lot line | Parking permitted |

| | | | | |
|---|---|---|---|---|
| SR-3 | Parking not permitted | Parking not permitted | Parking permitted | Parking permitted |
| RMF-30 | Parking not permitted | Parking not permitted | Parking not permitted within 10 feet of the side lot line when abutting a single- or two-family district | Parking not permitted within 10 feet of the rear lot line when abutting a single- or two-family district |
| RMF-35 | Parking not permitted | Parking not permitted | Parking not permitted within 10 feet of the side lot line when abutting a single- or two-family district. Parking not permitted within 1 of the side yards of interior lots, except for single-family attached lots | Parking not permitted within 10 feet of the rear lot line when abutting a single- or two-family district |
| RMF-45 | Parking not permitted | Parking not permitted | Parking not permitted within 10 feet of the side lot line when abutting a single- or two-family district. Parking not permitted within 1 of the side yards of interior lots, except for single-family attached lots | Parking not permitted within 10 feet of the rear lot line when abutting a single- or two-family district |
| RMF-75 | Parking not permitted | Parking not permitted | Parking not permitted within 10 feet of the side lot line when abutting a single- or two-family district. Parking not permitted within 1 of the side yards of interior lots | Parking not permitted within 10 feet of the rear lot line when abutting a single- or two-family district |
| RB | Parking not permitted | Parking not permitted | Parking permitted | Parking permitted |
| R-MU-35 | Parking not permitted | Parking not permitted | Parking not permitted within 10 feet of the side lot line when abutting a single- or two-family district. Parking not permitted within 1 of the side yards of interior lots, except for single-family attached lots | Parking not permitted within 10 feet of the rear lot line when abutting a single- or two-family district |
| R-MU-45 | Parking not permitted | Parking not permitted | Parking not permitted within 10 feet of the side lot line when abutting a single- or two-family district. Parking not permitted within 1 of the side yards of interior lots, except for single-family attached lots | Parking not permitted within 10 feet of the rear lot line when abutting a single- or two-family district |

| | | | | |
|---|---|---|---|---|
| R-MU | Parking not permitted within 15 feet of the front lot line | Parking not permitted within 15 feet of the corner lot line | Parking not permitted within 10 feet of the side lot line when abutting a single- or two-family district | Parking not permitted within 10 feet of the rear lot line when abutting a single- or two-family district |
| RO | Parking not permitted | Parking not permitted | Parking not permitted within 10 feet of the side lot line when abutting a single- or two-family district. Parking not permitted within 1 of the side yards of interior lots, except for single-family attached lots | Parking not permitted within 10 feet of the rear lot line when abutting a single- or two-family district |
| Commercial, manufacturing, gateway and downtown districts: | | | | |
| CN | Parking not permitted | Parking not permitted | Parking not permitted within 7 feet of the side lot line when abutting residential district | Parking not permitted within 7 feet of the rear lot line when abutting residential district |
| CB | No yard required. If yard is provided, parking not permitted within 15 feet of the front lot line | No yard required. If yard is provided, parking not permitted within 15 feet of the corner side lot line | Parking not permitted within 7 feet of the side lot line when abutting residential district | Parking not permitted within 7 feet of the rear lot line when abutting residential district |
| CS | Parking not permitted within 15 feet of front lot line | Parking not permitted within 15 feet of corner side lot line | Parking not permitted within 15 feet of the side lot line when abutting residential district | Parking not permitted within 15 feet of the rear lot line when abutting residential district |
| CC | Parking not permitted within 15 feet of front lot line | Parking not permitted within 15 feet of front lot line | Parking not permitted within 7 feet of the side lot line when abutting residential district | Parking not permitted within 7 feet of the rear lot line when abutting residential district |
| CSHBD | Parking not permitted within 7 feet of front lot line | Parking not permitted within 7 feet of corner side lot line | No yard required. If yard is provided, parking not permitted within 7 feet of side lot line when abutting residential district | No yard required. If yard is provided, parking not permitted within 7 feet of rear lot line when abutting residential district |
| CG | Parking not permitted within 10 feet of front lot line | Parking not permitted within 10 feet of side lot line | Parking not permitted within 15 feet of the side lot line when abutting residential district | Parking not permitted within 15 feet of the rear lot line when abutting residential district |
| M-1 | Parking not permitted | Parking not permitted | Parking not permitted within 15 feet of the side lot line when abutting residential district | Parking not permitted within 15 feet of the rear lot line when abutting residential district |
| M-2 | Parking not permitted within 15 feet of front lot line | Parking not permitted within 15 feet of corner side lot line | Parking not permitted within 50 feet of the side lot line when abutting residential district | Parking not permitted within 50 feet of the rear lot line when abutting residential district |

| | | | | |
|---|---|---|---|---|
| D-1 | In block corner areas and Main Street core, structure and surface parking permitted only behind a principal building; in midblock areas, surface parking permitted only behind a principal building and parking structures must have retail goods/service establishments, offices or restaurants on ground floor along the street; no restrictions on underground parking | | Parking permitted | Parking permitted |
| D-2 | Parking permitted | Parking permitted | Parking permitted | Parking permitted |
| D-3[1] | Parking not permitted within 15 feet of front lot line | Parking not permitted within 15 feet of corner side lot line | Parking permitted | Parking permitted |
| D-4 | In block corner areas, structure and surface parking permitted only behind a principal building; in midblock areas, surface parking permitted only behind a principal building and parking structures must have retail goods/service establishments, offices or restaurants on ground floor along the street; no restrictions on underground parking | | Parking permitted | Parking permitted |
| G-MU | In block corner areas, structure and surface parking permitted only behind a principal building; in midblock areas, surface parking permitted only behind a principal building and parking structures must have retail goods/service establishments, offices or restaurants on ground floor along the street; no restrictions on underground parking | | Parking permitted | Parking permitted |
| Special purpose districts: | | | | |
| RP | Parking not permitted | Parking not permitted | Parking not permitted within 30 feet of the side lot line when abutting residential district. Parking not permitted within 8 feet of any side lot line | Parking not permitted within 30 feet of the rear lot line when abutting residential district. Parking not permitted within 8 feet of any rear lot line |
| BP | Parking not permitted | Parking not permitted | Parking not permitted within 30 feet of the side lot line when abutting residential district. Parking not permitted within 8 feet of any side lot line | Parking not permitted within 30 feet of the rear lot line when abutting residential district. Parking not permitted within 8 feet of any rear lot line |
| FP | Parking not permitted | Parking not permitted | Parking not permitted within 6 feet of side lot line | Parking permitted |
| AG | Parking not permitted | Parking not permitted | Parking permitted | Parking permitted |
| AG-2 | Parking not permitted | Parking not permitted | Parking permitted | Parking permitted |
| AG-5 | Parking not permitted | Parking not permitted | Parking permitted | Parking permitted |
| AG-20 | Parking not permitted | Parking not permitted | Parking permitted | Parking permitted |
| A | Parking permitted | Parking permitted | Parking permitted | Parking permitted |

| | | | | |
|---|---|---|---|---|
| PL | Parking not permitted | Parking not permitted | Parking permitted. Parking not permitted within 10 feet if it abuts a residential district | Parking permitted. Parking not permitted within 10 feet if it abuts a residential district |
| PL-2 | Parking not permitted | Parking not permitted | Parking permitted. Parking not permitted within 10 feet if it abuts a residential district | Parking permitted. Parking not permitted within 10 feet if it abuts a residential district |
| I | Parking not permitted | Parking not permitted | Parking not permitted within 15 feet of the side lot line when abutting residential district | Parking not permitted within 15 feet of the rear lot line when abutting residential district |
| UI[2] | Parking not permitted within 15 feet of the front lot line | Parking not permitted within 15 feet of a corner side lot line | Parking permitted. Parking not permitted within 15 feet of lot line when abutting single- and two-family districts | Parking not permitted within 10 feet of the rear lot line. Parking not permitted within 15 feet of lot line when abutting single- and two-family districts |
| OS | Parking not permitted | Parking not permitted | Parking not permitted within 10 feet of the side lot line | Parking not permitted within 10 feet of the rear lot line |
| MH | Parking not permitted | Parking not permitted | Parking not permitted within 20 feet of the side lot line | Parking not permitted within 20 feet of the rear lot line |
| EI | Parking not permitted within 10 feet of the front lot line | Parking not permitted within 30 feet of the corner side lot line | Parking not permitted within 30 feet of the side lot line | Parking not permitted within 20 feet of the rear lot line |
| MU | Parking not permitted | Parking not permitted between front lot line and building line | Parking not permitted within 1 of the side yards of interior lots | Parking permitted |

Notes:
1.Minimum open space of 20 percent lot area may impact parking location.
2.Hospitals in the UI zone: Parking is not permitted within 30 feet of a front and corner side yard, or within 10 feet of an interior side and rear yard.

(Ord. 71-04 § 22 (Exh. E), 2004: Ord. 73-02 § 12 (Exh. E), 2002: Ord. 14-00 § 11, 2000: Ord. 35-99 §§ 73, 74, 1999: Ord. 83-98 § 9 (Exh. E), 1998: Ord. 12-98 § 6, 1998: Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(22-5), 1995)

## 21A.44.060: NUMBER OF OFF STREET PARKING SPACES REQUIRED:

A. Parking Requirement: The number of off street parking spaces provided shall be in accordance with table 21A.44.060F, "Schedule Of Minimum Off Street Parking Requirements", of this section, except that properties located in the D-1 downtown district shall also meet the specific parking requirements for the D-1 downtown district provided in subsection 21A.44.040C of this chapter.

B. Determination Of Required Number Of Parking Spaces For Uses Not Specified Herein: In the event this title does not specify the number of parking spaces for a specific use, the zoning administrator shall determine the number of spaces required. In making this determination, the zoning administrator shall consider the following criteria:

1. The number of parking spaces required for a use listed in table 21A.44.060F of this section that is the most similar to the proposed use in terms of the parked vehicles that are anticipated to be generated;

2. The square footage to be occupied by the proposed use; and

3. The number of employees and patrons that are anticipated for the proposed use.

C. Exemption For Calculation Of Required Parking Spaces: Nonresidential uses in buildings less than one thousand (1,000) square feet and located on a lot in the commercial districts or the downtown districts (D-2 and D-3 only) shall be exempt from the requirement of providing off street parking. The exemption shall be applied to the least generating use on the lot. Only one exemption shall be allowed per lot.

D. Exception To Parking Requirements: The zoning administrator may approve an alternative parking requirement as outlined in section 21A.44.030 of this chapter.

E. Shared Parking: Where multiple uses share the same off street parking facilities, reduced total demand for parking spaces may result due to differences in parking demand for each use during the course of the day. The following schedule of shared parking is provided indicating how shared parking for certain uses can be used to reduce the total parking required for shared parking facilities:

TABLE 21A.44.060E
SCHEDULE OF SHARED PARKING

| | Weekdays | | | Weekends | | |
|---|---|---|---|---|---|---|
| General Land Use Classification | Midnight-7:00 A.M. | 7:00 A.M.-6:00 P.M. | 6:00 P.M.-Midnight | Midnight-7:00 A.M. | 7:00 A.M.-6:00 P.M. | 6:00 P.M.-Midnight |
| College and university | 15% | 100% | 85% | 5% | 50% | 75% |
| Community centers | 0% | 30% | 75% | 0% | 100% | 80% |
| Hotel | 100% | 65% | 100% | 100% | 65% | 100% |
| Office and industrial | 5% | 100% | 5% | 0% | 5% | 0% |
| Place of worship | 0% | 30% | 50% | 0% | 100% | 75% |
| Residential | 100% | 50% | 80% | 100% | 75% | 75% |
| Restaurant | 50% | 70% | 100% | 70% | 45% | 100% |
| Retail | 0% | 100% | 80% | 0% | 100% | 60% |
| Schools, elementary and secondary | 5% | 100% | 75% | 0% | 25% | 10% |
| Theater/entertainment | 5% | 20% | 100% | 5% | 50% | 100% |

1. Determining The Total Requirements For Shared Parking Facilities: For each applicable general land use category, calculate the number of spaces required for a use if it were the only use (refer to the schedule of minimum off street parking requirements). Use those figures for each land use to calculate the number of spaces required for each time period for each use (6 time periods per use). For each time period, add the number of spaces required for all applicable land uses to obtain a grand total for each of the six (6) time periods. Select the time period with the highest total parking requirement and use that total as the shared parking requirement.

F. Use Of Excess Parking And Ride Lots: In zoning districts where park and ride lots are allowed as either a permitted or conditional use, parking in excess of the minimum required may be used for park and ride lot use. Park and ride lots may occupy surplus parking as determined in table 21A.44.060E, "Schedule Of Shared Parking", of this section.

TABLE 21A.44.060F
SCHEDULE OF MINIMUM OFF STREET
PARKING REQUIREMENTS

Each principal building or use shall have the following minimum number of parking spaces:

| | |
|---|---|
| Residential: | |
| Bed and breakfast establishment | 1 parking space per room |
| Congregate care facility | 1 parking space for each living unit containing 2 or more bedrooms<br><br>$^3/_4$ parking space for each 1 bedroom living unit |
| Eleemosynary facility | 1 parking space for each family, plus 1 parking space for every 4 individual bedrooms, plus 1 parking space for every 2 support staff on the busiest shift |
| Fraternity, sorority or dormitory | 1 parking space for each 2 residents, plus 1 parking space for each 3 full time employees. Note: The specific college or university may impose additional parking requirements |
| Group home | 1 parking space per home and 1 parking space for every 2 support staff present during the busiest shift |
| Hotel or motel | 1 parking space for each 2 separate rooms, plus 1 space for each dwelling unit |
| Multiple-family dwellings | 2 parking spaces for each dwelling unit containing 2 or more bedrooms<br><br>1 parking space for 1 bedroom and efficiency dwelling<br><br>$^1/_2$ parking space for single room occupancy dwellings (600 square foot maximum)<br><br>$^1/_2$ parking space for each dwelling unit in the R-MU, D-1, D-2 and D-3 zones |
| Rooming house | 1 parking space for each 2 persons for whom rooming accommodations are provided |

| | |
|---|---|
| Single-family attached dwellings (row house and townhouse) and single-family detached dwellings | 1 parking space for each dwelling unit in the SR-3 zone<br>1 parking space for each dwelling in the D-1, D-2 and D-3 zones<br>2 parking spaces for each dwelling unit in all other zones where residential uses are allowed<br>4 outdoor parking spaces maximum for single-family detached dwellings |
| Transitional treatment home or community correctional facility | 1 parking space for each 4 residents and 1 parking space for every 2 support staff present during the busiest shift |
| Two-family dwellings and twin home dwellings | 2 parking spaces for each dwelling unit |
| Institutional: | |
| Assisted living facility | 1 parking space for each 4 employees, plus 1 parking space for each 6 infirmary or nursing home beds, plus 1 parking space for each 4 rooming units, plus 1 parking space for each 3 dwelling units |
| Auditorium; accessory to a church, school, university or other institution | 1 space for each 5 seats in the main auditorium or assembly hall |
| Daycare, child and adult | 2 spaces per 1,000 square feet of gross floor area |
| Funeral services | 1 space per 4 seats in parlor plus 1 space per 2 employees plus 1 space per vehicle used in connection with the business |
| Homeless shelters | 1 parking space for each employee |
| Hospital | 1.80 parking spaces per hospital bed |
| Places of worship | 1 parking space for each 5 seats in the main auditorium or assembly hall |
| Sanitarium, nursing care facility | 1 parking space for each 6 beds for which accommodations are offered, plus 1 parking space for each 4 employees other than doctors, plus 1 parking space for each 3 dwelling units |
| Schools: | |
| K-8th grades | 1 parking space for each 3 faculty members and other full time employees |
| Senior high school | 1 parking space for each 3 faculty members, plus 1 parking space for each 3 full time employees, plus 1 parking space for each 10 students |
| College/university, general | 1 parking space for each 3 faculty members, plus 1 parking space for each 3 full time employees, plus 1 parking space for each 10 students |
| Vocational/trade school | 1 space per 1 employee plus 1 space for each 3 students based on the maximum number of students attending classes on the premises at any time |
| Recreation, cultural, and entertainment[1]: | |
| Art gallery/museum/house museum | 1 space per 1,000 square feet of gross floor area |

| | |
|---|---|
| Bowling alley | 2 spaces per lane |
| Club/lodge | 6 spaces per 1,000 square feet of gross floor area |
| Dance/music studio | 1 space for every 1 employee |
| Gym/health club/recreation facilities | 3 spaces per 1,000 square feet of gross floor area |
| Library | 1 space per 1,000 square feet of gross floor area |
| Sports arena/stadium | 1 space per 10 seats |
| Swimming pool, skating rink or natatorium | 1 space per 5 seats and 3 spaces per 1,000 square feet of gross floor area |
| Tennis court | 2 spaces per court |
| Theater, movie and live | 1 space per 4 seats |
| Commercial/manufacturing: | |
| Bus facility, intermodal transit passenger hub | 1 space per 2 employees plus 1 space per bus |
| Durable goods, furniture, appliances, etc. | 1 space per 500 square feet of gross floor area |
| General manufacturing | 1 space per 3 employees plus 1 space per company vehicle |
| Radio/TV station | 3 spaces per 1,000 square feet |
| Warehouse | 2 spaces per 1,000 square feet of gross floor area for the first 10,000 square feet plus $^1/_2$ space per 2,000 square feet for the remaining space. Office area parking requirements shall be calculated separately based on office parking rates. |
| Wholesale distribution | 1 space per 1,000 square feet of gross floor area for the first 10,000 square feet, plus $^1/_2$ space per 2,000 square feet of floor area for the remaining space. Office area parking requirements shall be calculated separately based on office parking rates. |
| Retail goods and services[1]: | |
| Auto repair | 1 space per service bay plus 3 stalls per 1,000 square feet for office and retail areas |
| Car wash | 3 stacked spaces per bay or stall, plus 5 stacking spaces for automated facility |
| Drive-through facility | 5 stacking spaces on site per cashier, teller or similar employee transacting business directly with drive-through customers at any given time in addition to the parking required for that specific land use |
| Outdoor display of live plant materials | 1 parking space per 1,000 square feet of display area |
| Outdoor display of merchandise for sale, other than live plant materials | 2 parking spaces per 1,000 square feet of display area |
| Restaurants, taverns and private clubs | 2 spaces per 1,000 square feet gross floor area |

| | |
|---|---|
| Retail goods establishment | 2 spaces per 1,000 square feet gross floor area |
| Retail service establishment | 2 spaces per 1,000 square feet gross floor area |
| Retail shopping center over 55,000 square feet gross floor area | 2 spaces per 1,000 square feet gross floor area |
| Office and related uses: | |
| Financial establishments | 2 spaces per 1,000 square feet |
| General office | 3 spaces per 1,000 square feet gross floor area for the main floor plus $1^1/_4$ spaces per 1,000 square feet gross floor area for each additional level, including the basement |
| Laboratory | 2 spaces per 1,000 square feet of gross floor area for the first 10,000 square feet plus $^1/_2$ space per 2,000 square feet for the remaining space. Office area parking requirements shall be calculated separately based on office parking rates. |
| Medical/dental offices | 5 spaces per 1,000 square feet gross floor area |
| Miscellaneous: | |
| Kennels (public) or public stables | 1 space per 2 employees |
| All other uses | 3 spaces per 1,000 square feet |

Note:
1.Any business classified above as "recreational, cultural, and entertainment" or as "retail goods and services", which meets the requirements of subsection 21A.44.020M of this chapter, shall be entitled to an exemption from the city's off street parking requirements to the extent authorized therein.

(Ord. 27-10, 2010: Ord. 2-09 § 11, 2009: Ord. 60-08 §§ 6, 7, 8 (Exhs. A, B), 2008: Ord. 13-04 § 20 (Exh. I), 2004: Ord. 6-03 § 2 (Exh. B), 2003: Ord. 5-02 § 3, 2002: Ord. 14-00 § 12, 2000: Ord. 35-99 § 75, 1999: Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(22-6), 1995)

## 21A.44.070: GENERAL OFF STREET LOADING REQUIREMENTS:

A. Location: All required loading berths and maneuvering areas shall be located on the same lot as the use served. All motor vehicle loading berths which abut a residential district or an intervening alley, separating a residential district from a business, commercial or industrial district, shall be screened according to the standards contained in chapter 21A.48 of this title.

No permitted or required loading berth shall be located within thirty feet (30') of the nearest point of intersection of any two (2) streets. No loading berth shall be located in a required front yard.

B. Access: Each required off street loading berth shall be designed with appropriate means of vehicular access to a street or alley in a manner which will eliminate or minimize conflicts with traffic movement, and shall be subject to approval by the development review team and the city transportation engineer. Maneuvering and backing space to the loading dock shall be accommodated on site when possible.

C. Utilization Of Off Street Loading Areas: Space allocated to any off street loading use shall not be used to satisfy the space requirements for any off street parking.

D. Size: Unless otherwise specified, a required off street loading berth shall be at least ten feet (10') in width by at least thirty five feet (35') in length for short berths, and twelve feet (12') in width by at least fifty feet (50') in length for long berths exclusive of aisle and maneuvering space. Maneuvering aprons of appropriate width and orientation shall be provided and will be subject to approval by the development review team and the city transportation engineer.

E. Vertical Clearance: All loading areas shall have a vertical clearance of at least fourteen feet (14').

F. Design And Maintenance:

1. Design Of Loading Areas: All loading areas shall be oriented away from adjacent residential or other incompatible uses.

2. Plan: The design of loading areas shall be subject to the approval of the development review team and the city transportation engineer.

3. Landscaping And Screening: Landscaping and screening shall be provided in accordance with the requirements of chapter 21A.48 of this title.

4. Lighting: Any lighting used to illuminate loading areas shall be down lit away from residential properties and public streets in such a way as not to create a nuisance.

5. Cleaning And Maintenance: Except in the industrial (M-1 and M-2), general commercial (CG) and downtown (D) districts, no cleaning or maintenance of loading areas utilizing motorized equipment may be performed between ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M. each day, except for snow removal.

6. Signs: Accessory signs shall be permitted on loading areas in accordance with the provisions specified in chapter 21A.46 of this title.

7. Loading Area Surface: Loading area surfaces shall be hard surfaced and drained to dispose of all surface water and to provide effective drainage without allowing the water to cross the sidewalk or driveway. (Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(22-7), 1995)

## 21A.44.080: SPECIFIC OFF STREET LOADING REQUIREMENTS:

Off street loading facilities for new developments shall be provided at the rate specified for a particular use in table 21A.44.080 of this section. The zoning administrator may waive any off street loading requirement with a recommendation of the development review team.

TABLE 21A.44.080
SCHEDULE OF OFF STREET LOADING REQUIREMENTS

| Use | Gross Floor Area[1] (Square Feet) | Number Of Berths And Size[2,3] |
|---|---|---|
| | | |
| Hotels, institutions and institutional living | 50,000 - 100,000 | 1 short |

| | | |
|---|---|---|
| | Each additional 100,000 | 1 short |
| | | |
| Industrial uses | 5,000 - 10,000 | 1 short |
| | 10,001 - 40,000 | 1 long |
| | 40,001 - 100,000 | 2 long |
| | Each additional 100,000 | 1 long |
| | | |
| Multi-family | 100,000 - 200,000 | 1 short |
| | Each additional 200,000 | 1 short |
| | | |
| Office uses | 50,000 - 100,000 | 1 short |
| | Each additional 100,000 up to 500,000 | 1 short |
| | Each additional 500,000 | 1 short |
| | | |
| Retail/commercial | 25,000 - 40,000 | 1 short |
| | 40,000 - 100,000 | 1 long |
| | Each additional 100,000 | 1 long |

Notes:
1.Gross floor area refers to buildings or structures on premises.
2.Loading dock requirement is cumulative.
3.Berth (loading dock) dimensions:
Short: 10 feet wide x 35 feet deep
Long:  12 feet wide x 50 feet deep

(Ord. 26-95 § 2(22-8), 1995)

# CHAPTER 21A.46
# SIGNS

## 21A.46.010: PURPOSE STATEMENT:

A. Purpose: The regulations of this chapter are intended to:

1. Eliminate potential hazards to motorists and pedestrians by requiring that signs are designed, constructed, installed and maintained in a manner that promotes the public health, safety and general welfare of the citizens of Salt Lake City;

2. Encourage signs which, by their good design, are integrated with and harmonious to the buildings and sites, including landscaping, which they occupy;

3. Encourage sign legibility through the elimination of excessive and confusing sign displays;

4. Preserve and improve the appearance of the city as a place in which to live and to work, and create an attraction to nonresidents to come to visit or trade;

5. Allow each individual business to clearly identify itself and the nature of its business in such a manner as to become the hallmark of the business which will create a distinctive appearance and also enhance the city's character;

6. Safeguard and enhance property values;

7. Protect public and private investment in buildings and open space; and

8. Permit on premises signs as provided by the specific zoning district sign regulations included in this chapter. (Ord. 13-04 § 22, 2004: Ord. 88-95 § 1 (Exh. A), 1995)

## 21A.46.020: DEFINITIONS:

A. Word Usage And Interpretation:

1. In this chapter, the words, terms, phrases and their derivatives shall have the meanings as stated and defined in this chapter.

2. Words not defined in this chapter but defined in chapter 21A.62 of this title, or in the building code as adopted by the city in title 18 of this code, shall have those definitions.

B. Defined Terms: For the purposes of this chapter, sign types and related terms shall be defined as follows:

A-FRAME SIGN: A temporary and/or portable sign constructed with two (2) sides attached at the top allowing the sign to stand in an upright position.

ALTERATION, SIGN: "Sign alteration" means a change or rearrangement of the parts or design of a sign, whether by extending on a side, by increasing in area or height, or the moving from one location or position to another, or adding or deleting words from the copy, or changing the size of the letters or figures comprising the copy. Alterations shall not be interpreted to include changing the text or copy on outdoor advertising signs, theater signs, outdoor bulletin or other similar signs which are designed to accommodate changeable copy.

ANIMATED SIGN: A sign, excluding an electronic changeable copy sign, which involves motion or rotation of any part by mechanical or artificial means or which displays flashing or intermittent lights.

AWNING: A structure constructed of fabric or metal placed so as to extend outward from the building, providing a protective shield for doors, windows and other openings, with supports extending back to the building, supported entirely by the building. The maximum vertical drape of the front valance is limited to one foot (1').

AWNING SIGN: A sign that is painted on or otherwise made part of the awning material. (See figure 21A.46.020 at the end of this section.) Signage is limited to the vertical portions of the awning; the sides and the front valance. No signage shall protrude beyond the vertical face.

BACKLIT AWNING SIGN: A sign made of translucent material with illumination from behind. A backlit awning is considered a form of flat sign and is subject to the regulations thereof.

BALLOON: A temporary sign comprised of an inflated nonporous object filled with air or other gas affixed to a building or lot for the purpose of attracting attention.

BANNER, PUBLIC EVENT: "Public event banner" means a banner pertaining to festivals or events, as permitted in title 3, chapter 3.50 of this code, which is installed as a temporary sign.

BANNER, SECURED: "Secured banner" means a temporary sign intended to be hung on a frame, secured at the top and the bottom on all corners, applied to plastic or fabric of any kind, excluding official flags and emblems of political organizations.

BANNER, UNSECURED: "Unsecured banner" means a temporary sign on plastic or fabric of any kind which is not secured in the manner described in the definition of a "secured banner".

BENCH SIGN: A sign located on the back of a bench.

BILLBOARD (OUTDOOR ADVERTISING SIGN): A form of an off premises sign. A freestanding ground 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. (See figure 21A.46.020 at the end of this section.)

BUILDING FACE: Any single side of a building. Signs regulated by building face can be located on a maximum of four (4) faces of a building.

BUILDING OR HOUSE NUMBERS SIGN: A flat sign which identifies the address of the property.

BUILDING PLAQUE SIGN: A plaque designating names of buildings, occupants and/or date of erection and other items such as architect, contractor, or others involved in the building's creation, cut into or attached to a building surface and measuring no more than four (4) square feet in area, with a maximum six inch (6") projection from the building.

BUILDING SECURITY SIGN: A sign indicating the existence of an electronic or staffed security system on the site or warning against trespass on the site.

BUILDING SIGN: Any sign attached to a building and which is not supported by, or attached to, the ground. Examples of building signs include: awning sign; backlit awning sign; building or house numbers sign; building plaque sign; flat sign; marquee sign; nameplate sign; projecting building sign; roof sign; wall sign; window sign.

CANOPY: A structure constructed of fabric or other material placed so as to extend outward from the building, providing a protective shield for doors, windows and other openings, with supports extending to the ground as well as attached to the building.

CANOPY, DRIVE-THROUGH: "Drive-through canopy" means a freestanding roof structure over drive-through facilities such as a gasoline pump island.

CANOPY, DRIVE-THROUGH, SIGN: "Drive-through canopy sign" means a flat sign that is painted or attached to a drive-through canopy which does not extend above or

below the canopy facade.

CANOPY SIGN: A sign that is painted or otherwise made part of the canopy material. Signage is limited to the vertical portions of the canopy; the sides and the front valance. No signage shall protrude beyond the vertical face.

CLEARANCE (Of A Sign): The smallest vertical distance between the grade beneath the sign and the bottom of the sign, including framework and embellishments, extending over that grade.

CONSTRUCTION SIGN: A temporary sign identifying the contractor, architect, designer or other affiliated organization responsible for the construction of a new project.

DEVELOPMENT ENTRY SIGN: A permanent sign used to identify the main entrance of a development of at least ten (10) acres containing multiple lots and/or multiple (principal) buildings.

DIRECTIONAL OR INFORMATIONAL SIGN (PRIVATE): An on premises sign designed to guide vehicular and/or pedestrian traffic by using such words as "entrance", "exit", "parking", "one-way" or similar directional instruction, and which may include the identification of the building or use, but may not include any advertising message.

DIRECTORY SIGN: A sign on which the names and locations of occupants or the use of a building or property are identified, but which does not include any advertising message.

ELECTRONIC CHANGEABLE COPY SIGN: A sign containing a computer generated message such as a public service, time, temperature and date, or a message center or reader board, where different copy changes of a public service or commercial nature are shown on the same lamp bank or message facility. The term "electronic changeable copy sign" shall not be defined as a type of "animated sign" if the message displayed is fully readable within three (3) seconds.

EXTERNALLY ILLUMINATED SIGN: A sign made legible in the absence of daylight by devices external to the sign which reflect or project light upon it.

FLAG, CORPORATE: "Corporate flag" means a flag identifying the name and/or logo of the business or corporation on the premises where the flag is displayed.

FLAG, OFFICIAL: "Official flag" means a flag of a government or governmental agency.

FLAG, PENNANT: Any geometric shaped cloth, fabric, or other lightweight material normally fastened to a stringer which is secured or tethered so as to allow movement of the sign caused by movement of the atmosphere. A sign, with or without a logo, made of flexible materials suspended from one or two (2) corners, used in combination with other such signs to create the impression of a line.

FLAT SIGN: A sign erected parallel to and attached to the outside wall of a building and extending not more than twenty four inches (24") from such wall, with messages or copy on the face only. (See figure 21A.46.020 at the end of this section.)

FREESTANDING SIGN: A sign supported by one or more upright poles or braces placed in or upon the ground surface and not attached to any building. Examples of freestanding signs are a monument sign and a pole sign.

GARAGE/YARD SALE SIGN: A temporary sign on residential property and used to identify a garage or yard sale on the premises.

GAS PRICE SIGN: An on premises sign advertising the price of gasoline other than the information attached to the gasoline pump.

GAS PUMP SIGN: Price, gallons, octane and other customary information relating to gasoline sales appearing on a gasoline pump.

GOVERNMENT SIGN: Any temporary or permanent sign erected and maintained for any official governmental purpose.

HEIGHT (Of A Sign): The largest vertical distance between the highest point of the sign and the grade of the land beneath the sign. When the land slopes down from the street and the sign is located at the setback line, the height is measured from the adjacent street (top of curb).

HEIGHT, SIGN FACE: "Sign face height" means the maximum vertical distance between the top and the bottom of a sign face.

HISTORICAL MARKER: A type of memorial sign limited in content to the identification of an historical building or structure or the site of an historical event.

ILLEGAL SIGN: Any sign erected after the effective date hereof which does not comply with the provisions of these sign regulations, or a sign that was illegal prior to the adoption of said ordinance, that has not been subsequently legalized.

INTERIOR SIGN: A sign located within the building oriented to the interior space of the building.

INTERNALLY ILLUMINATED SIGN: A sign which has characters, letters, figures, designs or outlines internally illuminated by electric lights, luminous tubes or other means as a part of the sign proper.

KIOSK: A structure which is used for the posting of temporary signs.

LETTER SIGN: A type of flat sign consisting of letters placed directly on the building face.

LOGO: A business trademark or symbol.

MARQUEE: A permanent roofed structure which extends outward from the face of the building and is designed to meet all provisions of the current Salt Lake City adopted building code and other specifications as outlined in this chapter. Where specifications as outlined in this chapter are different from the provisions of the Salt Lake City adopted building code, the more restrictive shall apply.

MARQUEE SIGN: A sign attached to a marquee. (See figure 21A.46.020 at the end of this section.)

MEMORIAL SIGN: A sign acknowledging a person, place, event or structure.

MONUMENT SIGN: A freestanding sign whose sign face extends to the ground or to a base. (See figure 21A.46.020 at the end of this section.)

NAMEPLATE SIGN: A sign indicating the name and/or occupation of a person or persons residing on the premises or legally occupying the premises, or indicating a home occupation legally existing on the premises.

NEIGHBORHOOD IDENTIFICATION SIGN: A sign located in the public right of way which identifies the name of a particular neighborhood.

NEON PUBLIC PARKING SIGN: A standardized parking identification/entry sign as shown in figure 21A.46.020 of this section that is approved under contract with the Salt Lake City transportation division. The sign may be attached to a building as a projecting sign or stand alone as a freestanding sign.

NEW DEVELOPMENT SIGN: A temporary sign used to identify a new development being constructed.

NONCONFORMING SIGN: Any sign or structure or portion thereof which was lawfully erected in compliance with applicable regulations of the city and maintained prior to April 12, 1995, and which fails to conform to the sign regulations of this chapter and all other applicable standards and restrictions of this title.

OFF PREMISES SIGN: A sign which directs attention to a business, commodity, service, entertainment or attraction sold or offered at a location other than the premises on which the sign is erected.

ON PREMISES SIGN: A sign which directs attention to a business, commodity, service, entertainment or attraction sold or offered on the premises on which the sign is erected.

OPEN AIR MALL: A building or buildings that are designed to function like a traditional shopping mall, but do not have a ceiling or roof.

OUTDOOR ADVERTISING SIGN: See definition of "Billboard (Outdoor Advertising Sign)".

PARK BANNER SIGN: A banner hung from either an existing light pole standard or on a pole erected specifically for the purpose of accommodating a banner. A park banner sign includes verbiage and/or design that relates to either a permanent venue within a park or provides a means of identifying the specific park itself. A "park banner sign" does not include any banner that contains verbiage or symbols that relate to or otherwise identify a temporary event.

POLE SIGN: A freestanding sign other than a monument sign, erected and maintained on a mast(s) or pole(s) and not attached to any building. (See figure 21A.46.020 at the end of this section.)

POLITICAL SIGN: A temporary sign advertising a candidate or candidates for public elective office or soliciting votes in support of or against any proposition or issue at any general, primary, special, school or any other election decided by ballot or a temporary sign expressing political opinion.

PORTABLE SIGN: A temporary sign not permanently anchored or secured to either a building or the ground, but usually anchored or secured to a trailer, vehicle (where the primary purpose of the vehicle is to advertise) or frame capable of being moved from place to place.

PREMISES: A lot with its appurtenances and buildings that functions as a unit.

PROJECTING BUILDING SIGN: A sign attached to a building or other structure whose sign face is displayed perpendicular or at an angle to the building wall.

PROJECTING BUSINESS STOREFRONT SIGN: A sign attached to a building or other structure whose sign face is displayed perpendicular or at an angle to the building wall. Said signs shall contain only the name of the business and/or associated corporate logo.

PROJECTING PARKING ENTRY SIGN: A sign attached to a building or other structure whose sign face is displayed perpendicular or at an angle to the building wall. Said signs shall contain only the words or symbol signifying the entry to a parking lot or structure.

PUBLIC SAFETY SIGN: A sign designed to warn people of potentially dangerous or hazardous situations. Forms of public safety signs include: traffic safety signs, electrical hazard warnings, geologic hazard markers, etc.

REAL ESTATE SIGN: A temporary sign related to the property upon which it is located and offering such property for sale or lease.

ROOF SIGN: A sign erected on the roof of a building and constructed so as to appear as an extension of the building facade. (See figure 21A.46.020 at the end of this section.)

SHOPPING CENTER IDENTIFICATION SIGN: A pole, monument or flat sign used to identify a shopping center development consisting of two (2) or more stores. A shopping center identification sign may include electronic or other changeable copy.

SIGN: An object, device or structure, or part thereof, situated outdoors or indoors which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images. The term "sign" shall include the sign structure, supports, lighting system and any attachments, ornaments or other features used to attract attention. The term "sign" does not include the flag or emblem of any nation, organization of nations, state, county, city; or works of art which in no way identify a product or business logo.

SIGN FACE: That part of the sign that is or can be used to identify, to advertise, to communicate information, or for visual representation which attracts the attention of the public for any purpose. The term "sign face" includes any background or surrounding material, panel, trim or ornamentation, color and direct or self-illumination that differentiates the sign from the building, structure, backdrop surface or object upon or against which it is placed. The term "sign face" does not include any portion of the support structure for the sign; provided, that no message, symbol or any of the previously described elements of a sign face is placed on or designed as part of the support structure. See subsection 21A.46.070W of this chapter.

SIGN FACE AREA: The surface of the sign face. (See figure 21A.46.020 at the end of this section.)

SIGN GRAPHICS: Any lettering, numerals, figures, designs, symbols or other drawings or images used to create a sign.

SIGN MAINTENANCE: The maintenance of a sign in a safe, presentable and good condition including the replacement of defective parts, repainting, cleaning, and other acts required for the maintenance of the sign.

SIGN MASTER PLAN AGREEMENT: An agreement outlining sign criteria to be used on private property but not oriented to a public street. The criteria should include, but is not limited to, the discussion of types, sizes and materials of construction of signs.

SIGN STRUCTURE OR SUPPORT: Any structure that supports or is capable of supporting a sign, including decorative cover.

SNIPE SIGN: A sign for which a permit has not been obtained which is attached to a public utility pole, service pole, supports for another sign or fences, trees, etc.

SPECIAL EVENT SIGN: A temporary sign accessory to a use that identifies special events or activities. A special event sign shall not include real estate signs, garage/yard

sale signs or other types of accessory signs.

STADIUM: A confined but open air facility designed to accommodate athletic events or other large gatherings.

STOREFRONT: A face of a building fronting on a street or having public pedestrian access.

TEMPORARY SIGN: Any exterior sign, banner, pennant, valance or advertising display constructed of paper, cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without light frames, intended to be displayed for a short period of time. Examples of temporary signs include: an A-frame sign; balloon; secured banner; unsecured banner; public event banner; garage/yard sale sign; political sign; real estate sign; special event sign.

VEHICULAR SIGN: A sign on a vehicle which is visible from the public right of way where the primary purpose of the vehicle is not to advertise a product or to direct people to a business.

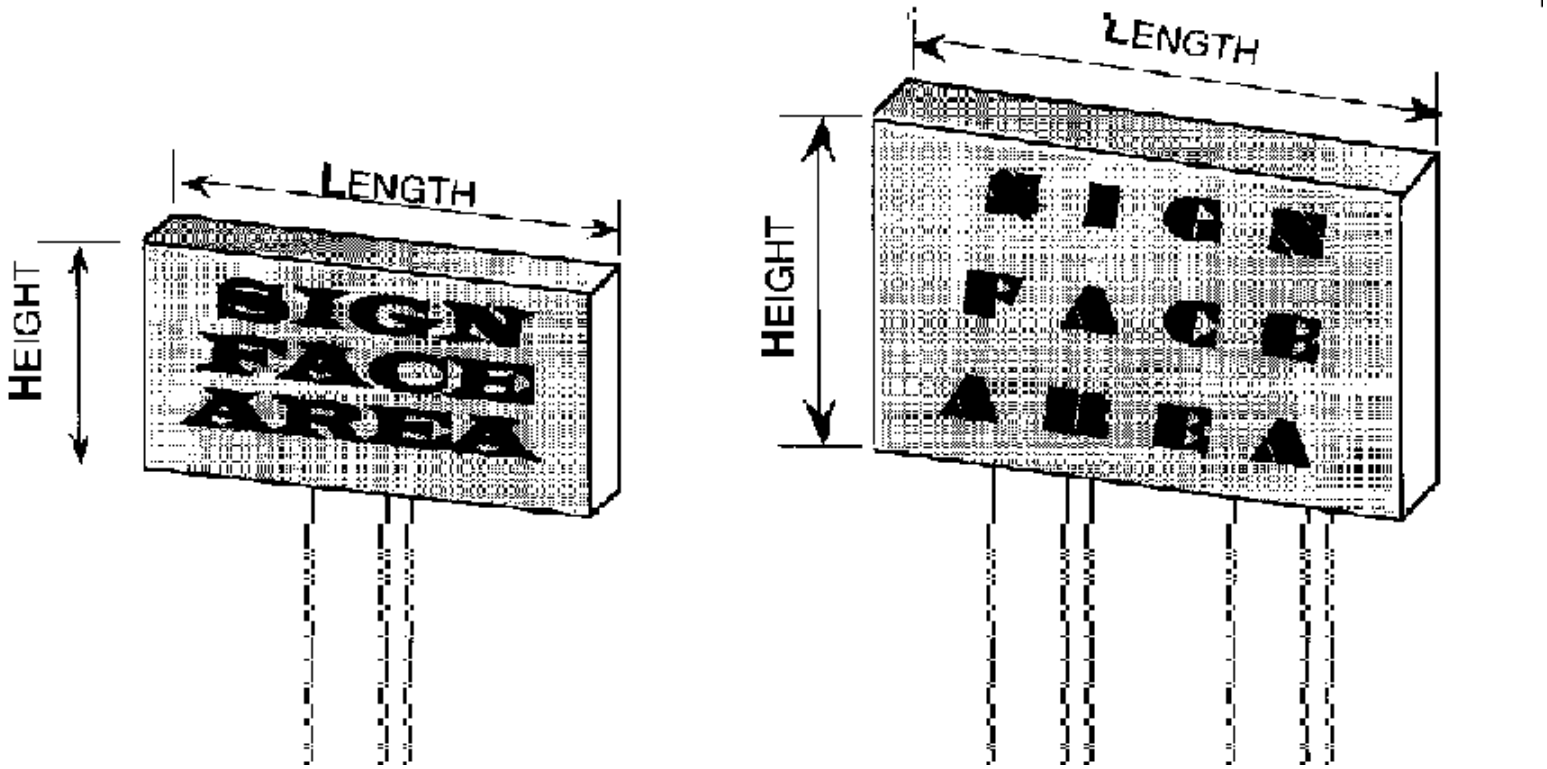
VENDING MACHINE SIGN: Any sign fastened to or painted to a vending machine which directly relates to the product contained in the machine.

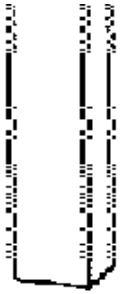
VISIBLE: Capable of being seen, whether or not any item of information is legible, without visual aid, by a person of normal visual acuity.

WALL SIGN: A sign that is painted on a building wall containing the name of the business and/or its logo.

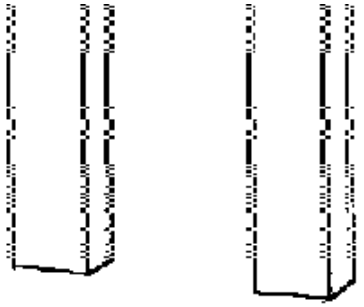
WINDOW SIGN: A sign inside of or attached to the interior of a transparent glazed surface (window or door) oriented to the outside of the building. A display window that does not include signs shall not be considered a sign.

FIGURE 21A.46.020
SIGN FACE AREA MEASUREMENT



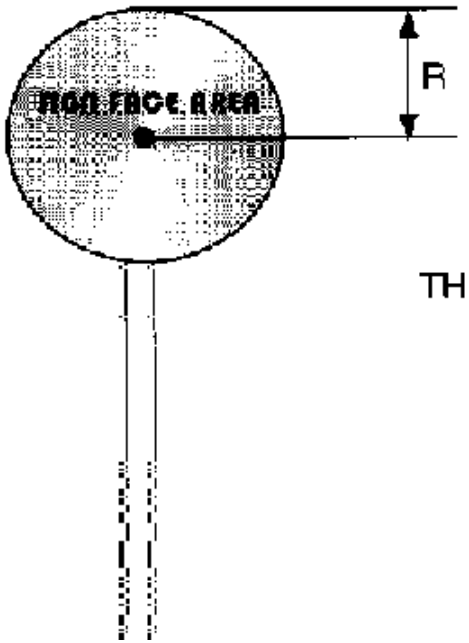


POLE SIGN
SINGLE SUPPORT



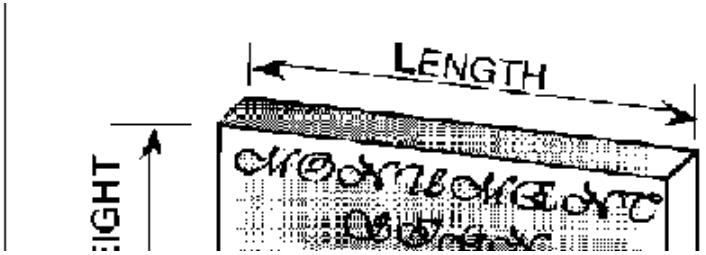
POLE SIGN
MULTIPLE SUPPORT

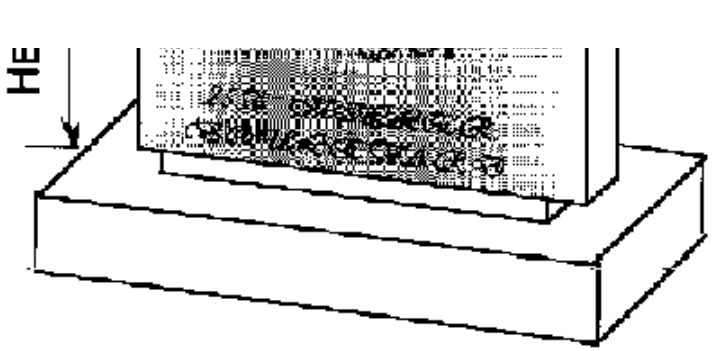
THE SIGN FACE AREA ON A SQUARE POLE SIGN IS THE LENGTH X THE HEIGHT



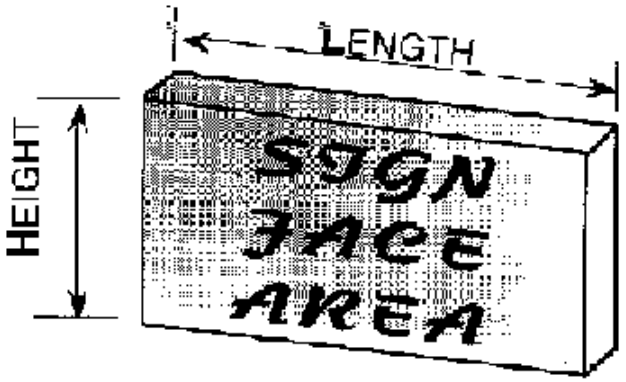

THE SIGN FACE AREA ON A ROUND SIGN IS :

SIGN FACE AREA = 3.14 $R^2$

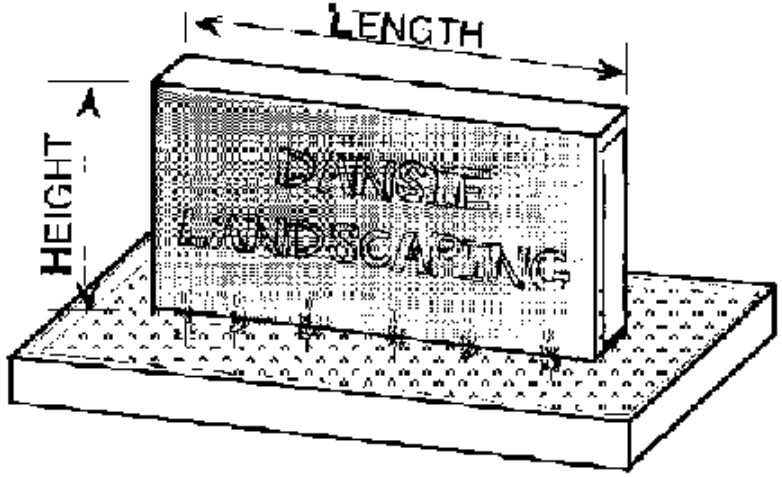




MONUMENT SIGN ON
PEDESTAL BASE

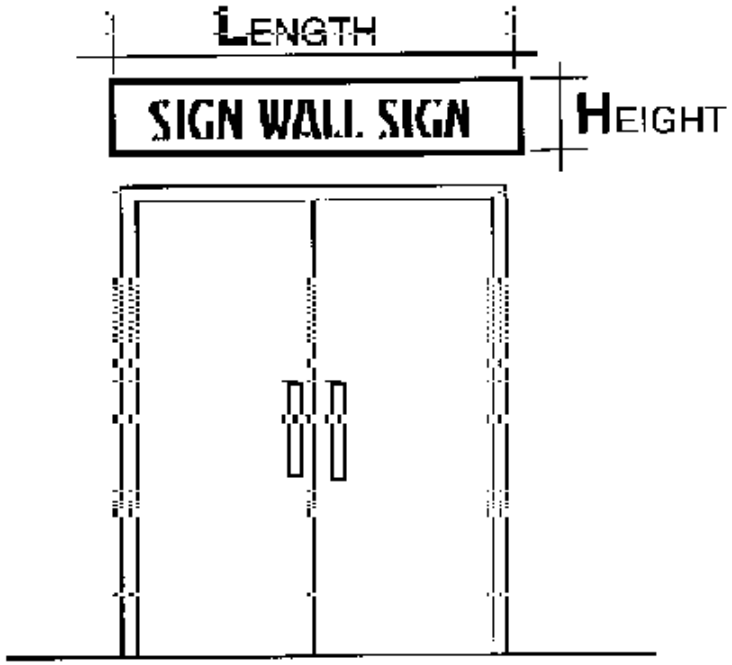



**THE SIGN FACE AREA ON A MONUMENT SIGN IS THE LENGTH X THE HEIGHT**



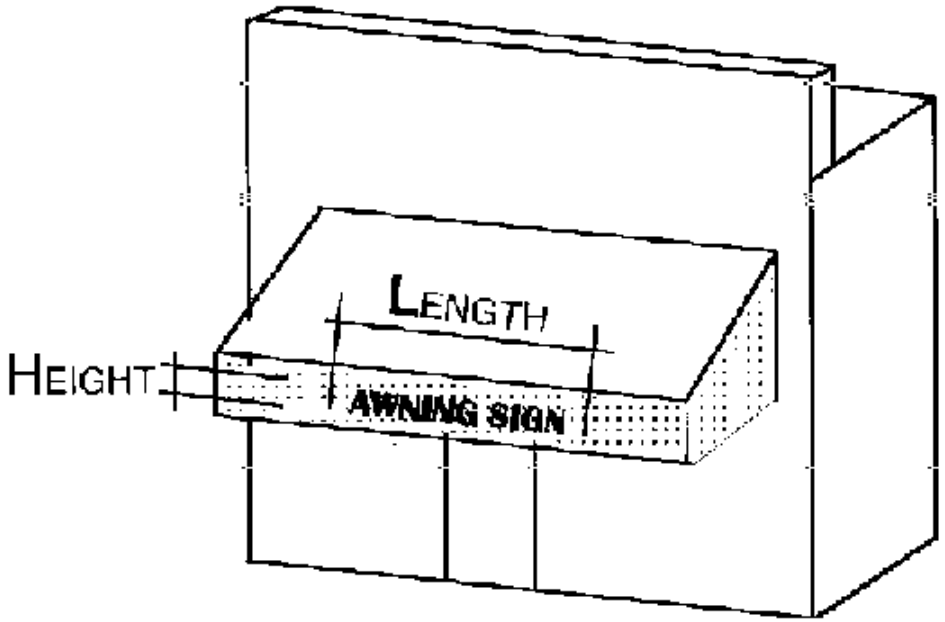

MONUMENT SIGN ON
PLANTER BASE

# WALL SIGN



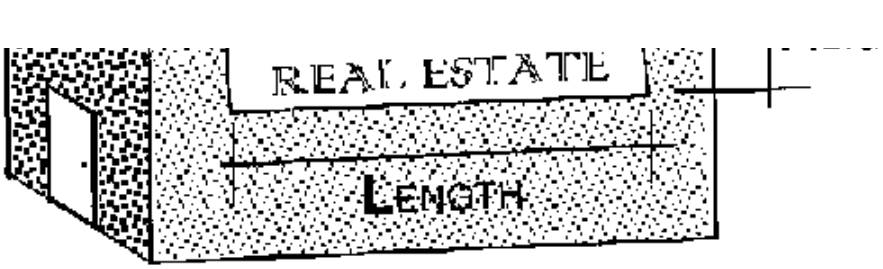

**ALL SIGNS :**
**SIGN FACE AREA = LENGTH X HEIGHT**

# AWNING SIGN

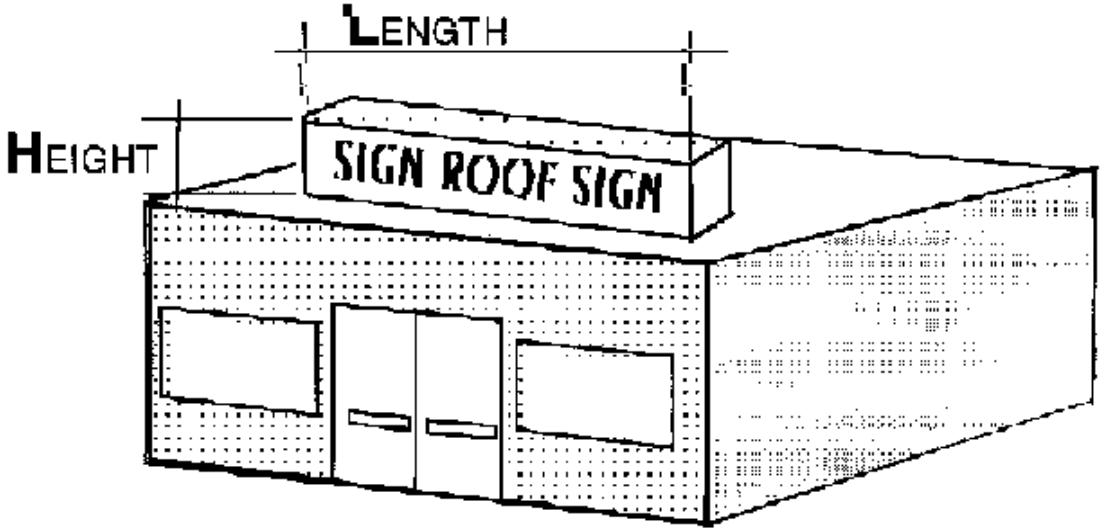



SIGNS ON AWNINGS MAY ONLY FACE PARALLEL OR PERPENDICULAR TO THE BUILDING [SHADED AREAS]

# FLAT SIGN

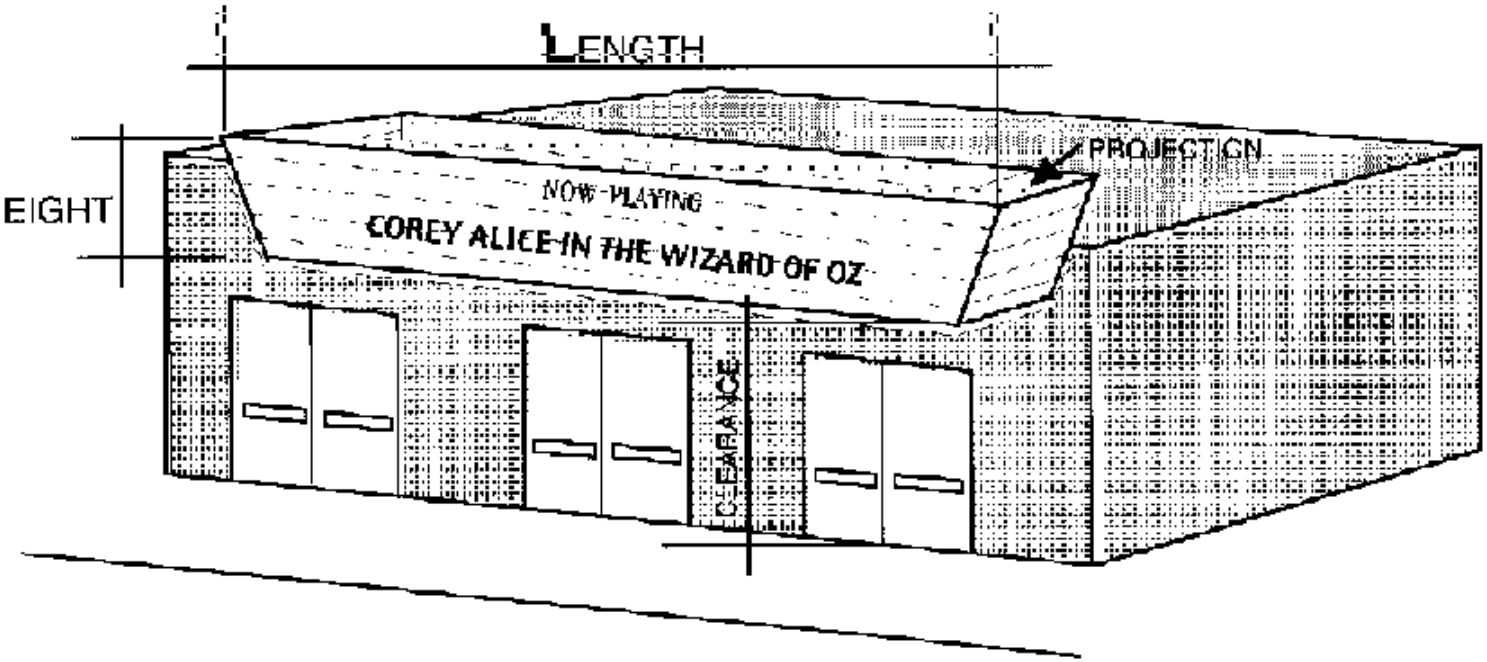


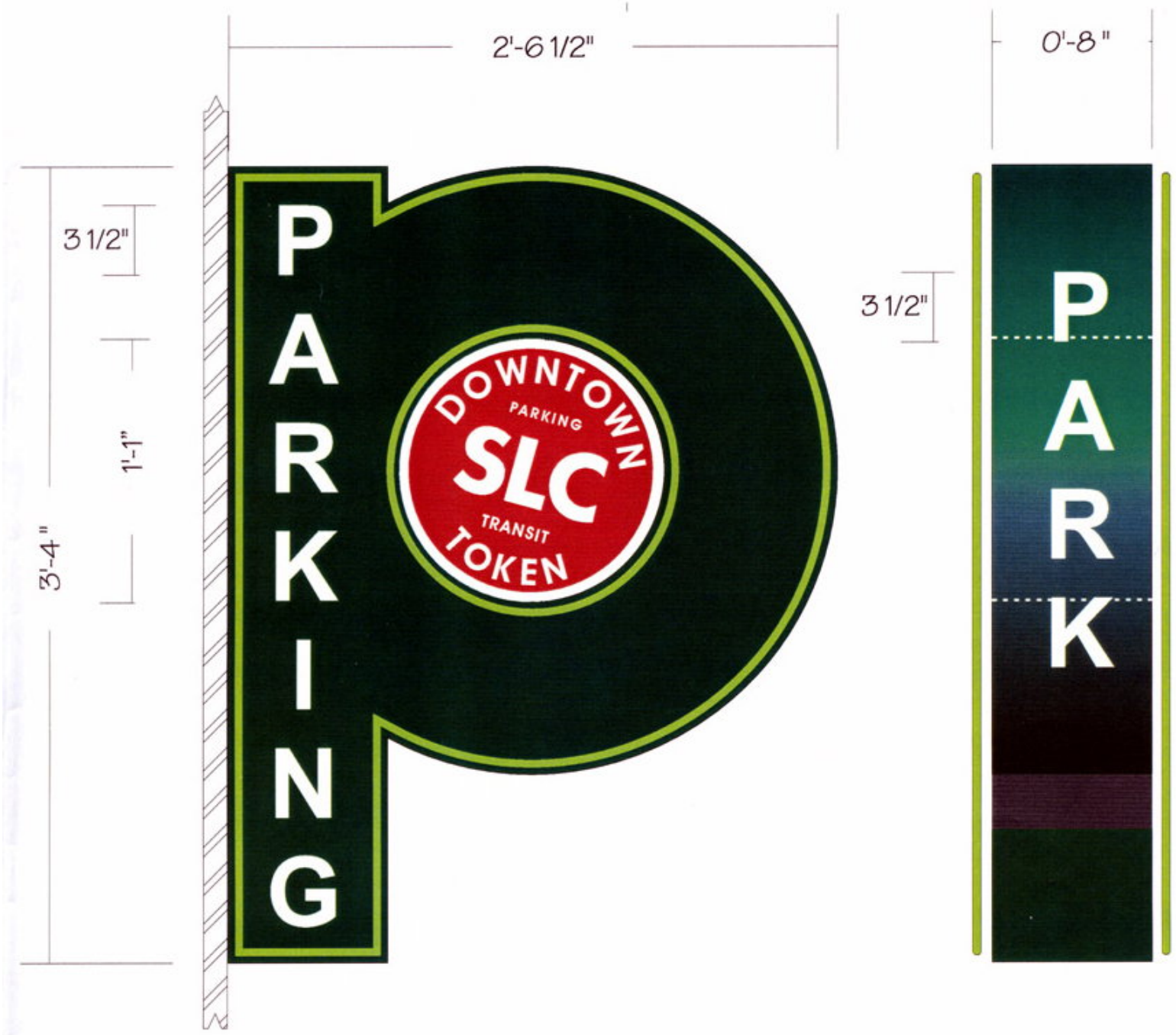

# ROOF SIGN




**ALL SIGNS :**
**SIGN FACE AREA = LENGTH X HEIGHT**

# MARQUEE SIGN






(Ord. 61-11, 2011: Ord. 63-06 § 2, 2006: Ord. 79-05 § 1, 2005: Ord. 67-04 §§ 1, 2 (Exh. A), 2004: Ord. 13-04 § 21, 2004: Ord. 61-00 §§ 1, 2, 2000: Ord. 53-00 § 1, 2000: Ord. 88-95 § 1 (Exh. A), 1995)

## 21A.46.030: GENERAL SIGN PERMIT REQUIREMENTS:

A. Sign Permit Required: Except where exempted by the provisions of this chapter, it is unlawful for any person to erect, construct, enlarge, locate or alter any sign or change the text of any on or off premises sign within the city contrary to any provisions of this chapter without first obtaining a sign permit from the building official. No sign shall be erected, constructed, reconstructed, located or altered until the site plan for such sign has been approved and a sign permit issued by the building official. Such permits shall be issued only to state licensed contractors unless specifically exempted by the state.

B. Application Requirements: All applications for sign permits shall be accompanied by a site plan and an elevation drawing. The site plan shall be in duplicate on a minimum eight and one-half by eleven inch ($8^1/_2$ x 11") paper. The site plan information shall be drawn to scale and dimensioned, and shall convey sufficient information so that the zoning administrator can determine whether the proposed sign will conform with the provisions of this chapter and the applicable provisions of the Salt Lake City building code.

1. Site Plan Drawing Requirements: The site plan drawing shall show the size of the sign and its location with relationship to the following features of the site:

   a. Property lines;

   b. Existing and proposed buildings or other structures;

   c. Barrier curbs;

   d. Parking areas;

   e. Landscaped areas; and

   f. "Clear view" areas on corners, driveways or intersections.

2. Elevation Drawing Requirements: Specifically, the elevation drawing shall show the following information:

   a. Type of sign;

   b. Sign location in relation to nearest property line;

   c. Sign face design if an on premises sign;

   d. Sign height;

   e. Sign face area; and

   f. Illumination specification.

C. Sign Permit Fee Required: The sign permit applicant shall pay the fee shown on the Salt Lake City consolidated fee schedule.

D. Plan Checking Fee: A plan checking fee shown on the Salt Lake City consolidated fee schedule shall be paid to the building official for every sign permit issued. Where plans are incomplete, or changed so as to require additional plan checking, an additional plan checking fee may be charged at the rate shown on the Salt Lake City consolidated fee schedule.

E. Inspection Tag Fee: An inspection tag fee shown on the Salt Lake City consolidated fee schedule shall be paid to the building official for each inspection tag issued.

F. Double Fee Required: In the event that work is started prior to obtaining a permit, the fee for a sign permit may be doubled. The payment of such double fee shall not relieve any persons from fully complying with the requirements of this chapter in the execution of the work, nor from any other penalties prescribed herein.

G. Expiration Of Application: An application for which no permit is issued within thirty (30) days following the date of application shall expire and plans submitted for checking may thereafter be destroyed by the zoning administrator. The zoning administrator may extend the time for action by the applicant for a period not exceeding a total of ninety (90) days from the date of application upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan checking fee.

H. Insurance Required For Structures And Signs Overhanging Public Property: No structure or sign overhanging public property shall be erected, reerected, located or relocated or enlarged or modified structurally, or change ownership, without first receiving the approval of the city property manager and submitting a certificate of insurance as specified by the Salt Lake City attorney's office. Information concerning insurance requirements is available at the office of the zoning administrator.

I. Permission Required For Signs And Marquees On Or Over Public Right Of Way: Except for portable signs authorized pursuant to section 21A.46.055 of this chapter, signs, marquees and other structures encroaching on or over the public sidewalk or on or over a public right of way shall obtain permission from the city pursuant to the city's rights of way encroachment policy. (Ord. 24-11, 2011)

## 21A.46.040: EXEMPT SIGNS:

The following signs and sign related activities are exempt from all regulations in this chapter, subject to the following provisions:

A. Building Or House Numbers Sign: One building or house numbers sign per street address as long as the sign is not more than two (2) square feet in area.

B. Building Plaque Sign: One building plaque sign per address.

C. Building Security Sign: Building security signs whose sign faces are no more than one square foot in area and limited to no more than four (4) building security signs per lot.

D. Flag, Official: An official flag which does not project over a property line.

E. Gas Pump Sign: Gas pump sign.

F. Gasoline Price Signs: Gasoline price signs not exceeding fifty (50) square feet as long as they comply with all other applicable provisions of this title. These are permitted in

addition to the maximum size limits listed in the sign regulations tables for each zoning district.

G. Interior Sign: Interior sign.

H. Political Sign: Political signs with a face of sixteen (16) square feet or less subject to maintaining a five foot (5') setback.

I. Public Event Banner[1]: Public event banner.

J. Public Safety Signs: As long as they are no more than six (6) square feet in area.

K. Routine Maintenance Of Sign: Routine sign maintenance or changing of lettering or parts of signs designed to be regularly changed.

L. Vending Machine Sign: Vending machine sign.

M. Murals: All or any portion of painted artwork which would not constitute a sign under this chapter.

N. Portable Signs: Portable signs as authorized pursuant to section 21A.46.055 of this chapter. (Ord. 5-05 § 2, 2005: Ord. 78-03 § 2, 2003: Ord. 53-00 § 2, 2000: Ord. 88-95 § 1 (Exh. A), 1995)

## 21A.46.050: SIGNS EXEMPT FROM PERMITS AND PERMIT FEES:

Signs legally existing on or before April 12, 1995, shall be exempt from the sign permit fee. All signs listed in section 21A.46.040 of this chapter, except gasoline price signs which are in compliance with all provisions of this chapter, are exempt from permits and permit fees. Nameplates, garage sale and real estate signs, which are in compliance with all provisions of this chapter, are also exempt from permits and permit fees. (Ord. 35-99 § 76, 1999: Ord. 88-95 § 1 (Exh. A), 1995)

## 21A.46.052: SIGNS EXEMPT FROM SPECIFIC CRITERIA EXCEPT FEES AND PERMITS:

Signs within open air malls, stadiums or other enclosed spaces that do not have a roof, but are otherwise physically confined and separated from the public street right of way are required to obtain sign permits and pay fees to ensure public safety and compliance with the city's building code. Such signs are subject to sign ordinance regulations unless a sign master plan agreement was specifically considered as part of a planned development as outlined in chapter 21A.55 of this title or was specifically authorized through the conditional building and site design review process as outlined in chapter 21A.59 of this title. The sign master plan agreement shall only be authorized for signage within the open air mall or stadium that is not oriented to the public street. Signage oriented to a public street or to a surface parking lot is specifically not exempt from sign ordinance requirements and not subject to modification through a sign master plan agreement. (Ord. 23-10 § 15, 2010)

## 21A.46.055: TEMPORARY PORTABLE SIGNS:

Pursuant to the terms and conditions set forth in this section, attended portable signs shall be allowed on public property in residential/business (RB), residential/mixed use (R-MU), neighborhood commercial (CN), community business (CB), community shopping (CS), corridor commercial (CC), Sugar House business (CSHBD), general commercial (CG), light manufacturing (M-1), heavy manufacturing (M-2), central business (D-1), downtown support (D-2), downtown warehouse/residential (D-3), downtown secondary central business (D-4), gateway-mixed use (G-MU) and business park (BP) zoning districts.

A. Size: The maximum size of such portable signs shall not exceed three feet (3') in height and two feet (2') in width on a sidewalk. Illumination and other attached decorations or objects on such signs are prohibited.

B. Location: Within the zoning districts identified above, any person may display a freestanding portable sign on the city owned right of way (sidewalk or park strip) but not in the roadway. Signs may not be attached to any utility poles, traffic signs, newsracks or any other item or fixture in the public way. The usable sidewalk space must remain unobstructed. Unobstructed sidewalk space must be at least ten feet (10') wide on Main Street between South Temple and 400 South; and where available, eight feet (8') wide in the D-1, D-3, D-4 and G-MU districts. In all other applicable areas a minimum of six feet (6') of unobstructed space is required. In addition, any portable sign may not be placed in any location that would obstruct any ADA accessible feature.

C. Construction: All portable signs must be built so as to be reasonably stable and to withstand expected wind and other weather elements.

D. Attended Portable Signs: An "attended portable sign" is a portable sign placed by a person who, either in person or through a representative, at all times while the sign is in the public right of way, remains either: 1) within twenty five feet (25') of the sign or 2) on the first floor of a building whose front entrance is within twenty five feet (25') of the sign or which has windows providing a view of the portable sign from within the building. Salt Lake City reserves the right to request the removal or relocation of a portable sign to accommodate construction activity within the public right of way.

Portable signs that are attended by a representative shall be permitted only on the "block face" (as defined in section 21A.62.040 of this title) on which the business being advertised is located and on up to two (2) block faces intersecting and contiguous with the block face on which such business is located, provided that the portable sign is located within a zoning district which permits said signs. Within the downtown and gateway zoning districts, a "block face" shall be defined as all of the lots facing one side of a street between two (2) intersecting collector and/or arterial streets. (Ord. 85-06 § 1, 2006: Ord. 5-05 § 3, 2005: Ord. 78-03 § 3, 2003)

## 21A.46.060: SIGNS SPECIFICALLY PROHIBITED IN ALL ZONING DISTRICTS:

The following exterior signs, in addition to all other signs not expressly permitted by this chapter, are prohibited in all zoning districts and shall not be erected:

A. Animated signs excluding public service signs;

B. Any snipe sign;

C. Balloons;

D. Bench signs;

E. Portable signs, except where specifically permitted by district sign regulations;

F. Signs overhanging the property line other than signs that are permitted under the sign regulations applicable to each zoning district;

G. Signs which are structurally unsafe, hazardous or violate the uniform building code or the fire code;

H. Signs located near streets which imitate or are easily confused with official traffic signs and use words such as "stop", "look", "danger", "go slow", "caution" or "warning", except where such words are part of the name of a business or are accessory to parking lots;

I. Painted signs which do not meet the definition of wall signs; and

J. Pennant flags. (Ord. 61-11, 2011)

## 21A.46.070: GENERAL STANDARDS:

A. Construction Standards:

1. Applicable Regulations: All signs erected in the city after April 12, 1995, shall comply with the current standards of the national electrical code, and adopted building code, all provisions of this chapter and any other applicable provisions of this title or other applicable regulations.

2. Engineering Required: All sign permit applications for freestanding signs shall be engineered to conform with the applicable provisions of the adopted building code and, where required by the building official, shall be accompanied by an engineering drawing stamped and signed by a structural engineer licensed by the state attesting to the adequacy of the proposed construction of the sign and its supports.

B. Ownership Shown On Signs: The name of the sign owner and sign erector of all signs shall be in plain and public view. Signs not carrying such an imprint will be presumed to be owned by the owner of the property on which the sign is located.

C. Clearance Between Sign And Ground: A minimum clearance of ten feet (10') shall be provided between the ground and the bottom of any pole, projecting sign or flag.

D. Signs Not To Constitute A Traffic Hazard: No sign shall be erected along any streets in such a manner as to obstruct free and clear vision; or at any location where by reason of its position, shape, color or words, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device or block visibility for driveway ingress or egress. (See also subsection 21A.46.060B of this chapter.)

E. Repair Of Building Facades: A building facade damaged as the result of the removal, repair, replacement or installation of any signs shall be repaired by the property owner within thirty (30) calendar days from the date of the damage.

F. Maintenance Of Signs: Every sign shall be kept in good maintenance and repair. The ground space within a radius of ten feet (10') from the base of any freestanding sign shall be kept free and clear of all weeds, rubbish and flammable material. The building official shall inspect and enforce this section pursuant to the provisions of section 21A.46.150 of this chapter.

G. Sign Removal: Signs identifying a discontinued use on the property shall be removed from the property within thirty (30) calendar days of the time the use was discontinued.

H. Moving To New Location: No sign erected before April 12, 1995, shall be moved or enlarged or replaced unless it be made to comply with provisions of this chapter.

I. Lights And Lighted Signs: No spotlight, floodlight or lighted sign shall be installed in any way which will permit the rays of such sign's light to penetrate beyond the property on which such light or lighted sign is located in such a manner as to constitute a nuisance. Signs alleged to be a nuisance, by reason of light, by the neighboring property owners or tenants shall be subject to the zoning administrator's review to consider the validity of the nuisance complaint. If the sign is determined to be a nuisance, by reason of light, by the zoning administrator, the owner of the sign shall be required by the zoning administrator to take the appropriate corrective action.

J. Height And Elevation Of Building Signs: The height and elevation of building signs shall conform with the following provisions:

1. Awning Signs: Awning signs shall not be located above the second floor level of the building.

2. Flat Signs: Flat signs may extend a maximum of two feet (2') above the roofline or parapet wall of the building on which they are located.

3. Marquee And Canopy Signs: Marquee and canopy signs shall not be located above the main entry level of the premises.

4. Nameplates: Nameplates shall not be located above the first floor level of the building.

5. Projecting Building Signs: A projecting building sign shall not exceed the top of the vertical building wall on which it is located.

6. Projecting Business Storefront Signs: A projecting business storefront sign shall be located at the main pedestrian entry level of the building.

7. Projecting Parking Entry Signs: A projecting parking entry sign shall be located at the parking entry level of the building.

8. Roof Signs: The height of the sign face of roof signs shall not exceed twenty percent (20%) of the height of the building or ten feet (10'), whichever is less.

9. Wall Signs: Wall signs may extend to the top of the vertical building wall.

10. Window Signs: In the RB, RO, R-MU, CN and CB districts only, window signs shall not be located above the first floor. In other districts where window signs are allowed, they may be located on all floors.

11. Outdoor Television Monitor: Shall not be located above the second floor of the building.

K. Signs On Public Property: Except for portable signs authorized pursuant to section 21A.46.055 of this chapter, no sign shall be located on publicly owned land or inside street rights of way, except signs erected by permission of an authorized public agency.

L. Extension Of Building Signs: The following building signs shall be allowed to extend beyond the face of buildings or structures in conformance with the following provisions:

1. Flat Signs: A flat sign, with no copy visible from the sides, may extend a maximum of two feet (2') from the face of the building, even when the extension extends over the public right of way, subject to the city's right of way encroachment policy.

2. Projecting Building Signs: Projecting building signs may extend a maximum of six feet (6') from the face of the building but shall not extend over a public right of way, except in the D-1 and D-4 zones as allowed in section 21A.46.110 of this chapter.

3. Awning/Canopy And Marquee Signs: As authorized in other sections of this chapter.

M. Roof Signs: Roof signs shall conform to the following standards:

1. The height of the sign face of roof signs shall not exceed twenty percent (20%) of the height of the building or ten feet (10'), whichever is less;

2. No guywires, braces or secondary supports visible from the ground shall be used;

3. Roof signs shall be designed to appear as extensions of the exterior building wall as shown in figure 21A.46.020 of this chapter or be located on the elevator/mechanical penthouse or, on buildings taller than one hundred feet (100'), may be located on blank walls at the highest inhabitable level; and

4. Roof signs shall not exceed the maximum permitted height for the zoning district in which it is located.

N. Marquees: Marquees designed to project over public property shall:

1. Frontage Requirement: Extend across a major portion of the building entrance.

2. Height Limitation: Be located on the main entry level of the premises.

3. Thickness: Have a vertical face height or cross section dimension not exceeding three feet (3').

4. Clearance: Have a clearance of at least ten feet (10') above the sidewalk.

5. Projection: Extend a maximum of twelve feet (12') from the face of the building but must not project closer than two feet (2') to the back of the curb.

6. Location: Be so located as not to interfere with the operation of any exterior standpipe or to obstruct the clear passage of stairways or exits from the building.

7. Shelter: In order to provide pedestrian shelter, a marquee shall have its first six feet (6') of projection form a rectangle with the sides ninety degrees (90°) to the building face and the plane at least six feet (6') from the building parallel with the front property line. The remaining projection of the marquee can assume a configuration compatible with the architecture of the building.

O. Marquee Signs: Signs attached to an approved marquee, as specified in subsection N of this section, may extend over public property a maximum of twelve inches (12") from the face of the marquee. Copy is allowed on the sides of the marquee. Signs placed within or below the ceiling of a marquee shall not extend beyond the marquee face and shall be placed within the vertical plane of the marquee. Within a commercial or downtown district, a permanent sign or letters may be attached to the top of, or fascia of, or within or below the ceiling of an approved marquee, subject to the following standards:

1. Vertical Dimension: Overall vertical dimensions of the combined sign and marquee shall not exceed five feet (5').

2. Height Of Sign: The height of the sign or letters shall not exceed two feet (2').

3. No Side Copy: Signs attached to marquees shall have no copy on the side portion of the sign.

4. Clearance: Signs attached to marquees shall maintain the minimum ten foot (10') clearance required for the marquee.

P. New Development Sign: New development signs shall be permitted during construction through initial occupancy of ninety five percent (95%) of floor space for a nonresidential development and through ninety five percent (95%) initial unit occupancy for a residential development. New development signs shall be removed upon two (2) years of use, regardless of the level of occupancy. See sections 21A.46.080, 21A.46.090, 21A.46.100, 21A.46.110 and 21A.46.120 of this chapter for zoning district limitations on size, height and location of new development signs.

Q. Temporary Signs: Temporary signs shall comply with the following standards:

1. Required Setback: All temporary signs shall be set back five feet (5') from all property lines, except where displayed as building signs on buildings set back less than five feet (5') or where the sign setback is otherwise specified in this title.

2. Display Period And Removal: Temporary signs shall be permitted in accordance with the standards set forth below for display period and removal, unless specified otherwise in this title:

| Sign Type[1] | Display Period | Removal Required 3 Days After |
|---|---|---|
| Construction impact area mitigation sign | Per city guidelines[2] | Per city guidelines[2] |
| Construction sign | Duration of construction | Completion |
| Garage/yard sale sign | 2 sales per year (7 days maximum per sale) | End of sale |
| Political sign | No limit | Election/voting day |
| Public event banner (on public property) | Per city guidelines | Per city guidelines |
| Real estate sign | Duration of listing | Closing/lease commencement date |
| Special event | Duration of event | End of event |
| Vacancy sign | Duration of vacancy | Date of lease or of purchase and sale contract |

Notes:
1.See sections 21A.46.080, 21A.46.090, 21A.46.100, 21A.46.110 and 21A.46.120 of this chapter for zoning district limitations on the size, height and location of temporary signs.
2.See section 21A.46.180, "Construction Impact Area Mitigation Signs", of this chapter.

R. Flags Of Fraternal, Religious Or Civic Organizations: Flags of fraternal, religious and civic organizations are permitted as on premises signs, but shall not exceed thirty (30)

square feet in area.

S. Official Flags: Official flags shall not project over a property line, except within the D-1 and D-4 zoning districts, where official flags are allowed to project up to eight feet (8') across the property line, but not within two feet (2') of the curb line. The pole support must be attached directly to the building and located so that all portions of the flag clear the pedestrian level of the building. Flags shall not interfere with street trees, light poles, utility lines, etc., and shall maintain a ten foot (10') clearance from the sidewalk.

T. Freeway Height Exception: The height of on premises pole signs located on properties adjacent to I-15, I-80, I-215 and the 2100 South Expressway (State Route 201) may be increased to a height of twenty five feet (25') above the pavement grade of the adjacent freeway if the sign is freeway oriented and located within three hundred feet (300') of the freeway.

U. Freeway Frontage: Freeways shall be considered street frontage for signage purposes. Pole and monument signs approved on freeway frontage shall be limited to seventy five percent (75%) of the maximum size allowed for the zone. Reduced size pole and monument signs shall be interchangeable with other pole and monument signs on the same site.

V. Historic District Signs: The historic landmark commission may authorize, as a special exception, modification to an existing sign or the size or placement of a new sign in a historic district or on a landmark site if the applicant can demonstrate that the location, size and/or design of the proposed sign is compatible with the design period or theme of the historic structure or district and/or will cause less physical damage to the historically significant structure.

W. Sign Area Determination: Sign face area square footage shall be determined as follows:

1. Flat Signs (Excluding Letter Signs And Backlit Awnings) And Wall Signs: The entire surface of the sign face shall be measured.

2. Backlit Awnings And Letter Signs: A polygon, not to exceed eight (8) sides, shall be drawn around the copy area to enclose as nearly as possible the space covered by the copy.

3. All Signs: Words, symbols, letters, images, logos and all other designs that are intended to convey a message shall be included in calculating the sign face area. Colors, stripes and other designs that are not intended to convey a message shall not be included. (Ord. 73-11, 2011: Ord. 62-09 § 2, 2009: Ord. 77-08 § 1, 2008: Ord. 5-05 § 4, 2005: Ord. 13-04 § 23, 2004: Ord. 78-03 § 4, 2003: Ord. 62-03 § 1, 2003: Ord. 61-00 §§ 3 _ 6, 2000: Ord. 53-00 § 4, 2000: Ord. 88-95 § 1 (Exh. A), 1995)

## 21A.46.075: NEON PUBLIC PARKING SIGNS:

Neon public parking signs are permitted under contract with the Salt Lake City transportation division as part of the neon public parking sign program provided they comply with section 21A.46.030 and subsections 21A.46.070A through I of this chapter. Neon public parking signs are not regulated by the specific zoning district sign regulations and are not limited by, nor do they limit the number of signs otherwise allowed in a zoning district. Neon public parking signs shall comply with the following:

A. Location: Neon public parking signs are permitted on, or near, parking facilities allowed as permitted or conditional uses in nonresidential zoning districts within the area bound by 200 North Street, 300 East Street, 900 South Street, and I-15; and the area bound by 200 North, I-15, 600 North, and 200 West.

B. Dimensions And Design: Neon public parking signs shall be dimensioned and designed as shown in figure 21A.46.020 of this chapter.

C. Height And Elevation: The height and elevation of neon public parking signs shall conform to the following provisions:

1. Projecting Neon Public Parking Signs: A projecting neon public parking sign shall be located at the parking entry level of the building.

2. Freestanding Neon Public Parking Signs: A minimum clearance of ten feet (10') shall be provided between the ground and the bottom of the sign face of the neon public parking sign. A neon public parking sign shall not exceed fifteen feet (15') in height.

D. Minimum Setback: No minimum setback shall be required for neon public parking signs. Neon public parking signs encroaching on or over the public right of way shall obtain permission from the city pursuant to the city's rights of way encroachment policy.

E. Number Of Neon Public Parking Signs Permitted: Neon public parking signs are limited to one per driveway or parking lot entry.

F. Neon Public Parking Signs On Public Property: The Salt Lake City transportation and engineering divisions may approve neon public parking signs, with any necessary support structure, on publicly owned land or on public rights of way pursuant to the city's rights of way encroachment policy. All necessary building and electrical permits must be obtained for the sign.

G. Neon Public Parking Signs In Historic Districts: A neon public parking sign proposed in a historic preservation overlay district, or on a structure or site listed on the Salt Lake City register of cultural resources, shall require review and approval by the historic landmark commission or Salt Lake City planning director or designee in accordance with section 21A.34.020 of this title. (Ord. 67-04 § 3, 2004)

## 21A.46.080: SIGN REGULATIONS FOR RESIDENTIAL DISTRICTS:

The following regulations shall apply to signs permitted in the residential districts. Any sign not expressly permitted by these district regulations is prohibited.

A. Sign Regulations For Single-Family And Two-Family Residential Districts:

1. Purpose: Signage in the single-family and two-family residential districts should be used for purposes typically accessory to single-family and two-family residential use and which do not impact neighboring residences. The sign regulations of these districts are intended to limit the type, number, size and duration of signage permitted in single-family or two-family residential districts in order to prevent the creation of nuisances and impacts on the use and enjoyment of surrounding residential property.

2. Applicability: Regulations in subsection A3 of this section shall apply to districts which are either entirely or predominantly single-family residential in character. The districts that shall be subject to these regulations are the FR-1, FR-2, FR-3, R-1/12,000, R-1/7,000, R-1/5,000, R-2, SR-1 and SR-3 districts.

3. Sign Type, Size And Height Standards:

STANDARDS FOR THE FR-1, FR-2, FR-3, R-1/12,000,
R-1/7,000, R-1/5,000, R-2, SR-1 AND SR-3 DISTRICTS

| Types Of Signs Permitted | Maximum Area Per Sign Face | Maximum Height Of Freestanding Signs[3] | Number Of Signs Permitted |
|---|---|---|---|

| | | | |
|---|---|---|---|
| Construction sign | 16 square feet | 4 feet | 1 per street frontage |
| Development entry sign[2] | 50 square feet | 4 feet | 1 per entry; 2 maximum |
| Flat and monument signs for permitted/conditional nonresidential uses[2,4] | 24 square feet each | 4 feet[3] | 1 per street frontage |
| Garage/yard sale sign | 6 square feet | 4 feet | 1 per street frontage |
| Nameplate | 1 square foot | n/a | 1 per dwelling |
| New development sign[1] (new subdivision only) | 120 square feet per sign; up to a total of 160 square feet | 10 feet | 1 per street frontage; 2 maximum |
| Political sign | 8 square feet | 4 feet | No limit |
| Private directional sign | 8 square feet | 4 feet | No limit |
| Public safety sign | 8 square feet | 6 feet | No limit |
| Real estate sign | 8 square feet | 4 feet | 1 per street frontage |
| Signs for nonconforming businesses (see subsection A4a of this section) | See subsection A4a of this section | See subsection A4a of this section | See subsection A4a of this section |
| Special event sign | 16 square feet | 6 feet | 1 per street frontage |

Notes:
1.10 foot setback required.
2.Monument and development signs shall have a 5 foot setback, unless integrated into the fence structure.
Height requirements for fence apply.
3.For height limits on building sign, see subsection 21A.46.070J of this chapter.
4.Backlit awnings excluded.

4. Supplementary Regulations:

a. Signs For Nonconforming Business Uses: Signs for permitted nonconforming business uses shall conform to subsection 21A.46.090A4 of this chapter, sign regulations for the CN district.

b. Illumination: Signs for residential uses shall not be internally illuminated, except for new development signs and development entry signs.

B. Sign Regulations For Multi-Family Residential Districts:

1. Purpose: Signage in the multi-family districts should allow for appropriate identification of multi-family buildings. The purpose of these regulations is to protect the residential living environment of residents while providing for appropriate building identification and other forms of signage consistent with the needs of multi-family residents.

2. Applicability: Regulations in subsection B3 of this section shall apply to all uses within the RMF-30, RMF-35, RMF-45 and RMF-75 districts. The regulations apply to each multi-family building, whether on a separate lot of record, or as part of a multi-family development which may have multiple buildings on a lot. Regulations on new

development signs and development entry signs shall apply to the lot, regardless of the number of buildings on the lot.

3. Sign Type, Size And Height Standards:

STANDARDS FOR THE RMF-30, RMF-35,
RMF-45 AND RMF-75 DISTRICTS

| Types Of Signs Permitted | Maximum Area Per Sign Face | Maximum Height Of Freestanding Signs[3] | Number Of Signs Permitted |
|---|---|---|---|
| Construction sign | 16 square feet | 4 feet | 1 per street frontage |
| Development entry sign[2] | 50 square feet | 4 feet | 1 per entry; 2 maximum |
| Flat sign for residential uses[4,5] | 10 square feet | See note 3 | 1 per street frontage |
| Flat signs for permitted/ conditional nonresidential uses[2,5] | 24 square feet | See note 3 | 1 per street frontage |
| Garage/yard sale sign | 6 square feet | 4 feet | 1 per street frontage |
| Marquee sign[4] | 10 square feet | See note 3 | 1 per building |
| Monument sign[2,4] | 24 square feet | 4 feet | 1 per lot |
| Nameplate | 2 square feet | n/a | 1 per building entry |
| New development sign[1] | 80 square feet | 10 feet | 1 per street frontage |
| Political sign | 16 square feet | 4 feet | No limit |
| Private directional sign | 8 square feet | 4 feet | No limit |
| Public safety sign | 8 square feet | 6 feet | No limit |
| Real estate sign | 8 square feet | 4 feet | 1 per street frontage |
| Signs for nonconforming businesses (see subsection B4a of this section) | See subsection B4a of this section | See subsection B4a of this section | See subsection B4a of this section |
| Special event sign | 16 square feet | 6 feet | 1 per street frontage |

Notes:
1.10 foot setback required.
2.Monument signs shall have a 5 foot setback unless integrated into the fence structure. Height requirements for fence apply.
3.For height limits on building signs, see subsection 21A.46.070J of this chapter.
4.Shall not be permitted for one- through seven-family dwellings.
5.Backlit awnings excluded.

4. Supplementary Regulations:

a. Nonconforming Business Uses: Signs for permitted nonconforming business uses shall conform to subsection 21A.46.090A4 of this chapter, sign regulations for the CN district.

b. Illumination: Illuminated signs for multi-family buildings or developments shall be limited to new development signs, development entry signs, flat signs, marquee signs and monument signs.

C. Sign Regulations For The RB And RO Districts:

1. Purpose: The purpose of sign regulations for the RB and RO districts is to establish standards that allow for modest commercial signage while protecting the predominant residential character of these districts.

2. Applicability: Regulations in subsections C3 and C5 of this section, respectively, shall apply to all uses within the RB and RO districts. These regulations apply to each lot, regardless of the number of buildings on a lot.

3. Sign Type, Size And Height Regulations:

STANDARDS FOR THE RB DISTRICT

| Type Of Signs Permitted | Maximum Area Per Sign Face | Maximum Height Of Freestanding Signs[1] | Minimum Setback | Number Of Signs Permitted Per Sign Type |
|---|---|---|---|---|
| Awning sign/ canopy sign | 10 square feet (sign area only) | See note 1 | May extend 6 feet from face of building, but shall not extend across a property line | 1 per first floor door/window |
| Canopy, drive-through | 40% of canopy face if signage is on 2 faces. 20% of canopy face if signs are on 4 faces | See note 1 | n/a | 1 per canopy face |
| Construction sign | 32 square feet | 4 feet | 5 feet | 1 per street frontage |
| Development entry sign[2] | 50 square feet | 8 feet | 10 feet | 1 per entry; 2 maximum |
| Flat sign[3] | 20 square feet | See note 1 | n/a | 1 per lot |
| Garage/yard sale sign | 6 square feet | 4 feet | 5 feet | 1 per street frontage |
| Monument sign[2] | 24 square feet | 4 feet | 5 feet | 1 per lot |
| Nameplate | 2 square feet | See note 1 | n/a | 1 per building entry |
| New development sign | 80 square feet | 10 feet | 10 feet | 1 per street frontage |
| Political sign | 16 square feet | 4 feet | 5 feet | No limit |
| Private directional sign | 8 square feet | 4 feet | 5 feet | No limit |
| Public safety sign | 8 square feet | 6 feet | 5 feet | No limit |

| | | | | |
|---|---|---|---|---|
| Real estate sign | 8 square feet | 4 feet | 5 feet | 1 per street frontage |
| Window sign | 6 square feet | See note 1 | n/a | No limit |

Notes:
1.For height limits on building signs, see subsection 21A.46.070J of this chapter.
2.Monument signs shall have a 5 foot setback unless integrated into the fence structure. Height requirements for fence apply.
3.Backlit awnings excluded.

4. Illumination: Illuminated signs in the RB district shall be limited to development entry signs, flat signs, window signs and monument signs.

5. Sign Type, Size And Height Regulations For The RO District:

STANDARDS FOR THE RO DISTRICT

| Type Of Signs Permitted | Maximum Area Per Sign Face | Maximum Height Of Freestanding Signs[1] | Minimum Setback | Number Of Signs Permitted Per Sign Type |
|---|---|---|---|---|
| Awning sign/ canopy sign | 10 square feet (sign area only) | See note 1 | May extend 6 feet from face of building, but shall not extend across a property line | 1 per first floor door/window |
| Construction sign | 32 square feet | 4 feet | 5 feet | 1 per street frontage |
| Development entry sign[2] | 50 square feet | 8 feet | 10 feet | 1 per entry; 2 maximum |
| Flat sign[3,4] | 6 square feet for each 50 feet of building frontage or major portion thereof | See note 1 | n/a | 1 per street frontage |
| Garage/yard sale sign | 6 square feet | 4 feet | 5 feet | 1 per street frontage |
| Monument sign[2] | 32 square feet | 4 feet | 5 feet | 1 per street frontage |
| Nameplate | 2 square feet | See note 1 | n/a | 1 per building entry |
| New development sign | 80 square feet | 10 feet | 10 feet | 1 per street frontage |
| Political sign | 16 square feet | 4 feet | 5 feet | No limit |
| Private directional sign | 8 square feet | 4 feet | 5 feet | No limit |
| Public safety sign | 8 square feet | 6 feet | 5 feet | No limit |
| Real estate sign | 16 square feet | 6 feet | 5 feet | 1 per street frontage |
| Window sign | 6 square feet | See note 1 | n/a | No limit |

Notes:

1.For height limits on building signs, see subsection 21A.46.070J of this chapter.
2.Monument signs shall have a 5 foot setback unless integrated into the fence structure. Height requirements for fence apply.
3.Storefront flat signs limited to locations on the lower 2 floors.
4.Backlit awnings excluded.

(Ord. 88-95 § 1 (Exh. A), 1995)

## 21A.46.090: SIGN REGULATIONS FOR MIXED USE AND COMMERCIAL DISTRICTS:

The following regulations shall apply to signs permitted in the residential mixed use, mixed use and commercial districts. Any sign not expressly permitted by these district regulations is prohibited.

A. Sign Regulations For The R-MU-35, R-MU-45, R-MU, MU, SNB, CN And CB Districts:

1. Purpose: Signage in the R-MU-35, R-MU-45, R-MU, MU, SNB, CN and CB districts should be appropriate for small scale commercial uses and business districts. These districts are located in proximity to residential areas or, in the case of the R-MU-35, R-MU-45, R-MU and MU districts, contain a residential/commercial mix of uses. The sign regulations for these districts are intended to permit signage that is appropriate for small scale commercial uses and business districts, with minimum impacts on nearby residential uses.

2. Applicability: Regulations in subsections A3, A4 and A5 of this section, respectively, shall apply to all uses within the R-MU-35, R-MU-45, R-MU, MU, CN and CB districts.

3. Sign Type, Size And Height Standards For The R-MU-35, R-MU-45, R-MU And MU Districts:

STANDARDS FOR THE R-MU-35, R-MU-45, R-MU AND MU DISTRICTS

| Types Of Signs Permitted | Maximum Area Per Sign Face | Maximum Height Of Freestanding Signs[1] | Minimum Setback[2] | Number Of Signs Permitted Per Sign Type | Limit On Combined Number Of Signs[4] |
|---|---|---|---|---|---|
| Awning sign/ canopy sign | 1 square foot per linear foot of storefront; building total not to exceed 40 square feet (sign area only) | See note 1 | May extend 6 feet from face of building 2 feet from back of curb[6] | 1 per first floor door/ window | None |
| Canopy, drive-through | 40% of canopy face if signage is on 2 faces. 20% of canopy face if signs are on 4 faces | See note 1 | n/a | 1 per canopy face | None |
| Construction sign | 32 square feet | 8 feet | 5 feet | 1 per street frontage | None |
| Flat sign (general building orientation)[8] | 1 square foot per linear foot of building frontage[5] | See note 1 | n/a | 1 sign per building frontage | None |

| | | | | | |
|---|---|---|---|---|---|
| Flat sign (storefront orientation)[7,8] | 1 square foot per linear foot of store frontage[5] | See note 1 | n/a | 1 per business or storefront | None |
| Garage/yard sale sign | 6 square feet | 4 feet | 5 feet | 1 per street frontage | None |
| Monument and pole signs: | | | | | |
| Monument sign[3] | 100 square feet | 12 feet | 5 feet | 1 per street frontage | 1 sign per street frontage |
| Pole sign (1 acre minimum) | 75 square feet | 25 feet | 15 feet and a 6 foot maximum projection | 1 per street frontage | |
| Nameplate | 2 square feet | See note 1 | n/a | 1 per building entry | None |
| New development sign | 80 square feet | 10 feet | 5 feet | 1 per street frontage | None |
| Political sign | 16 square feet | 6 feet | 5 feet | No limit | None |
| Private directional sign | 8 square feet | 4 feet | 5 feet | No limit | None |
| Public safety sign | 8 square feet | 6 feet | 5 feet | No limit | None |
| Real estate sign | 16 square feet | 6 feet | 5 feet | 1 per street frontage | None |
| Window sign | 25% of window area of each use | See note 1 | n/a | No limit | None |

Notes:
1.For height limits on building signs, see subsection 21A.46.070J of this chapter.
2.Not applicable to temporary signs mounted as flat signs.
3.Monument signs shall have a 5 foot setback, unless integrated into the fence structure. Height requirements for fence apply.
4.The total number of signs permitted from the sign types combined.
5.A single-tenant building may combine the square footage total of both the storefront orientation and the general building orientation flat signs to construct 1 larger sign.
6.Public property lease and insurance required for projection over property line.
7.Storefront flat signs limited to locations on the lower 2 floors.
8.Backlit awnings excluded.

4. Sign Type, Size And Height Standards For The CN District:

STANDARDS FOR THE CN DISTRICT

| Types Of Signs Permitted | Maximum Area Per Sign Face | Maximum Height Of Freestanding Signs[1] | Minimum Setback[2] | Number Of Signs Permitted Per Sign Type | Limit On Combined Number Of Signs[3] |
|---|---|---|---|---|---|

| | | | | | |
|---|---|---|---|---|---|
| Awning sign/ canopy sign | 1 square foot per linear foot of storefront; building total not to exceed 40 square feet (sign area only) | See note 1 | May extend 6 feet from face of building, but shall not extend across a property line | 1 per first floor door/window | None |
| Canopy, drive-through | 40% of canopy face if signage is on 2 faces. 20% of canopy face if signs are on 4 faces | See note 1 | n/a | 1 per canopy face | None |
| Construction sign | 32 square feet | 8 feet | 5 feet | 2 per building | None |
| Flat sign (storefront orientation)[5] | 1 square foot per linear foot of store frontage[4] | See note 1 | n/a | 1 per business or storefront | None |
| Monument sign | 75 square feet | 5 feet | 5 feet | 1 per street frontage | None |
| Nameplate | 2 square feet | See note 1 | n/a | 1 per building entry | None |
| New development sign | 80 square feet | 10 feet | 5 feet | 1 per development | None |
| Political sign | 16 square feet | 6 feet | 5 feet | No limit | None |
| Private directional sign | 8 square feet | 4 feet | 5 feet | No limit | None |
| Public safety sign | 8 square feet | 6 feet | 5 feet | No limit | None |
| Real estate sign | 16 square feet | 6 feet | 5 feet | 1 per street frontage | None |
| Wall or flat sign (general building orientation) | 1 square foot per linear foot of building frontage[4] | See note 1 | n/a | 1 per building frontage | None |
| Window sign | 25% of window area of each use | See note 1 | n/a | No limit | None |

Notes:
1.For height limits on building signs, see subsection 21A.46.070J of this chapter.
2.Not applicable to temporary signs mounted as flat signs.
3.The total number of signs permitted from the sign types combined.
4.A single-tenant building may combine the square footage total of both the storefront orientation and the general building orientation flat signs to construct 1 larger sign.
5.Storefront flat signs limited to locations on the lower 2 floors.

5. Sign Type, Size And Height Standards For The CB District:

STANDARDS FOR THE CB DISTRICT

| Types Of Signs Permitted | Maximum Area Per Sign Face | Maximum Height Of Freestanding Signs[1] | Minimum Setback[2] | Number Of Signs Permitted Per Sign Type | Limit On Combined Number Of Signs[4] |
|---|---|---|---|---|---|
| Awning sign/ canopy sign | 1 square foot per linear foot of storefront; building total not to exceed 40 square feet (sign area only) | See note 1 | May extend 6 feet from face of building[6] | 1 per first floor door/window | None |
| Canopy, drive-through | 40% of canopy face if signage is on 2 faces. 20% of canopy face if signs are on 4 faces | See note 1 | n/a | 1 per canopy face | 1 per street frontage |
| Construction sign | 32 square feet | 8 feet | 5 feet | 2 per building | None |
| Flat sign (storefront orientation)[7] | 1 square foot per linear foot of store frontage[5] | See note 1 | n/a | 1 per business or storefront | None |
| Monument and pole signs: | | | | | |
| Monument sign[3] | 100 square feet | 6 feet<br>12 feet<br>20 feet<br>(1 acre mini-mum) | 5 feet<br>10 feet<br>10 feet | 1 per street frontage | 1 per street frontage |
| Pole sign[3] (1 acre minimum) | 75 square feet for a single business. 100 square feet for multiple businesses | 25 feet | 15 feet and a maximum 6 foot projection | 1 per street frontage | |
| Nameplate | 2 square feet | See note 1 | n/a | 1 per building entry | None |
| New development sign | 80 square feet | 10 feet | 5 feet | 1 per development | None |
| Political sign | 16 square feet | 6 feet | 5 feet | No limit | None |
| Private directional sign | 8 square feet | 4 feet | 5 feet | No limit | None |
| Public safety sign | 8 square feet | 6 feet | 5 feet | No limit | None |
| Real estate sign | 16 square feet | 6 feet | 5 feet | 1 per street frontage | None |
| Wall or flat sign (general building orientation) | 1 square foot per linear foot of building frontage[5] | See note 1 | n/a | 1 sign per building frontage | None |
| Window sign | 25% of window area of each use | See note 1 | n/a | No limit | None |

Notes:

1.For height limits on building signs, see subsection 21A.46.070J of this chapter.
2.Not applicable to temporary signs mounted as flat signs.
3.Pole and monument signs shall be permitted only when located in or adjacent to a required landscaped setback.
4.The total number of signs permitted from the sign types combined.
5.A single-tenant building may combine the square footage total of both the storefront orientation and the general building orientation flat signs to construct 1 larger sign.
6.Public property lease and insurance required for projection over property line.
7.Storefront flat signs limited to locations on the lower 2 floors.

6. Sign Type, Size And Height Standards For The SNB Districts:

STANDARDS FOR THE SNB DISTRICT

| Types Of Signs Permitted | Maximum Area Per Sign Face | Maximum Height Of Freestanding Signs[1] | Minimum Setback | Number Of Signs Permitted Per Sign Type |
|---|---|---|---|---|
| Awning sign/ canopy sign[3] | 10 square feet (sign area only) | See note 1 | May extend 5 feet from face of building, but shall not extend across a property line | 1 per first floor door/window |
| Construction sign | 16 square feet | 4 feet | 3 feet | 1 per street frontage |
| Garage/yard sale sign | 6 square feet | 4 feet | 3 feet | 1 per street frontage |
| Nameplate | 2 square feet | See note 1 | n/a | 1 per building entry |
| Political sign | 10 square feet | 4 feet | 5 feet | No limit |
| Private directional sign | 6 square feet | 4 feet | 3 feet | No limit |
| Projecting business storefront sign | 4 square feet per side; 8 square feet total | Sign face limited to 2 feet in height[1] | May extend 4 feet from the face of the building, but no more than 2 feet from back of curb[2] | 1 per street frontage |
| Public safety sign | 8 square feet | 6 feet | 5 feet | No limit |
| Real estate sign | 8 square feet | 4 feet | 5 feet | 1 per street frontage |
| Window sign | 4 square feet | See note 1 | n/a | Not to exceed 25% of the window area or compromise the "visible" qualities of a window, see section 21A.46.020 of this chapter for definition |

Notes:
1. For height limits on building signs, see subsection 21A.46.070J of this chapter.
2. Public property lease and insurance required for projection over property line.
3. Signs on awnings may only face parallel or perpendicular to the building, see sign illustrations for an example.

B. Sign Regulations For The CS District:

1. Purpose: Signage in the CS district should be appropriate for the type of coordinated commercial development the CS district was established to promote. The sign regulations for this district are intended to encourage coordinated signage between multiple buildings/uses on a site, achieve consistency of materials, and integrate signage with landscape and architectural design expressions.

2. Applicability: Regulations in subsection B4 of this section shall apply to all uses within the CS district.

3. Applicability Of Planned Development Regulations To Signage: As provided in section 21A.26.040 of this title, all development within the CS district, including signage, shall be subject to the planned development provisions set forth in chapter 21A.55 of this title. Any change in signage subsequent to planned development approval is allowed subject to compliance with the provisions of this title or the specific requirements of the planned development approval.

4. Sign Type, Size And Height Standards:

STANDARDS FOR THE CS DISTRICT

| Types Of Signs Permitted | Maximum Area Per Sign Face | Maximum Height Of Freestanding Signs[1] | Minimum Setback[4] | Number Of Signs Permitted Per Sign Type | Limit On Combined Number Of Signs[3] |
|---|---|---|---|---|---|
| Awning sign/ canopy sign | 1 square foot per linear foot of storefront; building total not to exceed 40 square feet (sign area only) | See note 1 | May extend 6 feet from face of building, but shall not extend across a property line | 1 per first floor door/ window | None |
| Canopy, drive-through | 40% of canopy face if signage is on 2 faces. 20% of canopy face if signs are on 4 faces | See note 1 | n/a | 1 per canopy face | None |
| Construction sign | 64 square feet | 12 feet | 10 feet | 2 per building | None |
| Flat sign (storefront orientation)[6] | 1 square foot per linear foot of store frontage[5] | See note 1 | n/a | 1 per business or storefront | None |
| Monument and pole signs: | | | | | |
| Monument sign[2] | 100 square feet | 12 feet<br>6 feet | 10 feet<br>5 feet | 1 per pad site | 1 per pad site |
| Pole sign[2] | 75 square feet | 25 feet | At the approved landscape setback with a 6 foot projection, but shall not extend across a property line | 1 per pad site | |
| Nameplate | 2 square feet | See note 1 | n/a | 1 per building entry | None |

| | | | | | |
|---|---|---|---|---|---|
| New development sign | 200 square feet per sign | 12 feet | 10 feet | 1 per street frontage | None |
| Political sign | 32 square feet | 8 feet | 10 feet | No limit | None |
| Private directional sign | 8 square feet | 4 feet | 5 feet | No limit | None |
| Public safety sign | 8 square feet | 6 feet | 10 feet | No limit | None |
| Real estate sign | 64 square feet | 12 feet | 10 feet | 1 per building | None |
| Shopping center identification sign | 200 square feet | 25 feet | 10 feet | 1 per street frontage | None |
| Wall or flat sign (general building orientation) | 1 square foot per linear foot of building frontage[5] | See note 1 | n/a | 1 per building frontage | None |
| Window sign | 25% of total frontage window area per floor | See note 1 | n/a | No limit | None |

Notes:
1.For height limits on building signs, see subsection 21A.46.070J of this chapter.
2.Permitted only for freestanding buildings within shopping centers.
3.The total number of signs permitted from the sign types combined.
4.Not applicable to temporary signs mounted as flat signs.
5.A single-tenant building may combine the square footage total of both the storefront orientation and the general building orientation flat signs to construct 1 larger sign.
6.Storefront flat signs limited to locations on the lower 2 floors.

5. Supplementary Regulations:

a. Sign Structures: Structures supporting monument and shopping center identification signs shall be compatible with exterior materials used in building exteriors within the shopping center.

b. Landscape: Freestanding signs shall be located within landscaped areas not less than two hundred (200) square feet in size. Planting within such landscaped areas shall be approved by the zoning administrator.

c. Items Of Information: Shopping center identification signs shall be limited to the name of the shopping center and the names of tenants or businesses located in the shopping center.

C. Sign Regulations For The CC District:

1. Purpose: Signage in the CC district should be appropriate for lot by lot commercial development on smaller parcels along highly traveled roadways. The regulations for this district are intended to: a) promote traffic safety by enhancing visual clarity for passing motorists; b) enhance the aesthetics of business areas within the CC district; c) coordinate signage and landscape requirements of the CC district; and d) relate the physical dimensions of signs to the scale of buildings and lots within the district.

2. Applicability: Regulations in subsection C3 of this section shall apply to all lots within the CC district.

3. Sign Type, Size And Height Standards:

STANDARDS FOR THE CC DISTRICT

| Types Of Signs Permitted Per Use | Maximum Area Per Sign Face | Maximum Height Of Freestanding Signs[1] | Minimum Setback[2] | Number Of Signs Permitted Per Sign Type | Limit On Combined Number Of Signs[3] |
|---|---|---|---|---|---|
| Awnings/canopy signs | 1 square foot per linear foot of storefront; building total not to exceed 40 square feet (sign area only) | See note 1 | 10 feet | 1 per first floor door/window | None |
| Canopy, drive-through | 40% of canopy face if signage is on 2 faces. 20% of canopy face if signs are on 4 faces | See note 1 | n/a | 1 per canopy face | None |
| Construction sign | 64 square feet | 12 feet | 5 feet | 1 per street frontage | None |
| Flat sign (storefront orientation)[6] | 1.5 square feet per linear foot of store frontage[5] | See note 1 | n/a | 1 per business or storefront | None |
| Monument and pole signs: | | | | | |
| Monument sign[4] | 100 square feet | 6 feet<br>12 feet<br>20 feet<br>(1 acre minimum) | None<br>5 feet | 1 per street frontage | 1 per street frontage |
| Pole sign[4] | 75 square feet for a single business, 100 square feet for multiple businesses | 25 feet | 15 feet and a maximum 6 foot projection | 1 per street frontage | |
| Nameplate | 2 square feet | See note 1 | n/a | 1 per building entry | None |
| New development sign | 80 square feet | 12 feet | 5 feet | 1 per development | None |
| Political sign | 32 square feet | 8 feet | 5 feet | No limit | None |
| Private directional sign | 8 square feet | 4 feet | 5 feet | No limit | None |
| Public safety sign | 8 square feet | 6 feet | 5 feet | No limit | None |
| Real estate sign | 64 square feet | 12 feet | 5 feet | 1 per street frontage | None |
| Wall or flat sign (general building orientation) | 1 square foot per linear foot of building frontage[5] | See note 1 | n/a | 1 per building frontage | None |

| | | | | | |
|---|---|---|---|---|---|
| Window sign | 25% of total frontage window area per use | See note 1 | n/a | No limit | None |

Notes:
1.For height limits on building signs, see subsection 21A.46.070J of this chapter.
2.Not applicable to temporary signs mounted as flat signs.
3.The total number of signs permitted from the sign types combined.
4.See subsection C4a of this section.
5.A single-tenant building may combine the square footage total of both the storefront orientation and the general building orientation flat signs to construct 1 larger sign.
6.Storefront flat signs limited to locations on the lower 2 floors.

4. Supplementary Regulations:

a. Lot Frontage Requirements: A minimum lot frontage of one hundred feet (100') shall be required for pole signs or monument signs.

D. Sign Regulations For The CSHBD And CG Districts:

1. Purpose: Sign regulations for the CSHBD and CG districts are established to respond to the existing diversity in signage characteristics within these districts. Although these districts differ in terms of use and bulk regulations, they are seen as having similar needs for signage and are, therefore, treated the same with respect to sign controls.

2. Applicability: Regulations in subsections D3 and D4 of this section, respectively, shall apply to all lots within the CSHBD and CG districts.

3. Sign Type, Size And Height Standards:

STANDARDS FOR THE CSHBD DISTRICT

| Types Of Signs Permitted | Maximum Area Per Sign Face | Maximum Height Of Freestanding Signs[1] | Minimum Setback[2] | Number Of Signs Permitted Per Sign Type |
|---|---|---|---|---|
| Awning/canopy signs | 1 square foot per linear foot of storefront (sign area only) | See note 1 | May extend 6 feet from face of building 2 feet from back of curb[5] | 1 per first floor door/window |
| Canopy, drive-through | 40% of canopy face if signage is on 2 faces. 20% of canopy face if signs are on 4 faces | See note 1 | n/a | 1 per canopy face |
| Construction sign | 64 square feet | 12 feet | None | 1 per street frontage |
| Flat sign (storefront orientation)[6] | 2 square feet per linear foot of store frontage[4] | See note 1 | n/a | 1 per business or storefront |
| Marquee sign | 1 square foot per linear foot of store frontage | See note 1 | See subsection 21A.46.070O of this chapter | 1 per storefront |

| | | | | |
|---|---|---|---|---|
| Monument sign[3] | 100 square feet | 20 feet | None | 1 per street frontage |
| Nameplate | 2 square feet | See note 1 | n/a | 1 per building entry |
| New development sign | 80 square feet | 12 feet | None | 1 per development |
| Pole sign[3] | 75 square feet for a single business, 100 square feet for multiple businesses | 25 feet | No extension across a property line is permitted | 1 per street frontage |
| Political sign | 32 square feet | 8 feet | None | No limit |
| Private directional sign | 8 square feet | 4 feet | None | No limit |
| Projecting building sign | 0.5 square foot per linear foot of street frontage; not to exceed 40 square feet | See note 1 | May extend 6 feet from face of building, but shall not cross a property line | 1 per street frontage |
| Public safety sign | 8 square feet | 6 feet | None | No limit |
| Real estate sign | 64 square feet | 12 feet | None | 1 per street frontage |
| Wall sign or flat sign (general building orientation) | 1 square foot per linear foot of building face[4] | See note 1 | n/a | 1 per building face |
| Window sign | 25% of total frontage window area per use | See note 1 | n/a | No limit |

Notes:
1.For height limits on building signs, see subsection 21A.46.070J of this chapter.
2.Not applicable to temporary signs mounted as flat signs.
3.See subsection D6a of this section.
4.A single-tenant building may combine the square footage total of both the storefront orientation and the general building orientation flat signs to construct 1 larger sign.
5.Public property lease and insurance required for projection over property line.
6.Storefront flat signs limited to locations on the lower 2 floors.

4. Sign Type, Size And Height Standards:

STANDARDS FOR THE CG DISTRICT

| Types Of Signs Permitted | Maximum Area Per Sign Face | Maximum Height Of Freestanding Signs[1] | Minimum Setback[2] | Number Of Signs Permitted Per Sign Type |
|---|---|---|---|---|
| Awning/canopy signs | 1 square foot per linear foot of storefront (sign area only) | See note 1 | May extend 6 feet from face of building, but shall not cross a property line | 1 per first floor door/window |

| | | | | |
|---|---|---|---|---|
| Canopy, drive-through | 40% of canopy face if signage is on 2 faces. 20% of canopy face if signs are on 4 faces | See note 1 | n/a | 1 per canopy face |
| Construction sign | 64 square feet | 12 feet | 5 feet | 1 per street frontage |
| Flat sign (storefront orientation)[5] | 2 square feet per linear foot of store frontage[4] | See note 1 | n/a | 1 per business or storefront |
| Marquee sign | 1 square foot per linear foot of store frontage | See note 1 | See subsection 21A.46.070O of this chapter | 1 per storefront |
| Monument sign[3] | 1 square foot per linear foot of street frontage | 20 feet<br>8 feet | 4 feet<br>None | 1 per street frontage |
| Nameplate | 2 square feet | See note 1 | n/a | 1 per building entry |
| New development sign | 200 square feet | 12 feet | 5 feet | 1 per street frontage |
| Pole sign[3] | 1 square foot per linear foot of street frontage; 200 square feet maximum for a single business, 300 square feet maximum for multiple businesses | 35 feet | 10 feet with a maximum 6 foot projection. No extension across a property line is permitted | 1 per street frontage |
| Political sign | 32 square feet | 8 feet | 5 feet | No limit |
| Private directional sign | 8 square feet | 4 feet | 5 feet | No limit |
| Public safety sign | 8 square feet | 6 feet | 5 feet | No limit |
| Real estate sign | 64 square feet | 12 feet | 5 feet | 1 per street frontage |
| Sexually oriented business signs | See section 21A.36.140 of this title | | | |
| Wall sign or flat sign (general building orientation) | 1 square foot per linear foot of building face[4] | See note 1 | n/a | 1 per building face |
| Window sign | 25% of total frontage window area per use | See note 1 | n/a | No limit |

Notes:
1.For height limits on building signs, see subsection 21A.46.070J of this chapter.
2.Not applicable to temporary signs mounted as flat signs.
3.See subsection D6a of this section.
4.A single-tenant building may combine the square footage total of both the storefront orientation and the general building orientation flat signs to construct 1 larger sign.
5.Storefront flat signs limited to locations on the lower 2 floors.

5. Sign Type, Size And Height Standards For The New Automotive Dealership Localized Alternative Sign Overlay District: For purposes of this localized alternative sign overlay district only, the following definitions shall apply:

BUSINESS: Each of the following shall constitute a separate business or storefront: new automobile franchise, service business for new automobile franchise, parts business, manufacturer certified used automobile business in conjunction with new automobile franchise, cafe, car wash, and such other separate business units operated on the property and affiliated with the new automotive dealership business operating on the property.

PROPERTY: That certain real property constituting approximately eleven (11) acres located at 1530 South and 500 West, Salt Lake City, and more particularly described as Sidwell parcel number 15-13-152-002.

STANDARDS FOR THE NEW AUTOMOBILE DEALERSHIP
LOCALIZED ALTERNATIVE SIGN OVERLAY DISTRICT[1]

| Types Of Signs Permitted | Maximum Area Of Signage | Maximum Height Of Freestanding Signs[2] | Minimum Setback[3] | Number Of Signs Permitted Per Sign Type |
|---|---|---|---|---|
| Flat sign (storefront orientation)[5] | 2 square feet per linear foot of store frontage[4] | See note 2 | n/a | 1 per business or storefront |
| Pole sign | 1 square foot per linear foot of street frontage; 200 square feet maximum for a single business, 300 square feet maximum for multiple businesses | 35 feet or 25 feet above pavement grade of the adjacent freeway per subsection 21A.46.070T of this chapter | 10 feet with a maximum 6 feet projection. No extension across a property line is permitted | 1 per each 150 linear feet of street frontage with each sign separated by at least 100 feet, provided that a manufacturer franchise be displayed only once on a pole sign on the property |
| Wall sign or flat sign (general building orientation) | 1 square foot per linear foot of building face[4] | See note 2 | n/a[4] | 1 per building face |

Notes:
1. All other sign types and standards not specifically listed in the automobile dealership overlay shall be regulated under the standards within the applicable zoning district.
2. For height limits on building signs, see subsection 21A.46.070J of this chapter.
3. Not applicable to temporary signs mounted as flat signs.
4. A multiple franchise automobile dealership may combine the square footage total of both the storefront orientation and the general building orientation flat and wall signs, subject to a maximum combined area of signage not to exceed 3 square feet per linear foot of building face.
5. Storefront flat signs limited to locations on the lower 2 floors.

6. Supplementary Regulations:

a. Lot Frontage Requirements: A minimum lot frontage of one hundred feet (100') shall be required for pole signs or monument signs. (Ord. 59-12, 2012: Ord. 23-10 § 15, 2010: Ord. 71-04 §§ 23, 24 (Exh. F), 2004: Ord. 17-04 § 3 (Exh. B), 2004: Ord. 14-03 §§ 1, 2, 2003: Ord. 53-00 §§ 6-9, 2000: Ord. 35-99 §§ 77, 78, 1999: Ord. 88-95 § 1 (Exh. A), 1995)

## 21A.46.095: SIGN REGULATIONS FOR TRANSIT CORRIDOR AND TRANSIT STATION AREA DISTRICTS:

The following regulations shall apply to signs permitted in transit corridor and transit station area districts. Any sign not expressly permitted by these district regulations is prohibited.

A. Sign Regulations For The TC-75 Transit Corridor District And TSA Transit Station Area District:

1. Purpose: Sign regulations for the TC-75 and TSA districts are intended to provide for appropriate signage oriented primarily to pedestrian and mass transit traffic.

2. Applicability: Regulations in subsection A3 of this section shall apply to all lots within the TC-75 and TSA districts.

3. Sign Type, Size And Height Standards:

STANDARDS FOR THE TRANSIT CORRIDOR DISTRICT (TC-75)
AND TRANSIT STATION AREA DISTRICT (TSA)

| Types Of Signs Permitted | Maximum Area Per Sign Face | Maximum Height Of Freestanding Signs[1] | Minimum Setback[2] | Number Of Signs Permitted Per Sign Type | Limit On Combined Number Of Signs[3] |
|---|---|---|---|---|---|
| Awning/canopy signs | 1 square foot per linear foot of storefront (sign area only) | See note 1 | May extend 6 feet from face of building, but no more than 2 feet from back of curb[6] | 1 per street frontage | None |
| Construction sign | 64 square feet | 12 feet | 5 feet or on construction fence | 2 per building | None |
| Flat sign (general building orientation) | 1.5 square feet per linear foot of building face[5] | See note 1 | n/a | 1 per building face | None |
| Flat sign (storefront orientation)[4] | 1.5 square feet per linear foot of store frontage[5] | See note 1 | n/a | 1 per business or storefront | None |
| Marquee sign | Subject only to subsection 21A.46.070O of this chapter | | | 1 per storefront | None |
| Monument sign | 100 square feet | 12 feet | None | 1 per street frontage | |
| Nameplate, identifying building name | 3 square feet | 8 feet | n/a | 1 per building | None |
| New development sign | 80 square feet | 12 feet | 5 feet | 1 per development | None |
| Political sign | 32 square feet | 8 feet | 5 feet | No limit | None |
| Private directional sign | 8 square feet | 4 feet | 5 feet | No limit | None |

| | | | | | |
|---|---|---|---|---|---|
| Projecting business storefront sign | 4 square feet per side; 8 square feet total | Sign face limited to 2 feet in height[1] | May extend 4 feet from the face of the building, but no more than 2 feet from back of curb[6] | 1 per business entry to the street | None |
| Projecting parking entry sign | 4 square feet per side; 8 square feet total | See note 1.<br>Sign face limited to 2 feet in height | May extend 4 feet from the face of the building, but no more than 2 feet from back of curb[6] | 1 per driveway or parking lot entry | None |
| Public safety sign | 8 square feet | 6 feet | 5 feet | No limit | None |
| Real estate sign | 64 square feet | 12 feet | 5 feet | 1 per building | None |
| Window sign | 25% of total frontage window area per use | See note 1 | n/a | No limit | None |

Notes:
1.For height limits on building signs, see subsection 21A.46.070J of this chapter.
2.Not applicable to temporary signs mounted as flat signs.
3.The total number of signs permitted from the sign types combined.
4.Storefront flat signs limited to locations on the lower 2 floors.
5.A single-tenant building may combine the square footage total of both the storefront orientation and the general building orientation flat signs to construct 1 larger sign.
6.Public property lease and insurance required for projection over property line.

(Ord. 59-10, 2010)

## 21A.46.100: SIGN REGULATIONS FOR MANUFACTURING DISTRICTS:

The following regulations shall apply to signs permitted in the manufacturing districts. Any sign not expressly permitted by these district regulations is prohibited.

A. Sign Regulations For The M-1 And M-2 Manufacturing Districts:

1. Purpose: Sign regulations for the M-1 and M-2 districts are intended to provide for appropriate identification of industrial and manufacturing uses. Signage should enhance the aesthetics of the districts, rather than clutter the area. Supportive commercial signage should be in scale with industrial signage.

2. Applicability: Regulations in subsection A3 of this section shall apply to all lots within the M-1 and M-2 districts.

3. Sign Type, Size And Height Standards:

STANDARDS FOR THE M-1 AND M-2 DISTRICTS

| Types Of Signs Permitted | Maximum Area Per Sign Face | Maximum Height Of Freestanding Signs[1] | Minimum Setback[2] | Number Of Signs Permitted Per Sign Type | Limit On Combined Number Of Signs[3] |
|---|---|---|---|---|---|
| Awning/canopy signs | 1 square foot per linear foot of storefront (sign area only) | See note 1 | May extend 6 feet from face of building, but shall not cross a property line | 1 per first floor door/ window | None |
| Canopy, drive-through | 40% of canopy face if signage is on 2 faces; 20% of canopy face if signs are on 4 faces | See note 1 | n/a | 1 per canopy face | None |
| Construction sign | 64 square feet | 12 feet | 10 feet | 1 per street frontage | None |
| Development entry sign | 160 square feet maximum per sign; 200 square feet total for 2 signs | 10 feet | 10 feet | | 1 per street frontage |
| Flat sign (storefront orientation)[4] | 2 square feet per linear foot of store frontage[6] | See note 1 | n/a | 1 per business or storefront | None |
| Monument and pole signs: | | | | | |
| Monument sign[5] | 1 square foot per linear foot of street frontage | 5 feet<br>10 feet | 5 feet<br>10 feet | 1 per street frontage | 1 sign per street frontage |
| Pole sign[5] | 1 square foot per linear foot of street frontage; 200 square feet maximum for a single business, 300 square feet maximum for multiple businesses | 25 feet | 15 feet | 1 per street frontage | |
| New development sign | 160 square feet per sign; 200 square feet total | 12 feet | 10 feet | 1 per street frontage | None |
| Political sign | 32 square feet | 8 feet | 10 feet | No limit | None |
| Private directional sign | 8 square feet | 4 feet | 5 feet | No limit | None |
| Public safety sign | 8 square feet | 6 feet | 10 feet | No limit | None |
| Real estate sign | 64 square feet | 12 feet | 10 feet | 1 per street frontage | None |
| Sexually oriented business signs | See section 21A.36.140 of this title | | | | |

| | | | | | |
|---|---|---|---|---|---|
| Wall sign or flat sign[4] | 1.5 square feet per linear foot of each building face | See note 1 | n/a | 1 per building face | None |
| Window sign | 25% of total frontage window area per floor | See note 1 | n/a | No limit | None |

Notes:
1.For height limits on building signs, see subsection 21A.46.070J of this chapter.
2.Not applicable to temporary signs mounted as flat signs.
3.The total number of signs permitted from the sign types combined.
4.Storefront flat signs limited to locations on the lower 2 floors.
5.See subsection A4a of this section.
6.A single-tenant building may combine the square footage total of both the storefront orientation and the general building orientation flat signs to construct 1 larger sign.

4. Supplementary Regulations:

a. Lot Frontage Requirements: A minimum lot frontage of one hundred feet (100') shall be required for pole signs or monument signs. (Ord. 17-04 § 4 (Exh. C), 2004: Ord. 13-04 § 24 (Exh. J), 2004: Ord. 35-99 § 79, 1999: Ord. 88-95 § 1 (Exh. A), 1995)

## 21A.46.110: SIGN REGULATIONS FOR DOWNTOWN DISTRICTS:

The following regulations shall apply to signs permitted in the downtown districts. Any sign not expressly permitted by these district regulations is prohibited.

A. Sign Regulations For The D-1 And D-4 Downtown Districts:

1. Purpose: Signage in the D-1 and D-4 downtown districts should reflect the unique character of the downtown as a regional center for commercial, cultural, entertainment and civic activity. Sign regulations for these districts are intended to allow for the design of signage that complements the downtown's dynamic physical and functional characteristics.

2. Applicability: Regulations in subsection A3a of this section shall apply to all uses within the D-1 and D-4 districts.

3. Sign Type, Size And Height Standards:

a. D-1 And D-4 Districts:

STANDARDS FOR THE D-1 AND D-4 DISTRICTS

| Types Of Signs Permitted | Maximum Area Per Sign Face | Maximum Height Of Freestanding Signs[1] | Minimum Setback[2] | Number Of Signs Permitted Per Sign Type | Limit On Combined Number Of Signs[3] |
|---|---|---|---|---|---|

| | | | | | |
|---|---|---|---|---|---|
| Awning signs | 1 square foot per linear foot of storefront (sign area only) | See note 1 | May extend 6 feet from face of building but not within 2 feet of the back of curb[6] | 1 per first floor door/ window | None |
| Canopy, drive-through | 40% of canopy face if signage is on 2 faces; 20% of canopy face if signs are on 4 faces | See note 1 | n/a | 1 per canopy face | None |
| Canopy signs | 1 square foot per linear foot of storefront (sign area only); 20 square feet maximum per canopy | See note 1 | May extend from face of building but not within 2 feet of the back of curb[6] | 1 per first floor building entry | None |
| Construction sign | 64 square feet | 12 feet | 5 feet | 1 per storefront | None |
| Corporate flag | 32 square feet | See subsection A4c of this section | 8 feet from face of building but not within 2 feet of the back of curb[6] | 1 per 50 feet of street frontage, 50 foot minimum street frontage required | 2 per street frontage |
| Flat sign (general building orientation) | 4 square feet per linear foot of building face[5] | See note 1 | n/a | 1 per building face | None |
| Flat sign (storefront orientation)[4] | 2 square feet per linear foot of each store frontage[5] | See note 1 | n/a | 1 per business storefront | None |
| Marquee sign | Subject only to subsection 21A.46.070O of this chapter | See subsection 21A.46.070O of this chapter | See subsection 21A.46.070O of this chapter[6] | 1 per storefront | None |
| Monument, pole, and projecting building signs: | | | | | |
| Monument sign | 1 square foot per linear foot of street frontage | 20 feet | None | 1 per street frontage | 1 sign per street frontage |
| Pole sign | 1 square foot per linear foot of street frontage; 200 square feet maximum for a single business, 300 square feet maximum for multiple businesses | 45 feet | None, but shall not extend across a property line | 1 per street frontage | |
| Projecting building sign | 125 square feet per side; 250 square feet total | See note 1. (See subsection A4b of this section) | May extend 6 feet from face of building but not within 2 feet of the back of curb[6] | 1 per street frontage (See subsection A4b of this section) | |
| Nameplate, building | 3 square feet | 8 square feet | None | 1 per building | None |
| New development sign | 200 square feet | 12 feet | 5 feet | 1 per street frontage | None |

| | | | | | |
|---|---|---|---|---|---|
| Outdoor television monitor[4,7] | 62 square feet | See note 1. Sign face limited to 8 feet in height | None | 1 per building | None |
| Political sign | 32 square feet | 8 feet | 5 feet | No limit | None |
| Private directional sign | 8 square feet | 4 feet | 5 feet | No limit | None |
| Projecting business storefront sign | 9 square feet per side; 18 square feet total | See note 1. Sign face limited to 4 feet in height | May extend 4 feet from face of building but not within 2 feet of the back of curb[6] | 1 per public business entry to the street | None |
| Projecting parking entry sign | 9 square feet; 18 square feet total | See note 1. Sign face limited to 4 feet in height | May extend 4 feet from face of building but not within 2 feet of the back of curb[6] | 1 per driveway or parking lot entry | None |
| Public safety sign | 8 square feet | 6 square feet | None | No limit | None |
| Real estate sign | 32 square feet | 8 feet | None | 1 per street frontage | None |
| Roof signs | 4 square feet per linear foot of building face or 6 square feet per linear foot of building face on buildings taller than 100 feet | See note 1 | n/a | 1 per street frontage | None |
| Window sign | 25% of total frontage window area per use | No limit | n/a | No limit | None |

Notes:
1.For height limits on building signs, see subsection 21A.46.070J of this chapter.
2.Not applicable to temporary signs mounted as flat signs.
3.The total number of signs permitted from the sign types combined.
4.Storefront flat signs and outdoor television monitors limited to locations on the lower 2 floors.
5.A single-tenant building may combine the square footage total of both the storefront orientation and the general building orientation flat signs to construct 1 larger sign.
6.Public property lease and insurance required for projection over property line.
7.Allowed in conjunction with television stations only and are allowed only if the building contains a permanent broadcast studio for the television station of at least 15,000 square feet.

b. Sports Arena Located On The Block Between South Temple And 100 South Between 300 And 400 West Streets:

STANDARDS FOR THE SPORTS ARENA LOCATED ON THE
BLOCK BETWEEN SOUTH TEMPLE AND 100 SOUTH
BETWEEN 300 AND 400 WEST STREETS

| Types Of Signs Permitted | Maximum Area Per Sign Face | Maximum Height Of Freestanding Signs[1] | Minimum Setback[2] | Number Of Signs Permitted Per Sign Type | Limit On Combined Number Of Signs[3] |
|---|---|---|---|---|---|

| | | | | | |
|---|---|---|---|---|---|
| Awning/canopy signs | 1 square foot per linear foot of storefront (sign area only) | See note 1 | May extend 6 feet from face of building but not within 2 feet from back of curb[6] | 1 per first floor door/ window | None |
| Canopy, drive-through | 40% of canopy face if signage is on 2 faces; 20% of canopy face if signs are on 4 faces | See note 1 | n/a | 1 per canopy face | None |
| Construction sign | 64 square feet | 12 feet | 5 feet | 1 per storefront | None |
| Flat sign (general building orientation) | 4 square feet per linear foot of building face[5] | See note 1 | n/a | 1 per building face | None |
| Flat sign (storefront orientation)[4] | 2 square feet per linear foot of each store frontage[5] | See note 1 | n/a | 3 per business storefront | None |
| Marquee sign | Subject only to subsection 21A.46.070O of this chapter | See subsection 21A.46.070O of this chapter | See subsection 21A.46.070O of this chapter | 1 per storefront | None |
| Monument and pole signs: | | | | | |
| Monument sign | 1 square foot per linear foot of street frontage | 20 feet | None | 1 per street frontage | 1 sign per street frontage |
| Pole sign | 1 square foot per linear foot of street frontage; 200 square feet maximum for a single business, 300 square feet maximum for multiple businesses | 45 feet | None, but shall not extend across a property line | 1 per street frontage | |
| Nameplate, building | 3 square feet | 8 square feet | None | 1 per building | None |
| New development sign | 200 square feet | 12 feet | 5 feet | 1 per street frontage | None |
| Political sign | 32 square feet | 8 feet | 5 feet | No limit | None |
| Private directional sign | 8 square feet | 4 feet | 5 feet | No limit | None |
| Public safety sign | 8 square feet | 6 square feet | None | No limit | None |
| Real estate sign | 32 square feet | 8 feet | None | 1 per street frontage | None |
| Roof signs | 4 square feet per linear foot of building face or 6 square feet per linear foot of building face on buildings taller than 100 feet | See note 1 | n/a | 1 per street frontage | None |

| | | | | | |
|---|---|---|---|---|---|
| Window sign | 25% of total frontage window area per use 90% of total frontage window area (interior or exterior) for sports arena events, not to exceed 3 months in duration for each calendar year[7] | No limit | n/a | No limit | None |

Notes:
1.For height limits on building signs, see subsection 21A.46.070J of this chapter.
2.Not applicable to temporary signs mounted as flat signs.
3.The total number of signs permitted from the sign types combined.
4.Storefront flat signs limited to locations on the lower 2 floors.
5.A single-tenant building may combine the square footage total of both the storefront orientation and the general building orientation flat signs to construct 1 larger sign.
6.Public property lease and insurance required for projection over property line.
7.Verbiage and/or corporate logos are limited to on premises advertising of sports arena events only and are limited to 10 percent of the window coverage.

4. Supplementary Regulations:

a. Sign Setbacks: All freestanding signs shall be set back not less than five feet (5') from the front or corner side lot line. In the case of pole signs, this setback requirement shall be applied to the sign support structure, allowing the sign itself to extend to the front lot line if adequate ground clearance is provided as required in this title.

b. Projecting Building Signs: Projecting building signs are allowed for the following uses only:

(1) Theaters (live or cinematic theaters with business frontage and direct access to the street);

(2) Anchor retail (large retailers with over 35,000 square feet of usable floor area) or shopping centers or malls (containing multiple stores with a combined commercial/ retail floor area of over 100,000 square feet);

(3) Historic buildings as outlined in subsection 21A.46.070V of this chapter.

Businesses using projecting building signs may not also use projecting business storefront signs. The content of a projecting building sign is limited to the building, business or shopping center name and logo.

c. Corporate Flags: The pole support must be attached directly to the building and located so that all portions of the flag clear the pedestrian level of the building. Flags shall not interfere with street trees, light poles, utility lines, etc., and shall maintain a ten foot (10') clearance from the sidewalk. Corporate flags may be additionally anchored at the bottom with a cable, chain, rope or other nonrigid device, to prevent excessive movement. However, if more than one structural support is provided, the flag shall be considered a fabric "projecting sign".

B. Sign Regulations For The D-2 District:

1. Purpose: Sign regulations for the D-2 district are intended to respond to the existing diversity in signage characteristics within this district. The D-2 district is supportive of the D-1 district and reflects a similar purpose as the center for business and culture for the region.

2. Applicability: Regulations in subsection B3 of this section shall apply to all uses within the D-2 district.

3. Sign Type, Size And Height Standards:

STANDARDS FOR THE D-2 DISTRICT

| Types Of Signs Permitted | Maximum Area Per Sign Face | Maximum Height Of Freestanding Signs[1] | Minimum Setback[2] | Number Of Signs Permitted Per Sign Type | Limit On Combined Number Of Signs[3] |
|---|---|---|---|---|---|
| Awning/canopy sign | 1 square foot per linear foot of storefront (sign area only) | See note 1 | May extend 6 feet from face of building 2 feet from back of curb[7] | 1 per first floor door/ window | None |
| Canopy, drive-through | 40% of canopy face if signage is on 2 faces; 20% of canopy face if signs are on 4 faces | See note 1 | n/a | 1 per canopy face | None |
| Construction sign | 64 square feet | 12 feet | 5 feet | 1 per street frontage | None |
| Flat sign (storefront orientation)[4] | 2 square feet per linear foot of each store frontage[5] | See note 1 | n/a | 1 per business or storefront | None |
| Monument and pole signs: | | | | | |
| Monument sign[6] | 1 square foot per linear foot of street frontage | 20 feet | None | 1 per street frontage | 1 sign per street frontage |
| Pole sign[6] | 1 square foot per linear foot of street frontage; 200 square feet maximum for a single business, 300 square feet maximum for multiple businesses | 45 feet | None, but shall not extend across a property line | 1 per street frontage | |
| Nameplate, building | 3 square feet | 8 square feet | None | 1 per building | None |
| New development sign | 200 square feet | 12 feet | 5 feet | 1 per street frontage | None |
| Political sign | 32 square feet | 8 feet | 5 feet | No limit | None |
| Private directional sign | 8 square feet | 4 feet | 5 feet | No limit | None |
| Public safety sign | 8 square feet | 6 feet | 5 feet | No limit | None |
| Real estate sign | 64 square feet | 12 feet | 5 feet | 1 per street frontage | None |
| Wall sign or flat sign (general building orientation) | 4 square feet per linear foot of building face[5] | See note 1 | n/a | 1 per building face | None |

| | | | | | |
|---|---|---|---|---|---|
| Window sign | 25% of total frontage window area per use | See note 1 | n/a | No limit | n/a |

Notes:
1.For height limits on building signs, see subsection 21A.46.070J of this chapter.
2.Not applicable to temporary signs mounted as flat signs.
3.The total number of signs permitted from the sign types combined.
4.Storefront flat signs limited to locations on the lower 2 floors.
5.A single-tenant building may combine the square footage total of both the storefront orientation and the general building orientation flat signs to construct 1 larger sign.
6.See subsection B4a of this section.
7.Public property lease and insurance required for projection over property line.

4. Supplementary Regulations:

a. Lot Frontage Requirements: A minimum lot frontage of one hundred feet (100') shall be required for pole signs or monument signs.

C. Sign Regulations For The D-3 Downtown Residential/Warehouse District:

1. Purpose: Signage in the D-3 district should respond to the special character of the area resulting from the presence of existing warehouse buildings, some of which are historically significant, and the mix of residential and commercial uses allowed in the district. Consistent with the intent of the district to preserve the existing buildings while promoting new uses within them, signage within the district should contribute to the vitality of the area without detracting from the significance of the architecture. The sign regulations for this district are designed to allow for the identification of uses within the district but to restrain the size and location of signs in order to complement the architectural characteristics of buildings.

2. Applicability: Regulations in subsection C3 of this section shall apply to all uses within the D-3 district.

3. Sign Type, Size And Height Standards:

STANDARDS FOR THE D-3 DISTRICT

| Types Of Signs Permitted | Maximum Area Per Sign Face | Maximum Height Of Freestanding Signs[1] | Minimum Setback[2] | Number Of Signs Permitted Per Sign Type | Limit On Combined Number Of Signs[3] |
|---|---|---|---|---|---|
| Awning/canopy signs | 1 square foot per linear foot of storefront (sign area only) | See note 1 | May extend 6 feet from face of building 2 feet from back of curb[6] | 1 per first floor door/window | None |
| Canopy, drive-through | 40% of canopy face if signage is on 2 faces; 20% of canopy face if signs are on 4 faces | See note 1 | n/a | 1 per canopy face | None |
| Construction sign | 64 square feet | 12 feet | 5 feet | 2 per building | None |
| Flat sign (storefront orientation)[4] | 1.5 square feet per linear foot of store frontage[5] | See note 1 | n/a | 1 per business or storefront | None |

| | | | | | |
|---|---|---|---|---|---|
| Monument and pole signs: | | | | | |
| Monument sign | 100 square feet | 12 feet | None | 1 per street frontage | 1 sign per street frontage |
| Pole sign | 75 square feet for a single business; 100 square feet for multiple businesses | 25 feet | None, but shall not extend across a property line | 1 per street frontage | |
| Nameplate, building | 3 square feet | 8 square feet | n/a | 1 per building | None |
| New development sign | 80 square feet | 12 feet | 5 feet | 1 per development | None |
| Political sign | 32 square feet | 8 feet | 5 feet | No limit | None |
| Private directional sign | 8 square feet | 4 feet | 5 feet | No limit | None |
| Public safety sign | 8 square feet | 6 feet | 5 feet | No limit | None |
| Real estate sign | 64 square feet | 12 feet | 5 feet | 1 per building | None |
| Wall sign or flat sign (general building orientation) | 1.5 square feet per linear foot of building face[5] | See note 1 | n/a | 1 per building face | |
| Window sign | 25% of total frontage window area per use | See note 1 | n/a | No limit | None |

Notes:
1.For height limits on building signs, see subsection 21A.46.070J of this chapter.
2.Not applicable to temporary signs mounted as flat signs.
3.The total number of signs permitted from the sign types combined.
4.Storefront flat signs limited to locations on the lower 2 floors.
5.A single-tenant building may combine the square footage total of both the storefront orientation and the general building orientation flat signs to construct 1 larger sign.
6.Public property lease and insurance required for projection over property line.

(Ord. 19-11, 2011: Ord. 10-10 § 14, 2010: Ord. 62-09 § 1, 2009: Ord. 80-04 § 1 (Exh. A), 2004: Ord. 68-04 § 1, 2004: Ord. 62-03 § 2, 2003: Ord. 28-01 §§ 3, 4, 2001: Ord. 61-00 §§ 7, 8, 2000: Ord. 53-00 § 10, 2000: Ord. 35-99 § 80, 1999: Ord. 83-98 § 10, 1998: Ord. 88-95 § 1 (Exh. A), 1995)

## 21A.46.115: SIGN REGULATIONS FOR GATEWAY DISTRICTS:

The following regulations shall apply to signs permitted in the gateway districts. Any sign not expressly permitted by these district regulations is prohibited.

A. Sign Regulations For The G-MU Gateway District:

1. Purpose: Signage in the G-MU gateway district should reflect the unique character of the gateway as a mixture of residential, commercial and industrial uses within an urban neighborhood atmosphere. Sign regulations for this district are intended to allow for the design of signage that complements the gateway's dynamic physical and

functional characteristics.

2. Applicability: Regulations in subsection A3 of this section shall apply to all uses within the G-MU district.

3. Sign Type, Size And Height Standards:

STANDARDS FOR THE GATEWAY DISTRICT (G-MU)

| Types Of Signs Permitted | Maximum Area Per Sign Face | Maximum Height Of Freestanding Signs[1] | Minimum Setback[2] | Number Of Signs Permitted Per Sign Type | Limit On Combined Number Of Signs[3] |
|---|---|---|---|---|---|
| Awning | 1 square foot per linear foot of storefront (sign area only) | See note 1 | May extend 6 feet from face of building but not within 2 feet of the back of curb[6] | 1 per first floor door/window | None |
| Canopy signs | 1 square foot per linear foot of storefront (sign area only) 20 square feet maximum per canopy | See note 1 | May extend from face of building but not within 2 feet of the back of curb[6] | 1 per first floor building entry | None |
| Construction sign | 64 square feet | 12 feet | 5 feet | 2 per building | None |
| Corporate flag | 32 square feet | See subsection A4b of this section | May extend 8 feet from the face of building but not within 2 feet of the back of curb[6] | 1 per 50 feet of street frontage. 50 foot minimum street frontage required | 2 per street frontage |
| Flat sign (general building orientation) | 1.5 square feet per linear foot of building face[5] | See note 1 | n/a | 1 per building face | None |
| Flat sign (storefront orientation)[4] | 1.5 square feet per linear foot of store frontage[5] | See note 1 | n/a | 1 per business or storefront | None |
| Marquee sign | Subject only to subsection 21A.46.070O of this chapter | | | 1 per storefront | None |
| Monument and projecting building signs: | | | | | |
| Monument sign | 100 square feet | 12 feet | None | 1 per street frontage | 1 sign per street frontage |
| Projecting building sign | 125 square feet per side; 250 square feet total | See note 1. (See subsection A4a of this section) | May extend 6 feet from the face of building but not within 2 feet of the back of the curb[6] | 1 per street frontage (See subsection A4a of this section) | |

| | | | | | |
|---|---|---|---|---|---|
| Nameplate, identifying building name | 3 square feet | 8 feet | n/a | 1 per building | None |
| New development sign | 80 square feet | 12 feet | 5 feet | 1 per development | None |
| Political sign | 32 square feet | 8 feet | 5 feet | No limit | None |
| Private directional sign | 8 square feet | 4 feet | 5 feet | No limit | None |
| Projecting business storefront sign | 9 square feet per side; 18 square feet total | See note 1. Sign face limited to 4 feet in height | May extend 4 feet from the face of building but not within 2 feet of the back of the curb[6] | 1 per public business entry to the street | None |
| Projecting parking entry sign | 9 square feet; 18 square feet total | See note 1. Sign face limited to 4 feet in height | May extend 4 feet from face of building but not within 2 feet of the back of curb[6] | 1 per driveway or parking lot entry | None |
| Public safety sign | 8 square feet | 6 feet | 5 feet | No limit | None |
| Real estate sign | 64 square feet | 12 feet | 5 feet | 1 per building | None |
| Window sign | 25% of total frontage window area per use | See note 1 | n/a | No limit | None |

Notes:
1.For height limits on building signs, see subsection 21A.46.070J of this chapter.
2.Not applicable to temporary signs mounted as flat signs.
3.The total number of signs permitted from the sign types combined.
4.Storefront flat signs limited to locations on the lower 2 floors.
5.A single-tenant building may combine the square footage total of both the storefront orientation and the general building orientation flat signs to construct 1 larger sign.
6.Public property lease and insurance required for projection over property line.

4. Specific Signs:

a. Projecting Building Signs: Projecting building signs are allowed for the following uses only:

(1) Theaters (live or cinematic theaters with business frontage and direct access to the street),

(2) Anchor retail (large retailers with over 35,000 square feet of usable floor area) or shopping centers or malls (containing multiple stores with a combined commercial/ retail floor area of over 100,000 square feet),

(3) Historic buildings as outlined in subsection 21A.46.070V of this chapter.

Businesses using projecting building signs may not also use projecting business storefront signs. The content of a projecting building sign is limited to the building, business or shopping center name and logo.

b. Corporate Flags: The pole support must be attached directly to the building and located so that all portions of the flag shall not interfere with the street trees, light

poles, utility lines, etc., and shall maintain a ten foot (10') clearance from the sidewalk. Corporate flags may be additionally anchored at the bottom with a cable, chain, rope or other nonrigid device, to prevent excessive movement. However, if more than one structural support is provided, the flag shall be considered a fabric "projecting sign". (Ord. 68-01 §§ 1, 2, 2001: Ord. 53-00 § 11, 2000: Ord. 83-98 § 11 (Exh. F), 1998)

## 21A.46.120: SIGN REGULATIONS FOR SPECIAL PURPOSE DISTRICTS:

The following regulations shall apply to signs permitted in the special purpose districts. Any sign not expressly permitted by these district regulations is prohibited.

A. Sign Regulations For The RP And BP Districts:

1. Purpose: Signage in the RP and BP districts should respond to the campus like setting promoted by these districts, with signage functioning principally to identify building occupants. Freestanding signs should accent the landscape and building signs should accent the buildings.

2. Applicability: Regulations in subsection A3 of this section shall apply to lots within the RP and BP districts.

3. Sign Type, Size And Height Standards:

STANDARDS FOR THE RP AND BP DISTRICTS

| Types Of Signs Permitted | Maximum Area Per Sign Face | Maximum Height Of Freestanding Signs[1] | Minimum Setback[2] | Number Of Signs Permitted |
|---|---|---|---|---|
| Construction sign | 64 square feet | 12 feet | 10 feet | 1 per street frontage |
| Development entry sign | 160 square feet maximum per sign; 200 square feet for 2 signs | 10 feet | 10 feet | 1 per street frontage |
| Flat sign[3,4] | 1 square foot per linear foot of building frontage | See note 1 | n/a | 1 per business storefront |
| Monument sign | 60 square feet | 5 feet | 10 feet | 1 per street frontage |
| Nameplate | 2 square feet | n/a | n/a | 1 per building entry |
| New development sign | 160 square feet maximum per sign; 200 square feet for 2 signs | 12 feet | 10 feet | 1 per street frontage |
| Political sign | 32 square feet | 8 feet | 10 feet | No limit |
| Private directional sign | 8 square feet | 4 feet | 5 feet | No limit |
| Public safety sign | 8 square feet | 6 feet | 10 feet | No limit |
| Real estate sign | 32 square feet | 8 feet | 10 feet | 1 per street frontage |
| Window sign | 12 square feet | See note 1 | n/a | No limit |

General Provision:
Research and business parks may have private sign regulations. Sign regulations in this section are not intended to relieve the applicant from compliance with private research or business park regulations.

Notes:
1.For height limits on building signs, see subsection 21A.46.070J of this chapter.
2.Not applicable to temporary signs mounted as flat signs.
3.Storefront flat signs limited to locations on the lower 2 floors.
4.Backlit awnings excluded.

B. Sign Regulations For The FP District:

1. Purpose: In recognition of the need to protect the visual character of foothill areas, sign regulations for the FP district are intended to limit the use of signage to the minimum level required for single-family residential use.

2. Applicability: Regulations in subsection B3 of this section shall apply to all lots within the FP district.

3. Sign Type, Size And Height Standards:

STANDARDS FOR THE FP DISTRICT

| Types Of Signs Permitted | Maximum Area Per Sign Face | Maximum Height | Number Of Signs Permitted Per Use |
|---|---|---|---|
| Construction sign | 16 square feet | 6 feet[1] | 1 per street frontage |
| Garage/yard sale sign | 6 square feet | 4 feet[1] | 1 per street frontage |
| Nameplate | 1 square foot | n/a | 1 per dwelling |
| Political sign | 8 square feet | 4 feet[1] | No limit |
| Private directional sign | 8 square feet | 4 feet[1] | No limit |
| Public safety sign | 8 square feet | 6 feet[1] | No limit |
| Real estate sign | 8 square feet | 4 feet[1] | 1 per street frontage |
| Special event sign | 16 square feet | 6 feet[1] | 1 per street frontage |

Note:
1.A 5 foot setback is required.

4. Illumination: No illumination of signs shall be permitted.

C. Sign Regulations For The AG, AG-2, AG-5, And AG-20 Districts:

1. Purpose: Signage in the AG, AG-2, AG-5 and AG-20 districts should be limited to signage appropriate for single-family residential and agricultural uses.

2. Applicability: Regulations in subsection C3 of this section shall apply to all lots within the AG, AG-2, AG-5 and AG-20 districts.

3. Sign Type, Size And Height Standards:

STANDARDS FOR THE AG, AG-2, AG-5 AND AG-20 DISTRICTS

| Types Of Signs Permitted | Maximum Area Per Sign Face | Maximum Height | Number Of Signs Permitted Per Use |
|---|---|---|---|
| Construction sign | 16 square feet | 4 feet[1] | 1 per street frontage |
| Garage/yard sale sign | 6 square feet | 4 feet[1] | 1 per street frontage |
| Nameplate | 1 square foot | n/a | 1 per dwelling |
| Political sign | 8 square feet | 4 feet[1] | No limit |
| Private directional sign | 8 square feet | 4 feet[1] | No limit |
| Public safety sign | 8 square feet | 6 feet[1] | No limit |
| Real estate sign | 8 square feet | 4 feet[1] | 1 per street frontage |
| Signs advertising agricultural uses and/or products grown on site | 16 square feet | 8 feet[1] | 1 per street frontage |
| Special event sign | 16 square feet | 6 feet[1] | 1 per street frontage |

Note:
1.A 5 foot setback is required.

4. Illumination: No illumination of signs shall be permitted.

D. Sign Regulations For The A Airport District:

1. Purpose: Signage in the A district should respond to the airport setting promoted by this district, with signage functioning principally to identify building occupants. Freestanding signs should accent the landscape and building signs should accent the buildings.

2. Applicability: Regulations in subsection D3 of this section shall apply to all lots within the A districts.

3. Sign Type, Size And Height Standards:

STANDARDS FOR THE A DISTRICT

| Types Of Signs Permitted | Maximum Area Per Sign Face | Maximum Height Of Freestanding Signs[1] | Minimum Setback[2] | Number Of Signs Permitted |
|---|---|---|---|---|
| Awning/canopy sign | 1 square foot per linear foot of storefront (sign area only) | | May extend 6 feet from face of building | 1 per first floor door/window |
| Construction sign | 64 square feet | 12 feet | 10 feet | 2 per tenant |
| Development entry sign | 200 square feet | 10 feet | 10 feet | 1 per street frontage |
| Monument sign | 100 square feet | 12 feet | 10 feet | 1 per business/ storefront |
| New development sign | 160 square feet maximum per sign; 200 square feet for 2 signs | 12 feet | 10 feet | 1 per street frontage |
| Pole sign | 50 square feet | 25 feet | 10 feet | 1 per business |
| Political sign | 32 square feet | 8 feet | 10 feet | No limit |
| Private directional sign | 8 square feet | 4 feet | n/a | No limit |
| Public safety sign | 8 square feet | 6 feet | 10 feet | No limit |
| Real estate sign | 16 square feet | 8 feet | 10 feet | 1 per building |
| Wall or flat sign | 2 square feet per linear foot of building frontage | See note 1 | n/a | 2 per tenant |
| Window sign | 12 square feet | 2 feet | n/a | No limit |

Notes:
1.For height limits on building signs, see subsection 21A.46.070J of this chapter.
2.Not applicable to temporary signs mounted as flat signs.

E. Sign Regulations For The UI, PL, PL-2, I And OS Districts:

1. Purpose: Sign regulations for the PL, PL-2, I, UI and OS districts are established to control signage for public and semipublic uses and facilities. These regulations are intended to respond to larger campus type settings as well as development on individual lots.

2. Applicability: Regulations in subsections E3, E4 and E5 of this section, respectively, shall apply to all lots within the UI, PL, PL-2, I and OS districts.

3. Sign Type, Size And Height Standards:

STANDARDS FOR THE UI DISTRICT

| Types Of Signs Permitted | Maximum Area Per Sign Face | Maximum Height Of Freestanding Signs[1] | Minimum Setback[2] | Number Of Signs Permitted |
|---|---|---|---|---|
| Construction sign | 32 square feet | 8 feet | 10 feet | 1 per street frontage |
| Development entry sign | 40 square feet each | 8 feet | 10 feet | 1 per street frontage |
| Flat sign | 0.5 square foot per linear foot of building frontage | See note 1 | n/a | 1 for each frontage of each use |
| Monument sign | 60 square feet | 8 feet | 10 feet | 1 per street frontage |
| Nameplates | 2 square feet | See note 1 | n/a | 1 per building entry |
| New development sign | 160 square feet maximum per sign; 200 square feet for 2 signs | 8 feet | 10 feet | 1 per street frontage |
| Political sign | 16 square feet | 8 feet | 10 feet | No limit |
| Private directional sign | 8 square feet | 4 feet | 5 feet | No limit |
| Public safety sign | 8 square feet | 6 feet | 10 feet | No limit |
| Real estate sign | 32 square feet | 8 feet | 10 feet | 1 per street frontage |
| Window sign | 12 square feet | See note 1 | n/a | No limit |

Notes:
1.For height limits on building signs, see subsection 21A.46.070J of this chapter.
2.Not applicable to temporary signs mounted as flat signs.

4. Sign Type, Size And Height Standards For The PL, PL-2 And I Districts:

a. Standards For The PL, PL-2 And I Districts:

| Types Of Signs Permitted | Maximum Area Per Sign Face | Maximum Height Of Freestanding Signs[1] | Minimum Setback[2] | Number Of Signs Permitted |
|---|---|---|---|---|
| Construction sign | 32 square feet | 8 feet | 10 feet | 1 per street frontage |
| Development entry sign | 40 square feet per sign | 8 feet | 10 feet | 1 per street frontage |
| Flat sign | 0.5 square foot per linear foot of building frontage | See note 1 | n/a | 1 for each frontage of each use |
| Monument sign | 60 square feet | 8 feet | 10 feet | 1 per building frontage |
| Nameplates | 2 square feet | See note 1 | n/a | 1 per building entry |

| | | | | |
|---|---|---|---|---|
| New development sign | 160 square feet maximum per sign; 200 square feet for 2 signs | 8 feet | 10 feet | 1 per street frontage |
| Political sign | 16 square feet | 8 feet | 10 feet | No limit |
| Private directional sign | 8 square feet | 4 feet | 5 feet | No limit |
| Public safety sign | 8 square feet | 6 feet | 10 feet | No limit |
| Real estate sign | 32 square feet | 8 feet | 10 feet | 1 per street frontage |
| Window sign | 12 square feet | See note 1 | n/a | No limit |

Notes:
1.For height limits on building signs, see subsection 21A.46.070J of this chapter.
2.Not applicable to temporary signs mounted as flat signs.

b. Standards For The Ballpark Located On The Southeast Corner Of 1300 South And West Temple: Flat signs, construction signs, political signs, real estate signs, new development signs, window signs, public safety signs, and nameplates shall comply with the table for standards for the PL, PL-2 and I districts.

The design, materials, and colors for all signs must be compatible with the ballpark on the corner of 1300 South and West Temple subject to the approval of the Salt Lake City urban design committee.

| Types Of Signs Permitted | Maximum Area Per Sign Face | Maximum Height Of Freestanding Signs[1] | Minimum Setback[2] | Number Of Signs Permitted |
|---|---|---|---|---|
| Awning signs | 1 square foot per linear foot of awning | See note 1 | May extend 6 feet from face of building, 2 feet from back of curb face[5] | 1 per first floor door/window and not to extend beyond 1 foot on each side of the door or window width |
| Monument signs[3,4] | 60 square feet of total sign face area including a base. The base shall be 25% of the sign height | 8 feet | 10 feet | 1 per building frontage |
| Pole signs (triangle frame structure) | 180 square feet per gross sign face. 540 square feet for the structure | 30 feet | No sign projection over the property line | 1 pole sign which allows 4 sign panels per sign face, 1 of which may be an electronic changeable copy sign[4] and 1 logo sign (12 total signs for the triangular pole sign) |
| Private directional signs[3] | 8 square feet of total sign face area including a base. The base shall be 25% of the sign height | 4 feet | 2 feet behind property lines | 2 per driveway approach and as necessary for pedestrian direction |

Notes:

1.For limits on the height of building signs, see subsection 21A.46.070J of this chapter.
2.Not applicable to temporary signs mounted as flat signs.
3.Modified from the standards for the PL, PL-2 and I districts and required for the ballpark overlay district.
4.Electronic changeable copy signs shall only be permitted on arterial street frontages. Electronic changeable copy signs/panels shall not exceed 50 square feet.
5.Public property lease and insurance required for projection over property line.

5. Sign Type, Size And Height Standards For The OS District:

STANDARDS FOR THE OS DISTRICT

| Types Of Signs Permitted | Maximum Area Per Sign Face | Maximum Height Of Freestanding Signs[1] | Minimum Setback[2] | Number Of Signs Permitted |
|---|---|---|---|---|
| Construction sign | 24 square feet | 8 feet | 10 feet | 1 per street frontage |
| Development entry sign | 32 square feet each | 4 feet | 10 feet | 1 per street frontage |
| Flat sign | 0.5 square foot per linear foot of building frontage; total not to exceed 60 square feet | No limit | n/a | 1 for each frontage of each use |
| Monument sign | 60 square feet | 8 feet | 10 feet | 1 per building frontage |
| Monument sign in parks 28 acres or greater[3] | 60 square feet | 10 feet | 10 feet | 1 per building frontage |
| New development sign | 160 square feet maximum per sign; 200 square feet for 2 signs | 8 feet | 10 feet | 1 per street frontage |
| Park banner sign, park identity banner[3,4,5] | 12 square feet | 18 feet | 10 feet | 1 set of 3 signs per 5 acres of park land relating to the specific park |
| Park banner sign, permanent venue[3,4] | 12 square feet | 18 feet | 10 feet | 1 set of 3 banners per permanent venue |
| Political sign | 16 square feet | 8 feet | 10 feet | No limit |
| Private directional sign | 8 square feet | 4 feet | 5 feet | No limit |
| Public safety sign | 8 square feet | 6 feet | 10 feet | No limit |
| Real estate sign | 24 square feet | 8 feet | 10 feet | 1 per street frontage |
| Window sign | 12 square feet | See note 1 | n/a | No limit |

Notes:
1.For height limits on building signs, see subsection 21A.46.070J of this chapter.
2.Not applicable to temporary signs mounted as flat signs.
3.Allowed only in parks 28 acres or larger, and does not apply to public property used for cemeteries, golf courses, river banks, trails or natural open space areas.

4.Park banner signs must be grouped within an 18 foot radius.
5.Park banner signs must have a consistent design.

6. Illumination: Illuminated signs shall be limited to flat signs, monument signs, window signs, and development entry signs.

F. Sign Regulations For The MH Mobile Home Park District:

1. Purpose: Signage for the MH district should be limited to situations typically accessory to single-family dwellings within a mobile home development. The sign regulations of this district are intended to limit the number, size and duration of signage in order to prevent the creation of nuisance impacts on the use and enjoyment of surrounding property.

2. Applicability: Regulations in subsection F3 of this section shall apply to all land within the MH district.

3. Sign Type, Size And Height Standards:

STANDARDS FOR THE MH DISTRICT

| Types Of Signs Permitted | Maximum Area Per Sign Face | Maximum Height | Number Of Signs Permitted |
|---|---|---|---|
| Construction sign | 8 square feet | 4 feet[1] | 1 per dwelling |
| Development entry sign[2] | 40 square feet | 8 feet[1] | 1 per entry |
| Garage/yard sale sign | 6 square feet | 4 feet[1] | 1 per dwelling |
| Monument sign[2] | 60 square feet | 8 feet | 1 per street frontage |
| Nameplate | 1 square foot | 6 feet | 1 per dwelling |
| New development sign | 160 square feet maximum per sign; 200 square feet total | 10 feet[1] | 1 per public street frontage |
| Political sign | 8 square feet | 4 feet[1] | No limit |
| Private directional sign | 8 square feet | 4 feet[1] | No limit |
| Public safety sign | 8 square feet | 6 feet | No limit |
| Real estate sign | 8 square feet | 4 feet[1] | 1 per dwelling |
| Special event sign | 16 square feet | 6 feet[1] | 1 per building |

Notes:
1.A 5 foot setback is required.
2.Shall have a 5 foot setback, unless integrated into the fence structure. Height requirements for fence apply.

4. Illumination: Signs for residential uses shall not be internally illuminated, except for new development signs and development entry signs.

G. Sign Regulations For The EI Extractive Industries District:

1. Purpose: Sign regulations for the EI district are intended to provide for appropriate identification for mining/extractive industries. The principal need for signage in this district is the identification of the use, including entry into the site.

2. Applicability: Regulations in subsection G3 of this section shall apply to all lots within the EI district.

3. Sign Type, Size And Height Standards:

STANDARDS FOR THE EI DISTRICT

| Types Of Signs Permitted | Maximum Area Per Sign Face | Maximum Height Of Freestanding Signs[1] | Number Of Signs Permitted Per Sign Type | Limit On Combined Number Of Signs[2] |
|---|---|---|---|---|
| Construction sign | 32 square feet | 8 feet | 1 per street frontage | None |
| Development entry sign | 20 square feet per linear foot of street frontage; 100 square feet maximum | 8 feet | 1 per street frontage | None |
| Flat sign | 2 square feet per linear foot of building frontage | See note 1 | 1 per building frontage | 1 per building frontage |
| Monument sign | 60 square feet | 8 feet | 1 per street frontage | None |
| Pole sign | 50 square feet | 30 feet | 1 per street frontage | None |
| Political sign | 16 square feet | 4 feet | No limit | None |
| Private directional sign | 8 square feet | 4 feet | No limit | None |
| Public safety sign | 8 square feet | 6 feet | No limit | None |
| Real estate sign | 32 square feet | 8 feet | 1 per street frontage | None |
| Wall sign | 1 square foot per linear foot of building frontage; not to exceed 60 square feet | See note 1 | 1 per building frontage | 1 per building frontage |
| Window sign | 25% of total frontage window area per building | See note 1 | No limit | None |

Notes:
1.For limits on height of building signs, see subsection 21A.46.070J of this chapter.
2.The total number of signs permitted from the sign types combined.

4. Supplementary Regulations:

a. Sign Setbacks: A pole sign shall be set back thirty feet (30') from the property line with a six foot (6') maximum projection into the setback. All other freestanding signs

shall be set back not less than five feet (5') from any property line. (Ord. 19-11, 2011: Ord. 80-05 § 1 (Exh. A), 2005: Ord. 73-02 §§ 13, 14 (Exh. F), 2002: Ord. 53-00 § 5, 2000: Ord. 14-00 §§ 13, 14, 2000: Ord. 35-99 §§ 81-83, 1999: Ord. 44-98 § 2, 1998: Ord. 88-95 § 1 (Exh. A), 1995)

## 21A.46.130: LOCALIZED ALTERNATIVE SIGN OVERLAY DISTRICT:

A. Purpose: Large scale land uses (such as a shopping center, an office park, a special purpose district use such as the airport, or large institutions such as universities or medical centers having a multibuilding campus) have common design elements that can be complemented and enhanced through the use of special signage. Localized alternative sign overlay districts allow for the creation of special sign regulations to meet the needs of these situations.

B. Applicability: These regulations shall be applicable to sites two (2) acres or larger in the following districts:

RP district
CG district
CS district
A district
UI district
BP district
I district
PL district
PL-2 district

These regulations shall also apply to stadiums, arenas, convention centers on sites larger than two (2) acres, in the following districts:

D-1 district
D-2 district
D-3 district
D-4 district

C. Submission Of Overlay District Regulations: In order to give effect to the purpose set forth in subsection A of this section, a localized alternative sign overlay district pertaining only to a particular center, campus or district may be proposed as an alternative to the sign regulations that would otherwise be applicable under this chapter.

D. Effect Of Overlay District: If a localized alternative sign overlay district is established, the sign standards and limitations established within that district shall govern.

E. Application Procedure: Persons seeking to establish a localized alternative sign overlay district pursuant to this section shall submit the regulations proposed for the overlay district to the zoning administrator, together with any additional material the zoning administrator requests. This shall be considered an amendment to this title and zoning map and review and approval shall follow normal amendment procedures pursuant to chapter 21A.50 of this title. Following adoption of the overlay district by the city council, the regulations of the district shall apply uniformly to all properties located within the boundaries of the overlay district.

F. Changes To Approved Localized Alternative Sign Overlay Districts: An alternative localized sign overlay district which has been properly established may be amended or modified only upon submission and approval of another zoning amendment application pursuant to chapter 21A.50 of this title. (Ord. 73-02 § 15, 2002: Ord. 28-01 § 1, 2001: Ord. 88-95 § 1 (Exh. A), 1995)

## 21A.46.140: NONCONFORMING SIGNS:

A. Moving, Extensions Or Alterations: A nonconforming sign shall not be reconstructed, raised, moved, replaced, extended, altered or enlarged unless the sign is changed so as to conform to all provisions of this chapter. Alterations shall also mean the changing of the text or message of the sign as a result of a change in use of the property. Alterations shall not be interpreted to include changing the text or copy on outdoor advertising signs, theater signs, outdoor bulletins or other similar signs which are designed to accommodate changeable copy.

B. Unsafe Signs: See subsection 21A.46.150F of this chapter.

C. Restoration Conditions: Nonconforming signs which have been allowed to deteriorate or which have been damaged by fire, explosion, act of God or act of a public enemy, or damaged by any other cause, to the extent of more than sixty percent (60%) of their replacement value shall, if repaired or rebuilt, be repaired or rebuilt in conformity with the regulations of this chapter, or shall be removed. (Ord. 88-95 § 1 (Exh. A), 1995)

## 21A.46.150: PERMITS, INSPECTION AND ENFORCEMENT:

A. Enforcement By Building Official: The building official shall have the authority to enforce these sign regulations. In the performance of that duty, the building official may:

1. Issue Permits: Issue permits to construct, alter or repair signs which conform to the provisions of this chapter;

2. Determine Conformance: Ascertain that all signs, construction, and all reconstruction or modifications of existing signs are built or constructed or modified in conformance with the provisions of these sign regulations and all other regulations incorporated herein by reference;

3. Require Inspection Tags: Require that each sign located in the city requiring a sign permit have affixed to the sign or its supports a current inspection tag visible from the sidewalk or nearest convenient location. This inspection tag shall be issued pursuant to the procedures for sign inspections, set forth in subsection B of this section;

4. Issue Citations And Complaints: Issue citations and/or file complaints against violators of these sign regulations;

5. Confiscate Signs: Confiscate signs located on public property in accordance with the provisions of subsection H of this section.

B. Inspection Requirements: The building official shall have the authority to inspect signs as follows:

1. Initial Inspection After Construction: The building official shall make an initial inspection prior to footings being poured on a freestanding sign, and upon the completion of construction, erection, re-erection or remodeling of any sign for which a permit has been issued and an inspection request is made.

2. Issuance Of Inspection Tag: Upon completion of the sign inspection, the building official shall issue the appropriate inspection tag to the owner or sign contractor if the sign is found to conform to the provisions of this chapter. The presence of a current inspection tag shall serve as certification that the sign to which it is affixed conforms to the provisions of this chapter at the time of its erection and tagging.

3. Tag Data: Each sign inspection tag shall include the permit number and shall be recorded in the office of the building official as to the sign type, size, cost of construction, date of sign permit, and owner's and sign contractor's name and address.

4. Tag Installation: The inspection tag shall be installed by the sign owner, or sign contractor taking out the permit.

5. Inspection: The building official shall conduct an inspection of signs. If the building official finds any sign which has no visible inspection tag, has a visible inspection tag but is in need of repair, or violates any provision of this chapter, the building official may take the necessary legal action as specified in subsections D through I of this section.

C. Legal Actions Authorized: The building official may take any appropriate action or institute any proceeding in any case where any sign is erected, constructed, reconstructed, altered, repaired, converted or maintained, or in any case where any sign is used in violation of these sign regulations or any other city ordinance, in order to accomplish the following purposes:

1. To prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use of a sign; and

2. To restrain, to correct, or to abate such violation.

D. Notice Of Violation: The building official may provide written notice of violation by registered mail to the owner of the property where the sign is located or person having charge or control or benefit of any sign found by the building official to be unsafe or dangerous, or in violation of these sign regulations or of any other city ordinance.

E. Nonmaintained Or Abandoned Signs: The building official may require each nonmaintained or abandoned sign to be removed from the building or premises when such sign has not been repaired or put into use by the owner, person having control or person receiving benefit of such structure within thirty (30) calendar days after notice of nonmaintenance or abandonment is given to the owner, person having control or person receiving the benefit of such structure.

F. Unsafe Or Dangerous Signs: If an unsafe or dangerous sign is not repaired or made safe within five (5) working days after the building official gives notice pursuant to subsection D of this section, the building inspector may abate and remove the sign, and the person having charge, control or benefit of any such sign shall pay to the city the costs incurred in such removal within thirty (30) calendar days after written notice is mailed to such person.

G. Illegal Signs: If an illegal sign is not brought into compliance with the provisions of these sign regulations within thirty (30) working days after the building official gives notice pursuant to subsection D of this section, the building inspector may abate and remove the sign, and the owner, person having charge, control or benefit of any such sign shall pay to the city the costs incurred in such removal within thirty (30) calendar days after written notice is mailed to such person.

H. Confiscation Of Signs: The building official shall immediately confiscate any sign located on public property in violation of these sign regulations or any other city ordinances. Confiscated signs shall be stored at a location determined by the building official for a period of thirty (30) days, during which time the owner or person having charge, control or benefit of the confiscated sign may redeem the sign after payment of fifty dollars ($50.00) and any applicable civil fines established pursuant to chapter 21A.20 of this title. The city shall not be liable for damages incurred to signs as a result of their confiscation. In addition to civil penalties sign owners and persons having charge, control or benefit of any sign erected in violation of this chapter shall be liable for any damages caused to public property, public facilities or public utilities by reason of the placement, attachment and/or removal of such unlawful signs. Signs not redeemed within thirty (30) days shall be destroyed.

I. Violation/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 chapter shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided in section 1.12.050 of this code. A separate offense shall be deemed to be committed on each day an offense occurs or continues. (Ord. 35-99 §§ 84, 85, 1999: Ord. 88-95 § 1 (Exh. A), 1995)

## 21A.46.160: BILLBOARDS:

A. Purpose Statement: This section is intended to limit the maximum number of billboards in Salt Lake City to no greater than the current number. This chapter further provides reasonable processes and methods for the replacement or relocation of existing nonconforming billboards to areas of the city where they will have less negative impact on the goals and policies of the city which promote the enhancement of the city's gateways, views, vistas and related urban design elements of the city's master plans.

B. Definitions: The definitions in this section apply in addition to those in section 21A.46.020 of this chapter.

BILLBOARD: A form of an off premises sign. A freestanding ground 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 BANK: An accounting system established by the city to keep track of the number and square footage of nonconforming billboards removed pursuant to this chapter.

BILLBOARD CREDIT: An entry into a billboard owner's billboard bank account that shows the number and square footage of demolished nonconforming billboards.

BILLBOARD OWNER: The owner of a billboard in Salt Lake City.

DWELL TIME: The length of time that elapses between text, images, or graphics on an electronic billboard or electronic sign.

ELECTRONIC BILLBOARD: Any off premises sign, video display, projected image, or similar device with text, images, or graphics generated by solid state electronic components. Electronic billboards include, but are not limited to, billboards that use light emitting diodes (LED), plasma displays, fiber optics, or other technology that results in bright, high resolution text, images, and graphics.

ELECTRONIC SIGN: Any on premises sign, video display, projected image, or similar device with text, images, or graphics generated by solid state electronic components. Electronic signs include, but are not limited to, signs that use light emitting diodes (LED), plasma displays, fiber optics, or other technology that results in bright, high resolution text, images, and graphics.

EXISTING BILLBOARD: A billboard which was constructed, maintained and in use or for which a permit for construction was issued as of July 13, 1993.

FOOT-CANDLE: The English unit of measurement for luminance, which is equal to one lumen, incident upon an area of one square foot.

GATEWAY: The following streets or highways within Salt Lake City:

1. Interstate 80;
2. Interstate 215;
3. Interstate 15;
4. 4000 West;
5. 5600 West;
6. 2100 South Street from Interstate 15 to 1300 East;
7. The 2100 South Expressway from I-15 west to the city limit;

8. Foothill Drive from Guardsman Way to Interstate 80;

9. 400 South from Interstate 15 to 800 East;

10. 500 South from Interstate 15 to 700 East;

11. 600 South from Interstate 15 to 700 East;

12. 300 West from 900 North to 900 South;

13. North Temple from Main Street to Interstate 80;

14. Main Street from North Temple to 2100 South Street;

15. State Street from South Temple to 2100 South; and

16. 600 North from 800 West to 300 West.

ILLUMINANCE: The intensity of light falling on a subsurface at a defined distance from the source.

MOTION: The depiction of movement or change of position of text, images, or graphics. Motion shall include, but not be limited to, visual effects such as dissolving and fading text and images, running sequential text, graphic bursts, lighting that resembles zooming, twinkling, or sparkling, changes in light or color, transitory bursts of light intensity, moving patterns or bands of light, expanding or contracting shapes, and similar actions.

NEW BILLBOARD: A billboard for which a permit to construct is issued after December 31, 1993.

NONCONFORMING BILLBOARD: An existing billboard which is located in a zoning district or otherwise situated in a way which would not be permitted by the provisions of this chapter.

SPECIAL GATEWAY: The following streets or highways within Salt Lake City:

1. North Temple between 600 West and 2200 West;

2. 400 South between 200 East and 800 East;

3. State Street between 600 South and 2100 South; and

4. Main Street between 600 South and 2100 South.

TEMPORARY EMBELLISHMENT: An extension of the billboard resulting in increased square footage as part of an artistic design to convey a specific message or advertisement.

TWIRL TIME: The time it takes for static text, images, and graphics on an electronic billboard or electronic sign to change to a different text, images, or graphics on a subsequent sign face.

C. Limit On The Total Number Of Billboards: No greater number of billboards shall be allowed in Salt Lake City than the number of existing billboards.

D. Permit Required For Removal Of Nonconforming Billboards:

1. Permit: Nonconforming billboards may be removed by the billboard owner only after obtaining a permit for the demolition of the nonconforming billboard.

2. Application: Application for demolition shall be on a form provided by the zoning administrator.

3. Fee: The fee for demolishing a nonconforming billboard shall be as shown on the Salt Lake City consolidated fee schedule.

E. Credits For Nonconforming Billboard Removal: After a nonconforming billboard is demolished pursuant to a permit issued under subsection D1 of this section, or its successor, the city shall create a billboard bank account for the billboard owner. The account shall show the date of the removal and the zoning district of the demolished nonconforming billboard. The account shall reflect billboard credits for the billboard and its square footage. Demolition of a conforming billboard shall not result in any billboard credit.

F. Priority For Removal Of Nonconforming Billboards: Nonconforming billboards shall be removed subject to the following priority schedule:

1. Billboards in districts zoned residential, historic, residential R-MU or downtown D-1, D-3 and D-4 shall be removed first;

2. Billboards in districts zoned commercial CN or CB, or gateway or on gateways shall be removed second;

3. Billboards which are nonconforming for any other reason shall be removed last; and

4. A billboard owner may demolish nonconforming billboards of a lower priority before removing billboards in a higher priority; however, the billboard credits for removing the lower priority billboard shall not become effective for use in constructing a new billboard until two (2) billboards specified in subsection F1 of this section, or its successor, with a total square footage equal to or greater than the lower priority billboard, are credited in the billboard owner's billboard bank account. If a billboard owner has no subsection F1 of this section, or its successor, nonconforming billboards, two (2) subsection F2 of this section, or its successor, priority billboards may be credited in the billboard owner's billboard bank account to effectuate the billboard credits of a subsection F3 of this section, or its successor, billboard to allow the construction of a new billboard. For the purposes of this section, the two (2) higher priority billboards credited in the billboard bank account can be used only once to effectuate the billboard credits for a lower priority billboard.

G. Life Of Billboard Credits: Any billboard credits not used within thirty six (36) months of their creation shall expire and be of no further value or use except that lower priority credits effectuated pursuant to subsection F4 of this section, or its successor, shall expire and be of no further value or use within sixty (60) months of their initial creation.

H. Billboard Credits Transferable: A billboard owner may sell or otherwise transfer a billboard and/or billboard credits. Transferred billboard credits which are not effective because of the priority provisions of subsection F of this section, or its successor, shall not become effective for their new owner until they would have become effective for the original owner. The transfer of any billboard credits do not extend their thirty six (36) month life provided in subsection G of this section, or its successor.

I. Double Faced Billboards: Demolition of a nonconforming billboard that has two (2) advertising faces shall receive billboard credits for the square footage on each face, but only as one billboard.

J. New Billboard Construction: It is unlawful to construct a new billboard other than pursuant to the terms of this chapter. In the event of a conflict between this chapter and any other provision in this code, the provisions of this chapter shall prevail.

K. Permitted Zoning Districts: New billboards may be constructed only in the area identified on the official billboard map.

L. New Billboard Permits:

1. Application: Anyone desiring to construct a new billboard shall file an application on a form provided by the zoning administrator.

2. Fees: The fees for a new billboard construction permit shall be:

a. Building permit and plan review fees required by the uniform building code as adopted by the city; and

b. Inspection tag fees as shown on the Salt Lake City consolidated fee schedule.

M. Use Of Billboard Credits:

1. A new billboard permit shall only be issued if the applicant has billboard credits of a sufficient number of square feet and billboards to allow construction of the new billboard.

2. When the permit for the construction of a new billboard is issued, the zoning administrator shall deduct from the billboard owner's billboard bank account:

a. The square footage of the new billboard; and

b. The number of billboards whose square footage was used to allow the new billboard construction.

3. If the new billboard uses less than the entire available billboard credits considering both the number of billboards and square footage, any remaining square footage shall remain in the billboard bank.

N. New Billboards Prohibited On Gateways: Except as provided in subsection O of this section, or its successor, no new billboard may be constructed within six hundred feet (600') of the right of way of any gateway.

O. Special Gateway Provisions:

1. If a nonconforming billboard is demolished within a special gateway, the billboard owner may construct a new billboard along the same special gateway in a zoning district equal to or less restrictive than that from which the nonconforming billboard was removed and subject to subsections P, Q, R and S of this section, provided that the size of the new billboard does not exceed the amount of billboard credits in the special gateway billboard bank.

2. The demolition of a nonconforming billboard pursuant to this section shall not accrue billboard credits within the general billboard bank. Credits for a billboard demolished or constructed within a special gateway shall be tracked within a separate bank account for each special gateway. A permit for the construction of a new billboard pursuant to this section must be taken out within thirty six (36) months of the demolition of the nonconforming billboard.

P. Maximum Size: The maximum size of the advertising area of any new billboard shall not exceed fifteen feet (15') in height and fifty feet (50') in width.

Q. Temporary Embellishments:

1. Temporary embellishments shall not exceed ten percent (10%) of the advertising face of any billboard, and shall not exceed five feet (5') in height above the billboard structure.

2. No temporary embellishment shall be maintained on a billboard more than twelve (12) months.

R. Height: The highest point of any new billboard, excluding temporary embellishments shall not be more than:

1. Forty five feet (45') above the existing grade; or

2. If a street within one hundred feet (100') of the billboard, measured from the street at the point at which the billboard is perpendicular to the street, is on a different grade than the new billboard, twenty five feet (25') above the pavement elevation of the street.

3. If the provisions of subsection R2 of this section, or its successor subsection, apply to more than one street, the new billboard may be the higher of the two (2) heights.

S. Minimum Setback Requirements: All freestanding billboards shall be subject to pole sign setback requirements listed for the district in which the billboard is located. In the absence of setback standards for a particular district, freestanding billboards shall maintain a setback of not less than five feet (5') from the front or corner side lot line. This setback requirement shall be applied to all parts of the billboard, not just the sign support structure.

T. Spacing:

1. Small Signs: Billboards with an advertising face three hundred (300) square feet or less in size shall not be located closer than three hundred (300) linear feet from any other small billboard or eight hundred feet (800') from a large billboard on the same side of the street;

2. Large Signs: Billboards with an advertising face greater than three hundred (300) square feet in size shall not be located closer than eight hundred (800) linear feet from any other billboard, small or large, on the same side of the street.

3. Electronic Billboards: Electronic billboards shall not be located closer than one thousand six hundred (1,600) linear feet from any other electronic billboard on the same or opposite side of the street.

U. Electronic Billboards:

1. Prohibitions: Except as provided in subsection U2 of this section, after the effective date of this subsection U:

a. No electronic billboard shall be constructed or reconstructed for any reason, and

b. The conversion, remodeling, or rehabilitation of any existing billboard to an electronic format is prohibited.

2. Standards When Construction/Conversion Required By Law: If after the effective date of this subsection U the city is required by law to allow construction of a new electronic billboard, or to allow conversion of an existing billboard to an electronic format, any such electronic billboard shall be operated pursuant to the following standards:

a. Any motion of any kind is prohibited on an electronic sign face. Electronic billboards shall have only static text, images, and graphics.

(1) The dwell time of any text, image, or display on an electronic billboard may not exceed more than once every eight (8) seconds. Twirl time between subsequent text, images, or display shall not exceed one-fourth (0.25) second.

(2) The illumination of any electronic billboard shall not increase the ambient lighting level more than three-tenths (0.3) foot-candle when measured by a foot-candle meter perpendicular to the electronic billboard face at:

(A) One hundred fifty feet (150') for an electronic billboard with a surface area of not more than two hundred forty two (242) square feet;

(B) Two hundred feet (200') for an electronic billboard with a surface area greater than two hundred forty two (242) square feet but not more than three hundred seventy eight (378) square feet;

(C) Two hundred fifty feet (250') for an electronic billboard with a surface area greater than three hundred seventy eight (378) square feet but not more than six hundred seventy two (672) square feet; and

(D) Three hundred fifty feet (350') for an electronic billboard with a surface area greater than six hundred seventy two (672) square feet.

b. Electronic billboards may not be illuminated or lit between the hours of twelve o'clock (12:00) midnight and six o'clock (6:00) A.M. if they are located in, or within six hundred feet (600') of a residential, mixed use, downtown, Sugar House business district, gateway, neighborhood commercial, community business, or community shopping center zoning district.

c. Controls shall be provided as follows:

(1) All electronic billboards shall be equipped with an automatic dimmer control or other mechanism that automatically controls the sign's brightness and display period as provided above.

(2) Prior to approval of any permit to operate an electronic billboard, the applicant shall certify that the sign has been tested and complies with the motion, dwell time, brightness, and other requirements herein.

(3) The owner and/or operator of an electronic billboard shall submit an annual report to the city certifying that the sign complies with the motion, dwell time, brightness, and other requirements herein.

V. Landscaping In Residential And Commercial CN And CB Zoning Districts: Properties in any residential zone and commercial CN or CB zones on which a billboard is the only structure shall be landscaped as required by sections 21A.26.020 and 21A.26.030 and chapter 21A.48 of this title, or its successor chapter. No portion of such property shall be hard or gravel surfaced.

W. Landscaping In Other Zoning Districts: Property in all districts other than as specified in subsection V of this section, or its successor subsection, upon which a billboard is the only structure, shall be landscaped from the front of the property to the deepest interior point of the billboard for fifty (50) linear feet along the street frontage distributed, to the maximum extent possible, evenly on each side of the billboard.

X. Xeriscape Alternative: If all the properties adjacent to and across any street from the property for which billboard landscaping is required pursuant to subsection W of this section, or its successor subsection, are not developed or, if a water line for irrigation does not exist on the property or in the street right of way adjacent to such property, the zoning administrator may authorize xeriscaping as an alternative for the required landscaping.

Y. Existing Billboard Landscaping: Existing billboards shall comply with the landscaping provisions of this section on or before January 1, 1996.

Z. Compliance With Tree Stewardship Ordinance: Construction, demolition or maintenance of billboards shall comply with the provisions of the Salt Lake City tree stewardship ordinance.

AA. Subdivision Registration: To the extent that the lease or other acquisition of land for the site of a new billboard may be determined to be a subdivision pursuant to state statute no subdivision plat shall be required and the zoning administrator is authorized to approve, make minor subsequent amendments to, and record as necessary, such subdivision.

BB. Special Provisions:

1. Applicability: The provisions of this section shall apply to specified billboards located:

a. Four (4) existing billboards between 1500 North and 1800 North adjacent to the west side of Interstate 15; and

b. One existing billboard on the east side of Victory Road at approximately 1100 North.

2. General Applicability: Except as modified by this section, all other provisions of this chapter shall apply to the five (5) specified billboards.

3. Special Priority: The five (5) specified billboards shall be considered as gateway billboards for the purposes of the priority provisions of subsection F of this section, or its successor subsection.

4. Landscaping: The five (5) specified billboards shall be landscaped pursuant to the provisions of subsection W of this section, or its successor subsection.

CC. State Mandated Relocation Of Billboards: Except as otherwise authorized herein, existing billboards may not be relocated except as mandated by the requirements of Utah state law. (Ord. 4-12, 2012: Ord. 24-11, 2011)

## 21A.46.170: STREET BANNERS ON UTILITY POLES IN THE PUBLIC WAY:

A. Purpose: The purpose of this section is to designate the use of certain utility poles for the display of street banners to benefit local neighborhoods and the city as a whole by allowing street banners for the limited purpose of encouraging and promoting community identity, community organizations, and community events. In allowing this limited signage on utility poles, in certain designated locations, the city does not intend to create a public forum, but rather intends to create a limited or nonpublic forum for the purposes set forth herein.

B. Definitions:

APPLICANT: Any person or organization that makes application for a street banner permit as described herein.

COMMUNITY EVENT: A significant occurrence, happening, or activity in a given local neighborhood at a given place and time of specific and limited duration.

COMMUNITY ORGANIZATION: A city recognized, community based organization, as defined in section 2.60.020 of this code, or a local nonprofit 501(c)(3) tax exempt status organization.

COORDINATED STREET BANNER PROGRAM: A program described in subsection G of this section.

LOGO: A business trademark or symbol.

SIGN: A "sign" as defined in section 21A.46.020 of this chapter.

STREET BANNER: A temporary secured banner to be located along designated arterial or collector streets as shown on the adopted "Salt Lake City transportation master plan (major street plan: roadway functional classification)" map, or along Terminal Drive at the Salt Lake City International Airport, and displayed on a utility pole located in the public way.

C. Authority To Display: In order to encourage and promote community identity, community organizations, and community events, an eligible participant, as defined herein, may, after applying for and receiving a permit to do so, place street banners on existing utility poles in the public way.

D. Eligible Participants: The city will accept applications for a permit to display street banners only from community organizations, city and county government, the state of Utah, or from governmentally owned educational institutions. Applications for political and for profit promotional street banners will not be accepted. Street banners may be placed on existing utility poles in the public way or on public property only for the limited purpose of promoting and encouraging community identity, community organizations, or community events. Street banners located within the boundaries of a coordinated street banner program shall be managed by the respective coordinated street banner program administrators.

E. Approved Display Areas:

1. Approved Areas: Street banners may be placed on any existing utility poles that are located along designated arterial or collector streets according to the adopted "Salt Lake City transportation master plan (major street plan: roadway functional classification)" map, or on utility poles along Terminal Drive at the Salt Lake City International Airport, if done in compliance with the requirements of this section.

2. Location:

a. Placement of street banners within locations identified on the "Salt Lake City transportation master plan (major street plan: roadway functional classification)" map, or on utility poles along Terminal Drive at the Salt Lake City International Airport, must be reviewed in relationship to proximity and use of other existing or proposed street banners and their sponsoring institutions. In certain locations, such banner uses may have the potential for adverse impacts if located without careful planning. Such impacts may interfere with the enjoyment of adjacent property and uses.

b. Street banners approved and managed by a coordinated street banner program shall be located within the boundaries of the program's specified management area.

F. Display Content And Design:

1. Allowable Displays: The following displays are permitted on street banners:

a. Advertisements or promotions of community organizations;

b. Advertisements or promotions of community events;

c. Advertisements or promotions of activities sponsored by the city, Salt Lake County, the state of Utah, or a governmentally owned educational institution;

d. Advertisements or promotions of community events that are commercially sponsored;

e. Welcome messages, such as those for class reunions, conventions, conferences, athletic tournaments, or local winners of major events;

f. Advertisements or promotions of sales and fundraising events for youth organizations, community organizations, and community service organizations for their program support; or

g. Nonpartisan and noncandidate voting information.

2. Nonallowable Displays: The following displays are not permitted on street banners:

a. Personal messages;

b. Promotion of a commercial for profit enterprise, activity, or event;

c. Advertisements for clubs, churches or for profit organizations promoting an event with an admission charge;

d. Advertisements for religious organizations with a message not described in subsection F1 of this section;

e. Messages of political parties or political groups that are not described in subsection F1 of this section; or

f. Advertisements of clubs or organizations for events that are primarily open only to members of those clubs or organizations.

G. Management Of Coordinated Street Banner Programs: The city may enter into agreements with community, government, or educational organizations to manage a coordinated street banner program within a specified geographic area. Coordinated street banner programs shall be subject to requirements as set forth herein. Such agreements must be approved by the city and may establish regulations governing the application, approval, and placement of street banners within the geographic area specified by the agreement.

H. Application For Permit:

1. Street Banners To Be Located Outside The Boundaries Of A Coordinated Street Banner Program: Any person or entity who desires to display street banners to be located outside of the boundaries of a coordinated street banner program shall submit an application to the city transportation division. An application form must be submitted to the transportation division not more than six (6) months nor less than two (2) months before the first date the street banners are proposed to be displayed and must contain the following:

a. The name, address, and telephone number of the applicant, or if an organization, the name, address and telephone number of a contact person;

b. The name, address, and telephone number of any licensed contractor hired to place or remove street banners;

c. A photograph, drawing, or other visual representation of the proposed street banners;

d. The proposed number of street banners and the proposed locations where the street banners will be placed;

e. The proposed dates for placement and removal of the street banners;

f. If the city does not own the real property or the utility pole upon which a street banner is proposed to be placed, evidence of written permission from the owner consenting to such placement; and

g. An application fee as shown on the Salt Lake City consolidated fee schedule.

2. Street Banners To Be Located Within The Boundaries Of A Coordinated Street Banner Program: Any person or entity who desires to display street banners within the boundaries of a coordinated street banner program shall submit an application to the managing entity of the coordinated street banner program. The applicant shall submit any payment or fee required by the coordinated street banner program.

I. Standards For Granting Of The Permit: A street banner permit application shall be reviewed and a permit issued by the city transportation division on a first come, first served basis upon a determination that the application has been properly completed, and that:

1. The location and placement of the street banners will not endanger public safety, including motorists and pedestrians, by interfering with street lighting, obstructing traffic

signs or other control devices, or otherwise creating dangerous distractions; and

2. The street banners would comply with all other requirements of this section.

J. Time For Approval Or Disapproval Of Application: Within thirty (30) days after receiving the application for a permit, the city transportation division shall grant, modify, or deny the permit request.

K. Judicial Review Of Denial: Any person adversely affected by the granting or denial of the permit may appeal such decision to a court of competent jurisdiction after receiving notice of the decision. The decision granting or denying the permit shall be effective on the date of written notice issued by the city transportation division.

L. Street Banner And Hardware Standards:

1. Materials: Street banners must be constructed of a material that can withstand the normal and reasonably expected forces of nature for the period of time they are displayed. Torn or damaged street banners shall not be hung and shall be promptly replaced by the applicant if they are torn or damaged after being hung.

2. Dimensions:

a. The street banners shall not exceed an overall length of ninety six inches (96") and a width of thirty inches (30"). There shall be a six inch (6") sleeve at the top of the street banner to slide over the bracket. The bottom shall have a two inch (2") hem, and the sides shall have a minimum hem of 0.75 inch. There shall be two (2) grommets at the bottom of the street banner. The graphic area shall not exceed twenty six inches by eighty eight inches (26" x 88").

b. Promotional street banners may carry a sponsor's logo. The sponsor logo is limited to the bottom twenty percent (20%) of the banner. Sponsor information shall not exceed six inches (6") in height.

3. Banner Hanging Hardware: Any hardware installed on utility poles to hold banners must first be approved by the city transportation division. All street banners and hardware shall be installed such that the top of the street banner is at least eighteen feet (18') above the ground. If the street banner hangs over the trafficway, the top of the banner must be at least twenty two feet (22') above the ground. If the city does not own the utility pole or if the utility pole is not on city property, installation must be approved by the pole owner.

M. Duration Of Display: The street banners may be permitted to be in place for a period of at least seven (7) days but not more than thirty (30) days. As long as no other applicant has applied for permission to place street banners in the same location, that initial thirty (30) day maximum display period may be extended for additional periods of thirty (30) days. Notwithstanding the foregoing, the city may order that street banners be removed prior to the expiration of any permit period, if such street banners are determined to constitute a safety hazard, blight, or otherwise not meet the requirements of this section. The city reserves the right to remove street banners after the display period expires. If the applicant does not remove the street banners, the city may remove them and may charge the applicant for the cost of such removal.

N. Installation, Maintenance And Removal: Street banners and any hardware necessary to display them may be installed only by a licensed contractor approved by the city. Except as may be otherwise determined by the city, the applicant is responsible for all costs associated with installation, maintenance, and removal of street banners and any hardware necessary to display them. The applicant is also responsible for any damage that may occur to the street banners, hardware, or utility poles while the street banners are being installed, displayed, or removed. The applicant shall immediately replace, repair or clean, as applicable, damaged or dirty street banners. At the expiration of the permit period, the applicant shall remove the street banners within five (5) business days. After installation, any hardware installed on utility poles shall become the property of the city and shall remain on the utility poles after removal of the street banners unless the city transportation division instructs the applicant to remove the hardware.

O. Local Street Banners: Nothing in this section shall apply to: 1) holiday decorations (such as lights, wreaths, garlands, or similar decorations) attached to utility poles, or 2) banners on utility poles located on local streets as shown on the adopted "Salt Lake City transportation master plan (major street plan: roadway functional classification)" map

that provide information about localized community events such as block parties, street fairs, or neighborhood celebrations and that contain no commercial content.

P. Effect Of Invalidity: If any portion of this section is determined to be illegal, invalid, unconstitutional, or superseded, in whole or in part, this entire section shall forthwith be voided and terminated, subject to the following provisions: 1) in the event of a judicial, regulatory, or administrative determination that all or some part of this section is illegal, invalid, unconstitutional, or superseded, such action shall be effective as of the date of a final appealable court order; and 2) in the event of any state or federal legislative action that renders any portion of this section illegal, invalid, unconstitutional, or superseded, such action shall be effective as of the effective date of such legislative action. (Ord. 24-11, 2011)

## 21A.46.180: CONSTRUCTION IMPACT AREA MITIGATION SIGNS:

A. Purpose: The purpose of this section is to designate the use of certain temporary signs deemed necessary to offset the impact of building demolition activity and/or construction activity. Additional temporary signage for impacted businesses will benefit local neighborhoods and the city as a whole by promoting business identity and informing the public of continued business operations while demolition and construction activity is ongoing.

B. Nonpublic Forum: In allowing limited temporary signage in certain designated locations, the city does not intend to create a public forum, but rather intends to create a limited or nonpublic forum for the purposes set forth herein.

C. Definitions:

APPLICANT: Any person or organization located within a designated construction impact area that makes application for a construction impact area mitigation sign permit as described herein.

CITY ADMINISTRATION: The community and economic development director with consultation with the planning director, transportation director and city engineer.

CONSTRUCTION IMPACT AREA: A specific location designated by the mayor or the mayor's designee likely to be impacted by temporary construction activities that are anticipated to occur for a period greater than six (6) months and which activities will likely disrupt pedestrian and/or vehicular traffic in such a manner to negatively affect nearby business activities. A construction impact area designation shall be effective for no longer than eighteen (18) months, unless extended by the mayor or mayor's designee for good cause.

CONSTRUCTION IMPACT AREA MITIGATION SIGN: A temporary sign that informs the public a business is open during the period of nearby construction activity.

D. Approval Of Construction Impact Areas: In order to encourage and promote business identity during periods of construction activity, the mayor or mayor's designee may recognize via a public meeting, business areas that are impacted by construction activity.

E. Authority To Display: The designation of a construction impact area authorizes the city administration to develop guidelines limiting sign types, size and location for permitting temporary construction impact area mitigation signs within affected business areas.

F. Construction Impact Area Mitigation Signs: Construction impact area mitigation signs are subject to the following minimum standards in addition to any administrative implementing guidelines developed for a specific construction impact area:

1. Signs for a business with a storefront:

a. Quantity of signs allowed is one banner or A-frame sign per business establishment with a storefront on a street within a designated construction impact area.

b. Size of banner or A-frame signs is limited to sixteen (16) square feet in area.

c. Additional window signs are limited to twenty five percent (25%) of the window area above the base zoning sign area allowed.

2. Signs for a building with multiple businesses without individual storefronts:

a. Quantity of signs allowed is a single banner sign or A-frame sign for the entire building.

b. Size of signs is limited to thirty two (32) square feet in area.

c. Additional window signs are limited to twenty five percent (25%) of the window area above the base zoning sign area allowed.

3. Directional signs identifying parking and businesses open are limited to eight (8) square feet in area and the location is subject to transportation division approval and subject to subsection 21A.46.070D of this chapter.

4. All temporary signs within the public way must be placed in a manner as not to damage roadway and sidewalk surfaces.

5. Duration of display period is up to six (6) months from building permit issuance and is intended to terminate coincidentally with the end of the construction impact. Administrative renewal of a permitted temporary sign is limited to six (6) month periods.

G. Location Of Construction Impact Area Mitigation Signs: The location where temporary signs are permitted can be varied subject to demolition and construction activity within a designated construction impact area. The determination of specific areas is a function of the administrative group given authority to allow temporary signage. Sign locations are also subject to the following criteria for safety purposes:

1. Signs, particularly A-frames, can only be located in a manner that they do not pose a hazard or block the free flow of pedestrian or vehicular travel in the public right of way.

2. Signs on sidewalks should not preclude normal pedestrian passage and should not be located such that they block more than half of the clear walking width or leave less than four feet (4') of passage width to maintain accessibility.

3. Signs in the public right of way cannot be placed in a manner that they preclude drivers within intersections or driveways from having sufficient sight ability of oncoming traffic to maneuver safely.

4. Any approved sign allowed on the public right of way is subject to modification or revocation for public safety purposes.

H. Effect On Overlay Districts: Construction impact mitigation signs are not subject to the requirements and standards of overlay districts established in chapter 21A.34 of this title. (Ord. 77-08 § 2, 2008)

# CHAPTER 21A.48
# LANDSCAPING AND BUFFERS

## 21A.48.010: PURPOSE STATEMENT:

The landscaping and buffering requirements specified in this chapter are intended to foster aesthetically pleasing development which will protect and preserve the appearance, character, health, safety and welfare of the community. These regulations are intended to increase the compatibility of adjacent uses and, in doing so, minimize the harmful impacts of noise, dust and other debris, motor vehicle headlight glare or other artificial light intrusions, and other objectionable activities or impacts conducted or created by an adjoining or nearby use, thereby fostering compatibility among different land uses. These regulations are also intended to preserve, enhance and expand the urban forest and promote the prudent use of water and energy resources. (Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(24-1), 1995)

## 21A.48.020: ENFORCEMENT OF LANDSCAPE REQUIREMENTS:

Wherever the submission and approval of a landscape plan is required by this title, such landscape plan shall be an integral part of any application for a building permit and occupancy permit. No permit shall be issued without city approval of a landscape plan as required herein. The requirements of this chapter may be modified by the zoning administrator, on a case by case basis, in response to input from the city police department regarding the effects of required landscaping on crime prevention. (Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(24-2), 1995)

## 21A.48.030: LANDSCAPE PLAN:

A. Landscape Plan Required: A landscape plan shall be required whenever landscaping or alteration of landscaping is required by this title. Such landscape plan shall be drawn in conformance with the requirements specified in this chapter. Landscape plans must be approved by the zoning administrator prior to the issuance of a building permit. Landscape plans for planned developments or conditional uses, or other uses requiring site plan review approval shall be reviewed and approved by the development review team. The construction of detached single-family residences and two-family residences shall be exempt from this landscape plan requirement, except for dwellings in the FP, FR-1 and FR-2 districts, which shall conform to the requirements of this chapter.

B. Content Of Landscape Plan: All landscape plans submitted for approval shall contain the following information, unless specifically waived by the zoning administrator:

1. The location and dimensions of all existing and proposed structures, property lines, easements, parking lots and drives, roadways and rights of way, sidewalks, bicycle paths, ground signs, refuse disposal and recycling areas, bicycle parking areas, fences, freestanding electrical equipment, tot lots and other recreational facilities, and other freestanding structural features as determined necessary by the zoning administrator;

2. The location, quantity, size and name, both botanical and common names, of all proposed plants;

3. The location, size and common names, of all existing plants including trees and other plants in the parkway, and indicating plants to be retained and removed;

4. The location of existing buildings, structures and plants on adjacent property within twenty feet (20') of the site, as determined necessary by the zoning administrator;

5. Existing and proposed grading of the site indicating contours at two foot (2') intervals. Proposed berming shall be indicated using one foot (1') contour intervals;

6. Elevations of all fences and retaining walls proposed for location on the site;

7. Elevations, cross sections and other details as determined necessary by the zoning administrator;

8. Water efficient irrigation system (separate plan required);

9. Summary data indicating the area of the site in the following classifications:

a. Total area and percentage of the site in landscape area,

b. Total area and percentage of the site in turf grasses, and

c. Total area and percentage of the site in drought tolerant plant species. (Ord. 45-07 § 1, 2007: Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(24-3), 1995)

## 21A.48.040: SELECTION, INSTALLATION AND MAINTENANCE OF PLANT MATERIALS:

A. Selection: Plants used in conformance with the provisions of this chapter shall be of good quality, and capable of withstanding the extremes of individual site microclimates. Size and density of plants both at the time of planting and at maturity, are additional criteria which shall be considered by the zoning administrator when approving plants. The use of drought tolerant plants is preferred when appropriate to site conditions.

B. Installation: All landscaping shall be installed in accordance with the current planting procedures established by the American Association of Nurserymen. The installation of all plants required by this chapter may be delayed until the next optimal planting season, as determined by the zoning administrator.

C. Maintenance:

1. Responsibility: The owner of the premises shall be responsible for the maintenance, repair and replacement of all landscaping materials and barriers, including refuse disposal areas, as may be required by the provisions of this chapter.

2. Landscaping Materials: All landscaping materials shall be maintained in good condition so as to present a healthy, neat and orderly appearance, and plants not in this condition shall be replaced when necessary and shall be kept free of refuse and debris.

3. Fences, Walls And Hedges: Fences, walls and hedges shall be maintained in good repair.

4. Irrigation Systems: Irrigation systems shall be maintained in good operating condition to promote the conservation of water. (Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2 (24-4), 1995)

## 21A.48.050: DESIGN STANDARDS AND GUIDELINES:

Landscape plans shall be prepared based on the following design standards and guidelines. Design standards are numerically measurable design requirements that can be definitively evaluated for compliance. Design guidelines are not precisely measurable, but compliance can be determined through the evaluation process of landscape plan review. The evaluation and approval of landscape plans shall be based on compliance with both the design standards and guidelines.

A. Design Standards At Time Of Planting:

1. Deciduous Trees: All deciduous trees shall have a minimum trunk size of two inches (2") in caliper, unless otherwise specified.

2. Evergreen Trees: All evergreen trees shall have a minimum size of five feet (5') in height, unless otherwise specified.

3. Ornamental Trees: All ornamental trees shall have a minimum trunk size of one and one-half inches ($1^1/_2$") in caliper, unless otherwise specified.

4. Shrubs: All shrubs shall have a minimum height or spread of eighteen inches (18") depending on the plant's natural growth habit, unless otherwise specified. Plants in five (5) gallon containers will generally comply with this standard.

5. Drought Tolerant Species: Site conditions in Salt Lake City are generally arid, and the selection of plant species suited to dry conditions is appropriate. To promote water conservation, not less than eighty percent (80%) of the trees and eighty percent (80%) of the shrubs used on a site shall be drought tolerant species that can withstand dry conditions once established. The city has compiled a list titled "Water Conserving Plants For Salt Lake City", that may be locally available.

6. Existing Street Trees: The removal of trees within the street right of way is prohibited without the approval of the zoning administrator in consultation with the urban forester.

B. Design Guidelines:

1. Scale And Nature Of Landscaping Material: The scale and nature of landscaping materials shall be appropriate to the size of the structures. Large scale buildings, for example, should generally be complemented by larger scale plants.

2. Selection Of Plants: Plants shall be selected for form, texture, color, pattern of growth and adaptability to local conditions.

3. Evergreens: Evergreens should be incorporated into the landscape treatment of a site, particularly in those areas where screening and buffer is required.

4. Softening Of Walls And Fences: Plants shall be placed intermittently against long expanses of building walls, fences, and other barriers to create a softening effect.

5. Planting Beds: Planting beds may be mulched with bark chips, decorative stone, or similar materials. Mulch shall not be used as a substitute for plants.

6. Detention/Retention Basins And Ponds: Detention/retention basins and ponds shall be landscaped. Such landscaping may include shade and ornamental trees, evergreens, shrubbery, hedges, turf, ground cover and/or other plant materials.

7. Water Conservation: Landscape design pursuant to the requirements of this chapter must recognize the climatic limitations of the Salt Lake City area and the need for water conservation. While irrigation systems are required for certain landscape areas, and may be desirable for other applications, all irrigation systems shall be designed for efficient use of water.

8. Turf Grasses: Turf grasses should be used in areas with less than a fifty percent (50%) slope to prevent the runoff of irrigation water.

9. Energy Conservation: Plant placement shall be designed to reduce the energy consumption needs of the development.

a. Deciduous trees should be placed on the south and west sides of buildings to provide shade from the summer sun.

b. Evergreens and other plant materials should be concentrated on the north side of buildings to dissipate the effect of winter winds.

10. Preservation Of Existing Plants: Existing plants should be incorporated into the landscape treatment of a site as required herein or as required by the site plan review process found in chapter 21A.58 of this title. Trees in the public right of way shall not be removed without the approval of the zoning administrator and urban forester.

11. Berming: Earthen berms and existing topographic features should be, whenever determined practical by the zoning administrator, incorporated into the landscape treatment of a site, particularly when combined with plant material to facilitate screening. (Ord. 45-07 § 2, 2007: Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(24-5), 1995)

## 21A.48.060: PARK STRIP LANDSCAPING:

A. Intent: The intent of these requirements is to maintain the appearance of park strips, protect the users of park strips by prohibiting the use of materials that may cause harm or injury to pedestrians or vehicles, provide for safe and convenient access across park strips to and from vehicles that may park at the curb, expand landscape design flexibility while not unreasonably inhibiting access for repair and maintenance of public utilities, encourage water conservation through the use of water conserving plants and generally to improve environmental conditions along the city's streets.

B. Applicability: The requirements of this section shall apply to all "park strips", defined as the ground area within the street right of way situated between the back of curb and the sidewalk or, if there is no sidewalk, the back of curb and the right of way line.

1. Properties With Curbs And Gutters: These standards apply to all properties in the city, including vacant lots, that have street curb and/or gutter. Owners of property on streets that do not have curb and gutter are not required to maintain formal landscaping within the public right of way.

2. D-1 District And Beautification Districts: These requirements shall not apply to lots in the D-1 district, which shall be subject to the provisions of subsection 21A.48.100D of this chapter and to official beautification districts where exceptions to park strip standards are approved pursuant to subsection E2 of this section.

3. Discretionary Authority: The zoning administrator may modify the standards of this section to better achieve its intent and address site specific conditions such as, among other things, steep grades between the curb and sidewalk or the presence of canals or drainage channels.

C. General Landscape Requirements:

1. Property Owner Responsibility: All park strips shall be landscaped by the abutting property owner, in conformance with the provisions of this section. For permits involving new construction of a principal building, the contractor shall be responsible for landscaping the park strips as part of the building permit. In general, this landscaping will involve improving the ground surface of the park strip with plant material, or hard surface treatments where permitted. Park strip trees shall also be provided as required herein.

2. Maintenance: All park strip landscaping shall be maintained in a safe and well kept condition by the abutting property owner. Trash, other debris, and noxious weeds shall not be allowed to collect or grow in these areas.

3. Watering: Sufficient water shall be provided for vegetative ground cover, annuals, perennials, shrubs and trees to keep them in a healthy condition.

D. Park Strip Trees:

1. Spacing And Size: Park strip trees, when required, shall be provided at the equivalent of at least one tree for each thirty feet (30') of street frontage and may be clustered or spaced linearly as deemed appropriate by the urban forester. Tree size shall be a minimum of two inch (2") caliper (measured at a point 6 inches above the soil line) at time of planting.

2. Tree Grates: If new trees are proposed in a park strip in which the area surrounding the tree will have an impervious surface, tree wells with grates shall be provided which have dimensions adequate to accommodate the recommended tree species.

3. Permit And Planting: No tree shall be planted in a park strip without first obtaining a permit from the urban forestry division of the Salt Lake City public services department (section 2.26.210 of this code). Tree species and location shall be approved by the urban forester.

4. Tree Maintenance: Planting and maintenance of trees shall be done in conformance with the Salt Lake City urban forestry standards and specifications which are available and shall be administered and enforced through the urban forestry office. No work (pruning, removal, etc.) shall be performed on street trees without first obtaining a permit from the urban forestry office.

E. Park Strip Ground Surface Treatment:

1. Plant Coverage: The intent of the park strip landscaping standards is that thirty three percent (33%) or more of the park strip surface be covered with vegetation within three (3) years of planting or when planting has reached maturity, whichever comes first. For lots with two (2) or more street frontages, this standard shall be applied separately to each adjacent park strip on each street frontage. In new park strips, or when replacing landscaping in existing park strips, it is recommended that water conserving plants constitute at least eighty percent (80%) of all plants used.

2. Annual Or Perennial Flowering Plants: If the entire park strip is planted with annual or perennial flowering plants, it shall be the property owner's responsibility to ensure that erosion does not deposit soil or other material on sidewalks or in the street.

3. Organic Mulch: Materials such as bark, shredded plant material, and compost, may be used as water conserving mulch for plants and may also be used as the only material in portions of a park strip.

4. Gravel, Rocks, And Boulders: Gravel, rocks, and boulders, may be used on portions of the park strip. Large diameter rocks and boulders shall be kept a minimum of eighteen inches (18") away from existing street trees. Organic mulch or gravel, as approved by the urban forester, shall be used near existing street trees.

5. Paving Materials: Paving materials, limited to poured concrete, concrete pavers, brick pavers, or natural stone pavers, may be used in portions of a park strip subject to the following limitations:

a. Paving Materials Near Existing Street Trees: Poured concrete shall not be placed in any park strip with existing street trees. Other paving materials shall be kept a minimum of eighteen inches (18") away from existing street trees. Organic mulch or gravel, as approved by the urban forester, shall be used near existing street trees.

b. Twenty Four Inch Wide Park Strips: Except as specified above, any paving material may be used in one hundred percent (100%) of a park strip that is twenty four inches (24") or less in width. If poured concrete is used, it shall be finished with a stamped pattern resembling brick or natural stone or scored with another decorative pattern to distinguish it from the adjacent sidewalk.

c. Thirty Six Inch Wide Park Strips: In park strips that are thirty six inches (36") or less in width, brick pavers, concrete pavers, or natural stone pavers may be used in one hundred percent (100%) of the surface area. Poured concrete shall not be used except for carriageways as outlined below. The use of plants in combination with paving materials is encouraged.

d. Park Strips Over Thirty Six Inches Wide: In park strips over thirty six inches (36") in width, the combination of all paving materials, gravel, rocks, and boulders shall not exceed sixty seven percent (67%) of the total park strip surface area. Poured concrete shall not be used except for carriageways as outlined below.

6. Carriageways: In order to provide for safe and convenient access across park strips to and from vehicles that may park at the curb, carriageways (walkways between the curb and sidewalk) through planted area are encouraged. The material of carriageways may be poured concrete, concrete pavers, brick pavers, or flat, natural stone paving materials such as flagstone or a combination of these materials. If poured concrete is used, the carriageway shall be not more than four feet (4') in width and shall be located so as to provide the most direct route from the curb to the sidewalk. The area of carriageways shall be included in calculating the percentage of inorganic material in the park strip.

7. Prohibited Materials: Materials prohibited in park strips referenced in table 21A.48.060 of this section include asphalt, concrete, thorn bearing plants (flowering shrubs, such as roses, may be authorized by the zoning administrator), ground cover which exceeds eighteen inches (18") in height at maturity, shrubs which create visual barriers, and structural encroachments. These materials are prohibited for the reasons stated below:

a. Asphalt And Concrete: Asphalt is inconsistent with the city's urban design policy, and deteriorates quicker than pavers. Asphalt in park strips also reduces roadway access definition and encourages people to drive over the curb.

One of the primary uses of park strips is to provide an area for installation of public utilities. Concrete is more difficult and expensive to remove and replace than pavers if these utilities require maintenance or replacement. (See exceptions in subsections E4 and E6 of this section.)

b. Thorn Bearing Plants: Plants which have thorns, spines, or other sharp, rigid parts are hazardous to pedestrians and bicyclists, and are difficult to walk across. Limited use of thorn bearing flowers, such as roses, may be acceptable subject to the approval of the zoning administrator.

c. Continuous Plantings Of Ground Cover And Shrubs Which Exceed Eighteen Inches In Height At Maturity: Continuous plantings of ground cover and shrubs which exceed eighteen inches (18") in height at maturity are hazardous to pedestrians, pets, children on riding toys, and vehicles due to sight distance problems, are difficult to walk across, create visual barriers which promote crime, and limit access to the sidewalk from vehicles parked adjacent to the park strip.

d. Retaining Walls, Fences, Steps, And Other Similar Structural Encroachments: Retaining walls, fences, steps, and other similar structural encroachments in park strips are prohibited unless they are specifically approved through the city revocable permit and review process (not an automatic approval). These structural encroachments are generally prohibited because they limit access from the street to sidewalks and create obstructions to, and increase the cost of, performing maintenance of public improvements and utilities within the park strip.

e. Plants And Objects Within Sight Distance Areas: Except for street trees, no plant, boulder, monument, or other object which is over eighteen inches (18") in height shall be planted or located within sight distance areas.

f. Turf And Gravel On Steep Park Strips: Turf and gravel are not permitted in park strips with a slope greater than three to one (3:1) (3 feet horizontal distance to 1 foot vertical distance). Turf is difficult to mow on steep slopes and gravel will migrate down the slope and collect in the gutter. Larger rocks or boulders used on steep park strips shall be buried in the ground to a depth equal to at least one-third ($^1/_3$) of the rock or boulder's average dimension in order to anchor them into the slope.

8. Exceptions To Park Strip Standards: Exceptions to the park strip policies established herein shall be limited to the following:

a. Beautification District: Salt Lake City currently has two (2) approved beautification districts, one located downtown and one in the Sugar House business district area. In both beautification districts, materials other than vegetation have been approved. Additional beautification districts could be approved by the planning commission. Areas where alternative park strip materials could be considered include identifiable nonresidential areas. The beautification district concept is not intended to respond to one or two (2) properties but an identifiable district. The beautification district concept is not generally applicable to residential areas where a predominant design theme consisting of vegetation has been established.

b. Nonconforming Provision: All vegetation located in park strips prior to November 5, 1992, may be maintained subject to city transportation division approval for sight distance and public way safety requirements.

c. Poured Concrete: Due to maintenance and irrigation difficulties associated with narrow park strips, poured concrete may be used in park strips that are twenty four inches (24") or less in width but shall be finished with a stamped pattern resembling brick or natural stone or scored with another decorative pattern to distinguish it from the adjacent sidewalk. Poured concrete may also be used for carriageways that are four feet (4') or less in width. Poured concrete shall not be used in park strips which

contain existing street trees.

TABLE 21A.48.060
PARK STRIP DESIGN STANDARDS

| Park Strip Materials | Standards | |
|---|---|---|
| Annual and perennial flowering plants | Permitted _ not to exceed 18 inches in height at maturity when located within sight distance areas at street intersections, alleys, or driveways. Annuals and perennials, up to 36 inches in height, may be used as individual specimens or accent plants when not located within sight distance areas. These plants shall not be planted at a spacing that would result in a visual barrier between the street and sidewalk. | |
| Carriageways providing access to street | Permitted _ carriageways not to exceed 4 feet wide if they are poured concrete. | |
| Evergreen ground cover | Permitted _ less than 18 inches in height at maturity. | |
| Inorganic materials including pervious materials (gravel, stone, and boulders) or paving materials (limited to brick, concrete, or natural stone pavers) | Park strips 36 inches or less: Permitted in 100 percent of the park strip surface area. The use of plants in combination with these materials is encouraged.<br><br>Park strips over 36 inches in width: Permitted either as water conserving mulch for plants or may also be used alone on portions of a park strip.<br><br>Paving materials shall be kept a minimum of 18 inches away from existing street trees. | |
| Organic mulch such as bark, shredded plant material, or compost | Permitted and encouraged to conserve water around plants. May also be used as the only material on portions of the park strip. | |
| Shrubs | Not permitted as a continuous hedge or when located within sight distance areas at street intersections, alleys, or driveways. Permitted, up to 36 inches in height, as individual specimens or accent plants when not located within sight distance areas. Shrubs shall not be planted at a spacing that would result in a visual barrier between the street and sidewalk. (See subsection F of this section.) | |
| Trees | Permitted _ see subsection D of this section. | |
| Turf | Permitted on slopes less than 3:1 (3 feet horizontal to 1 foot vertical). | |
| Water | Sufficient water shall be provided to keep all plants in a healthy condition. | |
| Prohibited materials | * | Asphalt. |
| | * | Poured concrete, except in park strips under 24 inches in width or for carriageways less than 4 feet in width. If used in park strips that are 24 inches or less in width, concrete shall be finished with a stamped pattern resembling brick or natural stone or scored with another decorative pattern to distinguish it from the adjacent sidewalk. |
| | * | Thorn bearing plants. |
| | * | Structural encroachments. |

| | | |
|---|---|---|
| | * | Plants (except trees), boulders, and other objects over 18 inches in height in sight distance areas. |
| | * | The total coverage of all organic mulch and inorganic material used without plants shall not exceed 67 percent of the park strip surface area. |

F. Clarifying Provisions For Table 21A.48.060 Of This Section:

1. Ground Cover: "Ground covers" are defined as any perennial evergreen plant species that does not exceed eighteen inches (18") in height at maturity and will spread to form a uniform "mat". "Perennial" is defined as a plant having a life span of more than two (2) years. "Evergreen" is defined as a plant having foliage that remains on the plant throughout the year.

2. Perennial Flowering Plants: Perennial flowering plants are flowering plants which have a life span of more than two (2) years but which become dormant each fall, losing all foliage, and generate new foliage and flowering buds the following spring and summer from the dormant root system.

3. Annual Flowering Plants: Annual flowering plants are flowering plants which have a life span of only one growing season outdoors.

4. Shrubs: Shrubs are generally long lived woody plants that may be either evergreen or deciduous. They differ from ground covers in that they are generally over eighteen inches (18") tall and do not generally form a uniform mat. Shrubs shall not be planted at a spacing that will form a mass or hedge which creates a visual barrier between the street and sidewalk. The appropriate use of shrubs in park strips is as accent or specimen plants. Shrubs shall not be planted within street intersection, alley, or driveway sight distance areas. Shrubs may be planted outside sight distance areas but shall not exceed thirty six inches (36") in height at maturity.

5. Height Of Rocks And Boulders: Rocks and boulders placed in park strips shall not exceed eighteen inches (18") in height above grade. (Ord. 20-00 §§ 1-3, 2000: Ord. 35-99 § 86, 1999: Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(24-6), 1995)

## 21A.48.070: PARKING LOT OR VEHICLE SALES OR LEASE LOTS LANDSCAPING:

A. Applicability: All hard surfaced parking lots or hard surfaced vehicle sales or lease lots, for passenger cars and light trucks, with fifteen (15) or more parking spaces shall provide landscaping in accordance with the provisions of this section. Smaller parking lots shall not be required to provide landscaping other than yard area landscaping and landscaped buffer requirements as specified in other sections of this title.

B. Interior Parking Lot And Vehicle Sales Or Lease Lots Landscaping:

1. Area Required: Not less than five percent (5%) of the interior of a parking lot or vehicle sales or lease lots shall be devoted to landscaping. Landscaping areas located along the perimeter of a parking lot or vehicle sales or lease lots beyond the curb or edge of pavement of the lot shall not be included toward satisfying this requirement.

2. Landscaped Areas: The landscaped areas defined in subsection B1 of this section shall be improved in conformance with the following:

a. Dispersion: Interior parking lot or vehicle sales or lease lots landscaping areas shall be dispersed throughout the parking lot or vehicle sales or lease lots.

b. Minimum Size: Interior parking lot or vehicle sales or lease lots landscaping areas shall be a minimum of one hundred twenty (120) square feet in area and shall be a minimum of five feet (5') in width, as measured from back of curb to back of curb.

c. Landscape Material: The plants used to improve the landscape areas defined above shall conform to the following:

(1) Type: The primary plant materials used in parking lots or vehicle sales or lease lots shall be shade tree species in conformance with applicable provisions of subsections 21A.48.050A and B of this chapter. Ornamental trees, shrubbery, hedges, and other plants may be used to supplement the shade tree plantings, but shall not be the sole contribution to such landscaping;

(2) Quantity: One shade tree shall be provided for every one hundred twenty (120) square feet of landscaping area;

(3) Ground Cover: A minimum of fifty percent (50%) of every interior parking lot or vehicle sales or lease lots landscaping area shall be planted with an approved ground cover in the appropriate density to achieve complete cover within two (2) years, as determined by the zoning administrator.

3. Exceptions: In the CG, M-1, M-2 and EI districts, hard surfaced areas used as operational yard areas for trucks, trailers and other incidental vehicles, other than passenger automobiles and light trucks, and which are not parking lots for employees, clients, and customers, are exempt from the parking lot interior landscaping standards.

C. Perimeter Parking Lot Landscaping:

1. Applicability: Where a parking lot is located within a required yard, or within twenty feet (20') of a lot line, perimeter landscaping shall be required along the corresponding edge of the parking lot in conformance with the provisions in table 21A.48.070G of this section. Perimeter landscaping for vehicle sales or lease lots shall include rear and interior side yard landscaping only. Front and corner side yard landscaping for vehicle sales or lease lots shall be provided as specified in each zoning district. Where both landscape buffers and parking lot landscaping is required, the more restrictive requirement shall apply.

2. Landscape Area: Where perimeter landscaping is required, it shall be provided within landscape areas at least seven feet (7') in width, as measured from the back of the parking lot curb and extending any parking space overhang area.

3. Required Improvements: Within the landscape area required above, landscape improvements shall be required as established in table 21A.48.070G of this section.

D. Parking Lot Fencing: Fences along parking lot perimeters may be required through the site plan review process pursuant to the provisions of chapter 21A.58 of this title or when required by the zoning administrator to satisfy buffer requirements outlined in section 21A.48.080 of this chapter.

E. Parking Lot Curb Controls: Six inch (6") poured concrete curb controls shall be constructed around all required landscaping on the perimeter and within parking lots.

F. Discretionary Authority: The zoning administrator may modify requirements of this section to better achieve the intent of this section and address site specific conditions. These modifications shall be limited to the location of required plants and shall not permit a reduction in the required total number of plants.

G. Landscape Improvements Table:

TABLE 21A.48.070G
REQUIRED PERIMETER PARKING LOT
LANDSCAPE IMPROVEMENTS

General Intent: The landscape requirements identified in this table provide for the enhancement of parking lots by recognizing two (2) distinct conditions. The first is where parking lots are located within front and corner side yards, and a uniform scheme of landscaping is required to protect the aesthetics along public streets. The second condition is where parking lots are located within rear and interior side yards, and minimum requirements for beautification of both residential and nonresidential uses are the

city's goal. The intent is to require a higher level of landscaping for residential uses (principally multi-family uses) than for nonresidential uses. The improvements established in this table are required only for parking lots with fifteen (15) or more spaces and where the lot is located within a required yard or within twenty feet (20') of a lot line. The reduction of impacts between dissimilar uses is addressed by section 21A.48.080 of this chapter. Where both parking lot landscaping and landscape buffers are required, the more restrictive shall apply.

| Required Landscaping | Front And Corner Side Yards | |
|---|---|---|
| Shade trees | 1 tree per 50 feet of yard length, measured to the nearest whole number (in addition to required parkway trees) | |
| Shrubs | 1 shrub per 3 feet, on center along 100 percent of the yard length. Shrubs with mature height not more than 3 feet unless a lower shrub height is specifically required in this chapter for front yard areas | |
| Ground cover | Landscape area outside of shrub masses shall be established in turf or other ground cover | |
| | | |
| Required Landscaping | Rear And Interior Side Yards | |
| | Residential Use (Including Institutional Residential Uses) | Nonresidential Use |
| Shade trees | 1 tree per 30 feet of yard length, measured to the nearest whole number | 1 tree per 50 feet of yard length, measured to the nearest whole number |
| Shrubs | 1 shrub per 3 feet, on center along 100 percent of the yard length. Shrubs shall have a mature height not less than 3 feet | 1 shrub per 3 feet, on center along 50 percent of the yard length. Shrubs shall have a mature height of not less than 3 feet |
| Ground cover | Landscape area outside of shrub masses shall be established as per section 21A.48.090 of this chapter | Landscape area outside of shrub masses shall be established as per section 21A.48.090 of this chapter |

H. Landscaping Performance Standards For Airport District (A): Parking lot landscaping in airport district shall comply with the specifications set forth in subsections 21A.34.040EE and FF of this title. (Ord. 45-07 § 3 (Exh. A), 2007: Ord. 70-03 §§ 3, 4, 2003: Ord. 35-99 §§ 87, 88, 1999: Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(24-7), 1995)

## 21A.48.080: LANDSCAPE BUFFERS:

A. Applicability: The regulations of this section shall establish the dimensions and improvement requirements of landscape buffers as required for transitions between dissimilar uses.

B. General Restrictions: Landscape buffers shall be reserved for planting and fencing as required within this section. No parking, driveways, sidewalks, accessory buildings or other impervious surfaces shall be permitted, unless specifically authorized through the site plan review process. Landscape buffers may be located within required yards or required landscape yards as established in the applicable district regulations. Where both landscape buffers and parking lot landscaping is required the more restrictive shall apply.

C. Size Of Landscape Buffers: The minimum size of landscape buffers for various situations is set forth below:

1. RMF-30, RMF-35, RMF-45, RMF-75, R-MU-35, R-MU-45, R-MU, RO, MU, PL, PL-2 And OS Districts: Lots in the RMF-30, RMF-35, RMF-45, RMF-75, R-MU-35, R-MU-45, R-MU, RO, MU, PL, PL-2 or OS districts which abut a lot in a single-family or two-family residential district, shall provide a ten foot (10') wide landscape buffer.

2. RB District: A landscape buffer is not required for lots in an RB district which abut a lot in a residential district.

3. CN, CB, CC And CSHBD Districts: Lots in the CN, CB, CC or CSHBD districts which abut a lot in a residential district shall provide a seven foot (7') landscape buffer.

4. CS And CG Districts: Lots in the CS or CG districts which abut a lot in a residential district shall provide a fifteen foot (15') landscape buffer.

5. M-1 District: Lots in the M-1 district which abut a lot in a residential district shall provide a fifteen foot (15') landscape buffer.

6. M-2 District: Lots in the M-2 district which abut a lot in a residential district shall provide a fifty foot (50') landscape buffer.

7. RP And BP Districts: Lots in the RP or BP districts which abut a lot in a residential district shall provide a thirty foot (30') landscape buffer.

8. I Institutional District: Lots in the I institutional district which abut a lot in a residential district shall provide a landscape buffer fifteen feet (15') in width or equal to the average height of the facade of the principal building facing the buffer, whichever is greater.

9. UI Urban Institutional District: Lots in the UI urban institutional district which abut a lot in a single-family or two-family residential district shall provide a fifteen foot (15') landscape buffer.

10. MH Mobile Home District: A landscape buffer of twenty feet (20') in width shall be provided around the perimeter of each mobile home park.

11. EI Extractive Industry And LO Landfill Overlay Districts: A landscape buffer of thirty feet (30') shall be provided around the perimeter of each use.

12. TC-75 District: Lots in the TC-75 district which abut a lot in a residential district, shall provide a ten foot (10') landscaped buffer.

D. Improvement Of Landscape Buffers: Required planting and fencing shall be installed in conformance with the following provisions:

1. RMF-30, RMF-35, RMF-45, RMF-75, R-MU-35, R-MU-45, R-MU, RO, MU, PL, PL-2 And OS Districts: In the RMF-30, RMF-35, RMF-45, RMF-75, R-MU-35, R-MU-45, R-MU, RO, MU, PL, PL-2 and OS districts, the following improvements shall be provided:

a. Shade trees shall be planted at the rate of one tree for every thirty (30) linear feet of landscape buffer.

b. A continuous evergreen or deciduous shrub hedge shall be planted along the entire length of landscape buffer. This shrub hedge shall have a mature height of not less than four feet (4').

c. A fence not exceeding six feet (6') in height may be combined with the shrub hedge, subject to the approval of the zoning administrator.

d. Landscape yards shall be maintained per section 21A.48.090 of this chapter.

2. CN, CB, CC And CSHBD Districts: In the CN, CB, CC and CSHBD districts, the following improvements shall be provided:

a. Shade trees shall be planted at the rate of one tree for every thirty (30) linear feet of landscape buffer;

b. Shrubs, having a mature height of not less than four feet (4'), shall be planted along the entire length of the landscape buffer;

c. Landscape yards shall be maintained per section 21A.48.090 of this chapter; and

d. A solid fence between four (4) and six feet (6') in height shall be erected along the property line unless waived by the zoning administrator.

3. CS, CG, M-1, I, UI, MH, RP And BP Districts: In the CS, CG, M-1, I, UI, MH, RP and BP districts, the following improvements shall be provided:

a. Shade trees shall be planted at the rate of one tree per twenty five (25) linear feet along the entire length of the landscape yard. Shade trees may be clustered subject to the site plan review approval. Evergreen trees may be substituted for a portion of the shade trees;

b. Shrub masses, at least two (2) rows deep and with shrubs alternately spaced, shall be provided along the entire length of the landscape yard. Shrubs shall reach a mature height of not less than four feet (4');

c. Landscape yards shall be maintained per section 21A.48.090 of this chapter; and

d. A solid fence six feet (6') in height shall be located on the property line along the required landscape buffer unless waived by the zoning administrator.

4. M-2 District: In the M-2 district, the following improvements shall be provided:

a. Shade trees shall be planted at a rate of one tree for every twenty feet (20') of length of the landscape buffer. Shade trees may be grouped or clustered, subject to site plan review approval. Evergreen trees may be used as substitutes for some of the shade trees.

b. Shrub masses, at least two (2) rows deep and with shrubs alternately spaced, shall be provided along seventy five percent (75%) of the length of the landscape yard. Shrubs shall reach a mature height of not less than four feet (4').

c. Landscape yards shall be maintained per section 21A.48.090 of this chapter.

5. EI And LO Districts: Each use in the EI and LO districts must submit a landscape plan to the zoning administrator indicating how the proposed landscaping will mitigate noise, dust or other impacts on surrounding and nearby uses. (Ord. 45-07 § 4, 2007: Ord. 76-05 § 3, 2005: Ord. 71-04 §§ 25, 26, 2004: Ord. 13-04 §§ 28, 29, 2004: Ord. 73-02 §§ 16, 17, 2002: Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(24-8), 1995)

## 21A.48.090: LANDSCAPE YARDS:

Landscape yards are yards devoted exclusively to landscaping except, however, that driveways and sidewalks needed to serve the use and buildings on the lot may be located within a required landscape yard. As used in this chapter, the term "landscaping" shall be defined as set forth in section 21A.62.040, "Definitions", of this title. No specific improvements are required within landscape yards, except that all landscape areas shall be maintained with at least one-third ($^1/_3$) of the yard(s) area covered by vegetation, which may include trees, shrubs, grasses, annual or perennial plants and vegetable plants. Vegetable plants shall be limited to a maximum height of twenty four inches (24"). Mulches such as organic mulch, gravel, rocks and boulders shall be a minimum depth of three inches (3") or more, dependent on the material used, to control weeds and erosion in unplanted areas and between plants, and that these aforementioned items at all times cover any installed weed block barriers that cover the ground surface.

A. Bond Requirement: All developers and/or contractors shall be required to post a bond with the city for the total amount of the landscaping contract for all multi-family

dwellings and commercial development. (Ord. 45-07 § 5, 2007: Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(24-9), 1995)

## 21A.48.100: SPECIAL LANDSCAPE REGULATIONS:

In addition to the foregoing requirements, special landscape regulations shall apply to certain zoning districts. These regulations are established below:

A. FP Foothills Protection District:

1. Landscape Plan Required: A landscape plan, conforming to sections 21A.48.030 and 21A.48.050 of this chapter, shall be required for all uses within this district. This plan shall delineate the proposed revegetation of disturbed areas of the site, and road/driveway areas. The landscape plan shall extend one hundred feet (100') beyond the disturbed site area and twenty five feet (25') beyond the limits of grading for roads/driveways, but need not include any portions of the site designated as undevelopable unless these areas are disturbed.

2. Maximum Disturbed Area: The maximum disturbed area shall not exceed ten percent (10%) of the total site area.

3. Tree Preservation And Replacement: Existing trees over two inches (2") in caliper that are removed from the site to accommodate development shall be replaced. Whenever microclimate conditions make it practical, the proportion of replacement tree species shall be the same as the trees removed.

4. Limits On Turf: To help promote the intent of this district by minimizing the impact on the natural landscape, the area of turf grasses shall not exceed thirty percent (30%) of the area to be landscaped and shall not encroach into undevelopable areas.

5. Slope Revegetation: All slopes graded or otherwise disturbed shall be restored/replanted. Restored vegetation shall consist of native or adapted grasses, herbaceous perennials, or woody trees and shrubs as appropriate for slope, soil and microclimate conditions.

6. Irrigation: Irrigation shall be installed to provide needed water for at least the first two (2) years of growth to establish revegetation of natural areas. Irrigation for areas of turf and ornamental landscaping shall be provided at the discretion of the property owner, however, all systems shall be subject to the review and approval of the zoning administrator.

7. Erosion Protection: As a condition of site plan approval, a plan for erosion protection shall be submitted with the landscape plan.

B. FR-1 And FR-2 Foothills Residence Districts:

1. Landscape Plan Required: A landscape plan, conforming to sections 21A.48.030 and 21A.48.050 of this chapter, shall be required for all uses within this district. This plan shall delineate the proposed revegetation of disturbed site areas.

2. Tree Preservation And Replacement: Existing trees over two inches (2") in caliper that are removed from the site to accommodate development shall be replaced. Whenever microclimate conditions make it practical, the proportion of replacement tree species shall be the same as the trees removed.

3. Slope Revegetation: All slopes graded or otherwise disturbed shall be restored/replanted. Restored vegetation shall consist of native or adapted grasses, herbaceous perennials, or woody trees and shrubs as appropriate for slope and microclimate conditions.

4. Irrigation: Irrigation shall be installed to provide needed water for at least the first two (2) years of growth to establish revegetation of natural areas. Irrigation for areas of turf and ornamental landscaping shall be provided at the discretion of the property owner, however, all systems shall be subject to city review and approval.

5. Erosion Protection: As a condition of site plan approval, a plan for erosion protection shall be submitted with the landscape plan.

C. CC Commercial District:

1. Special Front Yard Landscaping: Special front yard landscaping shall be required in conformance with the following:

a. The first fifteen feet (15') of lot depth shall be devoted to landscaping. Driveways and sidewalks may be located within this area to serve the building and use on the lot;

b. Shrubs limited to a height of not more than three feet (3') shall be provided at the rate of one shrub for every two feet (2') of lot width. A mix of shrub species is recommended, and at least forty percent (40%) of the shrubs must be evergreen;

c. Trees shall be provided at the rate of one tree for every twenty five feet (25') of lot width, rounded to the nearest whole number. Evergreen trees or shade trees may be substituted with ornamental trees, subject to the review and approval of the development review team; and

d. Areas not planted with shrubs or trees shall be maintained in turf or as vegetative ground cover. A drought tolerant ground cover is recommended.

2. Irrigation: Permanent irrigation shall be installed and used as needed to maintain plant material in a healthy state.

3. Maintenance: Landscaping shall be installed and maintained in substantial conformance with the approved landscape plan. Landscaping shall be kept free of weeds and litter.

D. D-1 Central Business District And D-4 Downtown Secondary Central Business District:

1. Right Of Way Landscaping: The principal area of focus for landscaping in the D-1 and D-4 districts shall be along sidewalks and parkways. Landscaping on private property shall be subject to the regulations below and in the D-1 and D-4 districts.

a. Location: Landscape areas shall be located a minimum of two feet (2') from back of the street curb and shall be located in conformance with the adopted beautification plan for an approved beautification district. If the beautification plan does not address the site in question, the location of landscape areas shall be determined through the site plan review process.

b. Trees: Shade trees shall be planted as specified through the site plan review process.

c. Shrubs/Ground Cover: The ground surface of the landscape area may be suitable for the planting of shrubs, ground cover or flowers depending on use and pedestrian patterns. Tree grates or other improvements may be required to facilitate pedestrian circulation along the street. The ground surface shall be determined by the beautification plan, or in the absence of specific direction from the plan, the site plan review process.

2. Landscaping For Vacant Lots: Special landscaping shall be required on those lots becoming vacant, where no replacement use is proposed, in conformance with the following:

a. Landscape Yard Requirement: A landscape yard of fifteen feet (15') shall be required as measured from any point along all property lines. Fencing, pursuant to section 21A.40.120 of this title, can be used as an element of the overall landscaping plan, however, shall not be used in lieu of the landscaping requirements of this section. The purpose of any fencing on downtown lots is for aesthetic value only, and shall consist of wrought iron or other similar material (no chainlink). Fencing shall be open so as not to create a visual barrier, and shall be limited to a maximum of four feet (4') in height, with the exception of a fence located within thirty feet (30') of the intersection of front property lines on any corner lot as noted in subsection 21A.40.120E of this title. The approval of a final landscape plan, that includes a fencing element, shall be delegated to the building official with the input of the planning director, to determine if the fencing materials, location, and height are compatible with adjacent properties in a given setting.

b. Trees: Shade trees shall be provided at the rate of one tree per thirty feet (30') of yard length, rounded up to the nearest whole number.

c. Shrubs: Shrubs shall be provided at the rate of one plant for every three feet (3') of yard length, evenly spaced, limited to a height of not more than three feet (3'). All plants shall be drought tolerant; consult the Salt Lake City water wise plant list for suggestions. At least forty percent (40%) of the plants must be evergreen.

d. Ground Cover: Areas not planted with shrubs and trees shall be maintained in drought tolerant vegetative ground cover.

e. Irrigation: Permanent irrigation shall be installed and used as needed to maintain plant materials in a healthy state.

f. Maintenance: Landscaping shall be installed and maintained in conformance with the approved landscape plan. Landscaping shall be kept free of weeds and litter.

E. Transitional Overlay District: All conditional uses in the transitional overlay district shall conform to the following landscape/buffer requirements. Permitted uses shall be exempt from these requirements.

1. Landscaped Front And Corner Side Yard: All front and corner side yards shall be maintained as landscape yards. The improvement of such landscape yards shall be consistent with the character of the residential neighborhood.

2. Landscaped Interior Side Yard: Where the interior side yard abuts a residential use, a landscape yard eight feet (8') in width shall be provided. This landscape yard shall be improved as set forth below:

a. A six foot (6') high solid fence or wall shall be constructed from the front yard setback line to the rear lot line. The outside edge of this fence or wall shall be located no less than seven feet (7') from the side lot line. The requirement for a fence or wall may be waived by the zoning administrator if the building elevation facing the residential property is of a design not requiring screening by a fence or wall;

b. Deciduous shade trees shall be planted within the landscape yard. One tree per thirty (30) linear feet of landscape yard shall be required, although the spacing of trees may be arranged in an informal manner;

c. A continuous row of shrubs (deciduous or evergreen) shall be planted along the entire length of the landscape yard. The size of the shrubs shall not be less than four feet (4') in height at the time of maturity. The spacing of shrubs shall not be greater than five feet (5') on center. Shrubs must be set back from the side lot line at least four feet (4') on center; and

d. Landscape yards shall be maintained per section 21A.48.090 of this chapter.

3. Landscaped Rear Yard: Where the rear yard abuts a residential use, a solid fence or wall shall be constructed along the entire length of the rear lot line. The requirement for a fence or wall may be waived if conditions on the lot, including landscape screening within the rear yard, eliminate the need for a fence or wall. (Ord. 45-07 § 6, 2007: Ord. 65-05 § 4, 2005: Ord. 13-04 § 30, 2004: Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(24-10), 1995)

## 21A.48.110: FREEWAY SCENIC LANDSCAPE SETBACK:

A. Purpose Statement: Freeway scenic landscape setbacks shall be established along all federal interstate highways to enhance the visual appearance of Salt Lake City, reduce visual distractions to motorists and promote the general health, safety and welfare of Salt Lake City.

B. Applicability: Freeway scenic landscape setbacks shall be required for all lots abutting an interstate highway that are subdivided after April 12, 1995, for construction of a principal building, or for a twenty five percent (25%) floor area increase of a principal building, or for any new use of a previously undeveloped site or twenty five percent (25%) expansion of an existing use on a developed site, in all zones except single-family, R-2 single- and two-family residential districts.

C. Scenic Landscape Location: Freeway scenic landscape setbacks shall be located directly adjacent to an interstate highway right of way line. For applicable properties adjacent to an interstate highway, a scenic landscape setback shall be provided along the full length of its frontage along such interstate highway.

D. Size Of Scenic Landscape Setback: For lots platted after April 12, 1995, scenic landscape setbacks shall be twenty feet (20') in width. For lots existing as of April 12, 1995, the width of the scenic setback may be reduced, upon approval of the zoning administrator, if such reduction is necessary to achieve the required off street parking. The width of the scenic landscape setback shall not be less than ten feet (10').

E. Planting Of Scenic Landscape Setback: All scenic landscape setbacks shall be planted to achieve a significant vegetative screen. To accomplish this, the following planting shall be required within a scenic landscape setback.

1. Shade Trees: One shade tree shall be planted for each three hundred (300) square feet of setback area.

2. Evergreen Trees: Evergreen trees may be substituted for one hundred percent (100%) of the shade trees required in subsection E1 of this section, where microclimate conditions support the use of evergreen trees, subject to the approval of the zoning administrator.

3. Ornamental Trees: Ornamental trees, having a mature canopy size less than thirty feet (30'), may be substituted for up to thirty percent (30%) of the shade trees required in subsection E1 of this section.

4. Large Shrubs: Large shrubs may be substituted for up to ten percent (10%) of the shade trees required in subsection E1 of this section. Three (3) large shrubs shall be planted for each shade tree substitution.

5. Ground Cover: To promote water conservation and the visual character of the native landscape, scenic landscape setbacks shall use native grasses, wildflowers and shrubs for the establishment of ground cover. In areas with greater exposure to sun and drought conditions, herbaceous perennials and shrubs will be used to create a native ground cover.

F. Drought Tolerant Material: All of the plant material used shall be drought tolerant species conforming to the current list maintained by the zoning administrator, or as otherwise approved.

G. Irrigation: A permanent water efficient irrigation system shall be installed within each scenic landscape setback.

H. Waiver Of Requirements: Some or all of the requirements of this section may be waived by the zoning administrator if conformance with such will not benefit the visual appearance of the city or the general public welfare. Specifically, the zoning administrator may waive the requirement where property abuts interstate highway bridges and underpasses and where the change of grade/elevation would not allow for views of the scenic landscape setback. (Ord. 61-11, 2011: Ord. 73-02 § 18, 2002: Ord. 83-98 § 15, 1998: Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(24-11), 1995)

## 21A.48.120: SCREENING OF REFUSE DISPOSAL DUMPSTERS:

All refuse disposal dumpsters, except those located in the CG, M-2, LO and EI districts shall be screened on all sides by a solid wood fence, masonry wall or an equivalent opaque material to a height of not less than six feet (6') but not more than eight feet (8'). This requirement shall not apply to recycling containers and devices. (Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(24-12), 1995)

### 21A.48.130: INNOVATIVE LANDSCAPING:

Innovative landscaping design is encouraged and shall be considered as a positive attribute in connection with any request for a variation from the requirements of this chapter. (Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(24-13), 1995)

### 21A.48.140: CHANGES TO APPROVED LANDSCAPE PLANS:

Any change or deviation to an approved landscape plan shall require the approval of the zoning administrator. Changes which do not conform to this chapter shall be subject to the procedures for a variance as established in chapter 21A.18 of this title. Landscape improvements made to a lot that are not in conformance with an approved landscape plan shall be a violation of this title, and subject to the fines and penalties established herein. (Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(24-14), 1995)

### 21A.48.150: AUTOMOBILE SALES ESTABLISHMENTS:

In the absence of more restrictive regulations of the applicable zoning district, automobile sales and lease establishments shall be required to provide a five foot (5') landscape front and corner side yard. (Ord. 35-99 § 89, 1999: Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(24-15), 1995)

### 21A.48.160: APPEAL:

Any person adversely affected by a final decision of the zoning administrator on a landscaping or buffer requirement may appeal to the appeals hearing officer in accordance with the provisions of chapter 21A.16 of this title. (Ord. 8-12, 2012)

### 21A.48.170: LANDSCAPING PROVIDED AS A CONDITION OF BUILDING PERMIT ISSUANCE:

The landscaping required by this chapter shall be provided as a condition of building permit issuance for any addition, expansion or intensification of a property that increases the floor area and/or parking requirement by fifty percent (50%) or more. The zoning administrator may waive the landscaping requirement if an existing building is located in an area of the lot that is required to be landscaped and compliance with the landscaping requirements of this chapter necessitates removing all or a portion of an existing building. (Ord. 13-04 § 31, 2004: Ord. 35-99 § 90, 1999: Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(24-17), 1995)

# CHAPTER 21A.50
# AMENDMENTS

## 21A.50.010: PURPOSE STATEMENT:

The purpose of this chapter is to provide standards and procedures for making amendments to the text of this title and to the zoning map. This amendment process is not intended to relieve particular hardships nor to confer special privileges or rights upon any person, but only to make adjustments necessary in light of changed conditions or changes in public policy. (Ord. 26-95 § 2(25-0), 1995)

## 21A.50.020: AUTHORITY:

The text of this title and the zoning map may be amended by the passage of an ordinance adopted by the city council in accordance with the procedures set forth in this chapter. (Ord. 26-95 § 2(25-1), 1995)

## 21A.50.030: INITIATION:

Amendments to the text of this title or to the zoning map may be initiated by filing an application for an amendment addressed to the planning commission. Applications for amendments may be initiated by the mayor, a city council member, a planning commissioner, or the owner of the property included in the application, or the property owner's authorized agent. Applications related to H historic preservation overlay districts or landmark sites shall be initiated as provided in subsection 21A.34.020C1 of this title. (Ord. 26-95 § 2(25-2), 1995)

## 21A.50.040: PROCEDURE:

An amendment to the text of this title or to the zoning map initiated by any of the methods described in section 21A.50.030 of this chapter shall be processed in accordance with the following procedures:

A. Application: An application shall be made to the zoning administrator on a form or forms provided by the office of the zoning administrator, which shall include at least the following information:

1. A statement of the text amendment or map amendment describing the purpose for the amendment and the exact language, boundaries and zoning district;

2. Street address and legal description of the property;

3. A complete description of the proposed use of the property where appropriate;

4. Site plans drawn to scale (where applicable); and

5. Related materials or data supporting the application as may be determined by the applicant and the zoning administrator.

B. Fees: The application for an amendment shall be accompanied by the fee shown on the Salt Lake City consolidated fee schedule. Applications filed by a city council member, a planning commissioner or the mayor shall not require the payment of any fees.

C. Determination Of Completeness: Upon receipt of an application for an amendment, the zoning administrator shall make a determination of completeness pursuant to section 21A.10.010, "General Application Procedures", of this title.

D. Staff Report: A staff report evaluating the amendment application shall be prepared by the planning director.

E. Planning Commission Public Hearing: The planning commission shall schedule and hold a public hearing on the completed application in accordance with the standards and procedures for conduct of the public hearing set forth in chapter 21A.10, "General Application And Public Hearing Procedures", of this title.

F. Planning Commission Decision: Following the public hearing, the planning commission shall recommend approval or denial of the proposed amendment or the approval of some modification of the amendment and shall then submit its recommendation to the city council.

G. City Council Hearing: The city council shall schedule and hold a public hearing to consider the proposed amendment in accordance with the standards and procedures for conduct of the public hearing set forth in chapter 21A.10, "General Application And Public Hearing Procedures", of this title.

H. City Council Decision: Following the hearing, the city council may adopt the proposed amendment, adopt the proposed amendment with modifications, or deny the proposed amendment. However, no additional land may be zoned to a different classification than was contained in the public notice, and no land may be rezoned to a less restricted classification, without new notice and hearing. (Ord. 62-11, 2011: Ord. 24-11, 2011)

## 21A.50.050: STANDARDS FOR GENERAL AMENDMENTS:

A decision to amend the text of this title or the zoning map by general amendment is a matter committed to the legislative discretion of the city council and is not controlled by any one standard.

A. In making its decision concerning a proposed text amendment, the city council should consider the following factors:

1. Whether a proposed text amendment is consistent with the purposes, goals, objectives, and policies of the city as stated through its various adopted planning documents;

2. Whether a proposed text amendment furthers the specific purpose statements of the zoning ordinance;

3. Whether a proposed text amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards; and

4. The extent to which a proposed text amendment implements best current, professional practices of urban planning and design.

B. In making a decision to amend the zoning map, the city council should consider the following:

1. Whether a proposed map amendment is consistent with the purposes, goals, objectives, and policies of the city as stated through its various adopted planning documents;

2. Whether a proposed map amendment furthers the specific purpose statements of the zoning ordinance;

3. The extent to which a proposed map amendment will affect adjacent properties;

4. Whether a proposed map amendment is consistent with the purposes and provisions of any applicable overlay zoning districts which may impose additional standards; and

5. The adequacy of public facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreational facilities, police and fire protection, schools, stormwater drainage systems, water supplies, and wastewater and refuse collection. (Ord. 60-09 § 1, 2009)

### 21A.50.060: LIMITATION ON AMENDMENTS:

No application for an amendment to this title shall be considered by the city council or the planning commission within one year of the withdrawal by the applicant or final decision of the city council upon a prior application covering substantially the same subject or substantially the same property. This determination shall be made by the zoning administrator upon receipt of an application pursuant to section 21A.50.030 of this chapter. This provision shall not restrict the mayor, a city council member or a planning commissioner from proposing any text amendment or change in the boundaries of any of the districts in this title at any time. (Ord. 26-95 § 2(25-5), 1995)

### 21A.50.070: APPEAL OF DECISION:

Any party adversely affected by the decision of the city council may, within thirty (30) days after such decision, file an appeal to the district court pursuant the municipal land use development and management act, section 10-9-1001, of the Utah Code Annotated. (Ord. 26-95 § 2(25-6), 1995)

# CHAPTER 21A.52
# SPECIAL EXCEPTIONS

### 21A.52.010: PURPOSE STATEMENT:

The planning commission or historic landmark commission may delegate its authority as necessary to the planning director to make a determination regarding special exceptions. The planning director may approve the special exceptions authorized by this title in accordance with the procedures and standards set out in this chapter and other regulations applicable to the district in which the subject property is located. (Ord. 73-11, 2011)

## 21A.52.020: DEFINITION:

A "special exception" is an activity or use incidental to or in addition to the principal use(s) permitted in a zoning district or an adjustment to a fixed dimension standard permitted as exceptions to the requirements of this title of less potential impact than a conditional use but which requires a careful review of such factors as location, design, configuration and/or impacts to determine the desirability of authorizing its establishment on any given site. (Ord. 73-11, 2011)

## 21A.52.030: SPECIAL EXCEPTIONS AUTHORIZED:

A. In addition to any other special exceptions authorized elsewhere in this title, the following special exceptions are authorized under the provisions of this title:

1. Accessory building height, including wall height, in excess of the permitted height provided:

a. The extra height is for architectural purposes only, such as a steep roof to match existing primary structure or neighborhood character.

b. The extra height is to be used for storage of household goods or truss webbing and not to create a second level.

c. No windows are located in the roof or on the second level unless it is a design feature only.

d. No commercial use is made of the structure or residential use unless it complies with the accessory dwelling unit regulations in this title.

2. Accessory structures in the front yard of double frontage lots, which do not have any rear yard provided:

a. The required sight visibility triangle shall be maintained at all times.

b. The structure meets all other size and height limits governed by the zoning ordinance.

3. Additional height for fences, walls or similar structures may be granted to exceed the height limits established for fences and walls in chapter 21A.40 of this title if it is determined that there will be no negative impacts upon the established character of the affected neighborhood and streetscape, maintenance of public and private views, and matters of public safety. Approval of fences, walls and other similar structures may be granted under the following circumstances subject to compliance with other applicable requirements:

a. Exceeding the allowable height limits; provided, that the fence, wall or structure is constructed of wrought iron, tubular steel or other similar material, and that the open, spatial and nonstructural area of the fence, wall or other similar structure constitutes at least eighty percent (80%) of its total area;

b. Exceeding the allowable height limits within thirty feet (30') of the intersection of front property lines on any corner lot; unless the city's traffic engineer determines that permitting the additional height would cause an unsafe traffic condition;

c. Incorporation of ornamental features or architectural embellishments which extend above the allowable height limits;

d. Exceeding the allowable height limits, when erected around schools and approved recreational uses which require special height considerations;

e. Exceeding the allowable height limits, in cases where it is determined that a negative impact occurs because of levels of noise, pollution, light or other encroachments on the rights to privacy, safety, security and aesthetics;

f. Keeping within the character of the neighborhood and urban design of the city;

g. Avoiding a walled-in effect in the front yard of any property in a residential district where the clear character of the neighborhood in front yard areas is one of open spaces from property to property; or

h. Posing a safety hazard when there is a driveway on the petitioner's property or neighbor's property adjacent to the proposed fence, wall or similar structure.

4. Additional building height in commercial districts are subject to the standards in chapter 21A.26 of this title.

5. Additional foothills building height, including wall height, shall comply with the standards in chapter 21A.24 of this title.

6. Additional residential building height, including wall height, in the R-1 districts, R-2 districts and SR districts shall comply with the standards in chapter 21A.24 of this title.

7. Alternative parking requests shall comply with the standards and considerations of chapter 21A.44 of this title.

8. Barbed wire fences may be approved subject to the regulations of chapter 21A.40 of this title.

9. Conditional home occupations subject to the regulations and conditions of chapter 21A.36 of this title.

10. Dividing existing lots containing two (2) or more separate residential structures into separate lots that would not meet lot size, frontage width or setbacks provided:

a. The residential structures for the proposed lot split already exist and were constructed legally.

b. The planning director agrees and is willing to approve a minor subdivision application.

c. Required parking equal to the parking requirement that existed at the time that each dwelling unit was constructed.

11. Front yard parking shall comply with the standards found in chapter 21A.44 of this title.

12. Grade changes and retaining walls are subject to the regulations and standards of chapter 21A.36 of this title.

13. Ground mounted central air conditioning compressors or systems, heating, ventilating, pool and filtering equipment located in required side and rear yards within four feet (4') of the property line. The mechanical equipment shall comply with applicable Salt Lake County health department noise standards.

14. Hobby shop, art studio, exercise room or a dressing room adjacent to a swimming pool, or other similar uses in an accessory structure, subject to the following conditions:

a. The height of the accessory structure shall not exceed the height limit established by the underlying zoning district unless a special exception allowing additional height is allowed.

b. If an accessory building is located within ten feet (10') of a property line, no windows shall be allowed in the walls adjacent to the property lines.

c. If the accessory building is detached, it must be located in the rear yard.

d. The total covered area for an accessory building shall not exceed fifty percent (50%) of the building footprint of the principal structure, subject to all accessory building size limitations.

15. In line additions to existing residential or commercial buildings, which are noncomplying as to yard area or height regulations provided:

a. The addition follows the existing building line and does not create any new noncompliance.

b. No additional dwelling units are added to the structure.

c. The addition is a legitimate architectural addition with rooflines and exterior materials designed to be compatible with the original structure.

16. Operation of registered home daycare or registered home preschool facility in residential districts subject to the standards of chapter 21A.36 of this title.

17. Outdoor dining in required front, rear and side yards subject to the regulations and standards of chapter 21A.40 of this title.

18. Razor wire fencing may be approved subject to the regulations and standards in chapter 21A.40 of this title.

19. Replacement or reconstruction of any existing noncomplying segment of a residential or commercial structure or full replacement of a noncomplying accessory structure provided:

a. The owner documents that the new construction does not encroach farther into any required rear yard than the structure being replaced.

b. The addition or replacement is compatible in design, size and architectural style with the remaining or previous structure.

20. Underground building encroachments into the front, side, rear and corner side yard setbacks provided the addition is totally underground and there is no visual evidence that such an encroachment exists.

21. Window mounted refrigerated air conditioner and evaporative swamp coolers located in required front, corner, side and rear yards within two feet (2') of a property line shall comply with applicable Salt Lake County health department noise standards. (Ord. 73-11, 2011)

## 21A.52.040: PROCEDURE:

A. An application for a special exception shall be processed in accordance with the following procedures:

1. Application: An application may be made by the owner of the subject property or the owner's authorized agent to the planning director on a form or forms provided by the planning director, which shall include at least the following information, unless deemed unnecessary by the planning director:

a. The applicant's name, address, telephone number, e-mail address and interest in the subject property;

b. The owner's name, address and telephone number, if different than the applicant, and the owner's signed consent to the filing of the application;

c. The street address and legal description of the subject property;

d. The Salt Lake County property tax number;

e. The proposed title of the project and the names, addresses and telephone numbers of the architect, landscape architect, planner or engineer on the project;

f. A complete description of the proposed special exception;

g. A plan or drawing drawn to a scale of one inch equals twenty feet (1" = 20') or larger which includes the following information:

(1) Actual dimensions of the lot,

(2) Exact sizes and location of all existing and proposed buildings or other structures,

(3) Driveways,

(4) Parking spaces,

(5) Safety curbs,

(6) Landscaping,

(7) Location of trash receptacles, and

(8) Drainage features;

h. Traffic impact analysis;

i. Such other and further information or documentation as the planning director may deem necessary or appropriate for a full and proper consideration and disposition of the particular application.

2. Determination Of Completeness: Upon receipt of an application for a special exception, the planning director shall make a determination of completeness pursuant to chapter 21A.10 of this title, and that the applicant has submitted all of the information necessary to satisfy the notification requirements of chapter 21A.10 of this title.

3. Fee: The application for a special exception shall be accompanied by the fee established on the fee schedule, chapter 21A.64 of this title.

4. Notice: A notice of application for a special exception shall be provided in accordance with chapter 21A.10 of this title.

5. Approval Process: The approval process for a special exception as listed in this title is a two (2) tiered process as follows:

a. Review And Decision By The Planning Director: On the basis of written findings of fact, the planning director or the planning director's designee shall either approve, deny or conditionally approve an application for a special exception based on the standards in this chapter. The decision of the planning director shall become effective at the time the decision is made.

b. Referral Of Application By Planning Director To Planning Commission: The planning director or the planning director's designee may refer any application to the planning commission due to the complexity of the application, the significance in change to the property or the surrounding area. (Ord. 73-11, 2011)

## 21A.52.050: COORDINATED REVIEW AND APPROVAL OF APPLICATIONS:

Whenever an application for a special exception requires a variance, the applicant shall indicate that fact on the application and shall first file a variance application with the appeals hearing officer. The special exception shall then be reviewed after a public hearing by the appeals hearing officer on the variance request. (Ord. 8-12, 2012)

## 21A.52.060: GENERAL STANDARDS AND CONSIDERATIONS FOR SPECIAL EXCEPTIONS:

No application for a special exception shall be approved unless the planning commission or the planning director determines that the proposed special exception is appropriate in the location proposed based upon its consideration of the general standards set forth below and, where applicable, the specific conditions for certain special exceptions.

A. Compliance With Zoning Ordinance And District Purposes: The proposed use and development will be in harmony with the general and specific purposes for which this title was enacted and for which the regulations of the district were established.

B. No Substantial Impairment Of Property Value: The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located.

C. No Undue Adverse Impact: The proposed use and development will not have a material adverse effect upon the character of the area or the public health, safety and general welfare.

D. Compatible With Surrounding Development: The proposed special exception will be constructed, arranged and operated so as to be compatible with the use and development of neighboring property in accordance with the applicable district regulations.

E. No Destruction Of Significant Features: The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance.

F. No Material Pollution Of Environment: The proposed use and development will not cause material air, water, soil or noise pollution or other types of pollution.

G. Compliance With Standards: The proposed use and development complies with all additional standards imposed on it pursuant to this chapter. (Ord. 73-11, 2011)

## 21A.52.070: CONDITIONS ON SPECIAL EXCEPTIONS:

Conditions and limitations necessary or appropriate to prevent or minimize adverse effects upon other property and improvements in the vicinity of the special exception or upon public facilities and services may be imposed on each application. These conditions may include, but are not limited to, conditions concerning use, construction, operation, character, location, landscaping, screening and other matters relating to the purposes and objectives of this title. Such conditions shall be expressly set forth in the approval record of the special exception. (Ord. 73-11, 2011)

## 21A.52.080: RELATION OF SPECIAL EXCEPTION:

A special exception shall be deemed to relate to, and be for the benefit of, the use and lot in question rather than the owner or operator of such use or lot. (Ord. 73-11, 2011)

## 21A.52.090: AMENDMENTS TO SPECIAL EXCEPTIONS:

A special exception may be amended, varied or altered only pursuant to the procedures and subject to the standards and limitations provided in this chapter for its original approval. (Ord. 73-11, 2011)

## 21A.52.100: EXTENSIONS OF TIME:

Subject to an extension of time granted upon application to the planning director, no special exception shall be valid for a period longer than one year unless a building permit is issued or complete building plans have been submitted to the division of building services and licensing within that period. The planning director may grant an extension of a special exception for up to one additional year when the applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact. Extension requests must be submitted to the planning director in writing prior to the expiration of the exception. (Ord. 73-11, 2011)

## 21A.52.110: AUTHORITY TO INSPECT:

The planning director or their designee shall have the authority to inspect all properties for compliance with special exception conditions as often as necessary to assure continued compliance. (Ord. 73-11, 2011)

## 21A.52.120: APPEAL OF DECISION:

A. Any party aggrieved by a decision of the planning director may appeal the decision to the planning commission pursuant to the provisions in chapter 21A.16 of this title.

B. Any party aggrieved by a decision of the planning commission on an application for a special exception may file an appeal to the appeals hearing officer within ten (10) days of the date of the decision. The filing of the appeal shall not stay the decision of the planning commission pending the outcome of the appeal, unless the planning commission takes specific action to stay a decision. (Ord. 31-12, 2012)

### 21A.52.130: REVOCATION OF SPECIAL EXCEPTIONS:

Violation of any such condition or limitation shall be a violation of this title and shall constitute grounds for revocation of the special exception. If the planning director determines that the conditions of a special exception or other applicable provisions of this title are not met, the planning director may initiate action to revoke a special exception.

A. Notice: Notice of a hearing by the planning commission to consider revocation shall be given pursuant to the requirements of chapter 21A.10 of this title. The notice shall inform the holder of the special exception of the grounds for the revocation and set a hearing date.

B. Public Hearing: The scheduled hearing shall conform to the requirements of chapter 21A.10 of this title.

C. Planning Commission Decision: Following the hearing, the planning commission shall decide whether or not to revoke the special exception in accordance with the findings and decisions in chapter 21A.10 of this title. (Ord. 73-11, 2011)

### 21A.52.140: EFFECT ON DENIAL OF SPECIAL EXCEPTION:

No application for a special exception shall be considered by the planning commission or the planning commission's designee within one year of a final decision upon a prior application covering substantially the same subject on substantially the same property if the prior application was denied and not appealed. (Ord. 73-11, 2011)

# CHAPTER 21A.54
# CONDITIONAL USES

### 21A.54.010: PURPOSE STATEMENT:

A. A conditional use is a land use which, because of its unique characteristics or potential impact on the municipality, surrounding neighbors or adjacent land uses, may not be compatible or may be compatible only if certain conditions are required that mitigate or eliminate the negative impacts. Conditional uses are allowed unless appropriate conditions cannot be applied which, in the judgment of the planning commission, or administrative hearing officer, would mitigate adverse impacts that may arise by introducing a conditional use on the particular site.

B. Approval of a conditional use requires review of its location, design, configuration, and impact to determine the desirability of allowing it on a site. Whether the use is appropriate requires weighing of public need and benefit against the local impact, taking into account the applicant's proposals to mitigate adverse impacts through site planning, development techniques, and public improvements. (Ord. 14-12, 2012)

## 21A.54.020: AUTHORITY:

The planning commission, or in the case of administrative conditional uses, the planning director or designee, may, in accordance with the procedures and standards set out in this chapter and other regulations applicable to the district in which the property is located, approve uses listed as conditional uses in the tables of permitted and conditional uses of this title for each category of zoning district or districts. (Ord. 14-12, 2012)

## 21A.54.030: CATEGORIES OF CONDITIONAL USES:

Conditional uses shall consist of the following categories of uses:

A. Conditional use applications considered and decided by the planning director or designee as an administrative conditional use pursuant to section 21A.54.155 of this chapter.

B. All other conditional use applications which shall be considered and decided by the planning commission. (Ord. 14-12, 2012)

## 21A.54.040: SITE PLAN REVIEW REQUIRED:

(Rep. by Ord. 14-12, 2012)

## 21A.54.050: INITIATION:

An application for a conditional use may be filed with the planning director by the owner of the subject property or by an authorized agent. (Ord. 14-12, 2012)

## 21A.54.060: PROCEDURES:

A. Application: A complete application shall contain at least the following information submitted by the applicant, unless certain information is determined by the planning director to be inapplicable or unnecessary to appropriately evaluate the application:

1. The applicant's name, address, telephone number, and interest in the property;

2. The property owner's name, address, and telephone number, if different than the applicant, and the property owner's signed consent to the filing of the application;

3. The street address and legal description of the subject property;

4. The zoning classification, zoning district boundaries, and present use of the subject property;

5. A complete description of the proposed conditional use;

6. Site plans, as required pursuant to section 21A.58.060 of this title;

7. Traffic impact analysis, where required by the city transportation division;

8. A signed statement that the applicant has met with and explained the proposed conditional use to the appropriate neighborhood organization entitled to receive notice pursuant to title 2, chapter 2.62 of this code;

9. Mailing labels and a fee to cover postage for all persons required to be notified of the public hearing on the proposed conditional use pursuant to chapter 21A.10 of this title; and

10. Other information or documentation the planning director may deem necessary for proper review and analysis of a particular application. Information which may be required under this subsection A10 shall not apply to a determination of completeness under subsection B of this section.

B. Determination Of Completeness: Upon receipt of an application for a conditional use, the planning director shall make a determination of completeness of the application pursuant to section 21A.10.010 of this title.

C. Fees: The application for a conditional use shall be accompanied by the fee established on the Salt Lake City consolidated fee schedule.

D. Staff Report: Once the planning director has determined that the application is complete, a staff report evaluating the conditional use application shall be prepared by the planning division and forwarded to the applicant and the planning commission, or, in the case of administrative conditional uses, the planning director or designee.

E. Public Hearing: The planning commission, or, in the case of administrative conditional uses, the planning director or designee shall schedule and hold a public hearing on the proposed conditional use in accordance with the standards and procedures for conduct of the public hearing set forth in chapter 21A.10 of this title. (See section 21A.54.155 of this chapter for additional procedures for public hearings in connection with administrative conditional uses.)

F. Notice Of Applications For Additional Approvals: Whenever, in connection with the application for a conditional use approval, the applicant is requesting other types of approvals, as required by this title, all required notices shall include reference to the request for the conditional use as well as for all other applicable approvals.

G. Planning Commission And Planning Director Or Designee Action: At the conclusion of the public hearing, the planning commission, or, in the case of administrative conditional uses, the planning director or designee shall either:

1. Approve the conditional use;

2. Approve the conditional use subject to specific modifications; or

3. Deny the conditional use. (Ord. 14-12, 2012)

## 21A.54.070: SEQUENCE OF APPROVAL OF APPLICATIONS FOR BOTH A CONDITIONAL USE AND A VARIANCE:

Whenever the applicant indicates pursuant to section 21A.54.060 of this chapter that a variance will be necessary in connection with the proposed conditional use, the applicant shall at the time of filing the application for a conditional use, file an application for a variance with the appeals hearing officer.

A. Combined Review: Upon the filing of a combined application for a conditional use and a variance, at the initiation of the planning commission or the appeals hearing officer, the commission and the officer may hold a joint session to consider the conditional use and the variance applications simultaneously.

B. Actions By Planning Commission And Appeals Hearing Officer: Regardless of whether the planning commission and appeals hearing officer conduct their respective reviews in a combined session or separately, the appeals hearing officer shall not take any action on the application for a variance until the planning commission shall first act to recommend approval or disapproval of the application for the conditional use. (Ord. 61-12, 2012)

## 21A.54.080: STANDARDS FOR CONDITIONAL USES:

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 set forth in this section. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use shall be denied.

A. Approval Standards: A conditional use shall be approved unless the planning commission, or in the case of administrative conditional uses, the planning director or designee, concludes that the following standards cannot be met:

1. The use complies with applicable provisions of this title;

2. The use is compatible, or with conditions of approval can be made compatible, with surrounding uses;

3. The use is consistent with applicable adopted city planning policies, documents, and master plans; and

4. The anticipated detrimental effects of a proposed use can be mitigated by the imposition of reasonable conditions.

B. Detrimental Effects Determination: In analyzing the anticipated detrimental effects of a proposed use, the planning commission, or in the case of administrative conditional uses, the planning director or designee, shall determine compliance with each of the following:

1. This title specifically authorizes the use where it is located;

2. The use is consistent with applicable policies set forth in adopted citywide, community, and small area master plans and future land use maps;

3. The use is well suited to the character of the site, and adjacent uses as shown by an analysis of the intensity, size, and scale of the use compared to existing uses in the surrounding area;

4. The mass, scale, style, design, and architectural detailing of the surrounding structures as they relate to the proposed have been considered;

5. Access points and driveways are designed to minimize grading of natural topography, direct vehicular traffic onto major streets, and not impede traffic flows;

6. The internal circulation system is designed to mitigate adverse impacts on adjacent property from motorized, nonmotorized, and pedestrian traffic;

7. The site is designed to enable access and circulation for pedestrian and bicycles;

8. Access to the site does not unreasonably impact the service level of any abutting or adjacent street;

9. The location and design of off street parking complies with applicable standards of this code;

10. Utility capacity is sufficient to support the use at normal service levels;

11. The use is appropriately screened, buffered, or separated from adjoining dissimilar uses to mitigate potential use conflicts;

12. The use meets city sustainability plans, does not significantly impact the quality of surrounding air and water, encroach into a river or stream, or introduce any hazard or environmental damage to any adjacent property, including cigarette smoke;

13. The hours of operation and delivery of the use are compatible with surrounding uses;

14. Signs and lighting are compatible with, and do not negatively impact surrounding uses; and

15. The proposed use does not undermine preservation of historic resources and structures.

C. Conditions Imposed: The planning commission, or in the case of administrative conditional uses, the planning director or the director's designee, may impose on a conditional use any conditions necessary to address the foregoing factors which may include, but are not limited to:

1. Conditions on the scope of the use; its character, location, hours and methods of operation, architecture, signage, construction, landscaping, access, loading and parking, sanitation, drainage and utilities, fencing and screening, and setbacks; and

2. Conditions needed to mitigate any natural hazards; assure public safety; address environmental impacts; and mitigate dust, fumes, smoke, odor, noise, vibrations; chemicals, toxins, pathogens, gases, heat, light, and radiation.

D. Denial Of Conditional Use: A proposed conditional use shall be denied if:

1. The proposed use is unlawful; or

2. The reasonably anticipated detrimental effects of the proposed conditional use cannot be substantially mitigated as proposed in the conditional use application or by the imposition of reasonable conditions to achieve compliance with applicable standards set forth in this section.

E. Notice Of Decision: The planning commission, or in the case of administrative conditional uses, the planning director or designee, shall provide written notice of the decision, including all conditions imposed, to the applicant and local community council within ten (10) days of the final action. If the conditional use is approved, this notice shall be recorded against the property by the city recorder. (Ord. 14-12, 2012)

## 21A.54.090: CONDITIONAL USE REVOCATION:

A. Conditions Of Revocation: The holder of a conditional use shall be responsible for the operation of the use in conformance with the ordinances of the city. Any conditional use approved by the city may be suspended or revoked by the mayor or the planning commission, upon a finding by the mayor or the planning commission of a violation of any of the following with respect to the holder of the use or its operator or agent:

1. A change in the conditional use approval made without authorization or an amendment; or

2. Noncompliance with the conditions prescribed upon approval of the conditional use or with representations by the applicant as to the nature of the conditional use to be conducted; or

3. Operation of the conditional use in a manner that creates a nuisance for neighboring persons or property.

B. Notice: Written notice of a decision to suspend or revoke the conditional use shall be sent to the holder of the conditional use and posted on the planning division website unless an appeal is filed. If an existing business license is associated with the use, action to suspend or revoke such license shall be undertaken as provided in title 5, chapter 5.02 of this code. (Ord. 14-12, 2012)

## 21A.54.100: NO PRESUMPTION OF APPROVAL:

The listing of a conditional use in any table of permitted and conditional uses found in this title does not constitute an assurance or presumption that such conditional use will be approved. Rather, each proposed conditional use shall be evaluated on an individual basis, in relation to its compliance with the standards and factors set forth in this chapter and with the standards for the zoning district in which it is located, in order to determine whether the conditional use is appropriate at a particular location. (Ord. 14-12, 2012)

## 21A.54.110: EFFECT OF APPROVAL OF CONDITIONAL USE:

The approval of a proposed conditional use by the planning commission, or, in the case of administrative conditional uses, the planning director or designee, shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals that may be required by the regulations of the city, including, but not limited to, a building permit, certificate of occupancy and subdivision approval. (Ord. 69-06 § 5, 2006: Ord. 26-95 § 2(27-11), 1995)

## 21A.54.120: LIMITATIONS ON CONDITIONAL USE APPROVAL:

Subject to an extension of time granted by the planning commission, or, in the case of administrative conditional uses, the planning director or designee, no conditional use shall be valid for a period longer than one year unless a building permit has been issued or complete building plans have been submitted to the division of building services and licensing within that period and is thereafter diligently pursued to completion, or unless a certificate of occupancy is issued and a use commenced within that period, or unless a longer time is requested and granted by the planning commission, or, in the case of administrative conditional uses, the planning director or designee. Any request for a time extension shall be required not less than thirty (30) days prior to the twelve (12) month time period. The approval of a proposed conditional use by the planning commission, or, in the case of administrative conditional uses, the planning director or designee, shall authorize only the particular use for which it was issued. (Ord. 11-10 § 6, 2010)

## 21A.54.130: CONDITIONAL USE RELATED TO THE LAND:

A conditional use is transferable with the title to the underlying property so that an applicant may convey or assign an approved use without losing the approval. The applicant may not transfer the use from the property for which the approval was granted. If the applicant changes the use on the property, the existing conditional use shall be deemed a voluntary termination thereof. (Ord. 14-12, 2012)

## 21A.54.135: ALTERATIONS OR MODIFICATIONS TO A CONDITIONAL USE:

A. Nonconforming Conditional Use: Any modification to a legally nonconforming land use listed as a conditional use under current zoning regulations shall be approved subject to the provisions of this chapter if the floor area increases by more than twenty five percent (25%) of the gross floor area, or one thousand (1,000) gross square feet, whichever is less and/or the parking requirement increases as required by this title.

B. Administrative Review: A modification to an existing legal conditional use that increases the floor area by less than twenty five percent (25%) of the gross floor area or one thousand (1,000) gross square feet, whichever is less may be approved by the planning director without a public hearing.

C. New Conditional Use Review Required: A modification to an existing legal conditional use that increases the floor area by more than twenty five percent (25%) of the gross floor area or one thousand (1,000) gross square feet, whichever is less, shall be reviewed as a new conditional use pursuant to the requirements and standards of this chapter. (Ord. 14-12, 2012)

## 21A.54.140: CONDITIONAL USE APPROVALS AND PLANNED DEVELOPMENTS:

When a development is proposed as a planned development pursuant to the procedures in chapter 21A.55 of this title and also includes an application for conditional use approval, the planning commission shall consider the planned development application and the conditional use application together. If a new conditional use is proposed after a planned development has been approved pursuant to chapter 21A.55 of this title, the proposed conditional use shall be reviewed and approved, approved with conditions, approved with modifications, or denied under the standards set forth in section 21A.54.080 of this chapter. (Ord. 14-12, 2012)

## 21A.54.150: PLANNED DEVELOPMENTS[2]:

(Rep. by Ord. 23-10 § 19, 2010)

## 21A.54.155: ADMINISTRATIVELY APPROVED CONDITIONAL USES:

A. Purpose: The purpose of this section is to establish an administrative hearing process for certain categories of low impact conditional uses as authorized by subsection 21A.54.030B of this chapter.

B. Administrative Review: Conditional uses that are authorized to be reviewed administratively are:

1. Applications for low power wireless telecommunication facilities that are listed as conditional uses in subsection 21A.40.090E of this title;

2. Public/private utility buildings and structures in residential and nonresidential zoning districts that are listed as conditional uses;

3. Any conditional use identified in the tables of permitted and conditional uses for each zoning district, except those uses that:

a. Are located within a residential zoning district;

b. Abut a residential zoning district or residential use; or

c. Require planned development approval.

C. Approval Standards: Administrative conditional use applications shall be subject to the standards set forth in section 21A.54.080 of this chapter.

D. Notice: Notice of a proposed conditional use shall be given pursuant to subsection 21A.10.020B of this title.

E. Administrative Hearing:

1. At the administrative hearing, the planning director or designee may decline to hear or decide the request and forward the application for planning commission consideration if it is determined that there is neighborhood opposition, if the applicant has failed to adequately address the conditional use standards, or for any other reason at the discretion of the planning director or designee.

2. If the planning director or designee conducts the administrative hearing, after consideration of information received from the applicant and concerned residents, the planning director or designee may approve, approve with conditions, or deny the conditional use request in accordance with the standards for conditional uses listed in section 21A.54.080 of this chapter and any specific standards listed in this title that regulate the particular use. (Ord. 14-12, 2012)

## 21A.54.156: APPEAL OF ADMINISTRATIVE DECISION:

Any person adversely affected by a decision made by the planning director or designee at an administrative hearing may appeal that decision to the Salt Lake City planning commission by filing notice of an appeal within ten (10) days after the date of the written administrative decision. The notice of appeal shall specify, in detail, the reason(s) for the appeal. Reasons for the appeal shall be based upon a procedural error, noncompliance with the standards for conditional uses listed in section 21A.54.080 of this chapter, or any specific standards listed in this title that regulate the particular use. (Ord. 14-12, 2012)

### 21A.54.160: APPEAL OF PLANNING COMMISSION DECISION:

Any person adversely affected by a final decision of the planning commission on an application for a conditional use may appeal to the appeals hearing officer in accordance with the provisions of chapter 21A.16 of this title. Notwithstanding section 21A.16.030 of this title, the filing of the appeal shall not stay the decision of the planning commission pending the outcome of the appeal, unless the planning commission takes specific action to stay a decision. (Ord. 8-12, 2012)

### 21A.54.170: APPEAL OF APPEALS HEARING OFFICER DECISION:

Any person adversely affected by a final decision of the appeals hearing officer on an appeal from a planning commission decision may file a petition for review of the decision with the district court within thirty (30) days after the decision is rendered. (Ord. 8-12, 2012)

# CHAPTER 21A.55
# PLANNED DEVELOPMENTS

### 21A.55.010: PURPOSE STATEMENT:

A planned development is intended to encourage the efficient use of land and resources, promoting greater efficiency in public and utility services and encouraging innovation in the planning and building of all types of development. Further, a planned development implements the purpose statement of the zoning district in which the project is located, utilizing an alternative approach to the design of the property and related physical facilities. A planned development will result in a more enhanced product than would be achievable through strict application of land use regulations, while enabling the development to be compatible and congruous with adjacent and nearby land developments. Through the flexibility of the planned development regulations, the city seeks to achieve any of the following specific objectives:

A. Combination and coordination of architectural styles, building forms, building materials, and building relationships;

B. Preservation and enhancement of desirable site characteristics such as natural topography, vegetation and geologic features, and the prevention of soil erosion;

C. Preservation of buildings which are architecturally or historically significant or contribute to the character of the city;

D. Use of design, landscape, or architectural features to create a pleasing environment;

E. Inclusion of special development amenities that are in the interest of the general public;

F. Elimination of blighted structures or incompatible uses through redevelopment or rehabilitation;

G. Inclusion of affordable housing with market rate housing; or

H. Utilization of "green" building techniques in development. (Ord. 23-10 § 21, 2010)

## 21A.55.020: AUTHORITY:

The planning commission may approve planned developments for uses listed in the tables of permitted and conditional uses for each category of zoning district or districts. The approval shall be in accordance with the standards and procedures set forth in this chapter and other regulations applicable to the district in which the property is located. (Ord. 23-10 § 21, 2010)

## 21A.55.030: AUTHORITY TO MODIFY REGULATIONS:

In approving any planned development, the planning commission may change, alter, modify or waive any provisions of this title or of the city's subdivision regulations as they apply to the proposed planned development; however, additional building height may not be approved in the FR, R-1, SR, or R-2 zoning districts. In zoning districts other than the FR, R-1, SR, or R-2 districts, the planning commission may approve up to five feet (5') maximum of additional building height in accordance with the provisions of this title if it further achieves one or more of the objectives in section 21A.55.010 of this chapter. (Ord. 23-10 § 21, 2010)

## 21A.55.040: LIMITATION:

No change, alteration, modification or waiver authorized by section 21A.55.030 of this chapter shall authorize a change in the uses permitted in any district or a modification with respect to any standard established by this chapter, or a modification with respect to any standard in a zoning district made specifically applicable to planned developments, unless such regulations expressly authorize such a change, alteration, modification or waiver. (Ord. 23-10 § 21, 2010)

## 21A.55.050: STANDARDS FOR PLANNED DEVELOPMENTS:

The planning commission may approve, approve with conditions, or deny a planned development based upon written findings of fact according to each of the following standards. It is the responsibility of the applicant to provide written and graphic evidence demonstrating compliance with the following standards:

A. Planned Development Objectives: The planned development shall meet the purpose statement for a planned development (section 21A.55.010 of this chapter) and will achieve at least one of the objectives stated in said section;

B. Master Plan And Zoning Ordinance Compliance: The proposed planned development shall be:

1. Consistent with any adopted policy set forth in the citywide, community, and/or small area master plan and future land use map applicable to the site where the planned development will be located, and

2. Allowed by the zone where the planned development will be located or by another applicable provision of this title.

C. Compatibility: The proposed planned development shall be compatible with the character of the site, adjacent properties, and existing development within the vicinity of the site where the use will be located. In determining compatibility, the planning commission shall consider:

1. Whether the street or other means of access to the site provide the necessary ingress/egress without materially degrading the service level on such street/access or any adjacent street/access;

2. Whether the planned development and its location will create unusual pedestrian or vehicle traffic patterns or volumes that would not be expected, based on:

a. Orientation of driveways and whether they direct traffic to major or local streets, and, if directed to local streets, the impact on the safety, purpose, and character of these streets;

b. Parking area locations and size, and whether parking plans are likely to encourage street side parking for the planned development which will adversely impact the reasonable use of adjacent property;

c. Hours of peak traffic to the proposed planned development and whether such traffic will unreasonably impair the use and enjoyment of adjacent property.

3. Whether the internal circulation system of the proposed planned development will be designed to mitigate adverse impacts on adjacent property from motorized, nonmotorized, and pedestrian traffic;

4. Whether existing or proposed utility and public services will be adequate to support the proposed planned development at normal service levels and will be designed in a manner to avoid adverse impacts on adjacent land uses, public services, and utility resources;

5. Whether appropriate buffering or other mitigation measures, such as, but not limited to, landscaping, setbacks, building location, sound attenuation, odor control, will be provided to protect adjacent land uses from excessive light, noise, odor and visual impacts and other unusual disturbances from trash collection, deliveries, and mechanical equipment resulting from the proposed planned development; and

6. Whether the intensity, size, and scale of the proposed planned development is compatible with adjacent properties.

If a proposed conditional use will result in new construction or substantial remodeling of a commercial or mixed used development, the design of the premises where the use will be located shall conform to the conditional building and site design review standards set forth in chapter 21A.59 of this title.

D. Landscaping: Existing mature vegetation on a given parcel for development shall be maintained. Additional or new landscaping shall be appropriate for the scale of the development, and shall primarily consist of drought tolerant species;

E. Preservation: The proposed planned development shall preserve any historical, architectural, and environmental features of the property;

F. Compliance With Other Applicable Regulations: The proposed planned development shall comply with any other applicable code or ordinance requirement. (Ord. 23-10 § 21, 2010)

## 21A.55.060: MINIMUM AREA:

A planned development proposed for any parcel or tract of land under single ownership or control in certain zoning districts shall have a minimum net lot area as set forth in table 21A.55.060 of this section.

TABLE 21A.55.060
PLANNED DEVELOPMENTS

| District | Minimum Planned Development Size |
|---|---|
| Residential districts: | |
| FR-1/43,560 Foothills estate residential district | 5 acres |
| FR-2/21,780 Foothills residential district | 5 acres |
| FR-3/12,000 Foothills residential district | 5 acres |
| R-1/12,000 Single-family residential district | 24,000 square feet |
| R-1/7,000 Single-family residential district | 14,000 square feet |
| R-1/5,000 Single-family residential district | 10,000 square feet |
| SR-1 and SR-1A Special development pattern residential district | 10,000 square feet |
| SR-2 Reserved | _ |
| SR-3 Special development pattern residential district | 4,000 square feet |
| R-2 Single- and two-family residential district | 10,000 square feet |
| RMF-30 Low density multi-family residential district | 9,000 square feet |
| RMF-35 Moderate density multi-family residential district | 9,000 square feet |
| RMF-45 Moderate/high density multi-family residential district | 9,000 square feet |
| RMF-75 High density multi-family residential district | 9,000 square feet |
| RB Residential/business district | No minimum required |
| R-MU-35 Residential/mixed use district | 9,000 square feet |
| R-MU-45 Residential/mixed use district | 9,000 square feet |
| R-MU Residential/mixed use district | No minimum required |

| | |
|---|---|
| RO Residential/office district | No minimum required |
| Commercial districts: | |
| CN Neighborhood commercial district | No minimum required |
| CB Community business district | No minimum required |
| CS Community shopping district | No minimum required |
| CC Corridor commercial district | No minimum required |
| CSHBD Sugar House business district | No minimum required |
| CG General commercial district | No minimum required |
| TC-75 Transit corridor district | No minimum required |
| Manufacturing districts: | |
| M-1 Light manufacturing district | No minimum required |
| M-2 Heavy manufacturing district | No minimum required |
| Downtown districts: | |
| D-1 Central business district | No minimum required |
| D-2 Downtown support district | No minimum required |
| D-3 Downtown warehouse/residential district | No minimum required |
| D-4 Downtown secondary central business district | No minimum required |
| Special purpose districts: | |
| RP Research park district | No minimum required |
| BP Business park district | No minimum required |
| FP Foothills protection district | 32 acres |
| AG Agricultural district | 10 acres |
| AG-2 Agricultural district | 4 acres |
| AG-5 Agricultural district | 10 acres |
| AG-20 Agricultural district | 40 acres |
| A Airport district | No minimum required |
| PL Public lands district | No minimum required |

| | | |
|---|---|---|
| | PL-2 Public lands district | No minimum required |
| | I Institutional district | No minimum required |
| | UI Urban institutional district | No minimum required |
| | OS Open space district | No minimum required |
| | MH Mobile home park district | No minimum required |
| | EI Extractive industries district | No minimum required |
| | MU Mixed use district | No minimum required |

(Ord. 23-10 § 21, 2010)

### 21A.55.070: DENSITY LIMITATIONS:

Residential planned developments shall not exceed the density limitation of the zoning district where the planned development is proposed. The calculation of planned development density may include open space that is provided as an amenity to the planned development. Public or private roadways located within or adjacent to a planned development shall not be included in the planned development area for the purpose of calculating density. (Ord. 23-10 § 21, 2010)

### 21A.55.080: CONSIDERATION OF REDUCED WIDTH STREET DEDICATION:

A residential planned development application may include a request to dedicate the street to Salt Lake City for perpetual use by the public. The request will be reviewed and evaluated individually by appropriate departments, including transportation, engineering, public utilities, public services and fire. Each department reviewer will consider the adequacy of the design and physical improvements proposed by the developer and will make a recommendation for approval or describe required changes. Items such as adequate vehicular access, public safety access, pedestrian and bicycle access, adequate parking, and urban design elements will be considered as part of this review. A synopsis will be incorporated into the staff report for review and decision by the planning commission. (Ord. 23-10 § 21, 2010)

### 21A.55.090: SPECIFIC STANDARDS FOR PLANNED DEVELOPMENT IN CERTAIN ZONING DISTRICTS:

Planned developments within the TC-75, RB, R-MU, MU, CN, CB, CSHBD districts, South State Street corridor overlay district and CS district (when the CS district is adjacent to an area of more than 60 percent residential zoning located within 300 feet of the subject parcel to be developed, either on the same block or across the street), may be approved subject to consideration of the following general conceptual guidelines (a positive finding for each is not required):

A. The development shall be primarily oriented to the street, not an interior courtyard or parking lot;

B. The primary access shall be oriented to the pedestrian and mass transit;

C. The facade shall maintain detailing and glass in sufficient quantities to facilitate pedestrian interest and interaction;

D. Architectural detailing shall emphasize the pedestrian level of the building;

E. Parking lots shall be appropriately screened and landscaped to minimize their impact on the neighborhood;

F. Parking lot lighting shall be shielded to eliminate excessive glare or light into adjacent neighborhoods;

G. Dumpsters and loading docks shall be appropriately screened or located within the structure; and

H. Signage shall emphasize the pedestrian/mass transit orientation. (Ord. 23-10 § 21, 2010)

## 21A.55.100: PERIMETER SETBACK:

If the planned development abuts a residential lot or a lot in a residential zoning district whose side and rear yard setback requirements are greater than the planned development lot's requirements, then the side and rear yard setback requirements of the subject planned development parcel shall be equal to the side and rear yard setback requirements of the abutting residentially used property or residentially zoned parcel. (Ord. 23-10 § 21, 2010)

## 21A.55.110: DEVELOPMENT PLAN:

The applicant must file an application for planned development approval with the zoning administrator.

A. Application Requirements: The planned development application shall be submitted on a form provided by the zoning administrator accompanied by such number of copies of documents as the zoning administrator may require for processing of the application, and shall include at least the following information set forth below:

1. General Information:

a. The applicant's name, address, telephone number and interest in the property;

b. The owner's name, address and telephone number, if different than the applicant, and the owner's signed consent to the filing of the application;

c. The street address and legal description of the subject property;

d. The zoning classification, zoning district boundaries and present use of the subject property;

e. A vicinity map with north arrow, scale, and date, indicating the zoning classifications and current uses of properties within eighty five feet (85') (exclusive of intervening

streets and alleys) of the subject property;

f. The proposed title of the project and the names, addresses and telephone numbers of the architect, landscape architect, planner or engineer on the project; and

g. A signed statement that the applicant has met with and explained the proposed conditional use to the appropriate neighborhood organization entitled to receive notice pursuant to title 2, chapter 2.62 of this code.

2. Planned Development Plan: A planned development plan at a scale of twenty feet to the inch (20' = 1") or larger, unless otherwise approved by the zoning administrator, setting forth at least the following, unless waived by the zoning administrator:

a. The location, dimensions and total area of the site;

b. The location, dimensions, floor area, type of construction and use of each proposed building or structure;

c. The number, the size and type of dwelling units in each building, and the overall dwelling unit density;

d. The proposed treatment of open spaces and the exterior surfaces of all structures, with sketches of proposed landscaping and structures, including typical elevations;

e. Architectural graphics, if requested by the zoning administrator, including typical floor plans and elevations, profiles and cross sections;

f. The number, location and dimensions of parking spaces and loading docks, with means of ingress and egress;

g. The proposed traffic circulation pattern within the area of the development, including the location and description of public improvements to be installed, including any streets and access easements;

h. A traffic impact analysis (if required by the city transportation division);

i. The location and purpose of any existing or proposed dedication or easement;

j. The general drainage plan for the development tract;

k. The location and dimensions of adjacent properties, abutting public rights of way and easements, and utilities serving the site;

l. Significant topographical or physical features of the site, including existing trees;

m. Soils and subsurface conditions, if requested;

n. The location and proposed treatment of any historical structure or other historical design element or feature;

o. One copy of the development plan colored or shaded (unmounted) for legibility and presentation at public meetings; and

p. A reduction of the development plan to eight and one-half by eleven inches ($8^1/_2$ x 11"). The reduction need not include any area outside the property lines of the subject site.

3. Plat Of Survey: A plat of survey of the parcel of land, lot, lots, block, blocks, or parts or portions thereof, drawn to scale, showing the actual dimensions of the parcel, lot, lots, block, blocks, or portions thereof, according to the registered or recorded plat of such land.

4. Preliminary Subdivision Plat, If Required: A preliminary subdivision plat showing that the planned development consists of and is conterminous with a single lot described in a recorded subdivision plat, or a proposed resubdivision or consolidation to create a single lot or separate lots of record in suitable form ready for review.

5. Additional Information: The application shall also contain the following information as well as such additional information, drawings, plans or documentation as may be requested by the zoning administrator or the planning commission if determined necessary or appropriate for a full and proper consideration and disposition of the application:

a. When the proposed planned development includes provisions for common open space or recreational facilities, a statement describing the provision to be made for the care and maintenance of such open space or recreational facilities;

b. A written statement showing the relationship of the proposed planned development to any adopted general plan of the city;

c. A written statement with supporting graphics showing how the proposed planned development is compatible with other property in the neighborhood.

B. Review Procedure: Upon the review of a planned development application, the applicable city department/division shall notify the applicant of any deficiencies and/or modifications necessary to complete the application.

1. Public Hearing: Upon receiving site plan review and recommendation from the applicable city department(s)/division(s), and completing a staff report, the planning commission shall hold a public hearing to review the planned development application in accordance with the standards and procedures set forth in chapter 21A.10 of this title.

2. Planning Commission Action: Following the public hearing, the planning commission shall decide, on the basis of the standards contained in section 21A.55.050 of this chapter whether to approve, approve with modifications or conditions, or deny the application.

3. Notification Of Decision: The planning director shall notify the applicant of the decision of the planning commission in writing, accompanied by one copy of the submitted plans marked to show such decision and a copy of the motion approving, approving with modifications, or denying the development plan application. (Ord. 23-10 § 21, 2010)

## 21A.55.120: APPEAL OF THE PLANNING COMMISSION DECISION:

Any person adversely affected by a final decision of the planning commission on an application for a planned development may appeal to the appeals hearing officer in accordance with the provisions of chapter 21A.16 of this title. Notwithstanding section 21A.16.030 of this title, the filing of the appeal shall not stay the decision of the planning commission pending the outcome of the appeal, unless the planning commission takes specific action to stay a decision. (Ord. 8-12, 2012)

## 21A.55.130: TIME LIMIT ON APPROVED PLANNED DEVELOPMENT:

No planned development approval shall be valid for a period longer than one year unless a building permit has been issued or complete building plans have been submitted to the division of building services and licensing. The planning commission may grant an extension of a planned development for up to one additional year when the applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact. Extension requests must be submitted prior to the expiration of the planned development approval. (Ord. 23-10 § 21, 2010)

## 21A.55.140: EFFECT OF APPROVAL OF PLANNED DEVELOPMENT:

The approval of a proposed planned development by the planning commission shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall authorize the preparation, filing and processing of applications for any permits or approvals that may be required by the regulations of the city, including, but not limited to, a building permit, a certificate of occupancy and subdivision approval. (Ord. 23-10 § 21, 2010)

## 21A.55.150: REGULATION DURING AND FOLLOWING COMPLETION OF DEVELOPMENT:

Following planned development approval, the development plan, rather than any other provision of this title, shall constitute the use, parking, loading, sign, bulk, space and yard regulations applicable to the subject property, and no use or development, other than home occupation and temporary uses, not allowed by the development plan shall be permitted within the area of the planned development. (Ord. 23-10 § 21, 2010)

## 21A.55.160: MODIFICATIONS TO DEVELOPMENT PLAN:

A. New Application Required For Modifications And Amendments: No substantial modification or amendment shall be made in the construction, development or use without a new application under the provisions of this title. Minor modifications or amendments may be made subject to written approval of the planning director and the date for completion may be extended by the planning commission upon recommendation of the planning director.

B. Minor Modifications: The planning director may authorize minor modifications to the approved development plan pursuant to the provisions for modifications to an approved site plan as set forth in chapter 21A.58 of this title, when such modifications appear necessary in light of technical or engineering considerations. Such minor modifications shall be limited to the following elements:

1. Adjusting the distance as shown on the approved development plan between any one structure or group of structures, and any other structure or group of structures, or any vehicular circulation element or any boundary of the site;

2. Adjusting the location of any open space;

3. Adjusting any final grade;

4. Altering the types of landscaping elements and their arrangement within the required landscaping buffer area;

5. Signs;

6. Relocation or construction of accessory structures; or

7. Additions which comply with the lot and bulk requirements of the underlying zone.

Such minor modifications shall be consistent with the intent and purpose of this title and the development plan as approved pursuant to this chapter, and shall be the minimum necessary to overcome the particular difficulty and shall not be approved if such modifications would result in a violation of any standard or requirement of this title.

C. Major Modifications: Any modifications to the approved development plan not authorized by subsection B of this section shall be considered to be a major modification. The planning commission shall give notice to all property owners consistent with notification requirements located in chapter 21A.10 of this title. The planning commission may approve an application for a major modification to the approved development plan, not requiring a modification of written conditions of approval or recorded easements, upon finding that any changes in the plan as approved will be in substantial conformity with the approved development plan. If the commission determines that a major modification is not in substantial conformity with the approved development plan, then the commission shall review the request in accordance with the procedures set forth in this section. (Ord. 23-10 § 21, 2010)

## 21A.55.170: DISCLOSURE OF PRIVATE INFRASTRUCTURE COSTS FOR PLANNED DEVELOPMENTS:

Planned developments, approved under this title after January 1, 1997, shall include provisions for disclosure of future private infrastructure maintenance and placement costs to unit owners.

A. Infrastructure Maintenance Estimates: Using generally accepted accounting principles, the developer of any planned development shall calculate an initial estimate of the costs for maintenance and capital improvements of all infrastructure for the planned development including roads, sidewalks, curbs, gutters, water and sewer pipes and related facilities, drainage systems, landscaped or paved common areas and other similar facilities ("infrastructure"), for a period of sixty (60) years following the recording of the subdivision plat or the estimated date of first unit occupancy of the planned development, whichever is later.

B. Initial Estimate Disclosure: The following measures shall be incorporated in planned developments to assure that owners and future owners have received adequate disclosure of potential infrastructure maintenance and replacement costs:

1. The cost estimate shall be recorded with and referenced on the recorded plat for any planned development. The initial disclosure estimate shall cover all private infrastructure items and shall be prepared for six (6) increments of ten (10) years each.

2. The recorded plat shall also contain a statement entitled "notice to purchasers" disclosing that the infrastructure is privately owned and that the maintenance, repair, replacement and operation of the infrastructure is the responsibility of the property owners and will not be assumed by the city.

3. The cost estimate shall be specifically and separately disclosed to the purchaser of any property in the planned development, upon initial purchase and also upon all future purchases for the duration of the sixty (60) year period.

C. Yearly Maintenance Statements: The entity responsible for the operation and maintenance of the infrastructure shall, at least once each calendar year, notify all property owners in the planned development of the estimated yearly expenditures for maintenance, repair, operation or replacement of infrastructure, and at least once each calendar year shall notify all property owners of the actual expenditures incurred, and shall specify the reason(s) for any variance between the estimated expenditures and the actual expenditures.

D. Maintenance Responsibilities: The property owners in a planned development shall be collectively and individually responsible, on a pro rata basis, for operating, maintaining, repairing and replacing infrastructure to the extent necessary to ensure that access to the planned development is available to the city for emergency and other services and to ensure that the condition of the private infrastructure allows for the city's continued and uninterrupted operation of public facilities to which the private infrastructure may be connected or to which it may be adjacent. (Ord. 23-10 § 21, 2010)

# CHAPTER 21A.56
# CONDOMINIUM APPROVAL PROCEDURE

## 21A.56.010: PURPOSE OF PROVISIONS:

This chapter establishes procedures for the review and approval of condominium projects to ensure they comply with applicable Salt Lake City ordinances and state laws. (Ord. 25-98 § 1, 1998)

## 21A.56.020: DEFINITIONS:

For the purposes of this chapter:

BUILDING OFFICIAL: The director of the division of building services and licensing or such person as the director shall designate.

COMMON AREAS AND FACILITIES: The property and improvements of the condominium project conforming to the definition set forth in section 57-8-7, Utah Code Annotated, 1975, as amended or its successor.

CONDOMINIUM, CONDOMINIUM PROJECT, OR CONDOMINIUM UNIT: Property or portions thereof conforming to the definition set forth in section 57-8-3, Utah Code Annotated, 1975, as amended or its successor.

CONDOMINIUM OWNERSHIP ACT OF 1975: The provisions of chapter 8 of title 57 of Utah Code Annotated, as amended in 1975.

CONVERSION: A proposed change in the type of ownership of a parcel or parcels of land together with the existing attached structure from single ownership of said parcel, such as an apartment house, into that defined as a condominium project involving separate ownership of individual units combined with joint collective ownership of common areas.

PLANNING OFFICIAL: The director of the planning division or such person as the director may designate.

PLAT: "Record of survey map" as defined in section 57-8-13, Utah Code Annotated, 1975, as amended or its successor. (Ord. 25-98 § 1, 1998)

## 21A.56.030: APPLICABILITY OF PROVISIONS:

The procedures and requirements of this chapter apply to the processing and approval of condominium record of survey maps for condominium projects. Such provisions shall supplement zoning, site development, health, building or other ordinances which may be applicable to the condominium project, and shall apply to the approval of projects involving new construction, as well as projects involving the conversion of existing structures. In addition, projects which involve dedication of real property to the ownership and use of the public shall also be considered subdivisions and require compliance with applicable provisions of title 20 of this code. (Ord. 25-98 § 1, 1998)

## 21A.56.040: PROPOSED PROJECT; APPLICATION; FEES:

A. Information Required: The owner or developer of a proposed condominium project desiring approval shall file both a preliminary application and a final application with the Salt Lake City planning division on forms prescribed by the city together with:

1. Six (6) copies of the proposed map, accurately drawn to scale, as required by section 57-8-13, Utah Code Annotated, 1975, as amended or its successor, which shall be made by a registered Utah land surveyor. Such map shall set forth: a) the angular and linear data along the exterior boundaries of the property; b) the linear measurement and location, with reference to the exterior boundaries, of the building or buildings; c) the diagrammatic floor plans of the buildings, including identifying number or symbol; d) the elevations of the finished or unfinished interior surfaces of the floors and ceilings and the linear measurements of the finished or unfinished interior surfaces of the perimeter walls, and the lateral extensions of every unit; e) a distinguishing number or symbol for every physical unit identified on the record of survey map; f) the limited common and common areas and intended use/uses.

2. Two (2) copies of the proposed condominium bylaws and declarations, including itemizing those facilities which will be commonly owned and maintained by the owners, and the plan for providing long term funding, as required by city ordinance. The declaration shall also contain the following:

a. A statement that the homeowners' association may regulate, limit, or prohibit rentals of condominium units;

b. A statement that the homeowners' association may require the rental of condominium units to be conducted through the homeowners' association or a designated management company, and may require that all lease agreements be reviewed and approved by the homeowners' association or the management company, that any tenants be screened and approved by the homeowners' association or the management company prior to renting the condominium, and that the approval of the homeowners' association or the management company shall not be unreasonably withheld;

c. A statement that prior to renting any condominium unit, the condominium owner and the tenant shall execute a written lease agreement which shall include the following provisions:

(1) The tenant shall agree to comply with all of the terms and conditions of the condominium declaration and bylaws;

(2) The tenant shall agree not to allow or commit any nuisance, waste, unlawful or illegal act upon the premises; and

(3) The owner and the tenant shall acknowledge that the homeowners' association is an intended third party beneficiary of the lease agreement, that the homeowners' association shall have the right to enforce compliance with the condominium declaration and bylaws and to abate any nuisance, waste, unlawful or illegal activity upon the premises; and that the homeowners' association shall be entitled to exercise all of the owner's rights and remedies under the lease agreement to do so;

d. A statement requiring that prior to a tenant's occupancy of a condominium unit, the condominium owner must provide to the homeowners' association the name, address and telephone number of the tenant and a copy of the written lease agreement;

e. A statement that the homeowners' association shall have the right and the obligation to enforce compliance with the condominium declaration and bylaws against any owner and/or occupant of any condominium unit, and shall have all rights and remedies available under state or local law, in addition to its rights and remedies as a third party beneficiary under any lease agreement, to enforce such compliance.

3. Noticing requirements shall be met as specified in chapter 21A.10 of this title.

4. Where conversion of an existing building is proposed, a property report must be prepared consistent with the requirements of section 18.32.050 of this code (adopted building code appendix; nonconforming building conversion), and submitted as part of the application, together with a plan for proposed improvements, renovations or repairs to existing structures/facility.

5. Where conversion of an existing residential building is proposed, proof of notice to occupants shall be required before final approval. The notice shall include the estimated purchase price of the units, and information regarding proposed improvements. The notice shall describe any financing packages or economic incentives being

offered to tenants to assist in unit purchase. The notice shall also include a date occupants must vacate or purchase, said date shall be no earlier than ninety (90) days after service of the notice. Relocation information for the tenants, specifying available housing relocation resource agencies, and a plan of any services to be voluntarily provided by the owner/developer, shall be included in the notice.

B. Filing Fees: To assist the city in defraying costs incurred in review of the project, fees shall be submitted with each application as shown on the Salt Lake City consolidated fee schedule.

C. Determination Of Complete Application: The application for either preliminary or final condominium approval shall not be considered complete until all required fees are paid to the city by the applicant and the planning staff has reviewed the material and determined that the material is adequate and correctly details the condominium request. If the application is found to be incomplete, the staff will inform the applicant of the necessary additional information. (Ord. 62-11, 2011: Ord. 61-11, 2011: Ord. 24-11, 2011)

## 21A.56.050: NEW CONSTRUCTION PROCESS:

A. Zoning Administrator Duties And Responsibility: The zoning administrator shall perform a zoning compliance review and report the findings to the building official and the planning official. The review shall document the site plan compliance under the zoning ordinance.

B. Building Official Duties And Responsibility: The building official shall obtain the zoning compliance review from the zoning administrator. The building official shall review plans for new construction to determine if such plans conform with applicable building codes.

C. Planning Official Duties And Responsibility: The planning official shall review the application, the zoning compliance review and related documents to determine compliance with requirements of Utah condominium ownership act of 1975 and applicable provisions of this part.

D. Preliminary Approval Procedures:

1. Public Hearing Required: No condominium project shall be approved without a public hearing. The planning official shall schedule the time for, and hold an administrative public hearing to consider the condominium application. Noticing requirements shall be met as specified in chapter 21A.10 of this title.

2. Planning Official Action: The planning official, or designee, may grant preliminary approval, with or without conditions, or may deny the proposal at the administrative hearing.

3. Building Official Action: No building permit for a proposed condominium project shall be issued without preliminary approval from the planning official. The building official, or designee, may approve the plans and issue applicable permits for construction. The issuance of building permits shall serve as evidence of preliminary condominium approval.

E. Final Approval Procedures: No condominium shall have final approval, or shall said units be sold, until the plat has been recorded with the Salt Lake County recorder.

1. Planning Official Approval: Upon receipt of the final record of survey map, the planning official shall examine the plat to determine whether the plat conforms with the preliminary plat and all conditions of approval. The planning official shall approve and sign the plat.

2. Building Official Approval: The building official shall conduct a final inspection of the building and shall approve and sign the plat.

3. City Attorney Approval: The city attorney shall advise the mayor as to the form of the final plat and other recordable documents. The city attorney shall certify that any lands dedicated to the public are dedicated in fee simple and that the applicant is the owner of record. The city attorney shall approve and sign the plat.

4. Mayor Approval: The mayor shall examine the plat to determine conformity with the requirements of the ordinances of the city and may approve the record of survey map. No final plat shall have any force or effect until it has been approved by the mayor and recorded with the Salt Lake County recorder. (Ord. 62-11, 2011: Ord. 25-98 § 1, 1998)

## 21A.56.060: CONDOMINIUM CONVERSION PROCESS:

A. Building Official Duties And Responsibility:

1. Property Report Required: In the case of a proposed conversion to condominium of an existing building, the building official shall review the property report prepared in response to section 18.32.050 of this code governing building conversions, and any plans for renovation and improvement to determine compliance with applicable codes or ordinances. The building official may require revision and resubmission of the property report if a determination is made that required information is missing.

2. Inspection Required: The building official shall require inspection of the property. Any items identified, either through the inspection or in the property report, as needing repair or replacement within five (5) years, shall be included on the list of required improvements.

3. Disclosure: The building official shall identify any building conditions to be disclosed on the record of survey map.

B. Planning Official Duties And Responsibility:

1. Coordination Of Review: The planning official shall review the application material submitted for accuracy and completeness and transmit the submittal to pertinent departments for review and comment.

2. Consistent With State Law: The planning official shall review the application and related documents to determine compliance with requirements of the Utah condominium ownership act of 1975 and applicable provisions of this part.

3. Previous Conditions: The planning official shall review applicable conditions on the use or building imposed by ordinances, variances, and conditional uses.

4. Site Improvements: The planning official shall review the proposed building and site plans and shall have the authority to require additional improvements to be made to the existing site including, but not limited to, landscaping, exterior repairs, and improvements to common areas. This review shall include an analysis of the parking, including internal circulation issues, such as surfacing and control curbs. The analysis shall also include the number of existing parking stalls, noting any deviation from current standards. Based upon this information, the planning official may require construction of additional parking stalls on the site, or may require reasonable alternative parking solutions as outlined in section 21A.44.030, "Alternative Parking Requirements", of this title. Any additional parking developed on site or alternative parking solutions may not increase the parking impacts on neighboring properties, and will not develop existing common areas used as open space or green space. Additionally any remodeling proposal which increases the number of bedrooms would require compliance with existing parking requirements. The total number of parking stalls available to the owners of the project shall be disclosed on the condominium plat.

5. Staff Report: The planning official shall direct city staff in the preparation of a written report, describing the recommended improvements to the building, the site and the surrounding public way. The report will summarize the above referenced review detailing any noted deficiencies.

C. Preliminary Approval Procedures:

1. Public Hearing Required: No condominium conversion project shall be approved without a public hearing. The planning director shall schedule the time for an administrative public hearing to consider the condominium conversion application. Notice for the public hearing shall be pursuant to chapter 21A.10 of this title.

2. Building Official Action: The building official shall identify any improvements, repairs or replacements which must be made to bring the structure into compliance with applicable building codes. The building official may recommend denial until existing code violations identified are corrected, or may recommend preliminary approval, subject to violations being corrected prior to final approval.

3. Planning Official Action: The planning official shall consider the public benefits of condominium ownership to the community and balance those benefits against the loss of rental housing. The planning official, or designee, may grant preliminary approval, with or without conditions, or may deny the proposal at the administrative hearing.

4. Planning Commission Consideration: The planning official may, because of project complexity or public concern, determine that a public hearing before the planning commission is required. The planning commission shall schedule and hold a public hearing in accordance with standards and procedures set forth in chapter 21A.10 of this title. Following the public hearing, the planning commission shall grant preliminary approval, with or without conditions, or deny the application.

D. Final Approval Procedures: No condominium shall have final approval until the record of survey map has been recorded with the Salt Lake County recorder.

1. Planning Official Approval: Upon receipt of the final record of survey map, and final application and fees, the planning official shall examine the plat to determine whether the plat conforms with the preliminary plat and all conditions of approval. The planning official shall approve and sign the plat.

2. Building Official Approval: The building official shall conduct a final inspection on the structure to determine completion of any planned or required repairs and improvements. The building official may recommend final approval subject to completion of required work, provided the applicant files a performance bond in an amount equal to the estimated cost to correct conditions of approval. The building official shall approve and sign the plat.

3. City Attorney Approval: The city attorney shall advise the mayor as to the form of the final plat and other recordable documents. The city attorney shall certify that any lands dedicated to the public are dedicated in fee simple and that the applicant is the owner of record. The city attorney shall approve and sign the plat.

4. Mayor Approval: The mayor shall examine the plat to determine conformity with the requirements of the ordinances of the city and may approve the record of survey map. No final plat shall have any force or effect until it has been approved and signed by the mayor and recorded with the Salt Lake County recorder. (Ord. 62-11, 2011: Ord. 70-09 § 1, 2009: Ord. 25-98 § 1, 1998)

## 21A.56.070: APPEAL OF ADMINISTRATIVE DECISIONS:

Any person adversely affected by the administrative decision of the planning official may, within ten (10) days after such decision, file an appeal to the planning commission. The appeal shall specify any alleged error made by the planning official. The planning commission shall schedule a public hearing for consideration of the merits of the appeal at its earliest convenience. (Ord. 25-98 § 1, 1998)

## 21A.56.080: APPEAL OF PLANNING COMMISSION DECISIONS:

Any person adversely affected by a final decision of the planning commission may appeal to the appeals hearing officer in accordance with the provisions of chapter 21A.16 of this title. (Ord. 8-12, 2012)

### 21A.56.090: ANNUAL REPORT TO THE PLANNING COMMISSION:

At the end of each fiscal year, the planning division shall provide a report to the planning commission identifying the number of condominium conversions, including the number of units involved, which have occurred during the prior year. (Ord. 25-98 § 1, 1998)

# CHAPTER 21A.58
# SITE PLAN REVIEW

### 21A.58.010: PURPOSE STATEMENT:

The intent of these site plan review regulations is to promote the safe and efficient use of land, to contribute to an orderly and harmonious appearance in the city and to further enhance the value of property. This process is intended to supplement the review and administrative procedures which are carried out under this title or other city ordinances and regulations. The site plan review process is intended to help ensure that newly developed properties and redeveloped properties are compatible with adjacent development and that traffic, public safety, overcrowding, and environmental problems are minimized to the greatest extent possible. More specifically, the purpose of the site plan review process is to provide for a review of:

A. A project's compatibility with its environment and with other land uses and buildings existing in the surrounding area;

B. The quantity, quality, utility, size and type of a project's required open space and proposed landscaping improvements;

C. The ability of a project's traffic circulation system to provide for the convenient and safe internal and external movement of vehicles and pedestrians;

D. The quantity, quality, utility and type of a project's required community facilities; and

E. The location and adequacy of a project's provision for drainage and utilities. (Ord. 26-95 § 2(29-1), 1995)

### 21A.58.020: AUTHORITY:

Site plan review shall be required pursuant to the provisions of this chapter for uses as specified in section 21A.58.030 of this chapter before zoning certificates, building permits or certificates of occupancy may be issued.

A. The zoning administrator shall approve site plans upon consideration of all comments received from city departments. The zoning administrator shall be assisted in administering the site plan review process by the development review team (DRT).

B. The zoning administrator may waive the requirements for site plan review for additions to existing buildings, structures, or uses if, in the zoning administrator's opinion, such additions do not substantially impact adjacent properties. (Ord. 26-95 § 2(29-2), 1995)

## 21A.58.030: SCOPE OF APPLICATION:

A. Permitted Uses: Site plan review approval shall be required for approval of all permitted uses other than detached single-family and two-family/twin home dwellings as a condition to receiving a zoning certificate if that permitted use involves the following:

1. Development of a new principal building;

2. Change of land use type;

3. An increased parking requirement;

4. An increased landscaping requirement; or

5. Development activities identified in various sections of this title that are specifically subject to site plan review.

B. Conditional Uses: Site plan review shall be required for all conditional uses in all zoning districts.

C. Accessory Uses: Site plan review shall not be required for accessory uses and structures (as defined in chapter 21A.40, "Accessory Uses, Buildings And Structures", of this title). Such uses shall be reviewed in conjunction with the review of principal buildings when such accessory structures are proposed to be approved at the same time as the principal building. (Ord. 26-95 § 2(29-3), 1995)

## 21A.58.040: SCOPE OF MODIFICATIONS AUTHORIZED:

The authority of the zoning administrator through the site plan review process to require modification of a proposed site plan shall be limited to the following elements in order to achieve the objectives set forth below:

A. Traffic And Parking:

1. Minimizing dangerous traffic movements.

2. Promoting the smooth and efficient flow of traffic in accordance with standards in the "Institute Of Traffic Engineers' Transportation And Traffic Engineering Handbook",

and other local sources of authority as adopted by resolution.

3. Optimizing the efficient use of parking facilities through provisions for adequate interior circulation, parking stalls and travel aisles.

B. Site Layout:

1. Promoting compatibility with adjacent and nearby properties.

2. Preserving and protecting valuable natural features and amenities to the greatest extent practical.

3. Promoting the efficient provision of public services.

C. Environmental Protection:

1. Preserving existing healthy and long lived trees wherever economically feasible.

2. Designing drainage facilities to promote the use and preservation of natural watercourse and patterns of drainage.

3. Minimizing alterations to existing topography.

4. Protecting important views and vistas as identified in adopted plans.

D. Landscaping:

1. Promoting the use of plant material compatible with the climate of the region and microclimate conditions on the site.

2. Ensuring that plant material can be maintained for long term health and continued growth.

3. Maximizing water and energy conservation through the appropriate use of plant materials.

4. Ensuring that the arrangement of required landscaping produces the optimal visual effect.

E. Signage:

1. Ensuring that the location, size and orientation of signage do not impair the visibility of or distract motorists.

2. Ensuring that the location, size and orientation of signage minimize obstructions and hazards to pedestrians. (Ord. 26-95 § 2(29-4), 1995)

## 21A.58.050: DEVELOPMENT REVIEW TEAM (DRT):

The zoning administrator shall be assisted in conducting site plan review by the development review team (DRT).

A. Membership: The development review team shall consist of a designated representative from each of the city departments or department divisions, as necessary, including, but not limited to, the following:

1. Department of community and economic development;

2. Department of public services;

3. Police department;

4. Fire department;

5. Department of public utilities.

B. Coordination Of Review: The zoning administrator, or the zoning administrator's designee, shall serve as the chair of the development review team and shall coordinate its review of proposals. (Ord. 38-08, 2008: Ord. 6-04 § 17, 2004: Ord. 26-95 § 2(29-5), 1995)

## 21A.58.060: APPLICATION REQUIREMENTS:

Each application for site plan review shall include six (6) copies of a site plan, drawn to a scale of twenty feet (20') to the inch or such other scale as the zoning administrator shall deem appropriate. Plans shall be submitted with every application for site plan approval and shall contain the following information:

A. The applicant's name, address, telephone number and interest in the property;

B. The owner's name, address and telephone number, if different than the applicant, and the owner's signed consent to the filing of the application;

C. The street address, tax parcel number and legal description of the subject property;

D. The zoning classification, zoning district boundaries and present use of the subject property;

E. A vicinity map with north arrow, scale and date, indicating the zoning classifications and current uses of properties within eighty five feet (85') of the subject property (exclusive of intervening streets and alleys);

F. The proposed title of the project and the names, addresses and telephone numbers of the architect, landscape architect, planner or engineer on the project, and a signature panel for zoning administrator approval;

G. The boundaries of the subject property, all existing property lines, setback lines, existing streets, buildings, watercourses, waterways or lakes, wetlands, and other existing physical features in or adjoining the project;

H. Topographic survey, showing the elevation of streets, alleys, buildings, structures, watercourses and their names. The topography shall be shown by adequate spot elevations. The finished grade for the entire site shall be shown as well as the first floor elevation of all buildings. Additionally, on all site plans the following information must be provided:

1. Significant topographical or physical features of the site, including existing trees;

2. The elevation of the curb (if existing or proposed) in front of each lot shall be indicated; and

3. Elevations of the top of bank and toe of slope, slope ratio of fill, and limits of fill, including access, shall be indicated;

I. The location and size of sanitary and storm sewers, water, gas, telephone, electric and other utility lines, culverts and other underground structures in or affecting the project, including existing and proposed facilities and easements for these facilities. In the case of city owned utilities, such information shall be provided to the applicant by the department of community and economic development and/or department of public utilities;

J. The location, dimensions and character of construction of proposed streets, alleys, loading areas (including numbers of parking and loading spaces), outdoor lighting systems, storm drainage and sanitary facilities, sidewalks, curbs and gutters and all curb cuts. Where necessary to meet the purposes and intent of this chapter, such information shall be provided for the site. Additional area may also be required to be shown to indicate connections or proposed connections to major utilities;

K. The location of all proposed buildings and structures, accessory and principal, showing the number of stories and height, dwelling type, if applicable, major elevations and the total square footage of the floor area by proposed use;

L. The location, height, type and material of all fences and walls;

M. The location, character, size, height and orientation of proposed signs, as proposed to be erected in accordance with chapter 21A.46 of this title, and elevations of buildings showing signs to be placed on exterior walls. Signs which are approved in accordance with this chapter shall be considered a part of the approved site plan;

N. The proposed nature and manner of grading of the site, including proposed treatment of slopes in excess of ten percent (10%) to prevent soil erosion and excessive runoff;

O. The location of dumpsters or other outdoor trash receptacles;

P. The location and dimensions of proposed recreation areas, open spaces and other required amenities and improvements;

Q. A tabulation of the total number of acres in the project and the percentage and acreage thereof proposed to be allocated to off street parking, open space, parks and other reservations;

R. A tabulation of the total number of dwelling units in the project and the overall project density in dwelling units per gross acre (for residential projects);

S. The proposed and required off street parking and loading areas, including parking and access for persons with disabilities, as specified in the Utah adopted building code; and

T. Landscape plans subject to the standards contained in chapter 21A.48 of this title.

The zoning administrator may waive any of the above listed requirements upon making a determination that such requirements are unnecessary due to the scope and nature of the proposed development. (Ord. 38-08, 2008: Ord. 20-06 § 1, 2006: Ord. 13-04 § 39, 2004: Ord. 6-04 § 18, 2004: Ord. 35-99 § 100, 1999: Ord. 77-97 § 17, 1997: Ord. 26-95 § 2(29-6), 1995)

## 21A.58.070: STANDARDS FOR SITE PLAN REVIEW:

In addition to standards provided in other sections of this title for specific types of approval, the following standards shall be applied to all applications for site plan review:

A. Lighting: All developments shall provide adequate lighting so as to assure safety and security. Lighting installations shall not have an adverse impact on traffic safety or on the surrounding area. Light sources shall be shielded, and shall not shine onto adjacent properties.

B. Stormwater Drainage: Provisions for storm surface drainage shall be in accordance with the design standards of the department of public utilities indicating location, size, types and grades of sewers, drainage structures, ditches, and connection to existing drainage system. Disposition of storm or natural waters both on and off the site shall be provided in such a manner as not to have a detrimental effect on the property of others or the public right of way.

C. Utilities: Provision of hookups to public utilities shall be the responsibility of the applicant and connections shall be installed in accordance with the standards of the department of public utilities. All connections shall be shown on the site plan.

D. Public Safety: The Salt Lake Valley health department shall be invited to review all site plans for treatment of bulk trash disposal. The police department and the fire department shall review all site plans to determine adequacy of access and other aspects of public safety.

E. General Plan Conformity: The planning division shall review site plans for all conditional uses (including planned developments) with reference to adopted plans and the conformity of the site plans with the objectives and policies of the adopted plans. (Ord. 1-06 § 30, 2005: Ord. 26-95 § 2(29-7), 1995)

## 21A.58.080: PROCEDURES FOR SITE PLAN REVIEW:

A. Preapplication Conference: Before filing an application for approval of a site plan, landscape plan and other applicable plans, the applicant is encouraged to confer with the DRT regarding the general proposal. Such action does not require formal application fees, or filing of a site plan, or landscape plan and is not to be construed as an application for formal approval. No representation made by the zoning administrator, the DRT or other city departments during such conference shall be binding upon the city with respect to an application subsequently submitted.

B. Fees: Every site plan application shall be accompanied by the fee shown on the Salt Lake City consolidated fee schedule.

C. Submission Of Final Site Plan, Landscape Plan And Other Plans; Review And Approval:

1. DRT Review: After the site plan, landscape plan, other applicable plans and related materials and fees have been submitted pursuant to section 21A.58.060 of this chapter, and the application has been determined by the zoning administrator to be complete pursuant to section 21A.10.010 of this title, the application shall be reviewed and processed through the development review team (DRT) in coordination with the appropriate city departments. If the plan is approved, the zoning administrator shall certify approval on the site plan and state the conditions of such approval, if any. If the plan is disapproved, the zoning administrator shall indicate reasons in writing to the applicant.

2. Appeal Of Zoning Administrator Decision: Any person adversely affected by a final decision of the zoning administrator on a site plan may appeal to the appeals hearing officer in accordance with the provisions of chapter 21A.16 of this title.

3. Certification By Zoning Administrator: The decisions of the zoning administrator approving the application shall be noted on all copies of the site plan, landscape plan and other applicable plans to be retained in the record, including any changes or conditions required as part of the site plan approval. One such copy shall be returned to the applicant, and others retained as required for records or further action by the zoning administrator or other affected agencies of the city.

4. Building Permits: Building permits shall be issued in accordance with approved plans. A copy of the approved site plan shall be retained in the records of the office of the division of building services and licensing and all building and occupancy permits shall conform to the provisions of the approved site plans.

5. Amendments Or Modifications To Approved Site Plans: Amendments or modifications to approved site plans and/or landscape plans must be submitted to the zoning administrator. Such modifications shall be submitted in accordance with the procedures and requirements of this chapter and shall be distributed to the appropriate departments for review. The zoning administrator may waive this requirement if the zoning administrator determines that such modification of the original site plan and/or landscape plan has no significant impact upon the original proposal and still remains in conformance with zoning standards and regulations.

6. Time Limit On Approval: Approval of the site plan, landscape plan and other applicable plans shall be void unless a building permit has been issued or complete building plans have been submitted to the division of building services and licensing one year from the date of approval. The planning director may grant an extension of a site plan approval for up to one additional year when the applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact. Extension requests must be submitted to the planning director in writing prior to the expiration of the site plan approval.

7. Stop Work Order: A stop work order may be put on the project if any improvements required are not consistent with the approved site plan, landscape plan or other applicable plans.

8. Maintenance Guarantee: When any improvement is to be accepted for dedication, maintenance or operation by the city, the applicant shall be required to provide financial security (acceptable to the city attorney) in the amount of ten percent (10%) of the total construction costs of the project to cover the costs of any defects which may occur in such improvements within two (2) years after the date of acceptance by the city. The director of community and economic development or director of public utilities or other city official shall be responsible for determining when such financial security shall be required. (Ord. 8-12, 2012: Ord. 24-11, 2011)

## 21A.58.090: SKETCH PLAN REVIEW:

The development review administrator or designee may accept a sketch plan and other documentation prior to the formal submittal of plans for building permit review to determine the required standard for front or corner side yard; building height and wall height for a principal structure, width and placement of attached garages; and the location, building height and footprint of accessory structures. The sketch plan review process may be utilized for properties located in the FR, R-1, R-2 and SR districts. The submittal shall incorporate sufficient documentation for the development review administrator or designee to determine the zoning standards that will be applicable to developing the specific site. This preliminary zoning review intends to provide information and guidance to the project designer and is not to be construed as an application or approval of site or building plans. Subsequent building permit applications must comply with all applicable Salt Lake City development requirements. (Ord. 90-05 § 2 (Exh. B), 2005)

# CHAPTER 21A.59
# CONDITIONAL BUILDING AND SITE DESIGN REVIEW

## 21A.59.010: PURPOSE STATEMENT:

The intent of building and site design review regulations is to provide for the flexible implementation of the specific design requirements set forth within individual zoning districts. The purpose statement of each zoning district provides the philosophical approach to defining that flexibility. This process is intended to supplement the review and administrative procedures which are carried out under this title or other city ordinances and regulations. The design review process is intended to help ensure that newly developed properties and redeveloped properties are designed to encourage pedestrian access, circulation and orientation while acknowledging the need for transit and automobile access. (Ord. 3-05 § 11, 2005)

## 21A.59.020: AUTHORITY:

Design review shall be required pursuant to the provisions of this chapter for uses as specified within individual zoning districts before zoning certificates, building permits or certificates of occupancy may be issued.

A. The planning commission shall approve design criteria upon consideration of comments received from city departments and determining whether modification of specific design regulations meets the intent of the individual zoning district.

B. The planning commission may modify individual design requirements for specific projects if they find that the intent of the basic design criteria of the zoning district has been met. (Ord. 3-05 § 11, 2005)

## 21A.59.030: SCOPE OF APPLICATION:

Design review approval shall be required for all permitted uses, conditional uses and accessory uses when specifically authorized and referenced by individual zoning districts. (Ord. 3-05 § 11, 2005)

## 21A.59.040: SCOPE OF MODIFICATIONS AUTHORIZED:

The authority of the planning commission through the design review process shall be limited to modification of the specific element referenced within each zoning district. (Ord. 3-05 § 11, 2005)

## 21A.59.050: APPLICATION REQUIREMENTS:

Each application for design review shall include the same information as required for site plan review as identified in section 21A.58.060 of this title. (Ord. 3-05 § 11, 2005)

## 21A.59.060: STANDARDS FOR DESIGN REVIEW:

In addition to standards provided in other sections of this title for specific types of approval, the following standards shall be applied to all applications for design review:

A. Development shall be primarily oriented to the street, not an interior courtyard or parking lot.

1. Primary building orientation shall be toward the street rather than the parking area. The principal entrance shall be designed to be readily apparent.

2. At least sixty percent (60%) of the street frontage of a lot shall have any new building located within ten feet (10') of the front setback. Parking is permitted in this area.

3. Any buildings open to the public and located within thirty feet (30') of a public street shall have an entrance for pedestrians from the street to the building interior. This entrance shall be designed to be a distinctive and prominent element of the building's architectural design, and shall be open to the public during all business hours.

4. Each building shall incorporate lighting and changes in mass, surface, or finish to give emphasis to its entrances.

B. Primary access shall be oriented to the pedestrian and mass transit.

1. Each building shall include an arcade, roof, alcove, portico, awnings, or similar architectural features that protect pedestrians from the rain and sun.

C. Building facades shall include detailing and glass in sufficient quantities to facilitate pedestrian interest and interaction.

1. At least forty percent (40%) of any first floor wall area that faces and is within thirty feet (30') of a primary street, plaza, or other public open space shall contain display areas, windows, or doorways. Windows shall allow views into a working area or lobby, a pedestrian entrance, or display area. First floor walls facing a side street shall contain at least twenty five percent (25%) of the wall space in window, display area, or doors. Monolithic walls located within thirty feet (30') of a public street are prohibited.

2. Recessed or projecting balconies, verandas, or other usable space above the ground level on existing and new buildings is encouraged on a street facing elevation. Balconies may project over a public right of way, subject to an encroachment agreement issued by the city.

D. Architectural detailing shall emphasize the pedestrian level of the building.

E. Parking lots shall be appropriately screened and landscaped to minimize their impact on adjacent neighborhoods.

1. Parking areas shall be located behind or at one side of a building. Parking may not be located between a building and a public street.

2. Parking areas shall be shaded by large broadleaf canopied trees placed at a rate of one tree for each six (6) parking spaces. Parking shall be adequately screened and buffered from adjacent uses.

3. Parking lots with fifteen (15) spaces or more shall be divided by landscaped areas including a walkway at least ten feet (10') in width or by buildings.

F. Parking lot lighting shall be shielded to eliminate excessive glare or light into adjacent neighborhoods.

G. Parking and on site circulation shall be provided.

1. Connections shall be made when feasible to any streets adjacent to the subject property and to any pedestrian facilities that connect with the property.

2. A pedestrian access diagram that shows pedestrian paths on the site that connect with a public sidewalk shall be submitted.

H. Dumpsters and loading docks shall be appropriately screened or located within the structure.

1. Trash storage areas, mechanical equipment, and similar areas are not permitted to be visible from the street nor permitted between the building and the street.

2. Appropriate sound attenuation shall occur on mechanical units at the exterior of buildings to mitigate noise that may adversely impact adjacent residential uses.

I. Signage shall emphasize the pedestrian/mass transit orientation.

J. Lighting shall meet the lighting levels and design requirements set forth in chapter 4 of the Salt Lake City lighting master plan dated May 2006.

K. Streetscape improvements shall be provided as follows:

1. One street tree chosen from the street tree list shall be placed for each thirty feet (30') of property frontage on a street.

2. Landscaping material shall be selected that will assure eighty percent (80%) ground coverage occurs within three (3) years.

3. Hardscape (paving material) shall be utilized to designate public spaces. Permitted materials include unit masonry, scored and colored concrete, grasscrete, or combinations of the above.

4. Outdoor storage areas shall be screened from view from adjacent public rights of way. Loading facilities shall be screened and buffered when adjacent to residentially zoned land and any public street.

5. Landscaping design shall include a variety of deciduous and/or evergreen trees, and shrubs and flowering plant species well adapted to the local climate.

L. Street trees shall be provided as follows:

1. Any development fronting on a public or private street shall include street trees planted consistent with the city's urban forestry guidelines and with the approval of the city's urban forester.

2. Existing street trees removed as the result of a development project shall be replaced by the developer with trees approved by the city's urban forester.

M. The following additional standards shall apply to any large scale developments with a gross floor area exceeding sixty thousand (60,000) square feet:

1. The orientation and scale of the development shall conform to the following requirements:

a. Large building masses shall be divided into heights and sizes that relate to human scale by incorporating changes in building mass or direction, sheltering roofs, a distinct pattern of divisions on surfaces, windows, trees, and small scale lighting.

b. No new buildings or contiguous groups of buildings shall exceed a combined contiguous building length of three hundred feet (300').

2. Public spaces shall be provided as follows:

a. One square foot of plaza, park, or public space shall be required for every ten (10) square feet of gross building floor area.

b. Plazas or public spaces shall incorporate at least three (3) of the five (5) following elements:

(1) Sitting space of at least one sitting space for each two hundred fifty (250) square feet shall be included in the plaza. Seating shall be a minimum of sixteen inches (16") in height and thirty inches (30") in width. Ledge benches shall have a minimum depth of thirty inches (30");

(2) A mixture of areas that provide shade;

(3) Trees in proportion to the space at a minimum of one tree per eight hundred (800) square feet, at least two inch (2") caliper when planted;

(4) Water features or public art; and/or

(5) Outdoor eating areas or food vendors.

N. Any new development shall comply with the intent of the purpose statement of the zoning district and specific design regulations found within the zoning district in which the project is located as well as adopted master plan policies, the city's adopted "urban design element" and design guidelines governing the specific area of the proposed development. Where there is a conflict between the standards found in this section and other adopted plans and regulations, the more restrictive regulations shall control. (Ord. 61-08 § 2 (Exh. B), 2008: Ord. 89-05 § 8, 2005: Ord. 3-05 § 11, 2005)

## 21A.59.070: PROCEDURES FOR DESIGN REVIEW:

A. Preapplication Conference: Before filing an application for design review, the applicant is encouraged to confer with the development review team (DRT) regarding the general proposal. Such action does not require formal application fees, or filing of a site plan, or landscape plan and is not to be construed as an application for formal approval. No representation made by the planning director, the DRT or other city departments during such conference shall be binding upon the city with respect to an application subsequently submitted.

B. Fees: Every design review application shall be accompanied by the fee shown on the Salt Lake City consolidated fee schedule.

C. Submission Of Final Plans; Review And Approval:

1. Planning Commission Review: After the plans and related materials and fees have been submitted pursuant to section 21A.59.050 of this chapter, and the application has been determined by the planning director to be complete pursuant to section 21A.10.010 of this title, the application shall be reviewed and processed through the planning commission in coordination with the appropriate city departments. If the plan is approved, the planning director shall certify approval and state the conditions of such approval, if any. If the design is disapproved, the planning director shall indicate reasons for such in writing to the applicant.

2. Appeal Of Planning Commission Decision: Any person adversely affected by a final decision of the planning commission may appeal to the appeals hearing officer in accordance with the provisions of chapter 21A.16 of this title.

3. Certification By Planning Commission: The decisions of the planning commission approving the application shall be noted on all copies of applicable plans to be retained in the record, including any changes or conditions required as part of the design review approval. One such copy shall be returned to the applicant, and others retained as required for records or further action by the planning commission or other affected agencies of the city.

4. Building Permits: Building permits shall be issued in accordance with approved plans. A copy of the approved plan shall be retained in the records of the office of the division of building services and licensing and all building and occupancy permits shall conform to the provisions of the approved design review.

5. Amendments Or Modifications To Approved Design Review: Amendments or modifications to approved design review must be submitted to the planning director. Such modifications shall be submitted in accordance with the procedures and requirements of this chapter and shall be distributed to the appropriate departments for review. The planning director may waive this requirement if the planning director determines that such modification of the original design review has no significant impact upon the original proposal and still remains in conformance with design concepts approved by the planning commission.

6. Time Limit On Approval: Approval of design review shall be void unless a building permit has been issued or complete building plans have been submitted to the division of building services and licensing within one year from the date of approval. The planning director may grant an extension of a design review approval for up to one additional year when the applicant is able to demonstrate no change in circumstance that would result in an unmitigated impact. Extension requests must be submitted to the planning director in writing prior to the expiration of the design review approval. (Ord. 8-12, 2012: Ord. 24-11, 2011)

# CHAPTER 21A.60
# LIST OF TERMS

## 21A.60.010: PURPOSE:

This chapter is provided as a convenience to the reader for use in determining which terms are defined in chapter 21A.62 of this title. Where noted, references are made to other chapters of this title which contain defined terms. (Ord. 26-95 § 2(30-1), 1995)

## 21A.60.020: LIST OF DEFINED TERMS:

A-frame sign. See chapter 21A.46 of this title.

Abutting.

Access taper.

Accessory building or structure.

Accessory guest and servants' quarters.

Accessory lot.

Accessory structure. See Accessory building or structure.

Accessory use.

Adaptive reuse of a landmark building.

Administrative decision.

Agricultural use.

Air circulation system. See section 21A.34.040 of this title.

Airport. See section 21A.34.040 of this title.

Airport elevation. See section 21A.34.040 of this title.

Airport hazard. See section 21A.34.040 of this title.

Airport master plan. See section 21A.34.040 of this title.

Airport reference point. See section 21A.34.040 of this title.

Alley.

Alteration.

Alteration, sign. See chapter 21A.46 of this title.

Alternative parking property.

Amusement park.

Ancillary mechanical equipment.

Animal cremation service.

Animal pound.

Animated sign. See chapter 21A.46 of this title.

Antenna.

Antenna, low power radio service.

Antenna, low power radio service - monopole with antennas and antenna support structures greater than two feet (2') in width.

Antenna, low power radio service - monopole with antennas and antenna support structures less than two feet (2') in width.

Antenna, roof mounted.

Antenna, satellite dish.

Antenna, stealth.

Antenna, TV.

Antenna, wall mounted.

Antenna, whip.

Apartment. See Dwelling, multi-family.

Appeals hearing officer.

Arcade.

Architecturally incompatible.

Art gallery.

Art studio.

Assisted living facility (large).

Assisted living facility (small).

Auditorium.

Automatic amusement device.

Automobile.

Automobile repair, major.

Automobile repair, minor.

Automobile salvage and recycling.

Awning. See chapter 21A.46 of this title.

Awning sign. See chapter 21A.46 of this title.

Backlit awning sign. See chapter 21A.46 of this title.

Bakery, commercial.

Balloon. See chapter 21A.46 of this title.

Banner, public event. See chapter 21A.46 of this title.

Banner, secured. See chapter 21A.46 of this title.

Banner, unsecured. See chapter 21A.46 of this title.

Base zoning district.

Basement.

Bed and breakfast.

Bed and breakfast inn.

Bed and breakfast manor.

Bench sign. See chapter 21A.46 of this title.

Billboard. See subsection 21A.46.160B of this title.

Billboard (outdoor advertising sign). See chapter 21A.46 of this title.

Billboard bank. See subsection 21A.46.160B of this title.

Billboard credit. See subsection 21A.46.160B of this title.

Billboard owner. See subsection 21A.46.160B of this title.

Block corner.

Block face.

Boarding house.

Brewpub.

Buffer yard. See Landscape buffer.

Buildable area.

Building.

Building, accessory. See Accessory building or structure.

Building connection.

Building coverage.

Building face. See chapter 21A.46 of this title.

Building, front line of.

Building height - in the FR-1, FR-2, FR-3, FP, R-1/5,000, R-1/7,000, R-1/12,000, R-2, SR-1 and SR-3 districts.

Building height - outside FR, FP, R-1, R-2 and SR districts.

Building line.

Building material distributor.

Building official.

Building or house numbers sign. See chapter 21A.46 of this title.

Building plaque sign. See chapter 21A.46 of this title.

Building, principal.

Building, public.

Building security sign. See chapter 21A.46 of this title.

Building sign. See chapter 21A.46 of this title.

Bulk.

Business.

Business, mobile.

Business park.

Canopy. See chapter 21A.46 of this title.

Canopy, drive-through. See chapter 21A.46 of this title.

Canopy, drive-through, sign. See chapter 21A.46 of this title.

Canopy sign. See chapter 21A.46 of this title.

Car pool.

Carport.

Cemetery.

Certificate of appropriateness.

Certificate of occupancy.

Certificate, zoning.

Change of use.

Charity dining hall.

Check cashing/payday loan business.

Chemical manufacturing.

City council.

Clearance (of a sign). See chapter 21A.46 of this title.

Cold frame.

College or university.

Commercial districts.

Commercial indoor recreation.

Commercial laundry.

Commercial outdoor recreation.

Commercial service establishment.

Commercial vehicle.

Commercial video arcade.

Common areas, space and facilities.

Communication tower.

Community correctional facility.

Community garden.

Community recreation center.

Compatibility.

Compatible design.

Compatible land use.

Complete demolition.

Composting.

Concept development plan.

Concrete manufacturing.

Conditional use.

Condominium - condominium project and condominium unit.

Condominium ownership act of 1975. See chapter 21A.56 of this title.

Condominium ownership act of 1975 or act.

Condominium unit. See Condominium - condominium project and condominium unit.

Construction period.

Construction sign. See chapter 21A.46 of this title.

Contractor's yard/office.

Conversion.

Corner building.

Corner lot. See Lot, corner.

Corner side yard. See Yard, corner side.

Crematorium.

Dance studio.

Daycare.

Daycare center, adult.

Daycare center, child.

Daycare, nonregistered home.

Daycare, registered home daycare or preschool.

Decibel.

Development.

Development entry sign. See chapter 21A.46 of this title.

Development pattern.

Directional or informational sign (private). See chapter 21A.46 of this title.

Directory sign. See chapter 21A.46 of this title.

Disabled. See Persons with disabilities.

Drive-through window.

Dwell time. See subsection 21A.46.160B of this title.

Dwelling.

Dwelling, manufactured home.

Dwelling, modular home. See Dwelling, manufactured home.

Dwelling, multi-family.

Dwelling, single-family.

Dwelling, single-family attached.

Dwelling, single-room occupancy.

Dwelling, twin home.

Dwelling, two-family.

Dwelling unit. See Dwelling.

Electric generation facility, public/private.

Electronic billboard. See subsection 21A.46.160B of this title.

Electronic changeable copy sign. See chapter 21A.46 of this title.

Electronic repair shop.

Electronic sign. See subsection 21A.46.160B of this title.

Eleemosynary facility.

Elevation area.

Elevation area, first floor.

Emergency medical service facility.

Equipment rental.

Equipment rental, heavy.

Evergreen.

Excess dwelling units.

Existing billboard. See subsection 21A.46.160B of this title.

Existing/established subdivision.

Explosive manufacturing.

Externally illuminated sign. See chapter 21A.46 of this title.

Extractive industry.

FAA. See section 21A.34.040 of this title.

Family.

Farmers' market.

Fee schedule.

Fence.

Fence, electric security.

Fence, opaque or solid.

Fence, open.

Financial institution.

Fixed dimensional standards.

Flag, corporate. See chapter 21A.46 of this title.

Flag lot.

Flag, official. See chapter 21A.46 of this title.

Flag, pennant. See chapter 21A.46 of this title.

Flammable liquids or gases, heating fuel distribution.

Flat sign. See chapter 21A.46 of this title.

Flea market (indoor).

Flea market (outdoor).

Floor. See Story (floor).

Floor area, gross.

Floor area, usable.

Foot-candle. See subsection 21A.46.160B of this title.

Fraternity/sorority house.

Freestanding sign. See chapter 21A.46 of this title.

Front yard. See Yard, front.

Fuel center.

Funeral home or mortuary.

Garage.

Garage, attached.

Garage/yard sale sign. See chapter 21A.46 of this title.

Gas price sign. See chapter 21A.46 of this title.

Gas pump sign. See chapter 21A.46 of this title.

Gas station.

Gateway. See subsection 21A.46.160B of this title.

General plan.

Government sign. See chapter 21A.46 of this title.

Government uses.

Grade, established.

Grade, finished.

Greenhouse.

Gross floor area. See Floor area, gross.

Ground cover.

Group home, large.

Group home, small.

Guest.

Hard surfaced.

Health and fitness facility.

Health hazard.

Height. See section 21A.34.040 of this title.

Height (of a sign). See chapter 21A.46 of this title.

Height, sign face. See chapter 21A.46 of this title.

Heliport.

Historic buildings or sites.

Historic landmark commission.

Historic site. See Landmark site.

Historical marker. See chapter 21A.46 of this title.

Home occupation.

Homeless shelter.

Hoop house.

Hospital.

Hotel/motel room.

House museum.

Illegal sign. See chapter 21A.46 of this title.

Illuminance. See subsection 21A.46.160B of this title.

Impact statement.

Incinerator, medical waste/hazardous waste.

Incompatible use. See section 21A.34.040 of this title.

Industrial assembly use.

Infill.

Institution.

Interior side yard. See Yard, interior side.

Interior sign. See chapter 21A.46 of this title.

Intermodal transit passenger hub.

Internally illuminated sign. See chapter 21A.46 of this title.

Interpretation.

Interpretation, use.

Jail.

Jewelry fabrication.

Kennel, public or private.

Kiosk. See chapter 21A.46 of this title.

Laboratory, medical, dental, optical.

Land use.

Land use type (similar land use type).

Landfill.

Landfill, commercial.

Landfill, construction debris.

Landfill, end use plan.

Landfill, municipal.

Landmark site.

Landscape area.

Landscape buffer.

Landscape plan.

Landscape yard.

Landscaping.

Lattice tower.

Legal conforming.

Letter sign. See chapter 21A.46 of this title.

Limousine service.

Locally grown.

Lodging house.

Logo. See chapter 21A.46 of this title.

Lot.

Lot area.

Lot area, net.

Lot assemblage.

Lot, corner.

Lot depth.

Lot, flag. See Flag lot.

Lot, interior.

Lot line, corner side.

Lot line, front.

Lot line, interior side.

Lot line, rear.

Lot, nonconforming.

Lot width.

Low power radio services facility or wireless telecommunications facility.

Major streets.

Manufactured home. See Dwelling, manufactured home.

Manufacturing, heavy.

Manufacturing, light.

Marquee. See chapter 21A.46 of this title.

Marquee sign. See chapter 21A.46 of this title.

Master plan.

Medical/dental office or clinic.

Medical nursing school.

Memorial sign. See chapter 21A.46 of this title.

Microbrewery.

Mid block area.

Miniwarehouse.

Mobile food business.

Mobile food court.

Mobile food trailer.

Mobile food truck.

Mobile home.

Monument sign. See chapter 21A.46 of this title.

Motel/hotel.

Motion. See subsection 21A.46.160B of this title.

Municipal services.

Museum.

Nameplate sign. See chapter 21A.46 of this title.

Neighborhood identification sign. See chapter 21A.46 of this title.

Neon public parking sign. See chapter 21A.46 of this title.

New billboard. See subsection 21A.46.160B of this title.

New construction.

New development sign. See chapter 21A.46 of this title.

Noncomplying structure.

Nonconforming billboard. See subsection 21A.46.160B of this title.

Nonconforming lot.

Nonconforming sign. See chapter 21A.46 of this title.

Nonconforming use. See also section 21A.34.040 of this title.

Nonconformity.

Nonprecision instrument runway. See section 21A.34.040 of this title.

Nursing care facility.

Obstruction.

Off premises sign. See chapter 21A.46 of this title.

Off site.

Off street parking.

Office use.

On premises sign. See chapter 21A.46 of this title.

Open air mall. See chapter 21A.46 of this title.

Open space.

Outdoor advertising sign. See chapter 21A.46 of this title.

Outdoor sales and display.

Outdoor storage.

Outdoor storage, public.

Outdoor television monitor.

Overlay district.

Parcel.

Park and ride lot.

Park banner sign. See chapter 21A.46 of this title.

Park, public.

Park strip.

Park strip landscaping.

Parking facility, shared.

Parking garage, commercial.

Parking, intensified reuse.

Parking, leased - alternative parking.

Parking lot.

Parking, off site.

Parking, off site - alternative parking.

Parking, shared.

Parking space.

Parking study - alternative parking.

Patio.

Pawnshop.

Pedestrian connection.

Perennial.

Performance standards.

Performing arts production facility.

Person. See also section 21A.34.040 of this title.

Persons with disabilities.

Pet cemetery.

Philanthropic use.

Pitched roof.

Place of worship.

Planned development.

Planning commission.

Planning official.

Planting season.

Plaza.

Pole sign. See chapter 21A.46 of this title.

Political sign. See chapter 21A.46 of this title.

Portable sign. See chapter 21A.46 of this title.

Precision instrument repair shop.

Precision instrument runway. See section 21A.34.040 of this title.

Premises. See chapter 21A.46 of this title.

Prepared food, takeout.

Primary surface. See section 21A.34.040 of this title.

Printing plant.

Private recreational facility.

Projecting building sign. See chapter 21A.46 of this title.

Projecting business storefront sign. See chapter 21A.46 of this title.

Projecting parking entry sign. See chapter 21A.46 of this title.

Public/private utility buildings and structures.

Public safety sign. See chapter 21A.46 of this title.

Public transportation, employer sponsored.

Publishing company.

Quality of life.

Railroad freight terminal facility.

Real estate sign. See chapter 21A.46 of this title.

Rear yard. See Yard, rear.

Reception center.

Record of survey map.

Recreation vehicle park.

Recycling collection station.

Recycling container.

Recycling processing center.

Relocatable office building.

Resident healthcare facility.

Residential districts.

Residential structure.

Residential substance abuse treatment home, large.

Residential substance abuse treatment home, small.

Restaurant.

Retail goods establishment.

Retail services establishment.

Retaining wall.

Reverse vending machine.

Roof sign. See chapter 21A.46 of this title.

Rooming house.

Runway. See section 21A.34.040 of this title.

Sanatorium.

Schools, professional and vocational.

Schools, public or private.

Seasonal farm stand.

Seasonal item sales.

Setback. See Yard.

Sewage treatment plant.

Sexually oriented business.

Shopping center.

Shopping center identification sign. See chapter 21A.46 of this title.

Shopping center pad site.

Side yard. See Yard, side.

Sight distance triangle.

Sign. See chapter 21A.46 of this title.

Sign face. See chapter 21A.46 of this title.

Sign face area. See chapter 21A.46 of this title.

Sign graphics. See chapter 21A.46 of this title.

Sign maintenance. See chapter 21A.46 of this title.

Sign master plan agreement. See chapter 21A.46 of this title.

Sign structure or support. See chapter 21A.46 of this title.

Single-family dwelling. See Dwelling, single-family.

Site development permit.

Site plan.

Sketch plan review.

Sludge.

Snipe sign. See chapter 21A.46 of this title.

Snow cone and shaved ice hut.

Social service mission.

Solar array.

Solar energy collection system, small.

Solid waste transfer station.

Sound attenuation. See section 21A.34.040 of this title.

Special event sign. See chapter 21A.46 of this title.

Special gateway. See subsection 21A.46.160B of this title.

Special purpose districts.

Spot zoning.

Stable, private.

Stable, public.

Stadium. See chapter 21A.46 of this title.

Store, conventional department.

Store, fashion oriented department.

Store, mass merchandising.

Store, specialty.

Store, specialty fashion department.

Store, superstore and hypermarket.

Store, warehouse club.

Storefront. See chapter 21A.46 of this title.

Story (floor).

Story, half.

Street.

Street frontage.

Street trees.

Structural alteration.

Structure. See also section 21A.34.040 of this title.

Structure, accessory. See Accessory building or structure.

Subdivision.

TV antenna. See Antenna, TV.

Tavern.

Temporary embellishment. See subsection 21A.46.160B of this title.

Temporary sign. See chapter 21A.46 of this title.

Temporary use.

Testing laboratory.

Transitional treatment home, large.

Transitional treatment home, small.

Transitional victim home, large.

Transitional victim home, small.

Tree. See section 21A.34.040 of this title.

Trellis.

Truck repair, large.

Truck stop.

Twirl time. See subsection 21A.46.160B of this title.

Two-family dwelling. See Dwelling, two-family.

Undevelopable area.

Unique residential population.

Unit.

Unit legalization, dimensional zoning violations.

Unit legalization, implied permit.

Unit legalization, nondimensional zoning violations.

Unit legalization permit.

Unit legalization, substantial compliance with life and safety codes.

Upholstery shop.

Urban agriculture.

Urban farm.

Use, principal.

Use, unique nonresidential.

Used or occupied.

Utility runway. See section 21A.34.040 of this title.

Vacant lot.

Vanpool.

Vanpool, employer sponsored.

Variance.

Vegetation.

Vehicular sign. See chapter 21A.46 of this title.

Vending cart.

Vending machine sign. See chapter 21A.46 of this title.

Vertical clearance.

Veterinary office, large.

Veterinary office, small.

Visible. See chapter 21A.46 of this title.

Visual runway. See section 21A.34.040 of this title.

Wall sign. See chapter 21A.46 of this title.

Warehouse.

Water body/waterway.

Wholesale distributors.

Wind energy system, large.

Wind energy system, small.

Window sign. See chapter 21A.46 of this title.

Yard.

Yard, corner side.

Yard, front.

Yard, interior side.

Yard, rear.

Yard, side. See Yard, interior side.

Zoning administrator.

Zoning districts.

Zoning lot. See Lot.

Zoning map. (Ord. 30-12, 2012: Ord. 24-12, 2012: Ord. 8-12, 2012: Ord. 61-11, 2011: Ord. 60-11, 2011: Ord. 55-11, 2011: Ord. 24-11, 2011: Ord. 21-11, 2011: Ord. 20-11, 2011: Ord. 19-11, 2011: Ord. 27-10, 2010: Ord. 19-10 § 1, 2010: Ord. 62-09 § 4, 2009: Ord. 7-09, 2009: Ord. 2-09, 2009: Ord. 61-08, 2008: Ord. 2-08, 2008: Ord. 68-06, 2006: Ord. 63-06, 2006: Ord. 20-06 § 1, 2006: Ord. 90-05 § 2 (Exh. B), 2005: Ord. 89-05, 2005: Ord. 76-05, 2005: Ord. 15-05, 2005: Ord. 4-04 §§ 4, 5, 2004: Ord. 62-03, 2003: Ord. 61-03, 2003: Ord. 6-03 § 3, 2003: Ord. 50-02 § 2, 2002: Ord. 23-02 § 8, 2002: Ord. 5-02, 2002: Ord. 2-02, 2002: Ord. 84-01 §§ 1, 2, 2001: Ord. 64-01 § 3, 2001: Ord. 20-00 §§ 4, 5, 2000: Ord. 14-00 §§ 17, 18, 2000: Ord. 35-99 § 101, 1999: Ord. 30-98 § 7, 1998: Ord. 12-98 § 8, 1998: Ord. 8-97 § 3, 1997: amended during 5/96 supplement: Ord. 26-95 § 2(30-2), 1995)

# CHAPTER 21A.62
# DEFINITIONS

## 21A.62.010: DEFINITIONS GENERALLY:

For the purposes of this title, certain terms and words are defined and are used in this title in that defined context. Any words in this title not defined in this chapter shall be as defined in "Webster's Collegiate Dictionary". (Ord. 26-95 § 2(31-1), 1995)

## 21A.62.020: ADDITIONAL DEFINITIONS:

Additional definitions relating to specific portions of this title are found in chapters 21A.34 and 21A.46 of this title. (Ord. 26-95 § 2(31-2), 1995)

## 21A.62.030: RULES FOR GENERIC DEFINITIONS:

A. Purpose Of Generic Definitions: Certain terms in this chapter are defined to be inclusive of many uses in order to eliminate overly detailed listings of uses in the zoning districts established by this title. These terms are referred to in this title as "generic" definitions. Examples of generic definitions used in this title are "retail goods establishment", "commercial indoor recreation" and "light manufacturing".

B. Components Of Generic Definition: A generic definition has three (3) components: 1) a brief listing of examples of uses intended to be included within the scope of the definition; 2) an identification (where appropriate) of certain uses which are not meant to be included by the term; and 3) a statement that for the purposes of each zoning district, any other uses specifically listed within the particular zoning district shall not be construed as falling within the generic definition.

C. Uses Not Listed Or Not Within Scope Of Generic Definition: A use which is not specifically listed on the table of permitted and conditional uses for a zoning district, or which does not fall within a generic definition as defined in this chapter, or as interpreted by the zoning administrator pursuant to chapter 21A.12 of this title, is prohibited. (Ord. 26-95 § 2(31-3), 1995)

## 21A.62.040: DEFINITIONS OF TERMS:

For the purposes of this title, the following terms shall have the following meanings:

ABUTTING: Adjacent or contiguous including property separated by an alley, a private right of way or a utility strip.

ACCESS TAPER: The transitional portion of a drive access that connects a driveway to a parking pad located within a side yard.

ACCESSORY BUILDING OR STRUCTURE: A subordinate building or structure, located on the same lot with the main building, occupied by or devoted to an accessory use. When an accessory building or structure is attached to the main building in a substantial manner, as by a wall or roof, such accessory building shall be considered part of the main building.

ACCESSORY GUEST AND SERVANTS' QUARTERS: Accessory living quarters with or without kitchen facilities located on the same lot as the principal use and meeting all yard and bulk requirements of the applicable district.

ACCESSORY LOT: A lot adjoining a principal lot under a single ownership.

ACCESSORY STRUCTURE: See definition of Accessory Building Or Structure.

ACCESSORY USE: A use that:

A. Is subordinate in area, extent and purpose to, and serves a principal use;

B. Is customarily found as an incident to such principal use;

C. Contributes to the comfort, convenience or necessity of those occupying, working at or being serviced by such principal use;

D. Is, except as otherwise expressly authorized by the provisions of this title, located on the same zoning lot as such principal use; and

E. Is under the same ownership or control as the principal use.

ADAPTIVE REUSE OF A LANDMARK BUILDING: The process of reusing a building for a purpose other than which it was built or designed for. This tool is designed for the preservation of landmark buildings in residential areas whose original use is no longer feasible due to size. Churches, schools, or large single-family homes are typically candidates for this process.

ADMINISTRATIVE DECISION: Any order, requirement, decision, determination or interpretation made by the zoning administrator in the administration or the enforcement of this title.

AGRICULTURAL USE: The use of a tract of land for growing crops in the open, dairying, pasturage, horticulture, floriculture, general farming uses and necessary accessory uses, including the structures necessary for carrying out farming operations; provided, however, such agricultural use shall not include the following uses:

A. Commercial operations or accessory uses which involve retail sales to the general public unless the use is specifically permitted by this title; and

B. The feeding of garbage to animals, the raising of poultry or furbearing animals as a principal use, or the operation or maintenance of commercial stockyards, or feed yards, slaughterhouses or rendering facilities.

ALLEY: A public or private right of way that affords a service access to abutting property.

ALTERATION: As applied to a building or structure, means a change or rearrangement in the structural parts or in the exit facilities, or an enlargement, whether by extending on a side, by increasing in height, or the moving from one location or position to another.

ALTERNATIVE PARKING PROPERTY: The property for which an alternative parking requirement pursuant to section 21A.44.030 of this title is proposed.

AMUSEMENT PARK: A commercial facility or operation that primarily offers entertainment in the form of rides and games.

ANCILLARY MECHANICAL EQUIPMENT: Supplemental equipment, attached or detached, including, but not limited to, equipment for the provision of services for heat,

ventilation, air conditioning, electricity, plumbing, telephone and television.

ANIMAL CREMATION SERVICE: A service dedicated to the disposition of dead animal remains by means of cremation that may also provide necessary goods and services for the memorialization of the animal if requested.

ANIMAL POUND: A public or licensed private facility to temporarily detain and/or dispose of stray dogs, cats and other animals.

ANTENNA: Any system of wires, poles, rods, reflecting disks, or similar devices used for the transmission or reception of electromagnetic waves external to or attached to the exterior of any building.

ANTENNA, LOW POWER RADIO SERVICE: "Low power radio service antenna" means a transmitting or receiving device used in telecommunications that radiates or captures radio signals.

ANTENNA, LOW POWER RADIO SERVICE - MONOPOLE WITH ANTENNAS AND ANTENNA SUPPORT STRUCTURES GREATER THAN TWO FEET IN WIDTH: "Low power radio service antenna - monopole with antennas and antenna support structures greater than two feet in width" means a self-supporting monopole tower on which antennas and antenna support structures exceeding two feet (2') in width are placed. The antenna and antenna support structures may not exceed thirteen feet (13') in width or eight feet (8') in height.

ANTENNA, LOW POWER RADIO SERVICE - MONOPOLE WITH ANTENNAS AND ANTENNA SUPPORT STRUCTURES LESS THAN TWO FEET IN WIDTH: "Low power radio service antenna - monopole with antennas and antenna support structures less than two feet in width" means a monopole with antennas and antenna support structures not exceeding two feet (2') in width. Antennas and antenna support structures may not exceed ten feet (10') in height.

ANTENNA, ROOF MOUNTED: "Roof mounted antenna" means an antenna or series of individual antennas mounted on a flat roof, mechanical room or penthouse of a building.

ANTENNA, SATELLITE DISH: "Satellite dish antenna" means a type of antenna capable of receiving, among other signals, television transmission signals, and which has a disk shaped receiving device, excluding wall mountable antennas with a surface size less than four hundred (400) square inches, projecting no more than two feet (2').

ANTENNA, STEALTH: An antenna completely disguised as another object, or otherwise concealed from view, thereby concealing the intended use and appearance of the facility. Examples of stealth facilities include, but are not limited to, flagpoles, light pole standards or architectural elements such as dormers, steeples and chimneys.

ANTENNA, TV: "TV antenna" means a type of antenna used to receive television transmission signals, but which is not a satellite dish antenna.

ANTENNA, WALL MOUNTED: "Wall mounted antenna" means an antenna or series of individual antennas mounted against the vertical wall of a building.

ANTENNA, WHIP: "Whip antenna" means an antenna that is cylindrical in shape. Whip antennas can be directional or omnidirectional and vary in size depending upon the frequency and gain for which they are designed.

APARTMENT: See definition of Dwelling, Multi-Family.

APPEALS HEARING OFFICER: The appeals hearing officer of Salt Lake City, Utah.

ARCADE: Range of arches supporting a roofed area along with a column structure, plain or decorated over a walkway adjacent to or abutting a row of retail stores on one side or both.

ARCHITECTURALLY INCOMPATIBLE: Buildings or structures which are incongruous with adjacent and nearby development due to dissimilarities in style, materials, proportions, size, shape and/or other architectural or site design features.

ART GALLERY: An establishment engaged in the sale, loan or display of paintings, sculpture or other works of art. The term "art gallery" does not include libraries or museums.

ART STUDIO: A building or portion of a building where an artist or photographer creates works of art.

ASSISTED LIVING FACILITY (LARGE): A facility licensed by the state of Utah that provides a combination of housing and personalized healthcare designed to respond to the individual needs of more than six (6) individuals who require help with the activities of daily living, such as meal preparation, personal grooming, housekeeping, medication, etc. Care is provided in a professionally managed group living environment in a way that promotes maximum independence and dignity for each resident.

ASSISTED LIVING FACILITY (SMALL): A facility licensed by the state of Utah that provides a combination of housing and personalized healthcare designed to respond to the individual needs of up to six (6) individuals who require help with the activities of daily living, such as meal preparation, personal grooming, housekeeping, medication, etc. Care is provided in a professionally managed group living environment in a way that promotes maximum independence and dignity for each resident.

AUDITORIUM: A multipurpose assembly facility that is designed to accommodate conventions, live performances, trade shows, sports events and other such events.

AUTOMATIC AMUSEMENT DEVICE: Any machine, apparatus or device which, upon the insertion of a coin, token or similar object, operates or may be operated as a game or contest of skill or amusement and for the play of which a fee is charged, or a device similar to any such machine, apparatus or device which has been manufactured, altered or modified so that operation is controlled without the insertion of a coin, token or similar object. The term does not include coin operated televisions, ride machines designed primarily for the amusement of children, or vending machines not incorporating features of gambling or skill.

AUTOMOBILE: Any vehicle propelled by its own motor and operating on ordinary roads. As used herein, the term includes passenger cars, light trucks (1 ton or less), motorcycles, recreation vehicles and the like.

AUTOMOBILE REPAIR, MAJOR: "Major automobile repair" means any use principally engaged in repairing of automobiles, including any activities excluded in the definition of Automobile Repair, Minor.

AUTOMOBILE REPAIR, MINOR: "Minor automobile repair" means a use engaged in the repair of automobiles involving the use of three (3) or fewer mechanics' service bays, where all repairs are performed within an enclosed building, and where not more than ten (10) automobiles, plus one automobile per employee, are parked on site at any one time including, but not limited to, those permitted as gas stations. Auto body repairs and drive train repair are excluded from this definition.

AUTOMOBILE SALVAGE AND RECYCLING: The dismantling of automobiles, including the collection and storage of parts for resale, and/or the storage of inoperative automobiles for future salvage or sale. Such activities may be conducted outdoors or within fully enclosed buildings.

BAKERY, COMMERCIAL: "Commercial bakery" means a use involving the baking of food products for sale principally to the wholesale trade, not directly to the consumer.

BASE ZONING DISTRICT: A zoning district that reflects the four (4) basic geographically based land use categories in the city - residential areas, commercial areas, manufacturing areas and the downtown - with appropriate regulations and development standards to govern the uses in these districts.

BASEMENT: A story wherein each exterior wall is fifty percent (50%) or more below grade. For purposes of establishing building height, a basement shall not count toward the maximum number of stories allowed. The exposed portion of the basement wall shall not exceed five feet (5').

BED AND BREAKFAST: A building constructed originally as a single-family dwelling that is occupied by the property owner who offers lodging in up to seven (7) rooms on a nightly or weekly basis to paying guests. A bed and breakfast may provide breakfast to overnight guests only and shall not provide other meals.

BED AND BREAKFAST INN: A building that is designed to accommodate up to eighteen (18) rooms for lodging on a nightly or weekly basis to paying guests. A bed and breakfast inn may provide breakfast from internal kitchen facilities to overnight guests and their guests only other than meals that are occasionally catered from off site establishments. The owner of the bed and breakfast inn may prepare meals on site or receive catered meals for private use.

BED AND BREAKFAST MANOR: A building designed to accommodate up to thirty (30) rooms for lodging on a nightly or weekly basis to paying guests. A bed and breakfast manor may provide breakfast from internal kitchen facilities to overnight guests and their guests only other than meals that are occasionally catered from off site establishments. The owner of the bed and breakfast manor may prepare meals on site or receive catered meals for private use. Restaurants operating in conjunction with a bed and breakfast manor must be approved under a separate restaurant license.

BLOCK CORNER: The ninety degree (90°) intersection of private property adjacent to the intersection of two (2) public street rights of way both of which are at least one hundred thirty two feet (132') wide. When applied to corner buildings, the provisions of this definition shall extend to one hundred sixty five feet (165') from the block corner on the street face and one hundred sixty five feet (165') in depth.

BLOCK FACE: All of the lots facing one side of a street between two (2) intersecting streets. Corner properties shall be considered part of two (2) block faces, one for each of the two (2) intersecting streets. In no case shall a block face exceed one thousand feet (1,000').

BOARDING HOUSE: A building other than a hotel or motel, with three (3) or more bedrooms where direct or indirect compensation for lodging and/or kitchen facilities, not

occupied in guestrooms, or meals are provided for boarders and/or roomers not related to the head of the household by marriage, adoption, or blood. Rentals must be on at least a monthly basis.

BREWPUB: A restaurant type establishment that also has a beer brewery, producing beer in batch sizes not less than seven (7) U.S. barrels (31 gallons), on the same property which produces, except as provided in subsection 6.08.081B2 of this code, only enough beer for sale and consumption on site or for retail carryout sale in containers holding less than two liters (2 l) or for wholesale as outlined in subsections D and E of this definition. Automated bottle or canning production is prohibited. At least fifty percent (50%) of the beer sold shall be brewed on the premises. Revenue from food sales shall constitute at least fifty percent (50%) of the total business revenues, excluding retail carryout sales of beer and the sales allowed pursuant to subsection 6.08.081B2 of this code. Brewpubs are limited to a total brewing capacity of two thousand five hundred (2,500) barrels per year or one hundred twenty (120) barrels of fermentation at any one time, whichever is less. Brewpubs may sell beer in keg (larger than 2 liters) containers for the following purposes and in the following amounts:

A. An unlimited number of kegs (not to exceed 2,500 barrel capacity) for "brew fests" which, for the purpose of this definition, means events, the primary purpose of which is the exposition of beers brewed by brewpubs and microbreweries, which include the participation of at least three (3) such brewers;

B. No more than one hundred (100) kegs per year (not to exceed 2,500 barrel capacity) to events sponsored by charitable organizations exempt from federal income tax pursuant to 26 USC, section 501(c)(3) or its successor; and

C. No more than one hundred (100) kegs per year (not to exceed 2,500 barrel capacity) to events operating under a single event license from the state and the city where the purpose of the event is not for commercial profit and where the beer is not wholesaled to the event sponsor but is, instead, dispensed by employees of the brewpub;

D. Unlimited distribution to other restaurants of same ownership or control (not to exceed 2,500 barrel capacity). "Ownership or control" means more than fifty percent (50%) ownership in the actual business or controlling interest in any management partnership; and

E. No more than five hundred (500) barrels for wholesale distribution (not to exceed 2,500 barrel capacity).

BUFFER YARD: See definition of Landscape Buffer.

BUILDABLE AREA: The portion of the lot remaining after required yards have been provided and after the limitations of any pertinent environmental regulations have been applied. Buildings may be placed in any part of the buildable area, but if there are limitations on percent of the lot which may be covered by buildings, some open space may be required within the buildable area.

BUILDING: A structure with a roof, intended for shelter or enclosure.

BUILDING, ACCESSORY: See definition of Accessory Building Or Structure.

BUILDING CONNECTION: Two (2) or more buildings which are connected in a substantial manner or by common interior space including internal pedestrian circulation. Where two (2) buildings are attached in this manner, they shall be considered a single building and shall be subject to all yard requirements of a single building. Determination of building connection shall be through the site plan review process.

BUILDING COVERAGE: That percentage of the lot covered by principal or accessory buildings.

BUILDING, FRONT LINE OF: "Front line of building" means the line of that face of the building nearest the front or corner side lot line of the lot. This face includes sun parlors, bay windows, and covered and/or uncovered porches, whether enclosed or unenclosed, but does not include uncovered steps less than four feet (4') above grade.

BUILDING HEIGHT - IN THE FR-1, FR-2, FR-3, FP, R-1/5,000, R-1/7,000, R-1/12,000, R-2, SR-1 AND SR-3 DISTRICTS: Shall be the vertical distance between the top of the roof and the grade of the site, as described in subsection 21A.24.010P1a of this title, measured at any given point of building coverage. (See illustration in section 21A.62.050 of this chapter.)

BUILDING HEIGHT - OUTSIDE FR, FP, R-1, R-2 AND SR DISTRICTS: The vertical distance, measured from the average elevation of the finished lot grade at each face of the building, to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof. (See illustration in section 21A.62.050 of this chapter.)

BUILDING LINE: A line dividing a required yard from other portions of a lot.

BUILDING MATERIAL DISTRIBUTOR: A type of wholesale distributor supplying the building materials industry, but excluding retail outlets conducted in a warehouse format.

BUILDING OFFICIAL: The building official of the department of community and economic development.

BUILDING, PRINCIPAL: "Principal building" means a building that is used primarily for the conduct of the principal use.

BUILDING, PUBLIC: "Public building" means a building owned and operated, or owned and intended to be operated by a public agency of the United States of America or the state of Utah, or any of its subdivisions.

BULK: The size and setbacks of the buildings or structures and the location of same with respect to one another, and including: a) height and area of buildings; b) location of exterior walls in relation to lot lines, streets or other buildings; c) all open spaces allocated to buildings; d) amount of lot area required for each dwelling unit; and e) lot coverage.

BUSINESS: Any occupation, employment or enterprise which occupies time, attention, labor and/or materials for compensation whether or not merchandise is exhibited or sold, or services are offered.

BUSINESS, MOBILE: "Mobile business" means a business that conducts all or part of its operations on premises other than its own. The term "mobile business" shall not include any business involved in construction, home or building improvement, landscape construction, surveying or medical related activities, including veterinary services. The simple delivery of goods shall not constitute a mobile business.

BUSINESS PARK: A business district planned and developed as an optimal environment for business occupants while maintaining compatibility with the surrounding community.

CAR POOL: A mode of transportation where two (2) or more persons share a car ride to or from work.

CARPORT: A garage not completely enclosed by walls or doors. For the purpose of this title, a carport shall be subject to all of the regulations prescribed for a garage.

CEMETERY: Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

CERTIFICATE OF APPROPRIATENESS: A certification by the historic landmark commission stating that proposed work on historic property is compatible with the historic character of the property and of the historic preservation overlay district in which it is located.

CERTIFICATE OF OCCUPANCY: An official authorization to occupy a structure as issued by the building official.

CERTIFICATE, ZONING: "Zoning certificate" means a written certification that a structure, use or parcel of land is, or will be, in compliance with the requirements of this title.

CHANGE OF USE: The replacement of an existing use by a new use, or a change in the nature of an existing use which does not increase the size, occupancy, or site requirements. A change of ownership, tenancy, name or management, or a change in product or service within the same use classification where the previous nature of the use, line of business, or other function is substantially unchanged is not a change of use. The conversion of existing residential units to condominiums is not a change of use. (See also definition of Land Use Type (Similar Land Use Type).)

CHARITY DINING HALL: A sit down dining facility operated by a nonprofit organization to feed, without charge, the needy and the homeless.

CHECK CASHING/PAYDAY LOAN BUSINESS: A business that conducts transactions of cashing a check for consideration or extending a deferred deposit loan and shall include any other similar types of businesses licensed by the state pursuant to the check cashing registration act. The term check cashing shall not include 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.

CHEMICAL MANUFACTURING: A use engaged in making chemical products from raw or partially finished materials, but excluding chemical wholesale distributors.

CITY COUNCIL: The city council of Salt Lake City, Utah.

COLD FRAME: An unheated outdoor accessory structure typically consisting of, but not limited to, a wooden or concrete frame and a top of glass or clear plastic, used for

protecting seedlings and plants from the cold.

COLLEGE OR UNIVERSITY: An institution accredited by the state providing full time or part time education beyond the high school level for a BA, BS or associate degree, including any lodging rooms or housing for students or faculty. (See also definitions of Schools.)

COMMERCIAL DISTRICTS: Those districts listed in subsection 21A.22.010B of this title.

COMMERCIAL INDOOR RECREATION: Public or private recreation facilities, tennis or other racquet courts, swimming pools, bowling alleys, skating rinks, or similar uses which are enclosed in buildings and are operated on a commercial or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. The term "commercial indoor recreation" shall include any accessory uses, such as snack bars, pro shops, and locker rooms, which are designed and intended primarily for the use of patrons of the principal recreational use. The term "commercial indoor recreation" shall not include theaters, cultural facilities, commercial recreation centers, massage parlors, or any use which is otherwise listed specifically in the table of permitted and conditional uses found at the end of each chapter in part III of this title for each category of zoning district or districts.

COMMERCIAL LAUNDRY: An establishment primarily engaged in the provision of laundering, dry cleaning, or dyeing services other than retail services establishments. Typical uses include bulk laundry and cleaning plants, diaper services, and linen supply services.

COMMERCIAL OUTDOOR RECREATION: Public or private golf courses, golf driving ranges, swimming pools, tennis courts, ball fields, ball courts, fishing piers, skateboarding courses, water slides, mechanical rides, go-cart or motorcycle courses, raceways, drag strips, stadiums, marinas, overnight camping, or gun firing ranges, which are not enclosed in buildings and are operated on a commercial or membership basis primarily for the use of persons who do not reside on the same lot as that on which the recreational use is located. The term "commercial outdoor recreation" shall include any accessory uses, such as snack bars, pro shops, and clubhouses which are designed and intended primarily for the use of patrons of the principal recreational use.

COMMERCIAL SERVICE ESTABLISHMENT: A building, property, or activity, of which the principal use or purpose is the provision of services for the installation and repair, on or off site, of equipment and facilities that support principal and accessory uses to commercial and consumer users. Commercial services establishment shall not include any use or other type of establishment which is otherwise listed specifically in the table of permitted and conditional uses found at the end of each chapter of part III of this title for each category of zoning district or districts.

COMMERCIAL VEHICLE: A vehicle which exceeds one ton capacity and taxis. This shall include, but not be limited to, the following: buses, dump trucks, limousines, roll back tow trucks, stake body trucks, step vans, taxis, tow trucks and tractor trailers.

COMMERCIAL VIDEO ARCADE: A principal use that contains ten (10) or more automatic amusement devices.

COMMON AREAS, SPACE AND FACILITIES: The property and improvements of the condominium project, or portions thereof, conforming to the definition set forth in section 57-8-3, Utah Code Annotated, 1953, as amended, or its successor. (See chapter 21A.56 of this title.)

COMMUNICATION TOWER: A tower structure used for transmitting a broadcast signal or for receiving a broadcast signal (or other signal) for retransmission. A communication tower does not include "ham" radio transmission antenna.

COMMUNITY CORRECTIONAL FACILITY: An institutional facility licensed by or contracted by the state of Utah to provide temporary occupancy for previously incarcerated persons or parole violators, which assists such persons in making a transition from a correctional institution environment to independent living. Such facility may also provide ancillary, temporary occupancy for individuals placed as part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution. A community correctional facility may include a halfway house, work release center or any other domiciliary facility for persons released from any penal or correctional facility but still in the custody of the city, county or public agency and youth care centers or other facilities authorized to accept youth offenders. A community correctional facility includes a facility for the judicially required detention or incarceration of people who are under twenty four (24) hour supervision by sworn officers except when on an approved leave, confinement of offenders where force may be used to restrain them if they attempt to leave the institution without authorization, twenty four (24) hour supervision and confinement for youth offenders committed to the division for custody and rehabilitation, or services for parole violating offenders and/or noncompliant probationers.

COMMUNITY GARDEN: An area of land managed and maintained by an identifiable group of community members used to grow and harvest food crops and/or nonfood, ornamental crops such as flowers, for personal or group use, consumption, donation, or sale, or for educational purposes. Generally operated as not for profit, limited sales and events may also occur on the site to fund the gardening activities and other charitable purposes. Private use of private land (not intended to benefit the community at large) and horticultural activities by the city on city owned land do not constitute community garden use.

COMMUNITY RECREATION CENTER: A place, structure, area, or other facility used for and providing social or recreational programs generally open to the public and designed to accommodate and serve segments of the community.

COMPATIBILITY: Capability of existing together in harmony.

COMPATIBLE DESIGN: The visual relationship between adjacent and nearby buildings and the immediate streetscape, in terms of a consistency of materials, colors, building elements, building mass, and other constructed elements of the urban environment, is such that abrupt or severe differences are avoided.

COMPATIBLE LAND USE: A use of land and/or building(s) that, in terms of development intensity, building coverage, design, bulk and occupancy, traffic generation, parking requirements, access and circulation, site improvements, and public facilities and service demands, is consistent with and similar to neighboring uses and does not adversely affect the quality of life of persons in surrounding or nearby buildings.

COMPLETE DEMOLITION: Any act or process that destroys or removes seventy five percent (75%) or more of the exterior walls and/or total floor area of a structure, improvement or object.

COMPOSTING: A method of solid waste management whereby the organic component of the waste stream is biologically decomposed under controlled conditions to a state in which the end product or compost can be safely handled, stored or applied to the land without adversely affecting human health or the environment.

CONCEPT DEVELOPMENT PLAN: A conceptual plan submitted for review and comment in order to obtain guidance from the city regarding how city requirements would apply to a proposed planned development.

CONCRETE MANUFACTURING: A use engaged in making and delivering "ready mix" type concrete from batch plant operations. This use excludes cement manufacturing, such as Portland cement, which is an ingredient in concrete manufacturing.

CONDITIONAL USE: 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 area or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

CONDOMINIUM - CONDOMINIUM PROJECT AND CONDOMINIUM UNIT: Property or portions thereof conforming to the definitions set forth in section 57-8-3, Utah Code Annotated, 1953, as amended, or its successor. (See chapter 21A.56 of this title.)

CONDOMINIUM OWNERSHIP ACT OF 1975 OR ACT: The provisions of chapter 8 of title 57 of Utah Code Annotated, as amended in 1975. (See chapter 21A.56 of this title.)

CONDOMINIUM UNIT: See definition of Condominium - Condominium Project And Condominium Unit.

CONSTRUCTION PERIOD: The time period between when the building permit is obtained and the certificate of occupancy is issued.

CONTRACTOR'S YARD/OFFICE: A use that provides construction businesses with a base of operations that can include office space and indoor/outdoor storage of construction equipment or materials used by the construction business. This use excludes salvage or recycling operations.

CONVERSION: A proposed change in the type of ownership of a parcel or parcels of land, together with the existing attached structures, from single ownership of said parcel, such as an apartment house or multi-family dwelling, into that defined as a condominium project or other ownership arrangement involving separate ownership of individual units combined with joint collective ownership of common areas, facilities or elements. (See chapter 21A.56 of this title.)

CORNER BUILDING: A building, the structure of which rises above the ground within one hundred feet (100') of a block corner on the street face and one hundred feet (100') in depth.

CORNER LOT: See definition of Lot, Corner.

CORNER SIDE YARD: See definition of Yard, Corner Side.

CREMATORIUM: A. As applied to funeral homes or mortuaries: A dedicated area within a licensed funeral home or mortuary building, or an accessory building of a licensed funeral home or mortuary, wherein human remains are cremated in a cremation retort.

B. As applied to pets: A dedicated area within a building approved for animal cremation service or an accessory building of an approved animal cremation service use wherein dead animals are cremated in a cremation retort.

DANCE STUDIO: A use engaged in the instruction of dance.

DAYCARE: Persons, associations, corporations, institutions or agencies providing on a regular basis care and supervision (regardless of educational emphasis) to children under fourteen (14) years of age, in lieu of care and supervision ordinarily provided by parents in their own homes, with or without charge, are engaged in providing child "daycare" for purposes of this title. Such providers and their facilities shall be classified as defined herein and shall be subject to the applicable provisions of title 5, title 9, chapters 9.08 through 9.20, 9.28 through 9.40, and title 14, chapter 14.36 of this code, this title, and applicable state law.

DAYCARE CENTER, ADULT: "Adult daycare center" means a nonmedical facility for the daytime care of adults who, due to advanced age, handicap or impairment, require assistance and/or supervision during the day by staff.

DAYCARE CENTER, CHILD: "Child daycare center" means an establishment providing care and maintenance to seven (7) or more children at any one time of any age separated from their parents or guardians.

DAYCARE, NONREGISTERED HOME: "Nonregistered home daycare" means a person who uses his/her principal place of residence to provide daycare for no more than two (2) children.

DAYCARE, REGISTERED HOME DAYCARE OR PRESCHOOL: "Registered home daycare or preschool daycare" means the use of a principal place of residence to provide educational or daycare opportunities for children under age seven (7) in small groups. The group size at any given time shall not exceed eight (8), including the provider's own children under age seven (7).

DECIBEL: A logarithmic and dimensionless unit of measure of ten (10) used to describe the amplitude of sound. Decibel is denoted as "dB".

DEVELOPMENT: The carrying out of any building activity, the making of any material change in the use or appearance of any structure or land, or the dividing of land into parcels by any person. The following activities or uses shall be taken for the purposes of these regulations to involve "development":

A. The construction of any principal building or structure;

B. Increase in the intensity of use of land, such as an increase in the number of dwelling units or an increase in nonresidential use intensity that requires additional parking;

C. Alteration of a shore or bank of a pond, river, stream, lake or other waterway;

D. Commencement of drilling (except to obtain soil samples), the driving of piles, or excavation on a parcel of land;

E. Demolition of a structure;

F. Clearing of land as an adjunct of construction, including clearing or removal of vegetation and including any significant disturbance of vegetation or soil manipulation; and

G. Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

The following operations or uses shall not be taken for the purpose of these regulations to involve "development":

A. Work by a highway or road agency or railroad company for the maintenance of a road or railroad track, if the work is carried out on land within the boundaries of the right of way;

B. Utility installations as stated in subsection 21A.02.050B of this title;

C. Landscaping for residential uses; and

D. Work involving the maintenance of existing landscaped areas and existing rights of way such as setbacks and other planting areas.

DEVELOPMENT PATTERN: The development pattern standard applies to principal building height and wall height, attached garage placement and width, detached garage placement, height, wall height, and footprint size. A development pattern shall be established when three (3) or more existing structures are identified to establish the pattern, or in the case that three (3) structures constitutes more than fifty percent (50%) of the structures on the block face fifty percent (50%) of the structures shall establish a pattern.

DISABLED: See definition of Persons With Disabilities.

DRIVE-THROUGH WINDOW: A facility which accommodates patrons' automobiles and from which the occupants of the automobiles may make purchases or transact business.

DWELLING: A building or portion thereof, which is designated for residential purposes of a family for occupancy on a monthly basis and which is a self-contained unit with kitchen and bathroom facilities. The term "dwelling" excludes living space within hotels, bed and breakfast establishments, apartment hotels, boarding houses and lodging houses.

DWELLING, MANUFACTURED HOME: "Manufactured home dwelling" means a dwelling transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation. A manufactured home dwelling shall be connected to all utilities required for permanent dwellings and shall be certified under the national manufactured housing construction and safety standards act of 1974. A manufactured home dwelling is a type of manufactured home that is considered a single-family dwelling for the purposes of this title. (See definition of Mobile Home.) A modular home is a type of manufactured home that is a dwelling transported in one or more sections that is fixed to a permanent site built foundation and connected to all utilities required for a permanent dwelling. The dwelling shall have a minimum roof pitch of three to twelve (3: 12) and the nongable roof ends shall have a minimum overhang of twelve inches (12"). The dwelling shall also meet all uniform building code regulations and have a minimum width of twenty feet (20'). A "modular home dwelling" is a type of manufactured home that is considered a single-family dwelling for the purposes of this title.

DWELLING, MODULAR HOME: See definition of Dwelling, Manufactured Home.

DWELLING, MULTI-FAMILY: "Multi-family dwelling" means a building containing three (3) or more dwellings on a single lot. For purposes of determining whether a lot is in multiple-family dwelling use, the following considerations shall apply:

A. Multiple-family dwelling uses may involve dwelling units intended to be rented and maintained under central ownership or management, or cooperative apartments, condominiums and the like.

B. Any multiple-family dwelling in which dwelling units are available for rental or lease for periods of less than one month shall be considered a hotel/motel.

DWELLING, SINGLE-FAMILY: "Single-family dwelling" means a detached building containing only one dwelling unit surrounded by yards that is built on site or is a modular home dwelling that resembles site built dwellings. Mobile homes, travel trailers, housing mounted on self-propelled or drawn vehicles, tents, or other forms of temporary housing or portable housing are not included in this definition. All living areas of a single-family dwelling shall be accessible and occupied by the entire family.

DWELLING, SINGLE-FAMILY ATTACHED: "Single-family attached dwelling" means a dwelling unit that is attached via a common party side wall to at least one other such dwelling and where at least three (3) such dwellings are connected together.

DWELLING, SINGLE ROOM OCCUPANCY: "Single room occupancy dwelling" means a residential dwelling facility containing individual, self-contained, dwelling units none of which may exceed five hundred (500) square feet in size.

DWELLING, TWIN HOME: "Twin home dwelling" means a building containing one dwelling separated from one other dwelling by a vertical party wall. Such a dwelling shall be located on its own individual lot.

DWELLING, TWO-FAMILY: "Two-family dwelling" means a detached building containing two (2) dwelling units on a single lot.

DWELLING UNIT: See definition of Dwelling.

ELECTRIC GENERATION FACILITY, PUBLIC/PRIVATE: "Public/private electric generation facility" means an electric generating facility that uses natural gas, coal, solar energy, steam, wind or other means to produce electricity for exclusive delivery to the local or regional high voltage electric transmission grid.

ELECTRONIC REPAIR SHOP: A use engaged in the consumer repair services of household electronic items and appliances.

ELEEMOSYNARY FACILITY: A facility operated by a nonprofit charitable organization or government entity to provide temporary housing and assistance to individuals who suffer from and are being treated for trauma, injury or disease and/or their family members. Eleemosynary facilities are traditionally not funded wholly by government but are usually supported by philanthropic, corporate and private funding. The term "eleemosynary facilities" shall not include places of worship, social and community services organizations, homeless shelters, community dining halls, group homes, transitional treatment homes, transitional victim homes, residential substance abuse treatment homes and other similar nonprofit organizations.

ELEVATION AREA: The area or portion thereof (in square feet) of an architectural elevation of one side of a building.

ELEVATION AREA, FIRST FLOOR: "First floor elevation area" means the elevation area or portion thereof (in square feet) of the first or ground floor (story) of one side of a building.

EMERGENCY MEDICAL SERVICE FACILITY: A facility or licensed healthcare provider providing emergency medical or dental or similar examination, diagnosis, treatment and care on an outpatient basis only. An emergency medical service facility shall not provide twenty four (24) hour service unless it meets all zoning requirements applicable to hospitals.

EQUIPMENT RENTAL: A type of use involving the rental of equipment, excluding heavy construction vehicles and equipment, in which all operations are contained within fully enclosed buildings.

EQUIPMENT RENTAL, HEAVY: "Heavy equipment rental" means a type of use involving the rental of equipment, including heavy construction vehicles and equipment, in which all operations are not contained within fully enclosed buildings.

EVERGREEN: A plant having foliage that remains on the plant throughout the year.

EXCESS DWELLING UNITS: A number of residential dwelling units in a structure in excess of the number of dwelling units that have been approved either under applicable zoning codes or issued building permits.

EXISTING/ESTABLISHED SUBDIVISION: Any subdivision for which a plat has been approved by the city and recorded prior to the effective date hereof.

EXPLOSIVE MANUFACTURING: A use engaged in making explosive devices, but excluding explosive materials wholesale distributors.

EXTRACTIVE INDUSTRY: An establishment engaged in the on site extraction of surface or subsurface mineral products or natural resources. Typical extractive industries are quarries, barrow pits, sand and gravel operations, oil and gas extraction, and mining operations.

FAMILY: A. One or more persons related by blood, marriage, adoption, or legal guardianship, including foster children, living together as a single housekeeping unit in a dwelling unit; or

B. A group of not more than three (3) persons not related by blood, marriage, adoption, or legal guardianship living together as a single housekeeping unit in a dwelling unit; or

C. Two (2) unrelated persons and their children living together as a single housekeeping unit in a dwelling unit.

The term "family" shall not be construed to mean a club, group home, transitional victim home, substance abuse home, transitional home, a lodge or a fraternity/sorority house.

FARMERS' MARKET: An establishment for the sale of fresh produce and related food items, which may have outdoor storage and sales. A farmers' market may provide space for one or more vendors.

FEE SCHEDULE: The Salt Lake City consolidated fee schedule which, among other things, shows the fees required in connection with applications for a zoning amendment, a special exception, a conditional use, a zoning certificate, a certificate of occupancy, sign certificate, or any other type of approval required by the provisions of this title. The fee schedule is available from the zoning administrator.

FENCE: A structure erected to provide privacy or security which defines a private space and may enhance the design of individual sites. A wall or similar barrier shall be deemed a fence.

FENCE, ELECTRIC SECURITY: "Electric security fence" means a fence designed to protect a property or properties from intrusion by means of conducting an electric current along one or more wires thereof so that a person or animal touching any such wire or wires will receive an electric shock.

FENCE, OPAQUE OR SOLID: An artificially constructed solid or opaque barrier that blocks the transmission of at least ninety five percent (95%) of light and visibility through the fence, and is erected to screen areas from public streets and abutting properties.

FENCE, OPEN: An artificially constructed barrier that blocks the transmission of a maximum of fifty percent (50%) of light and visibility through the fence, and is erected to separate private property from public rights of way and abutting properties.

FINANCIAL INSTITUTION: A building, property or activity, the principal use or purpose of which is the provision of financial services, including, but not limited to, banks, facilities for automated teller machines (ATMs), credit unions, savings and loan institutions, stock brokerages and mortgage companies. "Financial institution" shall not include any use or other type of institution which is otherwise listed in the table of permitted and conditional uses for each category of zoning district or districts under this title.

FIXED DIMENSIONAL STANDARDS: Numerical maximum or minimum conditions which govern the development on a site.

FLAG LOT: A lot of irregular configuration in which an access strip (a strip of land of a width less than the required lot width) connects the main body of the lot to the street frontage. (See illustration in section 21A.62.050 of this chapter.)

FLAMMABLE LIQUIDS OR GASES, HEATING FUEL DISTRIBUTION: A type of wholesale distributor engaged in supplying flammable liquids, gases and/or heating fuel. This use does not include the accessory storage of such substances on site.

FLEA MARKET (INDOOR): "Indoor flea market" means a building devoted to the indoor sales of new and used merchandise by independent vendors with individual stalls, tables, or other spaces.

FLEA MARKET (OUTDOOR): "Outdoor flea market" means an outdoor area devoted to the periodic outdoor sales of new and used merchandise by independent vendors with individual stalls, tables, or other spaces.

FLOOR: See definition of Story (Floor).

FLOOR AREA, GROSS: "Gross floor area" (for determining size of establishment) means the sum of the gross horizontal area of all floors of the building measured from the exterior face of the exterior walls or from the centerline of walls separating two (2) buildings. The floor area of a building shall include basement floor area, penthouses, attic space having headroom of seven feet (7') or more, interior balconies and mezzanines, enclosed porches, and floor area devoted to accessory uses. Space devoted to open air off street parking or loading shall not be included in floor area.

The floor area of structures devoted to bulk storage of materials including, but not limited to, grain elevators and petroleum storage tanks, shall be determined on the basis of height in feet (i.e., 10 feet in height shall equal 1 floor).

FLOOR AREA, USABLE: "Usable floor area" (for determining off street parking and loading requirements) means the sum of the gross horizontal areas of all floors of the building, as measured from the outside of the exterior walls, devoted to the principal use, including accessory storage areas located within selling or working space such as counters, racks, or closets, and any floor area devoted to retailing activities, to the production or processing of goods or to business or professional offices. Floor area for the purposes of measurement for off street parking spaces shall not include:

A. Floor area devoted primarily to mechanical equipment or unfinished storage areas;

B. Floor area devoted to off street parking or loading facilities, including aisles, ramps, and maneuvering space.

FRATERNITY/SORORITY HOUSE: A building which is occupied only by a group of university or college students who receive lodging and/or meals on the premises in exchange for compensation, and are associated together in a fraternity/sorority that is officially recognized by the university or college and that has a national affiliation.

FRONT YARD: See definition of Yard, Front.

FUEL CENTER: A subordinate building site located on the same site as a principal building/use for the sale and dispensing of motor fuels or other petroleum products and the sale of convenience retail.

FUNERAL HOME OR MORTUARY: An establishment where the activities necessary for the care and custody of the dead, including: refrigeration, embalming; cremation; other necessary care; viewings; wakes; funerals; and other rites and ceremonies consistent with the proper final disposition of the dead, are conducted.

GARAGE: A building, or portion thereof, used to store or keep a motor vehicle.

GARAGE, ATTACHED: "Attached garage" means an accessory building which has a roof or wall of which fifty percent (50%) or more is attached and in common with a dwelling. Where the accessory building is attached to a dwelling in this manner, it shall be considered part of the dwelling and shall be subject to all yard requirements of the main building.

GAS STATION: A principal building site and structures for the sale and dispensing of motor fuels or other petroleum products and the sale of convenience retail. A gas station may include minor auto repair and car wash facilities when such uses are listed as a permitted or conditional use.

GENERAL PLAN: The comprehensive plan for Salt Lake City adopted by the city council.

GOVERNMENT USES: State or federal government operations providing services from specialized facilities, such as the highway department maintenance/construction, state police and federal bureau of investigation, etc. State or federal operations providing services from nonspecialized facilities shall be considered office uses.

GRADE, ESTABLISHED: "Established grade" means the natural topographic grade of undisturbed areas on a site or the grade that exists after approved subdivision site development activity has been completed prior to approval for building permit construction activity.

GRADE, FINISHED: "Finished grade" means the finished grade of a site after reconfiguring grades according to an approved regrading plan related to the initial building permit activity on a site.

GREENHOUSE: A temporary or permanent accessory structure typically made of, but not limited to, glass, plastic, or fiberglass in which plants are cultivated.

GROSS FLOOR AREA: See definition of Floor Area, Gross.

GROUND COVER: Any perennial evergreen plant material species that generally does not exceed twelve inches (12") in height and covers one hundred percent (100%) of the ground all year.

GROUP HOME, LARGE: "Large group home" means a residential facility set up as a single housekeeping unit and shared by seven (7) or more unrelated persons, exclusive of staff, who require assistance and supervision. A large group home is licensed by the state of Utah and provides counseling, therapy and specialized treatment, along with habilitation or rehabilitation services for physically or mentally disabled persons. A large group home shall not include persons who are diagnosed with a substance abuse problem or who are staying in the home as a result of criminal offenses.

GROUP HOME, SMALL: "Small group home" means a residential facility set up as a single housekeeping unit and shared by up to six (6) unrelated persons, exclusive of staff, who require assistance and supervision. A small group home is licensed by the state of Utah and provides counseling, therapy and specialized treatment, along with habilitation or rehabilitation services for physically or mentally disabled persons. A small group home shall not include persons who are diagnosed with a substance abuse problem or who are staying in the home as a result of criminal offenses.

GUEST: Any person hiring or occupying a room for living or sleeping purposes.

HARD SURFACED: A concrete, asphalt surface, brick, stone or turf block.

HEALTH AND FITNESS FACILITY: A business or membership organization providing exercise facilities and/or nonmedical personal services to patrons, including, but not limited to, gymnasiums (except facilities owned by a governmental entity), private clubs (athletic, health, or recreational), reducing salons, tanning salons, and weight control establishments.

HEALTH HAZARD: A classification of a chemical for which there is statistically significant evidence based on a generally accepted study conducted in accordance with established

scientific principles that acute or chronic health effects may occur in exposed persons. The term "health hazard" includes chemicals which are carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system, and agents which damage the lungs, skin, eyes or mucous membranes.

HELIPORT: A facility or structure that is intended or used for the landing and takeoff of rotary wing aircraft, but not including the regular repair or maintenance of such aircraft or the sale of goods or materials to users of such aircraft.

HISTORIC BUILDINGS OR SITES: Those buildings or sites listed on the national register of historic places.

HISTORIC LANDMARK COMMISSION: The historic landmark commission of Salt Lake City, Utah. (See section 21A.06.050 of this title.)

HISTORIC SITE: See definition of Landmark Site.

HOME OCCUPATION: A business, profession, occupation, or trade conducted for gain or support and located and conducted within a dwelling unit, which use is accessory, incidental and secondary to the use of the building for dwelling purposes and does not change the essential residential character of appearance of such building and subject to the regulations set forth in section 21A.36.030 of this title.

HOMELESS SHELTER: A building or portion thereof in which sleeping accommodations are provided on an emergency basis for the temporarily homeless.

HOOP HOUSE: A temporary or permanent accessory structure typically made of, but not limited to, piping or other material covered with translucent plastic, constructed in a "half round" or "hoop" shape, for the purposes of growing plants. A hoop house is considered more temporary than a greenhouse.

HOSPITAL: An institution licensed by the state of Utah specializing in giving clinical, temporary, or emergency services of a medical or surgical nature to human patients.

HOTEL/MOTEL ROOM: A room or combination of rooms (suite) offered as a single unit for lodging on a daily or weekly basis.

HOUSE MUSEUM: A dwelling unit which is converted from its original principal use as a dwelling unit to a staffed institution dedicated to educational, aesthetic or historic purposes. Such museum should include a staff who commands an appropriate body of special knowledge necessary to convey the historical, aesthetic or architectural attributes of the building and its collections to the general public. Such staff should also have the ability to reach museological decisions consonant with the experience of his or her peers and have access to and acquaintance with the literature of the field. Such museum should maintain either regular hours or be available for appointed visits such that access is reasonably convenient to the public.

IMPACT STATEMENT: A statement containing an analysis of a project's potential impact on the environment, traffic, aesthetics, schools, and/or municipal costs and revenues, as well as comments on how the development fits into the general plan of Salt Lake City.

INCINERATOR, MEDICAL WASTE/HAZARDOUS WASTE: "Medical waste/hazardous waste incinerator" means a device using heat, for the reduction of medical/hazardous waste materials, as defined by the state of Utah division of solid and hazardous waste.

INDUSTRIAL ASSEMBLY USE: An industrial use engaged in the fabrication of finished or partially finished products from component parts produced off site. Assembly use shall not entail metal stamping, food processing, chemical processing or painting other than painting that is accessory to the assembly use.

INFILL: New development that occurs within an already developed area where building patterns and lot platting are already established.

INSTITUTION: An organization or establishment providing religious, educational, charitable, medical, cultural or governmental services.

INTERIOR SIDE YARD: See definition of Yard, Interior Side.

INTERMODAL TRANSIT PASSENGER HUB: A publicly owned and operated central transit passenger transfer facility servicing rail, bus, shuttle, limousine, taxis, bicyclists and pedestrians and may include, but is not limited to, the following complementary land uses such as offices, restaurants, retail sales and services, bus line terminals, bus line yards and repair facilities, limousine service and taxicab facilities.

INTERPRETATION: An administrative decision regarding the general provisions of this title to specific cases. Interpretations shall not include administrative decisions that will affect a permitted use, conditional use or nonconforming use.

INTERPRETATION, USE: "Use interpretation" means an administrative decision of this title related to specific cases which affect permitted use or conditional use provisions within a specific district and affect nonconforming uses.

JAIL: A place for lawful confinement of persons. For the purpose of this title, a jail shall not include community correctional facilities and mental hospitals. A jail includes a facility for the judicially required detention or incarceration of people who are under twenty four (24) hour supervision by sworn officers, and confinement of offenders where force may be used to restrain them if they attempt to leave the institution without authorization.

JEWELRY FABRICATION: The production of jewelry from component materials, diamond cutting and related activities.

KENNEL, PUBLIC OR PRIVATE: The keeping of more than two (2) dogs and/or two (2) cats that are more than six (6) months old. A third dog or cat may be allowed if a pet rescue permit has been approved under section 8.04.130 of this code.

LABORATORY, MEDICAL, DENTAL, OPTICAL: "Medical, dental and optical laboratory" means a laboratory processing on or off site orders limited to medical testing and precision fabrication of dental/optical articles worn by patients.

LAND USE: The conduct of an activity, or the performance of a function or operation, on a site or in a building or facility for the purpose for which the land or building is occupied, or maintained, arranged, designed or intended.

LAND USE TYPE (SIMILAR LAND USE TYPE): "Land use types" shall be considered to be similar land use types if both uses are allowed in the same zoning district or in the same or more restrictive zoning district within the commercial zoning category or in the same or more restrictive district within the manufacturing zoning category and the change from one land use type to another similar land use type does not increase the parking requirement. If the proposed land use type is a conditional use it will be subject to the conditional use process.

LANDFILL: A municipal, commercial or construction debris disposal facility where solid waste is placed in or on the land and which is not a land treatment facility. The term "landfill" does not include facilities where solid waste is applied onto or incorporated into the soil surface for the purpose of biodegradation.

LANDFILL, COMMERCIAL: "Commercial landfill" means a commercial landfill which receives any nonhazardous solid waste for disposal. A commercial landfill does not include a landfill that is solely under contract with a local government within the state to dispose of nonhazardous solid waste generated within the boundaries of the local government.

LANDFILL, CONSTRUCTION DEBRIS: "Construction debris landfill" means a landfill that is to receive only construction/demolition waste, yard waste, inert waste or dead animals, but excluding inert demolition waste used as fill material.

LANDFILL, END USE PLAN: "End use plan landfill" means a plan showing how the site will be reused/reclaimed upon completion of landfill activities to allow for the productive and compatible reuse of the site.

LANDFILL, MUNICIPAL: "Municipal landfill" means a municipal landfill or a commercial landfill solely under contract with a local government taking municipal waste generated within the boundaries of the local government.

LANDMARK SITE: A building or site of historic importance designated by the city council.

LANDSCAPE AREA: That portion of a lot devoted exclusively to landscaping, except that streets, drives and sidewalks may be located within such area to provide reasonable access.

LANDSCAPE BUFFER: An area of natural or planted vegetation adjoining or surrounding a land use and unoccupied in its entirety by any building, structure, paving or portion of such land use, for the purposes of screening and softening the effects of the land use.

LANDSCAPE PLAN: The plan for landscaping required pursuant to chapter 21A.48 of this title.

LANDSCAPE YARD: That portion of a lot required to be maintained in landscape area.

LANDSCAPING: The improvement of a lot, parcel or tract of land with grass, shrubs and trees. Landscaping may include pedestrian walks, flowerbeds, ornamental objects such as fountains, statuary, and other similar natural and artificial objects designed and arranged to produce an aesthetically pleasing effect.

LATTICE TOWER: A self-supporting multiple sided, open steel frame structure used to support telecommunications equipment.

LEGAL CONFORMING: A status conferred by a provision of this title which shall be limited to the regulation(s) contained within that provision. Legal conforming status allows the reconstruction of a destroyed use/structure to its level of use intensity and building bulk before destruction.

LIMOUSINE SERVICE: A use that provides personal vehicular transportation for a fee, and operating by appointment only.

LOCALLY GROWN: Food crops and/or nonfood, ornamental crops, such as flowers that are grown within the state of Utah.

LODGING HOUSE: A residential structure that provides lodging with or without meals, is available for monthly occupancy only, and which makes no provision for cooking in any of the rooms occupied by paying guests.

LOT: A piece of land identified on a plat of record or in a deed of record of Salt Lake County and of sufficient area and dimensions to meet district requirements for width, area, use and coverage, and to provide such yards and open space as are required and has been approved as a lot through the subdivision process. A lot may consist of combinations of adjacent individual lots and/or portions of lots so recorded; except that no division or combination of any residual lot, portion of lot, or parcel shall be created which does not meet the requirements of this title and the subdivision regulations of the city.

LOT AREA: The total area within the property lines of the lot plus one-half ($^1/_2$) the right of way area of an adjacent public alley.

LOT AREA, NET: "Net lot area" means the area within the property lines of a lot, excluding any right of way area of an adjacent public alley.

LOT ASSEMBLAGE: Acquisition of two (2) or more contiguous lots by the same owner(s) that may or may not be consolidated into a single parcel.

LOT, CORNER: "Corner lot" means a lot which has two (2) adjacent sides abutting on public streets, serving more than two (2) lots, provided the interior angle at the intersection of such two (2) sides is less than one hundred thirty five degrees (135°).

LOT DEPTH: The mean horizontal distance between the front lot line and the rear lot line of a lot, measured within the lot boundaries.

LOT, FLAG: See definition of Flag Lot.

LOT, INTERIOR: "Interior lot" means a lot other than a corner lot.

LOT LINE, CORNER SIDE: "Corner side lot line" means any lot line between the front and rear lot lines which abuts a public street.

LOT LINE, FRONT: "Front lot line" means that boundary of a lot which is along an existing or dedicated public street, or where no public street exists, is along a public way. On corner lots, the property owner shall declare the front lot line and corner side yard line on a building permit application. In the case of landlocked land, the front lot line shall be the lot line that faces the access to the lot.

LOT LINE, INTERIOR SIDE: "Interior side lot line" means any lot line between the front and rear lot lines which does not abut a public street.

LOT LINE, REAR: "Rear lot line" means that boundary of a lot which is most distant from, and is, or is most nearly, parallel to, the front lot line.

LOT, NONCONFORMING: "Nonconforming lot" means a lot which lawfully existed prior to the effective date hereof, or any amendment thereto, but which fails to conform to the lot regulations of the zoning district in which it is located.

LOT WIDTH: The horizontal distance between the side lot lines measured at the required front yard setback.

LOWER POWER RADIO SERVICES FACILITY OR WIRELESS TELECOMMUNICATIONS FACILITY: An unmanned structure which consists of equipment used primarily for the transmission, reception or transfer of voice or data through radio wave or (wireless) transmissions. Such sites typically require the construction of transmission support structures to which antenna equipment is attached. Low power radio services facilities include "cellular" or "PCS" (personal communications system) communications and paging systems.

MAJOR STREETS: Those streets identified as major streets on city map 19372.

MANUFACTURED HOME: See definition of Dwelling, Manufactured Home.

MANUFACTURING, HEAVY: "Heavy manufacturing" means the assembly, fabrication, or processing of goods and materials using processes that ordinarily have greater than average impacts on the environment, or that ordinarily have significant impacts on the use and enjoyment of adjacent property in terms of noise, smoke, fumes, odors, glare, or health and safety hazards, or that otherwise do not constitute "light manufacturing". Heavy manufacturing generally includes processing and fabrication of large or bulky products, products made from extracted or raw materials, or products involving flammable or explosive materials and processes which require extensive floor areas or land areas for the fabrication and/or incidental storage of the products. The term "heavy manufacturing" shall include uses such as refineries and chemical manufacturing. The term "heavy manufacturing" shall not include any use which is otherwise listed specifically in the table of permitted and conditional uses for the category of zoning district or districts under this title.

MANUFACTURING, LIGHT: "Light manufacturing" means the assembly, fabrication or processing of goods and materials using processes that ordinarily do not create noise, smoke, fumes, odors, glare, or health or safety hazards outside of the building or lot where such assembly, fabrication or processing takes place or where such processes are housed entirely within a building. Light manufacturing generally includes processing and fabrication of finished products, predominantly from previously prepared materials, and includes processes which do not require extensive floor areas or land areas. The term "light manufacturing" shall include uses such as electronic equipment production and printing plants. The term "light manufacturing" shall not include any use which is otherwise listed specifically in the table of permitted and conditional uses for the category of zoning district or districts under this title.

MASTER PLAN: A portion of the long range general plan for Salt Lake City as adopted by the city council.

MEDICAL/DENTAL OFFICE OR CLINIC: A facility dedicated exclusively to providing medical, dental or similar examination, diagnosis, treatment, care and related healthcare services by licensed healthcare providers and other healthcare professionals practicing medicine as a group on persons on an outpatient basis. No portion of the facility may be used to provide on site inpatient care, overnight care, or twenty four (24) hour operations, unless it is in compliance with all ordinances applicable to hospitals. Laboratory facilities shall be accessory only and shall be utilized for on site care.

MEDICAL NURSING SCHOOL: A professional school with facilities for teaching and training individuals for the nursing profession and that awards a degree for individuals who complete the nursing curriculum.

MICROBREWERY: A brewpub which, in addition to retail sale and consumption on site, markets beer wholesale in an amount not to exceed sixty thousand (60,000) barrels (31 gallons) per year. Revenue from food sales must constitute at least fifty percent (50%) of the total business revenues, excluding wholesale and retail carryout sales of beer. (See sections 6.08.081 through 6.08.089 of this code.)

MID BLOCK AREA: An area of development not deemed to be a block corner.

MINIWAREHOUSE: A retail service establishment providing off site storage space to residents and businesses, offering convenience storage and limited warehousing services primarily for personal effects and household goods within enclosed structures having individual access, but excluding use as workshops, hobby shops, manufacturing or commercial activity.

MOBILE FOOD BUSINESS: A business that serves food or beverages from a self-contained unit either motorized or in a trailer on wheels, and conducts all or part of its operations on premises other than its own and is readily movable, without disassembling, for transport to another location. The term "mobile food business" shall not include vending carts or mobile ice cream vendors.

MOBILE FOOD COURT: A parcel of land where two (2) or more mobile food businesses congregate to offer food or beverages for sale to the public. Any cluster of more than one mobile food business, vending cart and seasonal farm stand, located on the same parcel of land shall be considered a mobile food court.

MOBILE FOOD TRAILER: A mobile food business that serves food or beverages from a nonmotorized vehicle that is normally pulled behind a motorized vehicle. The term "mobile food trailer" shall not include vending carts, mobile food trucks or mobile ice cream vendors.

MOBILE FOOD TRUCK: A mobile food business that serves food or beverages from an enclosed self-contained motorized vehicle. The term "mobile food truck" shall not include vending carts, mobile food trailers or mobile ice cream vendors.

MOBILE HOME: A transportable, factory built home, designed as a year round residential dwelling and built prior to June 15, 1976, the effective date of the national manufactured housing construction and safety standards act of 1974. The following are not included in the mobile home definition:

A. Travel trailers, motor homes, camping trailers, or other recreational vehicles.

B. Manufactured and modular housing designed to be set on a permanent foundation.

MOTEL/HOTEL: A building or buildings in which lodging units are offered for persons, for compensation by the day or the week.

MUNICIPAL SERVICES: City or county government operations and governmental authorities providing services from specialized facilities, such as police service, street/highway department maintenance/construction, fire protection, sewer and water services, etc. City or county operations and governmental authorities providing services from nonspecialized facilities shall be considered office uses.

MUSEUM: An institution for the acquisition, preservation, study and exhibition of works of artistic, historical or scientific value and for which any sales relating to such exhibits are incidental and accessory to the exhibits presented.

NEW CONSTRUCTION: On site erection, fabrication or installation of any building, structure, facility or addition thereto.

NONCOMPLYING STRUCTURE: Buildings and structures that serve complying land uses which were legally established on the effective date of any amendment to this title that makes the structure not comply with the applicable yard area, height and/or bulk regulations of this title.

NONCONFORMING LOT: A parcel of land which was legally established on the effective date of any amendment to this title that made the lot noncomplying that has less lot area, frontage or dimensions than required in the district in which it is located.

NONCONFORMING USE: Any building or land legally occupied by a use at the time of passage of the ordinance codified herein or amendment thereto which does not conform after passage of said ordinance or amendment thereto with the use regulations of the district in which located.

NONCONFORMITY: The presence of any nonconforming use or noncomplying structure.

NURSING CARE FACILITY: A healthcare facility, other than a hospital, constructed, licensed and operated to provide patient living accommodations, twenty four (24) hour staff availability, and at least two (2) of the following patient services: a) a selection of patient care services, under the direction and supervision of a registered nurse, ranging from continuous medical, skilled nursing, psychological or other professional therapies to intermittent health related or paraprofessional personal care services; b) a structured, supportive social living environment based on a professionally designed and supervised treatment plan, oriented to the individual's habilitation or rehabilitation needs; or c) a supervised living environment that provides support, training or assistance with individual activities of daily living.

OBSTRUCTION: A structure or appurtenance to a building that is located or projects into a required yard. Allowed obstructions are listed in section 21A.36.020 of this title.

OFF SITE: A lot that is separate from the principal use.

OFF STREET PARKING: Parking provided on private or public property, excluding public rights of way.

OFFICE USE: A type of business use, which may or may not offer services to the public, that is engaged in the processing, manipulation or application of business information or professional expertise. An office use is not materially involved in fabricating, assembling or warehousing of physical products for the retail or wholesale market, nor is an office engaged in the repair of products or retail services. Examples of professional offices include accounting, investment services, architecture, engineering, legal services and real estate services. Unless otherwise specified, office use shall include doctors' and dentists' offices. Office use shall not include any use or other type of establishment which is otherwise specifically listed in the table of permitted and conditional uses for the applicable zoning districts.

OPEN SPACE: Any area of a lot which is completely free and unobstructed from any structure or parking areas. Landscaping, walkways, uncovered patio areas, light poles and other ornamental features shall not be considered as obstructions for purposes of this definition. Driveways that provide access to parking lots shall not be considered as an obstruction subject to the driveways not exceeding twenty percent (20%) of any required yard area that they provide access through.

OUTDOOR SALES AND DISPLAY: The use of open areas of the lot for sales or display of finished products for sale to the consuming public. Outdoor sales and display shall include accessory sales/display areas, such as auto accessory items at a gas station, as well as principal sales/display areas, such as the sales yard of garden center. Outdoor sales and display shall not include items sold in bulk quantities (e.g., sand, gravel, lumber), merchandise inventory not intended for immediate sale, or items not typically sold to the consuming public (e.g., pallets, construction equipment and supplies, industrial products).

OUTDOOR STORAGE: The use of open areas of the lot for the storage of items used for nonretail or industrial trade, the storage of merchandise inventory, and the storage of bulk materials such as sand, gravel, and other building materials. Outdoor storage shall also include contractors' yards and salvage or recycling areas.

OUTDOOR STORAGE, PUBLIC: The use of open areas of the lot for the storage of private personal property including recreational vehicles, automobiles and other personal equipment. This use category does not include or allow the storage of junk as defined in section 21A.40.140 of this title.

OUTDOOR TELEVISION MONITOR: An outdoor large screen television monitor that displays material generated and/or produced by an on site television station. The material displayed shall be the television station's primary broadcast feed or rebroadcast news, sports and/or public affairs broadcasts, and shall not be in conflict with the federal communication commission's (FCC) community standards that apply to broadcasts from the television station between the hours of six o'clock (6: 00) A.M. and twelve o'clock (12: 00) midnight (regardless of the time of day that such material is displayed on the outdoor television monitor). The material displayed must be the television station's primary broadcast feed or rebroadcast news, sports and/or public affairs broadcasts to the general public (except between the hours of 12: 00 midnight and 6: 00 A.M. where daytime programming, consistent with community standards, may be substituted). Outdoor television monitors may not be illuminated to a brightness that causes undue glare or interference with adjacent properties. Sound emanating from the outdoor television monitor may not exceed Salt Lake City or county health standards.

OVERLAY DISTRICT: A zoning district pertaining to particular geographic features or land uses imposing supplemental requirements and standards in addition to those provided in the base or underlying zoning district. Boundaries of overlay districts are shown on the zoning map or on special maps referenced in the text.

PARCEL: A continuous area of real property, or lot, which is legally described and accurately drawn on the plat of such property and recorded with Salt Lake County. See definition of Lot.

PARK AND RIDE LOT: The use of a lot for parking as an adjunct to mass transit.

PARK, PUBLIC: "Public park" means a park, playground, swimming pool, golf course or athletic field within the city which is under operation or management of the city's park department.

PARK STRIP: The landscape area within a public way located between the back of street curb and the sidewalk, or in the absence of a sidewalk, the right of way line.

PARK STRIP LANDSCAPING: The improvement of property within the street right of way situated between the back of curb and the sidewalk or, if there is no sidewalk, the back of curb and the right of way line, through the addition of plants and other organic and inorganic materials harmoniously combined to produce an effect appropriate for adjacent uses and compatible with the neighborhood. Park strip landscaping includes trees and may also include a combination of lawn, other perennial ground cover, flowering annuals and perennials, specimen shrubs, and inorganic material.

PARKING FACILITY, SHARED: "Shared parking facility" means a parking lot or garage used for shared parking by two (2) or more businesses or uses.

PARKING GARAGE, COMMERCIAL: "Commercial parking garage" means a structure used for parking or storage of automobiles, generally available to the public, and involving payment of a charge for such parking or storage. A garage used solely in conjunction with multiple-family housing or a hotel shall not be construed to be a commercial garage, but rather a permitted accessory structure and use, even though not on the same premises as the multiple-family housing or motel/hotel.

PARKING, INTENSIFIED REUSE: "Intensified reuse parking" means the change of the use of a building or structure, the past or present use of which may or may not be legally nonconforming as to parking, to a use which would require a greater number of parking stalls available on site which would otherwise be required pursuant to table 21A.44.060F of this title. Intensified parking reuse shall not include residential uses in residential zoning districts other than single room occupancy residential uses and unique residential populations.

PARKING, LEASED-ALTERNATIVE PARKING: "Leased parking-alternative parking" means the lease, for a period of not less than five (5) years, of parking spaces not required for any other use and located within five hundred feet (500') measured between a public entrance to the alternative parking property place of pedestrian egress from the leased parking along the shortest public pedestrian or vehicle way, except that in the downtown D-1 district the distance to the leased parking may be up to one thousand two hundred feet (1,200') measured between a public entrance to the alternative parking property and a place of pedestrian egress from the leased parking along the shortest public pedestrian or vehicle way.

PARKING LOT: A paved, open area on a lot used for the parking of more than four (4) automobiles whether free, for compensation, or as an accommodation for clients and customers.

PARKING, OFF SITE: "Off site parking" means the use of a lot for required parking that is separate from the lot of the principal use.

PARKING, OFF SITE-ALTERNATIVE PARKING: "Off site parking-alternative parking" means parking under the same ownership as the alternative parking property located within five hundred feet (500') of the alternative parking property, or within the one thousand two hundred feet (1,200') in a downtown D-1 district, measured between a public entrance to the alternative parking property and a place of pedestrian egress from the off site parking along the shortest public pedestrian or vehicle way, and which parking is not required or dedicated for another use.

PARKING, SHARED: "Shared parking" means off street parking facilities on one lot shared by multiple uses because the total demand for parking spaces is reduced due to the differences in parking demand for each use during specific periods of the day.

PARKING SPACE: Space within a parking area of certain dimensions as defined in chapter 21A.44 of this title, exclusive of access drives, aisles, ramps, columns, for the storage of one passenger automobile or commercial vehicle under two (2) ton capacity.

PARKING STUDY-ALTERNATIVE PARKING: A study prepared by a licensed professional traffic engineer specifically addressing the parking demand generated by a use for which an alternative parking requirement is sought and which provides the city information necessary to determine whether the requested alternative parking requirement will have a material negative impact to adjacent or neighboring properties and be in the best interests of the city.

PATIO: A paved surface on an earthen/stone base that is not more than two feet (2') above established grade, designed for pedestrian use.

PAWNSHOP: A commercial establishment which lends money at interest in exchange for valuable personal property left with it as security.

PEDESTRIAN CONNECTION: A right of way intended for pedestrian movement/activity, including, but not limited to, sidewalks, internal walkways, external and internal arcades, and plazas.

PERENNIAL: A plant having a life span more than two (2) years.

PERFORMANCE STANDARDS: Standards which establish certain criteria which must be met on a site, but allow flexibility as to how those criteria can be met.

PERFORMING ARTS PRODUCTION FACILITY: A mixed use facility housing the elements needed to support a performing arts organization. Such facility should include space for the design and construction of stage components; costume and prop design and construction, administrative support, rehearsal space, storage space, and other functions associated either with an on site or off site live performance theater.

PERSON: A firm, association, authority, organization, partnership, company or corporation as well as an individual.

PERSONS WITH DISABILITIES: The city adopts the definition of "disabled" from the Americans with disabilities act, the rehabilitation act, title 8 of the civil rights act and all other applicable federal and state laws.

PET CEMETERY: A place designated for the burial of a dead animal where burial rights are sold.

PHILANTHROPIC USE: An office or meeting hall used exclusively by a nonprofit public service organization.

PITCHED ROOF: The covering on the top of a structure, serving to protect against rain, snow, sunlight, wind, and extremes of temperature, having a minimum pitch or slope of a two foot (2') rise over a twelve foot (12') run.

PLACE OF WORSHIP: A church, synagogue, temple, mosque or other place of religious worship, including any accessory use or structure used for religious worship.

PLANNED DEVELOPMENT: A type of land development that requires more planning flexibility than is otherwise allowed under a strict application of zoning requirements and/or lot configuration, in order to create a development that achieves/implements adopted development policies/goals of the city. A planned development is controlled by a single landowner or by a group of landowners in common agreement as to control, to be developed as a single entity, the character of which is compatible with adjacent parcels and the intent of the zoning district or districts in which it is located. The planned development maintains the same density that is permitted by the underlying zone.

PLANNING COMMISSION: The planning commission of Salt Lake City, Utah.

PLANNING OFFICIAL: The director of the planning division of the department of community and economic development, or his/her designee.

PLANTING SEASON: That period during which a particular species of vegetation may be planted for maximum survivability and healthy growth.

PLAZA: An open area which is available to the public for walking, seating and eating.

PRECISION INSTRUMENT REPAIR SHOP: A shop that provides repair services for industrial, commercial, research, and similar establishments. Precision instrument repair does not include consumer repair services for individuals and households for items such as watches or jewelry, household appliances, musical instruments, cameras, and household electronic equipment.

PREPARED FOOD, TAKEOUT: "Takeout prepared food" means a retail sales establishment which prepares food for consumption off site only.

PRINTING PLANT: A commercial establishment which contracts with persons for the printing and binding of written works. The term "printing plant" shall not include a publishing company or a retail copy or reproduction shop.

PRIVATE RECREATIONAL FACILITY: A golf course, swimming pool, tennis club or other recreational facility under private control, operation or management which functions as the principal use of the property.

PUBLIC/PRIVATE UTILITY BUILDINGS AND STRUCTURES: Buildings or structures used in conjunction with the provision of public or private utilities.

PUBLIC TRANSPORTATION, EMPLOYER SPONSORED: "Employer sponsored public transportation" means a program offering free or substantially discounted passes on the Utah transit authority to employees.

PUBLISHING COMPANY: A company whose business is the editing and publishing of works of authors. The term "publishing company" shall not include a printing plant, unless it is only accessory to the publishing business.

QUALITY OF LIFE: The attributes or amenities that combine to make an area a desirable place to live or work, including, but not limited to, the availability of political, educational, and social support systems; good relations among constituent groups; a safe and healthy physical environment; and economic opportunities for both individuals and businesses.

RAILROAD FREIGHT TERMINAL FACILITY: A major railroad track yard area for primary use by railroad employees for regional scale interstate mainline oriented intermodal freight transfers of: a) multimodal (sea, rail, truck transport) self-contained cargo containers from train to train, train to semitruck trailer, and semitruck trailer to train loading; and b) for new motor vehicle train transports to semitruck trailer transports for regional distribution purposes. No breakdown of self-contained cargo containers occurs at intermodal railroad freight terminal facilities.

REAR YARD: See definition of Yard, Rear.

RECEPTION CENTER: A facility which leases the premises for hosting weddings and other private events. The term "reception center" shall not include uses whose primary function is a restaurant or banquet hall.

RECORD OF SURVEY MAP: The map as defined in section 57-8-3(18), Utah Code Annotated, 1953, as amended, or its successor. (See chapter 21A.56 of this title.)

RECREATION VEHICLE PARK: A business that provides space for living in a recreational vehicle (camper, travel trailer or motor home), on a daily or weekly basis. A recreational vehicle park may include accessory uses such as a convenience store, gasoline pumps and recreation amenities, such as swimming pools, tennis courts, etc., for the convenience of persons living in the park.

RECYCLING COLLECTION STATION: A use, often accessory in nature, providing designated containers for the collection, sorting and temporary storage of recoverable resources (such as paper, glass, metal and plastic products) until they are transported to separate processing facilities.

RECYCLING CONTAINER: An enclosed or semienclosed container used for the temporary storage of recyclable materials until such materials can be efficiently collected and processed.

RECYCLING PROCESSING CENTER: A facility to temporarily store, sort, recycle, process, compost or treat materials (such as paper, glass, metal and plastic products) to return them to a condition in which they can be reused for production or transported to another approved site for permanent storage, landfilling or further processing. Recycling processing center does not include automobile salvage and recycling.

RELOCATABLE OFFICE BUILDING: A portable structure built temporarily on a chassis or skids, and designed to be used with or without a permanent foundation for use or occupancy for any commercial or industrial purpose when connected to water, power or utility hookups. (See subsection 21A.42.070I of this title.)

RESIDENT HEALTHCARE FACILITY: A facility licensed by the state of Utah which provides protected living arrangements for two (2) or more persons who because of minor disabilities cannot, or choose not to, remain alone in their own home. The facility may serve the elderly, persons with minor mental or physical disabilities, or any other persons who are ambulatory or mobile and do not require continuous nursing care or services provided by another category of licensed health facility. The resident healthcare facility shall be considered the resident's principal place of residence.

RESIDENTIAL DISTRICTS: Those districts listed in subsection 21A.22.010A of this title.

RESIDENTIAL STRUCTURE: For the purposes of the RB zoning district means a structure that has maintained the original residential exterior without significant structural modifications. (False facades are not considered a significant structural modification.)

RESIDENTIAL SUBSTANCE ABUSE TREATMENT HOME, LARGE: "Large residential substance abuse treatment home" means a residential facility for seven (7) or more unrelated persons, exclusive of staff, and licensed by the state of Utah, that provides twenty four (24) hour staff supervision and may include a peer support structure to help applicants acquire and strengthen the social and behavioral skills necessary to live independently in the community. A large residential substance abuse treatment home provides supervision, counseling and therapy through a temporary living arrangement and provides specialized treatment, habilitation or rehabilitation services for persons with alcohol, narcotic drug or chemical dependencies.

RESIDENTIAL SUBSTANCE ABUSE TREATMENT HOME, SMALL: "Small residential substance abuse treatment home" means a residential facility for up to six (6) unrelated persons, exclusive of staff, and licensed by the state of Utah, that provides twenty four (24) hour staff supervision and may include a peer support structure to help applicants acquire and strengthen the social and behavioral skills necessary to live independently in the community. A small residential substance abuse treatment home provides supervision, counseling and therapy through a temporary living arrangement and provides specialized treatment, habilitation or rehabilitation services for persons with alcohol, narcotic drug or chemical dependencies.

RESTAURANT: An establishment where food and drink are prepared, served, and consumed, mostly within the principal building.

RETAIL GOODS ESTABLISHMENT: A building, property or activity, the principal use or purpose of which is the sale of physical goods, products or merchandise directly to the consumer. Retail goods establishment shall not include any use or other type of establishment which is otherwise listed specifically in the table of permitted and conditional uses found at the end of each chapter of part III of this title for the category of zoning district or districts.

RETAIL SERVICES ESTABLISHMENT: A building, property or activity, the principal use or purpose of which is the provision of personal services directly to the consumer. The term "retail services establishment" shall include, but shall not be limited to, barbershops, beauty parlors, laundry and dry cleaning establishments (plant off premises), tailoring shops, shoe repair shops and the like. Retail services establishment shall not include any use or other type of establishment which is otherwise listed specifically in the table of permitted and conditional uses found at the end of each chapter of part III of this title for each category of zoning district or districts.

RETAINING WALL: A wall designed to resist the lateral displacement of soil or other materials.

REVERSE VENDING MACHINE: A machine designed to pay cash to customers in exchange for the deposit of used beverage cans and/or bottles for recycling.

ROOMING HOUSE: A building or group of attached or detached buildings containing in combination at least three (3) lodging units for occupancy on at least a monthly basis, with or without board, as distinguished from hotels and motels in which rentals are generally for daily or weekly periods and occupancy is by transients.

SANATORIUM: A health facility or institution for the inpatient treatment and recuperation of persons suffering from physical or mental disorders, providing qualified medical, professional and nursing staff. A sanatorium shall not include facilities for the criminally insane.

SCHOOLS, PROFESSIONAL AND VOCATIONAL: "Professional and vocational schools" means schools offering occupational and vocational training, the courses of which are not generally transferable toward a bachelor's degree.

SCHOOLS, PUBLIC OR PRIVATE: "Public or private schools" means an institution of learning or instruction primarily catering to minors, whether public or private, which is licensed at such facility by either the city or the state of Utah. The definition includes nursery schools, kindergarten, 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 professional and vocational schools, charm

schools, dancing schools, music schools or similar limited schools nor public or private universities or colleges.

SEASONAL FARM STAND: A sales table, area, or kiosk of food crops and/or nonfood, an ornamental crop, such as flowers, that is located off premises from the location where the food was grown, or when located in any agricultural district, and operates during the time of year coinciding with the growing season.

SEASONAL ITEM SALES: Items that are identified with individual holidays or celebrations relating to the four (4) seasons: spring, summer, autumn or winter (such as a winter festival or harvest festival). Such items include, but are not limited to, Valentine's Day or Easter items, Halloween pumpkin, or Christmas tree sales. Independence Day and Pioneer Day fireworks are governed independently in this code. Prepared food is not a seasonal item, however fresh farm produce, sold within the intermountain region harvest season, is allowed. Food pertaining to farmers' markets and farm sales are regulated separately.

SETBACK: See definition of Yard.

SEWAGE TREATMENT PLANT: A licensed facility that purifies sanitary sewer effluent to a minimum level as established by state and/or federal environmental protection agencies.

SEXUALLY ORIENTED BUSINESS: Any business for which a sexually oriented business license is required as an adult business, nude entertainment business, or as a seminude dancing bar, pursuant to the sexually oriented business licensing requirements in title 5, chapter 5.61 of this code. (See section 21A.36.140 of this title.)

SHOPPING CENTER: A concentration of related commercial establishments with one or more major anchor tenants, shared parking, and unified architectural and site design. A shopping center normally has single or coordinated ownership/operations/management control and may include pad site as well as architecturally connected units.

SHOPPING CENTER PAD SITE: A separate parcel of land designated in the shopping center plan as a building site. The pad site may not be owned by the shopping center owner.

SIDE YARD: See definition of Yard, Side.

SIGHT DISTANCE TRIANGLE: A triangular area formed by a diagonal line connecting two (2) points located on intersecting right of way lines (or a right of way line and the edge of a driveway). For both residential driveways and nonresidential driveways, the points shall be determined through the site plan review process by the development review team. The purpose of the sight distance triangle is to define an area in which vision obstructions are prohibited. (See illustration in section 21A.62.050 of this chapter.)

SINGLE-FAMILY DWELLING: See definition of Dwelling, Single-Family.

SITE DEVELOPMENT PERMIT: A permit for earthwork or site preparation required pursuant to title 18, chapter 18.28 of this code.

SITE PLAN: An accurately scaled plan that illustrates the existing conditions on a land parcel and the details of a proposed development.

SKETCH PLAN REVIEW: A preliminary review process administered by the development review administrator or designee for the purpose of determining the required standard for front or corner side yard; building height and wall height, width and placement of attached garages; and the location, building height and footprint of accessory structures prior to the formal submittal of plans to obtain a building permit.

SLUDGE: Any solid, semisolid or liquid waste, including grit and screenings generated from a municipal, commercial or industrial wastewater treatment plant or water supply treatment plant or air pollution control facility or any other such use having similar characteristics.

SNOW CONE AND SHAVED ICE HUT: A temporary building designed to accommodate the sales of flavored ice only.

SOCIAL SERVICE MISSION: An establishment that provides social services other than on site housing facilities.

SOLAR ARRAY: A principal use of a packaged interconnected assembly of solar cells used to transform solar energy into thermal, chemical, or electrical energy. A solar array uses solar energy for any or all of the following purposes: a) water heating, b) space heating or cooling, and c) power generation.

SOLAR ENERGY COLLECTION SYSTEM, SMALL: "Small solar energy collection system" shall mean an accessory structure that is roof mounted, wall mounted, or ground mounted panel, the primary purpose of which is to provide for the collection, inversion, storage, and distribution of solar energy for electricity generation, space heating, space cooling, or water heating of buildings located on the same property.

SOLID WASTE TRANSFER STATION: A facility used to combine and compact loads of solid waste into larger units of waste, which are then loaded onto trucks for delivery to landfill sites.

SPECIAL PURPOSE DISTRICTS: Zoning districts which require regulations that address special types of land uses, such as the airport or institutional uses.

SPOT ZONING: The process of singling out a small parcel of land for a use classification materially different and inconsistent with the surrounding area and the adopted city master plan, for the sole benefit of the owner of that property and to the detriment of the rights of other property owners.

STABLE, PRIVATE: A detached building for the keeping of horses owned by the occupants of the premises and not kept for remuneration, hire or sale.

STABLE, PUBLIC: A building or land where animals are kept for remuneration, hire, sale, boarding, riding or show.

STORE, CONVENTIONAL DEPARTMENT: A retail business which offers a broad range of merchandise lines at moderate level price points, consisting of primarily apparel and home goods. No merchandise line predominates and goods are displayed in a departmentalized format. Customer assistance is provided in each department, but checkout facilities can be either departmentalized or centralized. These stores are typically over one hundred thousand (100,000) square feet in size. Examples include, but are not limited to, Kohls, J.C. Penney and Mervyn's, as such stores are typically configured as of January 13, 2004.

STORE, FASHION ORIENTED DEPARTMENT: A retail business which offers more specialized lines of merchandise than conventional department stores, with an emphasis on apparel merchandise. The merchandise is displayed in separate departments, with over forty percent (40%) of sales area devoted to the sale of apparel, shoes, cosmetics and accessories related to personal care and appearance. Fashion oriented department stores sell goods which are primarily nationally advertised brands, they may sell appliances which are usually serviced by other companies, and often offer limited lines of merchandise through seasonal or special catalogs. These stores provide checkout service and customer assistance (salespersons) within each department. These stores are typically over one hundred thousand (100,000) square feet in size. Examples include, but are not limited to, Meier & Frank, Bloomingdales, Macy's, Dillards, Marshall Fields, Bon Marche, Broadway, Broadway Southwest, Robinsons/May, as such stores are typically configured as of January 13, 2004.

STORE, MASS MERCHANDISING: A retail business selling a variety of merchandise, including apparel and home goods, at generally lower price points. Mass merchandising stores have fast turnover and high volume retailing with centralized checkout stations. Generally, shopping carts are available to customers and there is reduced customer assistance within each department but customer assistance may occur in departments for special promotions or where appropriate for product demonstration, legal compliance or security purposes. These stores typically exceed eighty thousand (80,000) square feet in size. Examples include, but are not limited to, Wal-Mart, K-Mart, Target, Fred Meyer and ShopKo, as such stores are typically configured as of January 13, 2004.

STORE, SPECIALTY: A retail business specializing in a broad range of a single category of goods at competitive prices. The categories usually included are home improvement, consumer music and electronics, office supply, auto aftermarket, computers, toys, books, home/bed/bath, pet supply, craft/hobby, or sporting goods. They often have departments, centralized and/or exit checkout stations and operate in various physical formats. These stores typically range from twenty thousand (20,000) to one hundred thousand (100,000) square feet in size. Examples include, but are not limited to, The Home Depot, OfficeMax, Toys"R"Us, PetsMart, Michaels, Bed, Bath & Beyond, Borders Books, Barnes & Noble, Circuit City, Galyan's, Sports Authority, Pep Boys, and CompUSA, as such stores are typically configured as of January 13, 2004.

STORE, SPECIALTY FASHION DEPARTMENT: A retail business which specializes in high end merchandise in the categories of apparel, fashion accessories, jewelry, and limited items for the home and housewares. These stores feature exclusive offerings of merchandise, high levels of customer service and amenities, and higher price points. Specialty fashion department stores provide checkout service and customer assistance (salespersons) within each department and often offer specialized customer services such as valet parking, exclusive dressing rooms and personal shoppers. These stores typically range from eighty thousand (80,000) to one hundred thirty thousand (130,000) square feet in size. Examples include, but are not limited to, Lord & Taylor, Neiman Marcus, Nordstrom, Saks Fifth Avenue, as such stores are typically configured as of January 13, 2004.

STORE, SUPERSTORE AND HYPERMARKET: A retail business primarily engaged in retailing a general line of groceries in combination with general lines of new merchandise, such as apparel, furniture, and appliances, sold at discount prices. They have centralized exit checkout stations, and utilize shopping carts for customers. These stores typically range from one hundred twenty thousand (120,000) to one hundred eighty thousand (180,000) square feet in size. Examples include, but are not limited to, Wal-Mart Supercenter, Meijer's, Fred Meyer (with grocery) and Super Target, as such stores are typically configured as of January 13, 2004.

STORE, WAREHOUSE CLUB: A retail business requiring patron membership, and selling packaged and bulk foods and general merchandise. They are characterized by high volume and a restricted line of popular merchandise in a no frills environment. They have centralized exit checkout stations, and utilize shopping carts for customers. These stores typically range from one hundred twenty thousand (120,000) to one hundred fifty thousand (150,000) square feet in size. Examples include, but are not limited to, BJ's Wholesale

Club, Costco, and Sam's Club, as such stores are typically configured as of January 13, 2004.

STORY (FLOOR): The vertical distance between the finished floor of one level and the finished floor of the level above or below.

STORY, HALF: "Half story" means the portion of a building which contains habitable living space within the roof structure of a shed, hip or gable roof. The portion of a building which contains habitable living space within the roof structure of a mansard, gambrel or flat roof constitutes one full story, not one-half ($^1/_2$) story.

STREET: A vehicularway which may also serve for all or part of its width as a way for pedestrian traffic, whether called street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, alley, mall or otherwise designated.

STREET FRONTAGE: All of the property fronting on one side of the street between intersecting streets, or between a street and a waterway, a dead end street, or a political subdivision boundary, and having unrestricted vehicular and pedestrian access to the street. For the purpose of regulating signs or flags, "street frontage" means an entire lot fronting on a portion of the street.

STREET TREES: Trees located in the landscape area within a public way located between the back of the street curb and the sidewalk, or in absence of the sidewalk, the right of way line.

STRUCTURAL ALTERATION: Any change in the supporting members of a structure, such as foundations, bearing walls or bearing partitions, columns, beams or girder, or any substantial change in the roof.

STRUCTURE: Anything constructed or erected with a fixed location on the ground or in/over the water bodies in the city. Structure includes, but is not limited to, buildings, fences, walls, signs, and piers and docks, along with any objects permanently attached to the structure.

STRUCTURE, ACCESSORY: See definition of Accessory Building Or Structure.

SUBDIVISION: Any land that is divided, resubdivided or proposed to be divided into two (2) 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.

TV ANTENNA: See definition of Antenna, TV.

TAVERN: Any business establishment engaged primarily in the retail sale or distribution of beer to public patrons for consumption on the establishment's premises, and that includes beer bars, parlors, lounges, cabarets and nightclubs.

TEMPORARY USE: A use intended for limited duration as defined for each type of temporary use in chapter 21A.42 of this title.

TESTING LABORATORY: A use engaged in determining the physical qualities of construction, medical or manufactured materials. This use does not include research laboratories engaged in scientific experimentation.

TRANSITIONAL TREATMENT HOME, LARGE: "Large transitional treatment home" means a residential facility for seven (7) or more unrelated persons, exclusive of staff, and licensed by the state of Utah, that provides twenty four (24) hour staff supervision and a peer support structure to help applicants acquire and strengthen the social and behavioral skills necessary to live independently in the community. Such programs provide supervision, counseling and therapy through a temporary living arrangement and provide specialized treatment, habilitation or rehabilitation services for persons with emotional, psychological, developmental, behavioral dysfunctions or impairments. A large transitional treatment home shall not include any persons referred by the Utah state department of corrections.

TRANSITIONAL TREATMENT HOME, SMALL: "Small transitional treatment home" means a residential facility for up to six (6) unrelated persons, exclusive of staff, and licensed by the state of Utah, that provides twenty four (24) hour staff supervision and a peer support structure to help applicants acquire and strengthen the social and behavioral skills necessary to live independently in the community. Such programs provide supervision, counseling and therapy through a temporary living arrangement and provide specialized treatment, habilitation or rehabilitation services for persons with emotional, psychological, developmental, behavioral dysfunctions or impairments. A small transitional treatment home shall not include any persons referred by the Utah state department of corrections.

TRANSITIONAL VICTIM HOME, LARGE: "Large transitional victim home" means a residential facility for seven (7) or more unrelated persons, exclusive of staff, and licensed by the state of Utah as a residential support facility. A large transitional victim home provides twenty four (24) hour care and peer support to help victims of abuse or crime. A large transitional victim home arranges for or provides the necessities of life and protective services to individuals or families who are experiencing a temporary dislocation or emergency

which prevents them from providing these services for themselves or for their families. Treatment is not a necessary component of residential support services, however, care shall be made available on request.

TRANSITIONAL VICTIM HOME, SMALL: "Small transitional victim home" means a residential facility for up to six (6) unrelated persons, exclusive of staff, and licensed by the state of Utah as a residential support facility. A small transitional victim home provides twenty four (24) hour care and peer support to help victims of abuse or crime. A small transitional victim home arranges for or provides the necessities of life and protective services to individuals or families who are experiencing a temporary dislocation or emergency which prevents them from providing these services for themselves or for their families. Treatment is not a necessary component of residential support services, however, care shall be made available on request.

TRELLIS: A frame of latticework designed to support plants.

TRUCK REPAIR, LARGE: "Large truck repair" means a use engaged in the repair of trucks that are in excess of one ton in size.

TRUCK STOP: A building site and structures where the business of maintenance, servicing, storage or repair of trucks, tractor-trailer rigs, eighteen (18) wheel tractor-trailer rigs, buses and similar commercial or freight vehicles is conducted, including the sale and dispensing of motor fuel or other petroleum products and the sale of accessories or equipment for trucks and similar commercial vehicles. A truck stop may also include overnight sleeping accommodations and restaurant facilities.

TWO-FAMILY DWELLING: See definition of Dwelling, Two-Family.

UNDEVELOPABLE AREA: The portion of a lot that is unusable for or not adaptable to the normal uses made of the property, which may include areas covered by water, areas that are excessively steep, included in certain types of easements, or otherwise not suitable for development, including areas designated on a plat as undevelopable.

UNIQUE RESIDENTIAL POPULATION: Occupants of a residential facility who are unlikely to drive automobiles requiring parking spaces for reasons such as age, or physical or mental disabilities.

UNIT: The physical elements or space or time period of a condominium project which are to be owned or used separately, and excludes common areas and facilities as defined in section 57-8-3, Utah Code Annotated, 1953, as amended, or its successor. (See chapter 21A.56 of this title.)

UNIT LEGALIZATION, DIMENSIONAL ZONING VIOLATIONS: The violations of the city's zoning code related to side yards, rear yards, front yard setbacks, lot area and width, usable open space, building height and other violations.

UNIT LEGALIZATION, IMPLIED PERMIT: A permit for construction which either specifically is for the construction of a particular number of units in excess of what should have been allowed or which references that the structure has a number of units in excess of what should have been allowed or the city's continuous issuance of an apartment business revenue license for a number of units in excess of what should have been allowed.

UNIT LEGALIZATION, NONDIMENSIONAL ZONING VIOLATIONS: Violations not related to dimensional zoning violations, including the existence of illegal signs, front and side yard parking, hard surface driveways, fences, accessory buildings and similar such violations.

UNIT LEGALIZATION PERMIT: A permit issued for construction by the city.

UNIT LEGALIZATION, SUBSTANTIAL COMPLIANCE WITH LIFE AND SAFETY CODES: All units, and the building in which they are located, are constructed and maintained in such a manner that they are not an imminent threat to the life, safety or health of the occupants or the public.

UPHOLSTERY SHOP: A business specializing in the upholstery of furniture for individual customers for residential, office or business use, but excluding upholstery for automobile use.

URBAN AGRICULTURE: A general term meaning the growing of plants, including food products, and the raising of animals in and around cities. Urban farms and community gardens with their accessory buildings, farm stands, farmers' markets, and garden stands are components of urban agriculture.

URBAN FARM: A farm where food is cultivated, processed and distributed in or around a residential or commercial area. Urban farming is generally practiced for income earning or food producing activities.

USE, PRINCIPAL: "Principal use" means the main use of land and/or buildings on a lot as distinguished from an accessory use.

USE, UNIQUE NONRESIDENTIAL: "Unique nonresidential use" means the nonresidential use of a building resulting in a documented need for fewer parking stalls than would otherwise be required by chapter 21A.44 of this title, due to the building's particular design, size, use, or other factors and unique characteristics.

USED OR OCCUPIED: Include the words intended, designed or arranged to be used or occupied.

VACANT LOT: A lot in an established area or neighborhood which at the present time contains no structures or other aboveground improvements. In new residential subdivisions, lots which contain no structures or other aboveground improvements shall be considered vacant, as opposed to undeveloped land, when ninety percent (90%) or more of the total number of lots in the subdivision have been built upon and the remaining lots are scattered throughout the subdivision.

VANPOOL: A mode of transportation where two (2) or more persons share a ride in a van to or from work.

VANPOOL, EMPLOYER SPONSORED: "Employer sponsored vanpool" means a program offered by a business or in conjunction with the Utah transit authority to provide a multipassenger van for employee transportation.

VARIANCE: A reasonable deviation from those provisions regulating the size or area of a lot or parcel of land, or the size, area, bulk or location of a building or structure under this title and authorized according to the procedures set forth in chapter 21A.18 of this title.

VEGETATION: Living plant material including, but not limited to, trees, shrubs, flowers, grasses, herbs and ground cover.

VENDING CART: Includes any nonmotorized mobile device or pushcart from which limited types of products, as listed in title 5, chapter 5.65 of this code, are sold or offered for sale directly to any consumer, where the point of sale is conducted at the cart, where the duration of the sale is longer than fourteen (14) days and where the vending cart meets the requirements of title 5, chapter 5.65 of this code for the conducting of business in a specified permit operating area approved by the city.

VERTICAL CLEARANCE: Clear space between floor grade level and ceiling height.

VETERINARY OFFICE, LARGE: "Large veterinary office" means a veterinary facility that serves large animals, either wild or domesticated, such as sheep, goats, cows, pigs, horses, llamas, wildcats, bears or other similarly sized animals.

VETERINARY OFFICE, SMALL: "Small veterinary office" means a veterinary facility that serves only small animals such as dogs, cats, birds, rabbits, reptiles, rodents and other similarly sized animals.

WAREHOUSE: A structure, or part thereof, or area used principally for the storage of goods and merchandise.

WATER BODY/WATERWAY: A natural or manmade body of water such as a lake, river, creek, stream, canal, or other channel over which water flows at least periodically.

WHOLESALE DISTRIBUTORS: A business that maintains an inventory of materials, supplies and goods related to one or more industries and sells bulk quantities of materials, supplies and goods from its inventory to companies within the industry. A wholesale distributor is not a retail goods establishment.

WIND ENERGY SYSTEM, LARGE: A "large wind energy system" is a wind energy conversion system consisting of a wind turbine or group of wind turbines, tower, and associated control or conversion electronics, which has rated capacity of more than one hundred (100) kW.

WIND ENERGY SYSTEM, SMALL: "Small wind energy system" means an accessory structure defined as a wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics that has a rated capacity of not more than one hundred (100) kilowatts (kW) and that is intended to generate electricity primarily for buildings and/or uses on the same property, thereby reducing on site consumption of utility power.

YARD: On the same zoning lot with a use, building or structure, an open space which is unoccupied and unobstructed from its ground level to the sky, except as otherwise permitted herein. A yard extends along a lot line, and to a depth or width specified in the yard requirements for the zoning district in which such zoning lot is located.

YARD, CORNER SIDE: "Corner side yard" means a yard on a corner lot extending between front yard setback line and the rear lot line and between the corner side lot line and the required corner side yard setback line.

YARD, FRONT: "Front yard" means a yard extending between side lot lines and between the front lot line and the required front yard setback line.

YARD, INTERIOR SIDE: "Interior side yard" means a yard extending between the front and rear yard setback lines and between the interior side lot line and the required interior side yard setback line.

YARD, REAR: "Rear yard" means a yard extending between the two (2) interior side lot lines from the rear lot line to the required rear yard setback line. In the case of corner lots, the rear yard shall extend from the interior side lot line to the front yard or corner side yard setback line.

YARD, SIDE: See definition of Yard, Interior Side.

ZONING ADMINISTRATOR: The director of the planning division of the department of community and economic development or his/her designee.

ZONING DISTRICTS: Areas of the city designated in the text of this title in which requirements and standards for the use of land and buildings are prescribed.

ZONING LOT: See definition of Lot.

ZONING MAP: A map or series of maps delineating the boundaries of all zoning districts and overlay districts in the city. (Ord. 30-12, 2012: Ord. 24-12, 2012: Ord. 8-12, 2012: Ord. 61-11, 2011: Ord. 60-11, 2011: Ord. 55-11, 2011: Ord. 24-11, 2011: Ord. 21-11, 2011: Ord. 20-11, 2011: Ord. 19-11, 2011: Ord. 27-10, 2010: Ord. 23-10 § 22, 2010: Ord. 19-10 § 1, 2010: Ord. 70-09 § 2, 2009: Ord. 62-09 § 4, 2009: Ord. 7-09 § 1, 2009: Ord. 2-09 §§ 4 _ 6, 2009: Ord. 61-08 § 3, 2008: Ord. 60-08 § 1, 2008: Ord. 38-08, 2008: Ord. 2-08 § 6, 2008: Ord. 68-06 § 1, 2006: Ord. 52-06 § 2, 2006: Ord. 20-06 § 1, 2006: Ord. 13-06 § 1, 2006: Ord. 90-05 § 2 (Exh. B), 2005: Ord. 89-05 § 9, 2005: Ord. 77-05 § 1, 2005: Ord. 76-05 § 10, 2005: Ord. 15-05 §§ 3, 4, 2005: Ord. 72-04 § 2, 2004: Ord. 6-04 § 20, 2004: Ord. 4-04 §§ 6, 7, 2004: Ord. 62-03 § 3, 2003: Ord. 61-03 § 3, 2003: Ord. 6-03 § 4, 2003: Ord. 50-02 § 2, 2002: Ord. 23-02 § 8, 2002: Ord. 5-02 § 4, 2002: Ord. 2-02 § 2, 2002: Ord. 84-01 § 2, 2001: Ord. 64-01 § 4, 2001: Ord. 20-01 § 4, 2001: Ord. 54-00 § 3, 2000: Ord. 20-00 §§ 4, 5, 2000: Ord. 14-00 §§ 16 _ 18, 2000: Ord. 35-99 § 102, 1999: Ord. 30-98 § 7, 1998: Ord. 12-98 § 8, 1998: Ord. 8-97 § 3, 1997: amended during 5/96 supplement: Ord. 88-95 § 1 (Exh. A), 1995: Ord. 84-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(31-4), 1995)

## 21A.62.050: ILLUSTRATIONS OF SELECTED DEFINITIONS:

The definitions listed below are illustrated on the following pages:

A. Building Height In Foothills Districts, R-1 Districts, R-2 District And SR Districts.

B. Building Height (Outside Foothills Districts, R-1 Districts, R-2 District And SR Districts).

C. Flag Lot.

D. Landscape Area.

E. Lattice Tower.

F. Monopole With Antennas And Antenna Support Structures Greater Than Two Feet In Width.

G. Monopole With Antennas And Antenna Support Structures Less Than Two Feet In Width.

H. Roof Mounted Antennas.

I. Sight Distance Triangle.

J. Wall Mounted Antennas.

ILLUSTRATION A
BUILDING HEIGHT IN FOOTHILLS DISTRICTS, R-1 DISTRICTS,
R-2 DISTRICT AND SR DISTRICTS

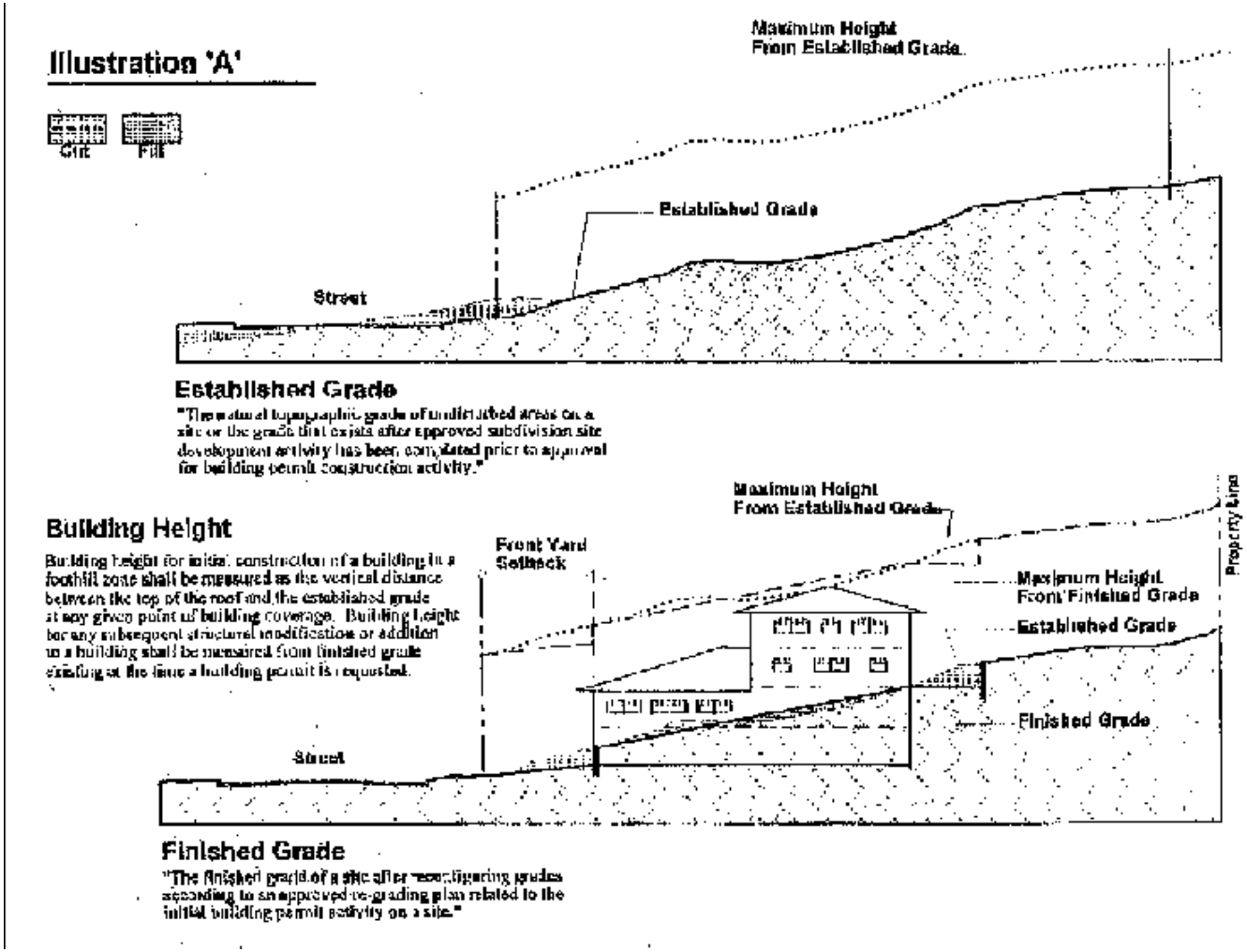
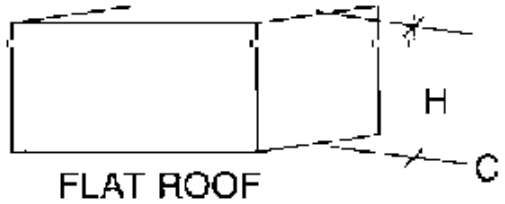



ILLUSTRATION B
BUILDING HEIGHT (OUTSIDE FOOTHILLS DISTRICTS,
R-1 DISTRICTS, R-2 DISTRICT AND SR DISTRICTS)

## ILLUSTRATION - B

## BUILDING HEIGHT (OUTSIDE FOOTHILL DISTRICTS)




DEFINITION :

*Building Height*

The vertical distance measured from the average elevation of the finished lot grade at each face of the building, to the highest point of the coping of a flat roof; the deck line of a mansard roof, or the average height of the gable on a pitched, gambrel, hip or shed roof.

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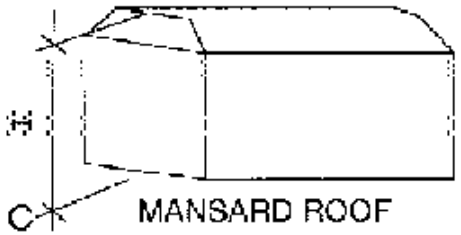
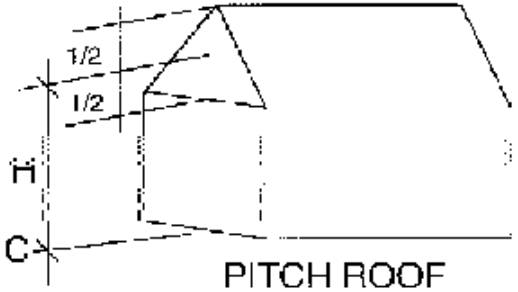
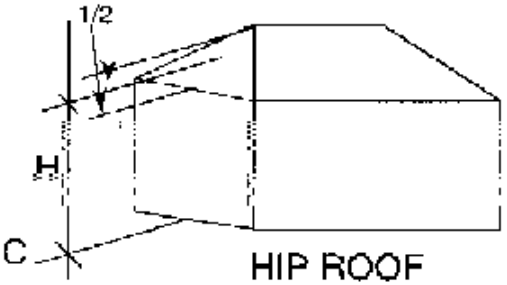
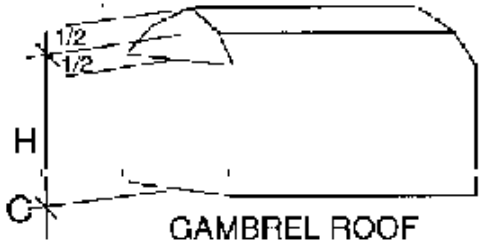
**H** : Height of Building

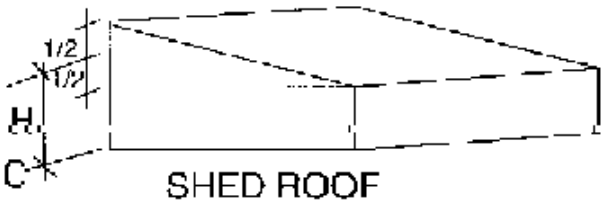
**C** : Average Elevation of Finished Lot Grade



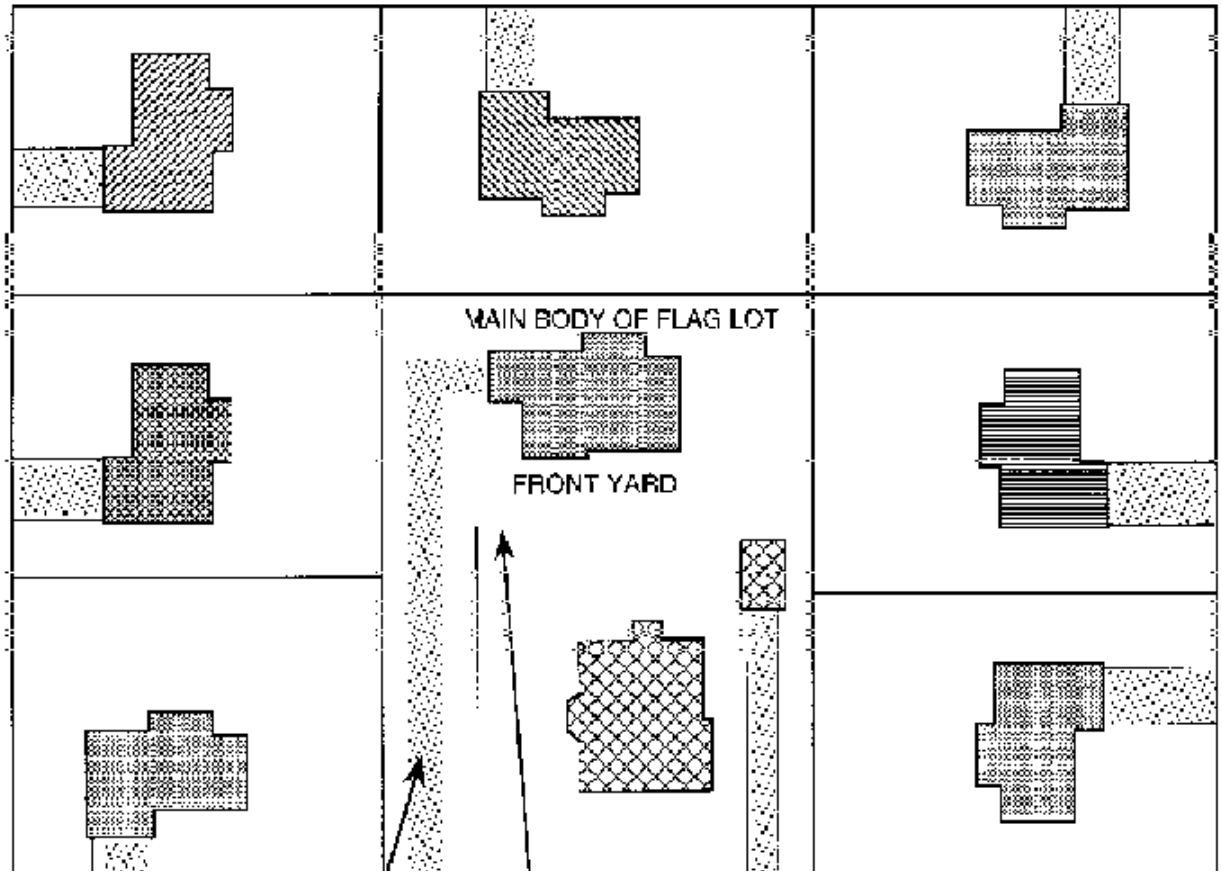
## ILLUSTRATION - C

## FLAG LOT

DEFINITION :

***Flag Lot***

A lot of irregular configuration in which an access strip [a strip of land of a width less than the required lot width] connects the main body of the lot to the street frontage



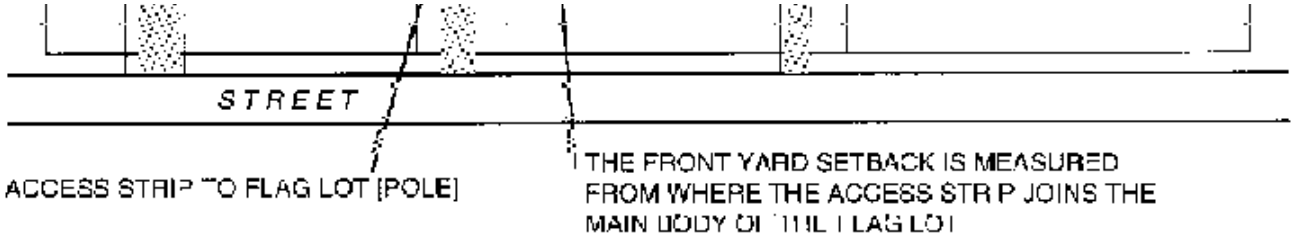


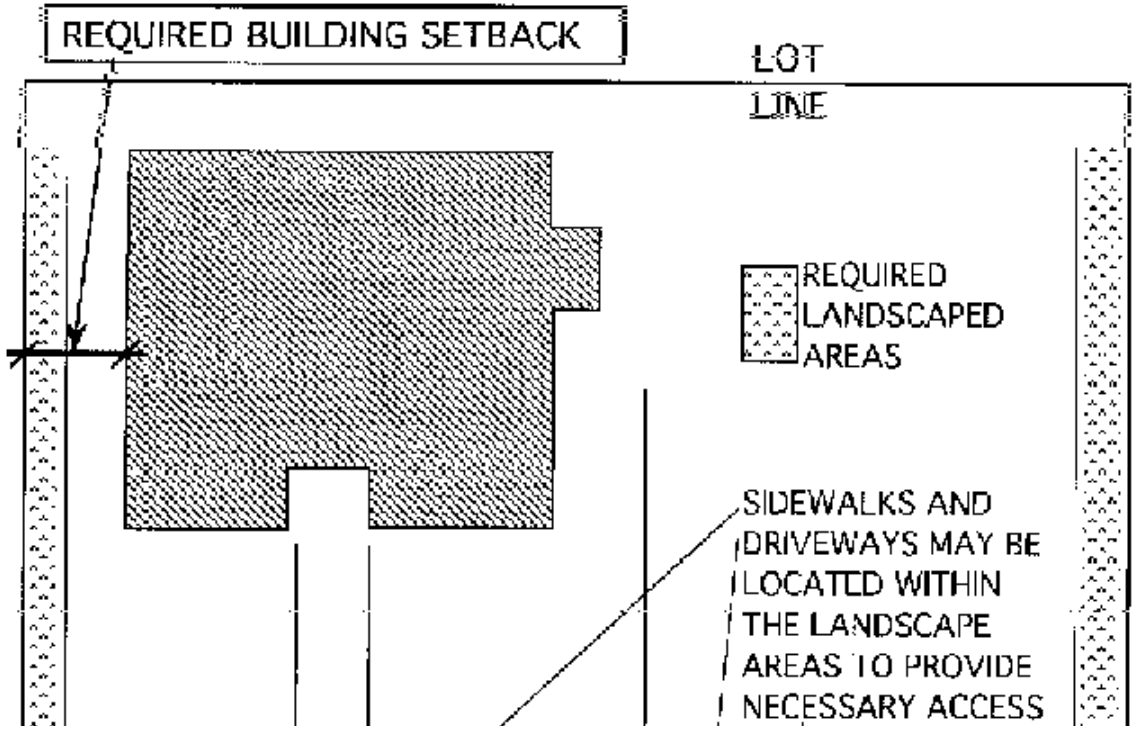

**ILLUSTRATION - D**

**LANDSCAPE AREA**

DEFINITION :

***Landscape Area***

A landscape area is that portion of a lot devoted exclusively, to landscaping, driveways, and sidewalks, and may be located within such area to provide reasonable access



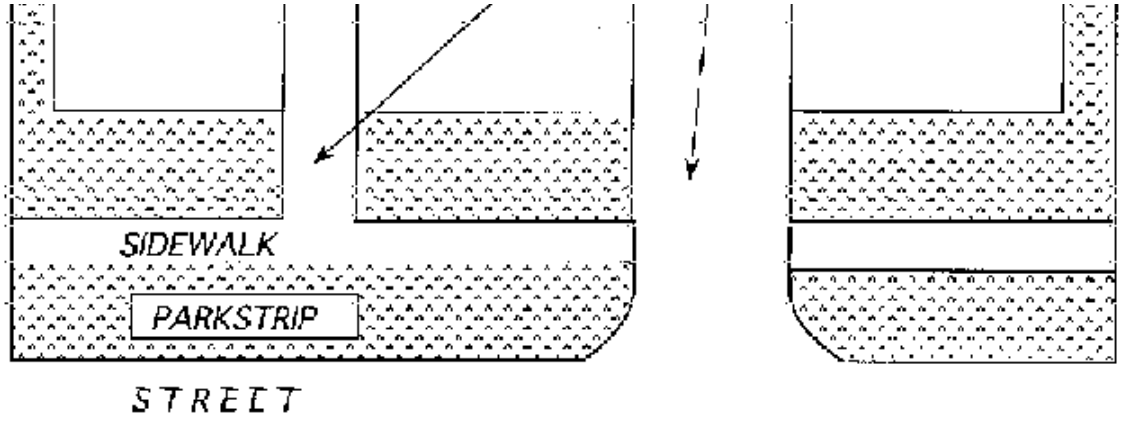
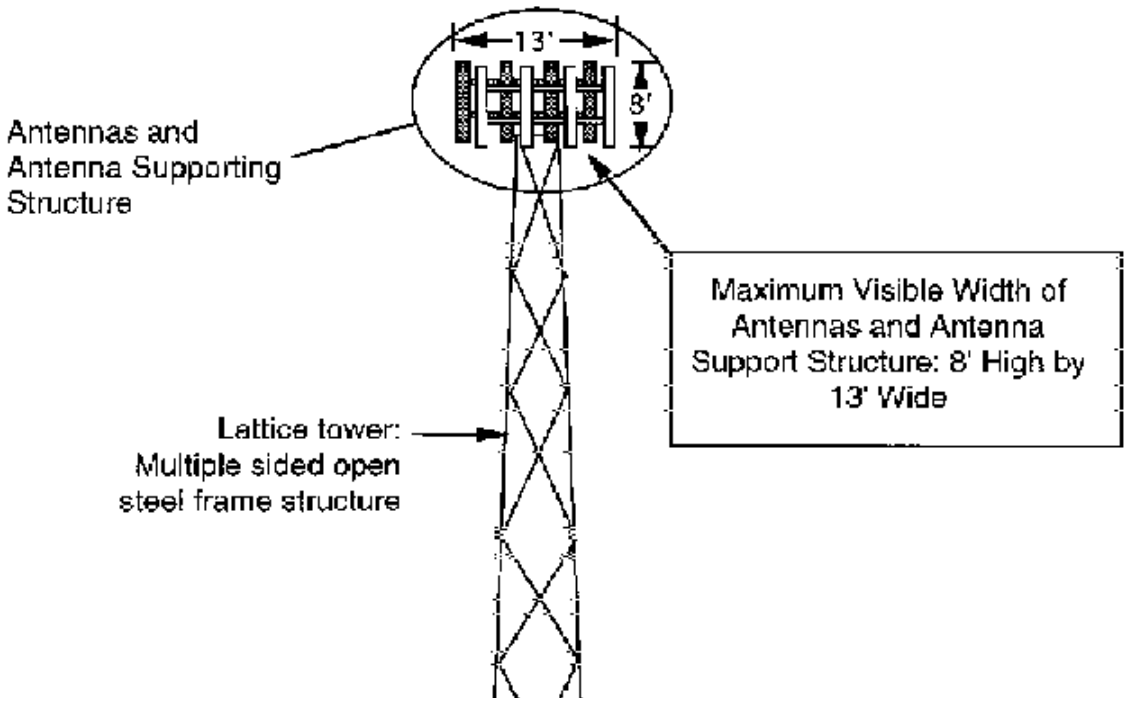
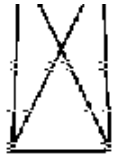



**ILLUSTRATION - E**

**LATTICE TOWER**





## LATTICE TOWER

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ILLUSTRATION - F

MONOPOLE WITH ANTENNAS AND ANTENNA SUPPORT

STRUCTURES GREATER THAN TWO FEET IN WIDTH

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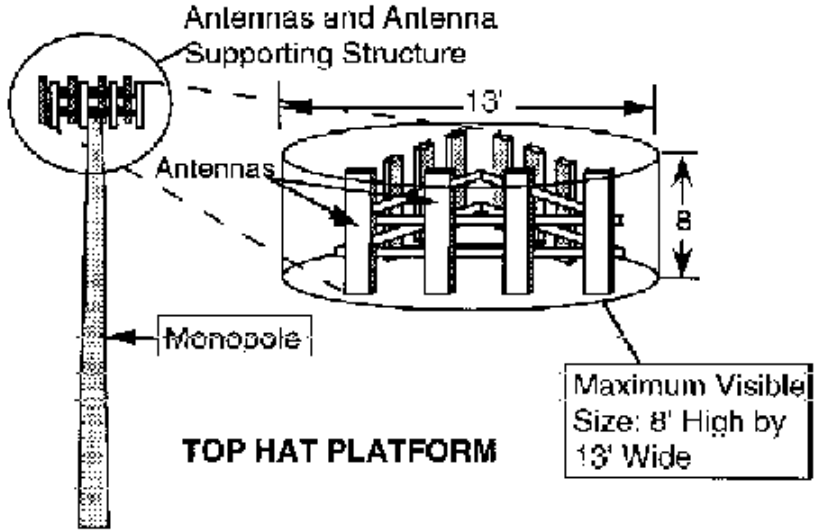
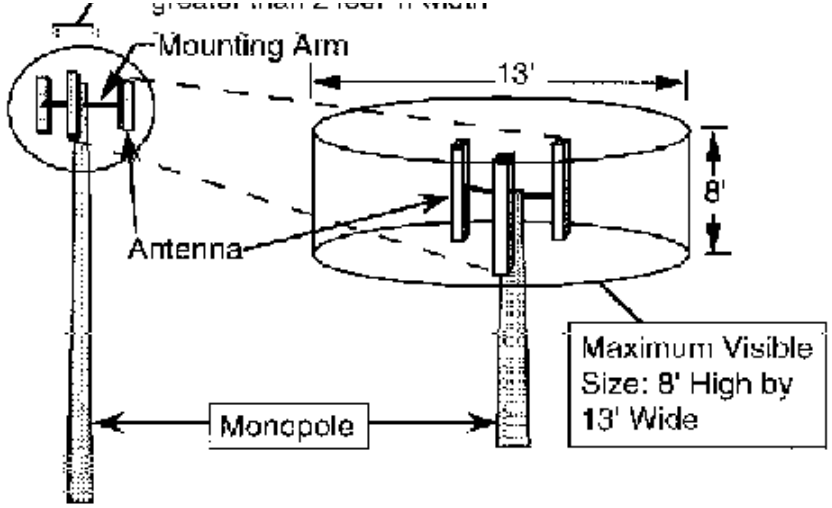



Antennas and antenna supporting structure
greater than 2 feet in width




**MONOPOLE WITH ANTENNAS AND ANTENNA SUPPORT STRUCTURES EXCEEDING 2 FEET IN WIDTH**

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**ILLUSTRATION - G**

**MONOPOLE WITH ANTENNAS AND ANTENNA SUPPORT STRUCTURES LESS THAN TWO FEET IN WIDTH**

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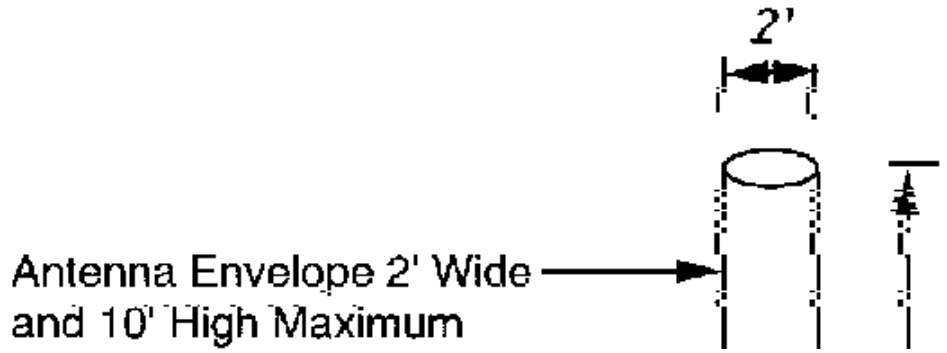
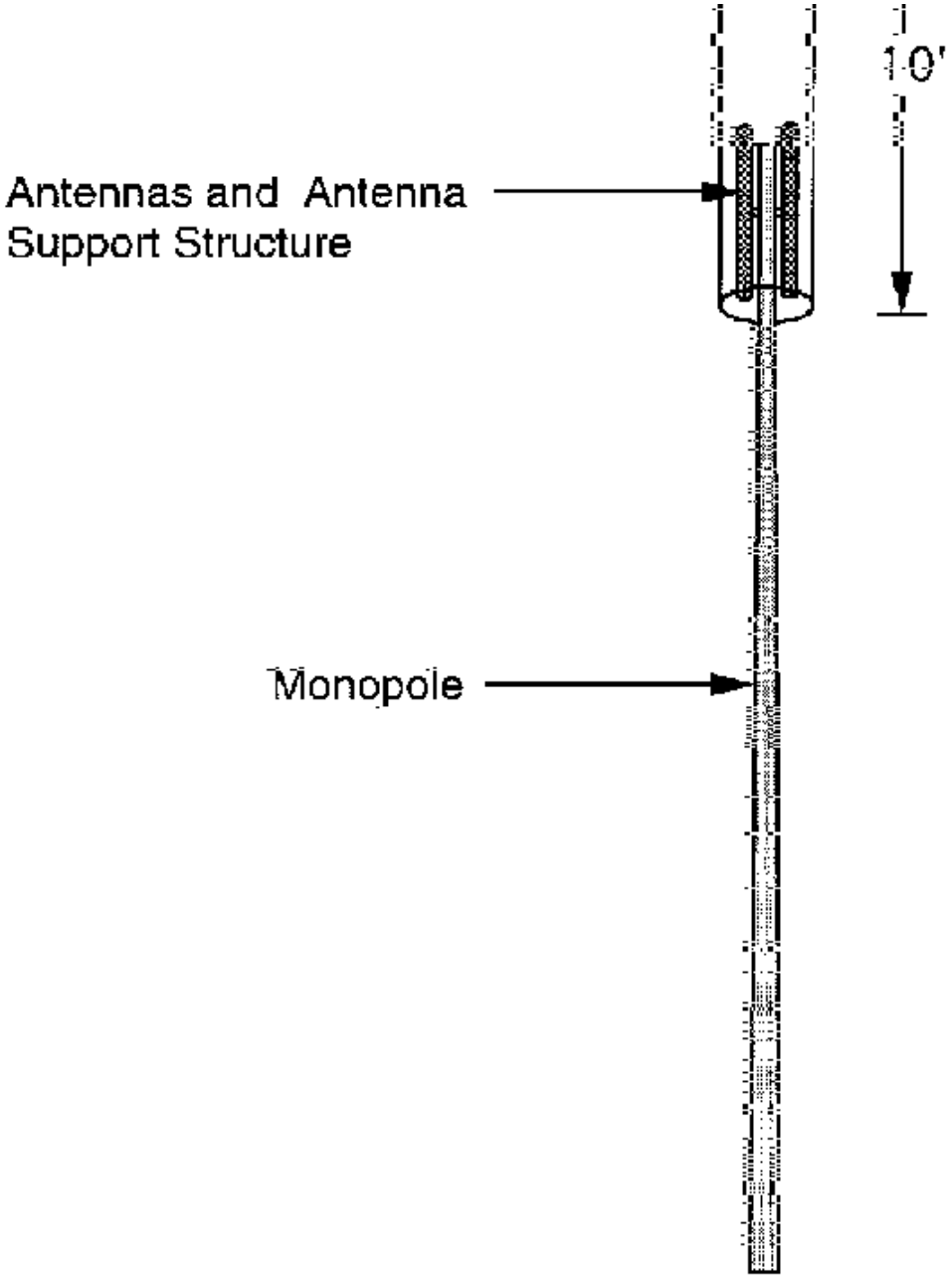


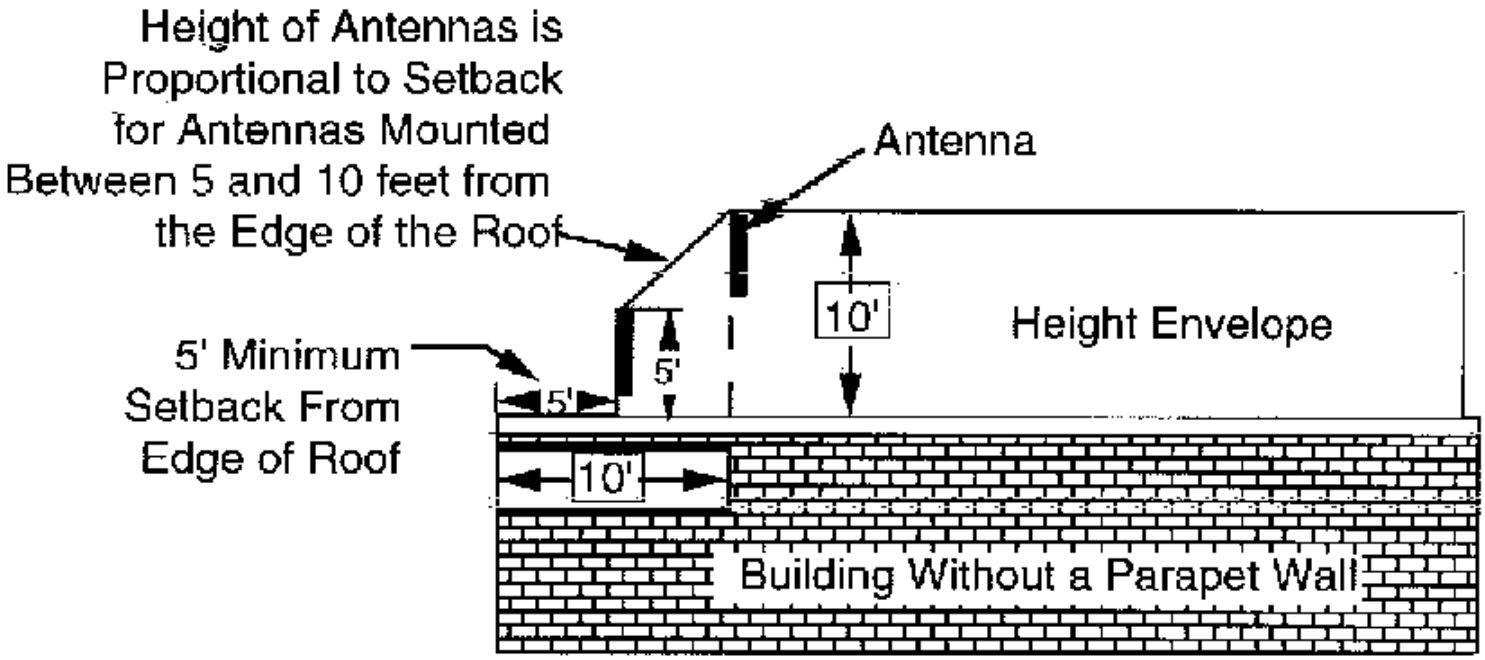



**MONOPOLE WITH ANTENNAS AND ANTENNA SUPPORT STRUCTURE LESS THAN 2 FEET IN WIDTH**

SUPPORT STRUCTURE LESS THAN 2 FEET IN WIDTH

## ILLUSTRATION - H

## ROOF MOUNTED ANTENNAS

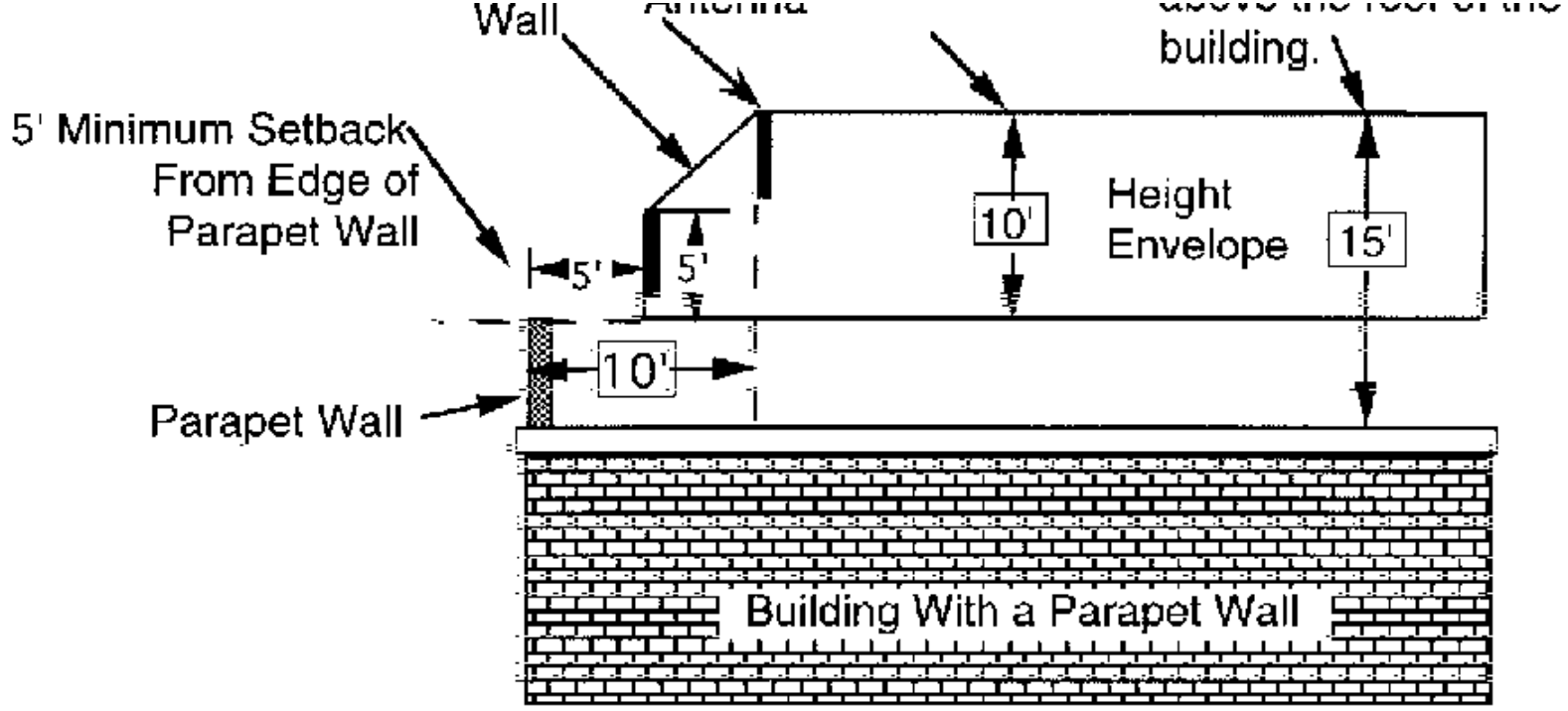



Height of Antennas is Proportional to Setback for Antennas Mounted Between 5 and 10 feet from the Edge of the Parapet

Antenna

Maximum Height Above the top of the Parapet Wall: 10'

Conditional use required for any roof mounted antennas exceeding 15' in height above the roof of the




**ROOF MOUNTED ANTENNAS**

ILLUSTRATION - I

SIGHT DISTANCE TRIANGLE

# SIGHT DISTANCE TRIANGLE

30'-0" 30'-0" 10'-0" 10'-0"

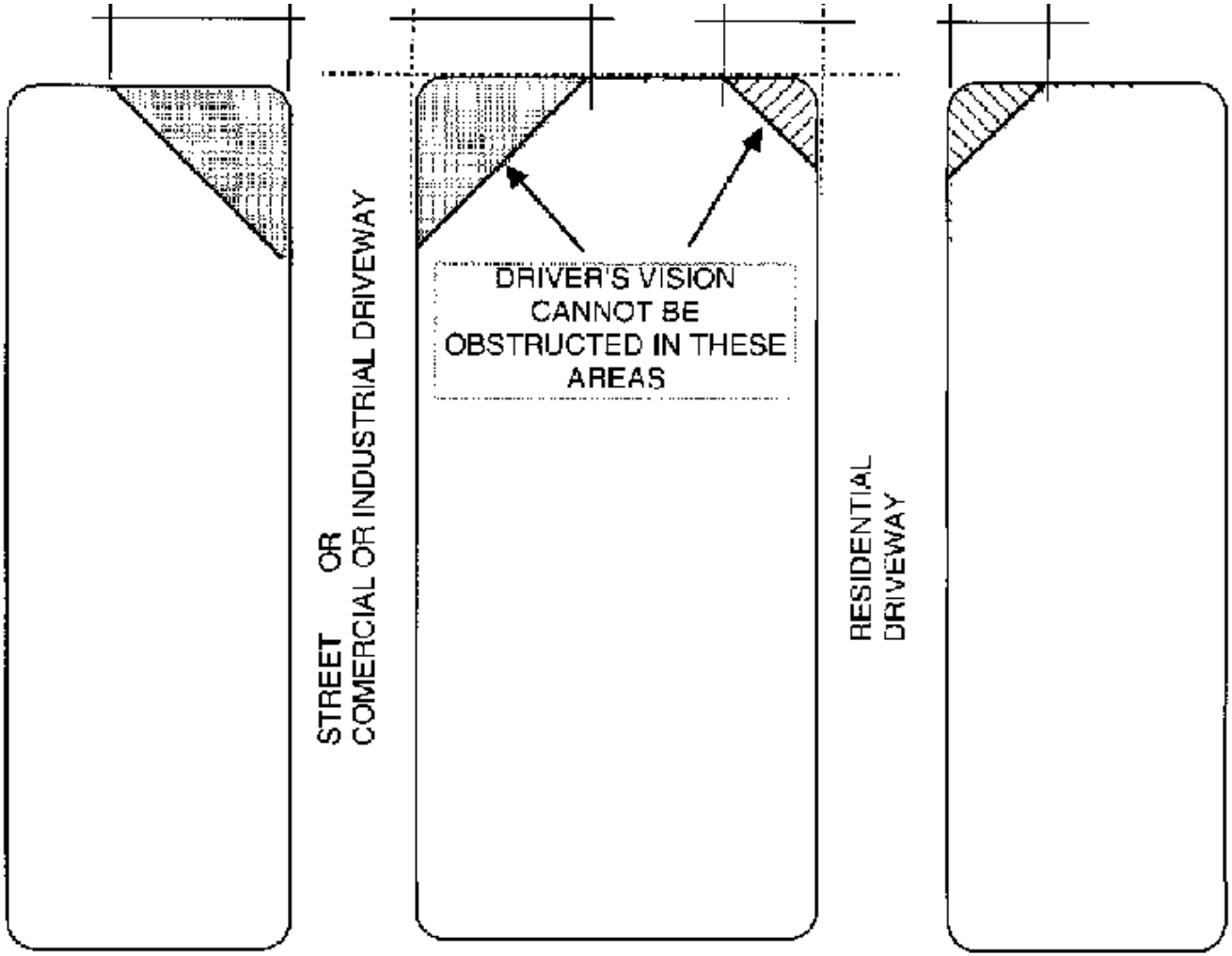
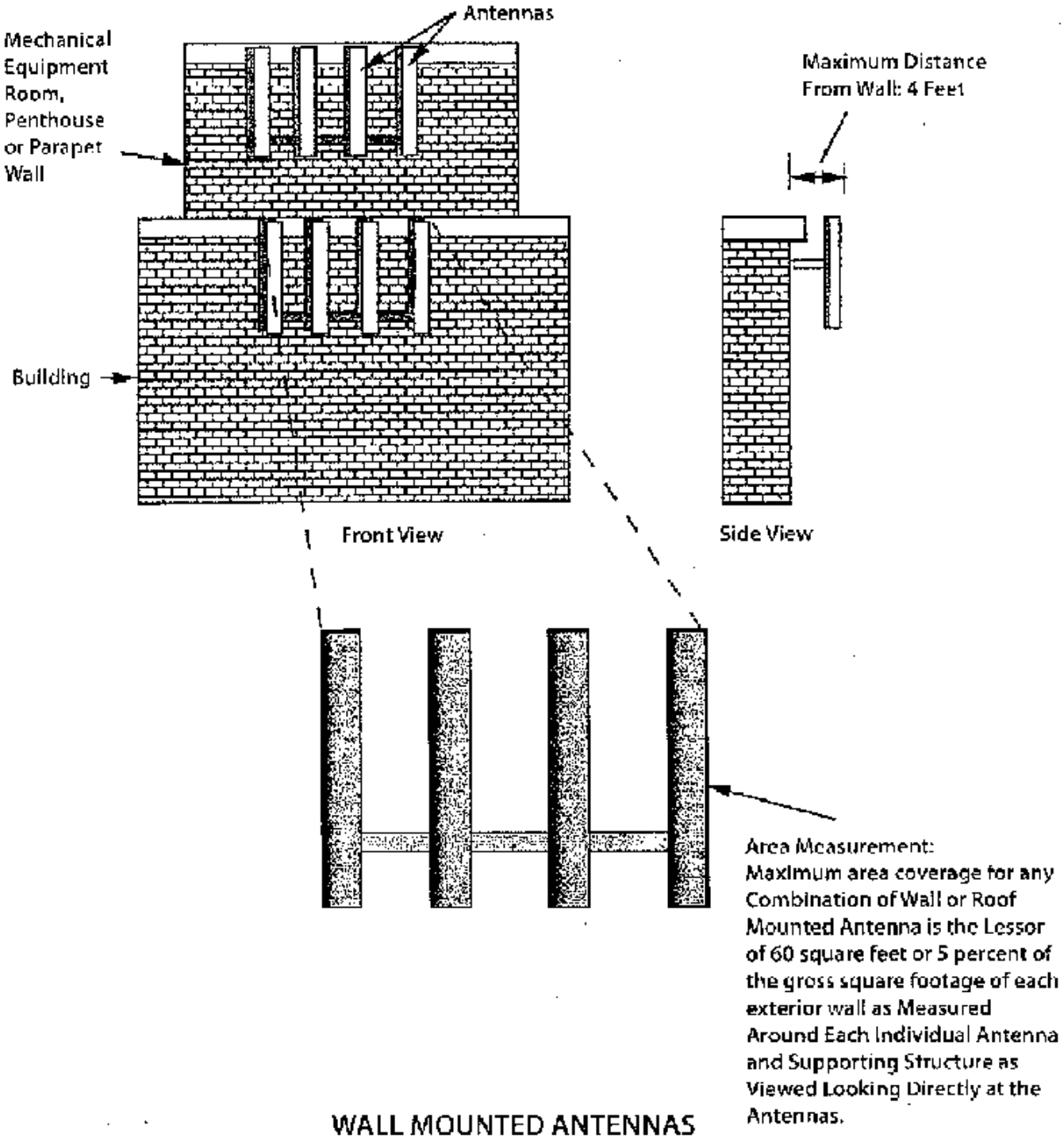



ILLUSTRATION J
WALL MOUNTED ANTENNAS




WALL MOUNTED ANTENNAS

(Ord. 55-11, 2011: Ord. 90-05 § 2 (Exh. B), 2005: Ord. 20-01 § 5, 2001: amended during 5/96 supplement: Ord. 88-95 § 1 (Exh. A), 1995: Ord. 26-95 § 2(31-5), 1995)

# CHAPTER 21A.64
# ZONING FEES

## 21A.64.010: FEE SCHEDULE:

All fees shall be as shown on the Salt Lake City consolidated fee schedule. (Ord. 24-11, 2011)